

CRITERIA FOR APPROVAL OF FOREIGN SUMMER PROGRAMS

Preamble

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies or activities in a foreign country unless those studies are approved in accordance with the Rules of Procedure and Criteria adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The three sets of Criteria approved by the Council provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the school's standards, culture and mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the Standards for the Approval of Law Schools.

These Criteria implicitly recognize that the primary responsibility for determining the quality of the educational experience that its students will receive during a study abroad experience rests on the faculty and administration of the law school.

The ABA's oversight role with regard to foreign study is important for at least two reasons. They provide assurance of a sound legal educational experience at a foreign institution that has not been reviewed for compliance with the Standards for the Approval of Law, is distant from the student's home school, and operates in a legal culture quite different from our own. They also provide assurance of a sound educational experience in study abroad sponsored by approved law schools. This is significant because most law schools allow their students to enroll for credit toward the J.D. degree in a foreign summer or semester abroad program sponsored by other approved schools relying on the ABA review and approval process to assure the soundness of those programs.

I. The Program

A. The dean and faculty of the sponsoring law school are responsible for formulating and administering the foreign summer program.

B. The faculty of each of the sponsoring school(s) must approve the academic content of the summer program in the same manner as the curriculum of the sponsoring school's on-campus program.

C. The academic content of the summer program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school(s).

D. A substantial portion of the academic program must relate to the socio-legal environment of the host country or have an international or comparative focus.

E. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

F. Except as modified by these Criteria or by necessary implication, the ABA Standards for the Approval of Law Schools and adopted Interpretations thereof, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to foreign summer programs.

II. Faculty and Staff

A. Program Director

1. The sponsoring law school(s) must provide a director who will be present onsite for the duration of the program and who shall be appointed with the approval of each of the sponsoring schools.
2. Either the director or a member of the full-time faculty shall hold an academic appointment from the sponsoring law school, or one of the sponsoring schools.
3. The director may not participate concurrently in another program.
4. The director or other responsible member of the program faculty or staff shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

B. Faculty

1. The sponsoring school(s) shall assign at least one tenured/tenure-track faculty member from the school (or one of the schools) to full-time duties with the program and who will be present for the entire duration of the program. This may be the same person as the director.
 - a. The school(s) may appoint a member of the full-time faculty of one of the sponsoring schools who is not a member of the tenured or tenure-track faculty as the full-time faculty member for the program if the person appointed is well qualified by experience with the sponsoring school (or one of them), the program, and the country where the program is located to provide leadership of the program and appropriate faculty oversight of the program for the sponsoring school(s).
 - b. The requirement of a continuous presence of a tenured/tenure-track faculty member may be satisfied by having different tenured/tenure-track faculty members from the sponsoring school(s) participating in the program at different times as long as one such faculty member is on site at all times and as long as there is adequate provision for continuity of administration and oversight.

2. Faculty members who are not from the sponsoring school(s) shall possess academic credentials equivalent to those of the faculty at the sponsoring law school(s) and shall be appointed with the approval of the faculty at each of the sponsoring school(s).
3. Full-time and adjunct faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.
4. Faculty and courses shall be evaluated in the same manner as occurs on the campus of the sponsoring school(s).

C. At least one member of the full-time faculty or on-site staff must:

1. Be fluent in both English and the language of the host country, and
2. Be familiar with the country in which the program is offered.

III. Educational Program

A. Length of program

1. Foreign summer programs must provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.
2. No student shall receive more than 1.5 semester credit hours for each week of the program.
3. No student shall be allowed to enroll in courses that meet more than 220 class minutes per day.

B. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

C. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes, classes in which a translation is needed may not count more than fifty (50) percent of actual class time expended.

D. Special requirements for awards of credit:

1. Class-hour credit may be awarded for extra-curricular lectures and field trips only when the content is academic in nature and related to the class for which the credit is awarded.

2. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and (e) and Interpretations thereof.

3. If credit is given for Distance Education courses, those courses and credits must comply with the requirements of Standard 306 and the Interpretation of that Standard.

