

EXAMINATION, PROGRESSION, AND PRIZE REGULATIONS

(updated February 10, 2016)

The following Regulations govern First, Second, and Third Year students, and Advanced Standing, Letter of Permission, and National Committee on Accreditation

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CLASSES

Class Schedule (See Pertinent Policy)

Compulsory Attendance (See Pertinent Policy)

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Information Provided To Students

1.(a) At the beginning of each course, the instructor must inform students of the method of evaluation to be used in the course. Where an open-book examination is to be given, the students must be informed of this at the beginning of the course.

(b) If any part of the final grade is to be based on work other than written work, students must be advised at the beginning of the course that no appeal will lie from the mark assigned in the unwritten work.

(c) No change shall be made in the method of evaluation announced to the students, unless for very good cause, after consultation with the students and with the approval of the Academic Affairs Committee.

Residence and Attendance

2.(a) Ordinarily, a student must complete two Years of the J.D. programme to obtain the J.D. degree; with the permission of the Dean's Office a student may take one Year of the J.D. programme at another university; with the permission of the Faculty Council, in special circumstances, a student may take more than one Year of the J.D. programme at another Canadian university.

(b) In general, regular class attendance is expected of all law students; however, taking into account the teaching method in a particular course, the Academic Affairs Committee may require compulsory attendance in connection with any such course. When a student fails to attend classes on a regular basis or is unable to do so, the Faculty Council may require the student to withdraw, may bar the student from writing any mid-term or final examinations or doing any assignments in any course, or may refuse the student credit, in whole or in part, for any course.

PROGRESSION

Half-Time Students

3. Except, as herein expressly provided, the Examination Regulations of the Faculty of Law apply to half-time students.

(a) Although a student enrolled in half-time studies will normally require two academic years to complete each of the three Years of the regular course of instruction, for the purposes of these regulations, each academic year shall be treated as a distinct academic segment.

(b) A student who is enrolled in 22 or fewer credit hours is a half-time student.

(c) The required minimum credit hours for half-time students to complete Second and Third Years shall

be the same as those governing full-time students, and in this regard half-time students will be bound by the chronological order in which they take Perspective Courses.

Progression and Supplemental Examinations

First Year

4. (a) Subject to sub-section (b) a grade of at least C, including an Incomplete C, or a Pass in each and every course taken by a First Year student is required to progress to Second Year.

(b) A First Year full-time student may progress to Second Year, notwithstanding that the student has one D grade.

(c) A First Year full-time student, wishing to progress to second year, can and shall write supplemental examinations in the following circumstances only:

- i. if the student has one F grade; or
 - ii. if the student has two F grades, or
 - iii. if the student has one F grade and one D grade; or
 - iv. if the student has two D grades;
- in courses of whatever credit weight.

(d) A First Year half-time student may progress to Second Year, notwithstanding that the student has received one D grade in each academic segment of First Year.

(e) A First Year half-time student shall be entitled to write a supplemental examination only if in either academic segment of First Year the student has a grade of F in no more than one course, with no grade of D in any other First Year Course; for greater certainty, if a First Year half-time student in either academic segment obtains any combination of two or more grades of F or D in First Year Courses, that student shall fail that academic segment.

(f) In order to pass a supplemental examination a First Year student must obtain a grade of at least C. A First Year student who obtains a grade of D or F on a supplemental examination is not entitled to progress to Second Year and fails First year.

(g) There shall be no supplemental examinations for Second and Third Year courses taken by a First Year student.

Repeating a Failed Year

5. (a) A student who fails First Year and wishes to repeat the Year must apply to the Admissions Committee for re-admission to First Year, and the Admissions Committee shall decide upon re-admission.

(b) Any First year half-time student who fails an academic segment can only repeat that segment with leave of Faculty Council.

Permanent Withdrawal

6. (a) Any full-time student who fails the First Year in our Faculty or any other Faculty of Law and has previously failed First Year in our Faculty or any other Faculty of Law shall not be permitted to continue in Law and shall be classified as a Permanent Withdrawal.

