

To: All Students
From: Jason Belk, Dean of Students
Re: Rules Governing the Conduct of Examinations and Rescheduling Exams
Date: April 18, 2018

We understand the end of the semester is a stressful time and would like to remind you that we are here to assist you in any way we can. Our offices have seen a growing number of questions regarding exam policy. To best prepare our students for a successful exam season, we would like to remind you of the exam policies, listed here.

REMEMBER: In order to maintain anonymity, DO NOT discuss personal exam requests with Faculty.

I. The following rules govern the conduct of in-class examinations. Supplemental rules for use of exam computer applications have been 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 400.
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), the Office of Academic Services (FH 400), 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 Office of Records and Registration (FH 400), the Office of Academic Services (FH 400), 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 the 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. Cell phones must be turned off during exams. The use of headphones, earphones or other devices (other than basic earplugs) is prohibited.
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 400); an individual faculty member does not have the authority to reschedule an exam.

II. The following is the Policy on Responding to Emergency Events During an Exam:

1. General Principles

The law school's top priority in all circumstances is to ensure the safety of our students. Whenever an emergency of any sort occurs during an exam, proctors and all other school officials should prioritize whatever steps are needed to keep students safe. The law school also needs to protect the integrity of the exam process. To this end, proctors should comply with all of the procedures set forth in this policy, except when divergences are necessary to protect the safety or well-being of one or more persons, or in other very serious emergency situations.

It is also important to ensure that students who are in an exam room where an emergency is happening understand that the school has a policy for handling the matter, that the policy is being followed, and that all steps will be taken to ensure the safety and well-being of all students and to protect the integrity of the exam process. Proctors and other school officials should do what is needed to communicate this message to the students in the exam room.

2. Procedures to Follow When a Student Requires Immediate Medical Attention During an Exam

If a student requires immediate medical attention during an exam, proctors and school officials will seek medical assistance immediately and ensure that the same is provided as quickly as possible. The proctor should announce:

“Please stop typing. It is now XX:XX (am/pm). We are responding to a medical emergency. A proctor has been dispatched to the Guard’s Desk to call Public Safety. School officials have been notified and they are en route and they will call 911 or Wellness Exchange if necessary. Turn the power button off on your computer immediately. Do not exit the exam or the Exam4 program. Turn your exam over right now. We will note the time when I stopped the exam on the blackboard.

We anticipate that the exam will be suspended for approximately 30 minutes as medical assistance is rendered. After medical assistance is provided and the situation has been stabilized, we expect the exam to resume.

If it takes more than 45 minutes to render assistance in the classroom and there is more than one hour remaining in your exam, the exam will be stopped. The exam either (1) will be postponed to another day and time, (possibly the exam make-up date) at which time a new exam may be administered, or (2) will be graded based on each student’s work thus far. Your professor will be in touch with you within 24 hours to inform you of how he or she will proceed.

Several people will enter and exit the room in the next few minutes. You may go to the bathroom as per usual during an exam, but we ask you to remain in your seat as much as possible so that we do not impede the medical professionals’ work.

Please also remember that you are still in an exam so that means:

- a. there should be no talking in the classroom or hallways;
- b. no student should be on a cellphone or other electronic device;
- c. no student should remove any test materials from the exam room; and
- d. no student should take out materials prohibited for the exam.

An official from the Office of Academic Services will be here shortly to answer any questions that you may have.”

For the safety of all involved, the law school administration strongly recommends that students allow the proctors, law school officials and medical personnel to handle all medical emergencies. Nonetheless, there may be situations in which classmates of the ill student may need to provide assistance and support to the ill student. In addition, classmates and friends of the ill student may need to provide information to the medical personnel or school officials. If the exam is able to resume, proctors must wait until all students have returned to the exam room and settled before resuming the exam. The proctor will announce the time remaining in the exam. The proctor will note the new start and end time on the blackboard. Students *must not* turn their exam over or turn on their computers until the proctor has instructed students to “Begin.”

The proctor should take and preserve detailed notes of all relevant events and the times at which they occurred. This should include: the time the emergency first happens; when the ill student leaves the room; when medical attention is provided, by whom, and what types; the exam ID numbers of students who may have played a role in assisting the ill student.

The Office of Academic Services should inform the teacher of the course as soon as possible about (1) the emergency, (2) the way it was handled, and (3) any amounts of time that were lost by any students. To protect anonymity, students should *not* contact the teacher of the course directly. Students may submit a note to the Office of Records and Registration and include their 4 digit exam number. The Office of Records and Registration will submit the note to the teacher with only the student's exam number as identifying information.

