

**UNIVERSITY OF THE PACIFIC  
McGEORGE SCHOOL OF LAW**

**GRADING AND ADVANCEMENT COMMITTEE  
RULES, REGULATIONS AND PROCEDURES  
FOR THE J.D. PROGRAM**

**REVISED AS OF  
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## 100. INTRODUCTION

101. Authority. The Grading and Advancement Committee (hereinafter referred to as “G & A”) is the body duly authorized by the Faculty and Administration of University of the Pacific, McGeorge School of Law (School of Law), to study, develop, adopt and apply rules, regulations and procedures pertaining to course requirements, examinations, grading, advancement, graduation, and related matters. Major policy considerations with the Committee's recommendation will be presented to the entire faculty for debate and vote before official adoption.
102. Membership. The Grading and Advancement Committee shall consist of a minimum of five faculty members, three alternate faculty members, and two student members. (Revised 11/5/03, 4/25/13)
- a. The Student Bar Association shall select two student members, one each from the Day and Evening Division.
  - b. Student members of G&A shall participate in Committee meetings and vote on general policy considerations. However, they shall not be present when petitions or other matters regarding individual students are being considered. (Revised 11/5/03)
  - c. The Dean shall appoint regular and alternate faculty members from among the voting members of the faculty of the School of Law. Alternate faculty members shall serve, in rotation, in the place of any regular faculty member who is unable to attend an Executive Meeting of the Committee, as defined in Rule 1101.c. If fewer than five regular faculty members and alternate faculty members are available for a scheduled Executive Meeting, the Dean shall appoint a sufficient number of temporary members from among the voting members of the faculty to achieve a faculty membership of five. References in these rules to members of G&A include alternate and temporary members during the time they are serving in the place of any regular faculty member. (Adopted 11/5/03)
103. Scope. The rules, regulations and procedures contained in this document are intended to serve as a supplement to and not a replacement for the official catalog of the law school.
104. Petitions. Any student who is affected adversely by the application of these rules, excepting Rules 703c and 703f, may file with the Office of the Assistant Dean for Student Affairs, a petition to G & A for relief or waiver setting forth the nature of the request and the reasons why it should be granted (Revised 4/20/17).

- a. Such petitions shall be filed within 15 calendar days from the date of notice of the application of the rule from which the student seeks relief. Notice may be provided by mail, email, posting, or other form of publication.
- b. No specific format is required for a student petition, the substance being more important than the form.
- c. G & A shall consider the written petition and grant, modify, or deny the relief requested.
- d. G & A shall be the final decision-making body in matters concerning student petitions unless the student-petitioner timely files a notice of appeal. (Revised 4/7/10, 4/25/13)

104.1 Any student submitting a petition to the Grading and Advancement Committee shall have the right to appear personally before the Committee. Such personal appearance by the individual petitioner shall be limited to the purpose of informing the Committee of any new facts which have a significant and substantial bearing upon the issue before the Committee or to answer any questions which the members of the Committee may have relevant to the issue before the Committee. (Revised 9/18/14)

In no event shall any inference, either adverse or beneficial, be drawn from an individual petitioner's failure to personally appear in support of his or her petition before the Committee. (Revised 4/25/13)

105. Reconsideration and Appeals of the Committee's Rulings.

a) A student may file a petition for reconsideration of the Committee's decision only upon discovery of new evidence not available at the time of the initial petition. Petitions for reconsideration shall be filed within 10 calendar days from the date of notice of the decision on the underlying petition. A petitioner-appellant has the right to appear before the committee. In no event, however, shall the Committee reconsider the same matter more than once, nor shall a denial of a petition for reconsideration be subject to reconsideration, except that the underlying matter maybe subject to appeal. The composition of the Executive Committee when considering a petition for reconsideration shall, to the extent practicable, be the same as when it decided the original petition.

b) A student may file an appeal of the Executive Committee's decision when there has been procedural error or bias or abuse of discretion by the Executive Committee as

described in Rule 1108. (Adopted 1/19/79; Revised 4/24/92, 4/21/04, 4/25/13, 9/18/14, 03/29/18)

106. Ex Parte Communications. Students are encouraged to seek academic advice from members of the faculty, and members of the faculty are encouraged to provide such advice to the extent that it is consistent with their other obligations. Faculty members of the G & A Committee must be cautious that such academic advice efforts do not impair their ability to bring independent judgment to matters that come before the Committee.
- a. Where any member of the Committee believes that his or her independence of judgment (or the appearance thereof) has been impaired, the member should not participate in the Committee discussion or decision of any petition that may be so affected.
  - b. Except as provided herein, a student and any voting faculty member of the G & A Committee must not discuss with each other any petition that a student has filed, intends to file, or is considering filing under these rules.
  - c. Students desiring information about the petitioning process should confer with the Assistant Dean for Student Affairs. A student may also discuss G & A Committee rules and procedures with the Chairperson of the Committee.
  - d. This rule does not impair any student's right to appear personally before the Committee upon request pursuant to Rule 104.1. (Adopted 4/29/02) (Revised 4/7/10)

