

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

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**Juris Scientiae Doctor (JSD)**

**GRADING AND GRADUATING POLICIES  
RULES, REGULATIONS AND PROCEDURES**

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Approved by International and Graduate Studies Committee  
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Approved by Faculty  
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## **100. INTRODUCTION**

All candidates for the graduate degree of Juris Scientiae Doctor (JSD) are responsible for knowing and understanding these rules, regulations and procedures. Failure to be familiar with these regulations does not excuse a student from the obligation to comply.

Although every effort has been made to ensure the accuracy and completeness of these regulations, students are advised that the information contained in this document is subject to change. The Law School reserves the right to modify or change the curriculum, admission standards, course content, degree requirements, regulations, tuition or fees at any time without prior notice. The information in these regulations is not to be regarded as something that creates a binding contract between the student and the school.

### 101. Authority

The Graduate Studies Committee (“the Committee”) is the body duly authorized by the Faculty and Administration of University of the Pacific, McGeorge School of Law (“McGeorge”), to study, develop, adopt and apply rules, regulations and procedures pertaining to course requirements, examinations, grading, graduation, and related matters as these matters particularly apply to JSD students.

### 102. Scope and Definitions

The rules, regulations and procedures contained in this document are intended to serve as a supplement to the official catalog of the McGeorge School of Law, as used herein:

- a. “Student” refers to a student enrolled in the JSD program at McGeorge,
- b. “Degree” refers to the JSD program,
- c. “Graduate work” refers to course work, directed research or other work undertaken for academic credit while enrolled as a student enrolled in the JSD program.

### 103. Petitions

Any JSD student who is affected adversely by the application of these rules may file in the Office of the Director of Graduate Programs a written petition for relief setting forth the nature of the request, the applicable rule, and the reasons why it should be granted.

- a. Written petitions must be filed within fifteen (15) days of notice of the application of the rule from which the student seeks relief.
- b. No specific format is required for a student petition, the substance being more important than the form.
- c. As appropriate for the issue(s) raised, the Committee shall consider the written petition and grant, modify, or deny the relief requested.
- c. The Committee shall be the final decision-making body in matters concerning student petitions.

#### 104. Personal Appearances

Any student submitting a petition to the Committee pursuant to Section 103 shall have the right to appear personally before the Committee. Such personal appearance by the individual petitioner must be requested in writing at the time the petition is submitted, and shall be limited to the purpose of informing the members 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 may have relevant to the issue before the Committee.

Personal appearances may be made by attending the meeting in person, or by attending via Skype, Webex, or similar technology.

In no event shall any inference, either adverse or beneficial, be drawn from an individual petitioner's decision to forego a personal appearance in support of his or her petition.

#### 105. Reconsideration

A student may file a petition for reconsideration of the Committee's decision. Such petitions shall be filed within 15 calendar days from the date of notice of the decision on the underlying petition. Upon the filing of a student's written petition for reconsideration, the Committee, by majority vote, may reconsider its decision in any matter previously decided. A petition for reconsideration shall be limited to a written statement of any new matter that has arisen or has come to the petitioner's attention subsequent to the original petition. 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 further reconsideration. Whenever the Committee elects to reconsider a decision, the student requesting reconsideration shall not be entitled to appear personally before the Committee. The composition of the Committee when considering a petition for reconsideration shall, to the extent practicable, be the same as when it decided the original petition.

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 Graduate Studies 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 Graduate Studies 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 Director of Graduate Programs. A student may also discuss Graduate Studies 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.

**200. COURSES**

201. Required Courses

The McGeorge School of Law website lists required and elective courses for candidates for the JSD degrees.

202. Electives

Elective courses taken to fulfill the unit requirement for the degree being sought must be selected from the approved list of graduate elective courses or be approved by the Director of the program or his/her designee.

203. Auditing Courses

Degree seeking students who wish to audit courses must first obtain approval from both the program director and the instructor of the course, before registering as an auditor in the course.

204. Graduation Credits

Students must earn at least 12 credits during their residency year, as well as at least 8 credits during their candidacy years.

205. Maximum Time for Completion of Degree/Minimum Course Load

Students must complete the degree requirements within five (5) consecutive years from the date they begin graduate studies. There is no minimum course load during any academic period.

Upon petition filed under section 103, this period may be extended for good cause.

**300. WITHDRAWAL**

301. Withdrawal from a Course

After the add/drop deadline has passed (but prior to the end of the last day of class), requests to drop courses must be made to the Director of the program or his/her designee. Requests are normally approved only if the student demonstrates some special situation or hardship. A course that a student is allowed to drop after the deadline appears on the student's transcript with the notation "W" but does not count in the units earned or in the calculation of the grade point average.

Tuition and fee refunds, if any, are based on the date the student submitted the request.

302. Leave of Absence and Withdrawal from McGeorge

Students who intend to request a leave of absence for up to two semesters or to withdraw from the degree program have to initiate the process with the Director of the Program. The date used by Financial Aid for Return in the return of Title IV Aid calculation and the effective date used by the Business Office for tuition refunds, if any, is based on the date of request to the Director of the Program.

