

# Academic Policies and Procedures

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## **A.1 ACADEMIC CALENDAR**

The College of Law has its own academic calendar, which differs from the general West Virginia University academic calendar. For example, the College of Law's examination period extends over a two-week period, instead of the standard one week. Law students should refer only to the College of Law Academic Calendar, which can be accessed from the College of Law website (<http://www.law.wvu.edu>).

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## **A.2 SCHEDULING**

The Associate Dean for Academic Affairs and the Assistant Registrar for the College of Law complete the master course schedule. The Assistant Registrar for the College of Law assigns first-year students to specific sections of their required courses. The students then register for these courses on the STAR system. Second- and third-year students make their own schedules through WVU's STAR System via the Internet.

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## **A.3 MAXIMUM CREDITS PER SEMESTER**

As noted below, ABA Accreditation Standard 311(c) states that law schools may not permit a student to be enrolled at one time in courses totaling more than twenty percent of the total hours required for graduation. This means that the maximum number of law school credit hours a student may take during a semester at the WVU College of Law is eighteen (i.e., 20% of ninety-one is 18.2). There is only one exception to the eighteen-hour per semester cap, students who are in joint-degree programs.

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## **A.4 SUMMER SCHOOL**

Summer credits may be earned only at the West Virginia University College of Law, other ABA-accredited law schools, or their ABA- approved programs abroad. Students who are on academic probation may earn summer school credits only with the permission of the Academic Standards Committee. The College of Law will accept transfer credits only for courses where the student earned a grade of C or better. Students may transfer credits for pass/fail courses only with the advance approval of the Associate Dean.

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## **A.5 AUDITING**

A law student may audit a College of Law course (without receiving academic credit) with the permission of the professor teaching the course. The student and professor should reach an agreement about what the student must do to successfully audit the course. (Typically, professors require class attendance, preparation, and participation, but individual professors are free to ask auditors to do more if they wish.) Once a student has obtained a professor's permission to audit a course, the student should register the course in STAR and then notify the Assistant Registrar for the College of Law, who will update the 'Audit' status in STAR. An email from the professor giving permission to register for the course as an audit is required. A class may not be audited if it has reached its enrollment capacity.

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## **A.6 WITHDRAWAL FROM THE PROGRAM**

There are three types of withdrawals that are governed by this rule: (a) partial withdrawal from some part of a student's course work; (b) in-semester withdrawal from all College of Law courses in which a student is registered; and (c) between-semester withdrawal after the completion of one semester and before the start of the next semester. Any student considering withdrawing from school must see the Associate Dean for Academic Affairs. The faculty and staff of the College of Law are available and willing to help resolve any difficulties that may be hindering a student's legal studies. Any student wishing to withdraw must also see the Assistant Registrar for the College of Law and withdraw according to guidelines set by the College of Law

and by the University. Please note that the deadlines described below are for fall and spring courses. Summer courses are often shorter in length, and may have very short deadlines (i.e., a couple of days) for dropping without the withdrawal being recorded on the student's official transcript.

**Partial Withdrawal** (a.k.a. dropping some, but not all, courses for a semester):

**Reduction in the First Year.** Because the first-year curriculum must be completed before the student may take upper-division courses, full-time students are not permitted to reduce the course load in the first year by dropping courses except with the permission of the Associate Dean for Academic Affairs. By faculty resolution, no student shall be allowed to drop the required first-year course in Legal Reasoning, Research, and Writing.

**Dropping Courses After the First Year -- During First Week of Class.** During the first week of the semester, upper-level students may drop any course without having a W ("withdrew") placed on their transcripts. (See the College of Law Academic Calendar for the specific date each semester.) If the dropped course brings a student's course load below nine hours, the student may be eligible for a reduction in tuition and fees.

**Courses Dropped Before the "Last Day to Drop" Deadline.** Until the "last day to drop a course" on the law school's academic calendar, students are free to drop most courses by simply logging into STAR and dropping. The exceptions to this policy are clinical courses and Practical Legal Writing II. Slots in such courses are limited, and the student who drops them after the first week has wasted an opportunity sought by others. Students may drop these courses only with the permission of the instructor and the Associate Dean for Academic Affairs, and such permission shall be given only for very strong reasons. The grade for a course dropped during this period shall be a "W." Please note that under university policy ([http://studentaccounts.wvu.edu/refunds/reduction\\_schedule](http://studentaccounts.wvu.edu/refunds/reduction_schedule)), students who drop some but not all of their courses during this period receive no refund of tuition and fees.

**Courses Dropped after the University Deadline.** After the University's last date for withdrawal from a course (see the Academic Calendar), no student may withdraw from a course for any reason. Students who do not complete course requirements will receive an F for the course. Specifically, students denied permission to sit for a final because of excessive absences will receive an F if the last date for withdrawal has passed. This is a university rule, and no exceptions can be made.

**In-Semester Withdrawal from All Classes:**

**Withdrawal during First Twelve Weeks.** During the first twelve weeks of any semester, a student may withdraw totally from the West Virginia University College of Law by obtaining permission from the Associate Dean for Academic Affairs, and any student withdrawing from the West Virginia University College of Law during this period receives a grade of "W" in all courses dropped pursuant to this withdrawal. Students who withdraw completely within the first six weeks of class may be eligible for a partial refund of tuition and fees according to the University Refund Schedule. See website ([http://studentaccounts.wvu.edu/refunds/reduction\\_schedule](http://studentaccounts.wvu.edu/refunds/reduction_schedule)).

**Withdrawal after First Twelve Weeks.** After the first twelve weeks of a semester, a student may be permitted to withdraw totally from the West Virginia University College of Law only with the permission of the Academic Standards Committee. The Committee shall grant permission upon a showing by the student that continuation in school will create a severe hardship on the student because of some substantial physical, emotional, or family problem. If permission is granted, the student receives a grade of "W" in all courses dropped; if permission is denied, then the student remains responsible for his or her performance in all courses and will be graded accordingly. The last day to withdraw from all classes is the final day of class, as marked on the College of Law Academic Calendar.

