

P O L I C I E S A N D P R O C E D U R E S
M A N U A L

T E X A S W E S L E Y A N U N I V E R S I T Y
S C H O O L O F L A W

March 30, 1994

Amended January 11, 1996*

** Formal text language has been incorporated into this 1996 reprint and can be reviewed on attachment following page 48.*

P O L I C I E S A N D P R O C E D U R E S
M A N U A L

T E X A S W E S L E Y A N U N I V E R S I T Y
S C H O O L O F L A W

March 30, 1994

Amended January 11, 1996

T A B L E O F C O N T E N T S

1.	PREAMBLE	1
1.1.	Definitions	1
1.2.	Content	3
1.3.	Other Information Sources	3
2.	HANDBOOK SUPERIOR TO MANUAL	4
3.	SIGNIFICANT POLICY POSITIONS	4
3.1.	Mission of the Law School	4
3.2.	Academic Freedom	5
3.21.	In General	5
3.22.	A Methodist Institution	5
3.3.	Integrity and Honesty	6
3.4.	Professionalism	6
3.5.	Recognition of the Privileges of Faculty Status and the Corollaries to Those Privileges and to Academic Freedom	6
3.6.	Affirmative Action	6

4.	AFFIRMATIVE ACTION: RESPONSE TO ABA STANDARD 212 IN BROAD SCOPE AND THEN IN DETAIL	6
4.1.	Broad Scope Provisions	7
4.11.	Admissions	7
4.111.	Permanent Establishment of Minority Affairs Committee	7
4.112.	Review System for Minority Applications	7
4.113.	Register in Referral Network .	7
4.12.	Recruiting	7
4.121.	Develop A Recruiting Program ...	7
4.13.	Support Systems	7
4.131.	Tutorial Program	7
4.132.	Exam-writing Workshops	7
4.14.	Financial Aid	7
4.141.	Minority Scholarships	7
4.142.	Contacts	7
4.143.	Federal Financial Aid	8
4.2.	Detailed Affirmative Action Program Responsive to the Provisions Under 4.1 and ABA Standard 212 .	8
4.21.	Statement of Policies and Goals of the School's ABA Standard 212 Program	8
4.211.	General Policies	8
4.2111.	Purpose of the School's ABA Standard 212 Program	8
4.2112.	Minority Affairs Committee	8
4.22.	Affirmative Action Hiring and Promotion Plans	9
4.221.	Faculty	9
4.222.	Staff	9
4.23.	Admissions	10
4.24.	Student Recruiting	14
4.25.	Support Systems	15
4.251.	Tutorial Program	15
4.252.	Saturday Writing Workshops ...	15
4.253.	Student Organizations	16
	The Black Law Student Association	16
	The Hispanic Law Student Association	17
4.26.	Financial Aid	17
4.261.	School Sponsored Scholarships	17

	4.262.	Private Scholarship Development.	17
	4.263.	Government Guaranteed Loans and Government Grants	17
	4.27.	Placement	17
	4.28.	Future Projects	19
5.	ADMISSIONS POLICY		19
	5.1.	General Principles of Admission	19
	5.11.	Change to the Semester System	19
	5.12.	Change to a Single Entering Class	19
	5.13.	General Student Body Sought	20
	5.14.	Diversity Sought	20
	5.15.	Certain Economic Considerations Forbidden	20
	5.2.	The Admissions Process	21
	5.21.	The Dean	21
	5.22.	The Director of Student Services	21
	5.23.	Administrative Admission	21
	5.24.	The Admissions Committee	22
	5.241.	New Applicants	23
	5.242.	Transfer Students	24
	5.243.	Re-admission	24
6.	INITIAL APPOINTMENT OF FACULTY		25
	6.1.	Affirmative Action	25
	6.2.	Full-Time Tenured and Tenure Track Faculty	25
	6.21.	Rank	25
	6.22.	The Faculty Recruitment Committee	25
	6.23.	Faculty Approval of Candidates	26
	6.24.	Dean's Approval	26
	6.25.	University Approval	26
	6.26.	Other Means of Nominating Candidates ...	26
	6.3.	Visiting Full-Time Faculty	26
	6.31.	Rank.	26
	6.32.	Distinguished Visitors	26
	6.33.	Interim Visitors	26
	6.34.	Look-See Visitors	27

6.4.	Adjunct Faculty	27
6.41.	Rank	27
6.42.	Appointment and Renewal	27
6.5.	Library Staff and Non-tenure-track Full-time Teachers	27
7.	TENURE, RETENTION, AND PROMOTION	27
7.1.	Policies on Faculty Scholarship as It Relates to the Tenure Process	27
7.11.	General Requirements for Granting Tenure	28
7.12.	Excellence in Scholarly Research and Writing: Two Substantial Scholarly Law Review Articles Or The Equivalent ..	29
7.13.	Equivalent Writing	29
7.14.	Reasons for Writing Requirement	29
7.2.	Clinical Tenure Track for Faculty Teaching Clinical and Professional Skills Courses	29
7.21.	Teaching	29
7.22.	Criteria	30
7.221.	Teaching	30
7.222.	Scholarship	30
7.223.	Institutional, Professional, and Community Service	31
7.224.	Termination	31
7.225.	Change of Tenure Track	32
7.226.	Time Requirements and Tenure Vote	32
7.3.	Voting	32
7.311.	Voting Status	32
7.3111.	Tenure Track	32
7.3112.	Tenure, Retention, and Promotions	32
7.312.	Votes Required	32
7.3121.	Initial Hiring on Tenure Track or With Tenure	32
7.3122.	Tenure, Promotion, and Retention	33
8.	POLICIES AND ACTIVITIES RELATING TO IMPROVEMENT OF FACULTY SCHOLARSHIP AND TEACHING	33
8.1.	Summer Research Grants	33
8.11.	In General	33
8.12.	Amount	33

8.13.	Production Required Before Second Grant	34
8.14.	Criteria Regarding Award of Grants	34
8.2.	Peer Review	34
8.3.	Videotaping and Monthly Presentations	34
8.31.	Videotaping	34
8.32.	Monthly Presentations	34
8.4.	Delegation	35
9.	LAW PRACTICE AND OTHER OUTSIDE ACTIVITIES	35
9.1.	Law Practice for Profit	35
9.2.	Other Business Activities Not Related to Law Practice	36
9.3.	Pro Bono Law Practice	36
9.4.	Use of the School's Resources for Outside Activities	36
9.5.	Non-involvement of the University and the School in Law Practice	37
9.6.	Requests for Legal Assistance	37
9.7.	Evidence to Prove Full-time Status	38
9.8.	Report to Prove Full-time Status	39
10.	SEXUAL HARASSMENT AND OTHER DISCRIMINATION	44
10.1.	In General	44
10.2.	Sexual Harassment	44
10.3.	Other Discrimination	44
11.	FACULTY COMMITTEES	44
11.1.	Normally Appointed by the Dean	44
11.2.	Faculty Recruitment Committee	44
11.3.	Committees Presently Existing	44
12.	PROCEDURES GOVERNING FORMAL FACULTY ACTION NOT GOVERNED BY THIS OR OTHER DOCUMENTS	46

13.	AMENDMENTS	46
14.	LAW FACULTY BYLAWS, ACADEMIC STANDARDS, POCKET HISTORY, AND SEXUAL HARASSMENT LETTER AND MEMORANDUM: EXHIBITS "A"-"D" AS AN INTEGRAL PART OF THIS MANUAL	46
15.	CROSS REFERENCE TO OTHER DOCUMENTS	46
16.	APPROVAL AND SIGNATURES	47
17.	REPEAL OF ALL PRIOR POLICIES AND PROCEDURES MANUALS ...	47
18.	PROXIES.....	47

EXHIBITS WHICH ARE AN INTEGRAL PART OF THIS POLICIES
AND PROCEDURES MANUAL:

- EXHIBIT "A" -- BYLAWS
- EXHIBIT "B" -- ACADEMIC STANDARDS
- EXHIBIT "C" -- POCKET HISTORY
- EXHIBIT "D" -- LETTER FROM PRESIDENT JAKE SCHRUM AND
MEMORANDUM REGARDING SEXUAL HARASSMENT

P O L I C I E S A N D P R O C E D U R E S

M A N U A L

T E X A S W E S L E Y A N U N I V E R S I T Y

S C H O O L O F L A W

Spring Semester 1993-1994 School Year Edition

March 30, 1994

1. PREAMBLE.

1.1. Definitions.

"The School" means Texas Wesleyan University School of Law. The School commenced in August 1992. At that time, Texas Wesleyan University acquired the assets of Dallas/Fort Worth School of Law which is also sometimes called "the School", a fact evident from the historical context.

"The University" means Texas Wesleyan University.

"The Manual" means the POLICIES AND PROCEDURES MANUAL, TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW, this present document.

"The Handbook" means the TEXAS WESLEYAN UNIVERSITY FACULTY HANDBOOK as then amended. A new edition of the Handbook becomes effective June 1, 1994.

"Bylaws" mean the provisions covering routine procedures for the conduct of the business of the Law Faculty contained in the document entitled BYLAWS, TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW. The Bylaws appear as Exhibit "A" to the Manual.

"The Academic Standards" mean the regulations dealing with the student academic standards and related matters, namely: (1) general academic matters; (2) student records; (3) admission, transfers, and advanced standing; (4) admission of transfer students and advanced standing; (5) program, status, and classification; (6) credit hours; (7) grades, grading, and grade averages; (8) residence credit; (9) requirements for graduation; (10) maintaining matriculation and registration; and (11) course work and examinations. The Academic Standards appear as Exhibit "B" to the Manual.

"The Staff Handbook" means the Texas Wesleyan University Staff Handbook.

"The Pocket History" means a brief history of the School for the information of new Law Faculty and other persons. It appears as Exhibit "C" to the Manual. The Pocket History provides direction to other documents reflecting additional historical material.

"Dean" means the Dean of the School.

"Executive Director of the Law Library" means the tenured Law Faculty Member in charge of the Law Library.

"Associate Dean for Academic Affairs" means an associate dean selected from the full-time Law Faculty by the Dean to handle academic affairs.

"Associate Dean for Administrative Affairs" means an associate dean selected from the full-time Law Faculty by the Dean to handle administrative affairs.

"Assistant Dean" means a lawyer or non-lawyer who is not a full-time Law Faculty member appointed by the Dean to handle certain administrative matters.

The terms "Faculty" and "Law Faculty" mean the full-time members of the of the School's teaching personnel who are tenured or on a tenure track.

"Tenure track" is the employment track leading to consideration for tenure under the rules of the University and the School. Visiting, adjunct, and emeritus teaching personnel at the School, teaching personnel who have been denied tenure at the School, and teaching personnel who have been denied retention at the School, are not on a "tenure track".

"Regular Tenure Track" means the track toward tenure held by a full-time Law Faculty member who does not predominantly teach Clinical Courses or Professional Skills Courses. "Regular Tenure" (and normally, "Tenure") means the tenure held by one who has achieved tenure on the Regular Tenure Track". See § 7.2.

