

# **Academic Regulations for the LL.M. in Intellectual Property and Information Law**

## **Article I. Requirements for the Degree of Master of Laws in Intellectual Property and Information Law**

Boston University confers the degree of Master of Laws (LL.M.) in Intellectual Property and Information Law on candidates recommended by the Faculty of the School of Law and approved by the President and Trustees of the University.

### **A. Degree Requirements**

To qualify for the LL.M. in Intellectual Property and Information Law all candidates must satisfy the following requirements of the LL.M. in Intellectual Property and Information Law Program (the Program):

#### **1. Credit Requirements**

Complete a minimum of 24 credit hours in two semesters of residence, with at least 10, and no more than 18, credit hours in each semester. Except as otherwise permitted by the Program Director, all courses for which a student has registered, including any additional courses beyond the 24-credit minimum, must be completed unless dropped as provided in these regulations.

#### **2. Courses**

Introduction to American Law (2 credits); Legal Research and Writing (2 credits) and participation in the Professional Skills Lab (or equivalent substitute as approved by the Program Director upon a showing of compelling circumstances warranting excused absence from the Professional Skills Lab)

#### **3. Grade Requirements**

- i. Obtain a final weighted cumulative average of at least C+ (2.3) for all courses (including seminars) taken.
- ii. Receive not more than one grade of C- (1.7), D (1.0) or F (0) in elective classes.
- iii. Receive a cumulative grade point average of 2.3.

#### **4. Timing Requirements**

Except for those students enrolled in the 2 Year LLM Program, all students must complete the Program's degree requirements in the same academic year that he or she begins the Program, unless the Program Director grants a waiver in a particular case upon a student's petition. Waivers shall be granted only for compelling academic reasons and, in all instances, only as allowed by Boston University's International Students and Scholars Office in accordance with applicable visa rules and regulations. Courses taken more than five years after the conclusion of the student's first semester in the program are not counted toward the degree. Leaves of absence do not extend the five-year limit.

## **B. Honors**

The Program does not currently award honors distinctions with the degree based on cumulative grade point averages. Students may receive an “honors” grade in individual classes they take pursuant to the “Credit/No Credit/Honors (C/NC/H)” option set forth below.

The member of each graduating class with the highest cumulative grade point average is recognized at commencement with the Sebastian Horsten Prize for Academic Achievement Award. The John N. Riccardi Outstanding Achievement Award is presented to the student who has best demonstrated excellence in academic achievement, honorable conduct, and contributions to the class.

## **C. Auditing Classes**

Students may audit classes if there is space available in the course as determined by the Registrar’s office and Office of Graduate and International Programs (“OGIP” or “the Office”) and upon receiving the instructor's written permission. Priority of registration is given to students taking the course for credit. Students receiving permission to audit a course shall submit to OGIP a completed Audit Form, signed by the instructor, no later than the end of the Add/Drop period of the applicable semester. The Program Director may authorize a late submission upon a showing of good cause. Audited classes shall count towards the 18-credit semester limit but shall not count towards the Program’s 24-credit requirement. Audited courses also cannot be used to satisfy concentration requirements. At the end of each term, a student who wishes to include an audited class on his/her transcript is responsible for submitting to the Office the instructor’s written certification that he/she satisfactorily audited the class. Students may elect to take the class on an informal audit basis which would allow them to access the course, but not have it appear on their transcript, or they can elect to take the course on a formal audit basis. The course will appear with a notation “AUD” on the student’s transcript upon successful completion of a course taken on a formal audit basis.

## **D. Failure to Satisfy Degree Requirements**

Any student who, at the end of the year, has failed to satisfy the requirements for the LL.M. degree must petition the Program Director with a specific proposal for completing outstanding requirements. The Program Director shall report the matter to the Academic Standards Committee or Graduate Foreign Programs Committee as deemed appropriate by the Program Director, along with a recommendation. The Committee shall, in turn, report the matter to the Faculty with its recommendation. The Faculty may then direct either that the student be dropped from the Program or, where appropriate, that the student complete specified work to satisfy degree requirements.

## **E. Maximum Non-GPA Credits**

Some sources of credit do not produce grades that are included in a student's grade point average (GPA), even if the grades appear on the transcript. These sources include courses taken elsewhere in the university or at other law schools, credit for independent papers supervised by instructors who are not part of the law school's full-time faculty and credit for classes taken on a "Credit/No Credit/Honors" basis.

A student may not apply more than six credits from such sources toward the total required for graduation, excluding the required pass/fail Introduction to American Law class. No student may apply more than four credits in a particular term on this basis.

Credits earned through non-GPA sources may not be applied to satisfy the academic requirements of the Program's concentrations.

