Preamble

This Faculty Handbook is rooted in our mission, a statement of which follows:

University of Detroit Mercy School of Law is a diverse, urban Catholic law school in the Jesuit and Mercy traditions. We seek to educate the complete lawyer through a dynamic curriculum that integrates theory, doctrine, and experiential learning; provides unique global perspectives through transnational educational opportunities; and emphasizes ethics and service to others.

The mission of the faculty follows naturally from the mission of the School of Law itself. As faculty members, we are entrusted with the education and professional formation of our students. We are best equipped to educate and train our students when we ourselves embody certain traits and values. Accordingly, this Faculty Handbook is not merely a statement of policies, but in fact is a statement of our values. It is a statement of who we as a body aspire to be. Broadly put, we as a faculty aspire to be:

- A community of excellent, inspiring, and ethical teachers;
- A learned community;
- A community dedicated to serving our law school, University, profession, and the public; and
- A self-governing community whose procedures are both transparent and fair.

Moreover, the School of Law adheres to principles of academic freedom, as articulated by the University in its Assurance Argument for the Higher Learning Commission (2016): “University of Detroit Mercy supports and protects the principles of academic freedom within all undergraduate, graduate, and professional programs and for all members of the academic community.” The University’s standard for academic freedom is derived from the 1940 Statement of Principles of Academic Freedom and Tenure of the American Association of University Professors, which says that

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.

As further described in the Assurance Argument, referring to Article V of the University’s employment agreement, academic freedom shall mean the right of scholars to freely study, discuss, investigate, teach, and publish, and for artists, freely to create and exhibit their works of art and creative endeavors. Academic freedom applies to both teaching and research, and to
professional library service. The employee is entitled to freedom in research and teaching, subject to appropriate performance of his/her assigned professional responsibilities.

Part I of this Faculty Handbook, entitled Teaching, principally addresses our obligations and commitments as teachers. Although Part I does not address teaching methods, individual course learning outcomes, and other pedagogical issues—all of which are addressed through our committee work and elsewhere—it does provide the basic policies to which we adhere in our classes.

Part II of this Faculty Handbook, entitled Scholarship and Service, addresses what we expect of ourselves as a learned community. Obviously this section is related to teaching: if we are not intellectually engaged and passionate about learning, we cannot reasonably expect intellectual engagement or commitment from our students. The section also is related to our mission of service to others: one way we as faculty serve others (our students, the legal academy, and the legal profession) is through our scholarly work. Finally, the section notes explicitly the faculty member’s obligation of service to the school, University, profession, and community.

Part III of this Faculty Handbook, entitled Governance, addresses how we govern ourselves and the institution. At heart, this section is about transparency, fairness, and respect.
I. TEACHING

A. Institutional Learning Outcomes

The School seeks to educate the complete lawyer through a dynamic curriculum that integrates theory, doctrine, and experiential learning; provides unique global perspectives through transactional educational opportunities; and emphasizes ethics and service to others. In support of this mission statement, the Law School has adopted the following Learning Outcomes and Competencies.

1. **Graduates will demonstrate knowledge of the substantive and procedural law that forms the core of the American legal system.**

   **Competencies:**
   - Students will demonstrate their knowledge and understanding of terms and rules of law in their courses.
   - Students will demonstrate their ability to identify legal rules and synthesize those rules into a larger analytical framework.

2. **Graduates will demonstrate the ability to apply their understanding of legal principles to new factual problems.**

   **Competencies:**
   - Students will demonstrate the ability to identify issues presented by new factual scenarios.
   - Students will demonstrate the ability to use their understanding of legal rules to engage in analogical and deductive reasoning to solve legal problems presented by new factual scenarios.

3. **Graduates will demonstrate the ability to communicate effectively.**

   **Competencies:**
   - Students will communicate their written analyses of legal problems in a clear, well-organized, and professional manner.
   - Students will communicate their oral analyses of legal problems in a clear, well-organized, and professional manner.

4. **Graduates will demonstrate the ability to engage in legal research necessary to determine the legal rules involved in solving new factual problems.**

   **Competencies:**
• Students will demonstrate an understanding of hierarchy of law principles and the relationship between primary and secondary sources.
• Students will demonstrate an ability to conduct thorough and efficient legal research.

5. In addition to the skills identified in Learning Outcomes 3 and 4, graduates will demonstrate competency in the legal practice skills identified below.