E. The sponsoring school(s) determines whether specific prerequisites are required for enrollment in certain courses.

F. Maximum Credit for Foreign Study

1. Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segments shall not exceed one-third of the credits required for the J.D. degree at the school in which the student is regularly enrolled.

2. Granting of residency credit shall comply with the requirements of Standard 304.

G. The program shall include visits to legal institutions in the host country.

H. If course materials, including all case, statutory, and text materials needed for full understanding of the course and completion of assignments, are not self-contained, then adequate library resources must be available.

I. The sponsoring school(s) shall offer students at or shortly after the conclusion of the program a meaningful opportunity to evaluate in writing the overall program.

IV. Students

A. The sponsoring school(s) determines the academic criteria for admission to the program.

B. Only students who have completed one year of full- or part-time law study, and who are in good standing at an ABA-approved law school or a law school not approved by the ABA Standard 506, and whose admission is consistent with Standard 501 may enroll in law study for credit in a foreign summer program under these Criteria. Nothing in this Criterion requires a law school to admit such students; that determination remains in the discretion of a law school.

C. Students from schools other than the sponsoring school(s) must furnish a letter from their dean or registrar certifying their current good standing.

V. Physical Facilities

- A. The program must have a staffed administrative office or other mechanism in a place that is convenient to students and through which they may communicate effectively with staff and faculty in a timely manner.
- B. Faculty members should be provided with appropriate work space.
- C. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.
- D. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.
- E. If course work depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.
- F. Adequate facilities for studying must be available to students.

G. Housing

1. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.
2. If the program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VI. Cancellation or Termination of Programs

- A. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in the application materials sent to prospective students.
- B. The following conditions must be met:
 1. For cancellation that occurs after a deposit has been paid, the program director must use his or her best efforts to make arrangements for each student enrolled to attend a similar program, if the student so desires.
 2. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

C. State Department Advisories

1. Consular Information Sheets

a. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; “Areas of Instability” must be included. If the Consular Information Sheet is revised during a program to announce an “Area of Instability” in the region in which the program is being conducted, the updated information must be distributed promptly to students.

b. If the program is held in an “Area of Instability,” students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an “Area of Instability.”

2. Travel Warnings

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event of program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

VII. Disclosures

A. The following information must be published to each prospective registrant in a timely fashion, usually on a website for the program, in the initial announcement or brochure, or in writing directly to prospective registrants, but, in any event, prior to the date when the student’s deposit becomes non-refundable.

1. Dates, location(s), description of the program, and anticipated enrollment;
2. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services, if any;
3. The number of students who participated in the program the previous year from the sponsoring institution and the number from other schools (if the program is open to other students);

4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;
5. Description of each course and number of credit hours;
6. Schedule of classes with days and times for each class;
7. Requirements for student performance and grading method;
8. Enrollment limitations on any courses offered and criteria for enrollment;
9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;
10. A statement that it is unlikely that participation in a foreign summer program may be used to accelerate graduation and that students interested in acceleration consult their home schools to review this issue in light of Standard 304, Interpretation 304-4;
11. Descriptive biographies of program director and each teacher;
12. Name, address, telephone, and fax number of an informed contact person at the sponsoring institution;
13. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
14. Description and location of classrooms and administrative offices;
15. The extent to which the country, city, and facilities are accessible to individuals with disabilities; and
16. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation, and prior cancellations, if any.

B. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all monies paid.

VIII. Procedures for Approval

A. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every seven years.

B. New Programs

1. A school or schools seeking to establish a new program must submit an application in the form required by the Consultant's Office by October 1 of the year preceding the first offering of the new program. The application shall contain the following information regarding the impact of the program on the sponsoring school:

- a. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;
- b. The current accreditation status of the sponsoring school; and
- c. A statement of how the program relates to the academic program and mission of the sponsoring school.

If the program faculty changes after the questionnaire has been filed, the sponsoring school(s) shall promptly notify the Office of the Consultant of the change.

