

*Policies
and
Procedures*

MANUAL

*Texas Wesleyan University
School of Law*

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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

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MEMORANDUM REGARDING SEXUAL HARASSMENT

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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 Law Faculty" means the full-time voting members of the of the School's teaching personnel who are tenured or on a tenure track.

"Full-time voting members of the Law Faculty" means all full-time faculty members who hold tenure or who hold a tenure track position.

"Tenure track" is the employment track leading to consideration for tenure under the rules of the University and the School.

"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.

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

each fall semester. The Committee members shall be nominated and 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. Candidates recommended by the Faculty Recruitment Committee shall be voted upon by the faculty. A candidate must receive the votes of at least two-thirds of a faculty quorum in order to be considered further. If there is more than one candidate for a curriculum slot, the faculty may rank the candidates for that slot, although such ranking is merely advisory.

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 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 voting faculty who are on the tenure track sought by the initial hire or who hold tenure on the tenure track sought by the initial hire.

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 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)

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)

II. RESEARCH AND PUBLICATION

(Although none of the categories in this Section II are in bold italics, each faculty member should have some evidence for one or more of these categories.)

A. Law Review Articles, Etc. Briefly describe work done on law review articles, legal treatises, and other materials intended for publication, indicating whether the work was published or is in progress.

B. Student Research Assistants. List student research assistants and briefly describe their work (e.g., "Mary Smith: researched history of leash law for my current article *Toxic Tort Liability for Animal Waste*") Designate the semester the research was done.

C. Assistance to Other Faculty Members. Briefly describe your assistance to other faculty members' research by critical readings, consultations, or other assistance

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 Law Faculty of the School not governed by this or any other document of the School, such as the Bylaws and Academic Standards, or not governed by any document of the University shall be governed by rules of order with the primary rules being: For most business a majority of the full-time 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 for action. See, e.g., § 6.23 treating the tenure, promotion, and retention and § 7.3121 treating

13. AMENDMENTS.

This document may be amended by the joint action of (1) a two-thirds vote of the full-time faculty 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 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.

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

EXHIBIT "A"

BYLAWS

B Y L A W S
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, 1993

ARTICLE ONE

CHIEF EXECUTIVE AND PRINCIPAL OFFICER

1.01. Dean Is the Chief Executive. The chief executive officer of the School shall be the Dean. The executive officers of the University to whom the Dean shall report are the Provost and the President.

1.02. Absence Or Disability of the Dean. In the absence of the Dean or the Dean's disability, the Dean's designate shall act as chief executive officer of the School and shall hold the temporary title of Acting Dean. In the event the Dean fails to name a designate, the Associate Dean for Academic Affairs shall act as Acting Dean and in the event of his like absence or disability, the Associate Dean for Administrative Affairs shall act as Acting Dean. In none of the foregoing are present at a Law Faculty Meeting, an Acting Dean for purposes of the meeting may be elected by a majority of the Law Faculty members if a quorum is present. In all cases of the Dean's absence or disability, the Provost or President may name an Acting Dean to supersede a Dean's designate, an Associate Dean, or an elected Acting Dean.

1.03. General Duties and Powers of the Dean. In addition to matters inherent with a chief executive, the Dean has general supervision, direction and control over the business and academic affairs of the School, has the general powers and duties of management usually vested in the chief executive officer of an organization, and has such other powers and duties as may be conferred by Handbook, the Manual, these Bylaws, the Academic Standards, and other documents. The Dean's authority and duties include, without limitation:

- (1) Presiding at meetings of the Law Faculty;
- (2) Signing certificates and diplomas of the School;
- (3) Executing in the School's name deeds, conveyances, notices, leases, checks, drafts, bills of exchange, warrants,

promissory notes, bonds, debentures, contracts, agreements and other documents and instruments which have been appropriately authorized; and

(4) Appointing, employing, removing, discharging and prescribing the duties and fixing the compensation of agents and employees of the School subject to budgetary approvals by the Provost and President and directing and managing the officers, agents, and employees of the School.