"Clinical Tenure Track" means the track toward tenure held by a full-time Law Faculty member who predominantly teaches Clinical Courses or Professional Skills Courses. "Clinical Tenure" means the tenure held by one who has achieved tenure on the Clinical Tenure Track". See § 7.2.

"Director of Student Services" means the administrator in charge of matters such as registration, records, and examinations.

"Director of Career Services" means the administrator who heads the administration of job placement for students and graduates.

"ABA" means the American Bar Association.

"AALS" means the Association of American Law Schools.

"SACS" means the Southern Association of Colleges and Schools.

"BLSA" means the Black Law Students Association.

"HLSA" means the Hispanic Law Students Association.

"LSAT" means the Law School Admissions Test.

"GPA" means Grade Point Average.

1.2. Content. The Manual and its Exhibits acquaint faculty members with the School's history; general structure; positions and attitude on certain significant matters such as academic freedom; rudimentary information regarding fellow faculty, administration, and staff; information regarding students and their organizations; tenure, retention, rank, and promotion; personnel procedures; and cross references to important matters in other documents such as the Handbook.

In instances wherein the matter is governed by the predominant Handbook, the appropriate governing rules are sometimes repeated because of the magnitude of the matter, are sometimes merely referenced, and are most often not mentioned. A well informed Law Faculty member must be familiar with both the Manual and the Handbook, and the Manual assumes that dual familiarity.

The principal purposes of the Manual and its exhibits are to make each faculty member and others aware of routine procedures, procedures on significant matters, information on organization, procedural and substantive matters regarding students, and abbreviated history to date so that faculty and others will better appreciate present operations and future changes.

1.3. Other Information Sources. Faculty members and others seeking information or guidance on the operation of the School and the University should also consult:

THE TEXAS WESLEYAN UNIVERSITY FACULTY HANDBOOK;

THE TEXAS WESLEYAN UNIVERSITY GENERAL CATALOG;

THE TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW BULLETIN,
printed for the guidance of students and prospective students;

The typewritten REGISTRATION BULLETIN OF THE TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW prepared for each semester's registration;

THE TEXAS WESLEYAN UNIVERSITY STAFF HANDBOOK;

The Exhibits to the Manual: Exhibit "A", the BYLAWS; Exhibit "B", the ACADEMIC STANDARDS; and Exhibit "C", the POCKET HISTORY; and Exhibit "D", letter and memorandum from President Jake Schrum regarding Sexual Harassment; and

The various Self Studies of the School prepared during the school years 1990-1991, 1991-1992, and 1993-1994 in connection with the School's applications for approval by the ABA.

2. HANDBOOK SUPERIOR TO MANUAL. In the event of a conflict between the Manual and the Handbook, the Handbook shall govern unless:

The Manual or Handbook reflects that authority exists for the Manual to supersede the Handbook; or

The matter involved is unique to the School, and the supersedence of the Handbook by the Manual will not contravene a significant University policy.

3. SIGNIFICANT POLICY POSITIONS.

3.1. Mission of the Law School. The mission of the School adopted in 1991 declares:

Recognizing that the practice of law is a helping profession that embraces both proficiency in the legal craft and fidelity to the highest standards of personal integrity, the Texas Wesleyan University School of Law emphasizes excellence in the basic knowledge of the law, quality in the development of the fundamental skills required of the legal advocate, and honor in professional and community responsibility. To fulfil this mission, the Texas Wesleyan University School of Law selects its students based on an admissions program designed to generate a highly competent and diverse student body, employs highly qualified faculty chosen for both academic ability and practical legal skill, and offers a curriculum that prepares graduates to act as counselors and mediators, as well as litigators, and that stresses the importance of professional responsibility.

3.2. Academic Freedom.

3.21. In General. The Law Faculty treasures its academic freedom, and the School adheres to stringent principles of academic freedom by endorsement of the following statement from Annex I of the ABA Standards:

Academic Freedom

The teacher is entitled to full freedom in research and in publication of the results, subject to the adequate performance of his/her 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/her subject, but he/she should be careful not to introduce into his/her teaching controversial matter which has no relation to his/her 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 word teacher as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he/she speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but his/her special position in the community imposes special obligations. As a man/woman of learning and an educational officer, he/she should remember that the public may judge his/her profession and his/her institution by his/her utterances. Hence he/she 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/she is not an institutional spokesperson.

For the ABA Standards reference to Annex I, please see Standard 405(d) declaring:

The law school shall have an established and announced policy with respect to academic freedom and tenure of which Annex I herein is an example but is not obligatory.

3.22. A Methodist Institution. While the University is a Methodist based institution, it does not in its teaching contracts, Handbook, or otherwise place any limitations upon the personal beliefs or religious practices of its faculty. However,

the Law Faculty recognizes that the University highly values its special Methodist relationship. The Law Faculty respects that relationship, its underlying beliefs, and the actions of those who seek continuation of the foundation between the University and the United Methodist Church.

3.3. Integrity and Honesty. The School demands integrity of its faculty and its students as evidenced by this Manual and the Academic Standards. In furtherance of that goal, the School declares:

The School is an institution of learning grounded in academic honesty and integrity by both faculty and students in the production of their work. This is essential to the credibility of the educational goals of the School. Without honesty and integrity, there can be no cloak of academic freedom for faculty nor the trust required of persons seeking bar admission.

3.4. Professionalism. Law Faculty members shall conduct themselves in the highest professional traditions applied by their counterparts at the most respected law schools and universities. They shall seek the highest professional standards reasonably within their capabilities. They shall serve as examples to the students, administration, staff, bar, and public in their conduct as teachers and as members of the legal profession.

3.5. Recognition of the Privileges of Faculty Status and the Corollaries to Those Privileges and to Academic Freedom. Law Faculty members recognize that a position on the faculty provides excellent opportunities in a setting of academic freedom. The opportunities include a forum for discussion, unlimited access to significant research facilities, the time to do research, excellent professional associations, and other opportunities of consequence. As a corollary, Law Faculty members recognize their duty to use such opportunities for enrichment of their students, themselves, and the public. Likewise, Law Faculty members recognize the correlative cautions on the bounds of academic freedom as expressed in the statements of academic freedom in § 3.21 and elsewhere.

3.6. Affirmative Action. Demonstrative of the mission and the foregoing attitudinal principles of the School, the affirmative action policy in § 4, below, was adopted by the School at a Law Faculty meeting on September 9, 1993.

4. AFFIRMATIVE ACTION: RESPONSE TO ABA STANDARD 212 IN BROAD SCOPE AND THEN IN DETAIL.

At a Law Faculty meeting on September 9, 1993, the Law Faculty adopted the broad scope affirmative action program in §§ 4.1

through 4.143. Then, the Law Faculty adopted the detailed provisions in §§ 4.2 through 4.28.

4.1. Broad Scope Provisions.

4.11. Admissions.

4.111. Permanent Establishment of Minority Affairs Committee. The School shall establish and maintain on a permanent basis a Minority Affairs Committee whose charge and jurisdiction extend to matters of recruitment, admissions, support systems, financial aid and placement for minority students (or delegate this duty to an appropriate standing committee) in fulfillment of ABA Standard 212.

4.112. Review System for Minority Applications. The School shall develop and implement a review system for the examination of minority candidates' School applications.

4.113. Register in Referral Network. The School shall register in the Law School Admission Service's Candidates Referral Network.

4.12. Recruiting.

4.121. Develop A Recruiting Program. The School shall develop a recruiting program aimed at minority students through: Visits to individual schools, attendance at school sponsored pre-law or graduate school days, attendance at regional fairs sponsored by the Law School Admission Council and other organizations, and participation in minority recruitment days at host colleges and universities.

4.13. Support Systems.

4.131. Tutorial Program. The School shall establish a tutorial program matching third-year students (and fourth and fifth-year students while available) with first-year students who need assistance.

4.132. Exam-writing Workshops. The School shall set up Saturday exam-writing workshops.

4.14. Financial Aid.

4.141. Minority Scholarships. The School shall establish four (4) minority scholarships through tuition waivers.

4.142. Contacts. The School shall contact private sources for scholarship money.

4.143. Federal Financial Aid. The School shall prepare the University's application for federal financial aid as far as is possible so it will be ready for filing once needed accreditation is granted.

4.2. Detailed Affirmative Action Program Responsive to the Provisions Under 4.1 and ABA Standard 212. ABA Standard 212 states:

Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admission process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students.

In response to ABA Standard 212 and the provisions of §§ 4.1 through 4.143, above, the School adopted the more detailed provisions in this § 4.2 and its subsections.

4.21. Statement of Policies and Goals of the School's ABA Standard 212 Program.

4.211. General Policies.

4.2111. Purpose of the School's ABA Standard 212 Program. The purpose of the School's programs and minority support systems is to increase representation by members of groups that have traditionally been under-represented in the legal profession. Moreover, the School is committed to the idea that diversity is valuable to educational quality and has adopted the programs described below to promote diversity in student admissions and in faculty and staff hiring.¹

4.2112. Minority Affairs Committee. The Minority Affairs Committee's jurisdiction extends to matters of

¹The Council of the Section of Legal Education and Admissions to the Bar Adopted Policies of Statement and Procedures (the "Council Guidelines") number 14 which recognizes that diversity in admissions and employment enrich the law school experience and are appropriate goals.

student recruitment, admissions, support systems, financial aid, and placement of minority students. The Minority Affairs Committee formerly was called the ABA Standard 212 Committee. The Minority Affairs Committee is comprised of five faculty members, one or more student representatives from each minority group on campus, and the School's Director of Career Services.

4.22. Affirmative Action Hiring and Promotion Plans.

The Law School has taken the following concrete actions to comply with ABA Standard 211 which requires that "the law school shall maintain equality of opportunity in legal education, including employment of faculty and staff":

4.221. Faculty. The University's affirmative action in hiring and promotion policy is in Section 3 of the Handbook and declares in part:

Texas Wesleyan University does not discriminate on the basis of sex, race, color, creed, handicap, or national or ethnic origin in any of the operations or activities of the University. Texas Wesleyan University is an equal opportunity employer.

Further, the School recognizes that a thorough and determined search must be made for qualified faculty candidates, including women and under-represented groups. The School has determined that to expand its search for qualified candidates, it should apply a broader range of criteria than may customarily be applied in the traditional employment of law teachers. Based on that determination, the School will consider as selection criteria, *inter alia*, not only membership on law review but also other scholarly journals; clerkships with federal, state, and municipal judges; law practice to include seasoned attorneys in particular subject areas needed by the law school; significant lawyering and administrative involvement with foundation, civic, and non-profit organizations; teaching experience to include adjunct teaching at law schools and non-law teaching experience at the university level; demonstrated writing experience; as well as superior academic credentials and commitment to excellence in teaching and scholarship.