Competencies:

• Students will demonstrate the ability to use documents and other information in developing an understanding of a client’s case.
• Students will demonstrate the ability to effectively interview and counsel clients.
• Students will demonstrate the ability to draft documents used in legal practice.
• Students will demonstrate the ability to develop effective strategies to address clients’ goals.

6. Graduates will demonstrate the ability to practice law in a professional and ethical manner.

Competencies:

• Students will demonstrate the ability to recognize ethical issues that may be presented in a particular factual scenario.
• Students will demonstrate an understanding of the ethical duties imposed on counsel.
• Students will demonstrate an ability to apply that understanding of ethical duties in new factual scenarios.

7. Graduates will demonstrate an understanding of the transnational nature of the practice of law in the twenty-first century.

Competencies:

• Students will demonstrate a basic understanding of the structure and principles of a legal system other than the core American legal system.
• Students will demonstrate a basic understanding of international or comparative law principles.

8. Graduates will be exposed to the value of serving in their communities and promoting the legal profession.

Competencies:

• Students will have opportunities to contribute to the betterment of the local communities.
• Students will have opportunities to serve the underrepresented and traditionally marginalized communities.
• Students will have opportunities to participate in legal and professional organizations that are dedicated to improving and educating the legal community and the Law School on current legal issues.

B. General Academic Policies

1. Academic Dishonesty:
Academic dishonesty is a violation of the School of Law’s Honor Code, which was adopted in 2016. Under the Honor Code, “all members of the Detroit Mercy Law community [including faculty] have an affirmative duty to report known or suspected violations of the Honor Code.” Faculty members should make such reports in person or in writing to the Associate Dean for Academic Affairs. Copies of the Honor Code and the Community Standards Code (which governs student misconduct that is not related to academic work) are contained in the Student Handbook.

2. Academic Jeopardy and Counseling:
JD Day students with 15 credit hours and evening students with 12 credit hours whose overall performance places them in the bottom quartile of the first-year class at the end of the first semester (the “1L Lower Quartile”) will be strongly encouraged to reduce their course load by three credit hours in the second semester of their first year. 1L Lower Quartile students may also be strongly encouraged to take advantage of any pass/no pass courses provided by the Academic Support Department intended to enhance students’ ability to engage in legal analysis, promote critical thinking, and foster competent independent learning.

A student (JD or Dual JD) whose overall grade point average is above 2.2, but whose semester grade point average is below 2.2, is on probation. A student whose overall grade point average is above 2.2, but whose semester grade point average is below 2.2 for two consecutive semesters, shall be suspended from the School for one full calendar year. Summer sessions shall not be considered for purposes of this rule.

Charisse Heath is Assistant Dean of Academic Success. Dean Heath’s contact information is heathcl2@udmercy.edu. Sarah Garrison is Director of Bar Preparation (garrissj@udmercy.edu). Students are advised to seek academic counseling from their professors, but they also are encouraged to make an appointment with the Academic Success Department to discuss specific areas of difficulty. If a professor encounters a student whom the professor believes is struggling or needs assistance from the Academic Success team, please direct them to Dean Heath.
3. Attendance:
The American Bar Association accreditation standards mandate that a law school adopt, publish, and adhere to a policy for regular class attendance. ABA Standards and Rules of Procedure for Approval of Law Schools, Standard 308(a) (2017-18). Thus, students are encouraged to attend every class for each course in which they are enrolled. Recognizing, however, that students may be unable to attend every class, the following attendance policy provides at what point there are consequences for missed classes.

From the Student Handbook, Section II.B.1:

a. Courses that meet once a week:

Unless a professor chooses to adopt a stricter policy as set forth in paragraph g, a student is permitted two absences in a semester for a course that meets once a week.

The first absence beyond the allotted number for a course that meets once a week will reduce the student’s final grade by .2. The second absence beyond the allotted number for a course that meets once a week will reduce the student’s final grade by an additional .4. Thus, if the student is absent from the course for four class periods, the student’s grade shall be reduced by .6. Any absence thereafter will result in the student being dropped from the course with an Administrative Withdraw (AW) appearing on the student’s transcript for the course. An AW appearing on a student’s transcript results in the student not receiving a grade or credit for the course.

b. Courses that meet twice a week:

Unless a professor chooses to adopt a stricter policy as set forth in paragraph g, a student is permitted four absences in a semester for a course that meets twice a week.

The first absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by .1. The second absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by an additional .2. The third absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by an additional .3. The fourth absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by an additional .4. Any absence thereafter will result in the student being dropped from the course with an AW appearing on the student’s transcript for the course.
c. Courses that meet three times a week

Unless a professor chooses to adopt a stricter policy as set forth in paragraph g, a student is permitted four absences in a semester for a course that meets twice a week.

