

## **D. Grading System and Academic Standards (J.D. and Graduate Students)**

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To a great degree, a student's final grade in many of the courses offered at NYU School of Law is dependent upon the grade received on the final examination. *As a result, adequate preparation for the examination cannot be recommended too highly.* No grade will be recorded for a course or section of a course in which the student is not officially registered and retroactive registration is not permitted.

### **Grading System**

The grading system used for J.D.s beginning Fall 1990 and LL.M.s beginning summer 1987 through summer 2008 was A, 4.0; A-, 3.67; B+, 3.33; B, 3.0; B-, 2.67; C, 2.0; D, 1.0 and F, 0.

The new grading system for J.D.s and LL.M.s effective fall 2008 is A+, 4.33; A, 4.0; A-, 3.67; B+, 3.33; B, 3.0; B-, 2.67; C, 2.0; D, 1.0 and F, 0.

Other symbols used on Law School transcripts are:

**CR (Credit).** This symbol is used (1) to show successful completion of participation on student publications or as Teaching Assistants (J.D. students only), (2) in specified courses in which the student has elected the Credit option, rather than a grade (J.D. students only), (3) in cases where a student in good standing withdraws for military service, provided he or she does not receive a tuition refund and has continued in attendance through two-thirds of the semester for which credit is sought, and (4) in other cases where a student receives credit for completion of a course but the Executive Committee has decided that it would be impossible or improper to assign a grade to such work (e.g., a lost examination paper). A grade of credit cannot be granted for required courses and/or Directed Research. A grade of credit is awarded for certain zero credit LL.M. courses and the J.D. Lawyering course.

**EXC (Excused).** This symbol reflects an absence from an examination that has been excused by the Office of the Vice Dean for good cause. Where practical, the absence should be approved *before* the examination is scheduled to be given. If excused from the scheduled exam, the student may take the exam at the next time regularly scheduled during the student's tenure at the Law School. If the course is required, the student must take the exam.

**FAB (Fail/Absence).** This symbol denotes an un-excused absence from an examination or an un-excused failure to hand in a take-home examination or paper in the time allowed by the instructor. If an excuse for absence is accepted as satisfactory by the Office of the Vice Dean or the Executive Committee, "FAB" will be replaced by "EXC." If this absence is not excused, the grade of "FAB" will become final.

**FX.** This symbol denotes failure due to cheating or plagiarism or violation of other rules governing academic honesty. See the discipline rules beginning at page 46.

**INC (Incomplete) / IP (In Progress).** In the following situations, students received an "INC" prior to fall 2009; beginning fall 2009 students receive a grade of "IP." This symbol is used in seminar courses, directed research, or similar study when the student has made prior arrangements with the instructor to submit work later than the end of the semester in which the course is given. Third-year students who have grades of incomplete in courses from prior semesters must complete and submit all work required for the course no later than May 1 of their sixth semester or at such earlier date as the faculty member requires. Full-time LL.M. students must submit a final version of incomplete work no later than May 1 of their second semester. The May 1 deadline is necessary to enable faculty sufficient time to evaluate the student's work and submit a grade and for the School to be able to certify the student for graduation and to sit for the July bar exam. It is the student's responsibility to arrange a submission schedule with the instructor. An extension may only be granted by the Office of the Vice Dean in consultation with the faculty member.

January graduates must submit all work required for the course by January 5, and September graduates by September 1.

Part-time LL.M. students must adhere to the work submission deadline of the term in which they are graduating.

If the work remains incomplete at the end of this period, students will not be certified to graduate nor certified to sit for the bar UNLESS they have sufficient credits to graduate without the credit for the incomplete course. If the student has sufficient credits to graduate, the "INC" will be replaced by "WD." The course work cannot be completed after the student has been certified to graduate.

If the work remains incomplete at the end of this period, and the student does not have sufficient credits to graduate, the "INC" will remain on the transcript for two years after which the "INC" will be replaced by "FAB."

