

# MANUAL OF POLICIES

ADOPTED BY  
THE FACULTY



Thomas Goode Jones  
School of Law

Faulkner University

2010/2011



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# CHAPTER ONE ~ MISSION & ADMINISTRATION

## PART 1 – MISSION

### § 1-101. Mission Statement.

As part of the Faulkner University community, the School of Law shares Faulkner University's mission to glorify God by embracing academic excellence and emphasizing a strong commitment to integrity within a caring Christian environment.

In its efforts to fulfill this mission, the School of Law endeavors to:

- Provide an excellent legal education in which the faculty engages students in a challenging learning experience designed to promote the students' competent and ethical participation in the legal profession;
- Promote a Christian environment that encourages all members of the law school community to use their abilities to advance the legal profession and benefit society;
- Attract, develop, and retain a highly competent and diverse faculty devoted to teaching, community service, and scholarly research and writing;
- Attract a qualified and diverse student body
- Provide students with meaningful resources and experiences such as individual academic advising and support, career counseling, clinical, externship, and advocacy opportunities, designed to prepare them for their roles as competent and ethical members of the legal profession;
- Contribute to discussion of the relationship of faith, learning, and the law; and,
- Regularly reassess the program of legal education through on-going strategic planning to assure continual quality and improvement of the program.

*October 22, 2004  
November 12, 2007*

## PART 2 – ACADEMIC CALENDARS

### § 1-201. Calendar for 2010-2011

#### FALL SEMESTER 2010

August 9 - 12	Orientation
August 11	Final Registration
August 13	Faculty Retreat
August 16	Classes Begin
August 20	Last day for late registration and change of courses
September 6	Labor Day Holiday
September 10	Last day to drop courses
October 21	Fred Gray Civ Rights Symp
October 25 – November 3	Advising for Registration
November 15 - 19	Reg (Spring) w Bus Office
November 22 - 24	Study Days
November 25 - 26	Thanksgiving Holidays
December 1	Last Day of Classes
December 2 - 3	Study Days
December 6 - 15	Final Exams

#### SPRING SEMESTER 2011

January 7	Final Registration
January 10	Classes Begin
January 14	Last day for late registration and change of courses
January 17	M. Luther King, Jr. Holiday
February 4	Last day to drop courses
March 7	Pre-registration (Summer)
March 14 - 18	Spring Holidays
March 21 - 30	Advising for Registration
April 11 - 15	Registration (Fall) with Business Office
April 4	Don Garner Charity Golf Tournament
April 29	Last day of classes
May 2 - 6	Study Week
May 9 - 18	Final Exams
May 21	Graduation

#### SUMMER TERM 2011

May 27	Final Registration
May 31	Classes Begin
June 3	Last day for late registration and change of courses
June 17	Last day to drop courses
July 4	Independence Day Holiday
July 28	Last day of classes
August 1 - 4	Final Exams

## **PART 3 – THIS MANUAL**

### **§ 1-301. Contents and Name.**

This manual shall contain policies adopted by the faculty, and shall be known as the Faculty Policies Manual.

*September 21, 2004*

### **§ 1-302. Definitions.**

(a) In this manual, unless otherwise specified, "the dean" means the dean of the law school or his or her designee.

(b) In this manual, unless otherwise specified, "semester" means the term beginning in August and ending in December and/or the term beginning in January and ending in May. "Semester" does not include in its meaning a summer session or an interterm session.

*September 21, 2004*

### **§ 1-303. Location, Captions, and Dates.**

The location of policies, their section numbers and captions, and the dates of adoption are for information only. No location, section number, or caption shall be adopted by the law faculty as a part of the policy.

*September 21, 2004*

### **§ 1-304. Maintenance and Availability.**

(a) The Dean shall keep this manual up to date.

(b) Current copies of this manual shall be kept in the offices of the Dean and the Associate Dean for Academic Affairs.

*September 21, 2004*

**§ 1-305. Policies To Be Included.**

(a) If a policy adopted by the faculty is not an amendment of a policy already in the manual, that policy shall be included in this manual unless the faculty passes a motion which explicitly provides otherwise.

(b) If a policy adopted by the faculty is an amendment of a policy already in the manual, the amendment shall be inserted in this manual in place of that part of the policy which shall have been amended.

(c) Every policy which is repealed in its entirety by the faculty shall be removed from this manual.

*September 21, 2004*

**§ 1-306. Date below Each Section.**

Immediately below the text of each of its sections, this manual shall show a date determined by the following:

(a) If the policy contained in the section has never been amended, the date shown in this manual shall be the date of the faculty meeting in which the policy was adopted.

(b) If the policy contained in the section has been amended, the date shown in this manual shall be the date of the last faculty meeting in which the policy was amended.

*September 21, 2004*

**§ 1-307. Updating.**

(a) Promptly after the faculty has made a policy decision which Section 1-305 requires to be inserted in this manual, the dean shall provide each faculty member with the language the dean chooses to insert to reflect the faculty's decision. The dean shall have the discretion to make stylistic changes in the language of the faculty decision, to choose a caption or captions, and to choose a section number or numbers. If the faculty does not agree with any of the dean's choices, the faculty shall choose and adopt the language (and/or section number[s]) to be inserted in this manual; and thereafter the dean shall change this manual accordingly.

(b) When any change is made in this manual, the dean shall promptly provide each faculty member with the pages(s) affected (with the date of distribution shown at the bottom of each page).

*September 21, 2004*

**§ 1-308. Organization.**

As it appears useful, the dean shall have the discretion to make changes in the organization of this manual, including the numbering and names of chapters, of chapter parts, and of sections. After making any such change, the dean shall promptly provide each faculty member with the page(s) affected (with the date of distribution shown at the bottom of each page).

*September 21, 2004*

**§ 1-309. Modifications in Unusual Circumstances**

It is recognized that the application of these policies, in unusual circumstances, may work an undue hardship. In such instances, the Dean shall have the discretion to ameliorate the hardship by modifying the policy as to such situation or to grant an exception thereto. Except in the case of personnel issues, the Dean shall report to the full faculty on a quarterly basis regarding any waivers or modifications.

*October 1, 2004*

## CHAPTER TWO ~ CURRICULUM

### PART 1 – REQUIRED COURSES FOR FULL-TIME STUDENTS

#### § 2-101. First Semester.

(a) Each entering full-time student is expected to attend an introductory program during the week before regular classes begin.

(b) Each full-time student is required to take the following courses during the fall semester of the first year of law school:

- (1) Civil Procedure I;
- (2) Contracts I;
- (3) Legal Research and Writing I;
- (4) Property I; and
- (5) Torts I.

*September 21, 2004*

#### § 2-102. Second Semester.

(a) The following are required courses and, subject to subsections (b) and (c) hereof, each full-time student is required to take them during the spring semester of the first year of law school:

- (1) Civil Procedure II;
- (2) Contracts II;
- (3) Legal Research and Writing II;
- (4) Property II
- (5) Torts II, and
- (6) Criminal Law



(b) Completing the course and receiving a grade (other than "WP" or "WF") in Civil Procedure I, Contracts I, Property I, or Torts I are prerequisites for enrollment in Civil Procedure II, Contracts II, Property II, or Torts II, respectively.

(c) The receiving of credit in Legal Research and Writing I is a prerequisite for enrollment in Legal Research and Writing II.

*September 21, 2004*  
*Rev. February 15, 2005*  
*Rev. January 17, 2006*

**§ 2-103. Third Semester.**

Each full-time student is required to take the following courses, normally during the third semester:

- (1) Constitutional Law I; and
- (2) Evidence.

*January 20, 2005*  
*Rev. January 17, 2006*

**§ 2-104. Fourth Semester.**

(a) Each full-time student is required to take the following courses, normally during the fourth semester:

- (1) Business Associations
- (2) Constitutional Law II, and
- (3) Professional Responsibility

(b) Completing the course and receiving a grade (other than "WP" or "WF") in Constitutional Law I are prerequisites for enrollment in Constitutional Law II.

*January 20, 2005*  
*Rev. January 17, 2006*

**§ 2-105. Fifth Semester.**

Each full-time student is required to take Remedies, normally during the fifth semester, beginning with the Fall 2006 entering class.

*September 21, 2004*  
*Rev. January 17, 2006*

**§ 2-106. Second Year or Thereafter.**

During the second year or thereafter, each full-time student is required to

- (a) take an offering that satisfies the Professional Skills requirement pursuant to Section 2- 601, and
- (b) fulfill the Rigorous Writing Requirement pursuant to Section 2-501.

*January 20, 2005*

## **PART 2 – REQUIRED COURSES FOR PART-TIME STUDENTS**

### **§ 2-201. First Semester.**

(a) Each entering part-time student is expected to attend an introductory program during the week before regular classes begin.

(b) Each part-time student is required to take the following courses during the fall semester of the first year of law school:

- (1) Contracts I;
- (2) Legal Research and Writing I; and
- (3) Torts I.

*September 21, 2004*

### **§ 2-202. Second Semester.**

(a) The following are required courses and, subject to subsections (b) and (c) hereof, each part-time student is required to take them during the spring semester of the first year of law school:

- (1) Contracts II;
- (2) Legal Research and Writing II; and
- (3) Torts II.

(b) Completing the course and receiving a grade (other than "WP" or "WF") in Contracts I or Torts I are prerequisites for enrollment in Contracts II or Torts II, respectively.

(c) The receiving of credit in Legal Research and Writing I is a prerequisite for enrollment in Legal Research and Writing II.

*September 21, 2004  
Rev. February 15, 2005*

### **§ 2-203. Third Semester.**

Each part-time student is required to take the following courses during the third semester:

- (a) Civil Procedure I;
- (b) Property I; and
- (c) Criminal Law.

*September 21, 2004*

**§ 2-204. Fourth Semester.**

(a) The following are required courses and, subject to subsections (b) and (c) hereof, each part-time student is required to take them during the fourth semester:

- (1) Business Associations
- (2) Civil Procedure II; and
- (3) Property II.

(b) Completing the course and receiving a grade (other than "WP" or "WF") in Civil Procedure I or Property I are prerequisites for enrollment in Civil Procedure II or Property II, respectively.

*January 20, 2005*

**§ 2-205. Fifth Semester.**

Each part-time student is required to take the following courses, normally in the fifth semester:

- (1) Constitutional Law I; and
- (2) Evidence.

*January 20, 2005*

**§ 2-206. Sixth Semester.**

(a) Each part-time student is required to take the following courses, normally in the sixth semester:

- (1) Constitutional Law II; and
- (2) Professional Responsibility

(b) Completing the course and receiving a grade (other than "WP" or "WF") in Constitutional Law I are prerequisites for enrollment in Constitutional Law II.

*September 21, 2004*  
*Rev. January 17, 2006*

**§ 2-207. Seventh Semester.**

Each part-time student is required to take Remedies, normally during the seventh semester, beginning with the Fall 2006 entering class.

*September 21, 2004*  
*Rev. January 17, 2006*

**§ 2-208. Third Year or Thereafter.**

- (a) take an offering that satisfies the Professional Skills requirement pursuant to Section 2-601, and
- (b) fulfill the Rigorous Writing Requirement pursuant to Section 2-501.

*January 20, 2005*

## **PART 3 – PARTICULARS OF REQUIRED COURSES**

### **§ 2-301. Business Associations (6430).**

- (a) Business Associations is a required course for four semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course will survey the formation, management and dissolution of sole proprietorships, partnerships and corporations as well as other issues involved regarding liability of individuals, officers and the business itself. Also introduced is federal securities law as it pertains to shareholder suffrage, proxy contests, hostile takeovers, and secondary securities transactions.

*October 22, 2004*

### **§ 2-302. Civil Procedure (5241, 5342).**

- (a) Civil Procedure I is a required course for two semester hours of graded credit.
- (b) Civil Procedure II is a required course for three semester hours of graded credit.
- (c) Prerequisites for taking Civil Procedure II are completing Civil Procedure I and receiving a grade (other than "WP" or "WF").
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

Civil Procedure I will provide an overview of the civil litigation process, followed by a focus on the federal rules governing subject matter and personal jurisdiction, venue, and the interplay between state and federal substantive and procedural law.

Civil Procedure II will focus on the federal rules of civil procedure governing pleadings, pretrial motions, joinder of claims and parties, disclosures, discovery, summary judgment, judgments as a matter of law, judgments, some issues on appeal, and preclusion doctrines.

*January 20, 2005  
Rev, October 12, 2007  
October 11, 2010*

**2-302a. Constitutional Criminal Procedure (5346).**

- (a) Constitutional Criminal Procedure is a required course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is intended to introduce first year students to the constitutional concepts of due process, incorporation, and fundamental rights, as these relate to the state's investigation of criminal wrongdoing. Students will explore Fourth, Fifth, and Sixth Amendment doctrines related to searches, seizures, arrests, interrogations, and right to counsel. The course may also consider relationships between limitations imposed by the Constitution and those imposed by other sources, such as statutory and common law.

*October 11, 2010*

**§ 2-303. Constitutional Law (6345, 6346).**

- (a) Constitutional Law I is a required course for three semester hours of graded credit.
- (b) Constitutional Law II is a required course for three semester hours of graded credit.
- (c) Prerequisites for taking Constitutional Law II are completing Constitutional Law I and receiving a grade (other than "WP" or "WF").
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

Constitutional Law I examines the nature, extent, and limits of powers delegated through the Constitution to the federal government, the role of the courts in the interpretation and enforcement of the Constitution, the role of Congress in legislating under the Constitution, and the role of the Executive in implementing national policy under the Constitution. The course also examines the relationship of the federal government to the states, federal limits on state power, and constitutional limits on federal power.

Constitutional Law II is a study of the constitutional provisions guaranteeing individual rights and freedoms. The course considers the nature and source of human rights, and includes a study of the rights of freedom of speech, freedom of the press, and freedom of religion found in the First Amendment, the guarantee of due process and equal protection found in the Fifth and Fourteenth Amendments, and issues con-

cerning the application of these protections to the federal government and to the states.

*January 20, 2005*

**§ 2-304. Contracts (5343, 5344).**

- (a) Contracts I is a required course for three semester hours of graded credit.
- (b) Contracts II is a required course for three semester hours of graded credit.
- (c) Prerequisites for taking Contracts II are completing Contracts I and receiving a grade (other than "WP" or "WF").
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

The Contracts courses are a study of the history and development of the common law of contracts and statutory variances from the common law, particularly Article 2 of the Uniform Commercial Code. Although the order of coverage may vary somewhat from year to year and certain topics will be addressed in both semesters, Contracts I typically focuses on legal theories for enforcing promises or preventing unjust enrichment, and principles controlling the formation, modification, and enforceability of contracts. Contracts II typically focuses on principles dealing with interpretation, performance, remedies for nonperformance or threatened nonperformance, excuses for nonperformance, rights of nonparties to enforce contracts, and assignment of rights and delegation of duties.

*September 21, 2004*

**§ 2-305. Criminal Law (6354).**

- (a) Criminal Law is a required course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is an introduction to the substantive principles of criminal law. The course examines the elements of crimes in the common law and under modern statutes, together with the history and development of the criminal law, including the various theories of criminal responsibility.



**§ 2-306. Evidence (6431).**

- (a) Evidence is a required course for four semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

Evidence is the study of the presentation of proof before judicial and quasi-judicial tribunals giving rise to questions regarding the admissibility of evidence. These questions are studied in the context of the examination of witnesses, competency, privilege, relevancy, the hearsay rule, judicial notice, and the presentation of scientific and demonstrative evidence.

*September 21, 2004*  
*Revised January 17, 2006*  
*Revised January 31, 2006*

**§ 2-307. Legal Research and Writing (5339, 5340).**

- (a) Legal Research and Writing I is a required course for three semester hours of graded credit.
- (b) Legal Research and Writing II is a required course for three semester hours of graded credit.
- (c) The receiving of credit in Legal Research and Writing I is a prerequisite for enrollment in Legal Research and Writing II.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

In Legal Research and Writing I, students learn basic skills of legal research, writing, analysis, and citation. Students develop research strategies using federal and state codes, digests, secondary sources, and on-line sources. Students then use those sources to write objective/predictive memoranda designed to teach legal analysis in progressively more difficult settings. The writing process requires the students to write multiple drafts and get extensive feedback throughout the process.

Legal Research and Writing II builds on the skills introduced in Legal Research and Writing I. Research skills are enhanced as the students learn to research loose-leaf services, court rules, constitutions, and administrative sources. The focus is on per-

suasive writing through the writing of court documents such as trial and appellate briefs. Students also participate in oral argument.

*September 21, 2004  
Rev. February 15, 2005*

**§ 2-308. Professional Responsibility (7339).**

- (a) Professional Responsibility is a required course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course considers the ethical responsibility of the attorney as contained in the ABA Code of Professional Responsibility, as well as typical ethics opinions from various jurisdictions. Topics covered include the dynamics of the lawyer-client relationship, the role of the lawyer as an officer of the court, and the concept of professionalism.

*September 21, 2004*

**§ 2-309. Property (5348, 5349).**

- (a) Property I is a required course for three semester hours of graded credit.
- (b) Property II is a required course for three semester hours of graded credit.
- (c) Prerequisites for taking Property II are completing Property I and receiving a grade (other than "WP" or "WF").
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

Property I is devoted to the methods by which interests in land and personal property are acquired, including discovery, capture and creation of property. That is followed by a discussion of non-traditional methods of acquiring interests. The discussion then turns to the classification of interests in property including the system of possessory estates and future interests. The semester concludes with a discussion of co-ownership, including marital interests in property and the rights and responsibilities of landlord and tenant.

Property II is first devoted to the methods by which interests in land are transferred and includes disclosure requirements, conveyances and liens. It then proceeds to the

means by which title is assured to a transferee including the recording system, registration of title and title insurance. The semester concludes with a discussion of controls on the use of land such as nuisance, covenants and servitudes and zoning.

*September 21, 2004  
Rev. October 12, 2007*

**§ 2-310. Remedies (7343).**

- (a) Remedies is an elective course for three semester hours of graded credit (Remedies will be a required course beginning with the Fall 2006 entering class.)
- (b) Prerequisites for taking the course are Civil Procedure I and II, Contracts I and II, Property I and II, and Torts I and II.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is the study of the law of judicial remedies, both legal and equitable, focusing on the nature and scope of relief, as distinguished from substantive and procedural law. The four major categories of remedies addressed are damages, restitution, injunctions, and declaratory relief. Also addressed are ancillary remedies to effectuate the relief obtained, such as collecting judgments, enforcing injunctions, and reforming documents. Also studied are legal and equitable defenses, such as fraud, waiver, estoppel, unclean hands, and in pari delicto.

*September 21, 2004  
January 17, 2006*

**§ 2-311. Torts (5350, 5351).**

- (a) Torts I is a required course for three semester hours of graded credit.
- (b) Torts II is a required course for two semester hours of graded credit.
- (c) Prerequisites for taking Torts II are completing Torts I and receiving a grade (other than "WP" or "WF").
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

Torts I covers the intentional torts against persons and property and privileges thereto. It also covers the basic principles of negligence with a focus on duty of care and causation. Torts II surveys remaining issues in negligence, including the duties

of landowners, damages, joint liability, and defenses. Products liability, defamation, and invasion of privacy are emphasized. The course also addresses other topics, including wrongful death, vicarious liability, nuisance, and misrepresentation.

*September 21, 2004*  
*Revised January 17, 2006*

## **PART 4 – PARTICULARS OF ELECTIVE OFFERINGS**

### **§ 2-401. Seminars.**

(a) A seminar provides a small group learning environment conducive to the development of lawyering skills through legal writing and class participation.

(b) Each student will write a substantive paper following the guidelines set forth in Section 2-501. This paper may satisfy the student's Rigorous Writing Requirement.

(c) Seminar class size limitations:

(1) Except as provided in subsection (c)(2) the number of students enrolled in a seminar shall not exceed twelve.

(2) On a class-by-class basis, the Associate Dean for Academic Affairs and the instructor of a seminar may decide that the enrollment in a seminar may exceed twelve but in no event shall enrollment exceed sixteen.

(d) Many of the courses that may be offered as seminars also may be offered for either two or three hours of credit. If a course is offered as a seminar for three hours of credit, it must contain more rigorous requirements (not just a greater number of minutes in the classroom) than the same seminar would if it were offered for only two hours of credit.

*January 20, 2005*  
*Revised September 13, 2005*

### **§ 2-401a. Class Size.**

Unless otherwise authorized by the Associate Dean of Academic Affairs, a course in which fewer than 5 students have pre-registered shall not be offered.

*November 5, 2004*

### **§ 2-402. Courses in Curriculum Inventory.**

(a) Courses which have been approved by the faculty but which have not been offered for two years or more shall be added to a reserve inventory. Such courses may continue to be offered from time to time without additional approval being necessary.

(b) The courses currently in reserve inventory are the following:

- (1) Advanced Legal Research and Writing.
- (2) Admiralty Law
- (3) Alabama Civil Procedure
- (4) Alabama Constitutional Law
- (5) Banking Law
- (6) Children's Rights
- (7) Corporate Governance
- (8) Elder Law
- (9) Estate and Gift Tax
- (10) Estate Planning
- (11) Federal Crimes
- (12) First Amendment
- (13) Gender and the Law
- (14) Gospel Jurisprudence
- (15) Law Office Management
- (16) Legal Ethics in the New Millennium
- (17) Litigation Technology
- (18) Military Justice
- (19) Negotiable Instruments
- (20) Professional Malpractice
- (21) Public Interest Law
- (22) Sales
- (23) Securities Regulation

(19) Toxic Torts.

*October 22, 2004*  
*Rev. January 17, 2006*  
*Rev. October 17, 2006*  
*Rev. July 9, 2008*  
*Rev. October 10, 2008*  
*Rev. May 25, 2010*

**§ 2-403. Administrative Law (8371).**

- (a) Administrative Law is an elective course for three semester hours of graded credit.
- (b) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Civil Procedure I and II.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course studies the relationship of administrative agencies to the legislative, executive, and judicial branches of the government in the American system of constitutional government, with a particular emphasis on judicial review of agency actions. The powers of administrative agencies are addressed with in-depth treatment of the rulemaking process and procedural rights in hearings before administrative agencies.

*September 21, 2004*

**§ 2-405. Advanced Legal Research (7247) (7376).**

- (a) Advanced Legal Research is an elective course for two or three semester hours of graded credit.
- (b) It satisfies the Professional Skills requirement set forth in Section 2-601.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Legal Research and Writing I and II.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

Team-taught by the professional law librarians, this course features advanced classroom and hands-on instruction. The course will cover electronic database and Internet research, case law, statutory research, federal legislative history, administrative law, law periodicals, treatises and other secondary sources, practice aids, and news and interdisciplinary research. It is recommended that this course be taken prior to or in conjunction with a seminar, law review, or employment as a faculty research assistant. This course fulfills the Professional Skills Requirement.

*January 17, 2006  
Rev. November 14, 2006*

**§ 2-405a. Advanced Topics in Family Law Seminar (8272)**

- (a) Advanced Topics in Family Law Seminar is an elective course for two or three semester hours of graded credit.
- (b) The course shall be offered as a seminar. The instructor shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

Prerequisite: Family Law. This seminar provides students with an opportunity to do in-depth research into cutting edge topics in Family Law. Each student will choose a topic of interest and write a research paper that satisfies the rigorous writing requirement set forth in Section 2-501. Each student will make a presentation to the group explaining the results of her or his research during the second half of the semester. The professor limits absences and expects full participation from each student.

*April 10, 2009*

**§ 2-406. Advanced Torts Seminar (8257)**

- (a) Advanced Torts Seminar is an elective course for two semester hours of graded credit.
- (b) This course shall be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by final examination or by a substantive paper that satisfies the rigorous writing requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:



This course is a seminar on tort topics that provoke public debate or involve timely public issues. Various topics will be suggested, such as class action abuse and constitutional limitations on civil damages, but students are strongly encouraged to choose a topic of interest to them after consulting with the professor.

*March 22, 2005*

**§ 2-407. Animal Law (8266, 8337)**

(a) Animal Law is an elective course for two or three hours of graded credit.

(b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in section 2-501.

(c) Prerequisites for taking the course are all first year courses.

(d) In publications, the description of the course shall be approximately as follows:  
This course in animal law will introduce students to those principles, rules, and regulations -- as developed by common law and from statute -- that affect animals. Starting with a summary of historical origins, the course will examine such laws in their philosophical, scientific, and practical underpinnings, and from a variety of differing perspectives, exploring how the law has treated animals in the past and may treat them in the future, both locally and nationally. From the foundational (How are animals defined? Can animals have standing? Are animals property?) to the pragmatic (What procedural obstacles might confront claims made on behalf of animals? What substantive constraints might prosecuting an animal cruelty case entail?) the course will address diverse questions and answers in such areas as contract, tort and constitutional law; protections under criminal and civil statutes; cruelty and abuse laws; legal standing for animals; treatment of laboratory animals; ownership and valuation issues; custody areas; and ethical and legal dilemmas posed by the capture, confinement, and commercial use of animals.

*May 16, 2007*

**§ 2-408. Antitrust (8331)**

(a) Antitrust is an elective course for three semester hours of graded credit.

(b) The course shall have a final examination.

(c) In publications, the description of the course shall be approximately as follows:

This course examines how the antitrust laws regulate the private economic behavior of market participants. The course will cover federal antitrust laws including the Sherman Antitrust Act, the Clayton Act and the Federal Trade Commission Act. The

course will examine cases on topics such as monopolization, predatory pricing, vertical restraints, price fixing and territorial allocations.

*September 27, 2005*

**§ 2-409. Appellate Advocacy (7360).**

- (a) Appellate Advocacy is an elective course for three semester hours of graded credit.
- (b) When offered as a three-hour course, it satisfies the Professional Skills requirement.
- (c) Prerequisites for taking the course are Civil Procedure I and II, Contracts I and II, Legal Research and Writing I and II, Property I and II, and Torts I and II.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This course is an in-depth study of the appellate process, including historical and comparative viewpoints; preservation of the record on appeal; post-trial motions; appellate procedure; research and preparation of briefs; argument, including communication theory; administrative appeals; rehearing; and petitions for certiorari.