**Between-Semester Withdrawal.** After the end of a semester and prior to the start of the next semester, a student may withdraw from the West Virginia University College of Law. In all such cases, the West Virginia University College of Law shall advise the student of its requirement that studies must be completed within seven years from the date on which the studies began.

**Resumption of Studies:**

**First Semester, First Year.** A student who withdraws from the West Virginia University College of Law before completing the first semester of the first year must, except as herein provided, be readmitted by making application for an initial admission to the West Virginia University College of Law. A student who withdraws during the first semester may petition the Dean at the time of such withdrawal for permission to be readmitted at the next regular fall semester of the West Virginia University College of Law. If the Dean determines that such withdrawal is for causes beyond the control of the student, the Dean will verify this fact in writing at the time of withdrawal and grant such permission. Permission to be readmitted to the West Virginia University College of Law applies only for admission for the beginning of the next academic year. An adverse decision by the Dean on granting this privilege may be appealed to the Faculty.

**Other Students.** Any student who withdraws voluntarily after the first semester of study and wishes to resume his or her studies must petition the Academic Standards Committee to be readmitted to the West Virginia University College of Law. The Committee may readmit the petitioning student subject to conditions of the Committee's choosing, or it may deny the petition for readmission, thus leaving the petitioner with the option of seeking admission to the College of Law through the regular admissions process. (Students who withdraw from law school and then successfully reapply through the regular admissions process start their legal educations "from scratch" alongside other members of their entering class; i.e., they begin with no credit hours and no law school GPA. Students who are readmitted through petition to the Academic Standards Committee retain credit hours and grades earned prior to their voluntary withdrawal from the College of Law.) In deciding whether to grant a petition for readmission, the Committee considers the length of the interruption of studies, the causes for the interruption of studies, the intervening activities of the student and how they relate to the intellectual activities of a law student, changes in curriculum and the teaching program of the West Virginia

University College of Law, and any other factors deemed relevant. A readmitted student may be required to repeat, without credit, work previously done, or may be required to audit certain courses. Any student who is readmitted may have the student's overall academic program adjusted to meet the requirements at the time of readmission. Resumption of studies is permitted only at the beginning of a semester. A first-year student whose last complete semester was a fall semester is normally permitted to return only at the beginning of a spring semester.

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## A.7 INDEPENDENT STUDY

A student may earn up to two hours of credit for a suitable research project completed under the supervision of a full-time faculty member. An independent study must produce an academic research paper that would be acceptable in a research seminar, and it must involve an amount of research and writing commensurate with the credit hours awarded. For example, a student seeking two hours of independent study credit would be expected to produce a research paper at least twenty-five pages in length, i.e., the same length required for a two-credit research seminar. Students wishing to pursue an independent study should draft a plan for the independent study that would specify the proposed subject for the study, a research and reading agenda, and a paper topic. This plan should be presented to the faculty supervisor and to the Chair of the Academic Standards Committee, who must approve the project. A second faculty reviewer must approve the grade given for an independent study. The Assistant Registrar for the College of Law has the forms to be submitted to the Chair of the Committee. Independent study does not satisfy the seminar requirement. As stated in the rule on "Deficiencies After Three Years" (1.4.5), independent study courses are offered only during the fall and spring semesters and are not available during the summer.

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## A.8 EARNING LAW SCHOOL CREDIT OUTSIDE THE LAW SCHOOL

**Individual Courses in Other WVU Colleges.** Students who do not receive credit toward the J.D. for completion of a joint degree program may receive law school credit for one graduate level course in another discipline at WVU. No student may receive more than four credits under this rule. The student must obtain prior approval from the Associate Dean for Academic Affairs. Grades earned in other WVU colleges do not affect the student's law school GPA. When possible, students should choose the pass/fail option when registering to take courses in other WVU colleges so that grades for these courses are not included in the cumulative GPA on the student's professional school transcript.

Law students may also register for courses in other WVU colleges (e.g., physical education courses) that would not qualify for law school credit. Students do not need permission to take non-law courses for personal enrichment, but should notify the Assistant Registrar for the College of Law that they are doing so.

**Study at Another School - Visiting.** A student in good academic standing may take up to thirty credits toward graduation at another ABA-accredited law school. Upon completion at that law school of all the requirements necessary for the J.D. from West Virginia University College of Law, the West Virginia University College of Law J.D. will be awarded. Such students require advance approval of their curriculum by the Associate Dean for Academic Affairs. Only grades of C or better will be transferred to the West Virginia University College of Law. Students may transfer credits for pass/fail courses only with the advance approval of the Associate Dean. Grades earned at other law schools will not be included in the calculation of the student's cumulative law school GPA. Students who take required courses (as listed on pages 1-4 of this Handbook) for credit at other law schools are not eligible for election to Order of the Coif at the West Virginia University College of Law.

**Study at a Foreign Law School - Visiting.** The College of Law, in cooperation with the WVU Office of International Programs, permits individual students to take courses toward their law degree at foreign law schools. Applications are reviewed by the Associate Dean for Academic Affairs and must comply with the "Criteria for Student Study at a Foreign Institution" promulgated by the American Bar Association. Their application must also be approved by the Office of International Programs. Students seeking such credit must establish an educational purpose that both is consistent with the aims of the College of Law and can be met only through the proposed foreign study. Examples could include students seeking proficiency in the legal vocabulary of a foreign country, students seeking international credentials to support their practice of law, or students interested in the study of comparative legal systems. Students must have completed their first year in law school prior to application and can take only one semester under such a foreign program.

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## A.9 MISSING CLASS DUE TO ILLNESS

If you are ill and you must miss class, call or e-mail the professor whose class you will miss, unless the professor has another specific policy about absenteeism. If the illness is extended, contact the Associate Dean for Academic Affairs.

If you are struggling with physical or stress-related problems, please see someone right away! Students can go to the Student Health Service center for a \$10-per-visit co-payment for in-office treatments (such as flu shots, cold treatments, etc.). Student Health Services is located in the basement of the Robert C. Byrd Health Sciences Center. For more information, see the "Health Services" subsection under the University Services section in this handbook, see the Student Health Service website (<http://well.wvu.edu>), or call 304-293-9355.