The first absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by .1. The second absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by an additional .2. The third absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by an additional .3. The fourth absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by an additional .4. Any absence thereafter will result in the student being dropped from the course with an AW appearing on the student’s transcript for the course.

d. Pass/No Pass courses

The spirit and letter of the above policy should be adhered to in a course that the student takes pass/no pass. Thus, a student taking a course pass/no pass will be dropped from the course with an AW appearing on the student’s transcript for the course in accordance with the policy set forth in numbers 1 and 2 above. Further, the professor should take into consideration the grade reduction that would have occurred based on the number of absences in determining whether the student’s grade is above a 2.2 as to pass the course.

e. Summer courses

Unless a professor chooses to adopt a stricter policy as set forth in paragraph g, the following rule applies. In a two-credit course that meets once a week, a student is permitted one absence. The first absence beyond the allotted number will reduce the student’s grade by .4. Any absence thereafter will result in the student being dropped from the course with an AW appearing on the student’s transcript for the course.

Unless a professor chooses to adopt a stricter policy as set forth in paragraph 6, the following rule applies. In a three-credit or four-credit course that meets twice a week, a student is permitted two absences. The first absence beyond the allotted number will reduce the student’s grade by .2. The second absence beyond the allotted number for a course that meets twice a week will reduce the student’s final grade by an additional .4. Any absence thereafter will result in the student being dropped from the course with an AW appearing on the student’s transcript for the course.
f. **Intersession or courses that do not fit in an above category**

A professor teaching in the intersession or in a course that does not fall within one of the above categories shall at a minimum adhere to the policy that after a student missing approximately 14 percent of the classes in the course, the student’s final grade shall be reduced. It shall be reduced consistent with the above policy.

g. **Professor discretion**

A professor has discretion to determine what constitutes an absence as a general policy and in specific instances. For example, a professor may deem that failure to be prepared for class is an absence and/or that tardiness is an absence.

If a professor adopts changes to this attendance policy as allowed within the professor’s discretion or chooses to adopt a stricter attendance policy as is also allowed, then the professor must set forth the professor’s attendance policy in the professor’s syllabus for the course.

h. **Professor responsibility**

When a student exceeds the number of allotted absences such that the student must be withdrawn from the course, the professor will notify the Registrar’s office.

All faculty members are required to maintain attendance records. Records for prior classes may be disposed at the same time as the exams and graded material for the course; one year after the class has ended. Blank seating charts are available for all classrooms in the Student Service Center. Contact your administrative assistant to create an attendance sheet and seating chart.

4. **Confidentiality of student records**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

FERPA gives eligible students certain rights including:

- the right to inspect and review their education records.
• the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

• the right to privacy of their educational records.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

• School officials with legitimate educational interest;
• Other schools to which a student is transferring;
• Specified officials for audit or evaluation purposes;
• Appropriate parties in connection with financial aid to a student;
• Organizations conducting certain studies for or on behalf of the school;
• Accrediting organizations;
• To comply with a judicial order or lawfully issued subpoena;
• Appropriate officials in cases of health and safety emergencies; and
• State and local authorities, within a juvenile justice system, pursuant to specific State law.

5. Grading norms
At its May 2017 Faculty Meeting, the Faculty adopted the following grading policy, effective Term I 2017-18:

a) For all required courses, whether first year or upper level courses, instructors are required to award grades to meet a 2.8 to 3.0 mean. In all other courses, instructors are required to award grades to meet a 3.0 to 3.4 mean (which is our current standard).

b) The faculty will use the following understanding of the meaning of grades in assigning their grades:

4.0 – 3.7: The instructor judged the student to have accomplished the stated objectives of the course in an EXCELLENT or OUTSTANDING manner, demonstrating mastery of course material.

3.6 – 3.3: The instructor judged the student to have accomplished the stated objectives of the course in a VERY GOOD manner, demonstrating mastery of much of the course material.
3.2 – 2.8: The instructor judged the student to have accomplished the stated objectives in a GOOD manner, demonstrating competency of the course material.

2.7 – 2.5: The instructor judged the student to have accomplished much of the stated objectives in a SATISFACTORY manner, demonstrating competency in core course material.

2.4 – 2.2: The instructor judged the student to have accomplished the core course objectives in a SATISFACTORY manner, demonstrating basic competency in the core course material.

2.1 – 2.0: The instructor judged the student to have accomplished the stated objectives in a LESS THAN SATISFACTORY manner, demonstrating competency in a limited amount of the course material.