(b) Any half-time student who fails an academic segment in First Year in our Faculty or any other Faculty of Law and has previously failed that or any other academic segment in First Year in our Faculty or any other Faculty of Law shall not be permitted to continue and shall be classified as a Permanent Withdrawal.

Second and Third Year

7. (a) The minimum credit hours of courses for the completion of each of Second and Third Year is 32; with the permission of the Dean's Office Second and Third Year students may register in more than 32 credit hours of courses.

(b) In order to graduate, a student, upon the satisfactory completion of First Year, ordinarily must successfully complete a minimum of a further 64 credit hours as prescribed by the Curriculum within a period of three consecutive academic years and must not have accumulated any combination of D or F final grades exceeding six after First Year; "successfully complete" means obtaining a minimum grade of D in graded course, or a Pass in Pass/Fail Course.

(c) A grade of F in a graded course, or a Fail in a Pass/Fail course shall result in no credit earned for that course.

(d) A student shall be required to repeat and successfully complete a mandatory course in which that student received an F or Fail grade. In order to progress a student must obtain a grade of at least C. A student who obtains a grade of D or F must repeat the course.

(e) A student who receives an F or Fail grade in a Perspective course taken as part of the mandatory requirements of the curriculum, shall be required to repeat and successfully complete that perspective course or take and successfully complete another Perspective course in order to satisfy the Perspective course requirements of the curriculum.

(f) A student who has received an F or Fail grade in a non-mandatory course may repeat that course or take another non-mandatory course of at least equivalent credit.

(g) Subject to sub-section (h), there shall be no supplemental examinations other than for a student in Third Year, who receives an F in one course and must successfully complete that course or, if it is an elective course, a course of similar credit weighting, in order to graduate and who is prevented from clearing that F before the end of Third Year.

(h) There shall be no supplemental examination privileges pursuant to sub-section (g) for Advanced Advocacy, Clinical Administrative Law, Topics in Dispute Resolution, Business Transactions: The Art of the Deal, Clinical Criminal Law, Clinical Family Law, Scholarly Publications, Legal Aid Clinic, Court of Appeal Clerkship, and Competition A and B.

(i) A student who receives any combinations of D and F final grades exceeding six after First Year shall not be entitled to progress or graduate and shall be deemed a Permanent Withdrawal from the Faculty.

(j) Subject to sub-sections (a) and (b), there is no limit on the number of times that a student may repeat a course.

(k) This section applies to half-time students, as well as full-time students, except that ordinarily a half-time student shall complete the J.D. programme within six consecutive academic years.

Supplemental Privileges

Note for First year see: 4 (e), (f), (g).

Examinations

8. There shall be no supplemental examination privilege for Advanced Standing, Letter of Permission and National Committee on Accreditation students other than the privilege provided for third year students in section 7(g).

(a). The result of a supplemental examination is final, and a student may not write a second supplemental examination.

(b). The grade actually received on a supplemental examination shall be reported on a student's record as a supplemental grade.

Other

9. In courses evaluated by methods other than a final examination, the submission of supplemental material shall be allowed, in accordance with the regulations pertaining to supplemental examinations, in a manner prescribed by the instructor of the course in consultation with the Dean's Office.

GRADING

Grading Point Weighting of Final Grades (See Pertinent Policy)

Perspective Courses and Research Paper Credit (See Pertinent Policy)

Late Paper Policy (See Pertinent Policy)

Incomplete (See Pertinent Policy)

Pass/Fail Courses (See Pertinent Policy)

Student Ranking (See Pertinent Policy)

Grading System

10. (a) Unless otherwise approved by Faculty Council, the performance of students in all courses shall be evaluated upon the basis of the grading system used generally in the University, ie.,

Letter Grade Grade Point

A+	4.5	Exceptional
A	4	Excellent
B+	3.5	Very good
B	3.0	Good
C+	2.5	Satisfactory
C	2.0	Adequate
D	1.0	Marginal
F	0	Failure

(b) Where parts of the course or questions are graded separately, the following table may be used in calculating the final average grade for the course.