1.04. Principal Office. The principal office of the School shall be Building No. 3, 2535 East Grauwylers Road, Irving, Texas 75061, or such other place as may be designated from time to time by the University.

ARTICLE TWO

LAW FACULTY MEETINGS

2.01. Place of Meetings. All meetings of the Law Faculty will be held at the principal office of the School or at a place on the West Campus of the University in Fort Worth, Texas, as may be designated by the Dean, the Provost, or the President. Meetings may be held beyond the principal office or the West Campus if called by the Dean with the consent of the Provost and a majority vote or majority written consent of the Law Faculty.

2.02. Time of Regular Meetings. Regular meetings of the Law Faculty shall be held at least twice in each semester at a date and time called by the Dean so as best to facilitate attendance. There will be no regular meetings of the Law Faculty during either of the summer terms unless consented to by a majority of the faculty or unless the Dean or Provost declares that a serious reason exists for having such a meeting. One other regular meeting will be held during the two-week period preceding the commencement of classes in the Fall Semester of each school year.

2.03. Special Meetings. Special meetings of the Law Faculty be called at any time by the Dean, the Provost, the President, or by twenty-five per cent (25%) of the voting faculty. Only business described in the meeting notice (or waiver thereof) may be conducted at a special meeting of the Law Faculty. Provided, however, the Law Faculty may vote on non-agenda items subject to ratification at the next meeting of the Law Faculty or by subsequent written approval by the percentage of the Law Faculty required to approve a vote on the subject at hand.

2.04. Notice of Meeting. Notice of any faculty meeting, stating the place, day and hour of the meeting, and, in case of a

special meeting, the purpose or purposes for which the meeting is called must be given to each Law Faculty member entitled to vote at the meeting at least twenty-four hours during the period Monday through Friday before the date and time of the meeting, either personally, by voice mail, or by written notice delivered to the Law Faculty member's School mail box. Notice that a meeting has been adjourned to be reconvened is not necessary unless the meeting is adjourned for thirty (30) days or more, in which case notice of the reconvened meeting must be given as in the case of any special meeting. Notice of a meeting and its purposes may be waived in writing before, after, or at a meeting or orally at a meeting.

2.05 Quorum. Unless otherwise required by the Manual or the Handbook, a majority of the faculty represented in person or by proxy will constitute a quorum at any Law Faculty meeting.

2.06 Voting. When a quorum is present at a Law Faculty meeting, the vote of a majority of Law Faculty members having voting power and present in person or by proxy will determine any question brought before the meeting, unless the question is one on which a higher vote is required by the Manual, the Handbook, or these Bylaws, in which case such higher vote will be required. On no matter shall there be cumulative voting except in cases involving the election of multiple members of a committee or other body and when the Dean has announced that cumulative voting will prevail. When cumulating votes, a Law Faculty member may give one candidate a number of votes equal to the number of candidates to be elected or a Law Faculty member may distribute his votes on the same principle among any number of candidates.

2.07. Voting by Voice or Ballot. Voting by Law Faculty members will be by voice unless the Dean directs a written ballot vote before the voting has begun.

2.08. Proxies. A revocable proxy will be deemed revoked for purposes of a Law Faculty meeting if, prior to the commencement of the meeting, the Dean or his Secretary has received instructions of revocation bearing a date or time subsequent to the date of the proxy and executed in person (and not by agent) by the Law Faculty Member granting the proxy. In addition, if the Law Faculty Member granting the proxy is present at the meeting at the time for the taking of a vote, the proxy is automatically revoked for said vote.

2.09. Consent of Absentees. No defect in the calling or notice of a Law Faculty meeting will affect the validity of any action at the meeting if a quorum is present. Either before or after the meeting, any Law Faculty member not present in person or by proxy or present only for the purpose of objecting to the failure to properly give notice for the meeting, may sign a written waiver of notice, a consent to the holding of the

meeting, or an approval the meeting minutes, and such waiver, consent, or approval shall be filed with the School's records or made a part of the minutes of the meeting.