4.222. Staff. In compliance with ABA Standards 211 and 213², the School provides equal opportunity in the hiring of staff, without discrimination or segregation on the grounds of race, color, creed, national origin, sex, age, political

²ABA Standard 213 states: "[t]he law school shall not discriminate against handicapped persons in its program of legal education. The law school shall provide full opportunities for the study of law and entry into the profession by qualified handicapped persons."

affiliation, or physical handicap. The School follows the affirmative action policies and procedures established for hiring and promotion of its staff set forth in Sections 3 and 5 of the University Staff Handbook (the "Staff Handbook"). A copy of the Staff Handbook is provided to each staff employee on the first day of employment. Sections 3.1 and 3.2 of the Staff Handbook state the School's affirmative action and equal opportunity policies. Section 3.2 of the Staff Handbook further identifies the Equal Opportunity Officer as the Director of Financial Services located on the Fort Worth, Texas, West Campus of the University. Section 5.5 of the Staff Handbook states the School's policy against sexual harassment.³ Finally, Section 5 of the Staff Handbook establishes a grievance procedure for the resolution of any complaints by any employee who feels that his or her rights have been denied under Staff Handbook Sections 3 or 5.5.

4.23. Admissions. In recognition of the School's commitment to a diverse student body⁴ and to provide "full opportunities for the study of law and entry into the profession" the School through its Admissions Committee⁵ has implemented and continues to refine its affirmative action in the admissions program.

Beginning with its review of applications for admission to the School's 1993-1994 Fall Semester entering class, the Admissions Committee used, and will continue to use, express criteria and procedures to give weight, in certain circumstances, to persons identifying themselves as "American Indian," "Asian American," "African American," "Mexican American," and "Other," as well as by gender. Weight was assigned in the following manner:

First, the following express criteria affecting minority applicants (i.e., those identifying themselves as other than

³Because the United States Supreme Court has determined that sexual harassment is a form of sex discrimination under Title VII of the 1964 Civil Rights Act, the Law School's policy on sexual harassment deserves this reference. See *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).

⁴Council Guideline 14 states that the goal of seeking a diverse student population through the admissions process "is valuable to educational quality."

⁵Although the text indicates that the Committee acts on the basis of simple unity, in fact, the Committee acts from a diversity of viewpoints and each of its decisions reflects a diversity of views and is made in a collective manner.

"Caucasian")⁶ and women were adopted:⁷

(c) Minority status. The Committee carefully examines each minority applicant's transcript to compare the applicant's grades in courses with substantial intellectual content to the applicant's performance on the LSAT. A disparity may indicate a possible cultural bias in the results of the LSAT. The Committee considers the personal statement and references of each minority applicant for evidence of the applicant's past successes in overcoming personal disadvantage. The Committee carefully determines the academic potential of each minority applicant;

and

(e) Community service demonstrating a commitment to serve particular groups or a geographic area

The procedure used, and to be used, by the Committee in applying the foregoing express criteria is as follows: When it initially reviews an applicant with an LSAT score above 150 and a GPA above 2.5 ("prima facie admission standards"), the Committee does not consider race or the other indicated traits of the applicant. Applicants meeting these standards have been almost always admitted. For applications with either an LSAT score below 150 or a GPA below 2.5, however, the applicant's race or other relevant trait is considered--in a secondary review process--as one factor, among others, as an indicator of future law school or professional success and as a positive addition to the diversity of the student body. The use of the applicant's race, ethnic origin, or gender is never, considered alone, the determinative factor in granting admission.

Noteworthy history of the application of the foregoing criteria is included in these observations:

The relevant admissions data for the entering class for fall of 1993 indicates that the School "carried out ... by concrete action" an affirmative action program in admissions as mandated by Standard 212. The Committee approved 230 applicants for the fall 1993 class. The accepted pool included 17 African Americans, 6 Asian Americans, 2 American Indians, and 17 of Mexican American or otherwise Hispanic origin, for a total of 42. Thus, the Committee approved minority admissions for fall 1993

⁶The term "Caucasian" was also listed on the application form, but designation of this category gave no weight to the application.

⁷The quotations cited herein are derived from the 1993 Law School Admissions Criteria.

of 18 percent. Women were 80 of those to whom offers of admission were extended.

Turning to those who actually enrolled, the data show that of 135 who matriculated, there were 14 African Americans, 10 Mexican Americans or other Hispanic, 1 Asian American, and 1 American Indian, for a total of 26. Thus 19 percent of those who were enrolled fell into these groups. Fifty of those enrolling were women.

For future compliance with Standard 212, the School intends to "demonstrate" further "concrete action" by building on and refining the affirmative action admissions criteria and procedures first applied in the fall of 1993 and set forth above. The principal change will be the incorporation of the new Minority Affairs Committee, which has been specially created to implement and oversee all phases of Standard 212 compliance, into the admissions process. The new committee will share responsibility with the Admissions Committee for affirmative action in admissions.

The basic School policies in affirmative action in admissions will be continued without substantial change. The attainment of a diverse student body, as an appropriate goal for educational excellence, has been and will continue to be the polestar of the School's affirmative action program in admissions. Neither race, ethnic background, nor gender is, however, a per se indicator of diversity. Rather, these traits have been and will continue to be treated simply as "cues" that further examination should be made of certain applicants' individual qualifications as possible benefits to the goal of diversity. The use of the group traits of race, ethnicity, and gender (as well as the new category of disability) has not insulated and will not insulate the identified persons from comparison and competition with all other applicants for the available slots.

To increase the prospects of recognizing and identifying these qualities of diversity, the following changes to the application criteria and procedures are adopted and shall be implemented in the next admissions process:

a. To the listed groups on the application form the new designation of "Persons with a disability" will be added. This term will be understood as it is defined in the Americans with Disabilities Act of 1990. Insofar as Title III of that act may not require the School and the University, because of its religious affiliation, to provide affirmative action in admissions to persons with disabilities, that exception from coverage by the Act is waived.

b. Criterion (c) for Affirmative Action by the Admissions Committee is amended to read as follows:

"(c) Minority Status,

"(1) For those applicants to whom the Admissions Committee does not extend an offer of admission on that committee's initial review of their applications, i.e., those with an LSAT score below 150 and/or a GPA score of 2.5 (or such prima facie admission standards as may subsequently be established by the School), the Admissions Committee shall forward to the Minority Affairs Committee the applications of those applicants identifying themselves as "American Indian," "Asian American," "African American," "Mexican American," "Puerto Rican," "Other" [if deemed to be of a group victimized by discrimination], "Persons with a disability," or of the female gender. The Minority Affairs Committee shall then review applications for admission submitted by such persons. When the Minority Affairs Committee members have completed their review of these applications, they shall make their recommendations to the regular Admissions Committee for action in the secondary stage of the admissions process.

"(2) The Minority Affairs Committee shall conduct its individualized inquiries into the applications referred to them pursuant to (c) (1) above to determine what qualities or traits the applicants may have that will contribute to student body diversity, and--where the Committee sees fit--into applicants' special indicia of academic and professional success. Such qualities could include exceptional personal talents, unique work or service experience, leadership potential, maturity, demonstrated compassion, a history of overcoming disadvantage, ability to communicate with the poor or victims of discrimination, or other qualifications deemed important. The Minority Affairs Committee may also consider individually, instances where standard measures of academic success, such as LSAT scores, do not accurately reflect the intellectual abilities of an applicant because of cultural bias inherent in the measure. The Minority Affairs Committee may use information already in an applicant's file to make these determinations, or they may require additional submissions from the applicant or others.

"(3) Upon the grant of provisional accreditation by the ABA to the Law School, the Minority Affairs Committee (together with the Admissions Committee) shall take note of any need to revise the existing affirmative action program in admissions because of projected or real increases in both the absolute number of applicants, and in the qualification of the applicants."

Under Criterion (e), strike "a commitment to serve particular groups or"

The reason for the above changes are relatively straightforward. The enactment of the Americans with Disabilities Act of 1990 has fully identified persons with disabilities as a group subjected to victimizing discrimination, and thus, membership in that group is as important for affirmative action as membership in other groups protected by other major federal civil rights legislation.

Assigning the express function of analyzing the applications of persons of victimized groups to the Minority Affairs Committee assures that special expertise and sensitivity will be devoted to singling out, on an individualized basis, the particular circumstances relevant to affirmative action. In addition, the Minority Affairs Committee members are given greater discretion in determining what constitutes benefits to diversity and academic merit stemming, in some fashion, from group status. The old Admissions Committee Criterion (c), tending to identify minority group status per se with cultural bias in testing, has been eliminated. Also eliminated is the part of Admissions Committee Criterion (e) that on its face appears to predicate the admission of applicants to some degree on their propensity to serve under-represented groups upon graduation. Though the School and the University have no objection to such service and would indeed encourage all its law students to consider the rewards of such service, recent court decisions indicate that this is an element not appropriate to formal affirmative action admissions programs.

The need to study the possible impact of provisional ABA accreditation upon this affirmative action admissions program illustrates, in part, the Law School's "concrete" commitment to the "maintenance" of the program. In this and other ways the Law School fully intends to demonstrate "a special concern for the potential of such applicants through the admission process."

4.24. Student Recruiting.

Faculty members of the Minority Affairs Committee and members of the Hispanic Law School Association (HLSA) and the Black Law Students Association (BLSA) have joined together to recruit qualified minority applicants to the School. The recruiting efforts of the committee began in the Fall semester of the 1993-1994 school year. Law School faculty members, HLSA members, and BLSA members attended, and plan to continue to attend, law and graduate school days at the following institutions in Texas: the University, East Texas State University, and the University of Texas Pan American. Additionally, in January, 1994, members of the Minority Affairs Committee participated in a career fair at Paul Quinn College, a predominantly minority school, in January, 1994. Future participation in that career fair is planned.

The Minority Affairs Committee distributed 2,000 copies of a publication from the Law School Data Admissions Services titled

"Minority Applicants and Law School" along with the Law School Bulletin at the above-described recruiting events.

The School is committed to continuing and expanding its recruiting efforts in the future. Of course, the availability of funds to support a legal education is a primary concern among the economically disadvantaged, which often includes minorities. Thus, the School's recruiting efforts will likely be bolstered once the ABA grants provisional accreditation and the School can provide government guaranteed student loans and grants.

Furthermore, the Minority Affairs Committee has taken concrete action toward attempting to attract minorities to the profession of law generally. The Minority Affairs Committee has recently voted to adopt Wilmer-Hutchins High School and Sunset High School, both of which are predominantly minority high schools in the Dallas area. Meetings have already begun with Wilmer-Hutchins administrators to discuss the details of this outreach program.⁸

4.25. Support Systems. The Law School is aware that admissions and recruiting programs are only the first steps in assisting qualified minority applicants toward "entry into the profession". Accordingly, the Law School faculty, students, and student organizations have developed several academic assistance programs:

4.251. Tutorial Program.⁹ The School has voted to establish a tutorial program to assist students in need of academic support.¹⁰ Members of the Minority Affairs Committee have developed and distributed a survey to determine what kind of tutorial help students feel would provide the most benefit and when the tutorials should be offered. Further, the survey will help to determine the times students would like to see such tutorials offered. The Minority Affairs Committee plans to have the tutorial program in operation in the Fall Semester of the 1994-1995 school year.