If you are experiencing family or school stress, the Assistant Dean for Student Life is always available to help you find the best solution.

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## A.10 STUDY OUTSIDE THE CLASSROOM

The American Bar Association prohibits a student from taking more than a total of twenty-six course hours in the following types of classes: externships, co-curricular activities (such as Law Review, Moot Court, and Lugar Trial Association), independent study, courses in other graduate departments, summer abroad programs, and distance education programs that rely on teaching outside the classroom setting.

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## A.11 DISTANCE EDUCATION

Standard 306(a) states that a distance education course is : "a...course...in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously."

No student may take more than 15 credits during his/her law school career in classes taught through distance education as defined by Standard 306. No student may take any distance education course until that student has completed at least twenty-eight credits in law school. Students should be aware that under ABA standards, the status of "asynchronous" courses (i.e., "online" or "web" courses) is uncertain. The College of Law sometimes offers a small number of web-based courses during the summer, but constantly monitors such courses to maintain educational quality and does not guarantee that any will be offered in the future. Students should also be aware that the New York Bar ruled in 2012 that it will not count asynchronous distance education hours toward the eighty-three law school credit hours students must earn to become members of the New York Bar. (Because WVU requires ninety-one hours for graduation, students who have taken a web course during law school can still become members of the New York bar because they have, in the eyes of the New York Bar, eight "surplus hours.") Students should check the bar requirements in states where they plan to practice to see whether similar rules have been adopted there.

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## A.12 ABA REQUIREMENT

The American Bar Association accredits U.S. law schools. A Juris Doctorate (J.D.) degree from an ABA-accredited law school entitles you to take the bar examination in any state (other individual state requirements, such as character, being met). The WVU College of Law has been fully accredited by the ABA since 1923. The ABA standards for Approval of Law Schools are published annually and can be accessed at [www.abanet.org](http://www.abanet.org). Of these standards, there are three particular ABA requirements worth noting here:

- Standard 308(a): "A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance, good standing, academic integrity, graduation, and dismissal."
- Standard 311(b): The J.D. degree must be "completed no earlier than 24 months, except in extraordinary circumstances no later than eighty-four months after a student has commenced law study."

Policy ensuring WVU College of Law compliance with ABA Standard 310:

ABA Standard 310(b)(1) defines a "credit hour" as an amount of work that reasonably approximates: "(1) not less than one hour of classroom time or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time." Interpretation 310-1 states that "[f]or the purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An 'hour' for out-of-class students work is sixty minutes. The fifteen-week period may include one week for a final examination."

The following policies and procedures are in place to ensure that the West Virginia University College of Law meets the requirements of Standard 310:

(1) for classroom and simulation (including clinic and externship) courses, classes must meet at least fifty minutes per week over fourteen weeks per credit, including, in many cases, an examination of three to four hours.

(a) Faculty in doctrinal courses are required to evaluate their syllabi to ensure that assigned reading and writing exercises required in preparation for class are a reasonable approximation of the out-of-class student work standard of two hours per week per credit hour. The College of Law Registrar and the Associate Dean for Academic Affairs will set a schedule that ensures enough class days and minutes to meet such requirements and collect course syllabi (consistent with existing policies).

(b) For out-of-class clinical work, students must work for at least three hours (based on a sixty-minute hour) each week over fourteen weeks per credit hour. Supervising faculty will ensure this amount of work is completed and are certifying successful completion of this work when submitting grades.

(c) For externship placements, students must work three and a half hours (based on sixty-minute hour) in the placement each week over fourteen weeks per credit. Supervising faculty will ensure this amount of work is completed and are certifying successful completion of this work when submitting grades.

(2) for co-curricular activities, students must work for at least three hours (based on a sixty-minute hour) each week over fourteen weeks per credit. The advisor of a co-curricular activity will certify the awarding credit by confirming that a student has met all minimal work-related expectations associated with the competition or journal needs (e.g., engaging in research, editing scholarship, writing a brief, preparing exhibits, prepping witnesses, participating

in practice rounds, participating in the competition, etc.). Faculty advisors are aware they are certifying successful completion of this work when they approve credit.

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## A.13 DEFICIENCIES AFTER THREE YEARS

Full-time students who are deficient in semester hours at the end of their third year of study must make up their deficiencies in regular law school courses. No credit is awarded for summer independent study or summer research. However, credit is awarded for summer school courses here or elsewhere or in the following fall semester. Independent study and research courses are offered only during the regular academic year, not during the summer.

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## A.14 EMPLOYMENT DURING LAW SCHOOL

**First Year.** Full-time first-year law students at WVU take a fixed curriculum consisting of 32 hours of demanding course work, and they must master materials, modes of analysis, and skills that will be unfamiliar to nearly all entering students. Succeeding in the first year is critically important in preparing students for their upper-level classes, the bar exam, and their future careers. For these reasons, the College of Law strongly discourages full-time first-year students from working during the fall and spring semesters. Law school, especially in the first year, should be treated as a demanding full-time job, and adding work on top of that job is likely to prevent students from performing to their academic potential and may also compromise students' physical and mental health. Nevertheless, the College of Law recognizes that some students' financial needs may require them to seek employment even during the first year. Full-time first-year students who intend to work for more than ten hours per week must disclose their employment plans to the Assistant Dean for Student Life and must schedule a meeting with the Assistant Dean to discuss their plans for balancing school and work. This must be done before beginning work or as soon as possible thereafter. Students who plan to retain a part-time job begun prior to law school should speak with the Assistant Dean for Student Life no later than the end of the first week of classes.