## **200. COURSES**

201. Required Courses. The School of Law Website and The Black Book list required and elective courses. All required courses shall be graded with the exception of those specifically designated "honors/pass/low pass/fail." The Assistant Dean for Student Affairs has discretion to allow a student to waive out of a required course in cases where the course is not tested on the bar examination in the jurisdiction where the student intends to practice. (Revised 4/25/13) (Note requirements in Rule 604)
202. Electives. Elective courses shall be "graded" or "honors/pass/low pass/ fail." At the discretion of the Professor, in consultation with the Curriculum Committee, before a course is added to the course catalog, a professor decide may offer students an election

between taking the course graded or "honors/pass/low pass/fail." (Revised 4/25/13, 4/28/16, 03/29/18)

- a. Graded Electives. Those courses designated as "graded electives" will use the same letter grading system as required courses as described in Rule 500 et seq.
- b. "Honors/Pass/Low Pass/Fail" Electives. In those courses designated as "honors/pass/low pass/ fail", the following grading standards will apply:
  1. "Honors" will be awarded for work performed at a superior level.
  2. "Pass" will be awarded for work performed at an acceptable level.
  3. "Low Pass" will be awarded for work performed at the "C," "C-", "D+" or "D" levels. (Added 4/25/13, Effective 5/13/13)
  5. "Fail" will be given to students whose work in the course was at the failing ("F") level.
  6. Students earning the designation of "Fail" will not receive unit credits for the course. (Revised 4/23/93, 4/28/16)

203. (Repealed 4/24/92)

204. Graduation Credit. Of the 88 semester units required for graduation, 72 semester units must be earned in graded courses. (Adopted 2/17/10; Effective 8/16/10)

205. Minimum Course Load.

- a. Day Division. A day division student must be enrolled for credit in at least 12 units per semester and must be devoting substantially all working hours to the study of law. (Summer Session Excepted)
- b. Evening Division. An evening division student must be enrolled for credit in at least eight (8) units per semester. (Revised 4/7/10)
- c. The course of study for the J.D. degree must be completed no later than 84 months (7 years) after a student has commenced law study. (Revised 4/25/13)

### **300. ATTENDANCE, PREPARATION AND PARTICIPATION**

301. The School of Law subscribes to the policy of the American Bar Association's Section on Legal Education which considers student preparation and class attendance essential for a legal education.
302. Each professor shall consider a student's class attendance in assigning the student's final grade in a course. A professor may consider a student's preparation, participation, and performance in assigning his/her final grade in a course. In flagrant instances of repeated absences, a professor may notify the Associate Dean for Academic Affairs that, by reason thereof, the professor is considering requesting the Associate Dean disenroll the student, or denying the student the right to take the final examination or the right to submit the final written assignment. Thereupon, the Associate Dean for Academic Affairs shall notify the student in writing that unless the professor deems student's attendance after receipt of the notice satisfactory, he/she may be disenrolled from the course, or denied the right to take the final examination or denied the right to submit the final written assignment in the course. If the professor deems the student's attendance following receipt of the notice is unsatisfactory, the professor may, with the concurrence of the Associate Dean for Academic Affairs, direct the Registrar to disenroll the student, or deny the student the right to take the final examination, or deny the student the right to submit the final written assignment in the course. In assigning a final grade pursuant to this rule, no final grade shall be changed more than one-third of a grade (e.g. "B-" to "C+") without the concurrence of the Associate Dean for Academic Affairs. (Revised 4/7/10, 4/25/13)
303. A professor may not alter a final grade under Rule 302 after final grades in the course have been submitted to students. (Adopted 11/2/84)
304. (Deleted 9/8/14)

#### **400. EXAMINATIONS**

401. When Required; Form. There shall be a comprehensive written final examination of suitable length and complexity in each course, with the following exceptions:
- a. clinical and practical courses, which may be graded according to the professor's evaluation of the student's performance; and
  - b. other courses as approved by the Dean or the Associate Dean for Academic Affairs; such approval may be conditioned upon a writing requirement.

Except as otherwise approved by the Dean or the Associate Dean for Academic Affairs, questions that call for a response in essay form shall be the predominant form of examination. (Revised 4/19/91)

402. Length and Weight. Except in courses in which examinations are not required (see Rule 401), final course grades shall be based on examination and other assessment scores together with class attendance, preparation, participation, and performance, as provided in Rules 302 and 303. Faculty members will announce in advance the graded assessments for the course and the weight assigned to each graded assessment used in determining the course grade. The minimum total time for final examinations in each course shall be two hours. This may be changed for a particular course offering at the discretion of the Associate Dean. (Revised 4/19/91, 11/22/91, 1/29/15)

403. Prospective Missed Examinations/Assessments

A student who cannot sit for an examination or assessment due to bona fide illness, emergency, a school-related competition (such as Mock Trial or Moot Court), obligations to the National Guard or similar organization, jury duty, a provably unmovable conflict with a work obligation, or personal tragedy shall seek prospective permission from the Assistant Dean for Student Affairs. Professors may not entertain such requests. Full written verification of the reason requiring an excused absence will be required.