4.252. Saturday Writing Workshops. In the Spring Semester of the 1992-1993 school year the School under the

⁸See Minutes of the Minority Affairs Committee Meeting, November 2, 1993.

⁹Council Guideline 28(1)(f) recognizes that "[c]reating a more favorable law school environment for minority students by providing academic support services" is a "concrete action" which demonstrates a school's commitment to providing full opportunities for under-represented groups to study the law.

¹⁰See Minutes of the Faculty Meeting, September 9, 1993.

direction of the Associate Director of Legal Writing offered three Saturday writing workshops (the "workshops") in conjunction with the Delta Theta Phi legal fraternity. The workshops covered the following topics:

February 6, 1993	Briefing and Outlining
March 20, 1993	Exam Writing Techniques
April 4, 1993	Appellate Brief Writing Techniques

The workshops were and will continue to be open to all students. The School, under the direction of the Associate Director of Legal Writing, will again offer the same Saturday writing workshops during future school years. Workshops were held on October 23, 1993, and November 13, 1993. Approximately 100 students attended the October workshop and approximately 50 attended the November workshop. The Law School provides the materials for all of the above-described workshops. The third workshop will be scheduled during the Spring Semester of the 1993-1994 school year. The School added a Saturday workshop in the Spring Semester of the 1993-1994 school year to assist students in the organization of research papers and articles in connection with the new rigorous writing requirement of the School.

In addition to the School sponsored activities, students have access to a number of commercial review services and tutorials such as the bar review courses and materials commonly called "BAR-BRI" and "SMH".

4.253. Student Organizations.¹¹ In addition to the above-described institutional programs, student organizations have been involved in the development and implementation of peer counseling programs and provide an additional support network for minority students:

The Black Law Student Association. The BLSA reports that its objectives are: (1) to articulate and promote professional competence; (2) to meet the needs and goals of black law students; (3) to focus on the relationship between black students, attorneys and the American legal system; (4) to instill in black law students and attorneys greater commitment to the black community; and, (5) to encourage the legal community to bring about change to meet the needs of the black community.

¹¹Council Guideline 28 notes that "supporting minority student organizations" is a concrete action toward the fulfillment of the requirements of ABA Standard 212.

The Hispanic Law Student Association). The stated purpose of HLSA is to form a "bond with fellow members academically, culturally, and professionally."

4.26. Financial Aid. The School is cognizant of the fact that the school's success in attracting qualified minority students will depend in large part on the availability of financial aid. However, in the mean time, in order to make legal training as economically viable to as many students as possible, the School has taken the following actions:

4.261. School sponsored scholarships. The School acted to establish minority scholarships to demonstrate the School's commitment to meet and exceed the financial aid requirements of ABA Standard 212.¹² However, the University has been advised that the designation of University funds based on racial, ethnic or gender grounds violates federal law. The Vice President for Student Services and the University Development office are reviewing private, non-earmarked contributions to use in place of a tuition waiver, in order to designate the scholarships for women and minority students and still satisfy federal law.

4.262. Private Scholarship Development. The Minority Affairs Committee has formed a sub-committee to research the availability of private scholarships. The library carries two directories to assist the Committee in its efforts. Those directories are the: Directory of Financial Aid for Women and the Directory of Financial Aid for Minorities. The sub-committee contacts various private sources and seeks application information from these private sources to keep on file for women and minorities in conjunction with the financial aid office of the University.

In addition, BLSA has successfully sought out private scholarship awards for black law students since 1991. As a result of BLSA's efforts, three black students have been awarded partial scholarships through the Dallas Bench and Bar Spouses organization and the Tarrant County Black Bar Association for use at the School. BLSA states that it plans to continue its efforts in private scholarship development.

4.263. Government Guaranteed Loans and Government Grants. For an in-depth discussion of the School's progress toward making government grants and loans available, one may examine the 1993-1994 school year Self Study.

4.27. Placement. The School is aware that placement activities are a key ingredient to assuring "entry into the profession" for under-represented groups. In order to help under-represented

¹²See Minutes of Faculty Meeting, September 9, 1993.

groups find jobs in the Dallas/Fort Worth legal community, the School's Director of Career Services shall:

- Be a standing member of the School's Minority Affairs Committee;
- Identify, develop and maintain contacts with:
 - various national, state and local minority bar associations, e.g., Hispanic, Black, Asian
 - minority law firms
 - firms which have expressed interest in hiring minority and under-represented groups;
- Participate in and develop programs to encourage firms and organizations to increase representation of minority and under-represented groups;
- Develop and seek opportunities for minorities and under-represented groups in externship programs;
- Seek and develop innovative approaches to marketing minority and under-represented groups;
- Seek and encourage minority and under-represented groups to apply for clerkships;
- Encourage and participate in programs to promote the greater utilization of minority and under-represented groups as summer, part-time, and judicial clerks;
- Furnish the following statement to prospective employers to whom the school gives assistance and facilities for interviewing and other placement functions that the [School] firmly expects that the employer will observe the principle of equal opportunity and will avoid objectionable practices such as the following:
 - a.) refusing to hire or promote members of groups protected by this policy because of the prejudices of clients or of professional or official associates;
 - b.) applying standards in the hiring and promoting of such individuals that are higher than those applied otherwise;

- c.) maintaining a starting or promotional salary scale as to such individuals that is lower than is applied otherwise; and,
- d.) disregarding personal capabilities by assigning, in a predetermined or mechanical manner, such individuals to certain kinds of work or departments.¹³

4.28. Future Projects. In September, 1993, the School made a declaration regarding future projects of the Minority Affairs Committee: The School declared that the Minority Affairs Committee is a standing committee.¹⁴ Further, beginning with the Fall Semester 1993-1994 entering class, the Minority Affairs Committee will be an integral part of the admissions process.¹⁵ In addition, the Minority Affairs Committee shall continue the development of outreach programs to predominately minority schools in the area and a mentoring/advising program for entering students as funds become available. Finally, a recruiting brochure shall be developed which contains information about minority opportunities at the School.

5. ADMISSIONS POLICY.

5.1. General Principles of Admission.

5.11. Change to the Semester System. In the Fall Semester of the 1993-1994 school year, the School integrated the School's academic calendar within the academic calendar of the University. Thus, the School changed from a trimester system to a semester system with the standard fall and spring semesters. In addition, the School adopted two five-week summer sessions.

5.12. Change to a Single Entering Class. In conjunction with the calendar changes, the School changed its first-year class dual entering times of the Fall and Spring Trimesters to a single entering time of the Fall Semester, commencing in the Fall Semester of the 1993-1994 school year.

¹³The Minority Affairs Committee derived the language for this requirement from ABA Standard 211 which requires that the Placement Director distribute such information to all firms interviewing on the Law School campus.

¹⁴See Minutes of Faculty Meeting, September 9, 1993.

¹⁵See Minorities, Section XII-C, 1993-94 Self Study.

5.13. General Student Body Sought. The School desires qualified students who appear capable of satisfactorily completing both a rigorous legal educational program and the requirements for admission to practice before the state bar of the student's choice. Consistent with the objectives of the mission of the School, the School seeks a student body dedicated to acquiring the legal skills necessary to act proficiently and responsibly as counselors, mediators, and litigators.¹⁶

5.14. Diversity Sought. The School intends to admit a diverse student body. The policy of the School shall be to deny no applicant because of race, sex, ethnic, or cultural origin. Nor shall any applicant be denied admission because of the applicant's political, social, or economic views. However, the School administration shall advise individual applicants to secure information regarding character and other qualifications for admission to the state bar of the student's choice.¹⁷

5.15. Certain Economic Considerations Forbidden. The Admissions Committee (Committee) shall not consider the tuition income of the School or budgetary target projections for entering freshmen when making its decisions to admit or reject applicants. Nor shall the Committee seek to increase the size of the student body for financial reasons.¹⁸ However, the Committee, in consultation with the School's administration and the University administration, shall consider the resources available to the

¹⁶ The Admission policies of the law school shall be consistent with the objectives of its educational program and the resources available for implementing those objectives. The school may not admit applicants who do not appear capable of satisfactorily completing the educational program. ABA Standard 501.

¹⁷ ABA Standard 504 states:
The law school shall advise each applicant to secure information regarding the character and other qualifications for admission to the bar in the state which the applicant intends to practice. ... If the law school considers an applicant's character qualifications, it shall exercise care that the consideration is not used as a reason to deny admission to a qualified applicant because of political, social, or economic views which might be considered unorthodox.

¹⁸ ABA Standard 209(a) states:
The law school shall not permit financial considerations detrimentally to affect [admissions] policies and their administration. ABA Standard 209(a).

School, such as faculty, classroom facilities, and library space, to calculate a maximum number of first-year enrollments consistent with the mission of the School.

5.2. The Admissions Process.

5.21. The Dean. The Dean shall appoint no fewer than five full-time faculty members to serve as the Admissions Committee. The Dean also shall appoint one member of the Committee to serve as the Chair.

The Dean shall serve as a student recruiter both on and off campus. For those students seeking to transfer from an ABA approved law school, the Dean may authorize both the transfer and the amount of transferred credit hours.

The Dean shall have authority, with advice of the Committee, to admit a student to the law school. This direct admissions authority shall be exercised only occasionally under extraordinary circumstances.

5.22. The Director of Student Services. The Director of Student Services (Director) shall receive applications, compile individual applicant files, correspond directly with each applicant as necessary, and submit each complete file to the Admissions Committee. Following the Committee's decision on each file, the Director shall notify the applicant in writing of an acceptance, rejection, or deferral.

The Director shall not attend Committee meetings unless specifically requested. Nor shall the Director participate in Committee discussions or votes.

The Director also shall serve as the School's primary representative to visitors and prospective students. The Director may arrange tours of the School campus and schedule conferences between visitors and faculty, staff, and students. The Director may participate in off-campus student recruiting.

5.23. Administrative Admission. The Dean shall, with the approval of a majority of the Admissions Committee, establish the standard for administrative admission. The standard for an administrative admission shall be no lower than an undergraduate grade point average (GPA) of 3.0 and an LSAT score at or above the 66th percentile. Applicants who demonstrate qualifications equal to or greater than the standard for administrative admission will be automatically accepted without the need for review by the Admissions Committee. Additionally, the standard for administrative admission shall be set at a level such that no more than two-thirds of the students in an entering class are automatically accepted.

5.24. The Admissions Committee. Each member of the Committee shall review each complete application file that does not qualify for administrative admission. Following the review, the Committee shall decide by a majority vote to approve, reject, or defer each application file. The Committee vote shall not be subject to review by the administration of the School or the University. The Committee shall not be required to admit a certain minimum number of students to an entering class. The independence of the Committee vote must remain inviolate to assure faculty control of the admissions process.¹⁹

The Committee is not required to vote as a committee of the whole. Rather, the Director shall submit each application to the Committee chair for initial consideration. The chair shall cast one vote and then distribute each file to individual Committee members. Each file shall circulate among Committee members until it receives a majority²⁰ vote to accept or reject. Upon a majority vote, the file shall return to the Director. If one or more files do not receive a majority vote, then the Committee shall meet as a whole to consider the application(s).