**Second and Third Years.** Many upper-level students are able to successfully combine law school with moderate levels of paid employment. Historically, ABA rules prohibited students from working more than 20 hours per week, but this limitation was repealed effective for the fall semester of 2014. Although no longer a firm prohibition, the ABA's traditional limit of 20 hours per week remains a good guideline for the amount of work most students can manage in addition to the demands of law school. While the College of Law has no formal mechanism for monitoring or limiting hours of employment during the second and third years, students who contemplate working more than this should think seriously about whether their contemplated schedule will jeopardize their studies and/or their general well-being. The Assistant Dean for Student Life and the faculty are happy to counsel upper-level students who plan to work more than twenty hours per week.

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## A.15 FULL-TIME STATUS AND TUITION/FEES

West Virginia University treats nine hours per semester as full-time status for graduate and professional students. That means you will be charged full tuition and fees for taking nine hours or more in a given semester. Students taking fewer than nine hours will receive a proportionate reduction of their tuition and fees. (e.g., students taking eight hours will be charged roughly 8/9 of their full-time tuition and fees.)

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## A.16 WVU GRADUATE AND POST-GRADUATE STUDENTS

Graduate and post-graduate students from other colleges, schools, and divisions within the university may enroll in WVU College of Law courses with the permission of the Associate Dean for Academic Affairs; the appropriate officer of the college, school, or division within the university to which they are attached; and the faculty member teaching the course. The Associate Dean shall not permit a student to enroll in a course under this provision if the student (1) would have taken more than twenty-one credit hours under this provision upon completion of the course or (2) has been excluded from the College of Law for any reason. The student's college, school, or university division will determine to what extent courses taken under this provision will be credited toward completion of the requirements for the student's graduate degree.

A student admitted to the College of Law after completing one or more courses under this provision (1) shall not receive any credit toward the J.D. degree for those previously completed courses, (2) must retake for credit, on a pass/fail basis, any course required for law school graduation that was previously taken, and (3) may not retake any elective course that was previously taken.

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## A.17 TRANSCRIPTS

Official transcripts can be obtained only by contacting the University Registrar's office. Information on requesting transcripts can be found on the University Registrar's website (<http://registrar.wvu.edu/transcripts>). Please note that it generally takes three to five working days for the University Registrar to produce a transcript, so it is important to plan accordingly.

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## B. GRADING INFORMATION AND PROCEDURES

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## B.1 EXAMINATIONS

**Attendance and Exam Eligibility.** The faculty subscribes to the principle that class attendance is important and necessary to the successful study of law. Therefore, a faculty member may deny permission to sit for an examination to a student because of poor class attendance. Furthermore, a student who is absent from as many as twenty-five percent of the scheduled class hours for any given course shall not be permitted to take an examination in the course except by special permission of the faculty member. Prior to the last day to drop a course (as indicated on the College of Law Academic Calendar), a student who is denied permission to sit for an examination may withdraw from the course. After the last day to drop has passed, denial of permission to sit for the final examination automatically results in a grade of F for the course.

**No Exams During Final Week of Classes.** In-class final exams may not be scheduled during the last week of classes. In addition, the due date for take-home exams cannot be during the last week of classes.

**Exam Numbers.** The West Virginia University College of Law Assistant Registrar randomly selects and assigns official student examination numbers for students' anonymity in the grading process. The Assistant Registrar for the College of Law notifies students when their numbers are available. The Assistant Registrar protects the anonymity of student examination numbers throughout the examination and grading period.

**Exam Accommodation Requests.** During the final examination period, any student who has three or more finals on consecutive days may request to move the third final to the next day (excluding Sunday or other religious holiday) on which he or she does not have a final scheduled. The purpose of this rule is to prevent a student from having more than two consecutive days of law school finals. To obtain relief under this rule, a student must notify the Assistant Registrar for the College of Law before the specified deadline so that the exam can be rescheduled and the appropriate faculty member notified.

**Deferment of Exams or Assignment Deadlines.** A student with a substantial physical, emotional, or family problem that would make it impractical or grossly unfair to take a scheduled examination or meet another class-wide or general deadline may submit in advance a written request to be excused from taking the examination as scheduled or complying with the deadline as fixed. All such requests must be in writing, must be directed to the faculty member teaching the course in question, and must be substantiated by a physician's statement or some other written evidence of the emergency. A faculty member acting alone or in consultation with the Associate Dean for Academic Affairs shall either deny the request or grant the request and require the student to take the examination at a later date or comply with a new deadline.

**When Request Is Denied or Extended Deferment Sought.** If any request for deferment (as described above) is denied, or if a student requests a deferment for reasons or to a time that would not comply with the above policy, the student may obtain the requested deferment only by approval of the Academic Standards Committee. Appeal from a denied request or an original request for an extended deferment may be made by giving the Associate Dean for Academic Affairs a copy of the request as described above together with any appropriate supporting documents.

**Completion of Examinations or Other Class-Wide Assignments.** A student granted a deferment has a reasonable time after the emergency is dissipated to complete the examination or other assignment. A reasonable time is established by agreement of the Associate Dean for Academic Affairs and the faculty member.

**Failure to Take Examination or Comply with Deadline.** A student who fails to take an examination or comply with a deadline and who does not receive a deferment under this rule shall be penalized in whatever fashion the faculty member teaching the course deems appropriate. There is no responsibility on the part of any faculty member to accept or evaluate any work that is not done in a timely fashion unless relief has been granted pursuant to this rule.

**Faculty Presence During Exams.** It is the policy of the faculty of the College of Law that each faculty member either be in the law school building during his or her classroom examination or find a substitute.

**Grade Recording Error.** In the unlikely event that a computer or data entry error results in the reporting of an incorrect grade, the error will be corrected so that the student's grade is the one the professor intended to award for that student's work in the course, unless the student has already graduated from the College of Law.

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## B.2 GRADES

**Grading Scale.** The College of Law grading scale is as follows:

Grade	Description
A+	4.3 quality points
A	4.0 quality points
A-	3.7 quality points
B+	3.3 quality points
B	3.0 quality points
B-	2.7 quality points
C+	2.3 quality points
C	2.0 quality points
C-	1.7 quality points
D+	1.3 quality points
D	1.0 quality points
F	0.0 quality points

**Semester Grade Point Average or Semester GPA.** Semester grade point average is the average of all grades earned by a student in a given semester. All semester grade point averages are calculated using the grading scale of the West Virginia University College of Law.