## **F. Required Courses**

1. Unless waived by the Program Director, all students must take the introductory course, "An Introduction to American Law," for two credit hours.
2. Unless waived by the Program Director, all students must take the Legal Research and Writing Seminar, for two credit hours. This course must be taken during the student's first semester of study unless authorized by the Program Director to take during the student's second term.
3. All students must participate in the Program's Professional Skills Lab, typically offered in the fall term, or otherwise satisfy the LL.M. colloquium requirement in a manner which the Program Director approves. The colloquium and/or Professional Skills Lab is not graded and does not count towards the credit hour requirements listed above.
4. Students must fulfill course requirements consistent with the prescribed courses delineated on the law school's website. Exceptions to course requirements are allowed only upon a showing of compelling circumstances and by approval of the Director and Graduate Foreign Programs Committee.
5. Students will be advised of a limited number of courses which do not permit LL.M. enrollment. To the extent practicable and in accordance with the Registrar's needs to manage enrollment and/or the professor/instructor's determination regarding the educational viability of a course for LL.M. study, the vast majority of courses offered to the School of Law's JD students are open to LL.M. in Intellectual Property and Information Law students if space is available.

## **G. Course Load**

1. Full-time students must carry a load of at least 10 credits per semester. Part-time students may enroll in a minimum of two and a maximum of ten credits per semester.
2. All students shall be registered as full-time students except as otherwise permitted under applicable visa rules and requirements and authorized by the Program Director.
3. Except in rare instances and as permitted by the Program Director, students are not permitted to take JD clinical courses or seminars or participate in externships for credit. If opportunities arise for LL.M. participation in clinics or externships, students will be informed accordingly.
4. Students shall not receive credit towards their 24 credit hour degree requirement for courses or seminars that focus exclusively on foreign or comparative law, unless the student receives the Program Director's permission.

## **H. Course Waivers**

Students may petition the Program Director to be waived from "An Introduction to American Law." Permission will be given only if, in the judgment of the Program Director, the student has a solid understanding of the American legal system and significant prior course work in the field. The student must petition the Program Director with a waiver request prior to the end of the first week of the fall term. The student shall attend the introductory course pending the decision.

The Program Director, upon receipt of a written request from a student expressing good cause, may approve a request to waive the requirement that the student complete the required Legal Research and Writing course. "Good cause" typically includes successful completion of a substantially similar course to the Required Course at an ABA/AALS-approved law school.

## **I. Advanced Standing**

A student who previously enrolled in courses at the law school as an exchange student may apply the credits earned toward the LL.M. degree if the student meets all of the criteria for admission to the Program and completes credit requirements within five years of the conclusion of the student's exchange semester.

## **J. Leaves of Absence**

Students desiring to interrupt their study in the Program for any reason and to return to the Program may petition the Program Director for a leave of absence. Such petition must clearly state the following:

- i. The reasons for the leave of absence.
- ii. The activities in which the student expects to be engaged during the leave.
- iii. The date upon which the student wishes to return to the Program.

The Program Director, may in their discretion, grant the request with such conditions as they may deem appropriate. In addition to any special conditions imposed, the following rules apply to all leaves:

**1. Length**

Leaves ordinarily will not be granted for periods longer than one semester.

**2. Extension**

A student seeking to extend a leave must submit a written petition to the Program Director before the leave has expired. The total length of a leave may not exceed one year.

**3. Return**

A student returning from a leave must send written notification to the Program Director at least two months before the beginning of the semester in which the student wants to return. A student failing to give such notice may not return for that semester without the Program Director's permission.

**4. Five-Year Graduation Requirement**

A student who takes a leave of absence is still expected to comply with the timing requirements for graduation set forth in these regulations.

**K. Withdrawal**

**1. Lapse of Program Completion**

A student shall be administratively withdrawn from the program if:

- i. the student has not completed the Degree Requirements in a timely manner pursuant to Article I, or
- ii. the student has not registered to take courses in a semester and has not been granted a leave of absence.

**2. Withdrawal in Good Standing**

Withdrawal in good standing becomes effective only upon submission of an official withdrawal form to the Program Director, irrespective of the reason for withdrawal and whether the student seeks to return. No student may withdraw in good standing until all obligations to the University have been paid. Tuition refunds may be sought in accordance with university regulations.

## **L. Readmission**

A student who has withdrawn from the Program may submit a written request for readmission to the Program Director, who will refer the request to the Graduate Foreign Programs Committee. The request must explain the circumstances of the withdrawal, the reasons for not having requested a leave of absence, and the events leading to the request for readmission. After considering the petition and the student's record, The Committee may grant readmission, with any conditions deemed appropriate, or may require the student to reapply through the ordinary admissions process.