Because the faculty member who will be grading the student's work may not be in residence at the School during the student's final semester, students are advised to ascertain the expected whereabouts of any faculty member for whom they have yet to complete work and make arrangements for timely submission of their work so it can be graded in time for graduation and bar certification. This is the student's responsibility. Students are advised that faculty members may be absent from the School for many reasons. For example, the faculty member may be on sabbatical or leave; or he or she may have been a visitor to the School or a Global Faculty Member who teaches intermittently and resides in a foreign country.

**WD (Withdraw).** This symbol denotes a withdrawal in writing from a course. Students who withdraw from a course by the last day of classes in the semester will not have a "WD" noted on their transcript. Thereafter, the student must take an examination or produce a paper (where the course is graded on the basis of a paper or the instructor agrees to allow a paper in lieu of examination). Failure to take an examination or produce a paper will result in an "FAB" unless for good cause, on timely application, the Executive Committee is willing to change the grade to a "WD." A faculty member may require withdrawal with a grade of "WD" for poor attendance or for failure to make satisfactory progress.

### Grading Guidelines Prior to Fall 2008

The grading guidelines for J.D.s beginning fall 1990 and LL.M.s beginning summer 1987 through summer 2008 are listed below. Percentages are rounded to the closest integer. For prior guidelines, consult earlier editions of this handbook available in the Office of Student Affairs.

<u>First Year J.D. (Mandatory)</u>	<u>All other J.D. and LL.M. (Non-Mandatory)</u>
A 4-8% (target 6%)	A 4-8% (target 6%)
A- 10-16% (target 13%)	A- 10-16% (target 13%)
B+ 24-33% (target 28-29%)	B+ 24-33% (target 28-29%)
B Remainder	B Remainder
B- 4-11% (target 7-8%)	B- 4-11% (target 7-8%)
C 0-5%	C 2-5%
D/F 0-5%	D/F 0-5%

The guidelines for first-year J.D. courses are mandatory and binding on faculty members. In all other cases, they are advisory but strongly encouraged. **They do not apply to seminar courses, defined for this purpose to mean any course in which there are no more than 28 students.**

In classes in which credit/fail grades are permitted, these percentages are calculated only using students taking the course for a letter grade. If there are fewer than 29 students taking the course for a letter grade, the guidelines do not apply.

### **Grading Guidelines Effective Fall 2008**

New grading guidelines for J.D. and LL.M. students have been adopted by the faculty effective fall 2008. These guidelines represent the faculty's collective judgment that ordinarily the distribution of grades in any course will be within the limits suggested.

The **guidelines for first-year J.D. courses are mandatory** and binding on faculty members. In addition, the **guidelines with respect to the A+ grade are mandatory in all courses**. In all other cases, the guidelines are only advisory.

With the exception of the A+ rules, the guidelines do not apply at all to seminar courses, defined for this purpose to mean any course in which there are fewer than 28 students.

In classes in which credit/fail grades are permitted, these percentages should be calculated only using students taking the course for a letter grade. If there are fewer than 28 students taking the course for a letter grade, the guidelines do not apply.

### **J.D. & LL.M.**

#### **First-Year J.D. (Mandatory)**

A+: 0-2% (target = 1%) (see note 1 below)  
A: 7-13% (target = 10%)  
A-: 16-24% (target = 20%)  
**Maximum for A tier = 31%**  
B+: 22-30% (target = 26%)  
**Maximum grades above B = 57%**  
B: remainder  
B-: 4-8% (target = 6%)  
C/D/F: 0-5%

#### **All other J.D. and LL.M. (Non-Mandatory)**

A+: 0-2% (target = 1%) (see note 1 below)  
A: 7-13% (target = 10%)  
A-: 16-24% (target = 20%)  
**Maximum for A tier = 31%**  
B+: 22-30% (target = 26%)  
**Maximum grades above B = 57%**  
B: remainder  
B-: 4-11% (target 7-8%)  
C/D/F: 0-5%

### **Important Notes**

- 1) The cap on the A+ grade is mandatory for *all* courses. However, at least one A+ can be awarded in any course. These rules apply even in courses, such as seminars, where fewer than 28 students are enrolled.
- 2) Normal statistical rounding rules apply for all purposes, so that percentages will be rounded up if they are above .5, and down if they are .5 or below. This means that, for example, in a typical first-year class of 89 students, 2 A+ grades could be awarded.