2.10. Conduct of Meetings. The Dean, or in the Dean's absence, the Acting Dean as provided in § 1.02 shall act as chairperson of the meeting. The chairperson will determine the order of business and procedures for the conduct of the meeting. The Dean's Secretary, or in the Secretary's absence, a person selected by the Dean or Acting Dean will act as secretary of the Law Faculty meeting.

ARTICLE THREE

ADMINISTRATIVE OFFICERS AND DEAN'S COUNCIL

3.01. Dean. The Dean shall be the chief executive officer of the School as described in § 1.01. The Dean shall be selected by the process provided by University rules. Provided, however, the Law Faculty shall be consulted and shall have a strong advisory role in the selection of a Dean.

3.02. Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs shall be appointed by the Dean and shall serve at the pleasure of the Dean. The duties of the Associate Dean for Academic Affairs shall be prescribed by the Dean alone, except as prescribed by the Manual, the Handbook, the Bylaws, and the Academic Standards.

3.03. Associate Dean for Administrative Affairs. The Associate Dean for Administrative Affairs shall be appointed by the Dean and shall serve at the pleasure of the Dean. The duties of the Associate Dean for Administrative Affairs shall be prescribed by the Dean alone, except as prescribed by the Manual, the Handbook, the Bylaws, and the Academic Standards.

3.04. Executive Director of the Law Library. The Executive Director of the Law Library shall be the chief executive officer for library affairs, subject only to the authority of the Dean and superior University officials. This shall be a Regular Tenure position or Regular Tenure Track position.

3.05. Assistant Dean. An Assistant Dean shall be a person with or without a law degree who is hired to handle routine administrative and office matters as directed by the Dean. There may be one or more Assistant Deans.

3.06. Dean's Council. The Dean, the Executive Director of the Law Libraries, the Associate Dean for Academic Affairs, the Associate Dean for Administrative Affairs, and all

Assistant Deans, if any, shall constitute the Dean's Council to advise the Dean and the Provost. All except Assistant Deans shall be Administrative Officers with tenure or on a tenure track.

3.07. Administrative Officers are Full-time Law Faculty Members. For internal affairs of the School, all administrative officers except Assistant Deans shall be full-time voting faculty members even though a substantial amount of time of an administrative officer is devoted to administrative matters. In all events, time spent on administrative duties shall not detract from time served in achieving raises, retention, promotion, or tenure. Provided, however, the Dean, but not necessarily Acting Dean, shall be a tenured member of the Law Faculty.

3.08. Regular Meetings of the Dean's Council. Regular meetings of the Dean's Council will be held at the direction of the Dean.

3.09. Special Meetings of the Dean's Council. Special meetings of the Dean's Council may be called at any time by the Dean by oral or written notice.

3.10. Quorum. A quorum of the Dean's Council is a majority. At the election of the Dean, a meeting may be held without a quorum on emergency matters.

3.11. Action by the Dean's Council. The act of the majority of the administrative officers present at a Dean's Council meeting at which a quorum is present is the act of the Dean's Council, unless the act of a greater number is required by the Manual or the Handbook or unless the Dean vetoes the action of the Dean's Council. A Dean's veto shall cause the Dean's Council action to be a nullity. A member of the Dean's Council may register a dissent to its action by any reasonable means, including a written notice given no later than the day following the meeting at which the action was taken.

ARTICLE FOUR

COMMITTEES

4.01. Committees. The Dean may designate one or more committees, each consisting of one or more Law Faculty members and, if the Dean directs, one or more students. The Dean may delegate to such committees such powers and authority as the Dean may determine, to the extent permitted by the Manual, the Handbook, and the Academic Standards. A member of a committee may be removed by the Dean if in the Dean's sole judgment the best interests of the School will be served by removal; and the Dean's action shall not be subject to appeal. The Dean may appoint ad hoc and standing committees. The Dean may appoint

single faculty members to various responsibilities without the formality of a committee; for examples, the Law Review advisor and the Moot Court Advisor. All committees, except as otherwise specifically provided, shall have such voting or nonvoting student members as the Dean shall determine. The Dean shall appoint all Chairpersons of all committees except as specifically provided to the contrary in the Manual, Handbook, Bylaws, or Academic Standards.