*January 20, 2005*

**§ 2-410. Arbitration (8319).**

- (a) Arbitration is an elective course that may be offered for either two or three semester hours of graded credit.
- (b) When offered as a three-hour course, it satisfies the Professional Skills requirement.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Civil Procedure I and II, Contracts I and II, and Torts I and II.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This course is a study of the principles and attendant laws governing the arbitration process. Students are given a history of the arbitration process and its current applications. Up-to-date case and statutory law on arbitration are discussed in light of recent developments in the uses of this process to control contract disputes. The course will cover the ramifications of the use of arbitration as a forum choice.

*October 22, 2004*

**§ 2-411. Bankruptcy (8375).**

- (a) Bankruptcy is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Contracts I and II. Unless waived by the Associate Dean for Academic Affairs, another prerequisite for taking the course is Secured Transactions.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This is a study of courts of bankruptcy; acts of bankruptcy; voluntary and involuntary bankruptcy; bankruptcy process, pleading, schedules, and adjudication; debts, dischargeable and not dischargeable in bankruptcy; appointment of receivers and trustees; granting and revocation of discharges in bankruptcy; administration of the bankrupt's estate; and pertinent provisions of the Uniform Commercial Code.

*October 22, 2004*

**§ 2-411a. Board of Advocates (8115)**

- (a) Board of Advocates is an upper-division elective course offered for one hour of credit.
- (b) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00". Each student's performance in this offering shall be evaluated by the Director of Advocacy Programs who will assign grades based upon performance criteria set forth in the Constitution and Bylaws of the Board of Advocates.
- (c) Enrollment in this offering is limited to students who satisfy the minimum membership guidelines set forth in the Constitution and Bylaws of the Board of Advocates and who receive written approval of the Director of Advocacy Programs prior to enrollment in this offering.
- (d) Students eligible for credit for this offering may not receive credit in any more than two semesters (a maximum of two semester hours of credit).
- (e) In publications, the description of this offering shall be approximately as follows:

The Law School's Board of Advocates is a student organization composed of third year law students dedicated to development of pre-trial (including client-counseling, mediation, arbitration and negotiation), trial and appellate advocacy skills. Membership criteria and membership duties are set forth in the Charter and Bylaws of the Board of Advocates. The charter and Bylaws are available, upon request, from the Director of Advocacy Programs.

April 18, 2008

**§ 2-413. Civil Rights (8254, 8324).**

(a) Civil Rights is an elective course for either two or three semester hours of graded credit.

(b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.

(c) In publications, the description of the course shall be approximately as follows:

This course is a seminar on various aspects of civil rights including, but not limited to, issues of voting, employment, public accommodations, housing and other realms of public interest.

**October 22, 2004**

**§2-414 a. Commercial Law: Sales and Negotiable Instruments (7336)**

(a) Commercial Law: Sales and Negotiable Instruments is an elective course for three semester hours of graded credit.

(b) Prerequisites for taking the course are Contracts I and II.

(c) The course shall have a final examination.

(d) In publications, the description of the course shall be approximately as follows:

The course studies the law governing sales of personal property, including an introduction to such supporting institutions as documents of title and letters of credit. The course also examines both the general principles applicable to promissory notes and drafts and the special rules for bank deposits and collections. Statutes considered throughout the course will include Articles 2, 3, and 4 of the UCC, and numerous federal statutes that regulate or affect payments.

October 10, 2008

**§2-414 b. Commercial Law: Secured Transactions (7344)**

(a) Secured Transactions is an elective course for three semester hours of graded credit.

(b) Prerequisites for taking the course are Contracts I and II and Property I and II.

(c) The course shall have a final examination.

(d) In publications, the description of the course shall be approximately as follows:

This course covers Article 9 of the Uniform Commercial Code. It deals with effectiveness of security agreements, attachment of security interests, categories of collateral, perfection and priority of security interests, rights of third parties, and enforcement of security interests in cases of the debtor's default.

*September 21, 2004*  
*Revised October 10, 2008*

**§2-415. Comparative Constitutional Law (8263) (8302).**

- (a) Comparative Constitutional Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Constitutional Law I and II.
- (d) In publications, the description of the course shall be approximately as follows:
  - This course examines and compares the fundamental constitutional structures and institutions of the United States, Canada, France, Germany, the United Kingdom, and the European Union. Other nations' systems may also be studied depending on the interests of the students who have enrolled in the course. The course may be offered for two or three hours of credit.

*January 17, 2006*

**§ 2-416. Conflict of Laws (8378).**

- (a) Conflict of Laws is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Civil Procedure I and II, Contracts I and II, Property I and II, and Torts I and II.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course examines the principles guiding the courts in deciding which state's law to apply when dealing with a legal controversy in which there are elements involving more than one state. The general subject of jurisdiction is considered. The remainder of the course is concerned with an analysis of choice-of-law problems.

*September 21, 2004*

**§ 2-417. Criminal Procedure: Adjudication (8325).**

- (a) Criminal Procedure: Adjudication is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course will cover the prosecution of a criminal case beginning with the decision to prosecute through appeal including state and federal constitutional principles and procedural rules. Topics considered include issues related to the Fifth, Sixth and Eighth Amendment issues such as: preliminary hearings, bail, pleas and plea bargaining, jury selection, fair trials, sentencing and judgment, double jeopardy and post conviction relief.

*October 22, 004*  
*Revised October 10, 2008*

**§ 2-418. Criminal Procedure: Investigation (7341).**

- (a) Criminal Procedure: Investigation is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course surveys issues pertaining to the pre-trial stages of criminal prosecution, from the criminal investigation through arrest, including state and federal constitutional principles and procedural rules. Topics considered include issues related to the Fourth, Fifth and Sixth Amendments such as: search and seizure, privileges, right to counsel, and confessions.

*October 22, 2004*  
*Revised October 10, 2008*

**§ 2-419. Current Issues in Criminal Law (8252).**

- (a) Current Issues in Criminal Law is an elective course for two semester hours of graded credit.
- (b) The course shall be a seminar. The instructor shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This seminar deals with various current "hot" topic issues in Criminal law and procedure.

*October 22, 2004*

**§ 2-420. Dispute Resolution Processes (7347).**

- (a) Dispute Resolution Processes is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This is a survey course covering all of the non-litigation dispute resolution processes. Students are required to take an active part in class exercises and role-plays.

*January 20, 2005*

**§ 2-420a. Education Law (8339) (8273).**

- (a) Education Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

Education Law is a study of constitutional and statutory issues that arise in public schools. Topics may include the following: racial integration; gender

equality; speech protection; discipline; religious practices; parental choice; 'No Child Left Behind' and disability accommodation.

*October 12, 2007*

*October 11, 2010*

**§ 2-421 Elder Law Clinic (7375).**

- (a) The Elder Law Clinic is an elective offering for three semester hours of credit.
- (b) Taking this offering satisfies the Professional Skills requirement.
- (c) In this offering, each student shall receive a grade of either Pass, D (1.00) or Fail (0.00).
- (d) The prerequisites for taking this offering are Civil Procedure I & II, Contracts I & II, Legal Research & Writing I & II, Property I & II, and Torts I and II. Also, students must have completed or must take simultaneously with the Elder Law Clinic at least one of the following courses: Evidence, Wills & Trusts, Administrative Law, Estate Planning, Federal Income Tax, Family Law or Insurance Law. Students eligible for limited-practice cards must obtain such a card for clinic practice.
- (e) The instructor of the course shall have the discretion not to give a final examination.
- (f) In publications, this shall be the approximate description of the course:

The Elder Law Clinic at Faulkner University's Thomas Goode Jones School of Law provides opportunities for law students to represent and counsel low-income, elderly citizens in Montgomery, Autauga and Elmore counties. Second and Third Year law students counsel and represent clients with diverse legal needs: guardianships and custody matters, advanced directives, powers of attorney, wills and trusts, estate planning, benefit applications, appeals from benefit denials, retirement solutions, elder abuse and medical decision making. The Elder Law Clinic also provides public information programs on federal and state benefits, long-term care solutions, nursing home and skilled nursing facility standards, age discrimination, elder abuse, grandparental custody, medical decision making and end-of-life issues. The Elder Law Clinic works in cooperation with Legal Services Alabama and the Alabama Department of Senior Services.

*October 17, 2006*

**§ 2-422. Employment Law (8387).**

- (a) Employment Law is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.



- (c) In publications, the description of the course shall be approximately as follows:

This course is a study of the legal regulation of the employment relationship, including protection against discrimination, minimum standards of compensation and safety, systems of compensation for injured and unemployed workers, and the concept of employment at will.

*September 21, 2004*

**§ 2-423. Environmental Law (8381).**

- (a) Environmental Law is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course consists of an analysis of the ends and means of environmental protection through study of statutes, administrative regulations and practices, and judicial decisions treating the protection of the environment in the United States. Topics may include statutes that regulate pollution emissions (e.g., Clean Air Act, Clean Water Act); procedural requirements (e.g., National Environmental Policy Act, California Environmental Quality Act); administrative law (e.g., standing, standards of judicial review); hazardous and toxic substances and wastes; risk assessment and management; natural resources and wildlife conservation; enforcement and liability; and environmental justice. The course may also examine the ecological, ethical, economic, scientific, and political rationales for laws protecting the environment.

*September 21, 2004*  
*Revised February 14, 2006*

**§ 2-425. Externship (8108, 8229, 8309, 8496).**

- (a) Externship is an elective offering for two or three semester hours of credit.
- (b) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00".
- (c) Prerequisites for taking the offering are a cumulative grade point average of at least 2.00 and the successful completion of at least 29 semester hours.
- (d) The instructor of the classroom component of the offering shall have the discretion not to give a final examination.

(e) When the offering is taken for three hours of credit, it satisfies the Professional Skills requirement.

(f) In publications, the description of the offering shall be approximately as follows:

Externs earn academic credit while working part-time in government or non-profit legal institutions. Externs work under the supervision of qualified and experienced practicing attorneys who provide guidance and training in professional lawyering skills. The offering includes a classroom component that covers topics relating to the legal system, judicial process, and professionalism. To register for this offering, consent of the instructor is required.

*September 21, 2004*

**§ 2-426. Family Law (7342).**

(a) Family Law is an elective course for three semester hours of graded credit.

(b) Prerequisites for taking the course are Contracts I and II and Torts I and II.

(c) The course shall have a final examination.

(d) In publications, the description of the course shall be approximately as follows:

This course is an overview of the legal relationships created by family associations. Particular emphasis is placed on the relationships between parents and child and between husband and wife. Other topics include the nature of marriage, separation, divorce, adoption, and emancipation.

*September 21, 2004*

**§ 2-427. Family Violence Clinic (7372).**

(a) Family Violence Clinic is an elective offering for three hours of credit.

(b) This offering satisfies the Professional Skills requirement.

(c) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00".

(d) Prerequisites for taking the offering are Civil Procedure I and II, Contracts I and II, Legal Research and Writing I and II, Property I and II, and Torts I and II. Evidence is a pre- or co-requisite for this offering. Students who are eligible for limited-practice authority (the 3L Card) must acquire it.

- (e) The instructor of the course shall have the discretion not to give a final examination.
- (f) In publications, the description of the course shall be approximately as follows:

Operating in conjunction with Legal Services Corporation of Alabama and the Family Sunshine Center, the Family Violence Clinic provides pro bono services for victims of domestic violence. Students with limited-practice authority will represent clients in court proceedings for Protection from Abuse Orders and related matters and will interview clients, provide advice, prepare pleadings, investigate and evaluate cases. Students without limited practice authority will not appear in court but will interview clients and assist with advice and counsel, case evaluation, investigation, research and hearing preparation.

*September 21, 2004*  
*Rev. May 1, 2009*

**§ 2-428. Federal Courts (8383).**

- (a) Federal Courts is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Civil Procedure I and II. Unless waived by the Associate Dean for Academic Affairs, another prerequisite for taking the course is Constitutional Law I.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

**This course examines the nature and role of the federal court system within the American constitutional system of government. Particular emphasis is placed on the power of Congress to create courts and allocate jurisdiction, the power of the Supreme Court to establish federal rules of court, the relationship of federal and state jurisdiction, the application of choice of law principles in federal courts, the development of federal common law, and alternative bases of federal jurisdiction, including habeas corpus jurisdiction.**

*September 21, 2004*

**§ 2-430. Federal Income Tax (7373).**

- (a) Federal Income Tax is an elective course for three semester hours of graded credit.

- (b) Prerequisites for taking the course are Contracts I and II and Torts I and II.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is a study of the basic laws relating to federal income taxation, including problems relating to items included in or excluded from gross income, deductions, credits, recognition and character of gains and losses from disposition of property, and timing issues.

*October 22, 2004*

**§ 2- 432. Freedom of Expression (8262)**

- (a) Freedom of Expression is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Constitutional Law I and II.
- (d) In publications, the description of the course shall be approximately as follows:

This course is a study of the history and theory of the constitutional doctrine of freedom of expression. The study will center on the Speech and Press Clauses of the First Amendment. Subjects to be considered include advocacy of unlawful conduct, symbolic expression, obscenity and pornography, defamation, commercial speech, hate speech, and invasion of privacy.

*January 17, 2006*

**§ 2- 433. Gaming Law Seminar (8258)**

- (a) Gaming Law Seminar is an elective course for two semester hours of graded credit.

(b) This course shall be offered as a seminar. When it is a seminar the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by final examination or by a substantive paper that satisfies the rigorous writing requirement set forth in Section 2-501.

(c) In publications, the description of the course shall be approximately as follows:

This course is an in-depth study of the current issues relating to gambling including gaming distinctions and gambling regulations. The course will examine the interrelationship between state and federal gambling laws. Other topics include tribal gambling, charitable gambling, the marketing of games and lotteries, internet gambling and criminality of games.

*March 22, 2005*

**§ 2-434. Health Law (8247, 8384).**

(a) Health Law is an elective course for two or three semester hours of graded credit.

(b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.

(c) In publications, the description of the course shall be approximately as follows:

This course investigates the major legal issues arising in health care delivery, not merely physician malpractice but also corporate malpractice, economic credentialing, peer review, utilization review, quality assurance, Medicare fraud and abuse, tax exempt status for hospitals, joint ventures, managed care, antitrust, AIDS, ADA, reproductive rights, the right to die, various federal OBRAS and COBRAS, and ERISA.

*January 20, 2005*

**§ 2-435 Immigration Law (8268)**

(a) Immigration Law is an elective course for two or three semester hours of graded credit.

(b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.

(c) In publications, the description of the course shall be approximately as follows:

This course will survey the fundamental concepts and recent trends in immigration law. Students will learn to navigate the complex regulatory framework and resolve basic immigration problems. This course will involve the study of constitutional, statutory, and regulatory authorities. Specific topics of study may include citizenship, admissions categories and procedure, deportability grounds and procedure, refugees and the problem of asylum, and unauthorized migrant workers in the United States.

*October 10, 2008*

**§ 2-436. Independent Study (8107, 8236, 8385).**

- (a) Independent Study is an elective offering for one, two, or three semester hours of graded credit. The offering shall be taken for two or three semester hours unless it is taken as an add-on to a course, in which case it shall be taken for only one semester hour.
- (b) Prerequisites for taking Independent Study are approval of the Associate Dean for Academic Affairs, a cumulative grade point average of at least 2.75, and completion of at least 60 semester hours.
- (c) The supervising professor of each Independent Study must be a full-time member of the faculty.
- (d) A student may earn credit for only one Independent Study.
- (e) No professor may supervise more than two Independent Studies per semester.
- (f) The goals of Independent Study shall be:
  - (1) To enhance the student's research skills;
  - (2) To enhance the student's legal analysis skills;
  - (3) To enhance the student's writing skills; and
  - (4) To provide the student an opportunity to produce a writing sample that can be shown to prospective employers.
- (g) The Independent Study paper shall show evidence of thorough legal research and sound legal analysis and shall be footnoted or end-noted in a form approved by the supervising professor.
- (h) If the Independent Study paper is prepared in 12-point type and is double-spaced, the paper must be at least thirty pages in length, including footnotes or end-notes. This length

shall be adjusted as appropriate for papers that are not prepared in 12-point type and/or double-spaced.

(i) The following procedures shall apply to each Independent Study:

(1) The student shall apply to the Associate Dean for Academic Affairs for permission to do an independent study, and shall obtain the signed approval of the supervising professor. Before the student is given approval to do the Independent Study, he or she shall submit to the supervising professor a 100-200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.

(2) The student shall submit an outline of the proposed paper, which the supervising professor shall examine and approve.

(3) Before submitting the final paper, the student shall submit at least one draft of the paper which the supervising professor shall critically examine.

(4) Before submitting the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.

(j) If the student chooses to use the Independent Study to fulfill the Rigorous Writing Requirement, he or she must follow all procedures and fulfill all requirements for the Rigorous Writing Requirement as well as those required herein for Independent Study.

(k) In publications, the description of the offering shall be approximately as follows:

This is independent research and production of a scholarly paper, under the supervision of a member of the faculty.

*September 21, 2004*

**§ 2-437. Insurance Law (8386).**

(a) Insurance Law is an elective course for three semester hours of graded credit.

(b) The course shall have a final examination.

(c) In publications, the description of the course shall be approximately as follows:

This course is a study of fundamental legal principles relating to various types of first-party and liability insurance contracts, focusing on property, life, health, automobile and commercial and professional liability policies. Topics include rules of insurance contract construction; doctrines governing applications for insurance and

representations made by the applicant; statutory and administrative regulation of insurance; and various issues arising in particular types of insurance.

*October 22, 2004*

**§ 2-438. Intellectual Property (8242, 8320).**

(a) Intellectual Property is an elective course for two or three semester hours of graded credit.

(b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.

(c) In publications, the description of the offering shall be approximately as follows:

This course examines procedural and substantive legal issues arising out of trade secrets, trademarks/service marks, and copyrights. The course focuses on the federal and state statutory and common law regulation of intellectual property rights while also focusing on litigation and transactional issues arising out of the registration and enforcement of intellectual property rights.

*October 22, 2004*

**§2-438-a. International Business Litigation (8344).**

(a) International Business Litigation is an elective course for three semester hours of graded credit.

(b) The course shall have a final examination.

(c) In publications, the description of the course shall be approximately as follows:

This advanced course combines lecture and problem solving, taking a litigation approach to the study of international business transactions. The course addresses the legal and business issues facing a foreign national investing or doing business in the United States as well as United States persons engaging in business or investing abroad. Topics include basic choice of law and choice of forum analysis; international judicial assistance (service of process and discovery abroad); enforcement of judgments internationally; alternative dispute settlement mechanisms (conciliation and arbitration); sovereign immunity; etc. The goal of the course is to give a rounded appreciation of the interplay between national and international rules which influence private international litigation.

*October 11, 2010*



**§ 2-439. International Law (8251, 8328).**

- (a) International Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course is an introductory International Law course focusing on the history and development of international law, the fundamental principles of international law, and the role of international institutions. Topics include principles of international law, treaties, conventions and executive agreements, customary law, the International Court of Justice, the United Nations and other international institutions, states and individuals under international law, the Law of Armed Conflict, just warfare, and the use of force.

*October 22, 2004*

**§ 2-440. Interviewing, Counseling, and Negotiation (7349).**

- (a) Interviewing, Counseling, and Negotiation is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers the interviewing and counseling of clients, developing and weighing options, and negotiating on behalf of clients. Students are required to take an active part in class exercises and role-plays.

*January 20, 2005*

**§ 2-441. Jurisprudence (8246, 8323).**

- (a) Jurisprudence is an elective course for two or three semester hours of graded credit.
- (b) This course may be a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the

discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.

(c) In publications, the description of the course shall be approximately as follows:

Exposing students to the philosophy of law, this course is an examination of the basic principles that underlie our legal system. It is a study of basic schools of jurisprudence, including natural law theory, legal positivism, legal realism, the critical legal studies movement, the law and economics movement, feminist legal theory, critical race theory, and the various strains of Christian legal theory. In keeping with the mission of the law school, the course will approach all of these topics from the standpoint of Biblical truth.

*January 20, 2005*

**§ 2-442. Land Planning (8239, 8322).**

(a) Land Planning is an elective course for two or three semester hours of graded credit.

(b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.

(c) Prerequisites for taking the course are Property I and II.

(d) In publications, the description of the course shall be approximately as follows:

This course examines the public and private planning and regulation of land. The course specifically focuses on techniques for planning the current use, future use, and intended non-use of land while covering subject matter including Smart Growth regulations, form-based zoning regulations, traditional Euclidean zoning regulations, aesthetic controls, and other regulatory controls which arise out of the planning of land. The course also examines constitutional and environmental issues facing the public and private planning and regulation of land.

*January 20, 2005*

**§ 2-442a. Law and Bioethics (8270).**

(b) Law and Bioethics is an elective course for two or three semester hours of graded credit.

- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Prerequisites for taking the course are Torts I and II, Contracts I and II, and Property I and II.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers the intersection of topics in medical and biological science ethics and American law. Topics discussed in the class include, but are not limited to the following: end-of-life issues, medical research ethics, organ donation and transplantation issues, genetic ethics, behavior control, and reproduction issues. Class readings and discussion will focus on the tort, contract, property, and constitutional implications of these topics.

*October 10, 2008*

**§ 2-443. Law and Christian Theology (8248, 8306).**

- (a) Law and Christian Theology is an elective course for two or three semester hours of graded credit.
- (b) This course may be a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper which satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This interdisciplinary course examines various Christian theological understandings of law and government. Readings for the course will come from the Bible and from the writings of Christian theologians and jurists, from ancient times to the present day. The readings will address topics such as the origins and purposes of government, the legitimacy of particular forms of government or sources of law, political activity by Christians, nonviolent and violent resistance to law, equality under law, liberty under law, and legal toleration of religious diversity. Students in this course should expect to confront and analyze a number of conflicting Christian perspectives on these issues.

*January 20, 2005  
Rev. August 10, 2005*

**§2-443a. Law and Literature (8345)**

- (a) Law and Literature is an elective course for three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have discretion not to give a final examination. When not so offered, the instructor shall have discretion to grade students in this course by a final examination or by a series of substantive papers addressing the issues covered in the course.
- (c) In publications, the description of the course shall be approximately as follows:

This course examines the intersection of law and literature, by extensive reading and analysis of judicial opinions referencing literature and of works of literature depicting or addressing the law, lawyers, the justice system or issues of law. The course aims to heighten students' understanding of rhetoric, language and narrative structure; to explore the influence of literature on law, public policy and popular opinion; to frame the meaning of law to individuals and society; and to hone students' understanding of the role of lawyers in society.

*October 11, 2010*

**§ 2-444. Law and Public Policy (8269 and 8342)**

- (a) Law & Public Policy is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) In publications the description of the course shall be approximately as follows:

Law & Public Policy examines the relationship between legal doctrine and public policy. In this course students explore the relationship between legal doctrines and policy outcomes, both intended and unintended. The course focuses upon several areas of recent legal reform in the United States, which have met with varying levels of success and which illustrate the relationship between law and policy. Within each area the course examines (1) the relevant law before and after the reform and the interpretations given to those

laws by the courts; (2) the perceived problems with the initial law; (3) the goal of the reform; (4) the consequences of the subsequent change in the law.

*October 10, 2008*

**§ 2-445. Law Review (8109, 8110, 8111, 8112, 8226, 8227, 8228, 8308)**

(a) Students selected for membership on the staff of Jones Law Review shall earn credit as follows:

(1) Junior Staff: Credit for being on the Junior Staff shall be earned by students who are candidates for Law Review membership and who are in their first year of Law Review membership. Based upon performance criteria set forth in the Jones Law Review Constitution, the faculty advisor for the Law Review shall assign one semester hour of credit for the fall semester and one semester hour of credit for the spring semester.

(2) Senior Staff: Except as provided in subsections (3) and (4) hereof, credit for being on the Senior Staff shall be earned by students who are in their second year of Law Review membership. Based upon performance criteria set forth in the Jones Law Review Constitution, the faculty advisor for the Law Review shall assign one semester hour of credit for the fall semester and one semester hour of credit for the spring semester.

(3) Editorial Board: Except as provided in subsection (4) hereof, credit for being on the Editorial Board shall be earned by students who are in their second year of Law Review membership. Based upon performance criteria set forth in the Jones Law Review Constitution, the faculty advisor for the Law Review shall assign two semester hours of credit for the fall semester and two semester hours of credit for the spring semester.

(4) Editor-in-Chief: Credit shall be earned by the Editor-in-Chief of the Law Review. Based upon performance criteria set forth in the Jones Law Review Constitution, the faculty advisor for the Law Review shall assign three semester hours of credit for the fall semester and two semester hours of credit for the spring semester.

(b) For all credit earned for work on the Law Review, each student shall receive a grade of either "P" or "1.00" or "0.00".

(c) In publications, the description of the offering shall be approximately as follows:

This offering is available only to students selected for membership on the staff of Jones Law Review. Credit is earned upon the basis of performance criteria set forth in the Jones Law Review Constitution.

*September 21, 2004*

**§ 2-446. Legal Drafting (8316).**

- (a) Legal Drafting is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course focuses on developing professional writing skills by working with some of the types of writing done by lawyers in their practices. Class projects vary, but will include discussion and drafting of several types of documents such as a lease and a contract, and other projects.

*January 20, 2005*

**§ 2-448. Legislation (8321).**

- (a) Legislation is an elective course for three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course is about American legislative institutions and the processes they employ to consider and enact legislation. The material will deal specifically with the Alabama Legislature at the state level and the United States Congress at the federal level. There is an evolving recognition on the part of most law schools that the education of law students must include an awareness of the significance of statutory lawmaking and a critical understanding of legislative institutions and their processes. The course is designed to provide that knowledge and understanding.

*September 21, 2004*

**§ 2-450. Mediation Clinic (7348).**

- (a) Mediation Clinic is an elective offering for three semester hours of credit.
- (b) The offering satisfies the Professional Skills requirement.
- (c) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00".
- (d) The instructor of the offering shall have the discretion not to give a final examination.

(e) In publications, the description of the offering shall be approximately as follows:

This is a clinical offering that contains a classroom component as well as “hands on” mediation experiences under the supervision of a faculty member. Students mediate disputes at the Montgomery County District Court and report their experiences during the classroom sessions. The goal of the course is to allow the students to hone their skills as mediators in courtroom settings as well as in the classroom.

