

REGULATION
GOVERNING THE PROGRAM OF STUDIES AND EXAMINATIONS
WITHIN THE FRAMEWORK OF
The Master of Advanced Studies entitled
Master of Laws (LL.M.) in Cross-Cultural Business Practice (the “MLCBP”)
AT THE
Universities of Fribourg, Bern and Neuchâtel

In the spirit of the *Convention cadre entre les Universités de Berne, Neuchâtel et Fribourg* (BENEFRI Convention) of 3 March 2008 and the *Convention relative à la création d’un Master of Advanced Studies intitulé Master of Laws (LL.M.) in Cross-Cultural Business Practice entre les Universités de Fribourg, Berne et Neuchâtel*,
In application of Article 2 (1) (d) of the Act governing the University of Fribourg of November 19, 1997, as well as Article 78 (1) of the Statutes of the University of Fribourg of March 31, 2000;

In application of Article 2 (1) (d) of the Act governing the University of Bern of September 5, 1996, as well as Articles 7 to 11 of the Statutes of the University of Bern of December 17, 1997;

In application of Articles 4, 17 (5, 6), 36 (2), 70 (2) of the Act governing the University of Neuchâtel of November 22, 2002, as well as Article 15 of the General Regulation of the University of Neuchâtel of September 10, 1997 ;

REGULATION GOVERNING THE PROGRAM OF STUDIES AND EXAMINATIONS WITHIN THE FRAMEWORK OF THE MLCBP

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PART I. INTERPRETATION

Article 1. Definitions

In this Regulation,

“**Board of Directors**” means seven (7) Program Directors of the Universities of Fribourg, Bern and Neuchâtel, as well as a Director of Studies;

“**ECTS System**” means the European Credit Transfer and Accumulation System, in which a ‘6’ constitutes the best possible grade;

“**Instructor(s)**” means leading expert(s) from academic, private, public and international organizations and institutions selected to teach in the *Master of Laws (LL.M.) in Cross-Cultural Business Practice* program;

“**MLCBP**” means the one (1) year, full-time postgraduate LL.M. (equivalent to a Master of Advanced Studies), entitled the *Master of Laws (LL.M.) in Cross-Cultural Business Practice*;

“**Program**” means the MLCBP program;

“**Application Fee**” means the fees as determined each year by the Board of Directors to cover administrative costs relating to the review and consideration of an application to the Program;

“**Tuition Fee**” means the fees as determined each year by the Board of Directors to cover tuition in the Program and does not include activity fees or costs related to course materials.

PART II. THE PROGRAM

Article 2. Aims

- 2.1 The Program aims to offer students a unique opportunity for advanced legal studies in the field of business practice. In addition to law, instruction in crucial aspects of ethics, sociology, psychology and anthropology is also provided, together with an introduction to core transnational and international economics for business lawyers. Through this comprehensive approach to business law and practice, the Program is designed to help students develop a better understanding of the strategic and cultural challenges arising in multinational contexts.
- 2.2 Upon the successful completion of the Program, students are awarded the degree entitled “Master of Laws (LL.M.) in Cross-Cultural Business Practice” jointly by the Universities of Fribourg, Bern and Neuchâtel.

Article 3. Required Program of Study

- 3.1 The Program shall follow the academic calendar of the University of Fribourg and shall include a twenty-eight (28)-week period of twenty (20) to twenty-four (24) hours of weekly coursework in modules spread over two (2) semesters (Fall and Spring).
- 3.2 Each of the Fall and Spring semesters shall be divided into course units: an introductory unit with modules spread over three (3) weeks at the beginning of the semester; a core unit with modules spread over eight (8) weeks following the introductory unit; and, a final unit with modules spread over two (2) weeks at the end of the semester.

- 3.3 During the core unit, there shall be one (1) half-day per week devoted to clinical work, and the last week of each semester shall be devoted to a moot court exercise based on such clinical work.

Article 4. Curriculum

- 4.1 The Curriculum of the Program shall reflect the aims of the Program as outlined at Article 2 of this Regulation.