4.02. Elected Committees. Any committees which are elected committees shall be elected by the process described under Article Two of these bylaws. As of the beginning the Spring Semester, 1993-1994 school year, the only elected committee is the Faculty Recruitment Committee which is elected by the full-time Law Faculty. This committee shall be 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.

4.03. Special Rules on Establishment of and Appointment to Certain Committees. The Minority Affairs Committee is required to be appointed, and its membership shall be as set forth in the Manual. By provisions of the Handbook and the Manual, the Tenure and Promotions Committee must exist and is composed of all tenured Law Faculty members. Pursuant to the Manual, the Summer Research Grants Committee shall be composed of the Dean and two or more full-time faculty members who are not seeking summer research grants for the forthcoming summer. The Admissions Committee shall contain no fewer than five full-time Law Faculty members.

4.05. Committees Presently Existing. As of the adoption of these Bylaws, the committees existing are the following which shall exist until the Dean determines otherwise, except as the committee may be required by the Manual or the Handbook:

- Academic Standards
- Adjunct Advisory Committee
- Administrative
- Admissions (No less 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.)
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 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)

The committees shall have not more than one voting or nonvoting student member as the Dean shall determine, except that the Faculty Recruitment and Tenure and Promotions Committee shall not have any voting student members.

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

As needed for temporary purposes, ad hoc committees may be appointed by the Dean.

4.06. Subcommittees. Chairpersons of Committees may appoint such subcommittees and chairperson thereof as they shall deem appropriate.

ARTICLE FIVE

TITLED POSITIONS

In addition to the Administrative Officers constituting the Dean's Council, the following are titled positions held by persons on the administrative staff or support staff of the School:

Director of Student Services
Minority Affairs
Director of Career Services
Dean's Secretary (Also is Secretary of Law Faculty Meetings)
Two Faculty Secretaries
Manager, Financial Operations
Bookstore Supervisor
Director of Legal Research and Writing
 Associate Director of Legal Writing
 Associate Director of Legal Research
Library
 Director of Bibliographic and Collection Management
 Bibliographic Applications Librarian
 Public Services Librarian
 Research and Reference Services Librarian

Public Services and Library Assistant
Acquisitions Assistant
Serials Assistant
Collections Maintenance Assistant
Dean's Assistant
Admissions Assistant
Financial Aid
Accounting Clerk
Maintenance

ARTICLE SIX

MISCELLANEOUS PROVISIONS

6.01. Fiscal Year. The fiscal year of the School is the same as that of the University, June 1 through May 31.

6.02. Action Without a Meeting by 80% Vote. Any action permitted or required to be taken at a meeting of the Law Faculty or any committee thereof may be taken without a meeting if a consent in writing, setting forth the action taken is signed by Eighty Per Cent (80%) of all the Law Faculty members or the committee, as the case may be. Such consent will have the same force and effect as an Eighty Per Cent (80%) vote at a meeting and may be stated as such in any document or instrument, and the execution of such consent will constitute attendance or presence in person at a meeting of the Law Faculty or a committee, as the case may be.

6.03. Telephone Conference Meeting. Law Faculty members and any committee thereof may participate in and hold a meeting by means of a conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other, and participation in such a meeting will constitute attendance and presence in person at such meeting, except as to a person who participates in the meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not properly convened.

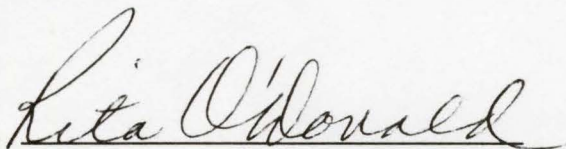
ARTICLE SEVEN

AMENDMENT OF BYLAWS

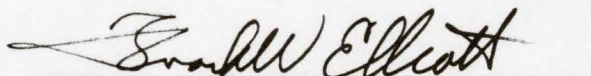
7.01. Amendment of Bylaws. The Law Faculty has the power to alter, amend or repeal these Bylaws or any replacement bylaws by majority vote except as to matters herein which call for a greater than majority vote, in which case the same percentage is needed to amend as would be necessary to take

action under that provision. The Law Faculty may exercise this power at any regular or special meeting subject to proper notice.