F	0 - .74
D	.75 - 1.74
C	1.75 - 2.24
C+	2.25 - 2.74
B	2.75 - 3.24
B+	3.25 - 3.74
A	3.75 - 4.24
A+	4.25

Procedures to Encourage Uniformity between Sections in Sectioned Courses

11. (a) Instructors for the various sections in a sectioned course should exchange a sample of their examination papers representative of all grades and including papers on the borderline between two grades and the top paper.

(b) An apparent discrepancy in marking standards, if not otherwise resolved, shall be referred to the Faculty Academic Affairs Committee, which shall make appropriate recommendations to Faculty Council.

Method of Evaluation

12. (a) An instructor may base no more than 50% of the grade on written work other than written examination(s) without Faculty Council approval.

(b) Where an instructor wishes to base more than 50% of the final grade on any work other than written examination(s) (and a "written examination" means any examination written for the purpose of determining the grade in a course), the instructor shall make such a request to the Faculty Academic Affairs Committee which will then make the appropriate decision and report to Faculty Council. In courses designated for purposes of curriculum and course selection as "perspective" courses, it is understood grades will be determined at least to the extent of 75% on the basis of assessed written work other than examination(s), one piece of which written work shall account for at least 60% of the final grade, and accordingly special leave for so determining final grades in such courses need not be sought specifically by their instructors.

(c) Where an instructor wishes to base any part of the final grade on work other than written work (e.g., class participation, oral tests or assignments, field work or other intangible or non-reviewable performance) the instructor shall make such a request to the Faculty Academic Affairs Committee which will then make the appropriate decision and report to Faculty Council.

(d) Any other proposed deviation from ordinary evaluation procedures (e.g., evaluation of students on other than an individual basis) shall first be submitted to the Faculty Academic Affairs Committee which will then make the appropriate decision and report to Faculty Council.

EXAMS AND FINAL PAPERS

Co-Ordination of Term Work and Mid-Term Examinations

13. (a) All proposed assignments and mid-term examinations, whether requiring Faculty Council approval or not, for credit or not, optional or otherwise, must be reported to the Chair of the Faculty Academic Affairs Committee for co-ordination, to avoid so far as possible an undue burden on any particular student or particular section in sectioned courses, over-burdening of students during the final days of classes and, in general, disruption of normal work in all courses.

(b) Instructors are encouraged to schedule, as far as possible, mid-term assignments, papers, and examinations so that evaluations can be made available to students prior to the deadline for voluntary withdrawal.

Scheduling Examinations

14. (a) Written examinations may only be scheduled for the examination periods at the end of the first and second term, except with the consent of the Academic Affairs Committee.

(b) Except with the approval of the Academic Affairs Committee, mid-term examinations, other than take-home examinations, shall be scheduled only during Monday to Friday, beginning no earlier than 8:30 a.m. and ending no later than 5:30 p.m.

No Extension of Examination Time

15. An instructor shall not extend the time for an examination after the examination has started, but rather bear the time limit in mind when setting the examination.

Deadlines for Other than Sit-Down Examinations

16. Any evaluative device other than a sit-down examination (whether 100% or less):

(a) shall be returnable on or before the last day of classes per term (in which it is due); or

(b) shall be returnable within 24 hours after issue; or

(c) shall be returnable on or before the last day of examinations in the term in which the course concludes; as determined by the instructor, UNLESS permission otherwise is granted by the Academic Affairs Committee.

Note: For individual extensions of deadlines see section 22.

Reporting Grades

17. (a) Grades given to term tests and term work shall be filed with the instructor's secretary before the final examination, if any, is written.

(b) Examination papers, shall be delivered to each instructor's secretary, who will record the grades, and submit them to the Associate Dean Academic, and though an instructor shall have access to the results of the instructor's own examination, only the Associate Dean Academic, the Chair of the Academic Affairs Committee, the Administrative Assistant to the Associate Dean Academic, and the members of the Faculty Academic Affairs Committee, if it meets, shall have access to results in general.