**Cumulative Grade Point Average (GPA or Cum.).** The cumulative grade point average is the average of all grades earned by a student while enrolled in the West Virginia University College of Law. All cumulative grade point averages are calculated using the College of Law's grading scale. Only grades earned at the College of Law affect the law school cumulative GPA. Grades for courses taken in other WVU colleges or at other law schools are not included in the student's cumulative law school GPA.

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## B.3 COLLEGE OF LAW GRADING POLICY

Adopted by the College of Law Faculty – May 8, 2014

Amended (added Section F) – Sept. 24, 2014

### I. FIRST YEAR CURVE

#### A. Curve for First-Year Doctrinal Classes

Mandatory Mean Grade: 2.95 to 3.05

Mandatory Distribution Requirements:

- 5 – 10% of the grades must be A (including A+, which should be rare)
- 5 – 15% of the grades must be A-
- 15 – 25% of the grades must be C+ or below

#### B. Curve for LRRW I and II

Mandatory Mean Grade: 2.95 to 3.05

Expected Distribution Requirements:

- 5 – 10% of the grades should be A (including A+, which should be rare)
- 5 – 15% of the grades should be A-
- 15 – 25% of the grades should be C+ or below

#### C. Intro to Legal Research

The 1-credit "Intro to Legal Research" course will not be subject to any curve.

### II. UPPER CLASS CURVE

#### A. Curve for Classes of 30 or more students

(This curve does not apply to clinics, Trial Advocacy and other capstone courses, seminars, or graded study abroad classes. Section II.D below governs these classes.)

Mandatory Mean Grade: 3.15 to 3.25

Expected Distribution Requirements:

- 5 – 15% of the grades should be A (including A+, which should be rare)
- 10 – 15% of the grades should be A-
- 5 – 15% of the grades should be C+ or below

#### **B. Curve for Classes of 11 to 29 students**

(This curve does not apply to clinics, Trial Advocacy and other capstone courses, seminars, or graded study abroad classes. Section II.D below governs these classes.)

Mandatory Mean Grade: 3.10 to 3.30

Expected Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-
- 5 – 20% of the grades should be C+ or below

#### **C. Curve for Classes with 10 or Fewer Students**

(This curve does not apply to clinics, Trial Advocacy and other capstone courses, seminars, or graded study abroad classes. Section II.D below governs these classes.)

For classes this small, mean and distribution requirements are recommended rather than mandatory.

Recommended Mean Grade: 3.10 to 3.30

Recommended Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-
- 5 – 20% of the grades should be C+ or below

#### **D. Curve for Clinics, Trial Advocacy and other Capstone Courses, Seminars, and Graded Study Abroad Classes**

(This curve governs the class types listed in the heading. If a class falling into one of these categories has 10 or fewer students, the mandatory mean grade range is recommended, but not required.)

##### **Classes with 11 or More Students**

Mandatory Mean Grade: 3.10 to 3.50

Expected Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-

##### **Classes with 10 or Fewer Students**

Recommended Mean Grade: 3.10 to 3.50

Recommended Distribution Requirements:

- 5 – 20% of the grades should be A (including A+, which should be rare)
- 10 – 20% of the grades should be A-

#### **E. Determination of Class Enrollment for Purposes of the Upper Class Curve**

As slightly different curves apply to upper level classes depending on enrollment, there needs to be a set day on which a class's official enrollment is determined for purposes of the grading policy. The official enrollment for a class will be the enrollment at midnight on the final day of classes for the term.

#### **F. LL.M. Students**

In classes with only LL.M. students, the relevant section of the Upper-Class Curve (II.A-D) will apply. For example, grading in an LL.M. seminar will be governed by Section II.D.

For upper-level classes containing both LL.M. students and J.D. students, each set of students will be treated as a separate cohort for purposes of the grading policy. J.D. class enrollment will be determined by the number of J.D. students in the class, and the relevant section of the upper-class curve will apply to the J.D. students considered as a group. LL.M. enrollment will be determined by the number of LL.M. students in the class, and the relevant section of the upper-class curve will apply to the LL.M. students considered as a group.

**Example 1**

Energy Law has an enrollment of 32 J.D. students and 12 LL.M. students. The grades for J.D. students must conform to Section II.A; the grades for LL.M. students must conform to section II.B.

**Example 2**

Energy Law has an enrollment of 25 J.D. students and 8 LL.M. students. The grades for J.D. students must conform to Section II.B; the grades for LL.M. students must conform to section II.C.

**G. Default F Grades: No Effect on Curve**

This policy is intended to apply only to grades that a professor has given as the result of assessed work in the course and not to "F" grades that have been given as a result of a failure of a student to complete the requirements of the course.

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## **B.4 PASSING GRADES AND GRADUATION CREDIT**

To satisfactorily complete most courses and to earn credit toward graduation, a student must receive a grade of D or better. However, in the following courses, a student must receive a grade of C (2.0) or better to earn credit toward graduation: Legal Reasoning, Research, and Writing; Appellate Advocacy; a required seminar; and Trial Advocacy.

Students must earn a grade of C or better in at least one seminar to satisfy the seminar requirement for graduation. Students may choose to take more than one seminar. As long as the student has satisfied the seminar requirement with a C or better in at least one seminar, the student will receive graduation credit for additional seminars so long as the student attains a passing grade of D or better in the additional seminars.

Students who use Trial Advocacy to satisfy the capstone requirement must obtain at least a C to do so; students who take Trial Advocacy as an elective (i.e., they have taken and passed another capstone course) need only a passing grade for the Trial Advocacy credits to count toward graduation.

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## **B.5 GRADES OF "INCOMPLETE"**

### **Incomplete Grades**

A grade of I (Incomplete) is a temporary grade assignment used when unforeseen, non-academic circumstances arise that prohibits students from completing the last course assignments at the end of the semester. The grade of Incomplete is typically assigned because of an excused absence from assignments that are unavoidably incomplete, as determined by the instructor. Students who are failing a course (exclusive of the incomplete work) may not request an Incomplete.