If the Assistant Dean for Student Affairs prospectively excuses the student from an examination/assessment under this rule, the student will make up the examination/assessment as soon as possible, but not later than 5 days following the original administration. In the event that the situation prompting the excused absence continues longer than 5 days, it shall be within the discretion of the Assistant Dean for Student Affairs to schedule the make-up exam at a later date. (Revised 03/29/18)

403.1 Retrospective Missed Examinations/Assessments

A student who, for any reason, does not sit for an examination/assessment, or any portion thereof, shall immediately contact the Assistant Dean for Student Affairs. In consultation with the professor, the Assistant Dean for Student Affairs will determine whether to allow the student 1) to sit for the examination/assessment at a later time with or without a score penalty or 2) receive the score for that examination/assessment that is the equivalent of the average score received on all other examinations/assessments in the course. In the event that the Assistant Dean for Student Affairs and the professor disagree, the Associate Dean for Academic Affairs will decide which option will be employed.

(Adopted 4/28/16 and former Rule 403 repealed, Amended 4/20/17)

404. Missed Examination-Unexcused Partial Exam. Letter grades for assignments and exams are calculated from numeric values between 40 and 100. Instructors shall enter a numeric score of 40 for any missed portion of any graded assessment or examination



which would have received a separate grade and which is not excused pursuant to Rule 403. (Revised 4/20/17, 03/29/18)

- 404.1 Missed Examination- Unexcused Entire Exam. A student who fails to take any graded assessment or examination in a course and is not excused pursuant to Rule 403 shall receive a "0" for that graded assessment or examination. (Revised 4/19/91, 4/25/13, 9/18/14, 4/20/17)
405. Failure To Turn in Hand-Written Examination/Assessment Answer. After completing an examination/assessment and before leaving the examination room, each student who hand-wrote any part of an examination/assessment answer shall place that answer in a receptacle provided for that purpose. A student who omits to do so shall have his or her score for that portion of the examination/assessment determined as follows:
- a. A student who seeks to turn in an examination/assessment answer after leaving the examination room may have the answer read and scored if (1) the student has not previously violated Rule 405, (2) upon discovering the omission the student without unnecessary delay turned the answer in to the Associate Dean for Academic Affairs or the Assistant Dean for Student Affairs, (3) the student satisfactorily accounts for his/her whereabouts and the whereabouts of the answer at all times prior to turning in the answer, and (4) the Associate Dean for Academic Affairs or the Assistant Dean for Student Affairs concludes that allowing the answer to be read and scored will not violate the integrity of the examination/assessment.
  - a. A student whose answer is not read and scored under paragraph a. shall receive for that portion of the examination/assessment a score ten points lower than the average score the student receives on all other examination/assessment questions in the course (based on a 100 point scale) if (1) the student has not previously violated Rule 405 and (2) the Associate Dean for Academic Affairs or the Assistant Dean for Student Affairs concludes the omission was the result of excusable neglect. Otherwise, the student shall be treated as having been absent from that portion of the examination/assessment without excuse and shall have his or her score for that portion of the examination/assessment determined in accordance with Rule 404. Any grades given under this rule will not be included in the grade calculations provided in Rule 500, et. seq (Revised 4/25/13)
- 405.1 Failure to Turn In Take-Home Exam/Paper. Students who fail to turn in a take-home exam and/or assigned paper on the date and at the time designated by their professor shall have their grade reduced as indicated by the course syllabus. If the course syllabus is silent as to the penalty for late take-home examinations or papers the student's grade

on the paper or exam shall be reduced by a full letter grade for each twenty-four hour period, or part thereof, that the exam/paper is late. (Adopted 4/25/13)

406. Make-up Examinations for Exams Excused pursuant to Rule 403. A student who has missed or intends to miss an examination/assessment shall communicate as quickly as possible with the Assistant Dean for Student Affairs or the Associate Dean for Academic Affairs, who may excuse the student's failure to take the examination/assessment for the reasons set forth in Rule 403, in which case the following provisions apply:

- a. The student shall be informed of the provisions of this Rule and admonished to refrain from discussing the content of the missed examination/assessment with anyone and not to receive any information about the content of the missed examination/assessment until the missed examination/assessment has been made up or the student has been informed that the make-up examination/assessment will not be the same examination/assessment as was given to the class as a whole. Because classmates may post information about the exam on social media, students who are taking a make-up exam should refrain from viewing social media as well. Students who take make-up exams before their class should refrain from posting information about the exam on social media until the student has been informed that the exam has been given to the class as a whole. (Revised 4/28/16)
- b. The student shall take a special make-up examination/assessment at a time to be determined by the Assistant Dean for Student Affairs. (Revised 4/18/07, 4/25/13, 4/28/16)
- c. Immediately before taking a special make-up examination/assessment that is the same examination/assessment as given to the class as a whole, the student must write out and sign an honor code declaration, as follows:

"I am aware of the provisions of the McGeorge School of Law Code of Student Responsibility prohibiting the giving or receiving of unauthorized assistance in any academic pursuit, including examinations, and prohibiting false statements in connection with official business of the School of Law. I declare under penalty of perjury that I have not or will not discuss with anyone the content of the examination and have not received any information about the content of that examination."

(Adopted 4/21/04, and former Rule 406 repealed, Revised 4/28/16)

407. Exam Materials. Students may use pen or laptops to record examination/assessment answers. Unless an announcement is made to the contrary before the

examination/assessment, students may bring only pens and laptops to the examination room. Students for whom English is a second language and who have completed their undergraduate degree at a non-English based institution may request in advance that the Law School provide an English dictionary for their use during an exam. (Adopted 4/18/07, and former Rule 407 repealed, Revised 4/25/13)

408. Examination Conduct. Students are expected to conduct themselves honorably and in a professional manner during examinations/assessments. Any breach of this standard may result in confiscation of exam/assessment papers, failure of the course, and further disciplinary action up to and including expulsion.

409. Grade of "Incomplete". A grade of "incomplete" may be entered in a course when the requirements for that course are not completed for reasons deemed acceptable by the professor. (Adopted 4/30/85, Revised 4/20/17)

409.1 The work assigned in a course as to which a grade of "incomplete" is given under Rule 409 must be completed by the first day of classes of the second semester (including Summer Session) after the semester when the course ended. If it is not, a grade of "fail" will be entered. (Revised 4/19/91)

410. Use of Computers on Examinations/Assessments

Laptop or other portable computers may be used to type examination/assessment answers only if: (1) the computer is equipped with approved blocking software that is in use for the duration of the exam, and (2) the computer meets any other specifications that may, from time to time, be established by the Law School. This subsection does not apply to take-home examinations. (Adopted 4/29/02; Revised 4/25/13)

411. In the following courses: Torts, Contracts, Property, Civil Procedure, Criminal Law, Statutes and Regulations, Legal Profession, and Global Lawyering Skills I, scores will be based on the following Scale, which is roughly equivalent to the following letter grades:

A+ 100  
A 95-99  
A- 90-94  
B+ 85-89  
B 80-84  
B- 75-79  
C+ 70-74

- C 65-69
- C- 60-64
- D+ 55-59
- D 50-54
- F Lower than 50

Scores do not appear on transcripts and do not represent a final grade in a course. All scores are subject to adjustment and finalization as set forth in Rule 501 (Adopted 4/20/2012, Revised 1/29/15).

412. REPEALED (4/20/2012)

## 500. GRADES AND GRADING

501. Range of grades and grade distributions

1. Letter grades for graded courses shall include "A+" through "F".
2. All grades in required graded courses other than Global Lawyering Skills I and II, Principles of Legal Analysis I, and Principles of Legal Analysis II must meet the following grade distribution standard, in addition to the applicable targeted arithmetic mean set forth in subsection (3) below:

	Min. %	Max. %
A+	0	2
A	2	10
A-	5	15
B+	15	25
B	25	35
B-	15	25
C+	5	15
C and below	0	15

In determining compliance with the ranges set forth above, fractions may be rounded up or down at the discretion of the instructor. For example, in a class of 70 students, 5 % = 3.5 students and 15% equals 10.5 students. The instructor may give between 3 and 11 grades of C+.

In courses in which both Juris Doctor (JD) and Master of Science of Law (MSL) students are enrolled, only the JD students will be counted in determining compliance with the grade distribution and targeted mean.

3. The following arithmetic means are the targets, with .1 on either side of the mean being an acceptable variation, for the courses categorized below.