## **Article II. Registration and Course Selection**

### **A. Registration and Late Registration**

Every student must be registered for classes by the end of the official registration period for each semester. For incoming LL.M. students, priority of registration is given to students who complete academic advising prior to the posted registration deadline. The Office of Graduate and International Programs registers the program's students and prescribes the related deadlines and procedures. No student will be registered until he or she has received an academic counseling session with the Program Director or his/her designate. The University reserves the right to require an earlier completion of registration by means of pre-registration and prepayment of tuition and fees. In no event may a student register later than one week immediately following the official registration period without the written approval of the Program Director.

### **B. Prerequisite Courses and Co-Requisite Courses**

Prior to registering for a particular course, students should ensure that they have taken any prerequisite courses and have taken or registered for any co-requisite courses. It is in the faculty member's sole discretion whether to waive the prerequisite or co-requisite course. A student must obtain written permission for such a waiver from the faculty member and provide it to the Program Director prior to enrolling in the course. All students are obligated to complete any course for which they register—including any online, non-credit earning course (e.g., Online Business Fundamentals).

### **C. Add/Drop Period and Course Withdrawal**

After registration, students may change their study plans within the relevant "Add/Drop" period, which generally takes place during the first two weeks of each semester. The end of the Add/Drop period for six-week course offerings will be prescribed by the Registrar. Students shall request their changes by submitting to the OGIP a completed Add/Drop form. All requested course changes must be approved in writing by the Program Director or his/her designee. In no

event may program changes resulting from adding and dropping courses result in a program of less than 10 or more than 18 credit hours in any one semester. Late adds/drops may be authorized only by the Program Director. Unless the student demonstrates that, under the circumstances, the delay should be excused, a course that the Program Director permits to be dropped after the relevant deadline will appear with a notation of “W/D” (indicating “withdrawal”) on the student’s transcript.

## **D. Waitlist for Closed Courses**

Students wanting to add courses or seminars that are oversubscribed and listed as closed may ask to be placed on a waitlist. Wait-listed students will be allowed to register in such closed courses and seminars if space permits at the end of the Add/Drop period. Attendance is required to remain eligible to enroll in the class.

## **E. Supervised Research and Writing**

### **1. Credit**

Students may earn up to three credits in total by completing an intensive research and writing project under close faculty supervision. Only one Supervised Research and Writing Project may be taken for credit toward the LL.M. degree, and credit is allowed only if the project is approved in advance by the Program Director.

### **2. Approval**

Students must submit a written proposal to the Program Director consisting of a preliminary project outline, a specification of the number of credits the student expects to earn upon successful completion of the project, and a letter from a BU Law faculty member indicating that he or she:

- i. Has reviewed the outline,
- ii. Believes that the topic is worthy of study,
- iii. Believes that the student has the interest and ability to complete the project, and
- iv. Agrees to supervise the project.

### **3. Approval Form**

A form designed to simplify the process of obtaining approval for a Supervised Research and Writing Project is available from the OGIP Office.

### **4. Guidelines**

Upon approval of a Supervised Research and Writing proposal, the student must consult further with the faculty member who is supervising the project. It is up to the faculty member, in his or her discretion, to establish essential details for the conduct of the Supervised Research and Writing, subject only to the guiding principle that the amount of effort required of a student to complete a Supervised Research and Writing is to be commensurate with the amount of work required to complete a course which offers the same number of credits. These details should include a specific timetable for meetings

and for the submission of detailed outlines and drafts, and a determination of the length of the final paper. While the length of the final paper is at the discretion of the faculty member, it is anticipated that most papers for a two credit Supervised Research and Writing will be in the range of 7,500 to 15,000 words.

## **F. Research and Writing Supervised by an Outside Faculty Member**

A student who has prepared a detailed proposal for law-related research and writing to be supervised by a person holding professorial rank outside BU Law, and who has obtained the written approval of the Program Director, may petition the Dean or their designate in advance for permission to register for up to three credits for such work. The petition must be presented prior to beginning such work and must include the proposed supervisor's written agreement to supervise the work. Such a petition may be granted if the Dean or their designate finds that (1) the work to be done is equivalent in time and quality of a course carrying such credit, and (2) the supervisor is an expert in the area of study who will set high standards of academic performance. The grade received will be recorded on the student's transcript but will not be included in the student's GPA.