2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

3. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for five years. If the program continues to be approved following that review, then the program will be subject to continuing review in accordance with paragraph A. and D.

D. Monitoring of Approved Programs

1. If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee.

2. To assist the Accreditation Committee in monitoring foreign summer programs, a questionnaire shall be filed each year. New programs shall file a new program questionnaire by October 1. Approved programs shall file an annual questionnaire by December 1 and programs subject to a site visit shall file a site visit questionnaire by February 1.

3. The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit.

Examples of actions or changes that might trigger this review include:

- a. failure to timely file the annual questionnaire;
- b. submitting an incomplete questionnaire;
- c. number and nature of the concerns raised in the most recent review of the program;
- d. significant change in location of the program (country, city, or specific location);
- e. changes in the curriculum that significantly reduce the comparative or international focus of the program;
- f. continuing turnover in the administration of the program;
- g. significant change in the enrollment in the program;
- h. adding a new externship program or a substantial increase in the enrollment in existing externship programs; and
- i. a persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

E. Change of Location

1. If the location of an approved program is changed by changing the city in which the program is conducted, adding one or more additional cities or sites to the program, or changing the institution or other facility at which the program is located, written notice of such change shall be provided to the Consultant no later than October 1 of the year prior to the implementation of the proposed change.
2. The sponsoring school(s) shall file a New Foreign Summer Program Questionnaire no later than October 1 of the year prior to the implementation of the proposed change, but the school(s) need not pay the fee assessed for applications for approval of new foreign summer programs.
3. The Accreditation Committee will review the information submitted concerning the proposed change and determine whether a site evaluation is necessary to evaluate the program's compliance with the Criteria in light of the changes in the program. If the Committee determines that such a site evaluation is necessary, the sponsoring school(s) will be required to pay the fee established for Evaluation of Major Changes in Foreign Programs.

F. Expiration of Approval. If an approved program is not offered in two consecutive years, approval is withdrawn and the sponsoring school(s) must reapply for approval of the program as a new program. This requirement may be waived by the Accreditation Committee for good cause shown.

CRITERIA FOR STUDENT STUDY AT A FOREIGN INSTITUTION

Preamble

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies or activities in a foreign country unless those studies are approved in accordance with the Rules of Procedure and Criteria adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The three sets of Criteria approved by the Council provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the school's standards, culture and mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the Standards for the Approval of Law Schools.

These Criteria implicitly recognize that the primary responsibility for determining the quality of the educational experience that its students will receive during a study abroad experience rests on the faculty and administration of the law school.

The ABA's oversight role with regard to foreign study is important for at least two reasons. They provide assurance of a sound legal educational experience at a foreign institution that has not been reviewed for compliance with the Standards for the Approval of Law, is distant from the student's home school, and operates in a legal culture quite different from our own. They also provide assurance of a sound educational experience in study abroad sponsored by approved law schools. This is significant because most law schools allow their students to enroll for credit toward the J.D. degree in a foreign summer or semester abroad program sponsored by other approved schools relying on the ABA review and approval process to assure the soundness of those programs.

I. The Program

A. An ABA-approved law school may allow students to receive credit for law study at a foreign institution consistent with these Criteria.

1. A school that approves six or fewer students over a consecutive three-year period for study at a particular foreign institution shall file an annual report with the Consultant's Office identifying the students, institutions, courses taken, credit hours granted, grades received, and names of advisors at both the parent school and the foreign institution.

2. A school that approves 7 to 12 students over a consecutive three-year period for study at a particular foreign university, law school, institute or program shall:

- a. Have a formal written agreement with the foreign institution that details the number and qualifications of students and describes the selection process, academic and other advising (at both the parent school and the foreign institution), course selection, grading, evaluation, attendance, and other relevant matters;
- b. File this report and amendments or renewals with the Consultant's Office; and
- c. File an annual report with the Consultant's Office that identifies the students who participated in the program that year, courses taken, credit hours granted, grades received, and names of advisors at both the parent school and the foreign institution.