The following required courses: Civil Procedure, Contracts, Criminal Law, Legal Profession, Statutes and Regulations, Property, and Torts (Revised 1/29/15; Revised 3/29/18) .....2.9

The following bar-tested courses: Business Associations, Community Property, Constitutional Law, Criminal Procedure, Evidence, Professional Responsibility, Remedies, Wills and Trusts (Revised 4/28/16).....3.0

Elective courses with 30 students or more on the last day of instruction .....3.1

Elective courses with 16-29 students on the last day of instruction .....3.2

Elective courses with 1-15 students on the last day of instruction .....3.3

4. Except as provided below in subsection (5), grade increases or decreases permitted by the Grading and Advancement Rules, Regulations, and Procedures count in applying the required grade distribution and /or targeted mean.
5. Global Lawyering Skills I classes shall have a targeted arithmetic mean of 3.0. Global Lawyering Skills II classes shall have a targeted arithmetic mean of 3.2. In both Global Lawyering Skills I and II, a .1 difference on either side of the targeted mean is an acceptable variation. Faculty in Global Lawyering Skills classes shall meet prior to submission of their grades and review their grading distributions as well as their targeted means. If a faculty member cannot meet with the group, the Director of the Program shall review and adjust the grades for that section. (Revised 9/18/14).
6. There will be no targeted means for Principles of Agency and PASS III. The professors of the same course shall consult with one another and the Associate Dean as to distribution and mean prior to submitting grades.
7. Faculty who believe that their course requires variance from the distribution and/or targeted means must obtain the approval of the Associate Dean for Academic Affairs. They should submit a request detailing the reasons for the variance. The greater the variance, the more detail is appropriate.

8. The Associate Dean may in his or her discretion contact a faculty member to discuss adjustment of grades or grading distribution in light of existing grading practices at the school and/or the Grading and Advancement rules. (Revised 4/20/2012)

501.1. Grading in most courses at the School of Law is anonymous. This means that the students are given a confidential exam number to use for assignments and exams. The professor does not know what grade goes with which student by student name. In some courses, however, grading may not be completely anonymous. In those courses, students will use their confidential exam number for some assignments and exams and will use their name for some assignments and exams. In other courses, grading is not anonymous at all- assignments and exams are graded using only the student's name.

Additionally, professors can provide grade adjustments to any student per Rule 302. In such cases, the professor will necessarily know a student's name when making the adjustment. Moreover, a professor may also opt to ascertain how a student performed on the assignments and exams in the course when deciding on an adjustment for that student.

Professors will inform students in writing of the anonymous or non-anonymous grading procedures for the assignments, exams, and grade adjustments in their courses. (Adopted 3/10/2014)

502. Interpretation of Grades. Letter grades have the following subjective interpretations: (Revised 3/20/96)

- A = Exceptional, Outstanding Performance
- B = Very Good, Skillful
- C+ = Satisfactory Demonstration of Professional Competence
- C = Unsatisfactory because of Some Deficiency in Knowledge or Analysis or both
- D = Unsatisfactory, Showing Grave Deficiencies in Knowledge and Analysis
- F = Failing, No Demonstration of Knowledge or Analytic Ability

503. "Honors/Pass/Low Pass/Fail" Grades. These grades are explained in Rule 202b above. (Revised 4/23/93, 4/25/13, 8/8/16)

504. Grade Point Average (GPA). A student's GPA is determined by dividing his/her grade points earned by the number of units attempted, but not counting units attempted in "honors/pass/low pass/fail" courses in which a grade higher than "fail" was received.

Grade point values are awarded for letter grades (multiplied by the number of units for that course) as follows: (Revised 4/23/93, 3/20/96, 4/19/06, 4/25/13; Effective 8/14/06)

GRADE		GRADE POINTS
A+	=	4.33
A	=	4.00
A-	=	3.67
B+	=	3.33
B	=	3.00
B-	=	2.67
C+	=	2.33
C	=	2.00
C-	=	1.67
D+	=	1.33
D	=	1.00
F	=	0.00

#### 505. RE-EVALUATION OF GRADES.

- a. The following are the purposes of these rules:
  1. To provide for an independent appeal procedure for grades assigned on the basis of factors other than examinations/assessments taken with anonymous numbers.
  2. To express the residual authority of the School to correct abuses of professional discretion in the evaluation of examination/assessment papers and/or assigning of grades. (Revised, 1983)
  3. To prohibit the general re-reading of examination/assessment papers taken with anonymous numbers.
- b. To implement these purposes, the following rules and procedures will be followed:
  1. A student seeking review of a grade shall file a petition (Rule 104) within 15 calendar days of the date on which the final grade was announced.
  2. Where the petition simply alleges a dissatisfaction with grading of examinations taken anonymously, no relief will be granted. When the petition alleges discrimination or abuse of discretion in assigning grades on other than an anonymous basis or where the petition alleges abuse of

professional discretion in the evaluation of examination/assessment papers, and/or assigning of grades, G & A shall review the matter in consultation with the professor involved and may grant such relief as it deems appropriate.

3. Individual professors shall have no authority to change grades, and they are expressly discouraged from re-reading any papers for the purpose of re-evaluation and grade change. When requested to re-read a paper, the professor shall advise the student of the right to petition.