## **G. Credit for Graduate Level Courses outside the School of Law**

### **1. Credit Allowed**

LL.M. in Intellectual Property and Information Law students may earn credits for graduate level courses taken at Boston University outside the School of Law. Credit towards the Intellectual Property and Information Law degree shall be limited to four credits per course; to one course per semester; and to a maximum of six credits for the entire year; and, in all instances, to courses which further the educational objectives of the Program. In addition, the following conditions must be met:

### **2. Level**

If the course is open to both graduate and undergraduate students, the student must secure the instructor's written assurance that the student will be held to graduate level standards.

### **3. Prior Approval**

The student must obtain written approval to take the course before registering for it from the Program Director, the administration of the host school, and the course instructor.

### **4. Grades**

The student must receive a grade of B (or its equivalent) or better in the course.

### **5. GPA Calculation**

Grades received in courses taken outside of Boston University School of Law will be recorded on the student's transcript but will not be calculated in the student's grade point average.



## **6. Tuition Charges**

Students of Boston University School of Law are not charged additional tuition for selected courses taken at Boston College Law School (within the 18 credit per semester limit). A cross-registration form may be obtained from the OGIP office. Tuition and fees at all other schools are borne by the student.

## **H. Program, Calendar and Scheduling**

The School of Law reserves the right in its sole judgment to make changes of any kind to its program, calendar, or academic schedule as it deems necessary or desirable. Changes may include varying course content, rescheduling classes with or without extending the actual academic term, canceling scheduled classes and other academic activities, and requiring or affording alternatives for scheduled classes or other academic activities. The School of Law may give notice of such changes as is reasonably practicable under the circumstances.

## **I. Course Priority**

The Office of Graduate and International Programs prescribes the procedures regarding wait-lists for oversubscribed classes. Students desiring to add courses or seminars that have been announced as closed should request that they be put on a wait-list. To the extent space becomes available, assignments to such courses or seminars will be made no later than the close of the Add/Drop period in each semester. Intellectual Property and Information Law LL.M. students have priority for enrollment in Intellectual Property & Information Law related courses relative to LL.M. students in other programs. ALP LL.M. students have priority of enrollment in all bar fundamentals and/or bar required courses relative to LL.M. students in other programs. Any student who misses the first meeting of a seminar without the Program Director's and instructor's advance permission may be administratively dropped from the seminar. Attendance is required to remain eligible to enroll in a course.

For classes in which there are multiple sections of the same course, students enroll for the course- not a particular instructor/professor. The Office of Graduate and International Programs will assign students into a particular section consistent with the enrollment needs of the Program. Absent a showing of compelling circumstances which the Program Director approves, students may not add/drop into another section of the same course.

## **J. Non-Degree Candidates**

Students may, in rare instances and only upon approval by the Program Director, enroll in classes following completion of their degree upon a showing of good cause that enrollment in the course(s) is necessary for future career advancement and completion of the same was either unforeseeable during the student's course of study while enrolled in the law school. It is in the sole discretion of the Program Director to determine whether good cause has been shown warranting postgraduate enrollment.

## **Article III: Classroom Expectations**

### **A. Attendance and Timeliness**

Regular attendance is expected in all courses and seminars for which a student is registered. Students are expected to come to each class session on time. Students who are late for classes may be considered absent pursuant to the individual instructor's attendance policies. Students must notify the Program Director, in advance, if possible, of extended absences. A student who, without permission from the Program Director, has not attended any of his or her classes in a four-week period will be administratively dropped from the Program.

A student who has been warned by an instructor of excessive absences or tardiness, and whose absences or tardiness continue, may be excluded from the final examination or any other further participation in the course or seminar. Such a student will receive a failing grade. A warning under this paragraph may be communicated orally or in writing. A written warning will be deemed adequate if either (1) mailed to the student's street address on file in the Registrar's Office or (2) e-mailed to the student's Boston University e-mail account. Any petition to the Program Director for readmission to the course or seminar will face a heavy presumption against readmission.

A student who has been administratively dropped from a class section or program due to excessive absences or tardiness may petition the Graduate Foreign Programs Committee (LL.M. course) or Academic Standards Committee (JD course) for readmission to the course or seminar, or to the Program generally, pursuant to Article VII. There is a heavy presumption against readmission, especially in cases where the student did not communicate with the Program, Program Director, the instructor, or the Office of Graduate and International Programs staff about the absences before or during the period in which the absences occurred.

### **B. Preparation and Classroom Participation**

Preparation of class assignments and informed participation in class discussions are expected of every student. Faculty may set different participation requirements for their particular course and students are expected to meet the participation requirements for the section in which they are registered.

### **C. Class Cancellation**

#### **1. Illness or Personal Reasons**

If an instructor should cancel a class due to illness or personal reasons, time permitting, students will be notified via email that the class has been cancelled.