Disclosure of Grades

18. (a) Results of term tests and grades given to term work, including class participation, shall be made available to the students as soon as possible.

(b) Final examination results and final grades may only be released after the end of the examination writing period and after being approved for release by the Associate Dean Academic or the Academic Affairs Committee. Until then instructors shall not disclose final examination results and final grades to students under any circumstances.

APPEALS OF FINAL GRADES

19. (a) The word paper(s) in this section means all kinds of written and documentary evaluative devices, including mid-term assignments, papers, and examinations.

(b) The identity of the student appealing a final grade for a course shall not be disclosed.

(c) There shall be no obligation on an instructor to review a student's paper(s) or in any way discuss a student's paper(s) with the student until the time for filing appeals has elapsed, or until an official appeal, automatic or otherwise, has been resolved, whichever is the earlier. A student may, however, examine the student's paper(s) under conditions prescribed by the Associate Dean in consultation with the instructor. A student shall be entitled to examine his or her papers either in Robson Hall or in premises of comparable security to those in which students are allowed to review their papers elsewhere than in Robson Hall, provided that in the latter case the student bears any cost involved.

(d) All papers resulting in a final grade of D or F shall be automatically reread in place of the general University appeal procedure. For all other grades, the general University appeal is available, which shall include a re-reading of any mid-term assignment, paper or examination involved in the final grade.

(e) An appeal shall be conducted by the student's instructor and in sectioned courses by an instructor of another section of the course, and in non-sectioned courses by another Faculty of Law instructor where possible.

(f) Where a second instructor is involved in an appeal, by way of automatic appeal or otherwise, all instructors, after reading and grading the paper(s), shall initial the paper(s).

(g) Where two or more instructors are involved in appeal, the decision of the majority shall prevail. In other cases, where agreement cannot be reached, the matter shall be referred to the Faculty Academic Affairs Committee.

(h) Following the spring examinations, all Faculty members should continue to make themselves available until the period for the implementation of appeals, whether automatic or otherwise, has expired.

(i) When a paper or papers initially resulting in a grade of D or F for the Course have been re-read in accordance with sub-sections (e) and (f) with the result that the student is given a grade of C or higher for the Course, the student shall not be permitted to a further appeal within the Faculty.

(j) Any part of a final grade based upon work approved to pursuant to section 12(c) cannot be appealed.

Appeals of Mid-Term Grades

20. (a) Except with the approval of the Academic Affairs Committee, mid-term assignments, papers, or examinations which are taken into account in the determination of the grade for a course shall be retained in the custody of the instructor or the faculty until after the appeal period for final grades has elapsed.

(b) A student may examine the student's mid-term assignments, papers, or examinations under conditions prescribed by the Associate Dean in consultation with the instructor.

(c) A student may appeal the evaluation of a mid-term assignment, paper, or examination, but only as an appeal of a final grade pursuant to s.19 at the time for appealing final grades.

DEFERALS AND ACCOMMODATIONS

[See New Final Examinations & Final Grades Policy](#)

Deferred Examinations

21. (a) A deferred examination is any examination, including a mid-term examination, written by a student other than on the day on which the examination was scheduled and which is in substitution for that examination. A deferred examination includes an examination written either before or after the date of the regularly scheduled examination and an examination as described in section 21 (d) (iii).

(b) Subject to subsection (d) the granting of a request for a deferred examination shall be at the discretion of the Dean's Office based upon demonstrated compelling medical or compassionate grounds.

(c) If a student is granted a deferral of a mid-term examination, the grade for the course may be based on the other evaluation methods applicable in the course, subject to the approval of the Dean's Office in consultation with the instructor concerned.

(d) Applications for a deferred examination will only be considered if the following procedures have been properly observed:

(i) A student seeking a deferred examination is obliged to apply to do so at the earliest opportunity, preferably in writing, to the Associate Dean. If there are medical grounds for seeking a deferral, a medical certificate is required.

