

## **F. Examinations (J.D. and Graduate Students)**

### **Examination Numbers**

Examinations at the NYU School of Law are taken on an anonymous basis; unless otherwise specifically authorized by the Executive Committee, students' examinations are identified by number only.

### **General Rules**

#### **In-Class Examinations**

*(supplemental rules for use of exam computer applications will be provided separately)*

1. Each student will be assigned an examination number for each semester. This number must be noted by the student on each examination.
2. Under no circumstances should a student include his/her name or student ID number on the examination or answer. An exam answer will be rejected if it identifies a student other than by examination number.
3. An un-excused absence from an examination may result in a failing grade. Inquiries concerning an excused absence should be directed to the Office of Academic Services, FH 474.
4. Final exams for classes ending 4 or more weeks before the last day of classes posted on the academic calendar will be scheduled within one week of the final meeting of the class.
5. Final Exams for classes that end less than 4 weeks before the last day of classes posted on the academic calendar are scheduled according to regular exam period dates and rules.
6. In all in-class exams, students will receive a receipt form for use during the examination period from the proctor. The space provided for each subject is to be filled in by the student and presented to the proctor for signing after the exam has ended. Students are responsible for retaining all receipts until their grades are entered online.
7. A student who arrives up to 15 minutes late for an exam that is less than 3 hours or up to 30 minutes late for an exam that is 3 hours or more, may take the examination as scheduled but will not receive any additional time to complete the exam. A student who arrives at an in-class examination later than the times identified above, or who fails to appear for it, may be permitted to take the examination at the discretion of the Vice Dean or his or her designee at such time and under such conditions or penalties as the school administration determines.
8. A student who is ill and feels that he or she will not be able to complete the examination **should not begin the examination** and should immediately report such illness to the proctor, who will in turn send the student to the Office of Records and Registration (FH 400) or the Office of Academic Services (FH 474) or the Office of Student Affairs (FH 474) for further instructions.
9. A student who becomes ill during the examination should immediately report such illness to the proctor, who in turn will send the student to the Records Office, FH 400, or the Office of Academic Services, FH 474, or the Student Affairs Office, FH 474, for further instructions. (The student may have to wait until the next time the examination for that course is offered to take the examination).

10. Students are permitted to have in their possession in the examination room only materials authorized by the instructor in written exam instructions. Possession of any other materials relating to the course is not permitted. The mere possession of impermissible materials in the exam room may result in a failing grade for cheating and additional sanctions *regardless of whether* a student has referred to the materials during the exam. Materials may not be shared during the examination.

11. Unless faculty has affirmatively indicated otherwise, students are permitted to bring foreign language dictionaries and calculators into in-class examinations.

12. No alcoholic beverages (opened or unopened) are allowed in the examination room.

13. No recording devices are allowed in the examination room.

14. Improper conduct in connection with an examination may result in a failing grade for cheating and other sanctions. Communicating with another student during an exam may result in a failing grade for cheating and other sanctions *regardless of whether* the communication is about the exam. Proctors will at a minimum warn those suspected of improper conduct, but sanctions may apply at the first instance of improper conduct *regardless of whether* there has been any warning. All students must stop typing when instructed to stop by a proctor. Misconduct will be reported to the faculty member involved, to the Vice Dean, or both.

15. Absent special permission by the Executive Committee, which is seldom granted and only for extraordinary and unexpected circumstances, alterations in the examination schedule for individual students may be made only in accordance with the published guidelines, provided below, and *only* by the Office of Academic Services, FH 474; an individual faculty member does not have the authority to reschedule an exam.

16. Grade distribution information will be posted online on our website as soon as it is received by the Records Office. Grades may be obtained on Albert after the exam period is over and once grades have been entered.

17. Individual faculty members will keep examination answers on file for 12 months. The extent, if any, to which an individual faculty member will permit review of these materials or discuss an examination with a student lies within the reasonable discretion of the faculty member and is subject to review by the Vice Dean.

18. Once submitted, examination grades may be changed only if the instructor certifies in writing that a mechanical error was made in computing the component parts of the examination in the final grade, or in transcribing the grade onto the Final Grade Roster.

### **Take-Home Examinations**

1. All take-home exams will be administered through THES ("Take Home Exam System").

2. Students **MUST** complete a take-home exam within the number of hours designated for that exam. For example, on a fixed-schedule take-home exam a student might have a five (5) hour window in which to complete a four (4) hour exam. In all cases, whether the exam is fixed- or flexible-scheduled, once a student downloads the exam from THES the clock starts ticking and the student must use consecutive hours to complete the exam. Regardless of when a student starts the exam: (1) he or she may not exceed the number of hours designated by the faculty member for the exam and (2) may not continue the exam beyond the specified THES window.