## **2. Weather**

During inclement weather, such as snow, Boston University will decide whether to cancel daytime classes by 6:00 A.M. and evening classes by 3:00 P.M. Generally, the law school will follow the lead of Boston University in determining whether to cancel classes.

## **D. Recording of Residential Classes**

### **1. Audio or Video Recording of Classes**

Any use of audio or video recording devices in the classroom, without the instructor's express permission, is prohibited. Some class sessions are recorded by the School of Law's Academic Media Services Department as a standard practice and are available on the course Blackboard site. With the permission of the instructor and the Program Director, residential classroom proceedings that are not typically recorded or made available online may be recorded by the School of Law's Audiovisual Department for certain purposes including, but not limited to, accommodation of student illness, disability or religious holidays. Students are prohibited from reposting or otherwise distributing all or any portion of a recorded class for any reason.

### **2. Requests**

Students must submit any requests to record a class to the Program in writing and must include the reason for the request.

### **3. Approval**

Faculty members and /or the Program may deny or grant requests for recording for any reason. The Program office will make the recording available only to the person or group to whom permission has been granted and shall dispose of the recording as directed by the instructor.

## **E. Grade Adjustment**

Instructors will usually announce the basis upon which they will calculate their students' final grades on or before the first day of class. While grades will normally be based primarily on a student's level of achievement in an examination or paper or a combination of the two, an instructor, in determining a student's final grade in any course, may take into consideration a student's attendance, interim assessment, mid-term, conference call, email submission, preparation and classroom participation. As a general rule, an instructor may, without advance notification, raise grades achieved as a result of examinations and papers by one increment (e.g., from B to B+) to reflect a student's classroom participation. Faculty, however, may not lower grades for participation without advance notice to students. With advance notice, faculty may lower a grade by one or more increments.

Any exceptions to the general rule will be announced on or before the first day of class. Such exceptions may include raising or lowering a grade achieved as a result of examinations and papers by more than one increment.

With advance notice, an instructor who requires a paper or papers in lieu of an examination may adopt and apply a policy of assigning a specified weight to classroom preparation or participation. The weight given to preparation or participation may be specified either as a percentage of the final grade or in terms of grade increments.

## **Article IV. Examinations and Papers**

### **A. Examinations, Take Home Examinations, and Papers**

Each instructor determines the basis upon which a student's proficiency in the course taught by the instructor will be measured.

Instructors may evaluate student performance through any of a variety of assessment methods including quizzes, timed examinations (either open or closed book), take home examinations, papers, oral presentations, or any combination of these.

### **B. Examination schedule**

Except when special arrangements have been made with the instructors to evaluate student performance other than by examination, students must take examinations according to the Registrar's announced schedule unless they have obtained permission to reschedule the exam under section C or D of this Article.

### **C. Advance rescheduling of an examination in special circumstances**

With advance request to the Program, a student may reschedule an examination under the following circumstances:

#### **1. Religious Holiday**

A student may reschedule an examination held on a religious holiday that the student observes. The rescheduled date will be as close as possible to the original date, and ordinarily it will be neither more than one day earlier nor more than five days later. Students may submit their requests directly to the Registrar, after notifying the OGIP.

#### **2. Exam Schedule Conflict**

While rescheduling an exam is not guaranteed as the ability to reschedule is based upon the capacity of the BU Law Registrar's Office to accommodate, best efforts will be made to allow a student to reschedule an examination that is one of (1) three examinations on three consecutive days of the examination period's first calendar week; (2) three examinations on three consecutive days of the examination period's second calendar week, if the third examination concludes no later than 48 hours after commencement of the first; (3) two examinations on one day; or (4) four examinations on four consecutive calendar days. In circumstance (1) or (2) above, the middle examination will be rescheduled. In circumstance (3), either examination may be rescheduled. In

circumstance (4), either the second or the third examination may be rescheduled. The date of the rescheduled examination will be as close as possible to the originally scheduled date, and ordinarily it will be neither more than one day earlier nor more than five days later. Rescheduled exams must be completed within the published exam period. Students seeking to reschedule outside of the exam period need to petition the relevant committee (Academic Standards Committee for JD course or Graduate Foreign Programs Committee for an LL.M. course) for approval. Students may submit any request to reschedule an exam directly to the Registrar, after notifying the OGIP.

### **3. Illness**

A student may reschedule an examination if the Program Director (if it is an LL.M. course) or the Academic Standards Committee (if it is a JD course) determines that serious illness, or other compelling circumstance beyond the student's control, justifies relief. If illness is the asserted basis for relief, the student's request must be supported by a statement from an examining physician. The physician's statement must show the date, nature, and severity of the illness, and it should give the physician's judgment as to the student's ability to take the examination as scheduled. The statement should be as contemporaneous with the request as possible. If relief is granted, the rescheduled date will be as close to the original date as the reason for giving relief will permit, and ordinarily it will be neither more than one day earlier nor more than five days later.