The Committee shall require each applicant to have a bachelor's degree²¹ from a qualified institution as defined in ABA Standard 502(b). In exceptional cases, the Committee may admit a graduate of a foreign university if the applicant possesses academic credentials that are at least the equivalent of a bachelor's degree. The Committee chair shall place a signed statement of the consideration of a foreign degree in the foreign applicant's file.²²

The School shall require an applicant to submit an official transcript prior to registration or within a reasonable time after registration. The transcript must show the degree or degrees granted and be issued by the degree granting school directly to the

¹⁹ [T]he dean and the faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as ... admissions policies ABA Standard 205.

²⁰ The Committee had five members for the 1992-93 academic year. The Dean increased the Committee to six members for 1993-94.

²¹ The educational requirement for admission as a degree candidate is ... a bachelor's degree from a qualified institution. ABA Standard 502(a).

²² See ABA Standard 502(c).

School.²³ Graduates of a foreign law school must submit the equivalent documentation showing the degree or degrees granted.

5.241. New Applicants. Each new applicant must complete the LSAT.²⁴ The Committee shall not consider any new application file that does not contain an LSAT score.²⁵ For those applicants physically or otherwise incapable of taking the LSAT the Committee shall personally interview each disabled applicant to determine the applicant's capability to satisfactorily complete the legal educational program.²⁶

The School generally considers an applicant with an LSAT score below the 12th percentile and an undergraduate GPA of less than 2.2 to be unqualified for academic reasons and thus unable to do satisfactory work.²⁷

For those applications with an LSAT below the 50th percentile the Committee shall consider the following additional personal attributes:

(a) Cumulative GPA and academic performance in the junior and senior year. A GPA of 3.0 and above indicates the probability that the applicant will successfully compete in the law school environment. The School recognizes that consistently good grades in courses with substantial intellectual content during the final two years of undergraduate school also demonstrate the ability to succeed in law school;

²³ See the interpretation of ABA Standard 502. February, 1974.

²⁴ All Applicants, except those physically incapable of taking it, should be required to take an acceptable test for the purpose of determining apparent aptitude for law study. ABA Standard 503.

²⁵ The Committee waives the LSAT requirement for graduates of foreign laws schools.

²⁶ The law school shall not discriminate against handicapped persons in its program of legal education. The law school shall provide full opportunities for the study of law and entry into the profession by qualified handicapped persons. ABA Standard 213.

²⁷ See the interpretation of 304(c) and 501: A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work July, August, 1978.

(b) Graduate degrees such as Master of Arts, Master of Business Administration, Master of Divinity, Master of Education, Master of Engineering, Doctor of Medicine, Doctor of Dentistry, and Doctor of Philosophy. The School recognizes that successful completion of a graduate degree program with substantial intellectual content also demonstrates the ability to succeed in law school;

(c) Minority status. The Committee shall carefully examine each minority applicant's transcript to compare the applicant's grades in courses with substantial intellectual content to the applicant's performance on the LSAT. A disparity may indicate a possible cultural bias in the results of the LSAT. The Committee shall also consider the personal statement and references of each minority applicant for evidence of the applicant's past successes in overcoming personal disadvantage. The Committee shall carefully determine the academic potential of each minority applicant;

(d) Work experience compiled by the non-traditional student who completed undergraduate work at least five years before applying to enter the School. Work experience should indicate curiosity, ability to appreciate all sides of an issue, a tolerance for uncertainty, and an aptitude for problem solving;

(e) Community service demonstrating a commitment to serve particular groups or a geographical area. The School also recognizes the service of applicants from law enforcement and the armed services.

5.242. Transfer Students. Each transfer student who is initially approved by the Dean, shall be in good standing at the law school previously attended. The Admissions Committee shall approve an application to transfer by majority vote. Applicants seeking to transfer who are not in good standing at the law school previously attended may only seek admission directly under the Dean's extraordinary direct admissions authority. See 5.21, above.

5.243. Re-admission. For re-admission, a student previously disqualified for academic reasons must wait at least two years to re-apply. The previously disqualified student must meet the requirements for new applicants and demonstrate to the satisfaction of a majority of the Admissions Committee that interim work experience, community activity, or other academic studies indicate a stronger potential for law study than was previously demonstrated. The Committee chair shall sign a written statement and place the statement in the applicant's file. The statement must be approved by majority vote and must contain the Committee's

considerations that led to the decision to re-admit the applicant.²⁸

6. INITIAL APPOINTMENT OF FACULTY.²⁹

6.1. Affirmative Action.

As explicitly set forth in the Handbook:

The University does not discriminate on the basis of sex, race, color, creed, handicap, or national or ethnic origin in any of the operations of the University. The University is an Equal Opportunity Employer.

Accordingly, it is the policy and practice of the School to hire and to promote into positions of responsibility any qualified person.

The Faculty Recruitment Committee, and the Law Faculty as a whole, recognize that a thorough and determined search must be made for qualified faculty candidates, including women and members of other under-represented groups. The School has determined that to expand its search for qualified candidates, it will apply a broader range of criteria than may customarily be applied in the employment of law teachers.

The Faculty Recruitment Committee will consider as selection criteria, *inter alia*, not only membership on law review, but other scholarly journals; clerkships with federal, state and municipal judges; law practice; significant lawyering and administrative involvement with foundation, civic, and non-profit organizations; teaching experience, including non-law teaching at the university level; demonstrated writing experience; superior academic credentials; and a commitment to excellence in teaching and scholarship.

6.2. Full-Time Tenured and Tenure Track Faculty.

6.21. Rank. Full-time faculty members may be appointed at the rank of professor, associate professor, or assistant professor, either with tenure or on tenure track.

6.22. The Faculty Recruitment Committee. A Faculty Recruitment Committee shall be elected at the first faculty meeting

²⁸ See ABA Standard 505.

²⁹ Adopted by the Law Faculty on December 9, 1993. Law Faculty Minutes, December 9, 1993.

elected by the faculty, shall serve for one year, and are eligible for re-election. The Committee shall screen applicants and recommend candidates to the faculty and the Dean.

6.23. Faculty Approval of Candidates. A candidate must receive the votes of at least two-thirds of the Faculty present and voting at a meeting having a quorum of two-thirds of the Faculty, subject to the provisions of section 7.3 of this Manual.

6.24. Dean's Approval. The names of candidates receiving faculty approval shall be submitted to the Dean, who may select the candidate(s) to receive offers. The Dean may also reject candidates, and shall advise the faculty of the reason for the rejection.

6.25. University Approval. The names of candidates selected by the faculty and the Dean shall be submitted to the University for approval by the Provost and the President, consistent with the Handbook.

6.26. Other Means of Nominating Candidates. An applicant rejected by the Faculty Recruitment Committee may be reconsidered upon two-thirds vote of a faculty quorum if the applicant has visited the campus and interviewed with a substantial number of faculty members. Upon faculty approval, the applicant's name shall be submitted to the Dean, then the University, under the procedures stated in 6.24 and 6.25.

6.3. Visiting Full-Time Faculty.

6.31. Rank. Visiting faculty consists of distinguished visitors, interim visitors, and "look-see" visitors, who may be appointed at the rank of professor, associate professor, or assistant professor.

6.32. Distinguished Visitors. The Dean may appoint distinguished visitors for terms up to one year based upon available budget and University approval. Distinguished visitors may be appointed for succeeding years on the majority vote of a faculty quorum.

6.33. Interim Visitors. The Dean may appoint interim visitors to fill an occupied full-time position where the full-time faculty member is on leave of absence, or to an otherwise temporarily vacant faculty slot. Interim visitors may be appointed for succeeding years on the majority vote of a faculty quorum, but only if the faculty fails to fill that position pursuant to the procedures in 6.2.

6.34. Look-See Visitors. The faculty recruitment procedure stated in 6.2 governs the initial appointment of look-see visitors (temporarily appointed for later consideration for tenured or tenure-track appointment).

6.4. Adjunct Faculty.

6.41. Rank. Adjunct faculty may be appointed at the rank of adjunct professor, adjunct associate professor, adjunct assistant professor, or adjunct instructor.

6.42. Appointment and Renewal. The Dean shall appoint all adjunct faculty for a period of one semester or summer period, subject to the final approval of the University.

6.5. Library Staff and Non-tenure-track Full-time Teachers. The University rules set forth in the Handbook govern the ranking, appointment and tenure status of all library staff (other than the Executive Director of the Law Library) and all other non-tenure-track full-time positions.

7. TENURE, RETENTION, AND PROMOTIONS

Except as otherwise specifically provided in § 7 and its subsections of this Manual, all matters regarding tenure, retention, and promotion shall be governed by the provisions of the Handbook, Chapter 5. There are some matters in the Handbook deserving particular note in order that one will better understand the tenure, retention, promotion, and salary increase processes: The annual faculty performance appraisal due in the Dean's office the first week of class in the Spring Semester of each school year, student appraisals of faculty which form the basis for part of the faculty performance appraisal, and the matters of writing, teaching, service to the School and University, and service to the community as further delineated in the Handbook, especially the new Handbook effective June 1, 1994. See §§ 5.7, 5.14 through 5.18 of the new Handbook.

7.1. Policies on Faculty Scholarship as It Relates to the Tenure Process. ABA Standard 401 requires that the members of an accredited law school's faculty "possess a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing."³⁰ Moreover, the ABA also believes that each accredited law school "should have established policies with respect to faculty members' responsibilities in teaching,

³⁰ABA Standard 401 (emphasis provided).

scholarship, service to the law school community, and professional activities outside the law school."³¹

After examination of the policies regarding faculty scholarship as they relate to the tenuring process as adopted at several Texas law schools,³² as adopted at the University of San Diego School of Law,³³ and as reported by the AALS Special Committee on Tenure and the Tenuring Process,³⁴ the School adopted the following policies with respect to scholarly production as it relates to the tenuring process:

7.11. General Requirements for Granting Tenure. The decision to grant tenure will be based on satisfaction of the following requirements: (a) excellence in teaching and communicating knowledge of the law; (b) excellence in scholarly research and writing; and (c) excellence in national, state, community, university, law school, or professional service.

³¹ABA Standard 403, Interpretation 2 (emphasis provided).

³²The law schools whose policies were examined were The University of Texas at Austin, Southern Methodist University, and Texas Tech University.