- **Flexible-scheduled** take-home examinations either:

A. Will be available to students on THES not later than the first day of the examination period, in which case the latest date and time for submitting answers to the examination will be 11:59 p.m. on the last day of the examination period; or

B. Will be available online for 48 hours or a shorter specified time period at the discretion of faculty (see CMS course descriptions), in which case students will be allowed to download the examination on any day between the first day of the examination period and a time that will permit uploading of the examination by 11:59 p.m. on the last day of the examination period.

- **Fixed-scheduled** take-home examinations:

Some take-home exams will be on a fixed schedule and must be taken on the day scheduled by the Office of Academic Services (see exam schedules). A fixed-schedule upper-class exam will not last longer than 5 hours, though the window for completion may be longer, while a first-year exam may last up to 8 hours within an 11 hour window.

3. In the case of classes scheduled to end 4 or more weeks before the last day of classes posted on the academic calendar must be available on THES on the day of the last meeting of that class. Students will have six business days (including the last day of class) in which to submit their answers. Answers may be submitted no later than 9:00am on this sixth business day.

Final exams for classes that end less than four weeks before the last day of classes posted on the academic calendar are scheduled according to regular exam period dates and rules.

4. Improper conduct in connection with an examination may result in a failing grade for cheating and other sanctions. Students must work independently on examinations, and any answers to an examination submitted by a student must be that student's own work, unless the instructor expressly authorizes a cooperative effort. A violation of this rule will be deemed "improper conduct" and may be grounds for disciplinary action.

5. In the event of a server problem, the time allotted for completion of the exam will run from the time at which the exam is successfully downloaded or ten minutes after ITS confirms that the problem is resolved, whichever is earlier. Students who experience technical problems and are unable to download their exam questions should send an e-mail to [Exams@juris.law.nyu.edu](mailto:Exams@juris.law.nyu.edu) detailing the time and specifics of the problem. Students should not distribute copies of the exam questions to classmates, even in the event of a server problem.

6. Students who are not comfortable reading exams on their computer screens for both fixed- and flexible-scheduled and unscheduled take home exams should be prepared to print out the exam questions for themselves. **No hard copies of exams will be made available.**

7. THES exam answers will be identified only by exam number, and not by name, student identification number or any other identifier.

8. When a student is ill and feels he or she will not be able to complete the exam within the designated exam period, the student should not download the exam from THES. The student should contact the Office of Records and Registration (FH 400,) or the Office of Academic Services (FH 474,) or the Student Affairs Office (FH 474) for further instructions. (The student may have to wait until the next time the examination for the course is offered to take the examination.)

9. Absent special permission by the Executive Committee, which is seldom granted, and only for extraordinary and unexpected circumstances, alterations to the exam schedule for fixed-scheduled exams and the THES window for flexible-scheduled exams for individual students may be made only in accordance with the published guidelines, provided below, and only by the Office of Academic Services, FH 474. Individual faculty members do not have the authority to modify the published THES schedule for individual students.

10. Grade distribution information will be posted online on our website as soon as it is received by the Records Office. Grades may be obtained on Albert after the exam period is over and once grades have been entered.

11. Individual faculty members will keep THES exam answers on file for 12 months. The extent, if any, to which an individual faculty member will permit review of these materials or discuss an examination with a student lies within the reasonable discretion of the faculty member and is subject to review by the Vice Dean.

12. Once submitted, THES examination grades may be changed only if the instructor certifies in writing that a mechanical error was made in computing the component parts of the examination in the final grade, or in transcribing the grade onto the Final Grade Roster.

#### **Examinations in Absentia**

By special permission of the Vice Dean, a student may take an examination at an ABA approved law school other than New York University School of Law, or at a foreign law school. The student is required to obtain a letter from an official of the law school in which the official indicates willingness to administer and proctor the examination. The examination will be sent directly to the official. The rules governing examinations apply equally to examinations taken *in absentia*. A fee is charged for each examination taken *in absentia*.

#### **Rescheduling Examinations**

Students who wish to be excused from one or more scheduled examinations, including fixed-scheduled or flexible-scheduled THES exams, because of illness, Sabbath observance, or other circumstances of unusual personal hardship should make an appropriate request before the administration of the exam. An unexcused failure to take an examination will result in an automatic "FAB" grade for the course. When a satisfactory explanation for absence has been submitted to the Vice Dean, an "EXC" may be temporarily recorded and will be replaced by the regular course grade earned in the make-up examination. In seminars, a grade is submitted for each student at the conclusion of the semester. A grade of "INC" may be recorded for students who have made prior arrangements with the instructor to complete the assigned work at a later date. Such a grade must be removed before the student's graduation.