If the proposed date for rescheduling is beyond the end of the examination period, the student must obtain approval from the Academic Standards Committee (JD course) or Graduate Foreign Programs Committee (LL.M. course) for committee approval. In situations where the illness extends more than two weeks beyond the end of the examination period, the appropriate committee may determine that is no longer appropriate to permit the student to take the final examination and may propose alternative remedial action.

Such action may include, but is not limited to, the following:

- i. The student takes a special make-up examination, the time for which is to be determined by the Committee, in consultation with the course instructor, with such special make-up examination being given for the purpose of awarding credit for the course either with or without grade, as determined by The Committee; or
- ii. The student be allowed to drop the course with a W/D grade.

### **4. Other Compelling Circumstance**

A student may reschedule an examination if the Program Director determines that other compelling circumstances beyond the student's control justifies relief. Such requests should be made to the Program Director as soon as the student becomes aware of the issue necessitating the request. The Program Director may consider the student's failure to make a timely request as grounds for denying such request. The Program Director may also require the student to submit additional documentation, such as a statement from the student's employer for requests related to professional conflicts, to support the student's request. Full-time students are expected to prioritize their exams over any

outside work or professional commitments and will not be excused from taking an exam on its scheduled date for conflicts related to their current employment.

#### **D. Excused Failure to Take Exam as Scheduled or Submit Exam/Paper by Due Date**

Failure to take an in-class examination at the scheduled or rescheduled time, or failure to submit a take-home examination on time, may be excused only if the Graduate Foreign Programs Committee (LL.M. course) or Academic Standards Committee (JD course) determines that serious illness, or other compelling cause beyond the student's control, caused the student's failure. If illness is the asserted cause, the student must produce the documentation described in paragraph C(3) above. If the appropriate committee decides that the student's failure is excused, it will prescribe an appropriate remedy, which ordinarily will be to reschedule the examination for the earliest date consistent with the reason for recognizing the excuse. If that date is beyond the end of the spring semester examination period, then the student must obtain Faculty approval under Article VII below.

If the relevant Committee determines that a student, without compelling cause, has failed to take an examination on time or has failed to submit a take home examination on time, the student will receive a failing grade of F on the examination and will receive no credit for the course. The failing grade will be included on the student's transcript and in the student's grade point average, weighted by the number of credits assigned to the course. However, The Committee may, in its discretion, allow the student to take and submit the examination, provided that the student does so immediately. If The Committee so allows, a penalty will be imposed that reflects both the student's fault and any benefit the student might have obtained from delay. Ordinarily, this penalty will be a substantial reduction of the student's examination grade.

#### **E. Unexcused Failure to Take or Submit an Examination on Time or Submit Exam/Paper by Due Date**

If a student has failed to take an in-class examination on time, or has failed to submit a take-home examination or final paper on time, The Committee may allow the student to take and submit the examination, provided that the student does so immediately. If The Committee so allows, it will impose a penalty that reflects both the student's fault and any benefit the student might have obtained from delay. Ordinarily this penalty will be a substantial reduction of the student's examination grade.

#### **F. Reports of Absences from Examinations**

Any student who, for any reason, is unable to take an examination as scheduled must promptly, and prior to the examination, report the facts to the Program Director and NOT to the instructor. This requirement extends to online exams, quizzes, final papers, and other evaluations. It includes e-mail and all other communications with the instructor (or with a teaching assistant). Because violation of this rule implicates the anonymity of the examination process and compromises the grade-integrity of all examination-takers in a course, violation of this provision

may result in disciplinary action. Whenever possible, instructors receive make-up examinations together with all other examinations.

## **H. Examination Rules**

The following rules, which apply generally to the relative conduct of the examinations, may be supplemented by the instructor for his or her course. A student who believes he or she has good cause for relief from one of these rules may submit a petition to the Program Director who will distribute it to the appropriate committee requesting some form of relief.

The following rules apply to the conduct of examinations. Additional rules may be prescribed either by the School or by an instructor.