Students who want to be considered for an Incomplete must apply to their instructor prior to the end of the term. If the instructor agrees, the instructor and the student must negotiate the conditions under which the grade of I will be changed to a letter grade and sign a contract. The date to submit incomplete work cannot be set beyond the last day of class of the following semester. If the student does not complete the terms of the contract then the instructor should submit a grade of F. All contracts for Incomplete grades must be filed with the Associate Dean for Academic Affairs.

To remove the grade of I, a student does not register for the course again. If the Incomplete grade is not changed no later than the end of the next term (excluding summer), the I grade will be replaced with an F, which is worth 0 quality points.

### **Shortening Time Limit**

A faculty member who assigns an "Incomplete" to a student may shorten the completion deadline to an earlier date than the last day of class of the following semester, but may not extend the deadline beyond the limit.

### **Semester Awarded**

When the student completes the course requirements, the credits are assigned to that semester in which the student originally enrolled in the course.

### **Shortened Time Limit for Students on Probation**

Students who are academic probation and who receive an "Incomplete" on work undertaken during the student's probationary term shall complete requirements for the course and procure the faculty member's removal of the "Incomplete" within eight weeks following the last examination date in the semester in which the student was registered for the course. Except for this reduced time limitation, all other provisions in the subsection and the "Deferment of Exams or Assignment Deadlines" subsection apply in the case of such a student on probation.

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## **B.6 GRADE APPEAL**

A student may initiate a formal grade appeal prior to the end of the seventh week of classes of the semester following the one in which the grade was awarded pursuant to the West Virginia University College of Law Grade Appeal Policy and Procedure. Students with questions about the grade appeal policy or procedure should consult the Assistant Registrar or Associate Dean for Academic Affairs. Students who fail to begin the grade appeal process by meeting with the instructor prior to the end of the seventh week of classes of the succeeding regular (i.e., fall or spring) term have waived all rights

to a grade appeal. (E.g., a student appealing a grade from a fall class would need to meet with the instructor prior to the end of the seventh week of the spring semester in order to preserve his or her right to appeal a grade.)

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## B.7 GRADE APPEAL PROCEDURE

**Step I.** The student shall discuss the complaint with the instructor involved prior to the end of the seventh week of classes of the regular (i.e., fall or spring) semester following, whether the student is enrolled or not. If the two parties are unable to resolve the matter satisfactorily or if the instructor is not available, or if the nature of the complaint makes discussion with the instructor inappropriate, the student shall notify the Associate Dean. The Associate Dean shall assume the role of an informal facilitator and assist in resolution attempts. If the problem is not resolved within fifteen calendar days from when the complaint is first lodged, the student may proceed directly to Step II. To mount a successful appeal of a grade under Steps II or III below, a student must demonstrate that the professor's actions in assigning that grade were arbitrary and capricious.

**Step II.** The student must prepare and sign a document that states the facts constituting the basis for the appeal within thirty calendar days from when the original complaint was lodged. Copies of this document shall be given to the instructor and to the Associate Dean. If, within fifteen calendar days of receipt of the student's signed document, the Associate Dean does not resolve the problem to the satisfaction of the student, the student will forward the complaint to the instructor's Dean. (See Step III.)

**Step III.** Within fifteen calendar days of receipt of the complaint, the Dean shall make a determination regarding the grade, making any recommendations for a grade change to the instructor involved. If the instructor involved does not act on the Dean's recommendation, or if the student is in disagreement with the decision of the Dean, the Dean will refer the case to a representative committee appointed by the Dean for final resolution. This committee shall consist of three or more faculty members, including at least one person outside the instructor's discipline.

1. Upon receiving an appeal, the committee will provide the grade challenge by written notification to the faculty member involved, which shall include a statement of the facts and evidence to be presented to the student.
2. The committee shall provide the faculty member involved and the student making the appeal written notification of the student's right to appear at a hearing to be held before the department, college, or school representative committee, together with notice of the date, time, and place of the hearing.
3. The administrative procedure is not adversarial in nature; the formal rules of evidence do not apply.
4. The final decision of this committee shall be forwarded to the instructor and to the Dean involved. If the decision requires a change of grade, the instructor shall take action in accordance with the committee's decision.
5. If the instructor does not act within five days, the Dean shall make any necessary grade adjustment.
6. In the case of grade appeals, the Dean functions as the President's designee; therefore, implementation of this decision shall end the appeal procedure.

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## C. ACADEMIC STANDING

1. Academic Difficulty (p. 11)
2. Academic Probation & Dismissal (p. 12)

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### C.1 ACADEMIC DIFFICULTY

**Good Academic Standing.** A student is in good academic standing if that student has not been dismissed and is not on academic probation as those terms are defined in this catalog.

**Repeating Courses.** Receiving an F in a course does not generally require retaking the course. The F simply is added to one's GPA, and no credit hours toward graduation are given. However, if a student receives a failing grade in a course required for graduation, the student must repeat that course and receive a passing grade. The passing grade will be factored into the student's overall GPA and will not replace the F the student received prior to retaking the course. If a student does not pass a required seminar or capstone course, that student may retake that seminar or capstone or take any other. When a course is repeated, both grades appear on the student's transcript, and both grades are calculated into the student's GPA, but credit toward the graduation requirement is awarded for only one enrollment.

**Receiving Credit for Less Than an Entire Course.** No credit is given for less than an entire course.

**Grade Changes.** A student may request a grade review anytime during the academic month following the student's receipt of the grade. A faculty member may not change a grade following the last day of classes in the semester following that in which a grade was awarded. Any proposed grade change must be submitted in writing by the faculty member to the Associate Dean for Academic Affairs with stated reasons for the change. Grade changes proposed because of arithmetic errors will be approved by the Associate Dean. Grade changes proposed because of changes in evaluation must be approved by the full faculty.

