

RULE III: EXAMINATIONS

A. Definitions

1. **"Work Product."** A "work product" means a student's written response to any assignment counting or potentially counting toward the final grade in an offering.
2. **"Anonymously Graded Work Product."** An "anonymously graded work product" is one that, according to UNH Law's anonymous grading policy, stated in subdivision A(1) of Rule IV, is to be graded without the instructor's knowing the identity of the student.
3. **"Examination."** The term "examination" includes any anonymously graded work product to be carried out within a brief period of time after it is given, such as one-to-four hours for an "in-class examination" or twenty-four (24) hours for a "take-home examination."
4. **"Final Examination."** A "final examination" is an examination administered at the conclusion of an offering, whether or not it covers all of the contents of the offering.
5. **"Interim Examination."** An "interim examination" is an examination administered during an offering, covering substantially less than all the contents of the offering.

B. Submission of all Anonymously Graded Work Products Directly to the Registrar

In order to protect anonymity, assure accurate records, and avoid examination errors, students shall submit directly to the Registrar or the Registrar's designee all anonymously graded work products. Students shall make only with the Registrar or the Registrar's designee such arrangements as are necessary to submit such work products irregularly, that is, for example, early or late or at an unusual location.

C. Examination Policy

1. **Examination Experimentation.** Experimentation in examinations is encouraged to improve the examination process as both a learning device and an accurate and comprehensive measurement of learning, **provided however**, that the experimentation does not impose a significant risk of dishonest conduct in any student's completing an examination. To this end, UNH Law shall:
 - a. Permit interim examinations,
 - b. Administer take-home examinations,
 - c. Make available reference and other materials needed during the administration of a take-home examination, and
 - d. Otherwise facilitate an instructor's experimentation consistent with these rules.
2. **Instructor's Discretion.** The instructor responsible for an examination has the discretion to determine its format and type. The instructor shall indicate any special provisions for administering and completing the examination that are consistent with these rules.
3. **Common Understandings of Honesty, Fairness, and Considerations of Others.** Every student taking an examination is bound by common understandings of honesty, fairness, and consideration of others. Every student taking an examination must follow the instructions of the Registrar, the Registrar's designee or proctor. The provisions governing examinations supplement and explicate these understandings. Breach of any understanding or provision may be a breach of the Conduct Code (Rule XIII-1 B and C).
4. **Use of Electronic Devices.** An instructor may determine whether computers may be used during an exam. If the instructor does not

specify, the only electronic devices that may be used during an exam are (1) an electronic dictionary, (2) a calculator, or (3) those approved by the deans as a reasonable accommodation. Unless permitted by the instructor, no computer or electronic device may be used to communicate with another person, computer, or electronic device during an exam.

D. Examination Scheduling

1. **Final Examination Schedule.** Every final examination shall be administered during a final examination period according to a schedule determined and published by the Registrar before the midpoint of the term and after consultation with affected instructors and students. To the extent feasible, examinations involving the same students shall be evenly distributed during the examination period.
2. **Scheduling Interim Examinations and Similar Activity for Academic Credit.** Every interim examination or similar activity for academic credit shall be scheduled so as to minimize conflict with any examination or similar activity for academic credit already scheduled and involving substantially the same students.

E. Special Administration of Scheduled Examinations

1. **For Illness or Other Personal Circumstances Beyond a Student's Control.** The Registrar, in consultation with the Assistant Dean of Students, as appropriate, shall permit a student, upon request made as promptly as reasonably practicable in the circumstances, to take an examination at a time other than scheduled, provided the student shows illness or personal circumstances, beyond the student's control, compelling the exception.

For a final examination, a special administration authorized under this subdivision shall take place, if feasible, during the final examination period or, at the latest, prior to the first day of classes for the next semester. Otherwise the student must take the examination when it is next regularly administered or reenroll in the course.

2. **Where a Student Has Two Examinations on the Same Day.** The Registrar shall arrange, for a student who has two (2) examinations scheduled on the same day, for one (1) examination to be specially administered at a date and time determined by the Registrar, provided:
 - a. The student requests a special administration in writing within such time as the Registrar may prescribe; and
 - b. The affected instructor concurs in the special administration.

F. Examination Administration

1. **Registrar's Authority and Responsibility.** The Registrar shall have the authority and responsibility for administering all examinations and is authorized to promulgate and carry out instructions, consistent with these rules, for administering an examination.
2. **No Changes in Examinations.** Once the examinations have been handed to students, there can be no changes, not even clerical corrections, in the exams. A student who believes a mistake has been made or who is not sure how to interpret a particular question or part of a question is to explain in writing in the examination response whatever assumptions are made to resolve the issue.
3. **Student Consultation During Examination Administration Prohibited Except as Expressly Authorized.**
 - a. **Consultation with others.** Unless explicitly authorized in the written instructions for an examination, a student shall not consult about the examination with any other student or anyone else,