### **Submission of Grades by Faculty**

Except in unusual circumstances, and with permission from the Office of the Vice Dean, grades must be submitted to the Office of Records and Registration (FH 400) in accordance with the following schedule. Grades are deemed submitted when the Office of Records and Registration receives the final grade roster in the form appropriate for submission to the University Registrar.

#### A. For Fall Semester

- (1) for full semester courses,

(a) **for instructors with 100 examinations or fewer** in one or more courses, grades will be due no later than January 16 (or if a weekend day or holiday then the first immediately preceding business day); since January 16, 2013 is a Wednesday, all grades for instructors with 100 exams or less are due January 16, 2013.

(b) **for instructors with between 101 and 159 examinations**, all grades are due no later than the Tuesday after Martin Luther King Jr. Day or three days before the International Students Interview Program (or if a weekend day or holiday then the first immediately preceding business day), whichever is later. In 2013, Martin Luther King Jr. holiday is January 21, and the International Students Interview Program is January 25. Therefore, **these grades are due January 22, 2013.**

(c) **for instructors with 160 or more examinations**, grades in one of the classes are due as in paragraph (b) and in the other class **ten calendar days thereafter** (or if a weekend day, the first business day thereafter) (**i.e. February 1, 2013.**).

(d) provided however that all first-year grades are due as prescribed in paragraph 1 (a).

(2) for courses that end four or more weeks before the last day of classes, no later than the last day of final examinations.

B. For Spring Semester

(1) for full semester courses, no later than June 8 (or if a weekend day or holiday then the first immediately preceding business day) (**i.e., Friday, June 7, 2013;**);

(2) for courses that end four or more weeks before the last day of classes, no later than the last day of final examinations.

C. For Summer Semester in New York and Singapore, all grades are due by Friday, September 7, 2012.

### **Changing Grades**

After a professor has submitted a grade to the Office of Records and Registration, the professor may not change the grade unless he or she certifies in writing that it was incorrect as a result of a mechanical computation or transcription error. If a grade is changed as a result of mechanical computation or transcription error the professor must send a memo to the student explaining the reason for the grade change with a copy to the Office of Records and Registration. A grade may not be changed as a result of a reevaluation of a student's work.

Under University rule grades may not be changed for any reason after the student has graduated. [August 10, 2012 note: this rule may be changed pending University approval.]

### **Reporting of Grades**

Grades may be obtained by logging onto Albert through NYUHome after the exam period is over and once grades have been entered. Grade distribution information will be posted online on our website as soon as possible after it is received by the Records Office. Students who are in financial arrears will not be able to obtain official transcripts.

### **Classroom Performance**

For non-seminar courses (other than those with 28 or fewer students, including students taking the course on a credit/fail basis, and for which the instructor elects seminar treatment as described below), classroom performance may be a factor in determining the final grade

of a student, in the discretion of the faculty member, provided that (a) oral or written notice is given to the class in the first week of class and (b) the student's grade shall not, on the basis of such performance, be raised or lowered more than one step (except that a grade may be raised from an "F" to a "D"), and in no event lowered to an "F."

Any faculty member wishing to exercise this discretion shall (after his/her final examination papers have been blind graded and tentative grades submitted) receive a list of identifying student information from the Records Office. The faculty member shall then provide to the Records Office a list of such students whose grades may have been raised or lowered. It shall be the faculty member's responsibility to prepare and transmit to the Records Office a list of his/her final grades.

For seminar courses, classroom performance may be used as a basis for the final grade without limitation on the weight accorded to the participation and without notice to students.