*September 21, 2004*

**§ 2-450a. Mediation Competition Team (7171, 7248).**

- (a) Mediation Competition Team is an elective course offered for one or two hours of credit.
- (b) In this offering, each student shall receive a grade of either “P” or “1.0” or “0.0”.
- (c) Students must receive authorization from the Director of Advocacy in order to enroll in this course.
- (d) In publications, the description of the offering shall be approximately as follows:

This offering is for students selected by the Director of Advocacy to compete on one of the Law School’s Interscholastic Mediation teams.

*January 11, 2008*

**§ 2-450b. Moot Court Competition Team (7170, 7243).**

- (a) Moot Court Competition Team is an elective course offered for one or two more semester hours of credit.
- (b) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00”.
- (c) Prerequisites for taking this offering are Torts I and II, Contracts I and II and Legal Research and Writing I and II.
- (d) Students must receive authorities from the Director of Advocacy in order to enroll in this course.
- (e) This offering satisfies the Rigorous Writing Requirement as described in § 2-501(b)(3) of this manual.
- (f) In publications, the description of the offering shall be approximately as follows:

This offering is for students selected by the Director of Advocacy on one of the Law School’s interscholastic moot court teams. Students gain expertise in appellate advocacy as they prepare for the competition by researching legal

issues presented and preparing an appellate brief. Students also gain experience for and participating in oral arguments at the competition.

*August 4, 2006*

**§ 2-453. Pre-trial Practice (8312).**

- (a) Pre-trial Practice is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Professional Skills requirement.
- (c) Prerequisites for taking the course are Civil Procedure I and II.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This is a problem-oriented course focusing on the preparation of a civil case for trial. Topics include initial interview, informal discovery, drafting of pleadings, conduct of formal discovery, motion practice, and preparation of a trial book.

*January 20, 2005*

**§ 2-454. Products Liability (8393).**

- (a) Products Liability is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Contracts I and II and Torts I and II.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is a study of the sources, development, and limits of the law of products liability. The course examines the historical development of products liability and theories of liability rooted in negligence, contract, strict liability in tort, fraud, warranty, and statute (primarily the Uniform Commercial Code). Particular attention is given to the development of legal definitions of a "product." The course also examines modern trends in products liability jurisprudence. Emphasis is also placed on common litigation problems encountered in products liability cases, including proper parties, proof, use of expert witnesses, and insurance considerations.

*September 21, 2004*

**§ 2-455. Race, Poverty, and the Death Penalty (8265).**

- (a) This course is an elective course for two semester hours of graded credit.



(b) The course shall be taught as a seminar. The instructor shall have the discretion not to have a final examination.

(c) In publications, the description of the course shall be approximately as follows:

This course is an in-depth study of the interrelationship of poverty, race, and the death penalty. The course will focus particularly upon issues of ineffective assistance of counsel for indigent defendants and racial discrimination both conscious and unconscious in capital cases.

*October 17, 2006*

**§ 2-456. Real Estate Practice (8330).**

(a) Real Estate Practice is an elective course for three hours of graded credit.

(b) Prerequisites for taking this course are Property I and II.

(c) The course shall have a final examination.

(d) In publications, the description of the course shall be approximately as follows:

A course in the practical application of real property law covering deeds, mortgages, leases, land contracts, real estate closings, and all forms of conveyances. Drafting and analyzing of real property documents.

*September 21, 2004*

**§ 2- 457. Religion and the Constitution (8264).**

(a) Religion and the Constitution is an elective course for two or three semester hours of graded credit.

(b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.

(c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Constitutional Law I and II.

(d) In publications, the description of the course shall be approximately as follows:

This course is a study of the three Religion Clauses of the Constitution: the Religious Tests Clause of Art. VI, and the Establishment and Free Exercise Clauses of the First

Amendment. The course will address the history and theory of the Religion Clauses as well as their interpretation by the U.S. Supreme Court. Students will apply constitutional law and theory to topics such as religious exercises in public schools, religiously motivated legislation, governmental funding of churches and religious schools, governmental regulation of private religious activities, political involvement by religious groups, and governmental promotion of religious ideas.

*January 17, 2006*

**§ 2- 461. Smart Growth Seminar (8259).**

- (a) Smart Growth Seminar is an elective course for two semester hours of graded credit.
- (b) This course shall be offered as a seminar. When it is a seminar the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by final examination or by a substantive paper that satisfies the rigorous writing requirement set forth in Section 2-501.
- (c) In publications, the description of the course shall be approximately as follows:

This course involves an in-depth examination of the use of Smart Growth regulations to plan the current use, future use, and intended non-use of land. The course focuses on the regulatory and Constitutional issues arising out of the use of Smart Growth regulations and further provides an examination of how Smart Growth regulations contrast with traditional Euclidean zoning regulations. The course involves a detailed comparison of different federal, regional, state, and local methods of engaging in Smart Growth regulation.

*March 22, 2005*

**§ 2-462. Sports Law (8244, 8307).**

- (a) Sports Law is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501.
- (c) Prerequisites for taking the course are Civil Procedure I and II, Contracts I and II, Property I and II, and Torts I and II.
- (d) In publications, the description of the course shall be approximately as follows:

This course examines legal issues arising from professional and amateur sports, with particular emphasis on contract disputes, tort liability, agency questions, collective bargaining, and the implications of antitrust law. The sources of the relevant law include the common law, federal and state statutes, and administrative regulations.

*January 20, 2005*

**§ 2-463. Taxation of Business Enterprises (8332).**

(a) Taxation of Business Enterprises is an elective course for three semester hours of graded credit.

(b) The course shall have a final examination.

(c) In publications, the description of the course shall be approximately as follows:

This course examines federal income tax laws affecting the acquisition, operation, and disposition of business enterprises and assets, with particular attention to the taxation of corporations, shareholders, partnerships and partners.

*September 27, 2005*

**§ 2-464. Trial Advocacy (7368).**

(a) Trial Advocacy is an elective course for three semester hours of graded credit.

(b) The course satisfies the Professional Skills requirement.

(c) Prerequisites for taking the course are Civil Procedure I and II and Evidence.

(d) The instructor of the course shall have the discretion not to give a final examination.

(e) In publications, the description of the course shall be approximately as follows:

This is a practice-oriented course intended to develop the students' legal skills in the trial setting. The course emphasizes preparation of witnesses, jury selection, opening statements, presentation of evidence, examination of witnesses, and closing arguments.

*January 20, 2005*

*Revised January 31, 2006*

**§ 2-465. Trial Advocacy for Competition (7374).**

(a) Trial Advocacy for Competition is an elective course for three semester hours of graded credit.

- (b) The course satisfies the Professional Skills requirement.
- (c) Evidence is a co-requisite.
- (d) Students enrolled will need the approval of and be selected by the instructor(s) or Advocacy Director.
- (e) The course will be capped at sixteen students.
- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) A student enrolled in this course is precluded from taking Trial Advocacy §2-464 (7368).
- (h) In publications, the description of the course shall be approximately as follows: This is a practice-oriented course intended to develop the students' legal skills in the trial setting. The course emphasizes preparation of witnesses, opening statements, presentation of evidence, examination of witnesses and closing arguments. The purpose of this intensive trial advocacy course is to prepare students to compete in regional and national trial competitions.

*April 21, 2006*

**§ 2-466. Trial Competition (7167).**

- (a) Trial Competition is an elective offering for one semester hour of credit.
- (b) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00".
- (c) Prerequisites for taking the offering are Civil Procedure I and II, Contracts I and II, Legal Research and Writing I and II, Property I and II, Torts I and II, and Evidence.
- (d) The offering shall not have a final examination.
- (e) In publications, the description of the offering shall be approximately as follows:

One hour of credit may be earned by participating in this intra-school Trial Competition. Students are given a case file in early August; the competition is typically completed during the first half of the fall semester. All students prepare both sides of a case and try the case a minimum of three times. Some of the trials are held on weekends. Participating in Trial Competition makes a student eligible for being consid-

ered for selection for the law school's trial team that competes against trial teams from other law schools.

*September 21, 2004*

**§ 2-467. Trial Competition Team (7169, 7242, 7371).**

- (a) Trial Competition Team is an elective offering for one, two or three semester hours of credit.
- (b) In this offering, each student shall receive a grade of either "P" or "1.00" or "0.00".
- (c) Prerequisites for taking the offering are Trial Advocacy or Advanced Trial Advocacy for Competition and selection for one of the school's trial competition teams.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the offering shall be approximately as follows:

This offering is for students selected for one of the school's trial teams. They gain experience in various aspects of trial work as they prepare for and participate in competition against teams from other law schools.

*September 21, 2004  
Rev. April 21, 2006  
Rev. October 17, 2006*

**§ 2-468. Wills and Trusts (7437).**

- (a) Wills and Trusts is an elective course for four semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course examines intestate succession; the essential elements and formalities for making, revoking, or altering a will; will contests; and the administration of estates. The course also explores the character, creation, validity and use of trusts; types of trusts; rights, duties and liabilities of settlors, trustees, beneficiaries, and third parties; fiduciary administration; settlement and distribution; remedies of beneficiaries; and tax, real property, and future interest considerations, including the rule against perpetuities, in connection with wills and trusts.

*January 20, 2005*

**§ 2-469. Worker's Compensation (8256, 8329).**

- (a) Worker's Compensation is an elective course for either two or three semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course surveys the law relevant to the practice of Worker's Compensation law and covers topics from forms, pleadings, procedures and appeals to issues of accidents, occupational diseases and the relationship between tort law and worker's compensation law.

*October 22, 2004*

## PART 5 – WRITING REQUIREMENTS

### § 2-501. Rigorous Writing Requirement.

(a) Among the requirements for the J. D. degree is the satisfactory fulfillment of the Rigorous Writing Requirement. The purpose of the Rigorous Writing Requirement is to give each student a challenging experience in legal research, problem solving, organization, legal reasoning, and legal writing. It may involve interdisciplinary work, the integration of theory and application, probing fundamental legal values, analysis of the current state of the law, and/or advocacy of a particular position. Satisfaction of the Rigorous Writing Requirement must involve a close working relationship with the supervising professor.

(b) The Rigorous Writing Requirement may be satisfied in any of the following ways:

(1) By writing a paper or other document in connection with a seminar (or other upper-level course in which each student is required to write a paper) taught by a full-time faculty member (or, with permission of the Associate Dean for Academic Affairs, by an adjunct faculty member).

(2) By writing an article or comment for potential publication by the Law Review, if the author is a member of the Law Review staff or board. This writing must be under the supervision of a full-time faculty member, but not necessarily the faculty advisor to the Law Review. It must be at least 6,500 words in length, exclusive of footnotes, and must be of such quality that it is, in the opinion of the supervising professor, substantially publishable.

(3) By writing any portion of an appellate brief prepared for and submitted in an interscholastic moot court competition for which the student is entitled to and receives a grade of “P” and course credit pursuant to § 2-450a.

(4) With permission of the Associate Dean for Academic Affairs, by writing a directed research paper under the supervision of a full-time faculty member.

(c) The requirements for a paper satisfying the Rigorous Writing Requirements under (b)(1) or (b)(4) of this section are as follows:

(1) If written in connection with a course, it shall be on some aspect of the subject matter of the course.

(2) It shall be a substantial paper resulting from extensive research. It shall be at least 6,500 words in length, exclusive of footnotes. Each student shall be required to submit a word count, excluding footnotes, with the final draft.

(3) It shall be a product of high caliber that demonstrates the student's ability to define a research problem and to do legal analysis. It shall be properly footnoted or end-noted in a form approved by the supervising professor.

(4) Before the student is given approval to write the paper, he or she shall submit a 100-200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.

(5) Prior to the student's submission of a draft, the supervising professor shall examine and approve an outline of the proposed paper.

(6) Prior to the student's submission of the final paper, the supervising professor shall critically evaluate at least one draft of the student's work.

(7) If written in connection with a seminar or other course in which each student is required to write a paper, the final paper must qualify for a grade no lower than C+ or the equivalent thereof. If written as a directed research paper, the final paper shall be of such quality that, if it were written and graded to meet a requirement of a seminar, it would receive a grade no lower than C+ or the equivalent thereof.

(8) Prior to approval of the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.

(d) The Associate Dean for Academic Affairs may waive or modify the provisions of the Rigorous Writing Requirement for any student who attended the law school before the fall semester of 1999.

(e) If the supervising professor approves the final paper, he or she shall complete and deliver to the Associate Dean for Academic Affairs the following certification:

I certify that \_\_\_\_\_ (name of student) \_\_\_\_\_ has written a paper that satisfies the Rigorous Writing Requirement. The student wrote the paper

\_\_\_\_\_ in connection with the course, \_\_\_\_\_; the paper qualified for a grade no lower than C+ (or the equivalent thereof).

\_\_\_\_\_ as an article or comment for the Law Review; the paper is substantially publishable.

\_\_\_\_\_ as directed research; the paper would receive a grade no lower than C+ (or the equivalent thereof) if it were written and graded to meet a requirement of a seminar.

\_\_\_\_\_ as a portion of a brief for an interscholastic moot court competition for which the student is entitled to and will receive (or has received) a grade of "P" and course credit.



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Signature of Supervising Professor

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Date

*September 21, 2004*  
*Revised January 31, 2006*  
*Revised October 12, 2007*  
*Revised December 7, 2007*

**§ 2-502. Paper Not To Be Used for More than One Academic Purpose.**

(a) A student who submits a paper or other writing for credit in a course or Independent Study shall not submit that paper or writing or a revision thereof or another writing on essentially the same topic (1) for credit in any other course or Independent Study or (2) for fulfillment of a condition to become a member of the Law Review staff.

(b) A student who submits a paper or other writing for fulfillment of a condition to become a member of the Law Review staff or for fulfillment of a condition in connection with an inter-scholastic moot court competition, shall not submit that paper or writing or a revision thereof or another writing on essentially the same topic (1) for credit in a course or Independent Study or (2) for fulfillment of another condition in connection with membership on the Law Review staff.

(c) The rules in this section shall not prohibit a student from submitting a paper for a course or Independent Study and simultaneously using that paper to satisfy the Rigorous Writing Requirement or the prerequisite comment for senior Law Review staff.

*September 21, 2004*

## **PART 6 – PROFESSIONAL SKILLS REQUIREMENTS**

### **§ 2-601. Professional Skills Requirement.**

(a) Among the requirements for the J. D. degree is the satisfactory fulfillment of the Professional Skills Requirement. The purpose of the Professional Skills Requirement is to give each student a challenging experience in the development of professional skills to prepare students for the practice of law. “Professional skills” means skills that are generally regarded as necessary for effective and responsible participation in the legal profession.

(b) The Professional Skills Requirement may be satisfied in any of the following courses:

- (1) Advanced Legal Research
- (2) Appellate Advocacy
- (3) Arbitration
- (4) Dispute Resolution Processes
- (5) Externship
- (6) Family Violence Clinic
- (7) Interviewing, Counseling, and Negotiation
- (8) Legal Drafting
- (9) Mediation Clinic
- (10) Pre-trial Practice
- (11) Trial Advocacy
- (12) Trial Advocacy for Competition

*January 20, 2005*  
*Rev. September 13, 2005*  
*July 9, 2010*

## CHAPTER THREE ~ ACADEMIC PROGRESS

### PART 1 – J. D. DEGREE

#### § 3-101. Degree Conferred upon Graduates.

The law school confers the Juris Doctor (J.D.) degree upon its graduates.

*September 21, 2004*

#### § 3-102. Graduating Summa Cum Laude.

(a) Students graduating with grade point averages ranked in the top three percent of each graduating class shall be designated *Summa Cum Laude*.

(b) For purposes of § 3-102 through § 3-104, the term “graduating class” shall be defined as all students appearing on the graduation program in May of each year. Honors will be computed based on a student’s grade point average at the conclusion of the student’s penultimate semester and will be re-computed at the conclusion of the student’s final semester. If a student qualifies for honors after either period, the student will be notified of this honor and it will be recorded on the student’s transcript. Only the students qualifying for honors as of the penultimate semester will be recognized at graduation.

*September 21, 2004*

*Rev. February 13, 2007*

*Rev. Nov. 9, 2009*

#### § 3-103. Graduating Magna Cum Laude.

Students graduating with grade point averages ranked in the range of top three percent to top six percent of each graduating class shall be designated *Magna Cum Laude*.

*September 21, 2004*

*Rev. February 13, 2007*

#### § 3-104. Graduating Cum Laude.

Students graduating with grade point averages ranked in the range of top six percent to top fifteen percent of each graduating class shall be designated *Cum Laude*.

*September 21, 2004*

*Rev. February 13, 2007*

**§ 3-105. Requirements for Degree.**

(a) A student shall earn the J.D. degree upon satisfying the following requirements (which are not subject to variance or waiver unless otherwise provided by faculty policy):

- (1) The successful completion of 90 semester hours of offerings, which shall include successful completion of all required courses;
- (2) Satisfaction of the Rigorous Writing Requirement § 2-501 and Professional Skills Requirement § 2-601;
- (3) A cumulative grade point average of at least 2.00; and
- (4) The completion of six semesters in residence (or the equivalent) if a full-time student or eight semesters in residence (or the equivalent) if a part-time student.

(b) Requirements for earning the J.D. degree, as well as the courses offered, may be changed by the faculty at any time.

*January 20, 2005*

**§ 3-106. Time to Complete Degree.**

(a) The maximum period of time for a full-time law student to complete the requirements for the J.D. degree shall be five years.

(b) The maximum period of time for a part-time law student to complete the requirements for the J.D. degree shall be six years.

*September 21, 2004*

**§ 3-107. Limit upon Credits from “Pass” Offerings.**

Of the 90 credits needed for graduation, no more than 12 credits may be acquired through offerings in which the student may receive the grade of "P", unless authorized by the Associate Dean of Academic Affairs. The total number of hours counted towards this limit is exclusive of hours accumulated in courses with a teaching component, including, but not limited to, externships, clinics, and participation on an interscholastic advocacy team.

*September 21, 2004  
Rev. November 5, 2004  
Rev. November 14, 2006  
Rev. November 9, 2009*

## **PART 2 – RESIDENCY**

### **§ 3-201. Full-time Student's Residence during a Semester.**

(a) To receive residence credit for a semester, a full-time student must (1) complete the semester enrolled for at least ten semester hours and (2) receive academic credit for at least nine semester hours.

(b) In any semester in which a full-time student fails to receive residence credit for a semester pursuant to subsection (a) hereof, the student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to ten.

*September 21, 2004*

### **§ 3-202. Part-time Student's Residence during a Semester.**

(a) To receive residence credit for a semester, a part-time student must receive academic credit for at least eight semester hours.

(b) In any semester in which a part-time student does not receive academic credit for at least eight semester hours, the student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to eight.

*September 21, 2004*

### **§ 3-203. Full-time Student's Residence during Sessions Other than a Semester.**

(a) Subject to subsection (b) hereof, in any session other than a semester, a full-time student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to ten.

(b) The total of all courses taken in summer sessions by a full-time student shall not count for more than one semester in residence.

*September 21, 2004*

### **§ 3-204. Part-time Student's Residence during Sessions Other than a Semester.**

In any session other than a semester, a part-time student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to eight.

*September 21, 2004*

## PART 3 – COURSE OF STUDY

### § 3-301. Maximum Loads.

(a) Full-time students may not register for more than 16 credit hours per semester and part-time students may not register for more than 11 credit hours per semester without first receiving written permission from the Associate Dean for Academic Affairs.

(b) The preceding section notwithstanding, full-time students whose grade point average is 2.5 or higher may not register for more than 18 credit hours per semester.

*September 21, 2004  
Rev. November 14, 2006*

### § 3-302. Changing from Full-time, or from Part-time, Status.

A student may change from the status of a full-time student to that of a part-time student, or from the status of a part-time student to that of a full-time student, only with the written permission of the Associate Dean for Academic Affairs.

*September 21, 2004*

### § 3-303. Changing Sections of Same Course.

Students who wish to change sections of the same course may do so only upon written application to the Associate Dean for Academic Affairs and with the approval of the Associate Dean for Academic Affairs and the professors of the two sections.

*September 21, 2004*

### § 3-304. Full-time Student's Study during First Year.

A first year full-time student must take those courses prescribed by the faculty and may not add or drop classes except that the student may withdraw completely from school. Nor may a first year full-time student change to part-time status during the course of a semester once begun; the student must either complete the semester as a full-time student or withdraw from school.

*September 21, 2004*

**§ 3-305. Part-time Student's Study during First Four Semesters.**

All students who are part-time during their first four semesters shall pursue the same required course of studies. Each such part-time student must take only those courses prescribed by the faculty and may not drop classes except that the student may withdraw completely from school.

*September 21, 2004*

**§ 3-306. Dropping Courses without Cause.**

(a) Subject to the provisions of Sections 3-304 and 3-305 and of Subsection 3-403(d), a student may drop a course or courses at any time prior to the close of business on the fourth Friday of the semester (or, for sessions shorter than a regular semester, at any time prior to the close of business on the day immediately after 27% of the session's classes have met).

(b) To drop a course, a student must submit a timely and properly completed form. A grade of "WP" will be assigned and appear on the student's transcript. The "WP" will not have any effect on the student's grade point average. The University's tuition adjustment policy will apply.

*September 21, 2004*

**§ 3-307. Dropping Courses for Good Cause.**

(a) After the deadline specified in Subsection 3-306(a), subject to the provisions of Sections 3-304 and 3-305 and of Subsection 3-403(d), a student may be allowed to drop without academic penalty a course (or courses) for good cause shown.

(b) "Good cause" shall be limited to well-documented, serious medical problems of the student or an immediate family member or death of an immediate family member.

(c) A request to drop must be in writing, with all supporting documents, and must be delivered to the Associate Dean for Academic Affairs prior to the start of the scheduled final examination for the course.

(d) The request to drop must be approved by both the Associate Dean for Academic Affairs and the instructor of the course.

(e) If the request to drop is approved, a grade of "WP" shall be assigned and appear on the student's transcript. The University's tuition adjustment policy will apply.

(f) If the request to drop without academic penalty is not approved, the same shall be communicated promptly to the student. If the student desires to drop despite the imposition of academic penalty, the student shall be assigned a grade of “WF”. The University's tuition adjustment policy will apply.

(g) Once the student has indicated a desire to drop a course despite the imposition of academic penalty, the student shall not be permitted to withdraw from that course by a withdrawal pursuant to Section 3-902.

*September 21, 2004*

**§ 3-308. Retaking Course.**

A student who receives a grade of 0.00 or “WF” in any required course must enroll in that same course in the first subsequent semester in which that course is offered.

*September 21, 2004*

**§ 3-309. Visiting Privileges at Another Law School.**

(a) The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting privileges at an ABA-approved law school or program if (1) the visit would serve the best interests of both the student and Jones School of Law, (2) the petitioner’s cumulative grade point average at the law school is 2.00 or higher, and (3) either

the petitioner has a special interest in taking a concentration of courses in a defined subject matter, and the law school will not be able to offer that concentration of courses during the petitioner’s period of attendance at the law school; or

the petitioner shows that hardship will result if visiting status is not granted. “Hardship” will normally consist of compelling medical or employment circumstances in the petitioner’s family.

(b) In all cases, the petitioner must provide the course description for each course to be taken at the other law school, and receive pre-approval of the course(s) from the Associate Dean for Academic Affairs.

(c) Residence credit shall be granted to students on visiting status.

*September 21, 2004*



## **PART 4 – ATTENDANCE**

### **§ 3-401. Requirement of Attendance and Preparation.**

Students are required to attend class meetings in the courses for which they are registered, and to be prepared to participate in the class discussion.

*September 21, 2004*

### **§ 3-402. Attendance for Part of Class.**

Each faculty member has absolute discretion to deem absent a student who arrives late for, or leaves early from, a class meeting.

*September 21, 2004*

### **§ 3-403. Limitation on Number of Absences, Both Unexcused and Total.**

(a) Any student whose total absences exceed 20% of all classes, or whose unexcused absences exceed 10% of all classes, shall not further participate in class, shall not be allowed to sit for the final examination, and shall be given a grade of "WF." Excused absences for good cause are to be approved by the Associate Dean for Academic Affairs.

(b) Absences are counted from the first class meeting of the course, regardless of when a student actually registers for a course.

(c) "Good cause" shall be limited to a well-documented, extraordinary hardship making it impossible or unreasonable for the student to attend the class in question, including death of a person close to the student, illness, or other emergency.

(d) Once a student has been absent from more than 20% of class meetings or has unexcused absences exceeding 10% of class meetings, the student shall not be permitted to drop the course pursuant to Section 3-306 or 3-307 or to withdraw from the course pursuant to Section 3-902.

*September 21, 2004  
Rev. April 21, 2005*

**§ 3-404. Maximum Number of Absences Permitted.**

(a) Each semester, the maximum number of absences permitted by the 10% or 20% rule shall be the same for all courses that regularly meet the same number of times each week for the entire semester; for each category of course, such maximum number shall be the following:

	<u>10% rule</u>	<u>20% rule</u>
Courses regularly meeting 4 times each week all semester	6	12
Courses regularly meeting 3 times each week all semester	4	9
Courses regularly meeting 2 times each week all semester	3	6
Courses regularly meeting 1 time each week all semester	1	3

(b) For summer courses, the maximum number of absences permitted shall be 2 unexcused absences or 5 total absences. For the externship class, the maximum number of absences permitted shall be 1 unexcused absence or 2 total absences.

*September 21, 2004*  
*Revised January 31, 2006*

**§ 3-405. Instructor's Discretion to Adopt Stricter Policy.**

A faculty member may, at his or her option, adopt a policy requiring a higher level of attendance and lower the course grade when the student's absences exceed those specified in the policy, provided that said policy is in writing and communicated to students at the first class of the semester.

*September 21, 2004*

**§ 3-406. Procedures.**

After each class, each faculty member shall submit to the Associate Dean for Academic Affairs daily class rosters signed by all students in attendance. The Associate Dean for Academic Affairs shall record dates of absences for each student on a master class roster.