## **600. ADVANCEMENT AND GRADUATION REQUIREMENTS**

Rules 601-607 describe the academic standards students must achieve in order to advance to the next year of legal education or to be recommended for the Juris Doctor degree. A student who fails to satisfy the standards for advancement or graduation is academically disqualified and may not re-enroll. (Revised 4/6/94)

601. Definitions. (Revised 4/6/94)

- a. "Cumulative GPA" The grade point average for all work undertaken at the School of Law computed pursuant to Rules 503, 504, and 700 et seq.
- b. "Annual GPA" (Repealed 4/6/94) The Grade point average for all work undertaken at the School of Law computed pursuant to Rules 503, 504 and 700 et. seq. for a specified academic year.

602. (Repealed 4/6/94)

603. Period of Review. Grades will be reviewed to determine eligibility for advancement and graduation on the basis of grades received through the end of each semester. (Revised 4/6/94, 4/7/10, 4/28/16)

604. Advancement Standards: Required Courses. To be eligible to graduate, a student must have completed all required courses, as set forth in Rule 201, with passing grades (i.e., grades higher than "F"). (Revised 4/19/91, 4/7/10, 4/25/13, 4/20/17)

605. Advancement Standards: Cumulative GPA and Good Academic Standing. The minimum cumulative standard to advance to the spring semester of the first year is a 1.90 GPA. The minimum cumulative standard for advancement to the next year of law school in good standing is a 2.33 GPA. A student with a GPA that falls within the range from 2.180 through and including 2.324 at the end of any academic year other than the final year is on academic probation for the upcoming academic year and may only continue



enrollment under the conditions set forth in Rule 605.1. A student on probation is not in good academic standing. (Revised 4/12/00, 4/19/06, 4/7/10, 10/25/13, 5/18/16)

605.1 Probation (Adopted 5/18/16)

- a. All probationers must meet with the Assistant Dean for Student Affairs for program approval prior to the start of the probationary year. The approved program of study must include repetition of any required courses in which the student received a grade below a C+, unless, for clear and convincing reasons, the Assistant Dean for Student Affairs determines that repetition is not necessary for successful completion of probation. Probationers are required to participate in follow-up counseling sessions as deemed appropriate, as a condition of continued enrollment.
- b. Unless grounds for exception are found by the Assistant Dean for Student Affairs, programs of study for full-time probationers will not exceed 13 units, 10 of which will be in required courses. Programs of study for part-time probationers will not exceed 10 units, 6 units of which will be in required courses.
- c. Successful completion of probation requires achievement of a cumulative GPA of 2.33 at the end of the spring semester after placement on probation or the scheduled graduation date, whichever is sooner.
- d. No student may repeat probationary status. A student who has previously been on probation and thereafter has a cumulative GPA below 2.33 at the end of an academic year or at the end of a student's course of study is not eligible to continue.

605.2 Advancement Standards: Directed Study Program.

Any student whose cumulative GPA, at the end of the first academic year, falls below 3.0 shall be placed in the Directed Study Program. Once placed in the Directed Study Program, a student will remain subject to its requirements even if in subsequent years the student is no longer has a cumulative GPA below 3.0. Students who have a cumulative GPA of 2.9 to 3.0 may petition the Dean of Students to be removed from Directed Study and students who have a cumulative GPA of 3.0 to 3.1 may petition the Dean of Students to be included in some or all parts of Directed Study.

The requirements of the Directed Study Program are as follows:

- (a) All students who qualify for Directed Study are required to participate in academic

counseling with a representative of the Office of Student Affairs, each year.

(b) All students who qualify for Directed Study are required to take Remedies & Principles of Law during their second year (for full-time) or third year (for part-time), Business Associations, and at least one of the following bar courses: Community Property, Criminal Procedure, or Wills & Trusts.

(c) All students who qualify for Directed Study are also required to take PASS I in their last year of law school (Adopted 3/30/2012)

(d) Students who qualify for Directed Study and who have a cumulative GPA below a 2.5 must also take Principles of Agency during the fall semester of their second year. (Adopted 3/30/2012; Revised 03/29/18)

606. (Repealed 4/6/94)

607. Graduation Requirements. The minimum cumulative GPA required for graduation is 2.33. Other requirements which must be met in order for a student to be recommended for the Juris Doctor degree include, but are not limited to, Rules 204, 205, 604, and 605.2.. For a complete list of graduation requirements, please consult the Law School website. (Revised 4/19/91, 3/20/96, 4/19/06, 4/25/13)

## **700. REPEATING COURSES**

701. Repeat of Failing Work--Required Courses. A student who receives a grade of "F" or "Fail" in a required course shall be required to repeat the course. The "F" or "Fail" grade shall remain on the transcript, but once the course has been repeated only the repeat grade will be counted for GPA purposes. However, the highest number of grade points credited to the student will be 2.33 per unit (the equivalent of a "C+" grade). (Revised 4/19/91, 3/20/96, 4/19/06)

702. Repeat of Non-failing Work and Electives. Students shall not be permitted to repeat any elective courses nor any required courses in which they received non-failing grades, except as provided in Rules 605 and 703.