For lecture courses of 28 or fewer students (counting those who take the course on a credit/fail basis), the instructor may elect to grade the class as if it were a seminar and thus may use classroom performance as a basis of the final grade without limitation on the weight accorded, provided that the instructor provides oral or written notice of this election during the first week of class.

In all cases, if an examination is given it must be administered and graded anonymously according to standard practice.

### **Multiple Submissions and Plagiarism**

Regardless of the type of project involved students are, of course, expected to submit original non-duplicative work for each and every course. Moreover, plagiarism or reuse of the student's work done for another course or academic credit without permission are serious offenses that may merit severe discipline. (See Procedures for Offenses Requiring Formal Discipline, page 46. When in doubt about multiple submissions or the proper use of a citation or quotation, discuss the issue with the instructor.

### **Dismissal and Suspension**

Students are expected to familiarize themselves with and to comply with the rules of conduct and academic regulations of the University and of the NYU School of Law. If, in conformance with these rules and regulations, the withdrawal of a student is required before the end of the term for which tuition has been paid, a refund will be made according to the standard schedule for refunds. Dismissal from the School may be honorable, as in the case of a student dropped solely for poor scholarship, or dishonorable, as in the case of expulsion for violation of the examination rules or other serious breaches of discipline. Lesser infractions of the rules of the Law School will render the student liable to suspension from classes and cancellation of examinations, with consequent loss of credit or other sanction, including a record notation of "FX."

Students in the Law School shall not, without the consent of the Dean of the Law School, either as individuals or as a group, use the name of New York University or the Law School in any kind of activity outside the regular work of the School. Violation of this rule is regarded as sufficient cause for dismissal.

### **Ombudsperson**

The Vice Dean is the ombudsperson of the Law School and entertains queries and complaints dealing with University or Law School policy, classes or personnel. The Vice Dean may enlist the assistance of another office of the Law School or University in addressing the particular inquiry. When the Vice Dean is unable to address an issue, he or she may designate a Faculty member. If the Vice Dean has a conflict, the Dean will designate a Faculty member.

## **E. Academic Progress (J.D. Division)**

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### **Required Grades for Graduation**

The Law School does not count toward the credits needed for graduation more than 8 hours of uncompensated "D" grades. In order to be counted, "D" grades in excess of 8 hours must be compensated for by grades of "B" or better. One hour of "B" compensates for one hour of "D"; one hour of "B+" compensates for one-and-a-half hours of "D"; one hour of "A-" or "A" compensates for 2 hours of "D."

"D" grades accumulated during the student's first semester of Law School are not included in "D" grades for which there must be compensation, but "A", "A-", "B+", and "B" grades for the first semester can compensate for "D" grades earned thereafter.

### **Grades of F (Failure), Re-Registration, Substitution, and Insufficient Credits**

A student cannot graduate without having obtained a grade of D or better in all required courses. Students who fail a required course must re-register for the course. Students who fail an elective course may re-register for the course, or substitute the lost credits by registering for another elective course. Students may not re-register for the course if a grade of "D" or better is earned. A student who has not sufficiently earned credits to graduate at the end of six (6) semesters or cannot earn these credits through completion of prior incomplete work must register for additional credits to meet the requirement.

A full-time student who registers for a failed or substitute course during a following semester, and who does not exceed the cap on total credits earned while at the Law School (90 credits over six semesters), may pay the flat tuition fee for that semester, provided however, that a student who registers for a failed or substitute course during a seventh or later semester must pay tuition for the course on a per credit basis.

Once a grade has been entered, it cannot be changed by the instructor unless the instructor certifies in writing that a mechanical error was made in computing the component parts of the examination into the final grade or in transcribing the grade onto the course report sheet. Under University rule grades may not be changed for any reason after the student has graduated.