Article 5. Instructors

- 5.1 The Instructor(s), who are selected by the Board of Directors, shall teach one or more of the modules during one (1) academic year and teaching shall take into consideration the aims of the Program as outlined at Article 2 of this Regulation.
- 5.2 The Instructor(s) responsible for teaching the content of a module shall, in consultation with the Director of Studies and / or the Administrative Director, decide the form of assessment of the module.
- 5.3 The Instructor(s) responsible for marking and grading students shall have one (1) month to mark, grade and return graded examinations or assignments to the Director of Studies and / or the Administrative Director.
- 5.4 In accordance with guidelines set by the Director of Studies, the Instructor(s) responsible for marking and grading students shall provide indications as to the quality of each student's work from both, a substantive and a formal perspective.
- 5.5 The rights and obligations of the Instructor(s) shall be outlined in two (2) separate agreements: an Instructor Assignment Agreement between the University of Fribourg and each Instructor, and an Instructor Agreement between the Board of Directors and each Instructor.
- 5.6 Students shall use an anonymous course evaluation form to evaluate the performance of the Instructor(s) at the end of each course unit and the results of this evaluation shall be communicated by the Director of Studies to the individual Instructor(s).

Article 6. Language of Instruction

- 6.1 The language of instruction, as well as the language of all written work, shall be English.
- 6.2 In the framework of the BENEFRI Convention, courses offered at the Universities of Fribourg, Bern and Neuchâtel may be attended in addition to the courses that are part of the curriculum adopted pursuant to Article 4.

PART III. ADMISSION TO THE PROGRAM

Article 7. Applications

- 7.1 An application for admission to the Program must include proof of payment of the non-refundable Application Fee, an application form and supporting documentation, including copies of university diplomas, certified transcripts of grades, a statement of intent, an excerpt of written academic work, two (2) letters of reference, and a curriculum vitae.
- 7.2 The deadline for submission of applications for admission to the Program in the Fall semester shall be the last weekday of April each year; the deadline for submission of applications for admission to the Program in the Spring semester shall be the last weekday of October each year.

- 7.3 Upon receipt of an application for admission, the Director of Studies and / or Administrative Director shall contact the applicant to inform him or her as to whether the application can be processed on the basis of documents submitted or whether additional documentation is required.
- 7.4 Where an application cannot be processed due to missing documentation, the Director of Studies and / or Administrative Director shall set a deadline within which additional documentation must be submitted by the applicant. Failure to provide the required additional documentation within the deadline set by the Director of Studies and / or Administrative Director shall be construed as a withdrawal of the application.

Article 8. Prerequisites

- 8.1 An applicant must hold a complete first professional degree in Law (*e.g.* a Bachelor of Laws - LL.B. from a common law country, a Doctor of Jurisprudence - J.D. from the United States, or a Bologna Master of Law - Licentiate or MLaw) in order to be eligible for admission to the Program. Preference shall be given to lawyers with at least two (2) years of professional experience.
- 8.2 Applicants to the Program must demonstrate outstanding academic ability and provide references bearing witness to their achievements and potential.
- 8.3 Pursuant to Article 6 of these Regulations, applicants shall only be admitted to the Program upon demonstration of an excellent command of written and spoken English. Subject to Article 8.4, an applicant whose first language is not English shall be required to take either the TOEFL or the IELTS examination and achieve scores that demonstrate a very good working knowledge of English.
- 8.4 Notwithstanding Article 8.3, an applicant who has studied in an English-speaking country for at least two (2) years shall not be required to provide TOEFL or IELTS scores.

Article 9. Selection Procedure

- 9.1 Applicants shall be selected for admission to the Program by the Program Directors according to the rules and regulations in force at the University of Fribourg.
- 9.2 The number of students in the Program shall not exceed thirty (30).
- 9.3 Applicants shall be selected for admission to the Program irrespective of gender, nationality, race, sexual orientation, political affiliation, age, or other factors having no bearing on the applicants' academic qualifications, professional background and command of the English language.
- 9.4 Decisions regarding admissions to the Program shall be subject to appeal in accordance with the rules set forth under Part VII of this Regulation.

Article 10. Notification and Acceptance

- 10.1 Upon completion of the Selection Procedure, as outlined at Article 9, the Board of Directors shall notify all applicants immediately and in writing as to whether or not they are invited to join the Program.
- 10.2 Unsuccessful applicants shall be entitled, upon request, to a written statement explaining the reasons for the refusal of their application.
- 10.3 Successful applicants shall be required to formally accept or decline the invitation to join the Program before a certain deadline to be set annually by the Administrative Director.

- 10.4 Applicants who accept the invitation to join the Program shall pay the Tuition Fee in full or by installments within a deadline set by the Administrative Director.
- 10.5 Upon receipt of the first installment of a student's Tuition Fee, the Administrative Director shall register the student directly at the University of Fribourg and the student shall formally be considered both, a student in the Program and a student of the University of Fribourg with all of the related rights, privileges and obligations.