1.9 – 1.5: The instructor judged the students to have accomplished the stated objectives in a POOR manner, demonstrating marginal competency in the course material.

1.4 and below: The instructor judged the students to have not have accomplished the state objectives and the student will not receive a passing grade for the course.

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<tr>
<th>4.0 Scale</th>
<th>Letter Grade</th>
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<tr>
<td>4.0 – 3.7</td>
<td>A/A-</td>
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<td>3.6 – 3.3</td>
<td>B+</td>
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<tr>
<td>3.2 – 2.8</td>
<td>B/B-</td>
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<tr>
<td>2.7 – 2.5</td>
<td>C+</td>
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<tr>
<td>2.4 – 2.2</td>
<td>C/C-</td>
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<tr>
<td>2.1 – 2.0</td>
<td>D+</td>
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<tr>
<td>1.9 – 2.0</td>
<td>D/D-</td>
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<td>1.4 and below</td>
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c) The Dean shall have discretion to permit a deviation from the required means if a faculty member can demonstrate that, based on the raw scores earned by the students in the course, adherence to the requirements does not properly measure student achievement in the course’s stated objectives or in the course material.

d) At the end of the first year, students must have a cumulative G.P.A. of 2.2 to remain in school. Those students with a cumulative G.P.A. of 2.0 to 2.2 may petition to remain in school pursuant to our current procedures.
e) Any student who receives below a 2.2 in Civil Procedure, Contracts, Constitutional Law, Criminal Law, Evidence, Property, or Torts must retake the course in accordance with our retake policy.

f) The requirement that a certain percentage of the first year class be placed below a particular score is eliminated.

g) Students with an overall grade point average of less than 2.8 at the end the second semester of the first year (“at-risk upper-class students”) will be required to take the following core courses in order to graduate: Sales, Criminal Procedure, Estates and Trusts, and Business Organizations. Students who successfully raise their overall grade point average to 3.2 will be able to opt out of this requirement.

h) When a student opts to take a class on the pass/fail basis, the student must achieve a 2.2 to pass the course.

i) This change in grading norms will be effective Fall Term 2017.

6. Grading appeals:
Students have limited bases on which to appeal their grades, as detailed in the Student Handbook. One ground for appeal is that the grade was the result of an error in the mathematical computation or transcription of the grade; another ground is that the student believes that he or she received substantially unequal treatment in the grading of the assessment as compared to other students, or any other substantially unequal treatment in assigning the grade.

Students are required to consult with the professor before filing a grade appeal. Faculty are expected to make themselves available to the students for this purpose. If a student is still dissatisfied, he or she may contact the Assistant Dean for Student Affairs or Associate Dean for Academic Affairs to pursue an appeal if permitted under the Student Handbook.

7. Schedule of classes:
The Associate Dean for Academic Affairs handles the scheduling of classes for both resident and adjunct faculty. The schedule for each term is posted on the School of Law website. Faculty members are expected to begin their classes and end them as identified on the schedule. Any modification by a faculty member must receive approval by the Associate Dean for Academic Affairs.

8. Student Handbook:
The Student Handbook provides details on the grade appeal process and disciplinary proceedings against students for violations of the Honor Code or the Community Standards Code. A copy of the Student Handbook is available on the School of Law website.
C. Course-Related Responsibilities of Faculty Member

1. **Proposing new courses**
   Any full-time faculty member, adjunct faculty member or anyone identified by the Associate Dean for Academic Affairs or the Curriculum Committee may submit a proposal for the Curriculum Committee. See Appendix A for the Course Proposal form.

2. **Book Orders:**
   Book orders can be placed online through the bookstore website, [http://www.facultyenlight.com/](http://www.facultyenlight.com/). Alternatively, faculty members may email the bookstore with your order at SM128@BNCOLLEGE.COM. Books are very expensive for students and many of them shop the Internet for a better price. For their benefit, and to ensure a supply of books when classes begin, the bookstore needs your book order about 2½ months before the start of classes. Please include the book title, author, edition, publisher, and ISBN.

   For course pack preparation, please contact your assigned administrative assistant.

3. **Pass/no-pass option:**
   Any student may elect to take an elective course on a pass/no pass basis. However, a faculty member may preclude the option by writing to the Registrar one week before the Term begins. Notice of a student's intent to take an elective on a pass/no pass basis is not communicated to the faculty member, who submits grades for all students who complete the course. All exams are graded by the faculty member.