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## C.2 ACADEMIC PROBATION & DISMISSAL

**Notification.** The Associate Dean for Academic Affairs notifies in writing any student who is not in good academic standing. The notice sets forth the student's academic situation and advises the student of actions available to the student under this section. The notice is sent as soon as possible after the student's academic standing is determined. Students who do not receive notice are nevertheless responsible for knowledge of their academic situation and for taking actions necessary under this section. A student is in good academic standing if that student has not been dismissed and is not on academic probation as those terms are defined in this catalog.

**Summary of Probation and Dismissal Rules.** For all rules regarding academic probation and dismissal, the relevant GPA figures are semester and cumulative law school GPAs. Law school GPA does not include grades earned in other WVU colleges or at other law schools. The following is a summary of the probation and automatic dismissal rules:

- **End of First Semester.** Students whose first semester grades fall below 2.30 receive a letter from the Associate Dean's Office to that effect, offering consultation and referral to the Academic Excellence Program. Such students must participate in the Academic Excellence Program in the second semester.
- **End of Second Semester Only.** Any student whose cumulative average is below 1.85 at any time after his or her second semester in law school is automatically dismissed. If a student dismissed at the end of the second semester has a GPA in any semester during the first year of less than 1.5, that student may be readmitted to the West Virginia University College of Law only by making an initial application through the admissions process. This application is only made in accordance with the regular admissions cycle, so most applicants will be required to wait a year before their application is processed. If readmitted, the applicant begins law school as if she or he were a first-time student. If a student dismissed at the end of the second semester has no GPA in any semester of the first-year curriculum of less than 1.5, that student may apply for readmission by following the procedures set forth in this handbook under "Readmission." A student is placed on academic probation when that student's cumulative grade point average falls below 2.30 but is above 1.85 after the conclusion of his or her first-year curriculum. A student on academic probation has one semester in which to raise his or her cumulative grade point average to 2.30. Failure to meet this requirement results in dismissal.
- **End of Third through Sixth Semesters:**
  1. **Cumulative Grade Point Average.** Any student whose cumulative grade point average is below 1.85 at any time after his or her third semester in law school is automatically dismissed. A student whose cumulative grade point average falls between 1.85 and 2.30 any time after his or her third semester in law school is placed on academic probation. A student on academic probation has one semester in which to raise his or her cumulative grade point average to 2.30. Failure to meet this requirement will result in dismissal. Under no circumstances will a student be allowed to graduate unless his or her cumulative grade point average is 2.30 or better.
  2. **Semester Grade Point Average.**

**\*General Rule.** Any student who fails to attain a grade point average of 2.30 in any individual semester of his or her second or third year in law school is placed on academic probation, regardless of his or her cumulative grade point average. This rule shall apply only to students who complete at least eleven semester credit hours of work for which they receive a letter grade (i.e., A, B etc., but not P). For purposes of this rule, first and second summer sessions count as a single semester. Accordingly, a student who took eleven or more graded hours across two summer sessions and whose GPA in those courses fell below 2.30 would be placed on academic probation under this rule.

**\*Part-Time Students.** A student who earns a semester grade point average lower than 2.30 over fewer than eleven letter-graded credit hours per semester for two consecutive semesters after the first year of law school is placed on academic probation, regardless of his or her cumulative grade point average. For purposes of this rule, first and second summer sessions count as a single semester. Students with a semester grade point average lower than 2.30 over fewer than eleven letter-graded credit hours for one semester must meet with the Associate Dean for Academic Affairs.

A student placed on academic probation under "General Rule" or "Part-Time Students" will be dismissed for failure to meet academic requirements, regardless of his or her cumulative grade point average, if he or she fails to attain a semester grade point average of 2.30 or better in the next regular (i.e., fall or spring) semester. This rule applies regardless of the number of graded credit hours taken in the probationary fall or spring semester, so students who choose to take a low number of graded credit hours do so at their own risk.

- **Failing a Majority of Credit Hours.** Any student who, after completing the first-year curriculum in the West Virginia University College of Law, receives failing grades in courses aggregating one-half or more of the student's credit hour load for a given semester is dismissed. For the purposes of this rule, it does not matter what the student's grade point average is for the semester in question, nor does it matter what the student's cumulative grade point average might be. However, this rule does not apply to students taking two or fewer courses in a semester.
- **Transfer Students with a West Virginia University College of Law Grade Point Average below 2.30.** A transfer student cannot graduate from the West Virginia University College of Law if the cumulative grade point average of the grades that the student earned at the West Virginia University College of Law is less than 2.30.
- **Readmission.** Students seeking readmission should file petitions with the Chair of the Academic Standards Committee, and the petitions should demonstrate that the reasons for the student's academic deficiencies no longer exist. The Committee shall review each petition based upon this standard. The Academic Standards Committee will favorably consider a student's participation in the Academic Excellence Program in deciding on any petition for readmission following an academic dismissal. The committee will also view a student's failure to participate in the Academic Excellence Program, despite an invitation or direction to do so, as a negative factor in deciding on a petition for readmission following an academic

dismissal. If the Committee denies readmission, the student may appeal to the Dean, who may remand, affirm, or reverse the Committee's decision. The Dean has the discretion to seek the advice and counsel of the full faculty. A student may petition for readmission for the semester immediately following the semester he or she is dismissed. To do so, the student must deliver a petition for readmission to the Chair of the Academic Standards Committee within ten days of his or her receipt of notification of dismissal from the Registrar. If the tenth day is a weekend or holiday, then the student must deliver the petition on the next business day. A student also may petition for readmission after two academic semesters have passed following the student's dismissal (even if the student has already petitioned immediately after his or her dismissal). For purposes of this rule, summer sessions shall not count as academic semesters.

- **Permanent Dismissal.** The West Virginia University College of Law shall not readmit any student who has been dismissed twice under these rules for failure to meet academic requirements. In addition, students readmitted through petition to the Academic Standards Committee have two semesters within which to bring their cumulative grade point average up to 2.30, as follows: (1) if the readmitted student fails to earn a 2.30 or better grade point average for the first semester following readmission, the student is permanently dismissed and is not eligible for readmission and (2) if that semester's grade point average is 2.30 or better but the cumulative grade point average remains below 2.30, the student has one additional semester in which to bring the cumulative grade point average up to 2.30. If, after that second semester following readmission by petition to the Academic Standards Committee a 2.30 cumulative grade point average has not been attained, the student is permanently dismissed and is not eligible for readmission.