### **Satisfactory Academic Progress – J.D. and LL.M.**

All students must maintain satisfactory academic progress. For J.D. students, satisfactory academic progress is understood to mean:

1. Completion of the required first-year curriculum during the first year of enrollment with a grade of "D" or better in all courses, and no more than eight (8) credit hours of "uncompensated" D grades in the Spring semester.
2. Thereafter, completion (with a grade of D or better and no more than eight hours of "uncompensated" D grades) of sufficient credits of course work in each semester to allow for accumulation of a total of at least 83 credits including 30 accumulated in the first year by the end of the third year. A minimum of 12 credits must be completed each semester. Please note however that 12 credits taken each semester will not yield 83 credits. (Completion of courses requiring papers is subject to the rules regarding the grade of "INC" or "IP," described on page 15).
3. Leaves of absence or other exceptions to the rules regarding satisfactory progress may be granted only by a Dean or the Executive Committee. A student who takes an approved leave of absence will be considered to be making satisfactory progress, assuming that student is otherwise doing so. (See Leave of Absence, page 54).

Students in the LL.M. program are expected to make satisfactory academic progress as determined by the faculty director of their program and the Vice Dean. If a student's grades in the first semester of the program (for full-time students) or the first year of the program (for part-time students) show a lack of such progress, the faculty director and Vice Dean may

impose appropriate requirements, including limitation on the number of credits the student may take in any one semester, a leave of absence, or withdrawal of the student from the school, depending on the student's record and the reasons for the student's failure to make satisfactory progress. A student whose grade point average is less than 2.3 after the completion of the equivalent of one semester of work may register for additional courses only with the permission of the Vice Dean.

### **LL.M. Required Grade Point Average**

Under present academic regulations the LL.M. degree is awarded only if a student has a grade point average of 2.67 or greater for (1) all 24 credit hours required for the degree, and (2) all credit hours in the candidate's program (if he or she is a candidate for a degree other than the Traditional LL.M.). All grades, with the exception of substituted courses, or courses taken at another institution or other divisions of NYU, are used in computing the average. The grade point average is computed as follows: A+, 4.33; A, 4.0; A-, 3.67; B+, 3.33; B, 3.0; B-, 2.67; C, 2.0; D, 1.0; F, 0. The GPA is figured by dividing the grade points earned by the number of credits attempted.

### **LL.M. Re-Registration and Substitution**

A student who receives an "F" in a course earns no credit towards the LL.M. degree for that course. If the "F" is in a required course, the student must re-register for, and successfully complete, that course in the next semester the course is offered to qualify for the LL.M. degree. If the "F" is not in a required course, the student may re-register for that course or take another course to earn the required credits.

An LL.M. student who has a GPA below 2.67 after one year of study (or the equivalent in the case of part-time students) may take up to six additional credits (in any combination of courses but not exceeding six credits) in an effort to raise the student's GPA. Any additional credits may be taken in new courses, directed research, or in courses in which the student's grade was "C" or lower. The substituted-for grades will remain on the student's transcript but will not be counted in the student's GPA. Tuition will be charged for additional credits according to University and Law School rules. Re-registrations and substitutions must be paid on a per-credit basis, unless these elections are made during a semester in which the student is registered as a full-time student, and does not exceed the cap on credits per semester.

### **Letters of Concern and Warning**

Each semester, the Office of the Vice Dean reviews the records of students in academic difficulty. At the discretion of the Vice Dean, letters of concern may be sent to those students informing them that the Law School expects improvement in academic performance in the future semesters. Letters of warning may be sent to students whom the Vice Dean deems to be in academic difficulty of a more serious nature indicating the necessity for immediate remedial action. Receipt of a letter of concern or warning does not constitute academic probation.

### **Dismissal for Academic Reasons**

A student may be dismissed for academic reasons only by the faculty members of the Executive Committee. The basic standard used by the Executive Committee in determining the question of academic dismissal is the likelihood of the student's failing to meet the graduation requirements in the normal number of semesters. A student who has accumulated a sufficient number of "F," uncompensated "D," "INC," or "IP" grades to indicate that he or she is not reasonably able to meet the graduation requirements in six full-time semesters without exceeding the 15 credit per semester maximum will be dismissed, unless extraordinary reasons are shown for extending the time period.