³³The University of San Diego School of Law defines "scholarship" as it relates to the tenuring process as follows:

Scholarship includes publishable legal writing and research which evidence useful insights into the nature of legal problems. Normally, scholarship will take the form of law journal articles, or articles in related fields, casebooks, or textbooks. Book reviews, translations, legislative or other reports or studies, or miscellaneous writings may qualify as scholarship if they evidence useful insights into the nature of legal problems. While it is possible for a primarily descriptive piece to qualify as acceptable scholarship, its acceptability will be enhanced to the degree that it is analytical. The purpose of the requirement is to demonstrate that the faculty member has made scholarship a regular part of his or her professional life, and this may be evidenced by one or more works of sufficient quality and extensiveness. While scholarship completed prior to joining USD's faculty will be considered, there must be evidence that scholarship will continue to be a regular part of the faculty member's professional life.

³⁴Report of the AALS Special Committee on Tenure and the Tenuring Process, 42 J. Legal Educ. 477 (1992).

7.12. Excellence in Scholarly Research and Writing: Two Substantial Scholarly Law Review Articles Or Their Equivalent. In order to satisfy requirement (b) under § 7.11, above, for the purposes of receiving tenure, a faculty member must produce and have published no fewer than two substantial scholarly law review articles or their equivalent, although the second of the two articles may merely have been accepted for publication rather than already published at the time of the faculty member's consideration for tenure.

7.13. Equivalent Writing. Any faculty member who seeks to satisfy his or her scholarly production requirement for tenure by production of works other than scholarly law review articles must produce work which, in the judgment of the Tenure Committee, in terms of its quality, its quantity, the time devoted to its production, and the forum or medium in which it appears or is otherwise disseminated, is at least the equivalent of the two substantial scholarly law review articles. The end product of such equivalent work must, in any event, appear in a written format.

7.14. Reasons for Writing Requirement. A writing requirement is included in the requirements for tenure for two reasons. First, there is a close relationship between teaching and scholarship. A faculty member who is committed to investigating important legal problems and to formulating useful insights concerning these problems is likely to find this enthusiasm for the subject reflected in his or her teaching. Research also enhances the quality of teaching by broadening a faculty member's knowledge of the subject. Second, there are far fewer positions available on the School's faculty than there are highly qualified persons to fill those positions. Faculty status provides the time to investigate important issues affecting legal institutions and permits access to research facilities in which to pursue that investigation. The privileges of a faculty position entail the correlative obligation to use those privileges to contribute to the growth and understanding of the law and legal institutions.

7.2. Clinical Tenure Track for Faculty Teaching Clinical and Professional Skills Courses. By the same process provided for the appointment of non-clinical full-time Law Faculty members to the tenure track, a full-time teacher who teaches clinical or professional skills courses may be placed on a tenure track designated "Clinical Tenure Track". The Clinical Tenure Track shall be identical to the tenure track for other full-time Law Faculty Members except as provided in this § 7.2 and its subsections.

7.21. Teaching. Persons with Clinical Tenure or on the Clinical Tenure Track are expected to be full-time teachers devoting substantially all their time to teaching clinical and professional skills training courses. Clinical and professional skills training courses include, but are not limited to,

traditional theoretical and applied clinical type courses, theoretical and applied dispute resolution courses, legal writing courses, legal research courses, simulated clinical courses, and such other courses as may be designated clinical or professional skills courses by vote of the Law Faculty.

7.22. Criteria. Clinical Tenure Track retention decisions, promotion, and eventual grants of Clinical Tenure are based upon the same criteria required of tenure in the Handbook.

Ordinarily, Clinical Tenure is granted when the faculty member establishes that he or she is a good clinical teacher, a good scholar, and a satisfactory contributor to institutional, professional, and community service. Subject to the time requirement above, a faculty member shall be granted tenure when the foregoing traits are demonstrated over a sufficient period of time to establish that the traits are integral to the clinical faculty member's career plans.

Both teaching and scholarship must reach the standard expected of clinical and professional skills faculty at law schools of regional prominence or of national stature.

Institutional, professional, and community service shall be considered and may be determinative in otherwise close cases, but it cannot make up for teaching or scholarship deficiencies.

Below are nonexclusive standards to evaluate a faculty member's teaching, scholarship, and university, professional, and community service. In all cases the primary measure is the quality of production and not mere quantity.

7.221. Teaching: The clinical faculty member significantly enhances the student understanding of: The application of the law, the legal process, the lawyer's professional role, and the recognition and resolution of professional responsibility issues. The clinical faculty member also stimulates student thoughts and assists students in developing individual lawyering skills through the effective use, refinement, and integration of clinical methodologies. Such lawyering skills may include interpersonal communication, problem solving, oral and written advocacy, fact investigation, and legal research.

7.222. Scholarship:

(1) Scholarship for persons on the clinical track may include publishable legal writing and research which evidence useful insights into the nature of legal problems. Normally, scholarship will take the form of law review articles or articles in related fields, casebooks, or textbooks. Book reviews, translations, legislative reports or studies or similar work, legal opinions, or miscellaneous writings may qualify as scholarship if they evidence

useful insights into the nature of legal problems. While it is possible for a primarily descriptive piece to qualify as acceptable scholarship, its acceptability is enhanced to the degree that it is analytical.

(2) Scholarship for persons on the clinical tenure track also includes and may consist entirely of clinical teaching materials, publishable writings on teaching methodology, and clinical practice-oriented materials, writings, or documents. Significant trial and appellate briefs may also be considered but are not alone sufficient to demonstrate scholarship. Greater weight will be given under this subsection to scholarship which is suitable for dissemination to a broad professional audience.

(3) The purposes of these requirements are to demonstrate that the faculty member makes scholarship a regular part of his or her professional life, and this may be evidenced by one or more works of sufficient quality and extensiveness. While scholarship completed prior to joining the School's faculty will be considered, there must be evidence that scholarship continues to be a regular part of the faculty member's professional life.

7.223. Institutional, Professional, And Community Service: The criterion of institutional, professional, and community service identifies activities which contribute to the smooth functioning of the School or present the School favorably to the community by enabling it to fulfill its particular place in the life of the community. Included within this criterion is the concept of collegiality: the ability of a faculty member to work with other faculty members and students effectively. As contrasted with being sociable, collegiality means being sufficiently available to and cooperative with other faculty members to be able to participate constructively in the solution of problems. It includes cooperation in scholarship. It includes the exchange of ideas in a critical and evaluative fashion. Institutional, professional, or community service includes service on School, bar, or civil committees, teaching continuing legal education, consulting in test cases or on legislative matters, or serving as a dean or other administrative officer. The quality of the participation is crucial in evaluating the significance of the service.

7.224. Termination. The grant of Tenure on the Clinical Tenure Track shall carry the academic freedom and job security associated with Tenure, subject to the retrenchment of programs for financial, pedagogical, curriculum changes, or unforeseen exigencies. Termination of faculty appointments with Clinical Tenure or on the Clinical Tenure Track for other than cause may be based on bona fide discontinuance or a substantial reduction by the School in the scope of the clinical program and professional skills training courses. Such termination shall be in compliance with the provisions of the Manual, the Handbook, and any

other express educational policies and procedures of the University on termination of faculty appointments.

7.225. Change of Tenure Track. Persons on the Clinical Tenure Track may be appointed at their request or with their consent to the Regular Tenure Track (and vice versa) by a two-thirds vote of the Law Faculty eligible to vote on the matter at a meeting having a quorum of two-thirds of the Law Faculty so eligible to vote.

7.226. Time Requirements and Tenure Vote. Time requirements for Clinical Tenure are the same as in the Handbook on Regular Tenure decisions. Clinical Tenure requires an affirmative vote of two-thirds of the tenured faculty present and voting at a meeting at which a quorum is present which consists of two-thirds of the Law Faculty eligible to vote. Both Regular Tenure and Clinical Tenure Faculty are eligible to vote on tenure for Clinical Tenure track Faculty members.

7.3. Voting.

7.311. Voting Status.

7.3111. Tenure Track Matters.
Appointment to the Clinical Tenure Track carries the Law Faculty status accorded Law Faculty members on the Regular Tenure Track; however, persons on the Clinical Tenure Track may not vote on initial appointments, personnel matters, or rules governing a tenure track except for initial appointments to the Clinical Tenure Track, personnel matters pertaining to faculty on the Clinical Tenure Track, and rules governing the Clinical Tenure Track. Conversely, persons on the Regular Tenure Track may vote on initial appointments, rules, and personnel matters pertaining to faculty on both the Regular and Clinical Tenure Tracks.

7.3112. Tenure, Retention, and Promotions. In the granting of tenure, retention, or promotions, tenured Law Faculty members holding Clinical Tenure and Regular Tenure may vote on persons on the Clinical Tenure Track or holding Clinical Tenure. Conversely, only tenured Law Faculty members holding Regular Tenure may vote on persons on the Regular Tenure Track or holding Regular Tenure.

7.312. Votes Required.

7.3121. Initial Hiring on Tenure Track or With Tenure. No person shall be hired with tenure without a vote of two-thirds of the Tenure Committee present and voting at a meeting having a quorum of two-thirds of the tenured members eligible to vote on the respective tenure track involved. In addition, no person may be initially hired on the tenure track or with tenure without a vote of two-thirds of the faculty present and

voting at a meeting having a quorum of two-thirds of the faculty who are eligible to vote on the respective matter involved.

7.3122. Tenure, Promotion, and Retention. When eligible therefor, no person may be granted tenure, a promotion, or be retained on a tenure track without the vote of two-thirds of the Tenure Committee present and voting at a meeting having a quorum of two-thirds of the tenured members eligible to vote on the respective matter involved.

8. POLICIES AND ACTIVITIES RELATING TO IMPROVEMENT OF FACULTY SCHOLARSHIP AND TEACHING.

8.1. Summer Research Grants.

8.11. In General. In order to aid full-time faculty members in scholarly production, summer research grants should be available on the following basis: Any faculty member who desires a summer grant to aid his or her current research should make a written application therefor to a committee appointed by the Dean to review such applications. The committee shall consist of the Dean plus not less than two other faculty members who have not applied for a summer grant for the summer in question. Such applications must be made no later than the November 1 immediately preceding the summer for which the grant is sought, and the committee will inform all applicants of its decisions regarding the awarding of research grants within 30 days; provided that, for research grants for the summer of 1994, applications shall be made and committee decisions shall be made as directed by the Dean.

8.12. Amount. Subject to the availability of funds, which the University should make all reasonable efforts to ensure are available and adequate, summer research grants shall be \$5,000.00 each.

8.13. Production Required Before Second Grant. In the absence of compelling circumstances (such as production of a work of substantial length that might count as the equivalent of more than one scholarly law review article; e.g., a book), no faculty member will receive more than one summer research grant without having completed and having accepted for publication the work for which he or she received his or her last research grant.