*September 21, 2004*

## **PART 5 – STUDENT'S EMPLOYMENT**

### **§ 3-501. Employment Limitation on Student Taking More than 12 Hours.**

A student shall not engage in remunerative employment for more than 20 hours per week (whether outside or inside the law school) in any semester in which the student is enrolled in more than 12 semester hours.

*September 21, 2004*

### **§ 3-502. Employment Certification by Student Taking More than 12 Hours.**

(a) At the beginning of each semester in which a student is enrolled in more than 12 semester hours, the student shall sign a statement certifying that the student is not engaged in remunerative employment for more than 20 hours per week and that he or she will not be so engaged during the remainder of the semester.

(b) Signing such a statement that is false is a violation of the Honor Code and shall be grounds for any sanction identified in the Honor Code, including expulsion from the law school.

*September 21, 2004*

### **§ 3-503. Full-time First Year Students.**

Full-time first year students are discouraged from engaging in any type of remunerative employment.

*September 21, 2004*

## PART 6 – EXAMINATIONS

### § 3-601. Time for Final Examinations.

No final examination shall be given at any time earlier than during the examination period which follows the end of the last regularly scheduled class of each session.

*September 21, 2004*

### § 3-602. Length of Final Examinations.

(a) The final examination shall be of suitable length and complexity to serve as an accurate evaluation of scholastic achievement.

(b) The time length of any final examination shall approximate the credit hours assigned to that particular course. However, no final examination shall exceed 3½ hours in length, with the exception of a “take-home” examination.

*September 21, 2004*

### § 3-603. Waiver of Requirement of Final Examination.

The Associate Dean for Academic Affairs shall have the discretion to waive, on a case-by-case basis, the requirement of a final examination in any course designated for a final examination in Part 3 or 4 of Chapter Two.

*September 21, 2004*

### § 3-604. Taking Examinations at Other than Scheduled Times.

(a) Except as provided in subsection (b) or (c) hereof, all students shall take each examination at its scheduled time.

(b) **Before the examination.** Prior to the scheduled time for an examination, only the Associate Dean for Academic Affairs has the authority to permit a student to take an examination at a time other than its scheduled time.

(1) A student shall be granted a departure from the examination schedule for a conflict of examinations scheduled simultaneously. The Associate Dean for Academic Affairs shall post the final examination schedule at least three weeks prior to the last scheduled day of classes. A student claiming a conflict shall notify the Associate

Dean for Academic Affairs of the conflict no later than one week after the examination schedule is posted. The Associate Dean for Academic Affairs shall promptly notify faculty members of conflicts, preserving the anonymity of the examination process. The student shall take the make-up examination at such time as shall be determined by the Associate Dean for Academic Affairs.

(2) A student may be granted a short delay from the examination schedule for a course or courses, provided the student or an immediate family member has a serious medical emergency or on account of a death of an immediate family member or on account of other exigent circumstances. The student must petition the Associate Dean for Academic Affairs as soon as possible before the examination and provide credible, objective evidence (e.g., a letter from a licensed medical doctor) of the nature and extent of the serious medical emergency or such evidence of the death of the immediate family member or such evidence of other exigent circumstances. If the petition is approved, arrangements shall be made with the faculty member for the student to take a make-up examination as soon as is practical. Due to the impracticability of maintaining anonymous grading for a make-up examination, the student waives the right to claim a grievance based on arbitrary and capricious grading.

(3) Every reasonable effort shall be made (i) to draft the academic calendar to exclude examinations on religious days of worship and holidays, and (ii) to allow a student with a religious conflict with an examination time to take such examination at another time provided that the conflict has been substantiated to the satisfaction of the Associate Dean for Academic Affairs.

**(c) After the Examination.**

(1) If a student misses an examination without having requested relief pursuant to subsection (b) hereof, the student shall receive a grade of "0.00" for the examination unless the student petitions the Associate Dean for Academic Affairs in writing to make up the examination and the Associate Dean for Academic Affairs grants some form of relief. The Associate Dean for Academic Affairs shall not consider such a petition if the student has requested relief pursuant to subsection (b) hereof; when the Associate Dean for Academic Affairs does consider such a petition, the student shall have the burden of overcoming a presumption that the petition should be denied.

(2) The Associate Dean for Academic Affairs may grant the student permission to make up the examination, or may provide such other relief and/or sanctions as he or she may deem appropriate under the circumstances, after consultation with the affected professor(s). Relief may only be granted under this subsection if the student or an immediate family member had a serious medical emergency or on account of a death of an immediate family member or on account of other exigent circumstances. The student must petition for permission to make up the examination by submitting to the Associate Dean for Academic Affairs a written petition as soon as possible after the examination. The petition should provide

credible, objective evidence (e.g., a letter from a licensed doctor) of the nature and extent of the serious medical emergency or of the death of the immediate family member or of other exigent circumstances. The petition must also set forth why the student failed to request relief pursuant to subsection (b) hereof.

(3) If the petition is approved and the Associate Dean for Academic Affairs grants permission to take a make-up examination, arrangements shall be made with the faculty member for the student to take a make-up examination as soon as is practical. Due to the impracticability of maintaining anonymous grading for a make-up examination, the student waives the right to claim a grievance based on arbitrary and capricious grading.

*September 21, 2004*  
*Rev. November 14, 2006*

**§ 3-605. Examinations Other than Final Examinations.**

(a) The instructor of each class of Civil Procedure I, Contracts I, Property I, and Torts I shall give an examination during the semester. The instructor of each class shall determine the length and format of the examination for that class, what material will be covered on the examination, whether the examination will be for practice only or for credit (and, if so, how much credit), and what type of feedback the students will get after the examination.

(b) In all classes not described in subsection (a) hereof, each instructor shall decide whether to give an examination during the semester. For any such examination, the instructor shall have control over all aspects of the examination.

*September 21, 2004*  
*Rev. November 5, 2004*

**§ 3-606. Student's Post-examination Review.**

Pursuant to procedures administered by the Assistant Dean for Administration, a student shall be permitted to review his or her examination papers.

*September 21, 2004*

## PART 7 – GRADES

### § 3-701. Preamble.

It is the sense of the faculty that every faculty member should be guided by responsibility and professionalism when assigning grades in any law school course. Responsibility and professionalism include, among other factors, the basic premise that a faculty member should not give students false hope by assigning favorable grades to students who demonstrate little chance of success on the bar examination and in the practice of law.

Faculty members must not be reluctant to assign a “0.00” to any student in any course when the student’s performance demonstrates either an inability to grasp basic concepts of the course or an inability to apply basic analytical reasoning skills in an examination or other performance measure of the student’s course work.

Every faculty member has an ethical obligation to adhere to the grading standards adopted by the faculty. Faculty members teaching different sections of the same course in a semester should confer with each other to make every effort to have consistency in grading for the course.

*September 21, 2004*

### § 3-702. Grading Standards.

(a) The following grade distribution percentages shall be used in every course with twenty or more students with the exception of Legal Research and Writing I and II, Professional Skills courses and seminar courses.

Mandatory norms and ranges for first year courses:

<u>Grade</u>	<u>Norm</u>	<u>Mandatory Range</u>		
4.00, 3.67	10%	0	to	15%
3.33, 3.00, 2.67	40%	25	to	55%
2.33, 2.00, 1.67	40%	25	to	55%
1.33, 1.00, 0.50, 0.00	10%	5	to	15%

Mandatory norms and ranges for elective courses and for Constitutional Law I and II, Evidence, Business Associations, Professional Responsibility, and Remedies:

<u>Grade</u>	<u>Norm</u>	<u>Mandatory Range</u>		
4.00, 3.67	15%	0	to	25%
3.33, 3.00, 2.67	40%	25	to	60%
2.33, 2.00, 1.67	40%	25	to	60%
1.33, 1.00, 0.50, 0.00	5%	0	to	15%

(b) Except as otherwise provided in subsection (d) hereof, a faculty member shall not assign grades in a course with a mean in excess of the mean specified in subsection (c) hereof. Faculty members may, and are encouraged to, assign grades below the maximum mean when appropriate in any course.

(c) The maximum mean grade in each of the first year, first semester courses shall be 2.50. The maximum mean grade in each of the first year, second semester courses shall be 2.70. The maximum mean grade in each of the following courses shall be 2.75: Constitutional Law I and II, Evidence, Business Associations, and Professional Responsibility. The maximum mean grade in Remedies and each elective course in the curriculum shall be 3.00.

(d) The grades of students who fail the course for non-attendance or who withdraw from the course and are assigned a failing grade shall be used in the calculation of the maximum mean. If a student withdraws from a course with the mark of "WP" but has already earned a grade in the course, that grade shall not be used in the calculation of the maximum mean.

(e) Because of the difficulty of applying grading standards in a uniform manner in every course, the faculty and the Associate Dean for Academic Affairs should be guided by Section 3-701 and common sense when applying the grading standards specified in this section. The following are examples of application of the grading standards in special circumstances:

(1) It is possible that a particular course has a disproportionate number of better-than-average students because of the nature of the course material or other factors. Thus, deviation from the maximum mean for a course may be appropriate when the average of the cumulative grade point averages of the students in the course is higher than the maximum mean specified by the grading standards.

(2) A course with very few students presents special problems in applying a maximum mean.

*September 21, 2004*  
*Rev. May 3, 2005*  
*Rev. January 31, 2006*  
*Rev. April 14, 2006*  
*Rev. August 7, 2007*  
*Rev. May 4, 2010*

**§ 3-703. Values.**

(a) The grades and marks assigned at the law school shall have the following values:

4.00	1.33
3.67	1.00
3.33	0.50
3.00	0.00
2.67	0.00 (Withdrawn Failing)
2.33	Pass – Satisfactory



2.00  
1.67

Incomplete  
Withdrawn Passing

(b) Course credit shall not be given for a grade of "0.00" or "WF", but the numerical grade equivalent of 0.00 shall be used in calculating the student's cumulative grade point average.

(c) If a student receives a grade of "0.00" or "WF" in a course, the subsequent successful completion of the course shall not remove the prior failing grade from the student's transcript, and the 0.00 for the prior failing grade shall continue to be used in calculating the student's cumulative grade point average.

(d) Course credit shall be given for a grade of "P", but no numerical grade equivalent shall be assigned and the grade shall not affect the cumulative grade point average.

(e) Course credit shall not be given for a mark of "I" or "WP", and the mark shall not affect the cumulative grade point average.

*September 21, 2004  
Rev. May 3, 2005*

#### **§ 3-704. Class Participation's Effect on Grade.**

A professor may take into account the quality of a student's class participation in determining the course grade, provided this policy is described in writing to students no later than the second class meeting. However, the maximum amount by which a student's participation may positively or negatively influence the student's grade is 0.34.

*September 21, 2004*

#### **§ 3-705. Anonymous Grading.**

(a) In any course in which the final grade is determined in whole or in part by a written examination, all parts of the examination shall be graded anonymously.

(b) In any course in which students may receive credit for factors in addition to the final examination (such as written work submitted during the semester or class participation), the instructor shall make a preliminary submission of each student's (1) examination grade (or score), (2) grade (or score) for each other factor for which credit is being given, and (3) proportionate weighting for each factor. Using that data, the administration shall calculate each student's preliminary grade (or score) and return to the instructor all of those grades (or scores) accompanied only with the students' secret numbers. Taking into account Sections 3-701 and 3-702, the instructor shall then determine the actual grade to be assigned to each secret number.

*September 21, 2004*

**§ 3-706. "Pass" Offerings.**

The grade of "P" shall be assigned only in those offerings which are specifically designated for such grade in Parts 3 and 4 of Chapter Two. In each of those offerings, each student shall receive a grade of either "P" or "1.00" or "0.00".

*September 21, 2004*

**§ 3-707. Use of "I"**

(a) With the approval of the Associate Dean for Academic Affairs, an instructor may assign the mark of "I" when the student is not able to complete the course work by the end of the semester due to circumstances beyond the student's control, such as a change in the law on which the student is writing a paper or a carryover of clinical casework beyond the semester.

(b) The course work must be completed at the time prescribed by the instructor, but no later than the end of the subsequent semester.

(c) The mark of "I" shall be replaced with an earned grade only by the instructor after the course work has been completed. A student shall not enroll in the same course taught by a different instructor in order to remove the "I".

(d) If the course work is not completed at the time prescribed by the instructor, the mark of "I" shall be replaced with the grade of "0.00".

*September 21, 2004*

**§ 3-708. Procedures for Recording Grades.**

(a) To ensure compliance with the grading standards specified in Section 3-702, all grades shall be submitted to the Associate Dean for Academic Affairs for approval prior to entry on the students' records.

(b) When the grades submitted violate the grading standards, the Associate Dean for Academic Affairs shall confer with the instructor. The instructor may decide to adjust the grades to comply with the grading standards. If the instructor does not so adjust the grades, any decision to change the grades in order to comply with the grading standards shall be made by the dean upon recommendation of the Associate Dean for Academic Affairs.

(c) An instructor shall not change any student's grade after the course grade sheet has been submitted to the Associate Dean for Academic Affairs, except for documented mathematical errors or to comply with the grading standards.

*September 21, 2004*

### **§ 3-709. Procedures Governing the Appeal of a Final Grade.**

(a) These procedures are an attempt to ensure fairness in the independent and professional judgment of faculty members with regard to the assignment of final grades for students. These procedures are intended to serve the mission of the law school through the preservation of integrity in the achievement of its academic and professional goals.

(b) **Right to Petition.** Any student who has received a final grade in a course at the law school may initiate a grievance with regard to the grade by filing a petition with the Academic Standards Committee (referred to in this section as “the committee”).

#### **(c) How and When Petition Is to Be Filed.**

(1) A petition may be filed with the committee by hand-delivering or mailing it to the Associate Dean for Academic Affairs no later than forty-five days after the final grade in question is posted. A petition filed by mailing shall be deemed to have been filed on the date of the postmark of the petition. A petition filed by hand-delivery shall be deemed to have been filed on the date of receipt.

(2) For purposes of calculating the forty-five day period, the day of posting the final grade shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. The committee in its discretion may for good cause shown extend the forty-five day period.

(d) **Form of Petition.** A petition shall be addressed to the chairperson of the committee, must be signed by the petitioner, and shall state all of the following:

- (1) The name and student number of the student filing the petition;
- (2) The title of the course in which the final grade was received;
- (3) The name of the professor who taught the course;
- (4) The date on which the final grade in question was posted;
- (5) The reason(s) the petitioner believes he or she is entitled to relief in accordance with the requirements set forth in subsection (e) hereof; and
- (6) The specific relief requested.

(e) **Requirements of a Grievance Claim.** In order for a petition to state a grievance upon which relief can be granted, it must satisfy the requirements of both subsection (1) and subsection (2) hereof. A petition states a grievance claim upon which relief can be granted if it specifies that:

(1) The petitioner has consulted or attempted to consult with and request relief from the professor involved, and the professor either (i) has refused to consult with the student, or (ii) has not been conveniently available for a period of 15 days after the grade was posted, or (iii) after consultation with the petitioner, has declined to grant relief acceptable to the petitioner;

AND

(2) The grade received was unfair, or substantially inappropriate, for one or more of the following reasons:

a. An error in computation was made in calculating the grade; or

b. The grade received was the result of arbitrary and capricious grading by the professor against the student by which the professor did not make a good faith effort to assign final grades in accordance with his or her academic judgment. In addition, if the grade was received in a course graded anonymously, in whole or in part, and the claim of arbitrariness or capriciousness relates to that part of the grade that was anonymous, there must also be an allegation of a breach of anonymity. (Moreover, the student must establish, by a preponderance of evidence, that anonymity was breached.)

(f) **Professor's Academic Judgment.** In no event shall there be an inquiry into the professor's academic judgment or prerogative and responsibility for assigning grades as his or her judgment and conscience dictate.

(g) **When and How the Committee Shall Consider Petition.** The committee shall make every reasonable effort to act on petition within a period of 15 days from the time a petition is filed, during which period the committee shall also give the affected faculty member a copy of the petition. If the petition is not acted upon for any reason within this period, the petition shall be deemed to have been denied.

(h) **Actions and Procedures Available to the Committee in Considering Petition.** The committee, after due deliberation and by majority vote, may take one or more of the following actions and allied procedures in response to a petition:

(1) *Determine that the facts stated in the petition, if true, do not state a grievance upon which relief can be granted:* in which case the committee shall write a decision to that effect and send a copy, with any dissenting opinion, to the petitioner and to the professor.

(2) *Determine that the facts stated in the petition, if true, state a grievance upon which relief can be granted:* in which case the committee shall notify the professor whose actions are the subject of the petition and select a time when the petitioner and the professor can be present for a hearing on the petition.

a. Both the petitioner and the professor shall be permitted to be present during the hearing, but no person shall be required to attend the hearing. The parties may make arguments, answer questions, and offer such evidence as they desire. The committee shall be the judge of the relevance and materiality of the evidence, and conformity to legal rules of evidence shall not be necessary. The committee may limit reasonably any oral presentations.

b. Final Action by the Committee

1. In a case where the committee finds no action is appropriate, the committee shall so notify the petitioner and the professor.

2. If any recommendation is made by the committee, it shall be made to the professor in writing, stating the recommendations and the reasons therefore.

(i) If the professor accepts the recommendations of the committee, the professor may change the disputed grade pursuant to the recommendation of the committee. A professor may acquiesce with the committee's recommendation and initiate the change of grade by forwarding a copy of the recommendation and written acquiescence thereto to the Associate Dean for Academic Affairs, who, upon receipt of same, shall effect the change of grade.

(ii) If the professor declines to accept the recommendation of the committee within a period of three days from receipt of the recommendation, the committee shall then issue a written decision, and provide a copy to the professor and the petitioner. The grade shall be changed only if a majority of the committee finds that the final grade was assigned for one or more of the reasons listed in (e)(2) above; in the case of such a finding, the committee shall provide copies of its written decision to the professor, the petitioner, the faculty, and the Associate Dean for Academic Affairs, who shall effect the change of grade upon receipt of the written decision.

*September 21, 2004*  
*Revised May 16, 2007*

## **PART 8 – RECOGNITION OF ACADEMIC ACHIEVEMENT**

### **§ 3-801. Dean's Honor Roll.**

The Dean's Honor Roll, also commonly known as the Dean's List, is published to recognize students for their outstanding academic achievement in the immediately preceding semester. Students enrolled for eight or more hours in that semester who achieved at least a 3.33 grade point average shall be placed on the Dean's Honor Roll.

*September 21, 2004*

### **§ 3-802. Academic Rankings Twice Each Year.**

At the end of each fall and spring semester, students who have begun law school at Jones School of Law shall be ranked academically on the basis of their cumulative grade point averages.

*September 21, 2004*

### **§ 3-803. Transfer Students Not Ranked.**

Students who begin law school elsewhere and then transfer to this law school with credits from the other school shall not be included in academic rankings.

*September 21, 2004*

### **§ 3-804. Academic Rankings.**

- (a) All full-time and part-time students who began law school at Jones School of Law shall be grouped for ranking into the following groups:
- (1) Students who have completed 31 hours or less.
  - (2) Students who have completed 32 to 67 hours.
  - (3) Students who have completed 68 hours or more but are not in the graduating class. For purposes of academic rankings, the term "graduating class" shall be defined as all students appearing on the graduation program in June.
  - (4) The graduating class. Students who complete their degree requirements in August and December will not receive a final academic ranking until the following June.

- (b) Academic rankings shall be based on grade point average.
- (c) Academic rankings shall be assigned as a number indicating the numerical class standing relative to the entire group (i.e., X of Y, where X is the student's rank and Y is the total number of students in the group being ranked).
- (d) This ranking system shall be implemented at the end of the spring 2007 semester.

*March 13, 2007*

## **PART 9 – INTERRUPTION OF ACADEMIC PROGRESS**

### **§ 3-901. Dismissal for Failure to Continue in the Next Semester.**

If a student completes a semester but fails to continue his or her studies in the immediately following semester, the student shall be dismissed from the law school.

*September 21, 2004*

### **§ 3-902. Approved Withdrawal, and Dismissal Thereafter.**

(a) The Dean, or the Associate Dean for Academic Affairs when the dean so authorizes him or her, shall have exclusive and final jurisdiction over the approving of withdrawals from the program.

(b) Subject to the provisions of Sections 3-306 and 3-307 and Subsection 3-403(d), any student may withdraw from the law school program at any time provided a written request for complete withdrawal is approved in writing by the Dean or the Associate Dean for Academic Affairs.

(c) Except as provided for first-year students in subsection (d) or (e) hereof, if a student receives approval to withdraw but is not granted a leave of absence, he or she must continue his or her studies in the semester immediately following the withdrawal. If such student fails to continue his or her studies in such semester, the student shall be dismissed from the law school.

(d) If a student in his or her second semester receives approval to withdraw but is not granted a leave of absence, that student must continue his or her studies in the second semester immediately following the withdrawal. If such student fails to continue his or her studies in such semester, the student shall be dismissed from the law school.

(e) If a student in his or her first semester receives approval to withdraw but is not granted a leave of absence, he or she shall not be dismissed for failure to continue his or her studies and may apply for readmission in any year following the withdrawal.

(f) If a student receives approval to withdraw and later continues his or her studies, the student shall be subject to Section 3-105 as it reads at the time of the student's continuation of studies, except that a change in the number of hours in a required course shall not operate to the detriment of the returning student.

*September 21, 2004  
Revised January 31, 2006*



**§ 3-903. Leave of Absence, and Dismissal Thereafter.**

(a) The Dean, or the Associate Dean for Academic Affairs when the dean so authorizes him or her, shall have exclusive and final jurisdiction over the granting of leaves of absence.

(b) If, for good cause, a student finds it necessary to interrupt progress toward his or her degree, a leave of absence may be granted in writing by the dean or the Associate Dean for Academic Affairs, specifying the duration of the leave.

(c) Only a well-documented request based upon extenuating circumstances beyond the control of the student (e.g., medical/psychological circumstances, death in the family, or other family crisis) shall constitute good cause. Good cause shall not include the desire to await accreditation.

(d) A student must have a grade point average of 2.00 or higher, and must present the petition for a leave of absence to the dean or the Associate Dean for Academic Affairs.

(e) The petition must state clearly and completely the reasons for the leave and the duration of the leave.

(f) A leave of absence may be granted for a maximum of one year and can be approved only once during a student's matriculation at the law school.

(g) If a student is granted a leave of absence and later continues his or her studies, the student shall be subject to Section 3-105 as it reads at the time of the student's continuation of studies, except that a change in the number of hours in a required course shall not operate to the detriment of the returning student.

(h) If a student is granted a leave of absence and fails to continue his or her studies at the specified time, the student shall be dismissed from the law school.

*September 21, 2004*

**§ 3-904. Academic Good Standing.**

In order to remain in good standing in either the full-time or the part-time division, a student must:

(a) At the conclusion of each semester, attain a cumulative grade point average of at least 2.00.

(b) In this manual, unless otherwise specified, grade point averages shall be rounded to three significant digits. For example, a 1.995 or greater will be rounded to 2.00 but a 1.994 will be rounded to a 1.99 and not a 2.00.

*September 21, 2004*

**§ 3-905. Probation, Dismissal, and Eligibility for Reinstatement.**

(a) Any first year student whose cumulative grade point average falls below 2.15 at the end of the first semester of study shall be placed on academic probation. Any student placed on academic probation shall be required to meet with the Associate Dean of Academic Affairs (or his/her designee) no later than the fifth day of classes of the second semester. The Associate Dean of Academic Affairs will counsel the student concerning his/her chances for successfully completing the academic program at the law school and may require the student (as a condition of academic probation) to participate in any portion or portions of the Academic Success Program that the associate dean shall deem appropriate.

(b) At the conclusion of the first semester of the first year, any student whose cumulative grade point average is 1.50 or below shall be dismissed from the law school and shall not be eligible for reinstatement. At the conclusion of the second semester of the first year, any student whose cumulative grade point average is below 2.00 and had been placed on probation during the second semester shall be dismissed from the law school and shall not be eligible for reinstatement.

(c) Any student not described in subsection (a) hereof whose cumulative grade point average falls below 2.00 shall be dismissed from the law school.

- (1) Any such student whose cumulative grade point average is below 1.80 shall be dismissed from the law school and shall not be eligible for reinstatement.
- (2) Any student whose cumulative grade point average is at least 1.95 may petition the Associate Dean for Academic Affairs, pursuant to sections 3-906 through 3-909, for reinstatement on academic probation for one semester (the probationary semester). If the Associate Dean for Academic Affairs refuses to reinstate the student, the student may petition the academic standards committee pursuant to sections 3-906 through 3-909.
- (3) Any such student whose cumulative grade point average is at least 1.80 shall be allowed to petition the Academic Standards Committee pursuant to Sections 3-906 – 3-909, for reinstatement for one semester on academic probation (the probationary semester).

*April 21, 2005*  
*Revised September 12, 2008*  
*Revised March 6, 2009*  
*Rev. May 4, 2010*  
*October 11, 2010*

**§ 3-906. Reinstatement Possible Only Once.**

A student may be reinstated only once.

*September 21, 2004*

**§ 3-907. Grounds for Reinstatement.**

The Academic Standards Committee shall reinstate a student only when it determines that (a) there were extraordinary circumstances that caused the academic deficiency, (b) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher at the end of the probationary semester, and (c) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher in each semester thereafter.

*September 21, 2004  
Rev. March 6, 2009*

**§ 3-908. Procedures for Reinstatement.**

(a) The Academic Standards Committee shall have exclusive and final jurisdiction over reinstatement decisions and it shall develop procedures to conduct reinstatement hearings.

(b) A student who has been dismissed from the law school but has petitioned for reinstatement shall be reinstated only by an affirmative vote of a majority of all faculty members present and voting who serve on the Academic Standards Committee, provided a quorum is present. For the purposes of this section a quorum consists of more than fifty percent of all members serving on the committee.

(c) A student shall initiate a petition for reinstatement by preparing a written petition addressed to the chair of the Academic Standards Committee. The petition shall describe the student's academic circumstances, state the extraordinary circumstances that caused the academic deficiency, and indicate why and how the student expects to make sufficient improvement to have a cumulative grade point average of 2.00 or higher at the end of the probationary semester.