(ii) Where a student is unable to or does not attend an examination the student seeking a deferral is normally expected to apply to the Associate Dean for the deferral prior to the time scheduled for the examination; in any event with respect to final examinations normally an application must be filed within seven working days of the last examination the student is scheduled to write in that term and with respect to all other examinations normally an application must be filed within seven working days of the scheduled examination. If a deferred examination is not granted to a student who did not attend an examination, the student shall receive a grade of F - NP in that examination.

(iii) Where a student does attend an examination and either partially or fully completes the examination, a student seeking a deferral of that examination normally must make application for a deferral to the Associate Dean immediately upon turning in the examination paper, to be followed by such written documentation in support of the application as may be required and in any event with respect to final examinations normally an application must be filled within seven working days of last examination the student is scheduled to write in that term and with respect to all other examinations normally an application must be filled within seven working days of the scheduled examination. If a deferred examination is not granted to a student who partially or fully completes the examination, the examination turned in by the student shall be graded and the grade recorded in the normal fashion.

(iv) A student, who is granted a deferred examination, shall sign the non-disclosure undertaking required by the Dean's Office.

(e) The Dean's Office shall not grant a deferral to a date later than July 31. Only the Faculty Council has the power to grant a deferral beyond July 31.

Papers and Assignments

22. (a) A request for the extension of the due date of any paper or assignment shall be at the discretion of the Dean's Office, based upon compelling medical or compassionate grounds and, if on medical grounds, a medical certificate is required.

(b) The Dean's office shall not grant an extension for the due date of a paper or an assignment beyond July 31. Only the Faculty Council has the power to grant an extension beyond July 31.

Rescheduled Examinations, Papers, and Assignments

23. (a) Upon request an examination scheduled in the December and April examinations shall be rescheduled by the Dean's Office if a student has;

- (i) a conflict between two scheduled exams;
- (ii) examinations on a successive morning, afternoon, and morning, or a successive afternoon, morning, and afternoon; or
- (iii) examinations on four successive days

Other Accommodations

24. Upon request and submission of satisfactory documentation, other accommodation, such as extended time for writing an examination, writing an examination in a separate room, and use of a computer, shall be made by the Office of Accessibility Services.

Scheduling Deferred and Supplemental Examinations

25. (a) The scheduling of deferred, rescheduled, and supplemental examinations shall be at the discretion of the Dean's Office.

(b) Deferred and supplemental examinations ordinarily shall be scheduled so as to enable the results to be published by August 15th, annually.

(c) A student must successfully complete an academic year within the prescribed schedule before being allowed to progress to the following year or to graduate.

Nature, of Deferred and Supplemental Examinations

26. (a) The nature, character, format, length, and content of all examinations, including deferred, rescheduled, and supplemental examinations, shall be at the discretion of the instructor responsible for setting the examination.

(b) No component of the final grade for a course can be used as a component a supplemental grade.

Re-Writing Examinations

27. Apart from supplemental examinations which a student may be required to write to be eligible to progress or to graduate, a student cannot re-write an examination or assignment in order to improve a grade.

COURSE AWARDS AND PRIZES

Exclusions

28. (a) Exchange Students, Letter of Permission students, National Committee students, Non-Law students, and students enrolled in half-time studies shall not be eligible for awards or prizes, except for individual course prizes.

(b) Students enrolled in the LL.M. programme taking courses in the J.D. curriculum shall not be eligible for any prizes available to J.D. students, including course prizes.

Effect of Deferrals on Course Awards

29. (a) Subject to section 31, a First or Second Year student who writes a deferred examination pursuant to section 21 or obtains an extension of the due date for a paper or an assignment pursuant to section 22 cannot win a prize or an award based upon that deferred or extended due date result in the year in which that deferred examination or the extended due date paper, or assignment has been written except that the grade point average of that student obtained in that year and including the deferred or extended due date grade is to be used in calculating awards and prizes in a subsequent year based upon cumulative standing;

(b) Subject to section 31, a Third Year student who writes a deferred examination pursuant to s. 21 or obtains an extension of the due date for a paper or an assignment pursuant to section 22 cannot win a prize or an award based upon that deferred result except a prize or an award based upon the student's cumulative grade point average for the whole J.D. programme;

(c) This section does not apply to a student who writes an examination or submits a paper or an assignment rescheduled pursuant to section 23 or writes an examination with an accommodation granted pursuant to section 24.