4. **Syllabus**
   Please prepare and distribute a syllabus for each course and post an electronic version on TitanConnect or TWEN at least one week before your first class each semester. Detroit Mercy’s recommended syllabus outline is set forth in Handbook Appendix B. Please contact the Associate Dean for Academic Affairs if you wish to review other syllabi.

   Faculty are expected to cover the material consistent with the course description approved by the Curriculum Committee and posted on the website.

   As listed in Appendix B, please be sure to add the following: 1) a section for your course learning outcomes; 2) ethics coverage, consistent with the Ethics Across the Curriculum program; 3) Standard 310 compliance; and 4) appendices containing language regarding University policies on exam accommodation, sexual harassment, plagiarism, and academic success assistance (these are set forth in Appendix I).

5. **Office Hours:**
   Faculty members are expected to maintain office hours, and to notify their
students of their availability. There is no set number of hours, but a minimum of three per week is recommended. A faculty member’s availability should be determined by the number of students, the structure of the course, the number of assignments during the term and the other responsibilities and demands on a faculty member’s time.

6. **Class cancellation:**
To cancel a class, please contact the Student Service Center at (313)596-0200. Please do not leave a voice mail message, but try to speak directly with someone or send an email to Dean Jeff Johnson (johnsoje1@udmercy.edu). The SSC will then arrange for the class to be notified. Normally, this is done by posting on the School of Law’s class cancellation website page and the law school’s public monitors. Professors also may inform students directly by email through TWEN or TitanConnect, though the professor should still inform the SSC.

Faculty members are expected to make up any missed classes. There are several ways to make up the class time. It is permissible to use the scheduled reading period before exams or, as a last resort, to hold class on Saturday. When rescheduling, please keep in mind that your students, particularly in the evening, may have another class either immediately before or after yours. You also may videotape a lecture and require students to watch it at their convenience. Another option is to add time to other class sessions, though this is not recommended unless students give assurances that this will not force them to be late for a subsequent class.

If necessary, please consult Associate Dean Broughton to ensure we have explored all possibilities for making up class time, including the possibility having another faculty member substitute for you. The SCC will keep track of cancellations and report to the Associate Dean for Academic Affairs.

7. **Examinations and Assessments**
ABA Standards require law schools to “utilize both formative and summative assessment methods” to “improve student learning and provide meaningful feedback to students.” ABA Standard 314.

There are several methods of formative assessment that may be suitable, depending on the subject of your course: papers, in class quizzes and exams throughout the term (such as a midterm examination), take home exams, etc. The chief summative assessment method is a final exam at the end of the term. Except for ALTA, clinics, Law Firm Program courses, and seminars, it is assumed that a course will have a final exam at the end of the term unless the professor notifies Associate Dean for Academic Affairs otherwise, at the time the course is placed on the schedule. The final exam schedule is released with the schedule of classes and exams, and students depend upon the exam schedule when selecting classes.
Examinations are expected to adequately and impartially assess the students on the material of the course as described in the syllabus. Final exams, in particular, should rigorously test the student’s analytical abilities, as well as the substantive law. For any graded assignment, the faculty member is strongly encouraged to have grading rubrics. Exams should be of sufficient difficulty to identify excellent, good, mediocre and poor performances. The grading norms identified herein are predicated on the expectation that examinations will be suitably rigorous.

8. Grading deadlines
Faculty will be notified of their grading deadlines, which are established by the number of exams a faculty member must grade. If you miss your grading deadline, effective Term II, 2005 as adopted by the faculty at the April 13, 2005 faculty meeting, you will be charged the $50 per calendar day late fee for the first four days, and $100 per calendar day thereafter until your grades are submitted to me. Faculty members who need a grading-deadline extension should contact the Dean directly.

9. Ethics Across the Curriculum
The purpose of the Ethics Across the Curriculum program is to teach ethics by the pervasive approach by including an ethical component in every substantive law class. All full-time and adjunct faculty members should include a description of the ethical issues that will be covered in course syllabi. The syllabus MUST identify the specific ethical issues to be covered. The means of addressing the ethical issue should be planned out as part of the preparation for the course. All full-time and adjunct faculty members must submit a brief statement summarizing the ethical component or components to be covered in a course. Please submit the Ethics Across the Curriculum Course Information Form, which is set forth in Handbook Appendix C, as directed on the form.