Courses the student was registered for after the last day to add/drop appear on that student's transcript with the notation "W" but do not count in the units earned or in the calculation of the grade point average.

If the student has not been enrolled for more than two semesters at McGeorge and wishes to return, he/she must apply for re-admission.

All rights and privileges offered to currently enrolled students are terminated upon the effective date of the withdrawal or leave of absence.

#### **400. ATTENDANCE, PREPARATION & PARTICIPATION**

401. Attendance, preparation and participation are governed by Grading and Advancement Rules for the JD program sections 300, et seq., except as otherwise provided herein. All appeals by JSD students regarding matters covered in the 300 section of the Grading and Advancement Rules for the JD Program shall be heard by the Grading and Advancement Committee.

#### **500. EXAMINATIONS**

##### **501. LAW Courses**

For LAW courses, examinations will be administered as provided for in the then current rules of the Grading and Advancement Committee for the J.D. program, with the exception of rule 407 and 410 that do not apply to online courses. (See sections 401, et seq.) All petitions by graduate students regarding final grades shall be heard by the Grading and Advancement Committee.

##### **502. Additional Time on and Use of Dictionary during Assessments and Examinations**

A student who received her or his undergraduate degree outside of the United States is entitled to receive time and one half on, and to use an English dictionary provided by McGeorge during, each proctored essay and multiple choice assessment or examination for which less time than 4 hours has been allotted and that constitutes more than 5% of the final grade.

#### **600. GRADES AND GRADING**

Grades and grading are governed by Grading and Advancement Rules for the JD program sections 501, et seq., except as otherwise provided herein. All appeals by JSD students regarding matters covered in the 500 section of the Grading and Advancement Rules shall be heard by the Grading and Advancement Committee.

## **700. GRADUATION REQUIREMENTS**

### **701. Cumulative GPA**

“Cumulative GPA” is the grade point average for all graduate work undertaken at the School of Law computed as provided in the Grading and Advancement Rules.

### **702. Graduation Requirements**

A student is eligible to graduate upon successful completion of:

1. 12 units and achievement of a minimum cumulative grade point average of 2.7 during the residency period, and
2. successful dissertation proposal presentation, and
3. 8 units earned through enrollment as a JSD candidate, and
4. dissertation defense.

### **703. Academic Standing**

At the end of every semester, excluding summer, the student’s academic standing is determined to be one of the following:

- good standing
- probation
- disqualification

The criteria for these academic standings are based on the cumulative GPA. Criteria for the different academic standings are outlined below:

a. *Good Standing:*

A student whose minimum cumulative McGeorge GPA is of 2.7 is considered in good standing.

b. *Probation:*

1. A student who has a cumulative grade point average below 2.7 at the end of the first semester is placed on academic probation. A student on academic probation has one semester to raise his/her cumulative grade point average to 2.7 or higher.
2. A student whose dissertation proposal, in the judgment of his or her faculty advisor, does not establish that the candidate has the capacity to write a dissertation of publishable quality that makes a significant contribution to the academic literature is placed on academic probation. A student on academic probation on this ground has up to one semester to present a dissertation proposal that meets the above standard.



c. *Disqualification*

A student on probation shall be disqualified from further enrollment at McGeorge if:

1. The student fails to raise his/her cumulative grade point average to 2.7 or higher at the end of the probationary period; or
2. The student fails, in the judgment of his or her faculty advisor, to present a dissertation proposal that establishes the student's capacity to write a dissertation that makes a significant contribution to the academic literature.

A student who has been disqualified may petition pursuant to rule 103. Such petitions 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 completion of graduation requirements

## **800. REPEATING COURSES**

### 801. Repeat of Courses

A student who receives a grade of "C+" or lower in a course may repeat the course once. The original grade shall remain on the transcript, but once the course has been repeated, only the repeat grade, even if lower than the original grade, will be counted for GPA purposes, and the student's transcript will include a notation that the first attempt is excluded from the GPA. Once excluded, the units from the first attempt will not count towards the minimum units required for the degree.

A student may repeat only up to 25% of the total units required for the degree.

## **900. CREDIT FOR UNITS EARNED AT McGEORGE**

### 901. Applying Credits Earned for an LL.M. Degree towards a J.S.D. Degree

LLM and JD units earned at McGeorge School of Law may be applied towards the JSD degree if the student is in good standing, and if the student received a grade of B- or higher in the class. A maximum of 12 LLM units can transfer at the discretion of the Director of the program. When credit is granted, only the units and not the grade will be transferred.

903. Concurrent Enrollment Prohibited

Concurrent enrollment at McGeorge and any other school is prohibited unless written permission has been obtained in advance from the Director of the program. Courses in English as a second language do not require such permission.

**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 Committee or the Public Policy Committee. No student shall have a vested right in the continued enforcement of the rules as now set forth, but amendments shall not be applied in a manner which would result in preventing a student who is satisfactorily following a regular course of study from graduating at the normal time. (amended 4/28/16)

1002. Reserved Powers

As described in the catalog, McGeorge 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. (amended 3/31/16)

**1100. PROCEDURAL RULES FOR THE GRADUATE STUDIES COMMITTEE**

Procedural rules are governed by the LLM Rules, sections 1100 et seq.