### **Honors**

New York University School of Law does not rank students and does not maintain records of cumulative averages for its students. For the specific purpose of awarding scholastic honors, however, unofficial cumulative averages are calculated by the Office of Records and Registration. The office is specifically precluded by faculty rule from publishing the averages

and no record thereof will appear upon any transcript issued. In addition, the Office of Records and Registration may not verify the results of a student's endeavor to define his or her own cumulative average or class rank, including confirmation to prospective employers. Only grades posted by June 25 will be considered when calculating grade point average for Scholars, the Order of Coif, and Latin honors. This deadline may be extended by the Vice Dean only if grades for an entire class have not yet been submitted.

### **Scholars**

At the end of the first year, as soon as spring grades are available, the ten students with the top cumulative grades from the first year will be designated as **Pomeroy Scholars**.\*

Following the first four semesters registered in the Law School (equivalent to a minimum of 54 law credits), the following designations will be made. These honors are not available to students who transferred to NYU School of Law in their second year.

1. The ten students with the top cumulative grades after four semesters will be designated as **Butler Scholars**.\*
2. The top 10% of students based on their cumulative four semester averages (other than Butler Scholars) will be designated as **Florence Allen Scholars**.\*
3. The top 25% of students based on their cumulative four semester averages (other than Butler and Allen Scholars) will be designated as **Robert McKay Scholars**.\*

\* These designations were introduced beginning with the Class of 1999.

### **Order of the Coif**

The Order of the Coif is a national society established to honor those law students who have attained high academic distinction in the study of law. The Order of the Coif takes its name and traditions from the ancient English organization from which judges were selected. Under the national constitution, membership is limited to the highest 10% of the senior class.

In order to be eligible for membership in the Order of the Coif, a graduating student must have completed at least 75% of his or her law studies in graded courses at NYU School of Law; and must be in the top 10% of the graduating class. Both 6-semester J.D.s and 4-semester J.D.s (transfer students or students who spend two semesters as a visitor at another law school) are eligible for Order of the Coif. However, in order for 4-semester J.D. students to be eligible and meet the 75% graded course minimum, at least 63 of the 83 credits required for graduation must be in NYU School of Law graded credits. Please note that additional tuition charges apply if a J.D. student exceeds 90 credits overall. The number of students eligible to be in the top 10% of the class is computed based on the entire class, including 4-semester J.D.s. Ten percent of the number of 4-semester J.D.s are calculated, and that number is the maximum number of 4-semester J.D.s eligible for Coif from among the top 10% of the entire class. The balance of the overall 10% number of slots are filled by 6-semester J.D.s only. Only grades posted by June 25 will be considered when calculating final Coif designations for 6-semester and 4-semester J.D.s.

### **Cum Laude, Magna Cum Laude and Summa Cum Laude**

The following honors are awarded each year to members of the graduating class: Cum laude: to graduates whose grade point average places them in the top 25% of their class. Magna cum laude: to graduates whose grade point average places them in the top 10% of their class. Summa cum laude: to the very few students (if any in a particular year) who, in the judgment of the Executive Committee, have compiled a truly outstanding academic record.

### **Prizes**

The following prizes and honors will be listed on transcripts:

Summa Cum Laude, Magna Cum Laude, or Cum Laude Graduation



Order of the Coif  
Convocation Awards

Staff and editorial positions of these organizations:

*Annual Survey of American Law*  
*Environmental Law Journal*  
*Journal of Intellectual Property & Entertainment Law*  
*Journal of International Law and Politics*  
*Journal of Law & Business*  
*Journal of Law & Liberty*  
*Journal of Legislation and Public Policy*  
*Law Review*  
*Moot Court*  
*Review of Law & Social Change*

## **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 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