10. Upper level writing requirement
All faculty teaching courses that fulfill the upper-level writing requirement (Judicial Clerkship, Advanced Advocacy, all seminars and Select Topics courses, and Law Review Note) must comply with ABA Standard 303 and Interpretation 303-2. Faculty shall submit to the Associate Dean for Academic Affairs a description of the course requirements (and how the standard and interpretation are met) at least one week before the first day of your class each term.

With respect to seminars, the Faculty has resolved that this requirement includes a rigorous scholarly paper of not fewer than 30 pages. The research and writing process also should require students to (1) undertake research that includes more than finding cases and statutes on Westlaw and Lexis; (2) complete an outline and at least one draft of the paper; (3) attend student/faculty conference(s); and (4) write the final paper. All students should submit a written statement attesting that they have not committed plagiarism. An example is set forth in Appendix D.
11. Writing Across the Curriculum
In 2017, the Faculty voted to eliminate the mandated Writing Across the Curriculum (WAC) program. Instead, faculty in required, upper-level courses to which the WAC mandate applied are expected to assess students with either a traditional WAC paper assignment, a midterm examination, or another formative assessment tool with a written analytical component.

12. ABA Standard 310
At its December 2016 Faculty Meeting, the Faculty adopted a new policy related to ABA Standard 310, regarding the awarding of credit hours. That policy, as revised in 2018, is set forth at Appendix E. Faculty are required to include on each course syllabus an explanation of how the course will satisfy Standard 310. In crafting syllabus language, faculty should refer to the policy.
II. SCHOLARSHIP AND SERVICE

A. Expectations for Scholarship

1. Expectations for Scholarship Generally:
Every tenured, tenure-track, and other faculty member with security of position is expected to engage regularly in scholarly activities. Such activities may include scholarly writing in a wide variety of genres (books, treatises, articles, blogs, etc.), conference presentations, participation on panels, etc. Valid subjects for scholarship include traditional doctrinal and theoretical questions and pedagogical issues. The School of Law also encourages interdisciplinary research.

2. Expectations for Written Scholarship:
Apart from the minimum standards necessary for faculty members to achieve tenure, there is no litmus test for the quantity of written scholarship a faculty member should produce. For example, an ambitious book project may take several years to complete but also may represent a degree of engagement and commitment equal to or greater than that required to produce several smaller works. Nonetheless, tenured and tenure-track faculty members virtually always should be working on or planning a writing project.

Although there is no absolute quota for written scholarship, tenured and tenure-track faculty members generally should produce at least one written work of scholarship reflecting a substantial commitment of time, research, and thought every other year. This written work may be supplemented by smaller works (book reviews, invited pieces, etc.). Faculty members with other forms of security of position must engage in the quantity of scholarship necessary for renewal of their contracts and are encouraged to exceed that quantity.

3. Expectations for Conference Presentations and Other Public Speaking:
There is no litmus test for an appropriate number of presentations given by a faculty member. Nonetheless, engagement with the legal community outside the law school—whether the legal academy or the larger legal community—is an expectation for all faculty members. Generally, all faculty members should strive to make at least one substantial public presentation at least every other year.¹ This presentation may—indeed, probably should—be supplemented by smaller presentations, which may include talks to student groups, participation in faculty workshops within the law school, and less time-consuming public speaking engagements.

¹ A public presentation is one whose audience extends beyond the School of Law community.
4. **Expectations for Other Forms of Scholarly Engagement:**
Faculty members are encouraged to participate actively within their fields of expertise by joining subject matter sections of the American Association of Law Schools and other professional organizations, by participating in the leadership of such organizations, and by collaborating regularly with other scholars within their fields.

B. **Support for Scholarship**

1. **Support for Scholarship Generally:**
The School of Law is committed to ensuring its faculty members have adequate time and resources to undertake significant scholarly projects. The nature of the School’s support for scholarship may vary depending on the School’s resources and other commitments, but the School is committed to developing a robust program of support for faculty scholarship.

2. **Funds for Summer Research**
In February 2016, the School of Law adopted a policy governing the provision of summer research grants. The policy was amended in 2017 to permit research grants based on comparative law course development. A copy of the amended policy is attached as Appendix H.

3. **Assistance with Research:**
The School of Law provides the following forms of research assistance to faculty members:

   a. **Library Services.**
   The Law Library is the first resource for faculty members engaged in scholarly projects. The Law Librarians are familiar with the School’s collections, databases, and general research resources. In addition to serving as general reference guides, the Law Librarians will provide discrete assistance with research projects and source and citation checking.

   b. **General Research Assistants.**
   As resources permit, the Associate Dean for Academic Affairs may hire two high-ranking upper level students to serve as general research assistants to the faculty. Faculty members with discrete projects requiring a limited amount of research (e.g., twenty hours) may wish to work with a general research assistant.
c. Dedicated Research Assistants.