- i During the administration of an examination, or
 - ii In the case of administration of the same examination at different times, during the entire period in which the examination is administered.
 - b. **Consultation with outside materials.** While taking an examination, a student may consult only such outside materials as indicated in the instructions for the examination.
4. **Supervision of Examination Administration.** All examination administration shall be supervised by the Registrar or by proctors selected by and responsible to the Registrar. A proctor shall assure that :
- a. The instructions for the examination are followed;
 - b. The Academic Rules and Policies are observed,;
 - c. Attendance is taken of all students beginning and completing the examination instrument.
5. **Location of Examination Administration.**
- a. Generally all examinations, except take-home examinations, shall be completed in a designated classroom or classrooms during the time period for which the examination is scheduled.
 - b. **Take-home examinations.** Take-home examinations may be completed anywhere within the time permitted. Students shall not consult with anyone unless authorized by course instructor. Take-home exams must be picked up and returned to Registrar's office.
6. **Examination Length.** The time period for completing an examination other than a take home examination in an offering should not exceed by more than one (1) hour the product of multiplying the number of credits of the offering by the percentage of a student's final grade attributed to performance on the examination.
7. **Examination Work Product.** Except as otherwise determined by the instructor, all responses shall be written on paper provided by UNH Law. Except as authorized under subdivision (8), the medium of response, for example, writing by hand in a bluebook provided by the Registrar for the particular administration, shall be the same for all students completing an examination.
8. **Exceptions to Accommodate Disabilities.** After documentation of a disability preventing the student from using examination time as efficiently as other students, the Assistant Dean of Students may authorize, in writing, as appropriate, one or more of the following:
- a. Additional time in which to complete in-class examinations;
 - b. Typed or word-processed responses;
 - c. Use of tape-recorded questions; or
 - d. Any other accommodation suggested by the student which the Assistant Dean of Students deems reasonably necessary to allow the student to demonstrate proficiency in the course and which does not alter the fundamental nature of the course or examination.
- Documentation supporting a request for an accommodation is to be submitted as early as possible in the semester to the Assistant Dean of Students.
9. **Exceptions To Accommodate Students For Whom English Is A Foreign Language.**
- a. Students for whom English is not a native language may qualify to receive extra time during examinations. Any student seeking extra time under this provision must submit a written request to the Registrar within six weeks of the beginning of the first semester in which the student seeks the accommodation. The written request must verify the following:
 - i English is not the student's native language;
 - ii The student has received all preceding undergraduate and graduate degrees from non-English language institutions; and
 - iii The student has taken the TOEFL (Test of English as a Foreign Language) and submitted the results of the test to UNH Law in support of the student's application for admission.
 - b. A student meeting the requirements of subdivision (a) is entitled to receive extra time for the first four semesters of study at UNH Law, subject to the provisions of subdivisions (c) and (e), below.
 - c. Any student permitted to have extra time under these provisions shall receive 50 percent more time for each in-class exam during the first two semesters of study and 25 percent more time for each such exam during the third and fourth semesters of study. No extra time is permitted during the fifth and sixth semesters.
 - d. Students for whom English is not a native language will be permitted to use a dictionary while taking exams. The dictionary is to be purchased by the student and is to contain no additional writing in any language. Dictionaries that do contain additional writing may not be used in the exam, except for open-book exams. Students may use a dedicated electronic dictionary provided that it does not have communication capabilities. The right of students for whom English is not a native language to use a dictionary extends throughout a student's law school study, whether or not the student is entitled to extra time.
 - e. With the concurrence of the Director of the Graduate Legal Writing Program or other appropriate faculty member, the Registrar may:
 - i Withhold the accommodation set forth in subdivision (b), above, from an otherwise qualified student whose English-language skills are essentially equivalent to those of students holding a baccalaureate from an American college or university; and
 - ii Extend the accommodation set forth in subdivision (b) to any student who fails to satisfy the criteria of either subdivision (a)(2) or (a)(3), above, provided that the student:
 - a. Submits a written petition to the Registrar requesting such accommodation within the time frame set forth in subdivision (a); and
 - b. Demonstrates that his or her English language skills are substantially inferior to those of students holding a baccalaureate from an American college or university.

G. Satisfactory Financial Standing Required to take a Final Examination or be Allowed Credit for a Work Product in Place of a Final Examination

1. **Notice.** UNH Law may, by written advance notice, (a) bar from the regular administration of a final examination or (b) refuse to allow credit for a work product required in place of a final examination that is submitted by a student who, at the time of the administrative notice, is not in satisfactory financial standing with UNH Law as determined by the Vice President for Business.
2. **Consequences.** Unless prior to the scheduled administration of a final examination or the due date of the work product required in place of a final examination, a student given advance notice as provided in subdivision (1) is able to attain satisfactory financial standing as determined by the Vice President for Business, the student's right to complete the requirements in the offering is barred. Failure to

complete the requirements in the offering shall result in no credit or residency but shall not relieve the student from the obligation to pay that semester's tuition.

H. Student Work Products after Grading

1. **Retention by Registrar.** The Registrar shall be responsible for UNH Law's retaining until the end of the second semester following the term in which it is submitted any:
 - a. Final examination;
 - b. Paper; or
 - c. Other work product that counts for one-third (1/3) or more of a final grade in an offering, and is not returned to the student after the instructor has reviewed and graded it. The Registrar shall keep student work products in a secure place under conditions reasonably assuring their continuing confidentiality.
2. **Student Access.** A student shall have access to the student's work products as long as they are retained by UNH Law. The Registrar is authorized to prescribe rules for students' orderly accessing their work products, including limiting access at those times when the Registrar's Office is most involved in other activities, such as the first two weeks of a semester, taking into account:
 - a. The times when students are likely to have the greatest interest in reviewing examinations and other work products; and
 - b. The steps necessary to retrieve work products from [archival] storage.