1. Students with appropriately documented disabilities who are enrolled in Boston University courses or programs may be eligible for reasonable accommodations. Students seeking accommodations must provide appropriate medical documentation of their disability so that the Office of Disability Services can determine a student's eligibility for accommodations and, if the student is eligible, determine appropriate academic accommodations.
2. All LLM students qualify for additional time during mid-term and final examinations only for JD exams that are under five hours in length. No student gets additional time for any exam conducted over five hours. There shall be no additional time given for take home exams that are more than five hours in length or LLM only exams and assessments.
3. All final examinations, including take home examinations and papers, shall be evaluated on an anonymous basis to the extent possible. Students and instructors are expected to follow exactly the procedures established by the Registrar's Office for the identification of examination answers and, to the extent feasible, papers, by numbers rather than by name to assure the anonymity of the grading process.
4. Use or possession of cell phones, or other communication and/or recording devices is forbidden unless authorized specifically by the Program Director or Registrar's Office in advance of the examination.
5. During an in-class examination, students may not possess materials or devices not previously approved by the instructor. Students may not consult with other persons. They may consult books, notes, or similar material, only as authorized by the instructor. Use of laptop computers is subject to announced School policies and procedures. LL.M. in Intellectual Property and Information Law students shall be entitled to bring into their examinations a non-legal (non-electronic) dictionary in their native language and an English language dictionary.
6. Students must follow the exam proctor's instructions to sit in a specific section or seat, if asked.

7. Except in case of emergency, students taking an in-class examination may leave the examination room only as necessary to use the restrooms.
8. Students must stop writing and turn in their in-class examination papers when time is called. Failure to do so may result in a reduction of the student's grade and/or failing grade for the exam as determined by the Academic Standards Committee (JD course) or Graduate Foreign Programs Committee (LL.M. course).
9. Both in-class and take-home examinations will be issued by, and must be returned to, the Registrar.
10. During take-home examinations, students may not consult other persons unless expressly authorized by the instructor.
11. If the student is unable to complete the exam within the requisite time due to technology failure, the student may contact the Office of Graduate and International Programs to request additional time to complete the exam. Such request must be made during or immediately following the close of the exam and must clearly explain the issue, including at what point during the timed period the issue arose, and the steps the student took to resolve the issue. The Program Director or designee shall have discretion to determine whether to grant the student additional time to complete one or more sections of the exam and may refer the matter to the Academic Standards or Graduate Foreign Program Committees for determination. Under no circumstances should the student contact the instructor to discuss any technology or other issues encountered during the exam so as to preserve anonymity in grading.
12. A student who, for any reason, has been granted permission to reschedule an examination after the regularly scheduled date is prohibited from discussing with other students any aspect of the examination questions or answers prior to taking the rescheduled examination. In the unusual circumstance where a student is granted permission to take an examination prior to its regularly scheduled date, the student is prohibited from discussing the examination or its contents with any student who has not yet taken the exam.
13. No student may retake an examination for any purpose, except as otherwise permitted under these regulations.
14. Students may review essay portions of their examinations after final grades have been released by contacting their instructors. An instructor may not change a grade based upon such a review, unless it is determined that there was a computational or clerical error in recording the grade.

## **Article V. Grades, Transcripts and Class Rank**



## A. Grading Scale and Procedures

The LL.M. in Intellectual Property and Information Law Program has a letter grading system. The minimum passing grade in each course or seminar is C.

The Faculty has established the following scale of numerical equivalents for letter grades:

|          |          |          |         |
|----------|----------|----------|---------|
| A+ = 4.3 | B+ = 3.3 | C+ = 2.3 | D = 1.0 |
| A = 4.0  | B = 3.0  | C = 2.0  | F = 0   |
| A- = 3.7 | B- = 2.7 | C- = 1.7 |         |

The upper-level distribution requirements apply for LL.M.-only classes or JD classes where there are more than 25 LL.M. students, as set forth in Article IX of the Academic Regulations in the Law Student Handbook (the "JD Academic Regulations").

For all first-year doctrinal courses, the following grade distribution is mandatory:

|              |        |  |
|--------------|--------|--|
| A+           | 2-5%   |  |
| A+, A        | 15-25% | (A+ subject to 5% limitation above)                      |
| A+, A, A-    | 30-40% | (A+, A subject to limitations above)                     |
| B+ and above | 50-70% | (subject to limitations on A range above)                |
| B            | 15-50% | (subject to limitations above and below)                 |
| B- and below | 0-15%  | (subject to limitations below on ranges<br>C+ and below) |
| C+ and below | 0-10%  |  |
| D, F         | 0-5%   |  |

For seminars and courses with a graded enrollment of 25 or fewer, the above distributions are not mandatory, but a median of B+ is recommended.

LL.M. students and JD students are graded as separate groups in classes and seminars that are open to both groups. Thus, LL.M. students and JD students enrolled in the same course will be considered separately for purposes of determining whether the 25 student threshold is satisfied for making the grading curve mandatory for either group. In those courses in which there are more than 25 LL.M. students, the upper-level curve set forth in Article IX of the JD Academic Regulations is mandatory. In those courses in which there are 25 or fewer LL.M. students, the curve is not mandatory but a median of B+ for the LL.M. students is recommended pursuant to the JD Academic Regulations.