703. Continuation of Study By Means Other Than Rules 605. A student who is not qualified to continue enrollment under Rule 605 may only continue as specified in this Rule.

- a. A student may petition the G & A Committee for an exception to Rule 605.1(c) or 605.1(d) on the ground that highly extraordinary circumstances warrant this result. Exceptions shall not generally be granted given that failure to complete probation satisfactorily represents two years of unacceptable performance,

which is a poor foundation for further legal study at that time. (Revised 5/3/00, 5/18/16)

- b. A student disqualified in June from continued study by a GPA lower than 2.18 may petition the G & A Committee for permission to repeat the unsuccessful year. Such petitions will only be received during April of the spring following disqualification. (Revised 5/18/16)
- c. A student disqualified in January from continued study by a GPA lower than 1.90 may petition the G&A Committee for permission to begin law study again as a first year student. Such petitions will only be received on or before June 15th of the year of disqualification. (Adopted 5/18/16, Revised 6/28/16, 4/20/17)
- d. Any petition brought pursuant to 703(b) or 703(c) will only be granted upon a showing that: 1) a demonstrable condition impaired performance; 2) the condition has now been successfully addressed; and 3) there is convincing reason to expect successful repetition of the student's prior year of law study and successful completion of graduation requirements. (Adopted 5/18/16)
- e. Requests to shorten the time for filing a petition to repeat the unsuccessful year are strongly disfavored and will be considered only if they satisfy the criteria set forth in Rule 703 (d). (Adopted 5/18/16)
- f. Petitions to shorten the time for filing petitions pursuant to Rule 703 (b) will be granted only upon clear and convincing evidence that the petitioner would receive no benefit and, in fact, would be uniquely and irreparably harmed by waiting for the period required by Rule 703 (b). Petitions to shorten the time for filing petitions pursuant to Rule 703(c) are not allowed. (Adopted 5/18/16)

704. Effect on Transcript and GPA. If a student repeats one or more classes under Rule 605: (Revised 11/14/01)

- a. The earlier grades the student received will not be removed from the transcript;
- b. The new grades will be shown on the transcript; and
- c. Only the new grades (in the case of repeat work, whether higher or lower than the earlier grades) will be considered for determining the GPA. The new grades will be considered at full value without a "C+" maximum as provided in Rule 701. (Revised 3/20/96)

## **800. INTER-DIVISION PROGRAM CHANGE**

801. To change his or her program from the full-time to the part-time Division or from part-time to the full-time Division, the student must consult with the Assistant Dean for Student Affairs to receive approval and program counseling. As part of the process, part-time students switching to full-time will need to show they have maintained a 3.0 GPA. In the alternative, the student may submit a petition requesting an exception to this requirement if the student can establish that the change will help ensure academic success. (Revised 4/28/16)
802. A student who changes programs between the full-time and part-time Divisions carries forward on his or her transcript all final grades received prior to the program change.

## **900. WORK TAKEN OUTSIDE THE MCGEORGE JD PROGRAM**

901. A JD student is allowed to enroll in up to 6 units in other McGeorge Programs without approval and an additional 3 units with the approval of the Associate Dean. (Revised 4/20/17)
902. Course Work Taken at Other ABA - Accredited Schools by McGeorge Students. Students enrolled at the School of Law who wish to take elective courses during the school year or summer session at another ABA-accredited law school must obtain approval in advance from the Assistant Dean for Student Affairs or the Associate Dean for Academic Affairs.
- a. Petitions requesting this opportunity should set forth the school, course description, instructor, and whether or not transfer credit back to the School of Law will be sought.
  - b. Permission will not be granted in the case of required courses or clinics, field placements, internships, externships, or similar activities, nor for more than six (6) semester units of credit, total. (Revised 4/6/94)
  - c. When transfer credit is granted, only the units, and not the grade, will be credited. The course will be treated the same as a "Honors/Pass/Low Pass/Fail" course for GPA purposes. For application of Rule 204, the course may be treated as a graded course if it was graded when taken unless an equivalent course at the School of Law is ungraded. (Revised 4/23/93, 4/25/13, 9/18/14)
903. Course Work Taken at Foreign Institutions by McGeorge Students. Students enrolled at

the School of Law who wish to take courses at a foreign institution must obtain approval in advance from the Assistant Dean for Student Affairs or the Associate Dean for Academic Affairs.