Article 11. Withdrawal

- 11.1 Applicants may withdraw from the Program before the payment of the Tuition Fee and any such withdrawal must be in writing.
- 11.2 Where a student withdraws from the Program after payment of the first installment of his or her Tuition Fee but before starting Coursework in the Program within the meaning of Article 13, the first installment of the Tuition Fee shall be forfeited to cover administrative costs.
- 11.3 If after starting Coursework in the Program within the meaning of Article 13, a student withdraws from the Program without receiving leave to do so by the Director of Studies, or where – without notifying the Administrative Director of his or her withdrawal from the Program – a student fails to be present at the start of Coursework in the Program within the meaning of Article 13, any paid Tuition Fee may be forfeited to cover lost profits.
- 11.4 Any decision regarding the forfeiture of fees under Articles 11.2 and 11.3 shall be subject to appeal in accordance with the rules set forth under Part VII of this Regulation.

PART IV. FEES AND FINANCIAL ASSISTANCE

Article 12. Tuition Fee and Waiver

- 12.1 The Tuition Fee is payable to the MLCBP in two (2) installments each amounting to half of the Tuition Fee, and due three (3) months before the start of each semester, unless a waiver of the Tuition Fee is granted.
- 12.2 The Tuition Fee is approximately 35,000 Swiss Francs and is determined annually by the Board of Directors based on annual budgetary projections and currency variations.
- 12.3 Where a student receives a waiver of the Tuition Fee, the Tuition Fee may be reduced by the amount of such a waiver.
- 12.4 Each year, one (1) Alumnus or Alumna of each of the Universities of Fribourg, Bern and Neuchâtel shall be entitled to a waiver of his or her Tuition Fee at the discretion of the Board of Directors; however, the student must pay both, the Application Fee and any activity fees or fees related to course materials.
- 12.5 The Administrative Director shall allocate any waiver of the Tuition Fee based on a majority vote by the Board of Directors.

PART V. METHOD OF INSTRUCTION AND RESEARCH

Article 13. Coursework

- 13.1 Coursework is divided into three (3) course units per semester: the introductory unit, which is meant to ensure that all students share common knowledge concerning the legal and economic principles applied

in subsequent study and research in the Program and to provide students with a first insight into the regulatory framework governing cross-cultural business practice; the core unit, which rests on a strong theoretical background and provides essentially practical instruction on transnational business law and related subjects; and the final unit, which contains intensive modules on business practice and issues in specific regions of the world.

- 13.2 The clinical work, which culminates – at the end of each of the Fall and Spring semesters – in a moot court exercise provides students with the opportunity to put knowledge to practice by arguing real cases.
- 13.3 The Board of Directors may provide an annual list of optional additional courses for which students may earn credit toward graduation from the Program.

Article 14. Facilities

- 14.1 All university of Fribourg, Bern and Neuchâtel libraries and research facilities shall be open to students in the Program.

PART VI. ASSESSMENT

Article 15. Attendance

- 15.1 Attendance during all course units and for all clinical work and moot courts is compulsory; any absence must be the subject of advance approval by the Director of Studies and may not in any way be construed as a reason for the reimbursement of the Tuition Fee or any part thereof.
- 15.2 The moot court exercise at the end of each of the Fall and Spring semesters shall be successfully completed when students have succeeded in both the written and oral parts of the exercise.
- 15.3 Clinical work and the moot court exercise shall be assessed and graded together on the basis of written and oral submissions, as well as participation.
- 15.4 Where, due to ill health, a student is unable to attend classes for more than two (2) consecutive days, is unable to take an examination, and / or is unable to submit written work, the student must provide the Director of Studies with a certificate from a medical doctor.
- 15.5 Where a student's unjustified absences exceed ten percent (10%) of the total number of hours of instruction, he or she shall be placed on academic probation for a period of thirty (30) days and shall be notified of this in writing.

Article 16. Assessment of Academic Performance

- 16.1 Assessment of a student's academic performance shall be based on written examinations / assignments, in-class exercises / participation at the end of each module or semester.
- 16.2 Examinations cannot be repeated during an academic year. A student may, however, be assessed by alternative means where the student is unable to attend an examination for reasons outlined at Article 15.4 or for other extenuating reasons.
- 16.3 Students may discuss, either in person or by e-mail correspondence, their grades with the Instructor(s) responsible for marking and grading.
- 16.4 Plagiarism or the unauthorized help of third parties on written examinations / assignments shall result in the rejection of the examination / assignment without grading, and the *Directive of May 13, 2008 of the*

University of Fribourg Regarding Plagiarism and Ghost Writing shall be applicable. Students found guilty of plagiarism or ghost-writing within the meaning of the *Directive of May 13, 2008 of the University of Fribourg Regarding Plagiarism and Ghost Writing* shall be excluded from the Program in case of repeated plagiarism or ghost-writing during the academic year.