8.14. Criteria Regarding Award of Grants. Subject to the matters set forth in § 8.13, above, in reaching its decision regarding the awarding of summer research grants, the committee shall consider (in addition to the scholarly merit of the project for which the research grant is sought) the following matters, as well as such other matters it may deem relevant or useful: (a)

whether the applicant is a tenured or non-tenured faculty member, and, if he or she is non-tenured, whether he or she has already completed his or her scholarly production requirement for tenure; (b) how much time has passed since the applicant last received such a grant; (c) the applicant's general contributions to the school in the areas of teaching, service, and scholarship; (d) whether the applicant will also be receiving compensation from the University for teaching a course at the law school during the applicable summer; (e) other remunerative activities in which the applicant is expected to be engaged contemporaneously with the grant; and (f) whether the project for which the faculty member seeks a research grant is reasonably expected to generate income for the faculty member or is otherwise directly remunerative for him or her.

8.2. Peer Review. Every faculty member will be visited once per semester by one or more colleagues. Every faculty member will be a part of the pool for such visitation teams, with random assignments evenly distributed among visitors. After visitation, the visited faculty member and his or her team will confer informally and confidentially regarding the team's observations during its visit. This system of peer review should bring fresh insight to the visited faculty member and also give insight to members of the visitation team. In addition, it is the responsibility of the Adjunct Advisory Committee to devise a comparable mechanism for the review of the teaching skills of adjuncts.

Note the Interpretation of [ABA] Standard 401 regarding "a law school's teaching effectiveness committee."³⁵

8.3. Videotaping and Monthly Presentations.

8.31. Videotaping. Any faculty member who so desires may have one meeting of his or her class per semester videotaped for his or her personal review. This will allow the interested faculty member to observe himself or herself in the classroom, thus facilitating self-improvement.

8.32. Monthly Presentations. In order to encourage intra-faculty discussion regarding scholarly issues, there shall be

³⁵Letter from Dean Castleberry to Dean Elliott at 7 (May 28, 1993). ABA Standard 401 provides that "the members of the faculty shall possess a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing." The Interpretation of ABA Standard 401 provides that "a law school teaching effectiveness committee demonstrates a law school program designed to improve teaching effectiveness, a necessary requirement of a competent faculty."

a series of monthly presentations at which a faculty member discusses his or her scholarly work in progress.

8.4. Delegation. The Law Faculty delegates to the Faculty Development Committee the task of implementing the matters under §§ 8.2 and 8.3, above, such implementation to be effective with the Spring 1994 semester.

9. LAW PRACTICE AND OTHER OUTSIDE ACTIVITIES.

9.1. Law Practice for Profit. The School permits the practice of law for profit provided that such practice relates to the faculty member's major academic interests or enriches the faculty member's capacity as a scholar and a teacher. "Law practice for profit" means any practice of law for a fee or with an expectation of compensation, except for the rendering of pro bono legal services as defined in § 9.3. Such law practice is limited to 20% of the faculty member's work week, and must not unduly interfere with responsibilities to the School regarding teaching, scholarship, public service, availability to students, and participation in faculty governance. [ABA Standard 402(b) and Interpretation 2]

Any faculty member who (a) regularly engages in the practice of law (other than pro bono), (b) has an ongoing relationship with a law firm, (c) is named on a law firm letterhead, or (d) has a professional telephone listing, must maintain a file to demonstrate to the Dean that he or she has a full-time commitment to teaching, research and public service, is available to students, and is able to participate in the governance of the institution to the same extent as other full-time faculty members. [ABA Standard 402(b) and Interpretation 2] See § 9.7 outlining the information pertinent to compliance with ABA Standard 402(b), and § 9.8 providing the Report Form.

9.2. Other Business Activities Not Related to Law Practice. The guidelines and reporting requirements stated in § 9.1 apply to faculty members engaged in any non-law-related businesses or for-profit activities outside the School, or having any ongoing relationship with a business. [ABA Standard 402(b) and Interpretation 2]

9.3. Pro Bono Law Practice. The School encourages faculty members to engage in pro bono law practice as defined by the State Bar of Texas and by ABA Standards 401, 402, and Interpretation 5 of ABA Standard 405. In defining "pro bono law practice," the Law School adopts the definition used by the State Bar of Texas with the added parenthetical phrase "(but are not limited to)", as follows:

Pro bono services include (but are not limited to) the following:

- (a) the direct provision of legal services to the poor without an expectation of compensation, whether civil or criminal;
- (b) uncompensated services related to simplifying the legal process for, or increasing the availability and quality of legal services to, poor persons;
- (c) uncompensated legal services rendered to charitable, public interest organizations with respect to matters or projects designed predominately to address the needs of poor persons;
- (d) uncompensated legislative, administrative or systems advocacy services provided on behalf of poor persons; or
- (e) unsolicited, involuntary appointed representation of indigents in criminal and civil matters.³⁶

The School places no specific time limits on faculty pro bono activities, except that such pro bono activities may not unduly interfere with the faculty member's primary responsibilities to teaching, scholarship, and faculty governance. [ABA Standard 402(b)]

Pro bono law practice does not create a presumption of part-time status, and therefore does not require rebutting evidence of full-time status under 9.1, above.

The faculty member engaging in pro bono practice should take every measure necessary to advise the client, the court, and all other interested persons, that neither the University nor the School is furnishing legal services in that matter. See § 9.5, below.

9.4. Use of the School's Resources for Outside Activities. Faculty members may make reasonable use of School resources for outside activities if such use does not interfere with other faculty and staff use, and further subject to the following:

Law practice and other business activities for profit: Faculty members may not use School staff for any outside activities from which they expect compensation. Faculty members must report and reimburse the School for all long distance telephone expenses (including telefax expenses), and for photocopy and print runs.

Non-profit (pro bono law practice, professional, charitable or religious) activities: Faculty members may use School staff and equipment for non-profit activities. If the expected costs (not including the value of secretarial time) exceed \$100, the faculty member must obtain the permission of the Dean. The School will not

³⁶State Bar of Texas Pro Bono Policy, May 28, 1992.

provide filing fees or any other payments to outside persons or services.

9.5. Non-involvement of the University and the School in Law Practice. All faculty members practicing law under any definition (for profit, pro bono, or on personal business), must:

Use a personal letterhead that does not mention the University or the School by any name. The faculty member may, however, list on correspondence and legal documents the School's street address (without identifying the University or the School), the faculty member's direct telephone line, and the appropriate telefax machine.

Make every reasonable effort to apprise the client, the court, and all interested persons that neither the University nor the School is engaged in the practice of law or the rendering of any legal advice, that neither the University nor the School is exercising any control over the lawsuit or other provision of legal services, and that the University and the School will deny any liability for any claim for malpractice, negligence or other inappropriate conduct that the client, the court, or others might raise against the faculty member who is practicing law. This information should be reflected in attorney/client retainer agreements or engagement letters (if such are used), and in any other pertinent documents.

Neither the School nor the University will exercise control over any aspect of a specific legal matter. All legal matters handled by any faculty member or other School employee will be within the sole discretion of that faculty member or employee.

[Note: When the School eventually sponsors a legal clinic, the foregoing requirements will change only as to the law practice conducted through the legal clinic; all other law practice by faculty members (for profit, pro bono, and personal) will remain subject to the foregoing requirements.]

9.6. Requests for Legal Assistance.

All School personnel are hereby instructed that public requests for legal advice or assistance, by telephone or otherwise, will be politely and tactfully denied. Responses may include some or all of the following:

The University does not provide legal advice or legal services of any kind, either for free or for money.

Neither the University, the School, nor any of its employees may make referrals or suggest an attorney for a person to call.

Law students cannot be furnished to advise a person. By law, the students are not allowed to answer legal questions or render legal services to persons asking for legal assistance.

A person having a legal question, should contact an attorney through the Lawyer Referral Service, the local or State bar association, or through the yellow pages.

This procedure does not apply to callers who are attorneys, media personnel seeking comment on a current development, or others who may be seeking something other than personal legal advice.

[Note: The foregoing requirements will change when the Law School eventually opens a legal clinic. At that time, these unsolicited requests for legal service may be referred to the clinic intake receptionist.]

9.7. Evidence to Prove Full-time Status.

EVIDENCE OF FULL-TIME STATUS FOR COMPLIANCE WITH ABA STANDARD 402(b)

This outline is based on criteria enumerated in Interpretation 2 of ABA Standard 403, which is incorporated by reference in Interpretation 2 of Standard 402(b) as the means of measuring the performance of full-time faculty. The italicized or underlined text is the School's addition to the language of Interpretation 2 of Standard 403. These items are reduced to a proposed Report Form in Section 9.8.

1. Teaching responsibilities:

Carrying a fair share of the School's course offerings (as evidenced by number of courses, total number of semester hours, distribution between day and night schedule, etc.)

Preparation for class (as evidenced by peer and student evaluations, class handouts, etc.)

Availability for student consultation (office hours from posted notices or listed on syllabi)

Providing of independent study supervision

Participation in extracurricular School activities, such as law review and moot court teams

2. Research and publication

Production of scholarly publications such as law review articles, legal treatises, and other materials intended for publication

Use of student research assistants

Assisting other faculty members in scholarship by critical readings, consultation, or other assistance

Keeping abreast of developments with the faculty member's specialties (as evidenced by authorship of articles regarding recent developments in the law, preparation and/or presentation of CLE materials, etc.)

3. Obligation to the School and University community, such as participation in the governance of the School (as evidenced by School committee activities, University committee activities, and other activities benefitting the School or University)

4. Obligation for service to the greater community outside the University (as evidenced by pro bono legal services, non-legal services to charitable or religious organizations, etc.)

9.8. Report to Prove Full-time Status.

ABA SECTION 402(b)
REPORT FORM

Name: _____ Date: _____

These areas are comprehensive, and few faculty members will have information relevant to every category below. Each faculty member should, however, have entries for the italicized-underlined-bold titled categories.

I. TEACHING RESPONSIBILITIES

A. Course Load in Immediately Preceding School Year

1. Courses Taught (course name, semester, day or night division, whether the course was new to you, other evidence of course load)

Production of scholarly publications such as law review articles, legal treatises, and other materials intended for publication

2. Total Number of Semester Hours

Fall: _____
Spring: _____
Summer: _____

3. Other evidence of teaching load

B. Preparation for class: (Attach a summarized report from the Peer Review or Tenure and Promotion Committee, which should include a brief summary of student evaluations; if no Peer Review or Tenure and Promotion Committee report is available, you may describe your class preparation. You may also attach copies of class handouts and other evidence of class preparation)

C. Availability for Student Consultation: (Attach copy of syllabi or office hours for each semester)

D. Directed Research Supervision: (List students supervised and other pertinent information)

E. Participation in Extracurricular School Activities: (Briefly list work done in connection with law review, moot court teams, externship supervision, student organizations, and other student activities)

D. Updating Specialties. Keeping abreast of developments in your specialties:

1. Work done on articles regarding recent developments in the law _____

2. Preparation and/or presentation of CLE materials _____

3. Other work regarding updates in your area of specialization _____

III. Obligation to the School and University Community (such as participation in the governance of the School)

A. School Committee Activities _____

B. University Committee Activities _____

C. Other Activities Benefitting the School or the University

IV. SERVICE TO THE GREATER COMMUNITY OUTSIDE THE UNIVERSITY

A. Professional Activities (e.g. bar and other legal or academic groups)

B. Pro Bono Legal Services

C. Non-legal Services to Charitable or Religious Organizations

D. Other Community Activities

10. SEXUAL HARASSMENT AND OTHER DISCRIMINATION.

10.1. In General. The School adheres to the policies of the University regarding sexual harassment and other forms of discrimination as expressed in the Handbook.