(d) The student is entitled to make a personal appearance before the Academic Standards Committee, to answer questions, and to offer argument on behalf of the petition.

(e) If the Academic Standards Committee decides to reinstate the student, it may attach such conditions to its decision as it deems to be in the best interests of the student and the law school under the particular circumstances involved.

(f) The Academic Standards Committee's decision on the petition for reinstatement shall be final and not subject to reconsideration.

*September 21, 2004  
Revised March 6, 2009  
Rev. Nov. 9, 2009*

**§ 3-909. Deadline for Reinstatement.**

(a) Any reinstatement must be for a semester or session which is no later than the third regular (fall or spring) semester following the academic term in which the student's performance caused the cumulative grade point average to fall below 2.00.

(b) If the petition is for reinstatement in the third regular semester following the student's performance which caused the cumulative grade point average to fall below 2.00, the petition must be submitted at least three weeks before the first class of that semester.

*September 21, 2004*

**§ 3-910. Dismissal after Reinstatement.**

If a student is reinstated and does not achieve a cumulative grade point average of 2.00 or higher at the end of the probationary semester, the student shall be dismissed from the law school and shall not be eligible for reinstatement.

*September 21, 2004*

**§ 3-911. Faculty procedure and authority after removal from Honor Court.**

(a) As chief administrative officer of the law school, the Dean or his designee shall have plenary authority to discipline or dismiss from law school any student or otherwise resolve any student disciplinary matter as warranted by the circumstances. If the Dean acts under this section, he shall promptly report any action to the faculty for its review.

(b) In the case where the Associate Dean for Academic Affairs or the faculty removes a particular case from the honor court pursuant to Art. IV, Section 4.1 of the Honor Code, the student will be provided with notice and an opportunity to be heard by the faculty. The faculty may then recommend a resolution to the Dean. This matter may be resolved in any manner the faculty recommends or the Dean sees fit. Nothing in this subparagraph is intended to or may be interpreted to conflict with or supersede the Dean's plenary authority described in § 3-911(a).

*April 21, 2005*

## CHAPTER FOUR ~ ADMISSIONS

### PART 1 – BEGINNING STUDENTS

#### **§ 4-101. Authority of Admissions Committee.**

- (a) The Admissions Committee shall have exclusive and final jurisdiction over the admission of beginning students.
- (b) No person shall be admitted without the affirmative vote of a majority of the Admissions Committee.

*September 21, 2004*

#### **§ 4-102. Admissions Goals.**

A crucial part of the mission of the law school is to provide access to legal education to students with diverse backgrounds and life experiences, including those who might not otherwise have the opportunity to study law. The law school admits into its J.D. degree program applicants who have satisfied its educational prerequisites and who appear capable of satisfactorily completing its educational requirements and being admitted to the profession.

*September 21, 2004*

#### **§ 4-103. Educational Requirements.**

- (a) The law school requires for admission to its degree program a bachelor's degree from an institution that is accredited by an accrediting agency recognized by the United States Department of Education.
- (b) The law school may grant conditional admission to a student who has not satisfied the educational requirement stated in subsection (a) hereof, provided that such requirement will be met before the student matriculates.

*September 21, 2004*

**§ 4-104. Law School Admission Test.**

(a) The law school requires all applicants to take the Law School Admission Test sponsored by the Law School Admission Council. The score earned by the applicant shall play a key role in the admission decision.

(b) For those applicants taking the Law School Admission Test more than once, the score used for admission shall be the highest of the scores earned on all tests taken.

(c) No LSAT score older than five years shall be considered in the admission process.

*September 21, 2004  
Rev. June 2, 2006*

**§ 4-105. Applicant Previously Disqualified by Another Law School.**

(a) The law school shall consider admitting a student who has been disqualified previously for academic reasons by another school upon an affirmative showing that the student possesses the requisite ability to succeed in the study of law and that the prior disqualification does not indicate a lack of capacity to complete the course of study at Jones School of Law. This showing shall be made by a letter from the disqualifying school or, if two or more years have elapsed since that disqualification, by the nature of interim work, activity, or studies indicating a stronger potential for law study.

(b) When such an applicant is admitted, the Admissions Committee shall place in the admittee's file a statement of the considerations that led to the decision to admit the applicant.

*September 21, 2004  
Revised October 17, 2006*

**§ 4-106. Applicant with LL.M. Degree.**

(a) Each applicant to the J.D. program who has previously earned an LL.M. in an ABA-approved law school must furnish with the application a recent LSAT result.

(b) Once admitted, except as provided in subsection (c) hereof, such student shall complete all of the law school's requirements for other students earning the J.D. degree. Except as provided in subsection (d) hereof, such student shall not be admitted with advanced standing.

(c) The Associate Dean for Academic Affairs may grant a waiver from re-enrolling in certain required courses successfully completed as an LL.M. student (e.g., Contracts I). In such an instance, the student shall still be required to complete 90 semester hours by substituting elective courses for any courses that were waived.

(d) This policy does not preclude the Associate Dean for Academic Affairs from allowing credit consistent with ABA Standard 507.

*September 21, 2004*

## **PART 2 – READMITTED STUDENTS**

### **§ 4-201. Authority of Admissions Committee.**

(a) The Admissions Committee shall have exclusive and final jurisdiction over the readmission of former students who have been dismissed or have withdrawn in their first semester.

(b) No person shall be readmitted without the affirmative vote of a majority of the Admissions Committee.

*September 21, 2004*

### **§ 4-202. Matriculation Two Years after Dismissal.**

If a student has been dismissed from the law school pursuant to Section 3-901, 3-902, or 3-903, or has been dismissed pursuant to Section 3-905 and has not been reinstated, he or she may apply for readmission to the law school. If he or she is readmitted, he or she shall matriculate only after at least two years have elapsed since the dismissal. The student shall make a showing that during the interim, he or she has undertaken work, activity or studies to indicate a stronger potential for the study of law.

*September 21, 2004  
Rev. October 17, 2006*

### **§ 4-203. Readmission on the Basis of Current Admission Standards.**

The readmission decision shall be made by the Admissions Committee under then-current admission standards.

*September 21, 2004*

### **§ 4-204. Status of Readmitted Student.**

(a) A student who has been dismissed and who is readmitted shall forfeit all credits previously earned and shall be readmitted as a first year, first semester student.

(b) The grade point average of a student who has been readmitted shall be based only on the work attempted since readmission. However, if the readmitted student shall have been dismissed pursuant to Section 3-905, his or her transcript shall continue to show the earlier courses attempted, the grades earned, and the dismissal.

*September 21, 2004*

**§ 4-205. Statement in File.**

In each case where readmission is granted, the Admissions Committee shall sign and place in the admittee's file a statement of the considerations that led to the decision to readmit the applicant.

*September 21, 2004*

**PART 3 – TRANSFER STUDENTS**

**§ 4-301. Authority of Dean.**

The Dean, or the Associate Dean for Academic Affairs when the Dean so authorizes him or her, shall have exclusive and final jurisdiction over the admission of transfer students and the awarding of transfer credit.

*September 21, 2004*

**§ 4-302. Transfer Only When in Good Standing.**

A student must be in good standing at the other law school at the time of transferring to Jones School of Law.

*September 21, 2004*

**§ 4-303. Limitations on Transfer of Credit.**

(a) All course work accepted for transfer must be taken either at an ABA-approved law school or in an ABA-approved program.

(b) No more than 30 semester hours of academic credits shall be accepted for transfer.

(c) The law school shall accept transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the other law



school.

(d) Credit for any course required for graduation from Jones School of Law shall be accepted for transfer only when the course taken shall have been comparable to the course offered at Jones School of Law.

*September 21, 2004*

**§ 4-304. "P" for All Transfer Credit.**

All grades for which credit is transferred shall be entered as "P" on the student's records and shall not affect the student's cumulative grade point average.

*September 21, 2004*

**PART 4 – VISITING STUDENTS**

**§ 4-401. Authority of Dean.**

The Dean, or the Associate Dean for Academic Affairs when the Dean so authorizes him or her, shall have exclusive and final jurisdiction over the extension of visiting privileges to students from other law schools for matriculation at Jones School of Law.

*September 21, 2004*

**§ 4-402. Limitation on Use of Credits Earned Here.**

When a student has been extended visiting privileges by Jones School of Law, the credits earned here may not be applied toward a degree from this law school.

*September 21, 2004*

**§ 4-403. Student from ABA-approved Program, and with Appropriate Approval.**

A student may be extended visiting privileges here only if he or she (a) is a student at an ABA-approved law school or program, and (b) has been approved for visiting privileges here by an appropriate official at the student's school of residence.

*September 21, 2004*

**§ 4-404. Visiting Privileges Only When in Good Standing.**

For visiting privileges, a student must be in good standing at the student's school of residence at the time of beginning the visit here.

*September 21, 2004*

**§ 4-405. Best Interest of Jones School of Law.**

A student may be admitted here for visiting privileges only if the visit serves the best interest of Jones School of Law.

*September 21, 2004*

**§ 4-406 Jones School of Law Students Earning Credit At Other Law Schools.**

- (a) A student who is in good academic standing at the School of Law may earn credit at other ABA-approved law schools up to a maximum of 15 credit hours. Upon showing of a well-documented request based upon extenuating circumstances of hardship (e.g., medical/psychological circumstances, death in the family, or other family crisis), the Associate Dean for Academic Affairs may allow the student to earn up to 30 credit hours at other ABA-approved law schools. No credit may be earned at law schools which are not ABA-approved.
- (b) A student who is in good academic standing at the School of Law may participate in a summer abroad program sponsored by another ABA-approved law school subject to the credit hour limit above.
- (c) A student who wishes to earn credit at another ABA-approved law school must receive the approval of the Associate Dean for Academic Affairs prior to enrollment at the other law school.

*October 11, 2010*

**CHAPTER FIVE ~ PROGRAMS & CENTERS [reserved]**

**PART 1 – LAW REVIEW**

[reserved]

**PART 2 – ADVOCACY**

[reserved]

**PART 3 – ACADEMIC SUPPORT**

[reserved]

**PART 4 – ALTERNATIVE DISPUTE RESOLUTION**

[reserved]

## CHAPTER SIX ~ ENVIRONMENT

### PART 1 – HONOR CODE

#### Article I. Purposes

§1.1 The purposes of this Honor Code are the following:

- (a) To preserve and protect the integrity of the Law School.
- (b) To promote the highest ethical standards among students, faculty and staff.
- (c) To ensure that grades at the Law School are administered fairly.
- (d) To ensure that students who engage in ethical violations are duly disciplined while also ensuring that students who are wrongly accused of ethical violations are exonerated.

#### Article II. Definitions

§2.1 “Code” means this Honor Code.

§2.2 “Court” means the Honor Court, which is the official representative of law students in deciding questions about violations of the Code.

§2.3 “Instructor” is any full, associate, assistant, adjunct, or part-time professor, or any other person acting in a teaching capacity.

§2.4 “Interested faculty member” is the faculty member in whose course a violation of the Code is alleged to have occurred, regardless of whether that faculty member is the reporting party.

§2.5 “Law School” is Thomas Goode Jones School of Law.

§2.6 “Parties” include the suspected violator, the Prosecutor, Defense Counsel, and the interested faculty member, if any.

§2.7 To “publish” means to post a notice on the Law School’s bulletin board which is designated for announcements relating to the Code.

§2.8 “Quorum” is achieved when five or more Justices are present for a hearing of the

Court.

**§2.9** “Reporting party” is any person who reports a suspected violation of the Code. “The Report” is the report of a suspected violation.

**§2.10** “Student” is any student admitted to, or enrolled in the Law School, including a student who is part-time, transferring, transient, auditing, or visiting from any other school.

**§2.11** “Suspected violator” is any person reported as having violated the Code. Whenever the term appears in a procedural context, it also refers to the suspected violator’s counsel.

**§2.12** “Unauthorized assistance” is the assistance that either the instructor or the Code specifies to be unauthorized.

**§2.13** “Unauthorized material” is the material that either the instructor or the Code specifies to be unauthorized.

### **Article III. Violations of the Honor Code**

**§3.1** The following practices are violations of the Code:

- (a) Plagiarism, which means representing, either expressly or by conduct, the work of another to be one’s own.
- (b) Giving, obtaining, soliciting, or offering to provide unauthorized assistance in the preparation of material to be submitted or presented in a class, law review assignment or competition, moot court assignment or competition, essay contests for which eligibility is dependent on status as a law student, or any other similar activity.
- (c) Using unauthorized materials in connection with class assignments or examinations.
- (d) Concealing or stealing library books or other library materials, or withdrawing such materials from the library without properly checking them out, or defacing such books or materials, making copies without paying for them if payment is appropriate, failure to pay library fines, computer fraud, and software copyright infringements.
- (e) Copying the work of another student during an examination or giving, soliciting, offering to give, or asking to receive or receiving any unauthorized assistance or information before or during an examination.
- (f) Obtaining or possessing an examination, assignment, answer sheet, or similar material in advance of such time as one is entitled to possess it.
- (g) Commencing or accessing an examination before the stipulated time, including

reading the contents of the exam or writing any notes or outlines or continuing to write after time has expired in an examination period.

(h) Bringing to an examination any unauthorized electronic device. Such devices include, but are not limited to, cell phones, beepers, palm pilots, computers and word processors.

(i) Doing anything which compromises the anonymity of an examination or assignment, including but not limited to actions or writings which would reveal one's identity to the professor, unless authorized to do so by the professor. This provision shall not be construed to conflict with any provision of the Americans with Disabilities Act.

(j) Failing to disclose to a professor that work submitted for credit was wholly or substantially done prior to the beginning of the course for which the work is being submitted (or, in the case of the rigorous writing requirement, prior to the supervising professor's approval to write the paper).

(k) Taking property of another without authorization or by fraud. Such property includes, but is not limited to, briefs, books, notes, tapes, computer software, data, or outlines belonging to a faculty member or another student.

(l) Making a material misrepresentation to the administration, faculty, or staff of the Law School or Faulkner University. This provision specifically includes, but is not limited to, signing another student's name to the class attendance roll.

(m) Revealing any confidential information presented during a proceeding before the Court.

(n) Engaging in conduct, which, if done by a lawyer, would violate the Alabama Rules of Professional Conduct.

(o) Engaging in conduct that adversely reflects on fitness to study or practice law, including but not limited to violations of federal or state criminal law, regardless of whether such conduct is actually prosecuted in the courts.

(p) Attempting to commit any of the acts described in Subsections 3.1(a) - 3.1(o).

(q) Knowing failure to report a violation of the Code, conspiring to violate the Code, or knowingly making a false report that another student has violated the Code.

#### **Article IV. Jurisdiction and Terms of the Honor Court**

**§4.1** The Court shall have jurisdiction over all alleged violations of the Code as defined in Article III above, unless the Associate Dean for Academic Affairs or a majority of the faculty

vote to remove a particular case from the Court.

**§4.2.** Nothing in this code is intended to supersede the authority and responsibility of a faculty member to control conduct in his classroom, to determine what factors are to be considered in assigning a grade or credit for student performance, and to determine the appropriate grade or credit to be assigned. An aggrieved student may appeal his or her grade under the Academic Policies and Procedures of the Law School.

**§4.3** Once a complaint has been filed pursuant to Subsection 6.4(a), there shall be no plea-bargaining among or between the Court, the Prosecutor, and the alleged violator without the approval of the Associate Dean for Academic Affairs.

**§4.4** Each term of the Court will begin on the first day of the summer semester of the Law School and will end the next year on the day before the summer semester begins.

## **Article V. Members and Officers of the Court**

**§5.1** The voting members of the Court shall be seven students in good academic standing. A Chief Justice shall be elected by all students, in the spring semester for the upcoming term of the Court. The remaining student members shall be elected as follows: two at-large Justices from the third year class elected by the entire third year class, two at-large justices from the second year class elected by the entire second year class, and one Justice from each section of the first year class to be elected by their respective sections. Additionally, as long as there is a part-time class, one Justice shall be elected from and by the part-time class. The two first year members shall be elected within one month after the beginning of the fall semester; they shall become members of the Court as soon as they are elected. The remaining members shall be elected in the spring semester for the upcoming term of the Court.

**§5.2** If during a term of the Court the position of Chief Justice becomes vacant, the remaining members of the Court shall select from among themselves a Chief Justice; the new Chief Justice shall then fill the vacancy on the Court by appointing any student in good academic standing, provided however that this appointment shall be approved by a majority of the Student Bar Association's elected officers. Any other vacancy on the Court shall be filled by the Chief Justice's appointing a student in good academic standing who is in the student group which originally elected the member whose position has become vacant, provided however that this appointment shall be approved by a majority of the Student Bar Association's elected officers

**§5.3** A member of the faculty, appointed by the Dean, shall serve as a nonvoting member of the Court. That faculty member shall (a) provide advice, recommendations, or other assistance as he may deem necessary or desirable, (b) rule on motions and objections made during proceedings of the Court, and (c) preserve all records of the Court in connection with questions about violations of the Code.

**§5.4** The Chief Justice shall (a) preside over all meetings of the Court, (b) act as the chief administrative officer of the Court, and (c) only vote to break a tie.

**§5.5** The Prosecutor is an officer of the Court who is the representative of the law students in investigating, presenting, and prosecuting alleged violations of the Code. The Prosecutor shall be a third year law student in good standing elected by the student body at large.

**§5.6** The Assistant Prosecutor is an officer of the Court who assists the Prosecutor in investigating, presenting, and prosecuting violations of the Code. The Assistant Prosecutor shall be a second or third year law student in good standing elected by the student body at large.

**§5.7** The Defense Counsel is an officer of the Court who is selected by a suspected violator to assist in his defense. A suspected violator may select as Defense Counsel either one attorney licensed to practice law in Alabama or a maximum of two second or third year law students. The alleged violator shall be entitled to proceed pro se.

*Revised March 8, 2010*

## **Article VI. Prehearing Procedures**

### **§6.1 Reporting Suspected Violations**

(a) Any student who in good faith reasonably suspects that a violation of the Code has occurred shall report that suspected violation at the earliest practicable time to the Prosecutor pursuant to the procedures set forth in Subsection 6.1(c).

(b) Any other member of the Law School or University community (administration, faculty, or staff) who in good faith reasonably suspects that a violation of the Code has occurred may report that suspected violation to the Prosecutor pursuant to the procedures set forth in Subsection 6.1(c).

(c) The Prosecutor shall provide a form for reporting violations and a separate sheet for the signature of the reporting party. The Report of the suspected violation shall contain the name of the suspected violator or, if the violator's name is not known, all relevant identifying information. It shall also include a full description of the suspected violation, stating the place, date, and approximate time of occurrence. The person reporting the violation shall verify the Report by signing on the separate signature page, and the Prosecutor shall reveal his identity as the reporting party only to the Associate Dean for Academic Affairs except as provided herein at Subsection 6.4(a).

### **§6.2 Initial Investigation and Opportunity To Be Heard**

(a) Upon receipt of the Report, the Prosecutor shall first provide a copy of the Report



to the Associate Dean for Academic Affairs and then investigate whether there is probable cause to conclude that a violation of the Code has occurred. If the Prosecutor determines that there is not probable cause, he shall so advise the reporting party and take no further action on the Report.

(b) If the Prosecutor determines that there is probable cause, he shall provide a copy of the Report (without the signature page) to the suspected violator and afford the suspected violator an opportunity to be heard by him on the matter.

(1) If the suspected violator admits all allegations of the Report, then the procedures for a Sanction Hearing set forth in Section 6.3 shall be followed.

(2) If the suspected violator does not admit all allegations of the Report, the Prosecutor shall make such further inquiry or investigation as he deems appropriate, if any, in order to determine whether there is probable cause to conclude that a violation of the Code has occurred. If he determines that there is not probable cause, he shall so advise the suspected violator and the reporting party and take no further action on the Report. If he determines that there is probable cause, he shall so advise the suspected violator and the reporting party and follow the procedures for a Hearing on the Merits set forth in Section 6.4.

### **§6.3 Sanction Hearing**

The Prosecutor shall present to the Court the Report, the fact that the violator has admitted the allegations of the Report, and any other relevant fact. The violator and his Defense Counsel have the right to appear before the Court and make such statements as they choose.

### **§6.4 Hearing on the Merits**

(a) Promptly after notifying the suspected violator of the finding of probable cause, the Prosecutor shall file with the Court, and deliver to the suspected violator, (i) a written complaint containing a plain statement of the facts of the alleged violation(s), together with the identity of the reporting party, and (ii) the names of individuals needed as witnesses at the hearing on the complaint.

(b) Promptly after receiving the complaint, the Court shall schedule a hearing date which provides reasonable time for the parties and witnesses to prepare to attend. The Court shall then give prompt notice to the parties and witnesses of the time and place for the hearing on the complaint

(c) Prior to the hearing, the suspected violator may, but is not required to, file with the Court a written response to the complaint. Before any such response is filed with the Court, a copy thereof shall be delivered to the Prosecutor.

(d) At the hearing, the burden shall be on the Prosecutor to prove the allegations of violation(s) of the Code by clear and convincing evidence.

## **Article VII. Hearing Procedures**

**§7.1** Each Sanction Hearing as set forth in Section 6.3 and each Hearing on the Merits as set forth in Section 6.4 shall be closed to all persons except the Prosecutor, Assistant Prosecutor, Defense Counsel, the suspected violator, the interested faculty member(s), the witnesses, and any person designated by the Court to assist in the conduct of the hearing. Any party may invoke the rule to exclude a witness except during the taking of his testimony.

**§7.2** In no hearing shall the Court be bound by formal rules of criminal or civil procedure or strict rules of evidence, nor does the Code attempt to establish detailed procedural rules. Each hearing shall be conducted in a manner that affords the parties a fair and reasonable opportunity to present information and make arguments relevant to the alleged violation(s) and appropriate sanction(s) when violation(s) are admitted or proved.

**§7.3** (a) Any party has a right to challenge any member of the Court for cause. Any challenge for cause shall be made in writing and filed with the Court no later than one day prior to the hearing.

(b) The Chief Justice shall make the final decision on a challenge for cause filed prior to the hearing. If the Chief Justice is challenged or is otherwise unable to rule on the pre-hearing challenge, the challenge shall be decided prior to the hearing by a majority vote of the members of the Court present at the hearing. If Court member(s) are disqualified because of the granting of challenge(s) for cause, the remaining members of the Court shall constitute the Court for the remainder of the case if a quorum of the Court remains qualified and is present for the hearing. If the Chief Justice is disqualified because of the granting of a challenge for cause, the remaining members of the Court shall elect from among themselves a presiding judge for the case in question.

(c) If the granting of challenges results in the Court's inability to achieve a quorum for a case, each vacancy for that case shall be filled promptly by the Chief Justice, or if he is not able to act, by the SBA President. Each of the students selected to fill a vacancy for the case shall be in good academic standing and shall be in the student group which originally elected the member whose position has been rendered vacant for the case. The hearing may be continued for a reasonable time to permit the replacement judge(s) to become familiar with the case.

**§7.4** The parties have the right to make opening and closing statements.

**§7.5** The parties have the right to examine and cross-examine witnesses.

**§7.6** The parties have the right to present any physical or demonstrative evidence, independent of witnesses, that is relevant to the case.

**§7.7** The parties have the right to present character evidence and character witnesses.

**§7.8** An electronic sound recording shall be made of the proceedings of the hearing.

**§7.9** All exhibits offered, whether received into evidence or not, shall be retained and made a part of the record of the proceedings.

**§7.10** Promptly after the hearing the Court shall deliberate to its decision. A finding of a violation of the Code requires an affirmative vote by four members of the Court that the violation has been proved by clear and convincing evidence.

**§7.11** The Court shall prepare written findings of fact with respect to whether a violation has or has not occurred. Copies of such findings shall be presented to the Associate Dean for Academic Affairs and to each of the parties in the case.

**§7.12** When a violation is admitted or found to have occurred, the Court shall provide in writing to the Associate Dean for Academic Affairs a recommendation of the sanction(s) it determines to be appropriate, together with the reasons for the recommendation.

### **Article VIII. Sanctions**

**§8.1** The Court may recommend any one or more of the following sanctions to the Associate Dean for Academic Affairs:

- (a) Expulsion.
- (b) Suspension for a specified period of time.
- (c) A reduction of the grade in the course in which the violation occurred, including reduction to an "F".
- (d) A grade of "Incomplete" in the course in which the violation occurred.
- (e) Cancellation of the work done in the course in which the violation occurred.
- (f) A written reprimand, which the administration of the Law School shall have the discretion to remove from the student's permanent record.
- (g) Payment to compensate for any injury or loss caused, provided that the amount of such injury or loss has been proved by a preponderance of the information, together with up to three times the amount of such compensatory payment.
- (h) Restitution.
- (i) Dismissal from Law Review, Moot Court, and any other office or position connected with the Law School.

(j) Any other appropriate sanction.

## **Article IX. Appeals**

**§9.1** Any interested party has the right to appeal to the Dean. Any matter may be appealed except for findings of fact. Notice of appeal must be filed with the Dean no later than three days after the party receives written notification of the sanction(s) to be imposed.

**§9.2** There will be no additional testimony permitted at the appeal. The Dean shall decide the appeal based solely upon the written documents in the case, the records of the proceedings of the Court (including the electronic sound recording), and such oral arguments of the parties as the Dean deems appropriate.

**§9.3** When the Dean has decided an appeal, he shall provide written notice to the parties of his decision. Following receipt of such notice (or, as the case may be, the expiration of the time for filing an appeal), the Chief Justice shall promptly publish a summary of any case in which a sanction is imposed, including findings of fact as to the violation(s) of the Code and the sanction(s) imposed, provided however that the name of the parties involved shall not be revealed.

## **Article X. Enactment of, and Amendments to, the Code**

**§10.1** The Code, and any amendment of it, shall originate either in the Court or the faculty. The originating body shall approve the Code or any amendment of it and then submit it for approval of the other body. Upon approval by the other body, it shall be submitted to the student body for final approval.

**§10.2** The Code, and any amendment of it, shall become effective upon final approval and shall govern all conduct occurring after the date of its adoption.