- 16.5 Unless granted special permission by the Director of Studies, students shall be required to submit written assignments regardless of whether the Director of Studies has granted permission for an extended leave of absence. Students who fail to submit required written assignments without special permission from the Director of Studies shall receive a grade of 1 out of 6 on such assignments. If a student receives a waiver by the Director of Studies for the assessment, the mark 'N/A' shall appear on the student's transcript beside the assessment.

Article 17. Master's Thesis

- 17.1 The Master's Thesis shall be an original piece of scientific research between 28,000 and 45,000 words, written in English by a student's own efforts and submitted as an essential requirement for completion of the Program.
- 17.2 The Director of Studies shall establish precise guidelines as to the formal requirements of the Master's Thesis (e.g. character size, spacing, word count, mode of citations, etc.).
- 17.3 For those students who begin their academic year in the Fall Semester, the Master's Thesis shall be researched and written during the course of the Spring Semester and the period immediately following the completion of Coursework in the Program. For those students who begin their academic year in the Spring Semester, the Master's Thesis shall be researched and written during the course of the Fall Semester and the period immediately following the completion of Coursework as defined at Article 13. Students who elect to write their Master's Thesis during the period immediately following the completion of Coursework in the Program need not be physically present in Switzerland at that time.
- 17.4 During their work on the Master's Thesis, students shall be directed by an Instructor.
- 17.5 The exact subject of the Master's Thesis shall be agreed upon by the student and the Instructor in cooperation with the Director of Studies.
- 17.6 A first outline of the Master's Thesis must be submitted by the end of January for those students who begin their academic year in the Fall Semester and by the end of July for those students who begin their academic year in the Spring Semester; a first draft of the Master's Thesis must be submitted by the end of May for those students who begin their academic year in the Fall Semester and by the end of November for those students who begin their academic year in the Spring Semester. The first draft of the Master's Thesis must be submitted to the Instructor during the year in which the student completes his or her Coursework as defined at Article 13.
- 17.7 For those students who begin their academic year in the Fall Semester, the Master's Thesis must be submitted in its definitive form to the Instructor and the Director of Studies by midnight on the last weekday of September of the year in which the student completes his or her Coursework as defined at Article 13. For those students who begin their academic year in the Spring Semester, the Master's Thesis must be submitted in its definitive form to the Instructor and the Director of Studies by midnight on the last weekday of February of the following year. Students who submit their Master's Thesis within the set deadline shall receive written confirmation of receipt of the Master's Thesis within one (1) week of submission.

- 17.8 Before the deadline for submission of the Master's Thesis, a student may apply to the Director of Studies for an extension of the deadline due to extenuating circumstances. The Instructor shall be entitled to reduce the grade of a student who, without prior written authorization from the Director of Studies, submits the Master's Thesis after the deadline for submission.
- 17.9 A student shall be awarded a separate grade for his or her Master's Thesis, which shall be assessed and graded by the Instructor within six (6) weeks of submission of the Master's Thesis.
- 17.10 If a student receives an insufficient grade for his or her Master's Thesis, the student shall have one (1) opportunity to submit a revised version of the Master's Thesis. Revisions must be based on comments made by the Instructor and must be submitted within two (2) months of receipt of the original grade. The Instructor shall grade the revised Master's Thesis within three (3) weeks of receipt.
- 17.11 Plagiarism or the unauthorized help of third parties in writing the Master's Thesis shall result in the rejection of the thesis without grading, and the *Directive of May 13, 2008 of the University of Fribourg Regarding Plagiarism and Ghost Writing* shall be applicable.