3. A school that approves more than 12 students over a consecutive three-year period for study at a particular foreign institution is engaged in a Cooperative Program and shall comply with the provisions of Section II below.

4. The relevant three-year period is the three academic years prior to the current year. If a law school has exceeded the thresholds in subsections 1 and 2 above and wishes to send students to that foreign institution in the current year, then it must file the written agreement or apply for approval of a cooperative program by October 15 of the current academic year.

5. The program or course of study approved for credit toward the J.D. degree must be related to the socio-legal environment of the country in which the foreign institution is located or have an international or comparative focus.

6. A law school may not award credit for study at a foreign institution that does not comply with these Criteria.

B. The Parent School

1. The parent school must be a school that is approved by the American Bar Association.

2. Before approving any student's foreign study under these Criteria, the parent school shall develop and publish a statement that defines the educational objectives it seeks to achieve in allowing students to study abroad for credit toward the J.D. degree.

3. The parent school shall assume responsibility for approving course work and monitoring the study undertaken by any student who participates in a foreign study program. A faculty member or a law school administrator who has the training or experience to permit effective approval and monitoring of foreign study by law students may discharge this responsibility.

C. The Foreign Institution

1. The foreign institution will generally be one that is government sanctioned or recognized, if educational institutions are state regulated within the country; recognized or approved by an evaluation body, if such an agency exists within the country; or chartered to award first degrees in law by the appropriate authority within the country.
2. If the foreign institution does not award a first degree in law, then it shall provide assurances to the parent school that the quality of the educational experience that it can offer to a visiting student is at least equal to the experience that would be available to a student at such an institution in the country where that foreign institution is located. An institution that provides law training in a country to individuals who are graduates of institutions that award a first degree in law may be such an institution.
3. The foreign institution shall appoint an advisor for each student who shall effectively supervise and monitor the student's study at the institution. That advisor may be a faculty member at the foreign institution or a law school administrator at the foreign institution who has the training or experience to discharge this responsibility.
4. The foreign institution shall have faculty members who possess academic credentials and experience in the legal profession similar to those of faculty at the parent school.

D. Educational Program

1. Only students who have completed one year of full-time or part-time study and are in good standing at the parent school may participate in foreign study under these Criteria. The parent school may set additional academic requirements for foreign study under these Criteria.
2. The student's academic program must be approved in advance by the parent school. The student and the student's advisor shall develop a written plan to define the educational objectives a student seeks to achieve during a period of study abroad. That plan shall specify the methods to be used in evaluating the student's attainment of those objectives.
3. If the foreign study is not at an institution with which the parent school has a formal written agreement, then the parent school shall obtain written assurance from the foreign institution that the school's and the student's proposed educational objectives can be achieved at that institution.
4. The parent school shall review course materials and sufficient written work of the student to ensure that the program meets standards equivalent to those employed at the parent school.

5. The parent school shall assure that a student approved for foreign study under these Criteria is fluent in the language of instruction.

E. Academic Credit; Residency

1. Maximum credits toward the J.D. degree for all foreign study shall not exceed one third of the credits required for the J.D. degree at the parent school.

2. The granting of residency credit shall comply with the requirements of Standard 304.

3. An exception to the Standards relating to class minutes and length of program is inherent in these Criteria.

4. No credit shall be awarded for:

a. Activities such as visits to legal and government institutions except in instances in which the content of such activities is academic in nature and is related to the course in which the credit is awarded.

b. Externship placements (e.g., in a law firm, government office, or corporation).

c. Distance Education courses.

F. Fees

1. Any fee imposed by the parent school or the foreign institution shall be rationally related to the cost of administering the service for which the fee is charged.

2. The parent school shall make known to students any costs in addition to tuition that are charged by the foreign institution, including any fee that is charged for transferring or receiving credit earned at the foreign institution.

G. Upon receiving notification from the foreign institution of cancellation of a course in which a student had been approved to enroll under these Criteria, the parent school shall reexamine the student's study in light of the school's stated program for foreign study and the student's stated educational objectives for study abroad. The parent school shall determine whether the approved foreign study continues to satisfy those objectives.