**§10.3** Upon final approval, the Code shall be printed and distributed to the students. The Code as amended shall be printed in each subsequent addition of the Student Handbook and provided to all students upon enrollment in the Law School. Copies of the Code shall be placed on reserve in the law library and made available in the office of the Student Bar Association.

**§10.4** If there is any conflict between the Code and the regulation of any student organization, the Code governs such regulation.

**§10.5** Final approval of the Code repeals the honor code(s) in effect at the time of such approval.

## **Article XI. Pledge**

**§11.1** On any written work done by a law student for academic credit, including examinations, the pledge provided in Section 11.2 must be included, followed by the student's entry of his signature (or anonymous number when appropriate). However, even if the pledge is not included, all such work is governed by the Code.

**§11.2** The pledge shall be as follows: "On my honor I represent that I have neither given nor received unauthorized aid on this (fill in the appropriate description)."

**§11.3** If the completed pledge does not appear on the academic work, the instructor may exercise his discretion and not give credit for the work.

**§11.4** The purpose of the pledge is to provide a continuing reminder to each student that he owes a responsibility of honorable behavior to himself, to his fellow students, to his instructors, to the Law School, and to the legal profession.

*Approved by the faculty on January 23, 2004,  
and by the student body on March 16, 2004.*

## PART 2 – NONDISCRIMINATION AND DIVERSITY

### § 6-201. Nondiscrimination.

Faulkner University's Thomas Goode Jones School of Law does not discriminate on any basis protected by federal or state law in connection with its educational policies, admissions, financial aid, employment, educational programs, or activities. The School of Law does not discriminate against any person on the basis of sexual orientation. However, sexual conduct outside marriage is inconsistent with the University's religious traditions, values, affiliation, and purpose. Therefore, in accordance with ABA Standard 211, the School of Law does not knowingly employ individuals who engage in such conduct; the School of Law also expects its students to avoid using the law school's (or University's) facilities, resources, or names to advocate such conduct. Also, in accordance with Standard 211, the School of Law exercises a preference in employment of faculty and staff for those qualified applicants who are members of the Church of Christ whose lifestyles are consistent with the mission of the School of Law and with the beliefs and values of the Church of Christ. In cases where no qualified applicant is a member of the Church of Christ, the School of Law exercises a preference in employment for those whose religious beliefs and lifestyles are consistent with the mission of the School of Law and with the beliefs and values of the Church of Christ.

*September 21, 2004*  
*Rev. December 15, 2008*

### § 6-202. Diversity.

It is the policy of the law school to employ, retain, or admit faculty members, staff, and students on the basis of individual merit. However, the law school believes that diversity in the faculty, staff, and students is directly related to the value of its educational mission. The benefits to be derived, especially in the context of the study of law, mandate that special care be taken to achieve a high level of diversity among faculty members, staff, and students. Aspiring lawyers who have been exposed to diverse views will bring to the bar an enhanced appreciation of their unique role in society and their special responsibilities in the administration of justice for all people. The law school's commitment to diversity, however, is informed by its mission statement and its affiliation with Faulkner University.

*September 21, 2004*

## **PART 3 – ACADEMIC FREEDOM**

### **§ 6-301. Principles.**

The well being of an academic institution and of society in general can be maintained only if individuals and groups exercise their responsibility and freedom to search for the truth and to speak the truth as it is discovered. As members of a collegial community, members of the faculty, administrators, and students of the law school must extend to one another the trust and respect which create the appropriate environment for the exercise of academic freedom. The faculty hereby adopts the “1940 Statement of Principles on Academic Freedom and Tenure” of the American Association of University Professors. It reads as follows:

“The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties, but research for pecuniary return should be based upon an understanding with the authorities of the institution.

“The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

“The teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.”

*September 21, 2004*

### **§ 6-302. Speech regarding Gender or Sexuality.**

The free and open discussion of issues or theories relating to sexuality or gender in an academic or professional setting, when appropriate to the subject matter, will be presumed not to constitute sexual harassment even if it offends or embarrasses an individual.

*September 21, 2004*



## PART 4 – STUDENT ORGANIZATIONS

### § 6-401. Minimum Grade Point Average for Officers.

(a) Subject to subsection (b) and (c) hereof, no student whose cumulative grade point average is less than 2.30 may hold an office in an organization approved by the law school. A student who does not meet this requirement forfeits his or her office immediately.

(b) A first-year SBA Senator or Honor Court Justice may complete his or her term of office should he or she finish the fall semester with a grade point average less than a 2.30.

(c) This section does not impair the right of a particular organization to require a higher grade point average as a prerequisite for holding office.

*September 21, 2004  
Rev. February 13, 2007*

### § 6-402. Former Students Not Eligible.

Former students are not eligible for membership in an organization approved by the law school for students.

*September 21, 2004*

## **PART 5 - POLICIES**

### **§ 6-501. Policy on the Use of Alcohol**

Law students should be aware that their actions reflect on their professional reputation. One's professional reputation does not begin upon graduation from law school but from the outset of his or her law school career. The law school encourages students to think and act responsibly if engaging in the use of alcohol.

The law school prohibits students and student organizations from providing or arranging for the provision of alcoholic beverages at events or functions sponsored by any student organization. An event or function invoking the name of the law school or the name of any student organization defines sponsorship. Arranging for the provision of alcoholic beverages includes any "deals" made with licensed vendors to provide a special discount to event attendees.

Concerns regarding students' abuse of alcohol or other controlled substances should be reported to the Assistant Dean for Student Services. Counseling is available to law students through the Alabama Lawyer Assistance Program sponsored by the Alabama State Bar. The program director is Jeanne Marie Leslie. Her contact number is 334-834-7576 (24-hour Confidential Phone, 334-224-6920) and her e-mail address is [jeannemarie.leslie@alabar.org](mailto:jeannemarie.leslie@alabar.org).

*December 7, 2007*

### **§ 6-502. Professional Courtesy and Behavior Policy**

In accordance with the mission statement emphasizing a strong commitment to integrity within a caring Christian environment, the law school expects its students to conduct themselves in a professional, dignified, and respectful manner and avoid inappropriate conduct. Students are also expected to respect the views and personal dignity of other members of the law school and university community.

A non-exhaustive list of inappropriate conduct includes:

1. Severe or pervasive use of obscenities or the use of profane, degrading, abusive, or threatening language or gestures.
2. Disrupting the activities or functions of the law school or university, or any class, library, academic, or co-curricular activity.
3. Making a material misrepresentation to the administration, faculty, or staff of the law school or university. Misrepresentations prohibited by section 3.1(k) of the Honor Code shall be addressed pursuant to the Honor Code, rather than under this Policy.
4. Publishing or circulating false information that is damaging to the reputation of any member of the law school or university community.

5. Failing or refusing to comply with the reasonable instruction of any clearly identified law school or university official who is performing his or her duties.
6. Destroying, defacing, erasing, altering, hiding, limiting access to, possessing, accessing, entering or using, without authority, the property of the law school and university or the property of others located on the premises of the law school and university or related to a law school and university activity. Practices prohibited by section 3.1(d) of the Honor Code shall be addressed pursuant to the Honor Code, rather than under this Policy.
7. Taking property of another without authorization or by fraud. Such property includes, but is not limited to, briefs, books, notes, tapes, computer software, data, or outlines belonging to a faculty member or another student.
8. Engaging in conduct, which, if done by a lawyer, would violate the Alabama Rules of Professional Conduct, including but not limited to the unauthorized practice of law, lack of candor to appropriate authorities, and untruthfulness.
9. Engaging in conduct that adversely reflects on fitness to study or practice law, including but not limited to violations of federal or state criminal law, regardless of whether such conduct is actually prosecuted in the courts.
10. Directly or indirectly discouraging, harassing, retaliating against, or attempting to influence improperly any administrator, faculty member, witness, person reporting a violation, or other person involved with the Administrative Discipline process or Honor Code process, or refusing to cooperate in any investigation or proceeding pursuant to such processes.
11. Behavior that adversely reflects on or affects the law school and university community, mission, or reputation.

The law school encourages students to apprise themselves of the Alabama State Bar's Code of Professional Courtesy which illustrates how lawyers should conduct themselves in the practice of law. Students should begin practicing these concepts while in law school.

*September 14, 2009*

#### **§ 6-503. Administrative Discipline Policy**

The Dean, or the Dean's designee, has full authority to enforce law school policies. If an alleged policy violation is reported, a student or student organization is entitled to a hearing with the Dean or the Dean's designee as soon as practicable. However, appropriate protective measures may be taken prior to a hearing. Sanctions for policy violations may include:

1. Expulsion
2. Suspension for a specified period of time.

3. Disciplinary probation.
4. A written reprimand, which the administration of the law school shall have the discretion to remove from the student's permanent record.
5. Community service.
6. Payment to compensate for any injury or loss caused, provided that the amount of such injury or loss has been proved by a preponderance of the information, together with up to three times the amount of such compensatory payment.
7. Restitution.
8. Dismissal from Law Review, Moot Court, and any other office or position connected with the law school.
9. Any other appropriate sanction.

This list of sanctions is not all-inclusive, and sanctions are not listed in any particular order. One or more sanctions may be imposed in response to one or more policy violations at the discretion of the Administration at any time. The sanction selected depends on the nature and severity of the violation. Prior violations or mitigating factors may be considered when imposing sanctions under this policy.

Violations of policies in the "policy statements" section of the Student Handbook will be regarded as "non-academic" violations and addressed by the Administrative Discipline Policy. If an academic violation should be suspected during investigation of a non-academic violation, then the academic violation shall be addressed by the Honor Code and its procedures. The non-academic violation shall be addressed by the Administrative Discipline Policy and its procedures. In the event of any overlap between the Honor Code and the Administrative Discipline Policy, the matter will be treated as non-academic and addressed under the Administrative Discipline Policy and its procedures. In no event shall a single infraction subject a student to both the Administrative Discipline Policy procedures and the Honor Code procedures.

*September 14, 2009*

## CHAPTER SEVEN ~ FACULTY

*The 2008 Revisions to Chapter 7-Faculty shall be applicable to all tenure track faculty members hired after these revised rules were adopted on April 18, 2008, by the faculty of the School of Law. These revised rules shall also be made applicable to any current faculty member who chooses to be so bound. That choice shall be indicated by a signed acceptance of these rules and a waiver of applicability of all previous Chapter 7 rules.*

### PART 1 – INITIAL APPOINTMENTS

#### **§ 7-101. Authority to Appoint Faculty.**

Authority to appoint members of the faculty is vested in the President of the University. This authority is normally exercised in the law school through the dean after recommendation by the faculty.

*September 21, 2004  
Rev. April 18, 2008*

#### **§ 7-102. Hiring Preference.**

(a) The mission statements of Faulkner University and the law school speak to the religious and ethical philosophy of the goals of the University and the law school. It is the purpose of this section to state a hiring preference in the law school.

(b) As to each potential faculty appointment, the tenured and tenure-track faculty should first determine the requirements for the position in general terms as to attainments beyond the minimum of a J.D. degree from a nationally-accredited school of law (i.e., national reputation and prominence of law school, rank in class, law review, judicial clerkships, quality of law firm, teaching experience, professional research and publications record, post-J.D. law degrees, specific specialized fields of competence in law practice, and similar criteria). Then, it should be the responsibility of all parties involved (the faculty's Appointments Committee, the dean, and the tenured and tenure-track faculty members who interview candidates) to demonstrate that all reasonable avenues have been explored to find such a candidate who is a faithful member of the Church of Christ. If such efforts fail, then the search should be broadened to include other believers in Christ who likewise understand and agree with the Christian aspects of the mission statements of the University and law school, and who evidence an intent and desire to preserve and expand upon the Christian commitments of the University and the law school.

*September 21, 2004*

**§ 7-103. Initial Rank as Assistant Professor of Law.**

An appointment to a tenure track position will normally be made at the rank of Assistant Professor of Law.

*September 21, 2004*  
*Rev. November 15, 2010*

**§ 7-104. Initial Rank as Associate Professor of Law.**

In circumstances where the candidate has significant practice, law teaching, or other relevant experience, appointment will be made, in the discretion of the Dean, at the Associate Professor of Law rank.

*September 21, 2004*  
*Rev. November 15, 2010*

**§ 7-105. Initial Rank as Professor of Law.**

In circumstances where outstanding experience warrants consideration of appointment at the rank of full Professor of Law, the Dean shall advise the faculty and shall recommend such an appointment to the Rank and Tenure Committee. Upon acceptance of the Dean's recommendation by the Rank and Tenure Committee, the Dean will be authorized to make such an offer.

*September 21, 2004*  
*Rev. November 15, 2010*

**§ 7-106. Appointments Committee.**

- (a) The Appointments Committee and the dean are charged with the responsibility of seeking qualified prospective faculty members.
- (b) The Appointments Committee should obtain a law school transcript and a writing sample from every prospective faculty member and should check background references before bringing that applicant's name to the faculty for consideration.
- (c) Such members of the committee as the dean designates shall represent the school at appropriate faculty recruiting conferences.

*September 21, 2004*

**§ 7-107. Interviews by, and Presentations to, Faculty.**

- (a) It is the responsibility of the Appointments Committee, in consultation with the dean, to decide who will be interviewed by the faculty. In discharging this duty, the committee should, within budgetary limitations, make available to the faculty all persons who are serious prospects, in order that the entire faculty may make comparative decisions. Adequate time should be scheduled during on-campus interviews for every tenured and tenure-track faculty member who desires to do so to interview each prospect personally, as well as in a group setting.
- (b) Prospects normally will be asked to make a presentation to the entire faculty.

*September 21, 2004*

**§ 7-108. Recommendations by Faculty.**

- (a) After completion of interviews and presentation(s) to the faculty, the Appointments Committee may, within its discretion, recommend to the faculty prospect(s) to whom they feel an offer should be extended.
- (b) In a meeting called for such purpose, the tenured and tenure-track faculty shall vote upon whether to recommend the prospect(s) for appointment.
- (c) Before an offer is extended, there must be support by a majority of the law school's tenured and tenure-track faculty members.

*September 21, 2004*

**§ 7-109. Dean's Role.**

- (a) No offer shall be made without an affirmative recommendation by the dean.
- (b) All offers will be made by the dean, who will also negotiate and commit to writing all financial arrangements.

*September 21, 2004*

**§ 7-110. Appointment of Visiting Faculty Member to Tenure Track.**

- (a) When a visiting faculty member wishes to be considered for appointment to a tenured or tenure-track position, such individual should so notify the chair of the Appointments Committee no later than November 1 if the visitor is teaching at the law school during the summer session or fall semester, or no later than March 1 if the visitor is teaching only during the spring semester.
- (b) Upon receipt of such notification, the chair of the Appointments Committee shall refer the matter to the tenured faculty for a determination as to whether there is any reason why the candidate should not be considered for appointment to a tenured or tenure-track position. The tenured faculty shall, upon receipt of such notification, meet for the purpose of making their determination. If they determine that there is some reason why the candidate should not be considered, they shall notify the chair of the Appointments Committee of that decision; and that shall terminate consideration of the candidate. If they determine that there is no reason why the candidate should not be considered, they shall so notify the chair of the Appointments Committee and refer the candidate back to that committee for consideration as hereinafter specified.
- (c) The Appointments Committee should evaluate the visitor's qualifications for an appointment by considering the following factors:
  - (1) The specific areas of teaching interests and/or expertise of the visitor in light of the needs of the law school;
  - (2) The visitor's demonstrated level of teaching effectiveness;
  - (3) The visitor's total contributions to the welfare of the school and its students;
  - (4) The visitor's commitment to producing scholarly research and publications; and
  - (5) The nature of the visitor's dedication and commitment to achieving both the religious and educational goals of the University.

After consideration of all relevant factors, the committee may recommend to the tenured and



tenure-track faculty that they consider the visitor's appointment to a tenured or tenure-track position.

(d) Thereafter, the tenured and tenure-track faculty should discuss the Appointments Committee's recommendation and independently consider the visitor's qualifications, including the factors specified in subsection (c) hereof. Thereafter, the tenured and tenure-track faculty shall vote whether to recommend a tenured or tenure-track appointment.

(e) Before an offer is extended, there must be support by a majority of the tenured and tenure-track faculty members and also the affirmative recommendation of the dean.

*September 21, 2004*

### **§ 7-111. Visiting and Adjunct Appointments.**

(a) Each visiting and adjunct faculty member shall be appointed for a term not to exceed one year.

(b) The dean shall appoint each visiting and adjunct faculty member after consultation with the Appointments Committee, but without complying with procedures stated in Subsection 7-106(b) and Sections 7-107, 7-108, and 7-110.

*September 21, 2004*

### **§ 7-112. Legal Research and Writing Faculty**

(a) This policy applies to all faculty employed in contract positions who teach Legal Research & Writing in the School of Law.

It shall be the primary responsibility of the Faculty Appointments Committee to identify new Legal Research & Writing faculty candidates. In doing so, consideration shall be given to university hiring policies. Appointment of a Legal Research & Writing faculty member requires the approval of the faculty, the Dean of the School of Law and the President of the University or the appropriate designee.

(b) Three categories of faculty employment exist at the University: Tenured and Tenure-Track Faculty, in which individuals may hold, or be eligible to receive tenure; Legal Research & Writing Faculty, and Clinical Faculty in which the individual is employed on a contract basis but is not eligible for tenure; and Adjunct Faculty, in which the individual is employed to teach one or more courses for a limited period of time but is not eligible for tenure or long-term contract.

A Legal Research and Writing faculty member shall initially be hired at the rank of Research and Writing Assistant Professor of Law. However, if previous experience should warrant, in

the discretion of the Dean, the faculty member will be hired at the rank of Research and Writing Associate Professor of Law.

Those benefits accruing to Legal Research & Writing Faculty include participation in the law school faculty retreat; marching in law school graduation exercises; marching in other University functions; attendance at School of Law faculty meetings with full discussion privileges, and with voting rights on all matters with the exception of personnel matters; and receipt of faculty minutes.

(c) Legal Research & Writing Faculty may attend appropriate professional conferences and professional development meetings at University expense, dependent upon approval of the Dean, and the availability of funds for such purposes.

Legal Research & Writing Faculty shall not have an obligation to publish scholarly articles or books; however, faculty wishing to do so shall be eligible for consideration for summer research grants and for research assistants, dependent upon the availability of funds for such purposes.

(d) Legal Research & Writing Faculty shall receive an initial appointment to a one-year contract. During the initial one-year appointment, an evaluation shall be undertaken by the Rank and Tenure Committee. The criteria for that evaluation shall be: effectiveness of classroom teaching; contribution to, and support for, the mission of the law school and the university; collegial contribution to the committee work of the law school and to student advising and assistance, and contribution to the community and to the legal profession.

The decision whether to renew the faculty member's contract will be made by the Dean of the School of Law upon recommendation of the Rank and Tenure Committee and will be based upon the totality of the employment relationship including the annual review. Annual reviews shall take place before annual salary increases are considered.

During the second year of employment, a formal review by the Rank and Tenure Committee, will be held during the Fall Semester. Following this review and, upon affirmative recommendation of the Rank and Tenure Committee, the Dean of the School of Law, upon approval by the President of the University, may grant the faculty member a continuing appointment for the next three (3) years. During the first year of this appointment, the faculty member will receive a one (1) year contract with the full expectation that two (2) subsequent one (1) year contracts will be given in the absence of good cause for non-renewal, program termination or financial exigency. Thereafter, the faculty member will be reviewed every three (3) years by the Rank and Tenure Committee to determine whether another three (3) year continuing appointment will be granted.

Unless grounds for dismissal for cause are found or a financial exigency or program termination occurs, a Legal Writing Faculty member shall be presumptively entitled to continuing three-year appointments.

Reviews for contract renewal will be separate from reviews for salary increases but salary increases must take into consideration the performance as measured by the review for contract renewal.

A Research and Writing Assistant Professor of Law may apply to the Rank and Tenure Committee to be recommended for promotion to the rank of Research and Writing Associate Professor of Law after at least three years of service. The Rank and Tenure Committee shall invite the Director of Legal Research and Writing to fully participate and vote on the application. Evaluation of the application shall be based on the applicant's having gained distinction in teaching, scholarship or service. The Rank and Tenure Committee's recommendation shall be forwarded to the Dean, who, in the exercise of his discretion, shall promote or decline to promote the applicant.

(e) Written notice that an initial appointment or reappointment is not to be renewed will be given to a Legal Research and Writing faculty member in advance of the expiration of the current terms of appointment, as follows:

- (1) Not later than March 15 of the first academic year of service;
- (2) Not later than December 15 of the second year of service; and
- (3) Not later than December 15 of the terminal year of a three-year contract.

(f) A Legal Research & Writing faculty member who is terminated for reasons of financial exigency, or due to program termination, may appeal the decision pursuant to the appropriate University procedures for grievances.

(g) Other than for reasons of financial exigency or program termination, during a period of contract appointment, a Legal Research & Writing faculty member may be terminated only for good cause. Evidence indicating cause may include, but shall not be limited to, any of the following:

- (1) Serious neglect of duties;
- (2) Gross misconduct, dishonesty, or turpitude;
- (3) Professional incompetence or incapacity;
- (4) Misconduct which causes injury or brings discredit to the School of Law and/or the University;
- (5) A clear demonstration of a consistent pattern of disregard for the policies, the Christian values, or the mission of the School of Law or the University.
- (6) Activity knowingly and willfully directed toward the violent overthrow of either the government of the United States or any State or political subdivision thereof.

(h) Dismissal for cause will be preceded by:

- (1) Discussions between Associate Dean for Academics, the Dean of the School of Law, and the faculty member looking toward a mutual resolution of the concerns.
- (2) A statement of reasons for dismissal, framed with reasonable particularity by the Dean of the School of Law, a copy of which shall be delivered to the faculty member.

The faculty member will have the right to grieve the dismissal in accordance with University grievance procedures.

(i) Legal Research & Writing faculty members are afforded all benefits provided by the University. The contract period for Legal Research & Writing faculty shall be ten (10) months, beginning August 1 and terminating on May 31. It is expected that all faculty will attend the faculty retreat and graduation each year as part of their faculty duties. Legal Research and Writing faculty members shall receive all university holidays. All other university personnel policies applicable to faculty shall apply to Legal Research and Writing faculty.

*August 10, 2005*  
*Rev. April 10, 2009*  
*Rev. May 1, 2009*  
*Rev. Nov 15, 2010*

**§ 7-112 a. Clinical Faculty**

(a) This policy applies to all faculty employed in contract positions who teach clinical courses in the School of Law.

It shall be the primary responsibility of the Faculty Appointments Committee to identify new clinical faculty candidates. In doing so, consideration shall be given to university hiring policies. Appointment of a clinical faculty member requires the approval of the faculty, the Dean of the School of Law, and the President or the appropriate designee.

(b) Three categories of faculty employment exist at the University: (1) Tenured and Tenure-Track Faculty, in which individuals may hold, or be eligible to receive, tenure; (2) Legal Research & Writing Faculty and Clinical Faculty, in which the individual is employed on a contract basis but is not eligible for tenure; and (3) Adjunct Faculty, in which the individual is employed to teach one or more courses for a limited period of time but is not eligible for tenure or long-term contract.

A Clinic faculty member shall initially be hired at the rank of Clinical Assistant Professor of Law. However, if previous experience should warrant, in the discretion of the Dean, the faculty member will be hired at the rank of Clinical Associate Professor of Law.

Those benefits accruing to Clinical Faculty include participation in the law school faculty retreat; marching in law school graduation exercises; marching in other University functions; attendance at School of Law faculty meetings with full discussion privileges, and with voting rights on all matters with the exception of personnel matters; and receipt of faculty minutes.

(c) Clinical Faculty may attend appropriate professional conferences and professional development meetings at University expense, dependent upon approval of the Dean, and the availability of funds for such purposes.

Clinical Faculty shall not have an obligation to publish scholarly articles or books; however, faculty wishing to do so shall be eligible for consideration for summer research grants and for research assistants, dependent upon the availability of funds for such purposes.

(d) Clinical Faculty shall receive an initial appointment to a one-year contract. During the initial one-year appointment, an evaluation shall be undertaken by the Rank and Tenure Committee. The criteria for that evaluation shall be: effectiveness of classroom teaching; effectiveness of skills training; contribution to, and support for, the mission of the law school and the university; collegial contribution to the committee work of the law school and to student advising and assistance, and contribution to the community and the legal profession.

A Clinical Assistant Professor of Law may apply to the Rank and Tenure Committee to be recommended for promotion to the rank of Clinical Associate Professor of Law after at least three years of service. The Rank and Tenure Committee shall invite the Clinical Director to fully participate and vote on the application. Evaluation of the application shall be based on the applicant's having gained distinction in teaching, scholarship or service. The Rank and Tenure Committee's recommendation shall be forwarded to the Dean, who, in the exercise of his discretion, shall promote or decline to promote the applicant.

The decision whether to renew the faculty member's contract will be made by the Dean of the School of Law upon recommendation of the Rank and Tenure Committee and will be based upon the totality of the employment relationship including the annual review.

Following the review and acceptance of the recommendation of the Rank and Tenure Committee by the Dean of the School of Law, the faculty member will be granted a continuing appointment for the next five (5) years. During the first year of this appointment, the faculty member will receive a one (1) year contract with the full expectation that four (4) subsequent one (1) year contracts will be given in the absence of good cause for non-renewal, program termination, or financial exigency. Thereafter, the faculty member will be reviewed every five (5) years by the Rank and Tenure Committee to determine whether another five (5) year continuing appointment will be granted.

Unless grounds for dismissal for cause are found or a financial exigency or program termination occurs, a Clinical Faculty member shall be presumptively entitled to continuing five-year appointments.

Reviews for contract renewal will be separate from reviews for salary increases but salary increases must take into consideration the performance as measured by the review for contract renewal.

(e) Written notice that an initial appointment or reappointment is not to be renewed will be given to a Clinical Faculty member in advance of the expiration of the current terms of appointment, as follows:

- (1) Not later than March 15 of the first academic year of service;
- (2) Not later than December 15 of the terminal year of a five-year contract.

(f) A Clinical Faculty member who is terminated for reasons of financial exigency, or due to program termination, may appeal the decision pursuant to the appropriate University procedures for grievances.