Faculty members engaging in substantial research projects may require the assistance of a dedicated research assistant. Faculty members always may hire a research assistant who is eligible to receive federal work-study funds. As resources permit, each tenured, tenure-track, and other faculty member with security of position will be permitted to hire a research assistant who will be compensated out of law school funds appropriated for this purpose. Any faculty member seeking amounts beyond those allowed by federal work-study or those allocated by the school for this purpose may contact the Dean to discuss the need for additional funds for an ongoing project.

4. Funds for Conference Registration and Travel:
The School of Law expects and encourages all faculty members to be engaged in the legal community beyond the School of Law. To facilitate faculty members’ engagement, the School of Law provides funding for conference registration and travel. As resources permit, each faculty member will be given an annual allowance—the amount of which will be announced by the Dean—for conference registrations and travel. Faculty members are expected to attend at least one conference.

Beyond the annual allowance, additional funds will be allocated as they are available, with those making presentations, moderating panels, or participating in training workshops receiving priority over those simply attending a conference, and with those attending a subject-specific conference receiving priority over those attending a more general conference.

5. Funds for Organizing Conferences:
Faculty members are encouraged to organize conferences to be held at the School of Law. Any faculty member who wishes to organize a conference should consult with the Dean about the nature of the proposal and the approximate funding needed. The Dean will allocate funds for such conferences based on available resources and institutional priorities. Faculty members are strongly encouraged to submit proposals for the Law Review’s annual symposium, which is funded annually.

6. Mentoring Program:
The Professional Development Committee adopted a formal mentoring policy in 2017. In addition, informal mentoring and collegial willingness to provide feedback on scholarly projects should be part of the culture at the School of Law. However, the tenured faculty is entrusted in a special
way with ensuring the successful development of tenure-track faculty members as scholars and experts in their fields. A copy of the current mentoring plan is set forth in Appendix F.

7. **Role of the Professional Development Committee:**

The Professional Development Committee, a standing committee of the School of Law, is charged with furthering the professional development of faculty members. The Professional Development Committee works in concert with the Associate Dean for Academic Affairs to create programs that will enhance the intellectual culture within the School of Law, particularly within the faculty. Such programs shall include (a) an annual brown bag series featuring scholarly projects by School of Law faculty members, (b) an annual visiting scholarly series featuring presentations by faculty members at other law schools, (c) an annual series that sends faculty members to other institutions for brown bag presentations, and (d) at least one annual brainstorming session that allows faculty members to assist each other in the selection of topics for scholarly projects. The Professional Development Committee also works in concert with the Associate Dean for Academic Affairs to administer the School’s Mentoring Program.

8. **Annual Scholarly Events at the School of Law:**

At present, the School of Law sponsors two major scholarly events each year. The first is the McElroy Lecture, in which a distinguished scholar or judge delivers a lecture on Law and Religion (broadly defined). The second is the Law Review Symposium, the topic of which changes annually. Beginning in the 2018-19 academic year, the School of Law will host an annual Social Justice Lecture in the Fall term. Faculty members are expected to attend these events and also are encouraged to work with members of the Law Review on proposals for symposium topics.

In addition to these annual events, the School of Law may from time to time host other scholarly events in which faculty may participate and which faculty are expected to attend.

9. **Sabbatical Policy:**

In 2016, the School of Law adopted a sabbatical policy allowing faculty members meeting certain qualifications to apply for sabbaticals. A copy of that policy is set forth in Appendix G.
C. Service

The Faculty strives to be a community of teachers and scholars who also provide service to the School of Law, the University, the profession, and the community. The School’s Rank & Tenure Policy sets forth specific examples of faculty service. All faculty are expected to provide service that is active and meaningful.

III. GOVERNANCE

A. Committees

1. The Dean shall ask faculty members for a list of committees on which they wish to serve for the coming academic year by August 1. Faculty members will typically serve on two committees.

2. The Dean shall publish a list of the committees and their membership at the beginning of each academic year, but no later than August 15.

3. By September 1 of each academic year, the Dean shall publish to the faculty the committee charges. In determining committee charges, the Dean shall consult with the Committee Chair.

4. Each faculty committee shall routinely provide committee reports to the faculty at regularly scheduled faculty meetings.

5. The Dean or the faculty may, as necessary, create special committees or task forces to address specific issues that fall outside of the standing committees. These special committees and task forces shall, as necessary, provide reports to the faculty at regularly scheduled faculty meetings.