H. Except as modified by these Criteria or by necessary implication, the ABA Standards for Approval of Law Schools, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to study pursuant to these Criteria.

II. Cooperative Programs

A. A law school that approves more than 12 students to study at a particular foreign institution in a three-year period as described in Section I.A.3. and 4. shall apply for approval of a Cooperative Program in the current year prior to approving any additional students for foreign study at that institution.

B. Cooperative Program Agreement. The cooperative program shall be governed by a written agreement between the parent school and the foreign institution that is consistent with all sections of these Criteria.

C. Program Director

1. An on-site director who shall be responsible to both the parent school and the foreign institution shall direct the cooperative program at its foreign site. The director shall either be a member of the law faculty from either the parent school or the foreign institution or a full-time administrator at either the parent school or the foreign institution who has the training or experience necessary to discharge this responsibility effectively.

a. If the director is a faculty member or administrator from the foreign institution, the person shall have spent a substantial period of time in residence at an ABA-approved school and shall have visited the parent school and demonstrated familiarity with its academic program prior to application for approval of the cooperative program.

b. If the director is a faculty member or administrator from the parent school, that person shall have spent a substantial period of time in residence at the foreign institution prior to application for approval of the cooperative program.

c. If the director is a faculty member or administrator from the parent school, that person may not participate concurrently in another foreign program.

2. The director shall be provided with appropriate assistance including secretarial and student support services.

D. Cooperative programs shall include visits to legal institutions in the host country.

E. The foreign institution shall have library resources that are both accessible and adequate to meet the needs of students enrolled in the cooperative program. If course work to be undertaken by students in the program depends on access to U.S. legal materials, the parent school is responsible for making such materials available.

F. Student

1. Enrollment in the foreign segment of an approved cooperative program shall be limited to the parent school's own students. A cooperative program, however, may involve an exchange of students between the parent school and the foreign institution.

2. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational programs or goals.

G. Physical Facilities

1. An administrative office or offices must be provided through which students may communicate effectively with staff and faculty.
2. Classrooms shall be adequate to provide meaningful communication and exchange between students and faculty.
3. Students shall be provided with adequate space for study.

H. Housing

1. If housing is made available by the program and it is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.
2. If the cooperative program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

I. Cancellation, Termination, Material Change in a Cooperative Program

1. Upon receiving notification from the foreign institution of cancellation of a course in which a student had been approved to enroll under these Criteria, the parent school shall reexamine the student's study in light of the school's stated program for foreign study and the student's stated educational objectives for study abroad. The parent school shall determine whether the approved foreign study continues to satisfy those objectives.
2. If a cooperative program is subject to cancellation for insufficient enrollment or any other reason, the circumstance under which cancellation will occur must be disclosed in the application materials sent to prospective students. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

J. Disclosures

1. The following information must be published to each prospective registrant in a timely fashion, usually on a website for that purpose, in the initial announcement or brochure, or

in writing directly to prospective registrants, but, in any event, prior to the date when the student must commit or pay a nonrefundable deposit, whichever is earlier.

- a. Dates, location(s), description of the program and anticipated size of enrollment;
- b. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services;
- c. The number of students who participated in the program the previous year and the number of visiting students from other U.S. law schools, if any;
- d. If the foreign institution has visitors from non-U.S. law schools, the countries likely to be represented and the expected number of students from those countries;
- e. Description of the curriculum available to the students and academic calendar of the foreign institution;
- f. Requirements for student performance and grading methods;
- g. Enrollment limitations, if any, on any courses offered and criteria for enrollment;
- h. A statement that acceptance of any credit or grade for any course taken in the program is subject to determination by the parent school;
- i. Descriptive biographies of the program director and the faculty of the foreign institution;
- j. Name, address, telephone and fax number, if available, of an informed contact person at the parent school;
- k. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
- l. The extent to which the country, city, and facilities are accessible to individuals with disabilities; and
- m. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation and information regarding prior cancellations, if any.