10.2. Sexual Harassment. The extant University sexual harassment policy is expressed in a four-page memorandum from President Jake Schrum dated July 9, 1993. On November 23, 1993, President Schrum wrote a letter to all students, faculty, and staff reiterating the policy and enclosing a copy of it. The contemporary significance of the policy deserves repetition for all persons later joining the Law Faculty; so the President's letter and attached copy of the memorandum are attached to this Handbook as Exhibit "D". Please note that this subject is treated in the new Handbook effective June 1, 1994, in § 5.2.

10.3. Other Discrimination. Both the present Handbook and the new Handbook effective June 1, 1994, (§ 3) provide essentially the same statement regarding equal opportunities and academic freedom. For example, on equal opportunities, § 3 of the new Handbook declares:

The University does not discriminate on the basis of sex, race, color, creed, handicap, or national or ethnic origin in any of the operations or activities of the University. The University is an Equal Opportunity Employer.

11. FACULTY COMMITTEES.

11.1. Normally Appointed By the Dean. Except for the Faculty Appointments Committee, which shall be elected by the full-time faculty, all committees shall be determined and all committee appointments shall be made by the Dean.

11.2. Faculty Recruitment Committee. The Faculty Recruitment Committee shall be a committee made up of, and appointed by, the full-time faculty to review all candidates for full-time positions carrying academic rank and to make recommendations to the faculty. The Committee shall deal with both Regular Tenure Track and Clinical Tenure Track appointments.

11.3. Committees Presently Existing. The committees presently existing are the following which shall exist until the Dean determines otherwise:

Academic Standards
Adjunct Advisory
Administrative

Admissions (Consists of no fewer than five full-time Law Faculty)

Advocacy

Bar Public Relations

Bookstore

Budget Advisory

Building Advisory

Computer Advisory

Continuing Legal Education

Curriculum

Externships

Faculty Development

Faculty Recruitment (Elected by the full-time Law Faculty.)

Library

Minority Affairs (Consists of five full-time faculty, one or more students from each minority group on campus, and the Director of Career Services)

Self Study

Student Affairs

Summer Research Grants (Consists of the Dean and at least two full-time Law Faculty members who are not applying for a research grant for the forthcoming summer.)

Tenure and Promotions (Consists of all tenured faculty)

In addition to the foregoing committees, some faculty members hold advisory positions such as the Law Review Advisor and the Moot Court Advisor.

The committees shall have not more than two non-voting and one voting student members as the Dean shall determine, except that the Faculty Recruitment and the Tenure and Promotions Committee shall not have any voting student members. See Bylaws, Art. IV., § 4.05.

Chairpersons of Committees may appoint such subcommittees as they shall deem appropriate.

Ad hoc committees are appointed as needed for temporary purposes. In addition, some of the functions of the above listed committees are concluded in brief periods each year, for example, the functions of the Summer Research Grants Committee.

Occasionally there is a committee directly impacting the School which is appointed by the University administration, usually after consultation with members of the Law Faculty. An example of the latter is a Dean's Search Committee last appointed in late 1993 by the Provost who consulted various Law Faculty members in making the committee appointments.

12. PROCEDURES GOVERNING FORMAL FACULTY ACTION NOT GOVERNED BY THIS OR OTHER DOCUMENTS.

Except as otherwise specifically provided in the main body of this Manual and in the Bylaws, any formal action of the Faculty not governed by this or any other document of the School the University shall be governed by rules of order with the primary rules being: For most business a majority of the Faculty shall constitute a quorum and a majority vote of such quorum shall govern the votes. Note, however, that there are specific provisions of this Manual which require a two-thirds presence for a quorum and a two-thirds vote of such quorum for action. See, e.g., sections 6.23, 7.3121, and 7.3122.

A person eligible to vote who is present at a committee, Faculty, or other meeting and who abstains or does not in fact vote on a given matter shall be counted in determining the existence of a quorum, but shall not be counted in determining the vote in such matter.

13. AMENDMENTS.

This document may be amended by the joint action of (1) a two-thirds vote of the Faculty who are present and voting at a meeting with a quorum of two-thirds of the faculty, and (2) approval of appropriate School and University authorities where required. Any such amendments may not serve to divest any faculty member of any rights or status relating to rank or tenure previously acquired hereunder.

Any action hereunder required to be taken by tenured faculty members may be amended only by a two-thirds vote of the tenured faculty members who are present and voting at a meeting with a quorum of two-thirds of the tenured faculty members of the type allowed to vote on the matter at hand.

14. LAW FACULTY BYLAWS, ACADEMIC STANDARDS, POCKET HISTORY, AND SEXUAL HARASSMENT LETTER AND MEMORANDUM: EXHIBITS "A" THROUGH "D" AS INTEGRAL PARTS OF THIS MANUAL.

The Bylaws, Academic Standards, Pocket History, and Sexual Harassment materials in Exhibits "A" through "D" are integral parts of this Manual; they are hereby incorporated herein by reference and made a part hereof for all pertinent purposes.

15. CROSS REFERENCES TO OTHER DOCUMENTS.

As stated at the outset of the Handbook, faculty members and others seeking information or guidance on the operation of the School should also consult the other documents described in § 1.3.

16. APPROVAL AND SIGNATURES.

Approval of this document by the appropriate organizations or officers is indicated by the signatures of the Dean, the Provost, the President, and a representative of the Board of Trustees, all such persons signing on the dates opposite their names. When signed by the last person required to sign below, this document and its accompanying Exhibits "A", "B", "C", and "D" shall become the "**POLICIES AND PROCEDURES MANUAL, TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW**" effective with the Spring Semester of the 1993-1994 school year. Please note, however, that a substantial portion of the provisions herein were in effect in one or more prior semesters of the School.

17. REPEAL OF ALL PRIOR POLICIES AND PROCEDURES MANUALS.

This document repeals all prior documents falling with the definition of a policies and procedures manual or handbook of the School.

18. PROXIES.

Notwithstanding anything to the contrary expressed or implied in this Manual, in the Bylaws, or elsewhere, proxy voting shall not be permitted with respect to any matters which may come before the Faculty or any of its committees.

APPROVED by the Faculty of the Texas Wesleyan University School of Law on the 30th day of March, 1994.

By _____

Frank W. Elliott
Dean, Texas Wesleyan University
School of Law

APPROVED by the Provost, President, and Board of Trustees of Texas Wesleyan University on the dates indicated opposite the signatures appearing below, such approval pertaining only to those matters requiring action by such authorities:

Date

By _____
M. Mark Wasicsko, Provost
and Academic Vice President

Date

By _____
Jake B. Schrum, President

Date

By _____
Chairman of the Board
Texas Wesleyan University

IV. REPEAL OF ALL PRIOR POLICIES AND PROCEDURES MANUALS
This document repeals all prior documents falling within the
definition of a policies and procedures manual or handbook of the
School.

18. PROXIES
Notwithstanding anything to the contrary expressed or
implied in this Manual, in the Bylaws, or elsewhere, proxy voting
shall not be permitted with respect to any matters which may come
before the Faculty or any of its committees.

APPROVED by the Faculty of the Texas Wesleyan University
School of Law on the 30th day of March, 1994.

By _____
Frank W. Elliott
Dean, Texas Wesleyan University
School of Law

APPROVED by the Provost, President, and Board of Trustees of
Texas Wesleyan University on the dates indicated opposite the
signatures appearing below, such approval pertaining only to
those matters requiring action by such authorities:

FORMAL LANGUAGE OF AMENDMENTS

January 11, 1996

p.2

I. PREAMBLE.

1.1 Definitions

The terms "Faculty" and "Law Faculty" mean the full-time members of the of the School's teaching personnel who are tenured or on a tenure track.

"Tenure track" is the employment track leading to consideration for tenure under the rules of the University and the School. Visiting, adjunct, and emeritus teaching personnel at the School, teaching personnel who have been denied tenure at the School, and teaching personnel who have been denied retention at the School, are not on a "tenure track".

p. 26

6. INITIAL APPOINTMENT OF FACULTY

6.23. Faculty Approval of Candidates. A candidate must receive the votes of at least two-thirds of the Faculty present and voting at a meeting having a quorum of two-thirds of the Faculty, subject to the provisions of section 7.3 of this Manual.

p. 32

7. TENURE, RETENTION, AND PROMOTIONS.

7.3121. Initial Hiring on Tenure Track or With Tenure. No person shall be hired with tenure without a vote of two-thirds of the Tenure Committee present and voting at a meeting having a quorum of two-thirds of the tenured members eligible to vote on the respective tenure track involved. In addition, no person may be initially hired on the tenure track or with tenure without a vote of two-thirds of the faculty present and voting at a meeting having a quorum of two-thirds of the faculty who are eligible to vote on the respective matter involved.

p. 33

7.3122. Tenure, Promotion, and Retention. When eligible therefor, no person may be granted tenure, a promotion, or be retained on a tenure track without the vote of two-thirds of the Tenure Committee present and voting at a meeting having a quorum of two-thirds of the tenured members eligible to vote on the respective matter involved.

p.46

12. PROCEDURES GOVERNING FORMAL FACULTY ACTION NOT GOVERNED BY THIS OR OTHER DOCUMENTS.

Except as otherwise specifically provided in the main body of this Manual and in the Bylaws, any formal action of the Faculty not governed by this or any other document of the School the University shall be governed by rules of order with the primary rules being: For most business a majority of the Faculty shall constitute a quorum and a majority vote of such quorum shall govern the votes. Note, however, that there are specific provisions of this Manual which require a two-thirds presence for a quorum and a two-thirds vote of such quorum for action. See, e.g., sections 6.23, 7.3121, and 7.3122.

A person eligible to vote who is present at a committee, Faculty, or other meeting and who abstains or does not in fact vote on a given matter shall be counted in determining the existence of a quorum, but shall not be counted in determining the vote in such matter.

p. 46

13. AMENDMENTS.

This document may be amended by the joint action of (1) a two-thirds vote of the Faculty who are present and voting at a meeting with a quorum of two-thirds of the faculty, and (2) approval of appropriate School and University authorities where required. Any such amendments may not serve to divest any faculty member of any rights or status relating to rank or tenure previously acquired hereunder.

Any action hereunder required to be taken by tenured faculty members may be amended only by a two-thirds vote of the tenured faculty members who are present and voting at a meeting with a quorum of two-thirds of the tenured faculty members of the type allowed to vote on the matter at hand.

p. 47

18. PROXIES.

Notwithstanding anything to the contrary expressed or implied in this Manual, in the Bylaws, or elsewhere, proxy voting shall not be permitted with respect to any matters which may come before the Faculty or any of its committees.