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## D. HONORS

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1. Class Rank (p. 13)
2. Order of the Coif (p. 13)
3. Order of the Barristers (p. 13)
4. Patrick Duffy Koontz Award (p. 13)

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### D.1 CLASS RANK

The following rules apply to class rank:

**Class Ranks.** Class ranks are calculated at the completion of each semester, except for 1L students, whose first ranking will not be established until the completion of their first year.

**Top 50%.** At the completion of each semester, students in the top 50% of the class are individually informed of their class rank in Degree Works. Students outside the top 50% of the class are not ranked. These rankings are not publicly announced. Students who graduate in the top 25% of their class have their class ranks noted on their university transcripts.

**Grade Point Averages.** The grade point averages that demarcate the top 25%, 33%, and 50% are publicly announced at the end of each semester.

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### D.2 ORDER OF THE COIF

Order of the Coif is an academic honor conferred by the faculty upon its graduates from among the top 10% of the graduating class. Coif graduates have this honor noted on their university transcripts. To be eligible for election, students must complete all of their required courses (see above "Courses Required to Graduate," pp.1-4) at the WVU College of Law. A student may transfer up to nine credit hours of a law school's regular curriculum taken at an Association of American Law Schools (AALS) approved law school during that school's academic year, summer terms on campus, or summer abroad programs approved by the ABA. For purposes of Coif, the grade(s) earned for these hours will not be averaged into the student's GPA but shall be treated as pass/fail credit. The effect of this rule is that the grade point average used for selection to the Order of the Coif is based solely on the grades earned at the West Virginia University College of Law.

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### D.3 ORDER OF BARRISTERS

A national honorary organization, the Order of Barristers, encourages oral advocacy and brief writing skills through effective law school moot court programs. Members of the Marlyn E. Lugar Trial Association, the Moot Court Board, and students who have outstanding oral advocacy achievements are eligible for the award. See the Associate Dean's assistant for applications in March.

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### D.4 PATRICK DUFFY KOONTZ AWARD

The Patrick Duffy Koontz Award is a monetary prize whose recipients are selected by the College of Law scholarship committee. The award is announced at graduation and is given to students from West Virginia who demonstrate excellence in scholarship, character, and leadership potential.

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## E. GRADUATION

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1. Degree Works (p. 14)
  2. Hours to Graduate (p. 14)
  3. College of Law Graduation/Hooding Website (p. 14)
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### E.1 DEGREE WORKS

Degree Works is an online check sheet (audit) for students to review and monitor progress toward degree completion. It organizes academic coursework into blocks of requirements to help easily identify courses completed and what courses you still need in order to complete the degree. To access Degree Works,

- Log on to your WVU Portal account using your MyID username and password.
- Click on the STAR tab.
- Scroll down to the 'Resources' heading and click the 'Degree Works' link.

The Degree Works audit provides a review of past, current, and planned coursework as well as information about completed and outstanding requirements. The audit is organized by 'blocks.' These blocks show what requirements are needed to graduate and show what is needed to do in order to fulfill the requirements within each block. The following 'blocks' may appear on the audit:

- Degree in Doctor of Jurisprudence: This block verifies that **all** requirements, including required courses, the minimum GPA requirement, and the ninety-one-hour credit requirement, have been met.
- Major in Law - J.D.: This block verifies that all required courses (i.e., first-year courses, Appellate Advocacy, seminar, perspective course, capstone requirement) have been completed and that any applicable grade requirements for those courses (e.g., a grade of C or better in Appellate Advocacy) have been satisfied.
- Law Courses: This block is a summation of all law courses that are being used to meet the ninety-one-hour course requirement.
- Non-Curricular Coursework- This block includes any law course designated under the "outside the classroom" rule to ensure that students do not exceed the 26 credit hour limit.
- AOE- This block verifies that all requirements for the four optional AOE's are completed.
- Fallthrough: The Fallthrough block is a block for courses that are not being used to satisfy any other requirements in your audit (i.e., ninety-one-hour requirement, first-year requirements). These courses count towards the total number of degree hours and GPA.
- In-Progress: This block reflects all courses currently in-progress or registered for a future semester.
- Insufficient/Withdrawn/Repeated: This block shows courses that you have withdrawn from or failed, courses that were taken more than once (but were not repeatable for credit), and audited courses.

If you are a joint-degree student (J.D./M.B.A. or J.D./M.P.A.), your Degree Works audit will reflect only work completed in the J.D. program. Because Degree Works cannot be programmed to take into account the credit hours earned for work on the other half of your joint degree, it will not accurately reflect your progress toward your J.D. If you have questions about whether you are on track, please contact the Assistant Registrar for the College of Law and/or the Associate Dean for Academic Affairs. When you have completed your joint-degree program, an annotation will appear on your transcript recording the credit hours you received for completing your joint degree program.

If you believe there is an error in your Degree Works audit, please contact the Assistant Registrar for the College of Law and/or the Associate Dean for Academic Affairs. For additional information on Degree Works, please visit the website (<http://registrar.wvu.edu/dw>) of the University Registrar.

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### E.2 HOURS TO GRADUATE

Every student must satisfactorily complete (see the "Passing Grades and Graduation Credit" subsection) ninety-one credit hours and must be in good academic standing to graduate. Except in circumstances described in the section "Earning Law School Credit Outside the Law School," all these credits must be earned at the College of Law. In any event, only College of Law courses will count as part of the student's grade point average. All students must have a cumulative grade point average of 2.30 or above (for students admitted as of Fall 2015) in order to graduate from the College of Law.

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### E.3 COLLEGE OF LAW GRADUATION/HOODING WEBSITE

The Graduation/Hooding website for the College of Law goes live each year in the spring. This contains all forms and information for College of Law graduates.