1. The policy of NYU School of Law is that all students must take examinations at the scheduled time unless there exist compelling circumstances, as defined below:

2. A student who is scheduled to take two examinations on the same day may postpone the second examination to the morning of the first day on which the student does not have a scheduled examination and that does not create a further need for postponement according to the rules. A student who has an evening examination and also has an examination scheduled for the following morning may postpone the morning examination to the afternoon of that day. A student who has three exams on consecutive days with course credits totaling 12 credits or greater may postpone one exam to the fourth day. A student who has four consecutive examinations within one calendar week may postpone to the next available day in the following week (Monday through Friday).

3. An examination will be rescheduled, subject to approval of the Vice Dean, in the following circumstances:

A) Where illness or pregnancy of the student actually prevents a student from taking an exam, upon a physician's written certification to the Vice Dean's office. Once an exam is completed and handed in, a grade for that exam must be tabulated. A student who becomes ill *during* an examination and is unable to complete it must take a new examination. The student must indicate to the proctor that s/he is handing in an incomplete exam due to illness and will be referred to the appropriate administrative office. The student may have to wait until the next time an examination for that course is offered to take the examination.

B) Where a member of a student's family or his or her "significant other" has died, and the student is attending the funeral or grieving.

C) Where a Sabbath or other religious observance precludes a student from taking an examination.

D) Where a student is attending the birth of his/her child.

4. An examination will be rescheduled, with the prior approval of the Executive Committee, in the following circumstances:

A) Where a student is attending the wedding or graduation ceremony of a member of a student's immediate family.

B) In exceptional circumstances where equity demands that rescheduling occurs in the view of the Executive Committee.

5. The following are examples of circumstances where examinations **will not** be rescheduled:

A) Where a student is taking a bar review course.

B) Where a student has a professional opportunity that conflicts with a scheduled examination.

C) Where a student is late, oversleeps, is caught in traffic, etc. and arrives at the examination more than one half hour after the exam has begun.

D) Where a student wishes to leave early for the winter or summer break.

6. If a student is excused from taking an examination at the scheduled time, every effort will be made to administer the examination at a time that overlaps the time of the scheduled examination, whether or not the examination is conducted at the Law School. If same-day scheduling is not practical, or if a student's non-academic circumstances (*e.g.*, grieving) make such scheduling severely prejudicial to the student's exam preparation, the examination will be administered at the earliest possible time after the scheduled examination (usually early on the next day).

A) Except in extraordinary circumstances, an examination will not be scheduled later than the end of the examination period in which the examination is scheduled.

B) Except in extraordinary circumstances, an examination will not be offered prior to the scheduled time of an examination unless the new examination time substantially overlaps with the scheduled examination.

C) If an examination cannot be rescheduled within the period for examinations in the semester in which a course is offered, including any extension granted pursuant to Section

D) The student should petition the Executive Committee for a resolution. Absent a compelling excuse, failure to take an examination in the semester the course is given will result in a grade of FAB.

7. Requests for postponements should be made to the Office of Academic Services (J.D. or Graduate Division) in accordance with these rules not later than four weeks before examinations begin. Students should not request special arrangements for examinations from the instructor in a course. Questions about the meaning or application of these rules should be addressed to the Vice Dean or the Law School's Executive Committee.

8. Where an examination is properly postponed pursuant to paragraphs 3 and 4 for a student who is required to be away from the New York area during the time of a scheduled examination, the Law School may arrange for the examination to be taken at a venue convenient to the student, if proctoring and other arrangements can be made.

Students who need to reschedule an examination must do so in the Office of Academic Services, FH 474, by stated deadlines.

#### **Reviewing Examinations**

All exams are kept on file for one year after they are taken. Students wishing to review their exams must make an appointment through the secretary of the faculty member.

#### **Papers and Take-Home Examinations Handed in Late**

A faculty member is not required to accept a late paper or take-home examination, in which case the student will receive a grade of FAB. A faculty member who chooses to accept a paper or take-home examination that is handed in late may, absent an excuse acceptable to the faculty member, reduce the student's grade for the paper or take-home examination by any amount he or she deems appropriate. If the student elected to take the class credit/fail, the faculty member may choose to disregard that election and grade the student with a letter grade after reducing the grade for the paper or examination. Students should note that receiving a grade of FAB may preclude a timely graduation.

#### **Accommodation for Students with Disabilities**

The Law School provides an array of services for students with disabilities through the Moses Center, 240 Greene Street, Fourth Floor. General services provided include testing accommodations, adaptive computer equipment, sign language interpreters, and readers. Any student who needs accommodation must submit documentation to the Moses Center. The Moses Center evaluates the documentation, determines what reasonable accommodation is necessary, and reports this finding to the Law School. In order to preserve anonymity in grading, students should not discuss accommodations with the instructor in a course. Students may contact the Moses Center directly at (212) 998-4980 or call the Office of Academic Services at (212) 998-6020 for more information and a referral. See page 62 in the Student Handbook.

#### **International Students and Time on Examinations**

No additional time is given to international students taking examinations.