2. If changes are made in any significant aspects of the cooperative program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all fees paid.

K. State Department and Travel Advisories

1. Consular Information Sheets

a. The parent school shall provide each student with the U.S. State Department Consular Information Sheet for any country in which the student will reside during study abroad; “Areas of Instability” must be included. If the Consular Information Sheet is revised during the program to announce an “Area of Instability” in the region in which the program is being conducted, the updated information must be distributed promptly to students.

b. If the program is held in an “Area of Instability” students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an “Area of Instability.”

2. Travel Warnings

a. If, prior to the commencement of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event the program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

III. Procedures for Approval, Review and Monitoring of Cooperative Programs

A. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every seven years.

B. New Programs

1. A school or schools seeking to establish a new program must submit an application in the form required by the Consultant’s Office by October 1 of the year preceding the first offering of the new program. The application shall

contain the following information regarding the impact of the program on the sponsoring school:

- a. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;
- b. The current accreditation status of the sponsoring school; and
- c. A statement of how the program relates to the academic program and mission of the sponsoring school.

2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

3. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for five years. If the program continues to be approved following that review, then the program will be subject to continuing review in accordance with paragraph A. above.

D. Monitoring of Approved Programs

1. If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee.

2. To assist the Accreditation Committee in monitoring Cooperative Programs under Section I.A.3. and Section II of these Criteria, a questionnaire shall be filed each year. New programs shall file a new program questionnaire by October 1. Approved programs shall file an annual questionnaire by October 1 and programs subject to a site visit shall file a site visit questionnaire by October 15.

3. The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit. Examples of actions or changes that might trigger this review include:

- a. failure to timely file the annual questionnaire;
- b. submitting an incomplete questionnaire;

c. number and nature of the concerns raised in the most recent review of the program;

d. changes in the curriculum that significantly reduce the comparative or international focus of the program;

e. continuing turnover in the administration of the program;

f. significant change in the enrollment in the program; and

g. a persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

CRITERIA FOR APPROVAL OF SEMESTER ABROAD PROGRAMS

Preamble

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies or activities in a foreign country unless those studies are approved in accordance with the Rules of Procedure and Criteria adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The three sets of Criteria approved by the Council provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the school's standards, culture and mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the Standards for the Approval of Law Schools.

These Criteria implicitly recognize that the primary responsibility for determining the quality of the educational experience that its students will receive during a study abroad experience rests on the faculty and administration of the law school.

The ABA's oversight role with regard to foreign study is important for at least two reasons. They provide assurance of a sound legal educational experience at a foreign institution that has not been reviewed for compliance with the Standards for the Approval of Law, is distant from the student's home school, and operates in a legal culture quite different from our own. They also provide assurance of a sound educational experience in study abroad sponsored by approved law schools. This is significant because most law schools allow their students to enroll for credit toward the J.D. degree in a foreign summer or semester abroad program sponsored by other approved schools relying on the ABA review and approval process to assure the soundness of those programs.

I. The Program

A. The dean and faculty of the sponsoring law school(s) shall assume full responsibility for formulating and administering the semester abroad program.

B. The faculty of the sponsoring school(s) must approve the academic content of the semester abroad in the same manner as the on-campus curriculum must be approved.

C. The academic content of the semester abroad program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school(s).

D. A substantial portion of the academic program must relate to the socio-legal environment of the host country or have an international or comparative focus.

E. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

F. Except as modified by these Criteria or by necessary implication, the ABA Standards for the Approval of Law Schools and adopted Interpretations thereof, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to semester abroad programs.

II. Faculty and Staff

A. Program Director

1. The program shall be directed by a full-time, on-site director who holds an academic appointment from the sponsoring law school, or one of them, and who shall be appointed with the approval of each of the sponsoring school(s).

a. The director must be on site for the duration of the program.

b. The director may not participate concurrently in another program.

c. The director shall be a tenured/tenure-track faculty member. The sponsoring school(s) may appoint a member of the full-time faculty of one of the sponsoring schools who is not a member of the tenured or tenure-track faculty as the director of the program if that person is well qualified by experience with the sponsoring school (or one of them), the program, and the country where the program is located to provide leadership of the program and appropriate oversight of the program for the sponsoring school(s).