Readmission of Voluntary Withdrawal Student

30. A student who has voluntarily withdrawn from the Faculty of Law and has been re-admitted in accordance with the Policy and Procedure in Respect to Voluntary Withdrawals shall not be eligible for prizes and awards given for cumulative standing, which is calculated on performance over two or more years, one of which precedes the voluntarily withdrawal.

Dean Honour List

31. The Dean's Honours List for each Year, based on weighted grade point averages, shall comprise the top ten percent of full-time students enrolled in each Year as at May 31, except that a student who defers an examination, or obtains an extension of the due date for a paper or an assignment, or who improves an Incomplete grade, or who successfully appeals a grade shall be added supernumerary in the event that the student's ultimate grade point average is at least as high as that of the lowest ranking student placed on the Dean's Honours List in May. A half-time student shall be added supernumerary to the Dean's Honours List in the event that the student's grade point average after completion of a Year is at least as high as that of the lowest ranking student placed on the Dean's Honours List in that Year.

Gold Medal

32. The University Gold Medal for Law shall be awarded annually to the graduating, full-time Third Year student with the highest cumulative weighted grade point average for all three Years of the J.D. programme, with no required minimum grade point average, and in the event of a tie for the Gold Medal in Law, the Gold Medal in Law shall be awarded to the student with the highest standing calculated on compulsory subjects together with whatever elective subjects the tied students had in common

Notice of Prizes

33. (a) The recipients of all prizes and awards will be posted on the Faculty's Website as soon as the Student Records Awards office approves them.

(b) Subject to section 31, no improved incomplete grade or improved grade resulting from an appeal shall be taken into account in the determination of the recipients of prizes and awards.

Letter of Permission and Transfer students

34. (a) Subject to sub-section (c), a student who takes courses on a Letter of Permission at another university shall be ineligible for prizes for those courses, for our prizes and awards based upon cumulative grade point average for that year, and for prizes and awards based upon cumulative grade point average for the whole J.D. programme

(b) A student who transfers into the Faculty from another university shall be ineligible for prizes and awards based upon cumulative grade point average for the whole J.D. programme.

(c) When a Third Year student takes a non-Law course, either at another university on a Letter of Permission or in another faculty or school of the University of Manitoba, the evaluation of the student's performance in the non-Law course shall be treated as a Pass/Fail course for the purpose of prizes and awards based upon a cumulative grade point average, but otherwise the student shall be eligible for all prizes and awards.

(d) When a student takes The Mishpatim course or other faculty approved programs on a Letter of Permission the evaluation of the student's performance in the course shall be treated as a Pass/Fail course for the purpose of prizes and awards based upon a cumulative grade point average, but otherwise the student shall be eligible for all prizes and awards.

Incomplete Grades for Administrative Purposes

35. (a) This section does not apply to Incomplete grades given for administrative purposes; Final grades following such Incomplete grades shall be treated as if there was never an Incomplete grade.

(b) Subject to sub-section (c), an incomplete grade shall be taken into account for all prizes and awards.

(c) When a student completes course work and the result is an improved Final grade, the Final grade shall be treated for all prizes and awards as a deferred result.

DELEGATED AUTHORITY

Waiver of Regulations

36. The Academic Affairs Committee shall appoint a panel of three faculty members, at least one of whom is a member of the Academic Affairs Committee, which shall have exclusive jurisdiction to consider any request for the waiver of any application of the Examination Regulations, except the graduation regulations pertaining to third year students contained in sections 7(b) and (i) and 6. The Dean, Associate Dean (JD) or any faculty member with direct prior involvement in the circumstances giving rise to the request for waiver may not be appointed to the panel. No appeal from the panel's decision shall lie to Faculty Council.

Faculty Appeal Committee

37. The Faculty Academic Affairs Committee shall constitute the Faculty Appeal Committee.