(g) Other than for reasons of financial exigency or program termination, during a period of contract appointment, a Clinical Faculty member may be terminated only for good cause. Evidence indicating cause may include, but shall not be limited to, any of the following:

- (1) Serious neglect of duties;
- (2) Gross misconduct, dishonesty, or turpitude;
- (3) Professional incompetence or incapacity;
- (4) Misconduct which causes injury or brings discredit to the School of Law and/or the University;
- (5) A clear demonstration of a consistent pattern of disregard for the policies, the Christian values, or the mission of the School of Law or the University;
- (6) Activity knowingly and willfully directed toward the violent overthrow of either the government of the United States or any State or political subdivision thereof.

(h) Dismissal for cause will be preceded by:

- (1) Discussions between the Associate Dean for Academics, the Dean of the School of Law, and the faculty member looking toward a mutual resolution of the concerns.
- (2) A statement of reasons for dismissal, framed with reasonable particularity by the Dean of the School of Law, a copy of which shall be delivered to the faculty member.

The faculty member will have the right to grieve the dismissal in accordance with University grievance procedures.

(i) Clinical Faculty members are afforded all benefits provided by the University. The contract period for Clinical Faculty shall be ten (10) months, beginning August 1 and terminating on May 31. It is expected that Clinical Faculty will attend the faculty

retreat and graduation each year as part of their faculty duties. Clinical Faculty shall receive all university holidays. All other university personnel policies applicable to faculty shall apply to Clinical Faculty.

*April 10, 2009*  
*Rev. May 1, 2009*  
*Rev. Nov. 15, 2010*

### **§ 7-113. Professional Law Librarians**

(a) This policy applies to all professional library positions in the School of Law. Professional librarians are those who hold the M.L.S. degree (or its equivalent) from an ALA-accredited library school and who may hold an additional graduate degree, such as the J.D. degree from an ABA-approved school.

It shall be the primary responsibility of the Associate Dean for Information Services to identify new librarian candidates. In doing so, consideration shall be given to university hiring policies. Appointment of a professional librarian requires the approval of the Dean of the School of Law and the President of the University or the appropriate designee.

(b) Three categories of employment exist at the University: Faculty, in which individuals may receive tenure; Staff, in which no individual may receive tenure; and Librarian, in which individuals receive some benefits of faculty status but are not eligible for tenure.

Benefits of faculty status for Librarians include, but may not be limited to: participation in the law school faculty retreat for those Librarians holding the J.D. degree from an ABA-approved school; marching in law school graduation exercises; marching in other University functions; attendance at School of Law faculty meetings for those Librarians holding the J.D. degree from an ABA-approved law school with full discussion privileges, and with voting rights on matters directly affecting the library (as decided by the Chair); receipt of faculty minutes for informational purposes; and the opportunity to participate in professional development opportunities as described below.

(c) Librarians may attend appropriate professional conferences and professional development meetings at University expense, dependent upon approval of the Associate Dean for Information Services, and the availability of funds for such purposes.

(d) All Librarian positions will be subject to a three-month probationary period. During this time, a new employee may be terminated without cause upon two (2) weeks' written notice. Discharge grievance procedures and/or appeals are not available to employees serving in this introductory period upon hire or rehire.

Librarians shall receive one-year appointments with the University. Each Librarian will meet annually for a formal review with the Associate Dean for Information Services, and the Librarian's immediate supervisor to discuss progress. Areas of growth, challenges, projects

completed, projects not completed, goals for the next year, general knowledge of the job, performance of assigned responsibilities, and commitment to the mission of the School of Law and Faulkner University will be addressed. The decision whether to renew the Librarian's contract will be made by the Dean of the School of Law upon recommendation of the Associate Dean for Information Services and will be based upon the totality of the employment relationship including the annual review. Annual reviews shall take place before annual salary increases are considered.

During the second year of employment with the library, a formal review will be held during the Spring Semester. Following this review, the Associate Dean for Information Services, in consultation with the Dean of the School of Law and the President of the University, may grant the Librarian a continuing appointment for the next three (3) years. During the first year of this appointment, the Librarian will receive a one (1) year contract with the full expectation that two (2) subsequent one (1) year contracts will be given in the absence of adequate cause for non-renewal, program termination or financial exigency. Thereafter, the Librarian will be reviewed every three (3) years by the Associate Dean for Information Services, and the Librarian's immediate supervisor, if any, to determine whether another three (3) year continuing appointment will be granted.

Unless grounds for dismissal for cause are found or a financial exigency or program termination occurs, a Librarian shall be presumptively entitled to continuing three-year appointments.

Reviews for contract renewal will be separate from reviews for salary increases but salary increases must take into consideration the performance as measured by the review for contract renewal.

(e) During the first year of employment, the University will give at least three (3) months' written notice of non-renewal. Thereafter, at least six (6) months' written notice of non-renewal must be given.

(f) A Librarian who is terminated for reasons of financial exigency, or due to program termination, may appeal the decision pursuant to the appropriate University procedures for grievances.

(g) Other than for reasons of financial exigency or program termination during a period of appointment, a Librarian may be terminated only for cause. Evidence indicating cause may include, but shall not be limited to, any of the following:

- (1) Serious neglect of duties;
- (2) Gross misconduct, dishonesty, or turpitude;



- (3) Professional incompetence or incapacity, including the inability to meet and sustain the minimum standards established by the Law Library or the School of Law relating to the duties imposed upon Librarians;
- (4) Misconduct which causes injury or brings discredit to the School of Law and/or the University;
- (5) A clear demonstration of a consistent pattern of disregard for the policies, the Christian values, or the mission of the School of Law or the University.
- (6) Activity knowingly and willfully directed toward the violent overthrow of either the government of the United States or any State or political subdivision thereof.

(h) Dismissal for cause will be preceded by:

- (1) Discussions between the immediate supervisor, the Associate Dean for Information Services, the Dean of the School of Law, and the Librarian looking toward a mutual resolution of the concerns.
- (2) A statement of reasons for dismissal, framed with reasonable particularity by the Associate Dean for Information Services, a copy of which shall be delivered to the Librarian.

The Librarian will have the right to grieve the dismissal in accordance with University grievance procedures.

(i) Librarians are afforded all benefits provided by the University. The contract period for Librarians shall be twelve (12) months. Librarians shall receive all university holidays. Requests for personal days, sick time and vacation shall be approved by the Associate Dean for Information Services.

*August 10, 2005  
Rev. May 1, 2009*

## **PART 2 – EVALUATIONS OF PROFESSIONAL PERFORMANCE**

### **§ 7-201. Annual Overall Evaluations.**

- (a) Each tenure track faculty member's teaching shall be evaluated annually.
- (b) Each faculty member's overall performance in the areas of teaching, scholarship and service shall be evaluated by the Rank and Tenure Committee in the faculty member's third year.

*September 21, 2004  
Rev. April 18, 2008*

### **§ 7-202. Annual Class Visitations.**

It is the goal of the Rank and Tenure Committee to visit each tenure-track faculty member class session at least once each year. More visits of a faculty member's classes may occur in any semester when deemed appropriate.

*September 21, 2004  
Rev. April 18, 2008*

### **§ 7-203. Evaluators.**

- (a) The Rank and Tenure Committee shall perform the class visitations and overall evaluation of all tenured members of the faculty pursuant to § 7-304(b) (2), and shall forward a copy of its report to the dean. The committee shall develop procedures for the evaluation process.
- (b) The Rank and Tenure Committee shall perform the overall evaluations of all untenured members of the faculty, including those who are on the tenure track, who are visiting professors, and who are instructors, lecturers, or adjunct professors.
- (c) Class visitations of all untenured members (including those who are on the tenure track, who are visiting professors, and who are instructors, lecturers, or adjunct professors) shall be performed by a member of the Rank and Tenure Committee or by a senior professor not a member of the committee.

*September 21, 2004  
Rev. April 18, 2008  
Rev. May 1, 2009*

**§ 7-204. Standards for Evaluating Teaching.**

(a) **In General.** “Teaching” in its broadest sense includes teaching in or out of the classroom, by traditional methods or otherwise, and includes skills training and teaching in a clinical setting. Each faculty member must demonstrate proficiency in teaching, and must have excellence in teaching as a goal.

(b) **Characteristics of Excellent Teaching.** Although teachers will demonstrate the following characteristics in varying degrees of proficiency, each is a characteristic of excellent teaching and should be taken into account in the evaluation of each faculty member:

- (1) Mastery of the subject matter;
- (2) Interest in teaching and careful preparation for class;
- (3) Ability to communicate material in an analytical, organized, and interesting manner, whether by lecture, problem approach, Socratic dialogue, or other established or innovative techniques;
- (4) Ability to develop the students’ analytical reasoning skills;
- (5) Ability to deepen and expand the students’ understanding of the subject matter;
- (6) Expertise in engaging students in performance-based learning and in leading class discussions;
- (7) Use of challenging assignments and examinations;
- (8) Appropriate evaluation of students’ performance;
- (9) Concern for students and accessibility to them outside of class;
- (10) Conscientious and skilled supervision of student writing and research;
- (11) Willingness to seek good teaching practices used in the academic community;  
and
- (12) Ability to inspire learning, diligence, intellectual rigor, and professional integrity.

*September 21, 2004*

### § 7-205. Standards for Evaluating Research and Scholarship.

(a) **In General.** Conducting research is an important academic exercise, and the quality of that research is an indication of competence and growth. The goal of excellence in teaching requires every faculty member to do research on a regular basis in connection with preparing for class. Moreover, the publication of the results of research and the insights gained therefrom is a contribution to the body of knowledge, which is one of the law professor's obligations as a scholar. Research is also required to perform well various types of professional service, such as speech making and serving on committees which work to improve the state of the law. Each faculty member must have excellence in research and scholarship as a goal.

(b) **Characteristics of Excellent Scholarship.** Evaluating the significance and determining the weight to attach to any particular published work is a difficult task. Certainly the mere counting of pages does not suffice. The piece's intrinsic merit is the primary basis of evaluation; this merit is seen in the piece's accuracy, integrity, comprehensiveness, originality, and style. Relevant to the evaluation is the evaluator's impression of the quality and quantity of the intellectual effort made in producing the piece. The mastery of complex materials and innovative approaches to problems are very commendable while routine expository works of existing law have less merit.

The primary method for determining the quality of any published work is careful analysis of the work itself. In addition, the following factors may be useful in reaching a final evaluation:

- (1) The nature and quality of the publication in which the work appears;
- (2) The degree and extent of assistance by other scholars and/or an editorial staff;
- (3) Critiques and/or recognition of the work by outside experts, when available;
- (4) The form of the work as a rough gauge of quality (article in a scholarly periodical, law review article, book review, casebook, student text, practitioner text, teaching materials, printed speeches, electronic publishing, etc.); and
- (5) The degree and extent of assistance by students.

*September 21, 2004*

### § 7-206. Standards for Evaluating Service.

(a) **In General.** Serving others should be the touchstone of the life of each member of this faculty. Some of that service should be related to the faculty member's status and expertise as a teacher, lawyer, and legal scholar.

(b) **Characteristics of Excellent Service.** Serving student organizations and groups is encouraged. Every faculty member is expected to do a significant amount of work on law school committees, including chairing committees, engaging in research and fact-gathering, and drafting of policies. In addition, other professional, educational, and legally-related service activities are particularly commendable, especially when they call upon the legal expertise of the faculty member or otherwise complement the faculty functions of teaching and scholarship. Examples of these activities include the following:

- (1) Participation in local, state, and national government, including work on boards, commissions, task forces, and the like;
- (2) Presentation of papers to professional, educational, and scholarly organizations;
- (3) Participation in the affairs of professional, educational, and scholarly organizations;
- (4) Consultative activities with governmental or private groups; and
- (5) Pro bono service.

*September 21, 2004*

#### **§ 7-207. Preparation of Visitation Reports.**

(a) **Nature of Report.** A report of each class visited pursuant to Subsection 7-203(c) shall be produced by the visiting faculty member, shall be written in light of Section 7-204, and shall substantially conform to a form approved by the faculty for evaluating classroom teaching.

(b) **Tentative Draft and Discussion.** After a tentative draft of the visitation report has been provided to the visited faculty member, he or she and the visiting faculty member shall discuss the class visited and the tentative draft.

(c) **Final Report.** After the discussion, the visiting faculty member shall prepare the final Visitation Report, which may be either the same as or different from the tentative draft.

*September 21, 2004  
Rev. April 18, 2008  
Rev. February 11, 2010*

#### **§ 7-208. Preparation of Overall Evaluation Reports.**

(a) **Nature of Evaluation.** Pursuant to §7-301(a), under the direction of the chair of the Rank and Tenure Committee and in coordination with the faculty member being evaluated,

the committee shall evaluate the faculty member's professional performance since the last such evaluation. In addition to any other relevant information, the evaluation shall take into account the following:

- (1) Any information submitted by the faculty member for consideration in the evaluation process;
- (2) Class visitations conducted pursuant to §7-203(c) and the visitation reports on those classes produced pursuant to §7-207;
- (3) Student evaluations of the faculty member;
- (4) Examinations given and student papers written in the faculty member's courses;
- (5) The faculty member's publications;
- (6) The faculty member's service; and
- (7) Any administrative responsibilities of the faculty member which are beyond those administrative responsibilities typically performed by a faculty member.

**(b) Contents of Evaluation Report.**

- (1) The report on each teacher on the tenure track shall contain a section each about his or her teaching, scholarship, and service.
- (2) The report on each visiting professor, instructor, lecturer, or adjunct professor shall consist of a report on his or her teaching.
- (3) Each report's section on teaching shall include a report on student evaluations (including the average score for "overall effectiveness" in each class) and shall refer to the final Visitation Report(s), which shall be attached to the Evaluation Report together with the visited faculty member's response(s) to the final Visitation Report(s), if any.
- (4) When the evaluated faculty member has administrative responsibilities beyond those typically performed by a faculty member, the Evaluation Report shall also contain a section about those administrative responsibilities.
- (5) For evaluations of teachers on the tenure track, each report's section on scholarship shall include a statement of how many "units" of work, within the meaning of §7-303(b) and §7-306(b), the committee deems the teacher to have completed at the time of review, and which publications were counted in arriving at that number.

(c) **Transmittal of Evaluation Report to Faculty Member.** A copy of the Evaluation Report shall be transmitted within a reasonable period to the faculty member being evaluated.

(d) **Transmittal of Evaluation Report to Dean.** A copy of the Evaluation Report, together with a copy of any response to the report from the faculty member, shall be transmitted to the Dean for use in formulating decisions on such matters as retention, salary, and teaching assignments.

(e) **Retention of Evaluation Report by the Committee.** A copy of the Evaluation Report, and a copy of any response to the report from the faculty member, shall be retained by the Rank and Tenure Committee to be considered in the future in assessing progress achieved by the faculty member and in formulating decisions on applications by the faculty member for promotion and/or tenure.

*September 21, 2004*

*Rev. April 18, 2008*

## **PART 3 – PROMOTION AND TENURE**

### **§ 7-301. General Procedures**

A recommendation with regard to promotion or the award of tenure is based on the judgment and recommendation of the Rank and Tenure Committee and the Dean as to whether the faculty member meets established criteria together with the relationship between the faculty member's expertise and the law school's educational needs. Final decisions concerning promotion are delegated by the Board of Trustees to the President and final decisions with regard to tenure are made by the Board of Trustees.

(a) **Three Year Pre-Tenure Review**

The Rank and Tenure Committee shall undertake a review of tenure-track candidates during the third year of teaching to determine whether such candidates are making satisfactory progress toward tenure under the criteria set forth in both the Academic Standards for Tenure and the Standards for Professional Responsibility under §7-306 and §7-503. The candidates shall be counseled with regard to progress toward tenure, and the Dean shall be advised in writing of the Rank and Tenure Committee's views concerning the individual candidate's progress towards tenure.

(b) **Effective Date for Promotion and Tenure**

When applications for promotion and tenure are approved by the President or the Board of Trustees, such promotion and/or tenure becomes effective with the beginning of the academic year following the year in which the decision is rendered.

(c) **Notice**

1. The Dean shall, no later than September 1<sup>st</sup> of each year, send a notice to all faculty indicating eligibility for promotion and/or tenure, and the deadline for notification of intent to apply and the deadline for submitting the application.
2. A faculty member must notify the Dean by September 15<sup>th</sup> of her/his intent to apply for either a promotion or tenure, and must include a list of potential experts for outside review of scholarship.

(d) **Application**

Application for promotion or for tenure must be made to the Dean by a candidate by October 1<sup>st</sup> of the academic year in which the faculty member seeks the review. The Dean will forward the application to the Rank and Tenure Committee on or before October 15<sup>th</sup> of the same year.

(e) **Failure to Apply or to Apply in a Timely Fashion**



Absent good cause determined by the Dean, the failure to apply in a timely manner for promotion will be deemed a waiver of the faculty member's right to such a review until the following academic year. Absent good cause, the failure to apply in a timely manner for tenure in the faculty member's mandatory tenure year has the same effect as the denial of tenure as provided hereafter. The determination whether good cause exists shall be solely within the discretion of the Dean.

(f) Evaluation File

A candidate's evaluation file shall consist of two parts. The first part is the application prepared by the candidate. It must contain a letter requesting review for promotion and/or tenure, a detailed table of contents, a current curriculum vitae, evidence of teaching proficiency (including student evaluations, course syllabi, and instructional materials prepared by the faculty member), evidence of scholarship (including reprints, photocopies, or citations to articles and other scholarly materials), evidence of community service, and other evidence indicating compliance with the criteria and standards for promotion and tenure.

The second part of the evaluation file includes the reports prepared or received by the Rank and Tenure Committee, as well as reports prepared by or obtained by prior Rank and Tenure Committees. Customarily, this part will include written reports prepared by the members of the committee who visit the candidate's classes and written evaluations of the candidate's scholarship prepared by committee members and outside reviewers. Copies of all materials included in the second part of the evaluation file must be made available to the candidate upon request and must include all materials considered by the committee subject to the confidentiality provisions set forth in Section 7-301(f)1.

1. Confidentiality

The material contained in the evaluation file may be made available only to the Board of Trustees, the President, the Dean, the members of the Rank and Tenure Committee, and the candidate. The candidate is not bound to keep the information contained in the file confidential. However, the confidentiality of the contents of the outside reviews solicited under Sec. 7-301(f)2 shall be preserved by the Rank and Tenure Committee and shared only with the Dean.

2. Outside Review

The Rank and Tenure Committee will solicit review of a candidate's scholarship from experts outside the law school. The committee will send a candidate's scholarship to two reviewers, one selected by the committee and a second selected by the committee from a list of no less than three potential reviewers submitted by the candidate. This provision shall not apply to

submissions for publication prior to adoption of this provision by current members of the faculty.

(g) **Committee Recommendation**

After the evaluation is completed, the Rank and Tenure Committee must prepare a written report expressing the recommendation of the Committee to the Dean, stating the reasons and the factual basis which support the recommendation, and the number of votes for and against the report. Any dissenting views that the minority may wish to make may be included in the report. The written report must be conveyed to the Dean by the last day of January in the year of review. The recommendation to the Dean must be accompanied by the complete evaluation file including any reports prepared by the committee. The Dean shall provide the candidate with a copy of the report and the candidate may submit to the Dean a written response to the committee's recommendation no later than February 15<sup>th</sup> in the year of review. The committee's recommendation together with any response shall then be forwarded to the President.

*September 21, 2004  
Rev. April 18, 2008  
Rev. Nov. 15, 2010*

**§7-302. Schedule for Promotion**

The normal schedule for consideration for promotion is:

- (1) An Assistant Professor shall be recommended for promotion to Associate Professor by the Rank and Tenure Committee upon the Committee's finding that the Assistant Professor is making satisfactory progress towards tenure under Policy 7-301 and has satisfied the one 'unit' publication requirement set forth in Policy 7-303 (b) (1).
- (2) An Associate Professor shall not be considered for promotion to Full Professor until one year after the award of tenure. An Associate Professor will normally not be considered for promotion prior to his or her seventh year as an Associate Professor at this law school. However, an Associate Professor with substantial teaching experience at another law school (ordinarily at least two years as an Associate Professor at another school) or with substantial experience in another area of the legal profession may be considered for promotion earlier than his or her seventh year as an Associate Professor at this law school if the person was hired with tenure at this law school.
- (3) Promotion shall not be regarded as automatic upon attainment of the time in rank stated in this section.

*September 21, 2004*  
*Rev. April 18, 2008*  
*Rev. Nov. 15, 2010*

**§ 7-303. Academic Standards for Promotion**

- (a) Academic Standards for Promotion are to be judged by the qualitative measures set forth in §7-204, §7-205 and §7-206 in relation to the following criteria:
- (1) teaching,
  - (2) scholarly research and publication, and
  - (3) service to the university and to the profession.
- (b) The relevant expectations for publication of scholarship are:
- (1) For promotion from Assistant Professor to Associate Professor, a faculty member normally must have published at least one “unit” of work while at the law school.
  - (2) For promotion from Associate Professor to Professor, a faculty member normally must have published four “units” of work, at least one “unit” of which should have been completed following the award of tenure.
  - (3) As a general guideline, a unit is an article of typical length and scope in a law journal or equivalent publication, such as a chapter in an academically oriented, edited volume. “Law journal or equivalent publication” is to be understood as including any publication indexed in the Index to Legal Periodicals, the Current Law Index, and/or another appropriate specialized index. The Rank and Tenure Committee may consider a given piece worth more than one unit or, in an unusual case, such a piece may be assigned a lesser value. Other written pieces, including but not limited to books, monographs, articles in other appropriate publications, book reviews, and the like shall receive appropriate unit valuation from the Rank and Tenure Committee.

*April 28, 2006*  
*Rev. April 18, 2008*

**§ 7-304. Tenure of Faculty**

- (a) Tenure’s Benefits
- (1) Purposes. The award of tenure to faculty members in the law school is a high honor which is intended to serve at least the following purposes:

- a. To further protect and promote the academic freedom of tenured faculty members in conformity with the commitment set forth in §6-301;
- b. To attract and retain a highly competent faculty;
- c. To encourage excellent teaching, scholarship, and service by tenure-track faculty members;
- d. To encourage tenured faculty members to contribute, even in less quantifiable or demonstrable ways, to the well-being of the law school and university to which their job security is tied; and
- e. To encourage tenured faculty members to seek, recruit, approve, and mentor the most highly qualified candidates in the faculty hiring process, without worrying that such a new hire might compete for or threaten one's own job security.

(2) Privileges. The award of tenure to a faculty member means that, in addition to the rights and privileges of a tenure-track faculty member, the faculty member is granted the following benefits:

- a. The University and the law school commit to employ the faculty member as a tenured faculty member of the law school until the faculty member dies, or voluntarily resigns or retires. Notwithstanding the foregoing, however, the employment may be terminated in cases of extreme financial exigency pursuant to §7-304(a)(3), or for good cause according to the procedures listed in §7-501(b). "Good cause" for these purposes means that one or more of the factors listed in § 7-501(a) is demonstrated by clear and convincing evidence.
- b. The University and the law school commit to maintain or increase, but not reduce, the tenured faculty member's salary and benefits throughout his or her term of employment.
- c. The University and the law school commit to assigning teaching and other duties to the tenured faculty member in a reasonable and equitable way, so as not to require more of any non-administrative tenured faculty member than is required of faculty members generally.
- d. The University and the law school commit that the tenured faculty member will not be penalized for failure to accept any administrative position that may be offered, or for failure to agree to perform any special duty or assignment not performed by all faculty members generally.
- e. The law school expects continued scholarly productivity from its tenured faculty members throughout their employment, but the University and law school commit that the tenured faculty member will not be penalized for failing to maintain the level or pace of scholarly productivity that is required as a condition of the initial award of tenure.

(3) Extreme financial exigency.

a. "Extreme financial exigency" as used in this section means that after reasonable investigation, the Dean and a majority of the members of the Rank and Tenure Committee believe that:

1. The Law School or the University faces an imminent financial crisis that threatens the survival of one or both of these institutions; and
2. The crisis cannot be alleviated by less drastic means than terminating the employment of one or more tenured faculty members; and
3. The employment of such tenured faculty member(s) is not being terminated in favor of retaining any untenured faculty member; and
4. No new faculty appointments will be made as long as the extreme financial exigency continues; and
5. The terminated position of the tenured professor(s) will not be filled by a replacement for a period of at least three years following the termination.

b. Any tenured professor dismissed due to extreme financial exigency shall, upon dismissal, be provided with a copy of a written declaration of the Dean and the Rank and Tenure Committee attesting to the presence of each of the conditions listed above.

(b) Tenure's Limitations:

The only faculty members eligible for tenure are those on tenure track at the rank of Associate Professor or above. Those not eligible for tenure include Visiting Professors of any rank, Instructors, Lecturers, full time faculty members appointed for a limited period of time, adjunct faculty members, part time faculty members, and faculty members accorded Emeritus status. Tenure granted to a member of the faculty of the law school is limited to the law school and is not transferable to another school, college, or division of Faulkner University.

- (1) Although a tenured faculty member may hold an administrative position, his or her tenure does not apply to any such administrative position.
- (2) Each tenured faculty member is subject to a thorough review of performance by the Rank and Tenure Committee once every five years as provided in § 7-203 (a).

*April 28, 2006*  
*Rev. April 18, 2008*  
*Rev. May 1, 2009*

### **§ 7-305. Normal Schedule for Tenure Consideration**

In order to be considered for tenure, a faculty member must have completed five years of full-time teaching in the law school. A faculty member can request to be considered for tenure one time only and must be considered for tenure no later than the seventh year of full-time teaching. The following are exceptional circumstances:

- (a) For a faculty member who was previously on the tenure track at a nationally accredited law school, up to three of the required five years may be considered to have been served in full-time teaching at such other law school. A minimum of two years of full-time teaching at the law school would thus be required for consideration under this exception.
- (b) A faculty member who was previously tenured at a law school approved by the American Bar Association ordinarily may be considered for tenure after one year of full-time teaching at the law school. This one-year period may be spent as a visiting professor at the law school while on leave from the tenured position at the other law school.
- (c) Under unusual circumstances, a tenured faculty member at a law school approved by the American Bar Association may be considered for an award of tenure contemporaneously with the initial teaching appointment at the law school.