Article 18. Grading and Grades

- 18.1 All written examinations shall be graded on an anonymous basis using student identification numbers.
- 18.2 Grades shall be allocated according to the ECTS system and a student is deemed to have successfully completed the Program when he or she attains on average a grade of 4, calculated on the basis of the sum of all grades divided by the number of grades and giving due weight to each course according to time allocated.
- 18.3 If upon completion of the Master's Thesis and the Coursework as defined at Article 13, a student does not complete the Program with, on average, a grade of 4, the student may repeat failed modules during the following academic year after payment of an administrative fee to be determined by the Board of Directors.
- 18.4 Students may receive a maximum of 58 ECTS points for the two (2) semesters of the Program.
- 18.5 The Master's Thesis shall be weighted with an additional 10 ECTS points.
- 18.6 The Program shall comprise a minimum of 60 ECTS points.
- 18.7 Students wishing to take optional courses shall be granted the additional ECTS credits allocated to such courses, though these ECTS credits cannot be used to waive the Master's Thesis or modules in the course units that are not optional.
- 18.8 Upon completion of the Program, students shall receive, in addition to a transcript indicating the grades achieved for individual modules, a comprehensive grade representing an average of his or her grades from each course unit and the Master's Thesis.

Article 19. Performance Requirements

- 19.1 Where a student receives more than three (3) grades below the passing grade of 4 in any given semester, he or she shall be placed on academic probation for a period of thirty (30) days and shall be notified of this in writing.
- 19.2 A discussion shall take place between the student on academic probation and the Director of Studies in an effort to adopt strategies for improving the student's performance.

Article 20. Letters of Reference

- 20.1 Students and alumni can request the Director of Studies to provide a letter of reference taking into account such factors as academic performance, class attendance, participation and social skills.
- 20.2 Any member of the Board of Directors can sign a letter of reference drafted by the Director of Studies if this is deemed to be beneficial to the student.

PART VII. COMPLAINTS PROCEDURE

Article 21. Appellate proceedings before the Board of Directors

- 21.1 Any appeal against a decision taken by the Program Directors must be filed in writing to the Board of Directors within thirty (30) days of the decision.
- 21.2 After a hearing of submissions by the student, the Board of Directors shall decide upon the matter in full session and as expeditiously as possible by a simple majority vote.
- 21.3 The Board of Directors shall render a written decision within two (2) weeks of the hearing.

Article 22. Appellate proceedings before the Appeals Commission of University of Fribourg

- 22.1 The decision of the Board of Directors shall be subject to appeal to the Faculty of Law Appeals Commission pursuant to Articles 33 and 34 of the *Statute of the Faculty of Law of the University of Fribourg of June 20, 2001*.
- 22.2 An appeal of the decision of the Faculty of Law Appeals Commission shall be subject to appeal to the University of Fribourg's Appeals Commission pursuant to Articles 58 to 61 of the *Statute of the University of Fribourg of March 31, 2000*.
- 22.3 Any such appeals must be made within thirty (30) days of receiving the written decision of the Board of Directors referred to at Article 21.3 of this Regulation.

PART VIII. GRADUATION

Article 23. Closing Ceremony

- 23.1 During the week following the final moot court exercise of the second semester, a ceremony shall take place to celebrate the conclusion of the Program.
- 23.2 Students, Instructors and the Board of Directors shall be invited to the ceremony.

Article 24. Diploma

- 24.1 Upon successful completion of the Program and the grading of the Master's Thesis, individual students shall be granted the degree entitled "Master of Laws (LL.M.) in Cross-Cultural Business Practice" by the Universities of Fribourg, Bern and Neuchâtel.
- 24.2 This title shall be embodied in a diploma bearing the seals of the three (3) universities. The deans of the law faculties and the Rectors of the Universities of Fribourg, Bern and Neuchâtel shall each sign the diploma.

24.3 The diploma shall only be handed over once the student has fulfilled all of his or her academic and financial obligations toward the Program and the Universities of Fribourg, Bern and Neuchâtel. Recipients of the diploma shall not automatically be eligible for a doctoral degree program.

Article 25. Transcripts

25.1 At the time of the closing ceremony as defined at Article 23.1, individual students shall receive a certificate outlining all grades awarded for separate modules throughout the academic year, including grades below 4 (if any).

25.2 Final transcripts listing all grades shall be sent to a student upon his or her fulfillment all of all academic and financial obligations toward the Program and the Universities of Fribourg, Bern and Neuchâtel.

PART IX. FINAL PROVISIONS

Article 26. Adoption and Amendments

26.1 The present Regulation was submitted for approval to the Universities of Fribourg, Bern and Neuchâtel and ratified by each according to their respective regulations. It was adopted by the Board of Directors on December 31, 2010.

26.2 Any proposed modifications to the present Regulation may be submitted by the Board of Directors to the competent authorities of the Universities of Fribourg, Bern and Neuchâtel for approval and ratification according to their respective regulations.

Article 27. Entry into Force

27.1 This Regulation shall enter into force on 7th of June following the approval by the competent authorities of the Universities of Fribourg, Bern and Neuchâtel.