In LL.M.-only classes, the same grade distribution policies apply as set forth above.

Final grades will be released to students by the Registrar as soon as possible after the close of the examination period. Final grades will not be released to students directly by instructors under any circumstances. For the fall semester, grades are usually released toward the end of January. For the spring semester, grades are usually released the Friday before graduation.

Unless a clerical or computational error has occurred, instructors and/or professors may not change final grades once they are submitted to the Registrar's Office, except by vote of the faculty meeting. Students may be required to retake specified courses as a condition of reinstatement in the Program pursuant to the provisions of Article VIII, below.

## **B. Class Rank**

Class rank is calculated in May of each year by the Office of Graduate and International Programs and serves as an informal ranking for graduates. Class rank information is only issued at the Program Director's discretion at the end of the academic year and is based upon the cumulative averages of all students graduating in that academic year. Class ranks do not appear on students' transcripts. A student may request an official letter from the Program Director requesting an informal notation of his or her rank.

## **C. Transcripts and Other Student Records**

A student's transcript and record will be made available to the Dean, her representative, the Program Director of the LL.M. in Intellectual Property and Information Law Program, his/her delegate, members of the faculty, the student and others to the extent permitted by law. No other persons may have access to a student's transcript and record without the written consent of the student.

## **D. Failed Courses**

When a student fails to receive a minimum passing grade (other than a grade of F) for a course, the student will receive credit for that course. The failing grade, however, will be included on the student's transcript and will be included in the student's grade point average, weighted by the number of credit hours which would normally have been granted. A student who receives a grade of F for a course will not receive credit for that course.

If a student fails the required Introduction to American Law class, the student will have the option to be re-examined on a pass-fail basis. If the student elects to be reexamined and passes, he/she will receive a passing notation on his/her transcript. The student's transcript will indicate that the failing grade was replaced on re-examination with a passing grade. If the student fails the reexamination, he/she will be dropped from the Program.

If a graded seminar or course is taken by a student on a Credit/No Credit/Honors basis, the student must earn a "C" or better on the graded work in the course or seminar to pass. A student who does not satisfy that standard will not receive credit for the course, and the course will not appear on the student's transcript.

## **Article VI. Academic Concentrations**

Unlike the LL.M. in American Law, the LL.M. in Intellectual Property and Information Law LL.M. Program does not offer an option for students to pursue a concentration in an additional specialized field of study outside of Intellectual Property and Information Law.

## **Article VII. Governance Committee and Petitions**

### **A. Committee and Structure**

Except as otherwise specified in these regulations, the Academic Standards Committee oversees issues arising from a student's enrollment in a JD course. The Graduate and Foreign Programs Committee oversees issues arising from a student's enrollment in an LL.M. course. Both the Graduate and Foreign Programs Committee and Academic Standards Committee have overall responsibility for the academic policy and administration of the Intellectual Property and Information Law including, but not limited to, functions assigned to it by these Academic Regulations. Committee membership is assigned by the Dean or Dean's designee.

### **B. Petition Process and Procedure**

Students may submit a petition to the Program Director regarding a matter to be considered by the Academic Standards Committee or Graduate Foreign Programs Committee. It is the sole discretion of the Program Director as to what committee to present the matter for review. The Program Director may bring appropriate petitions before The Committee. Petitions should state all material facts and specify the relief sought. Appropriate supporting statements should accompany the petition.

### **C. Reinstatement**

A student who is administratively withdrawn from the Program for failure to fulfill the degree requirements or otherwise may petition the Program Director for reinstatement which will be reviewed by either the Academic Standards Committee or Graduate Foreign Programs Committee. It is the sole discretion of the Program Director as to what committee to present the matter for review. Such petitions must clearly state all circumstances leading to the student's deficient performance and must be accompanied by supporting statements or documents as appropriate. Grounds or circumstances omitted from such a petition will not afford a basis for reconsideration of a petition that has been denied. Where a student indicates that a medical condition should be taken into consideration by The Committee as a contributing factor, a full statement from the attending physician must accompany the petition.

The Committee may, in its discretion, grant such relief and upon such conditions as it deems appropriate. Such relief may include, but is not limited to, retaking a course, taking additional courses, achieving a successful grade in a course or courses to be taken, or a combination of the above. Approval in these instances is subject to faculty approval. For failing grades, the failing

grade remains as there is no mechanism for removal or replacement of a failing grade absent a showing of clerical or computational error.