*April 28, 2006  
Rev. April 18, 2008*

### **§ 7-306. Academic Standards for Tenure of Teaching Faculty**

Except as provided for the Director of the Law Library in §7-307, candidates seeking tenure must demonstrate compliance with following standards of academic achievement by reference to qualitative measures set forth in §7-204, §7-205 and §7-206.

- (a) The faculty member has developed a high level of competence in classroom teaching and is committed to continued improvement in teaching skills;
- (b) The faculty member has a record of scholarly research and publication consisting of at least three “units” that demonstrate a high level of expertise in a significant area of law. The faculty member must also demonstrate a commitment to adding to such record;
- (c) The faculty member has a record of service to the University and the profession;

- (d) The faculty member offers such potential for continuing professional achievement in the areas of teaching, scholarship and service that the continuous appointment of that person to the faculty of the law school will contribute significantly to the furtherance of the programs and goals of the law school.

*April 28, 2006*  
*Rev. April 18, 2008*

**§ 7-307. Criteria for Tenure of the Director of the Law Library**

(a) All of the criteria stated in Section 7-306 apply to the consideration of tenure of the Director of the Law Library except that the criteria in Subsections 6-306(c) and (f) do not apply if the Director has not regularly taught classes. The criterion stated in Subsection 6-306(d) may be met by research and publication on issues related to law libraries.

(b) In addition, to be recommended for tenure, the Director of the Law Library shall demonstrate excellence in librarianship. Aspects of librarianship to be considered include all those appropriate to the law library, including substantial ability to

- (1) review, evaluate and organize the operating procedures of the Law Library and the performance of its personnel;
- (2) preserve and build the law library collection and technology resources in a systematic and efficient manner;
- (3) motivate the staff to respond to faculty and student expectations for efficient library services;
- (4) develop Law Library services as part of the University's library system;
- (5) assist and enhance the scholarly activities of the faculty;
- (6) develop and take steps toward meeting long-range goals for enhancing the excellence and reputation of the Law Library; and
- (7) make efficient use of budgeted resources.

*April 28, 2006*

## **PART 4 – APPOINTMENT OF THE DEAN**

### **§ 7-401. Responsibility of the President**

Appointment of the person holding the office of Dean of the School of Law will be made by the President of the University pursuant to recommendations made by majority vote of all full-time faculty members who are tenured or on tenure-track in the School of Law.

*April 28, 2006*

### **§ 7-402. Dean Search Committee**

Upon determination that the appointment of a new Dean is necessary, the President shall appoint a search committee, the majority of whom shall be faculty members holding tenure in the School of Law.

*April 28, 2006*

### **§ 7-403. Selection of candidates**

The search committee shall solicit nominations for the position of Dean of the Law School. Upon determination of the qualifications of such candidates, the committee shall invite such of them to campus as it believes will offer the faculty a reasonable basis for selection of the most qualified candidate.

*April 28, 2006*

### **§ 7-404. Recommendation to the President**

Following completion of such interviews, the tenured and tenure-track faculty shall forward no more than three candidates who are acceptable to a majority of the tenured and tenure-track faculty to the President. While the President shall not be bound to act according to the recommendations of the faculty, the President shall not appoint a person to the position of Dean who is unacceptable to a majority of the tenured and tenure-track faculty of the School of Law.

*April 28, 2006*



**PART 5 – DISMISSAL PROCEDURES and  
PROFESSIONAL RESPONSIBILITIES**

**§ 7-501. Dismissal of Tenured Faculty Members for Good Cause.**

(a) If the Dean decides that it is necessary to initiate a proceeding to dismiss a tenured faculty member evidence indicating good cause must include one or more of the following:

1. The faculty member is physically or mentally impaired such that he or she is no longer able to perform the essential duties of the position even with reasonable accommodation;
2. The faculty member has substantially and manifestly neglected his or her professional responsibilities or one or more duties of the job (for example, teaching classes) which were previously agreed upon;
3. The faculty member has been convicted of a crime of moral turpitude in a court of law, or has divulged information in violation of legal standards governing confidentiality at Faulkner University;
4. The faculty member is guilty of academic dishonesty, including but not limited to plagiarism, accepting bribes from students, or falsifying research;
5. The continued employment of the faculty member poses a significant threat to the physical safety of another or the physical security of the campus;
6. The faculty member has engaged in grievous sexual or racial harassment; or
7. The faculty member has clearly demonstrated a consistent pattern of disregard for or disagreement with the Christian values or mission of the law school.

Examples of conduct rising to this level would include conversion to a non-Christian religion, profession of atheism, repeated public denunciations of Christ, or repeated public assertions that Christian education is a misguided enterprise.

(b) Dismissal of a tenured faculty member for cause shall be governed by the following rules and shall conform to the ABA Standards for Approval of Law Schools found in Appendix 1: Statement on Academic Freedom and Tenure:

1. Any such dismissal must be preceded by discussions between the Associate Dean for Academic Affairs, the Dean of the School of Law, and the faculty member looking toward a mutual resolution of the concerns. Should a mutual resolution of the concerns not occur the Dean shall submit a detailed written charge particularizing the cause for dismissal to the Rank and Tenure Committee with a copy provided to the faculty member.
2. At the request of the faculty member, the Rank and Tenure Committee shall provide notice and conduct a full hearing where evidence of good cause as provided in

Subsection (a) of this section shall be presented by the Dean or representative of the Dean.

3. The hearing shall be conducted as follows:

a. The hearing shall be made convenient to all parties.

b. The faculty member and the Dean shall have the right to appear in person before the Rank and Tenure Committee. Each will also have the right to have a separate advisor or counsel present.

c. The hearing will not be bound by legal rules of evidence but will consider any evidence of probative value. Each party will have the right to call witnesses and present evidence. Both the faculty member and the institution(s) shall have the right to confront and cross-examine all witnesses.

d. The burden of proof shall rest with those supporting the dismissal and will be satisfied only by clear and convincing evidence presented in the hearing.

4. If the tenured faculty member has requested such a hearing, dismissal of the faculty member cannot occur unless, after hearing and deliberation, a majority of the Rank and Tenure Committee are convinced by clear and convincing evidence that one or more of the particular causes listed in Subsection (a) of this section is proven.

5. If a majority of the Rank and Tenure Committee is not convinced that cause for dismissal has been proven the matter shall be dismissed and no further action taken.

6. If a majority of the Rank and Tenure Committee decides that the cause for dismissal is proven, a written report indicating the number of votes for and against the charge, and setting forth a summary of the evidence substantiating the charge, shall be provided by the Committee to the Dean and faculty member. Dissenting reports by the minority of the Rank and Tenure Committee, if any, shall be attached to the majority report.

7. After receipt of the Rank and Tenure Committee's written report finding that the cause for dismissal has been proven, the Dean shall review the matter and in his discretion dismiss or otherwise resolve the matter with the faculty member.

8. The faculty member will have the right to grieve his dismissal in accordance with University grievance procedures.

*April 18, 2008  
Rev. May 1, 2009*

**§ 7-502. Dismissal of Untenured Tenure-track Faculty Members for Cause.**

(a) Dismissal for cause under §7-502(b) of an untenured teacher shall be conducted as follows:

- 1) Discussions between the Associate Dean for Academic Affairs, the Dean , and the faculty member looking toward a mutual resolution of the concerns.
- 2) A statement of reasons for dismissal, framed with reasonable particularity by the Dean of the School of Law, a copy of which shall be delivered to the faculty member and to the Rank and Tenure Committee.
- 3) An informal hearing before the Rank and Tenure Committee, shall be held upon petition by the faculty member, or the Dean, where the matter shall be considered and a recommendation from the Committee shall be provided to the Dean.
- 4) The Dean shall give such the Rank and Tenure Committee's recommendation due consideration, however, the final decision shall rest with the Dean, who shall have sole discretion to dismiss the untenured faculty member or otherwise resolve the issue.
- 5) The faculty member will have the right to grieve the dismissal in accordance with University grievance procedures.

b. Dismissal of an untenured faculty member shall be for one or more of the following causes.

1. Failure to make adequate progress towards tenure.
2. The faculty member has substantially and manifestly neglected his or her professional responsibilities or one or more duties of the job (for example, teaching classes) which were previously agreed upon;
3. The faculty member has been convicted of a crime of moral turpitude in a court of law, or has divulged information in violation of legal standards governing confidentiality at Faulkner University;
4. The faculty member is guilty of academic dishonesty, including but not limited to plagiarism, accepting bribes from students, or falsifying research;
5. The faculty member has completed a terminal one year of service subsequent to a failure to receive tenure.
6. The continued employment of the faculty member poses a significant threat to the physical safety of another or the physical security of the campus;
7. The faculty member has engaged in grievous sexual or racial harassment; or the faculty member has clearly demonstrated a consistent pattern of disregard for or disagreement with the Christian values or mission of the law school. Examples of conduct rising to this level would include conversion to a non-Christian religion,

- profession of atheism, repeated public denunciations of Christ, or repeated public assertions that Christian education is a misguided enterprise.
8. The faculty member is physically or mentally impaired such that he or she is no longer able to perform the essential duties of the position even with reasonable accommodation.

*September 21, 2004*  
*Rev. April 18, 2008*  
*Rev. May 1, 2009*

### **§ 7-503. Standards of Professional Responsibility.**

It is expected that every faculty member shall be committed to the missions and welfare of the University and the law school. This commitment is demonstrated among other things by honoring the following duties:

#### **(a) Cancellation of Classes.**

Regularly scheduled classes should not be cancelled without the prior permission of the Associate Dean for Academic Affairs, when such permission is practical to obtain. In the case of emergencies, such as an unexpected illness, every effort should be made to notify the Associate Dean for Academic Affairs as soon as possible after the emergency arises.

#### **(b) Review of Examinations.**

All faculty members are expected to engage in reasonable post-examination review with students, preferably individual reviews, upon request. Faculty members may choose to carry out this policy using alternative means, such as by holding a general review concerning the examination open to all students or by providing an outline or exemplar of good examination answers.

#### **(c) Interaction with Students.**

Faculty members are expected to meet and interact with students on a regular basis outside the classroom. Student advising and sponsorship of student activities are among the most important non-classroom responsibilities of faculty members.

#### **(d) Outside Employment.**

- (1) The law school recognizes that consulting work may be a valuable professional experience for full-time faculty members. However, consulting work must not

interfere with the faculty member's responsibilities as a full-time member of the faculty. A faculty member should not cancel class in order to arrange for consulting work. Generally, consulting work should not consume more than ten hours per week. This policy does not apply during the summer if the faculty member has not received a research or teaching assignment for the summer.

(2) Generally, the subject matter of a full-time faculty member's consulting work should be related to the faculty member's teaching or research expertise. Prior permission to consult should be received from the dean.

(3) A full-time faculty member should neither have an "of counsel" relationship with a law firm nor permit his or her name to be listed on law firm stationery, except as permitted by the Dean.

**(e) Conflicts of Interest.**

(1) Conflicts of interest in the law school context may arise in a variety of ways and are to be avoided in all cases. In any instance where a conflict of interest may arise, it is the responsibility of a faculty member to consult with the dean.

(2) In dealings or relationships with students, a faculty member has a responsibility to avoid any apparent or actual conflict between professional responsibilities and personal interests. In the interest of preventing conflicts of interest and to avoid the very appearance of impropriety, a faculty member cannot render legal advice to or undertake legal representation of any student enrolled at Faulkner University or Jones School of Law at the time the advice or representation is sought.

(3) In using the law school's name, official stationery, facilities, and pictures, a faculty member should do nothing to leave the impression that such use is in support of the faculty member's personal interests.

(4) Faculty members will be provided such secretarial services as are needed for their professional work. Secretaries are not permitted to work on the personal affairs of faculty members during normal business hours. A secretary who works on the personal affairs of a faculty member must do so as an employee of the faculty member, and not as an employee of the University.

**(f) Outside Grants.**

Faculty members are encouraged to seek research or study grants from agencies and foundations outside the law school or the University. Such grants may not be requested until the faculty member involved has discussed the matter with the dean, who will decide whether to discuss it with appropriate University officials to avoid competing grant requests to the same agencies and foundations.

**(g) Use of Copyrighted Material.**

Faculty members are expected to adhere to controlling copyright laws.

**(h) Attendance at Commencement.**

Full-time faculty members are expected to attend the commencement ceremony.

**(i) Standard Teaching Load.**

(a) The standard teaching load for a full-time faculty member is between ten and thirteen semester hours per academic year. Specific course assignments are made after consultation between the faculty member and the dean or the Associate Dean for Academic Affairs.

(b) From time to time, faculty members may be afforded the opportunity to teach a reduced load. Request for a reduced load should be made to the dean and specify the professional reasons for the request.

*September 21, 2004  
Rev. April 18, 2008*

**PART 6 – FACULTY GOVERNANCE**

**§ 7-601. In General.**

(a) The Dean and the faculty shall formulate and administer the educational program of the law school, including curriculum; methods of instruction; admissions; and academic standards for retention, advancement, and graduation of students; and shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of the faculty.

(b) Both the Dean and the faculty shall have a significant role in determining educational policy.

*September 21, 2004*

**§ 7-602. Faculty Meetings.**

(a) The faculty shall have meetings as needed to transact business.

(b) All faculty members, whether full-time or part-time (regardless of whether they are tenured, on the tenure track, or have a term appointment, including adjunct faculty members) may attend, and participate in discussion at, all meetings of the faculty.

(c) All faculty members who are tenured or on the tenure track may vote at faculty meetings, except that the dean may vote only to make or break a tie. Visiting faculty and adjunct faculty may not vote. Legal research and writing faculty and clinical faculty who are employed on a contract basis but who are not eligible for tenure may vote on all matters except personnel matters. Librarians holding the J.D. degree from an ABA-approved law school may vote on matters directly affecting the library. The Dean shall rule on all issues of voting rights and enfranchisement. The Dean's decision shall be subject to appeal to the tenure-track and tenured faculty.

(d) Voting at faculty meetings shall not be by written ballot unless (1) the vote involves a decision about a specific individual, (2) so ordered by the chair on his or her own motion, or (3) upon request of any faculty member eligible to vote and present at the meeting.

(e) Faculty action must be by not less than a majority of the faculty members who are eligible to vote and who are present at the meeting.

(f) A quorum requires the presence, in person, of a majority of the faculty members who are eligible to vote and who are not on sabbatical or authorized leave.

(g) A quorum is required at each meeting of the faculty. No action taken in the absence of a quorum at a faculty meeting is binding, and this rule as to quorum may not be suspended by motion.

*September 21, 2004*

#### **§ 7-603. Minutes of Faculty Meetings.**

Minutes of each faculty meeting shall be taken and distributed to all faculty members. All faculty members shall have access to the approved minutes of faculty meetings permanently on file in the office of the Assistant Dean for Administration.

*September 21, 2004*

#### **§ 7-604. Standing Committees.**

(a) At the beginning of each academic year, the dean shall appoint a chairperson and members to the following committees of the faculty: Academic Standards, Academic Support, Admissions, Appointments, Clinical Studies, Curriculum, Library and Technology, Strategic Planning, and Student Life.

(b) The Rank and Tenure Committee shall be composed of all faculty members holding tenure in the School of Law. The Committee shall choose its chairperson at the beginning of the academic year. In the event that the Associate Dean for Academic Affairs is untenured,

then the Dean shall be permitted to appoint the Associate Dean as an ex officio member of the Committee.

(c) A student shall serve on each of the following committees: Academic Standards, Academic Support, Clinical Studies, Curriculum, Library and Technology, and Student Life.

(d) Whenever a question arises as to which committee has jurisdiction over a given matter, a decision as to the committee to assume responsibility for the matter shall be made by the chairpersons of the committees which possibly have jurisdiction.

*September 21, 2004*  
*Rev. August 10, 2005*



## **APPENDIX**

### **PROMOTION AND TENURE POLICIES 2005-2006**

#### **PART 3 – PROMOTION**

##### **§ 7-301. Normal Schedule for Promotion Considerations.**

(a) An Assistant Professor who has not been on the tenure track at another law school will normally not be considered for promotion prior to his or her third year at this law school, for implementation at the beginning of the fourth year. However, an Assistant Professor with substantial teaching experience at another law school may be considered for promotion during his or her second year at this law school.

(b) An Associate Professor will normally not be considered for promotion prior to his or her third year as an Associate Professor at this law school. However, an Associate Professor with substantial teaching experience at another law school (ordinarily at least two years as an Associate Professor at another school) or with substantial experience in another area of the legal profession may be considered for promotion earlier than his or her third year as an Associate Professor at this law school if the person was hired with tenure at this law school.

(c) Promotion shall not be regarded as automatic upon attainment of the time in rank stated in this section.

*September 21, 2004*

##### **§ 7-302. Roles in the Promotion Process.**

(a) The President of Faulkner University makes each decision to promote a member of the faculty.

(b) No promotion shall be made without a recommendation, either affirmative or negative, from the dean.

(c) No promotion recommendation from the dean shall be made without a recommendation, either affirmative or negative, from the Committee on Rank and Tenure.

*September 21, 2004*

**§ 7-303. Relevant Factors and Expectations for Promotion.**

(a) In connection with each decision regarding a recommendation for promotion, relevant factors shall include the quality of the faculty member's

- (1) Commitment to the missions of the University and of the law school,
- (2) Teaching,
- (3) Scholarly research and publication,
- (4) Service to the University and the profession,
- (5) Advising students, and
- (6) Contribution to the welfare of the University and its students.

(b) Normal Expectations for Publication of Scholarship.

(1) For promotion from Assistant Professor to Associate Professor, a faculty member normally must have published at least one “unit” of work while at the law school.

(2) For promotion from Associate Professor to Professor, a faculty member normally must have published two “units” of work, at least one “unit” of which should have been completed while an Associate Professor at the law school.

(3) As a general guideline, a unit is an article of high merit of typical length and scope in a law journal or equivalent publication, such as a chapter in an academically oriented, edited volume. “Law journal or equivalent publication” is to be understood as including any publication indexed in the Index to Legal Periodicals, the Current Law Index, and/or another appropriate specialized index. The Rank and Tenure Committee may consider a given piece worth more than one unit, or in an unusual case such a piece may be assigned a lesser value. A “unit” that is published in a law journal or equivalent publication is presumed to satisfy the requirements of this section as to “high merit.” Other written pieces, including but not limited to books, monographs, articles in other appropriate publications, book reviews, and the like shall receive appropriate unit valuation from the Rank and Tenure Committee.

*September 21, 2004*

**§ 7-304. Procedures of the Rank and Tenure Committee.**

(a) The Committee on Rank and Tenure shall initiate consideration of promotion of a faculty member when he or she makes application in writing to the chair of the committee.

(b) Each faculty member making application for promotion shall provide the following to the committee:

- (1) A detailed statement of his or her professional activities;
- (2) Copies of all of his or her publications; and
- (3) Any other material that the faculty member wishes to be considered by the committee.

(c) The chair of the committee shall appoint a subcommittee consisting of not more than three members to evaluate the faculty member being considered for promotion. That subcommittee shall make a written report to the committee no later than 45 days following the date of its appointment. Such report shall evaluate the faculty member in light of the standards specified in Sections 7-204, 7-205, and 7-206, and shall make a recommendation as to what action should be taken by the committee.

(d) In evaluating candidates for promotion, it shall be within the discretion of the subcommittee and of the Committee on Rank and Tenure to seek the evaluation of other qualified persons as to whether the candidate meets the standards for promotion in rank insofar as those standards may be recognized by the legal profession, by legal educators, and by the University community.

(e) The committee shall meet soon after receipt of the evaluation report from the appointed subcommittee.

- (1) A recommendation for promotion in rank shall be made only upon majority vote of the committee.

- (2) Members of the committee holding the rank of Associate Professor are entitled to participate in the evaluation of candidates for promotion from Assistant to Associate Professor but not in the evaluation of candidates for promotion from Associate Professor to Professor.

- (3) When a faculty member applies for consideration for promotion and tenure at the same time, the committee shall consider each application on its own merits. When appropriate, the committee shall make an affirmative recommendation on one application and a negative recommendation on the other application.

- (4) A member of the committee who applies for promotion shall not participate in any of the committee's deliberations on such member's application, nor shall the member be permitted to vote on such application.

(f) The committee shall submit its recommendation, whether affirmative or negative, to the dean. A copy of the committee's recommendation shall also be provided to the faculty member.

*September 21, 2004*

**§ 7-305. Committee's Recommendation to President.**

The dean shall submit to the President a copy of the committee's recommendation along with his or her recommendation.

*September 21, 2004*

## **PART 4 – TENURE**

### **§ 7-401. Faculty Members Eligible for Tenure.**

(a) The only members of this faculty eligible for tenure are those on the tenure track at the rank of Associate Professor or above.

(b) Those not eligible for tenure include Visiting Professors, Visiting Associate Professors, Visiting Assistant Professors, Instructors, Lecturers, full-time faculty members appointed for a limited period of time, adjunct faculty members, part-time faculty members, and faculty members accorded Emeritus status.

*September 21, 2004*

### **§ 7-402. Tenure's Limitations.**

(a) Tenure granted to a member of the faculty of the law school is limited to the law school and is not transferable to another school, college, or division of Faulkner University.

(b) Although a tenured faculty member may hold an administrative position, his or her tenure does not apply to any such administrative position.

(c) Each tenured faculty member is subject to a thorough review of performance by the dean every year. If the dean decides that it is necessary, he or she may recommend to the President that the University initiate a proceeding to dismiss a tenured faculty member for cause.

*September 21, 2004*

### **§ 7-403. Normal Schedule for Tenure Considerations.**

In order to be considered for tenure in the normal course, a faculty member must have completed five years of full-time teaching in the law school. A faculty member must be considered for tenure no later than the seventh year of full-time teaching. The following are exceptional circumstances:

(a) For a faculty member who was previously on the tenure track at a nationally accredited law school, up to three of the required five years may be considered to have been served in full-time teaching at such other law school. A minimum of two years of full-time teaching at the law school would thus be required for consideration under this exception.

(b) A faculty member who was previously tenured at a nationally accredited law

school ordinarily may be considered for tenure after one year of full-time teaching at the law school. This one-year period may be spent as a visiting professor at the law school while on leave from the tenured position at the other law school.

(c) Under unusual circumstances, a tenured faculty member at a nationally accredited law school may be considered for an award of tenure contemporaneously with the initial teaching appointment at the law school.

*September 21, 2004*  
*Rev. February 15, 2005*

**§ 7-404. Roles in the Tenure Process.**

(a) After receiving a recommendation from the President of Faulkner University, the Board of Trustees of the university makes each decision to award tenure to a member of the faculty.

(b) No recommendation for tenure shall be made without a recommendation, either affirmative or negative, from the dean.

(c) No tenure recommendation from the dean shall be made without a recommendation, either affirmative or negative, from the Committee on Rank and Tenure.

*September 21, 2004*

**§ 7-405. Criteria for Tenure of Teaching Faculty.**

Except as provided for the Director of the Law Library in Section 7-406, each of the following criteria must be met by a faculty member before he or she is recommended for tenure:

(a) The faculty member is committed to the missions of the University and of the law school;

(b) The faculty member has developed a significant level of expertise in a significant subject area of the law;

(c) The faculty member has developed a high level of competence in classroom teaching and is committed to continued improvement in teaching skills;

(d) The faculty member has a record of scholarly research and publication and a commitment to adding to such record;

(e) The faculty member has a record of service to the University and the profession;

- (f) The faculty member has demonstrated a commitment to the advising of students;
- (g) The faculty member has made significant contributions to the welfare of the University and its students; and
- (h) The faculty member offers such potential for continuing professional achievement that the continuous appointment of that person to the faculty of the law school will contribute significantly to the furtherance of the programs and goals of the law school.

*September 21, 2004*

**§ 7-406. Criteria for Tenure of the Director of the Law Library.**

(a) All of the criteria stated in Section 7-405 apply to the consideration for tenure of the Director of the Law Library except that the criteria stated in Subsections 7-405(c) and (f) do not apply if the Director has not regularly taught classes. The criterion stated in Subsection 7-405(d) may be met by research and publication on issues related to law libraries.

(b) In addition, to be recommended for tenure, the Director of the Law Library shall demonstrate excellence in librarianship. Aspects of librarianship to be considered include all those appropriate to the law library, including substantial ability to

- (1) review, evaluate, and organize the operating procedures of the Law Library and the performance of its personnel;
- (2) preserve and build the law library collection and technological resources in a systematic and efficient manner;
- (3) motivate the staff to respond to faculty and student expectations for efficient library services;
- (4) develop Law Library services as a part of the University's library system;
- (5) assist and enhance the scholarly activities of the faculty;
- (6) develop and take steps toward meeting long-range goals for enhancing the excellence and reputation of the Law Library; and
- (7) make efficient use of budgeted resources.

*September 21, 2004*

**§ 7-407. Procedures of the Rank and Tenure Committee.**

(a) The Committee on Rank and Tenure shall initiate consideration of tenure for a faculty member when he or she makes application in writing to the chair of the committee.

(b) The procedures stated in Section 7-304 shall be followed by the committee in its consideration of an application for tenure. The report of the committee's subcommittee shall – in addition to evaluating the faculty member in light of the standards specified in Sections 7-204, 7-205, and 7-206 – also evaluate him or her in light of the criteria specified in Section 7-405 (if a teaching faculty member) and 7-406 (if the Director of the Law Library).

*September 21, 2004*

**§ 7-408. Committee's Recommendation to President.**

The dean shall submit to the President a copy of the committee's recommendation along with his or her recommendation.

*September 21, 2004*

**§ 7-409. Failure to Gain Tenure**

A faculty member who fails to gain tenure within the time specified in § 7-403 above will be offered a terminal year contract for the following academic year. At the conclusion of that terminal year contract, no further contract may be offered.

*February 15, 2005*

**§ 7-410. Review of Tenure Track Candidates**

A review of tenure track candidates will be undertaken by the Rank and Tenure Committee during the third year of teaching to determine whether such candidate is making satisfactory progress toward tenure and the candidate shall be counseled with regard to progress toward tenure.

*February 15, 2005*