Within 72 hours after the end of the exam, the teacher of the course should inform all members of the class whether there will be any adjustments in grading. Adjustments may include, but are not limited to the following: grading the exam based only on what was written by students prior to the emergency; and/or diverging from the customary curve for the exam.

In all appropriate circumstances, students should be provided with information regarding counseling services. This information should be provided within 24 hours following the end of the exam.

3. Procedures to Follow When An Emergency Requires an Evacuation During an Exam

In the case of a fire alarm, earthquake or other incident that requires students to leave the exam room, students should follow proctor instructions to exit the exam room as quickly and quietly as possible. The proctor should announce:

“This is an emergency. Turn the power button off on your computer immediately. Do not exit the exam or the Exam4 program. Turn your examination over right now. Pick up your coat, handbag or wallet and exit the room and the building immediately. You may not take any paper, books, or computers with you.”

After leaving the exam room, everyone should follow the instructions of the fire marshals and/or security guards to the nearest exit or staircase and out of the building.

When returning to the building after the evacuation, students *must not* turn the exam over or turn on their computers until the proctor has instructed students to “Begin.” Proctors must wait until all students have returned and settled before resuming the exam.

The proctor should add whatever time is necessary and should inform the students how much time has been added.

The Office of Academic Services should inform the teacher of the course as soon as possible about (1) the emergency, (2) the way it was handled, and (3) any amounts of time that were lost. To protect anonymity, students should *not* contact the teacher of the course directly. Students may submit a note to the Office of Records and Registration and include their 4 digit exam number. The Office of Records and Registration will submit the note to the teacher with only the student's exam number as identifying information.

Within 72 hours after the end of the exam, the teacher of the course should inform all members of the class whether there will be any adjustments in grading. Adjustments may include but are not limited to the following: grading the exam based only on what was written by students prior to the emergency; and/or diverging from the customary curve for the exam.

In all appropriate circumstances, students should be provided with information regarding counseling services. This information should be provided within 24 hours following the end of the exam.

III. The following Rules Govern the Conduct of 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 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.
 - **Full-Period take-home examinations** 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
 - **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-scheduled upper-class exam will not last longer than 8 hours, though the window for completion may be longer. 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 the exam 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 9:00 a.m. 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.
3. 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.
4. 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@mercury.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.
5. Students who are not comfortable reading exams on their computer screens for both fixed-scheduled and full-period take-home exams should be prepared to print out the exam questions for themselves. **No hard copies of exams will be made available.**
6. THES exam answers will be identified only by exam number, and not by name, student identification number or any other identifier.

7. 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 400) 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.)
8. 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 400). **Individual faculty members do not have the authority to modify the published THES schedule for individual students.**
9. 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.

IV. 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 may be charged for each examination taken *in absentia*.

V. The Following Rules Govern the Postponement of Examinations:

Students who wish to be excused from one or more scheduled examinations, including fixed-scheduled or full-period 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 "IP" 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:
 - A student who is scheduled for two exams on the same day: the exam given at the later time will be postponed to the morning of the first day on which the student does not have a scheduled examination and that does not create a need for further

postponement.

- A student who has an evening exam (starting at 6:00 pm) followed by a morning exam: the morning exam will be postponed to the afternoon of the same day as long as that does not create a need for further postponement.
 - A student with an 8-hour fixed-scheduled take-home exam who has an in-class or take-home examination scheduled for the following day may postpone the second exam to the morning of the first day that does not create a need for further postponement.
 - A student with a fixed-scheduled take-home exam that is 6 hours to less than 8 hours who has an examination scheduled for the following morning may postpone the morning exam to the afternoon of the same day as long as that does not create a need for further postponement.
 - A student who has three exams on consecutive days with course credits totaling 11 credits or greater may postpone one exam of their choice to the fourth day. A student who has four exams on consecutive days within one calendar week may postpone one exam on their choice to the next available day in the following week (Monday through Friday).
2. 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.
3. 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.
4. 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.
5. 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 Sections 3 and 4, 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."
6. Requests for postponements should be made to the Office of Academic Services 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.
- To submit a request to postpone an exam, you must do so by using the online system ExamReporter (<https://examreporter.law.nyu.edu>) by stated deadlines.
7. 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.

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