B. Faculty Meetings

1. Membership:
“Full-time faculty” means all tenured; tenure-track; faculty on, or on track for, presumptively renewable five-year contracts; Professors of Practice; instructors; and full-time visiting faculty.

2. Attendance at Meetings:
Faculty meetings shall be devoted to addressing curricular, budgetary, and student matters. Faculty meetings shall be open to all associate and assistant deans, as well as any administrators directly involved in the academic functions of the School of Law (specifically including the Director of the Dual JD Program and all members of the Academic Success Department). Each dean shall routinely provide departmental reports to the faculty at regularly scheduled faculty meetings. Additional
administrators and a student representative may be invited as appropriate and with the approval of the Dean.

3. **Closed Meetings:**
Upon distribution of the Faculty Meeting Agenda, the full-time faculty may vote to close the faculty meeting for discussion of discrete issues. When a faculty member requests a closed meeting (or closed part of a meeting), the Dean shall poll the full-time faculty. If a simple majority of the full-time faculty votes to close the meeting, then the meeting (or portion thereof) shall be limited to the full-time faculty.

4. **Meeting Times:**

   a. The faculty shall meet on the second Wednesday of each month from September through November and January through April, unless otherwise notified.

   b. Other meetings may be called by the faculty, by a vote cast at a regular faculty meeting; by the Dean, upon his or her own motion; or at the request of one-third of the faculty. Written notice of the meeting, containing the motion or motions proposed for the meeting, shall be promptly given to every faculty member. In all cases, notice of the meeting must be given 24 hours in advance of the meeting and the meeting must be scheduled during an open meeting time. Notice can be waived, however, by a simple majority of the faculty.

5. **Agenda:**

   a. The agenda shall be prepared by the Dean and distributed seven days before the meeting to faculty mailboxes and to the full-time faculty via email.

   b. The agenda should include motions requiring action and supporting documents.

   c. All items requested by any faculty member or the Dean shall be listed. Faculty requests shall be submitted to the Dean not less than three business days before the agenda is to be distributed.

   d. The agenda shall be in the following order, subject to amendment by motion at the start of the meeting:

      1) Minutes from the previous meeting.
      2) Matters requesting action by the faculty
      3) Dean’s Report
4) Committee [and Departmental] reports
5) Announcements

6. **Conduct of Meetings:**

   a. The Dean, or in the Dean’s absence, the Associate Dean for Academic Affairs, shall preside.

   b. Meetings shall begin at the scheduled time, unless there is no quorum. A quorum consists of a majority of the full-time faculty.

   c. Meetings shall be conducted according to the most recent edition of Robert’s Rules of Order, except as otherwise provided in this Faculty Handbook.

   d. A motion by a committee requires no second.

   e. No person may speak a second time on a motion, until all others who wish to speak have been heard.

7. **Voting:**

   a. All full-time faculty, excluding full-time visitors, may vote on matters before the faculty (except as pertains to the hiring of full-time faculty as described *infra*).

   b. If a quorum is present, a simple majority of those present and voting shall be sufficient for a motion to pass.

   c. Voting by proxy shall not be permitted.

   d. Voting shall be by a showing of the hands, unless a simple majority approves a motion for a secret ballot on the issue.

8. **Minutes:**

   Minutes of each meeting shall be distributed to the faculty within two weeks of the meeting.

C. **Selection of Full-time Faculty and Dean of the Law School**

   1. The recommendation of full-time faculty appointments, regardless of status, must be approved by the full-time faculty, excluding full-time visitors, at a Faculty Recruitment Committee meeting. All full-time faculty may attend the Hiring Committee meetings, but voting shall occur as follows: The tenured and tenure-track faculty vote on all full-time faculty appointments, with the exception of full-time visitors.
2. The Dean may appoint a full-time visitor to a one-year appointment without first seeking faculty approval, but the Dean should consult faculty if the appointment is made during the academic year. The reappointment of any full-time visitor requires faculty approval as outlined in 1 above.

3. The recommendation of a decanal appointment shall be made by the tenured and tenure-track faculty at a Hiring Committee meeting. A decanal candidate receiving a favorable vote by two-thirds of the faculty present and voting indicates that the faculty finds the candidate acceptable.

4. Voting on all personnel matters shall be by secret ballot. No proxy voting shall be permitted.

D. Faculty Review of the Dean
Full-time Faculty (excluding full-time visitors) are strongly encouraged to participate in the University-led process for evaluating the Dean.