2. The director or other responsible member of the program faculty or staff shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

3. The director shall be provided with appropriate assistance, including secretarial and student support services.

B. Faculty

1. In addition to the director, there shall be at least one other faculty member from the full-time faculty of the sponsoring school(s) who is present full time for the duration of the program. If the director of the program is not a tenured/tenure-track faculty member at the sponsoring school (or one of them), then this additional faculty member shall be a tenured/tenure-track faculty member at the sponsoring school (or one of them). The sponsoring school(s) may appoint to this position a member of the full-time faculty of

one of the sponsoring schools who is not a tenured/tenure-track faculty member if that person is well qualified by experience with the sponsoring school (or one of them), the program, and the country where the program is located to provide leadership of the program and appropriate faculty oversight of the program for the sponsoring school(s).

2. Faculty members who are not from the sponsoring school(s) shall possess academic credentials equivalent to those of the faculty at the sponsoring law school(s) and shall be appointed with the approval of the faculty at the sponsoring school(s).

3. Faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.

4. Faculty members shall be provided with adequate secretarial support services.

5. At least one member of the full-time faculty or on-site staff must:

a. be fluent in both English and the language of the host country, and

b. be familiar with the country in which the program is offered.

III. Educational Program

A. These Criteria apply to semester-long foreign programs offered by a law school or schools.

B. Maximum Credit for Foreign Study

1. Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segment programs shall not exceed one-third of the credits required for the J.D. degree at the school in which the student is regularly enrolled.

2. Granting of residency credit shall comply with the requirements of Standard 304.

C. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

D. Language of instruction

1. If instruction is not in English, students must be fluent in the foreign language in which courses are taught or provided with a translation.

2. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes, classes in which a translation is necessary may not count more than fifty (50) percent of actual class time expended.

E. Special requirements for award of credit:

1. Class-hour credit may be awarded for extracurricular lectures and field trips only when the content is academic in nature and related to the class for which the credit is awarded.

2. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and (e) and Interpretations thereof.

3. If credit is given for Distance Education courses, those courses and credits must comply with the requirements of Standard 306 and the Interpretation of that Standard.

F. The sponsoring school(s) shall determine whether specific prerequisites are required for enrollment in certain courses.

G. The program shall include visits to legal institutions in the host country.

H. The sponsoring school(s) shall offer students at or shortly after the conclusion of the program a meaningful opportunity to evaluate in writing the overall program.

IV. Library

A. In accordance with Standards 601 and 702, the program must have or must provide acceptable access to a library and study facility adequate for its academic program. This requirement may entail development and supervision of the library holdings by the sponsoring law school librarian.

B. Library holdings must be adequate to support the course offerings of the academic program, including any research component.

V. Students

A. The sponsoring school(s) determines the academic criteria for admission to the program.

B. Only students who have completed one year of full- or part-time law study, and who are in good standing at an ABA-approved law school or law schools not approved by the ABA Standard 506, and whose admission is consistent with Standard 501 may enroll in law study for credit in a semester abroad program under these Criteria. Nothing in this Criterion requires a law school to admit such students; that determination remains in the discretion of a law school.

C. Students from schools other than the sponsoring school must furnish a letter from their dean or registrar certifying their current good standing.

VI. Physical Facilities

A. An administrative office or offices must be provided through which students can effectively communicate with staff and faculty in a timely manner.

B. The faculty shall be provided with office space adequate to achieve the purposes of the program.

C. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

D. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

E. Adequate facilities for studying must be available to students.

F. Housing

1. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.

2. If the program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VII. Cancellation or Termination of Programs

A. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in application materials sent to prospective students.

B. If a program is subject to cancellation, application materials must include information regarding what arrangements will be made in the event of cancellation, as well as any history of prior cancellations.

C. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

D. State Department Advisories

1. Consular Information Sheets

a. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; “Areas of Instability” must be included. If the Consular Information Sheet is revised during a program to announce an “Area of Instability” in the region in which the program is being conducted, the updated information must be distributed promptly to students.

b. If the program is held in an “Area of Instability,” students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an “Area of Instability.”

2. Travel Warnings

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event the program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

VIII. Disclosures

A. The following information must be published to each prospective registrant in a timely fashion, usually on a website for the program, in the initial announcement or brochure, or in writing directly to prospective registrants, but, in any event, prior to the date when the student’s deposit becomes non-refundable.

1. Dates, location(s), description of the program, and size of enrollment;
2. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services, if any;
3. The number of students who participated in the program the previous year from the sponsoring institution and the number from other schools (if the program is open to other students);

4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;
5. Description of each course and number of credit hours;
6. Schedule of classes with days and times for each class;
7. Requirements for student performance and grading method;
8. Enrollment limitations on any courses offered and criteria for enrollment;
9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;
10. Descriptive biographies of program director and each teacher;
11. Name, address, telephone, and fax number of an informed contact person at the sponsoring institution;
12. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
13. Description and location of classrooms and administrative offices;
14. The extent to which the country, city, and facilities are accessible to individuals with disabilities; and
15. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation, and prior cancellations, if any.

B. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all monies paid.

IX. Procedures for Approval

A. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every seven years.

B. New Programs

1. A school or schools seeking to establish a new program must submit an application in the form required by the Consultant's Office by October 1 of the year preceding the first

offering of the new program. The application shall contain the following information regarding the impact of the program on the sponsoring school:

- a. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;
- b. The current accreditation status of the sponsoring school; and
- c. A statement of how the program relates to the academic program and mission of the sponsoring school.

2. If the program faculty changes after the questionnaire has been filed, the sponsoring school(s) shall promptly notify the Office of the Consultant of the change.

3. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

4. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for five years. If the program continues to be approved following that review, then the program will be subject to continuing review in accordance with paragraph A. and D.

D. Monitoring of Approved Programs

1. If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee.

2. To assist the Accreditation Committee in monitoring semester abroad programs, a questionnaire shall be filed each year. New programs shall file a new program questionnaire by October 1. Approved programs shall file an annual questionnaire by October 15 and programs subject to a site visit shall file a site visit questionnaire by October 15.

3. The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit. Examples of actions or changes that might trigger this review include:

- a. failure to timely file the annual questionnaire;

- b. submitting an incomplete questionnaire;
- c. number and nature of the concerns raised in the most recent review of the program;
- d. significant change in location of the program (country, city, or specific location);
- e. changes in the curriculum that significantly reduce the comparative or international focus of the program;
- f. continuing turnover in the administration of the program;
- g. significant change in the enrollment in the program;
- h. adding a new externship program or a substantial increase in the enrollment in existing externship programs; and
- i. a persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

E. Change of Location

1. If the location of an approved program is changed by changing the city in which the program is conducted, adding one or more additional cities or sites to the program, or changing the institution or other facility at which the program is located, written notice of such change shall be provided to the Consultant no later than October 1 of the year prior to the implementation of the proposed change.
2. The sponsoring school(s) shall file a New Semester Abroad Program Questionnaire no later than October 1 of the year prior to the implementation of the proposed change, but the school(s) need not pay the fee assessed for applications for approval of new foreign summer programs.
3. The Accreditation Committee will review the information submitted concerning the proposed change and determine whether a site evaluation is necessary to evaluate the program's compliance with the Criteria in light of the changes in the program. If the Committee determines that such a site evaluation is necessary, the sponsoring school(s) will be required to pay the fee established for Evaluation of Major Changes in Foreign Programs.

F. Expiration of Approval. If an approved program is not offered in two consecutive years, approval is withdrawn and the sponsoring school(s) must reapply for approval of the program as a new program. This requirement may be waived by the Accreditation Committee for good cause shown.