- a. Requests for approval must include an educational objective, set forth the school and course descriptions, and indicate whether or not transfer credit back to the School of Law will be sought. If transfer credit is sought, a statement of semester unit equivalents must be provided.
- b. Permission will be granted only to students with a cumulative GPA of 2.70 as of the last grading period prior to date of application, and only (i) for Day Division students who have completed their first year of study at the School of Law, and (ii) for Evening Division students who have completed their second year of study at the School of Law.
- c. Permission will be not be granted for a credited period of more than one semester nor for more than fifteen (15) semester units of credit. Required courses will not be waived and cannot be satisfied by any course taken at a foreign institution.
- d. When transfer credit is granted, only the units, and not the grade, will be credited. The course will be treated the same as and “Honors/Pass/Low Pass/ Fail” course for GPA purposes; however, for the purposes of rule 204, one-half of the units earned will be treated as graded units. (Adopted 4/10/02; Revised 4/25/13)

904. Concurrent Enrollment Prohibited. Students are cautioned that concurrent enrollment at the School of Law and any other school is prohibited unless permission has been obtained in advance from the Assistant Dean for Student Affairs or Associate Dean for Academic Affairs. (Revised 4/25/13)

## **1000. AMENDMENT AND RESERVATION OF POWERS**

1001. Amendment. These rules and procedures are subject to amendment at any time by the faculty upon recommendation of the G & A Committee.

- a. The faculty and G & A will avoid changes which would result in preventing a student who is satisfactorily following a regular course of study from graduating at the normal time.
- b. However, no student shall have acquired any vested rights in the continued enforcement of the rules as now set forth.

1002. Reserved Powers. The School of Law reserves the right to modify or change the curriculum, admission standards, course content, advancement or degree requirements, regulations, tuition or fees at any time without prior notice. Information in this set of regulations or the catalog shall not be regarded as creating a binding contract between the student and the school.

#### **1100. PROCEDURAL RULES FOR GRADING AND ADVANCEMENT COMMITTEE**

1101. Committee Operating Procedures. The Committee shall have two types of meetings:

- a. Regular Meetings. Regular meetings shall be held at the call of the Chair or upon request of any two members of the Committee. Proposed agenda shall be distributed to Committee members at least two days before such meetings. Persons who are not members or ex-officio members of the Committee may attend such meetings if the majority of the Committee determines that such attendance is appropriate. Regular meetings shall consider all policy questions within the province of G & A. Regular meetings shall not consider or pass upon individual student petitions concerning relief from the application of G & A rules.
- b. Executive Meetings. Executive meetings shall be attended only by non-student members of the Committee. They shall be called by the Chair as needed and shall be concerned only with individual student petitions. (Revised 4/24/92)

1102. Agenda. The Chair shall prepare an agenda of all regular meetings that shall be available to any member of the McGeorge Community. (Revised 4/24/92, 4/25/13)

1103. Voting. No Committee members may vote by proxy. (Revised 4/25/13)

1104. Faculty Action. All decisions of the Grading and Advancement Committee involving major policy considerations are subject to faculty review. Where the majority of the members of G & A so determine, decisions of the Committee shall not become effective until reviewed and approved by the faculty.

1105. Record of Petitions. The Chair or the person he/she so designates will be responsible to keep a log-in, log-out record of all petitions submitted by students to the Executive Committee of the Grading and Advancement Committee. The Assistant Dean for Student Affairs shall notify the student when his/her petition will be heard. When the Executive Committee has decided a petition, the Assistant Dean for Student Affairs shall notify the student of the Committee's decision and shall record the Committee's decision in the student's education file. (Revised 4/24/92, Revised 4/20/17)

1106. Final Judgment. The notice of shall constitute the final judgment of the Executive Committee except when subject to reconsideration under Rule 105(a). Further, the Executive Committee has no jurisdiction to rehear matters except as described in Rule 105. (Adopted 3/29/18)
1107. The Appeals Panel. The Appeals Panel shall consist of three Faculty members, appointed by the Dean at the start of the school year and the Assistant Dean for Student Affairs who shall serve ex officio. Members of the Executive Committee may not also be members of the Appeals Panel. The function of the Appeals Panel is to hear and determine appeals from decisions of the Executive Committee as to student petitions as described in Rule 105(b). The Executive Committee shall appoint one of its member to explain the reasoning of the Executive Committee to the Appeals Panel. (Adopted 3/29/18)
1108. Timing of Appeal. The student-appellant shall have 10 days from the date the student-petitioner received notice of the Executive Committee's decision to file an appeal petition unless the student filed a Petition for Reconsideration under 105, in which case the 10 days is tolled until the Petition for Reconsideration is decided. (Adopted 3/29/18)
1109. Decision by the Appeals Panel. The Appeals Panel shall review the final judgment of the Executive Committee on the basis of the record and shall not receive additional evidence other than evidence of bias, procedural error, or abuse of discretion. The Appeals Panel shall render a decision, according to the dictates of the case. The Presiding Member shall deliver the decision of the Appeals Panel to the Assistant Dean for Student Affairs, who will notify the student of the decision and make a note in the student file. The decision of the Appeals Panel will be final. (Adopted 3/29/18)