Adopted by the Law Faculty of Texas Wesleyan University School of Law on March 30, 1994.



ATTEST: Rita O'Donald,
Secretary



Frank W. Elliott,
Dean

EXHIBIT "B"

ACADEMIC STANDARDS

Academic Standards

- I. **Function of These Standards**
 - A. **Comprehensive Rules and Interstitial Rulemaking**
 - B. **Adoption and Amendment**
 - C. **Constructive Notice**
 - D. **Availability**

- II. **Categories of Students**
 - A. **Status**
 - 1. **Full-time**
 - 2. **Part-time**
 - B. **Division**
 - 1. **Day**
 - 2. **Evening**
 - C. **Sequence**
 - 1. **Regular**
 - 2. **Extended**

- III. **Student Academic Conduct**
 - A. **Code of Academic Conduct**
 - B. **Duty to Report**
 - C. **Disciplinary Process**
 - 1. **Grading of Suspected Examination or Assignment**
 - 2. **Investigation**
 - 3. **Appointment of a Tribunal**
 - 4. **Conflict of Interest for Investigation**
 - 5. **Conflict of Interest for Appointment of the Tribunal**
 - 6. **Procedure in the Hearing**
 - 7. **Standard of Proof**
 - 8. **Required Vote**
 - 9. **Appeals by an Accused Student**
 - 10. **Appeals by Others**

- IV. **Curriculum**
 - A. **Lockstep Sequences**
 - 1. **Full-time, Day Division, Regular Sequence**
 - 2. **Part-time, Day Division, Extended Sequence**
 - 3. **Part-time, Evening Division, Regular Sequence**
 - 4. **Part-time, Evening Division, Extended Sequence**

4. Retention of Work upon which Grades Are Based
- B. Inviolability of Exam Times
- C. Take-Home Pass/55 Remedy for Extraordinary Circumstances
- D. Extra Time for Students with Disabilities

VIII. Papers and Projects

- A. Anonymity Optional
- B. Citation Rules
- C. Own Work Requirement
 1. Identification of Sources
 2. Permissible Collaboration
 3. Resolution of Doubts
- D. Double Dipping

IX. Grades and Grading Policies

- A. Grades
 1. Available Grades
 2. Interpretations and Uses of Numerical Grades
 3. Interpretations and Uses of Letter Grades
 - i. I
 - ii. X
 - iii. W
 - iv. P
 - v. F
- B. Pass/55 or Pass/Fail Grading
 1. Pass/Fail Only in Retaking Failed Course
 2. Pass/55 Grading
 3. Pass/55 Only for Entire Class
- C. Grade Standards
 1. Lockstep Courses
 2. Advanced Courses
 3. Procedures for Implementing Standards
 - i. Mid-term Grades
 - ii. Submission of Final Grades
 - iii. Petition to the Academic Standards Committee
 - iv. Failure to Bring Grades into Compliance
- D. Changing Grades

X. Student Retention

- A. Student is on Notice of Own Grades and Grade Average
- B. Dismissal

Academic Standards

I. Function of These Standards

A. Comprehensive Rules and Interstitial Rulemaking

The function of these academic standards is to provide comprehensive rules for governing the academic rules to be applied to students of the institution. To the extent the rules fail to provide adequate guidance for administering a particular aspect of the students' academic program, the Academic Standards Committee may adopt temporary rules which shall have full force and effect for one semester or until the faculty adopts a permanent standard (whichever occurs earlier).

B. Adoption and Amendment

The academic standards are adopted by majority vote of the faculty and are subject to amendment by a majority vote of the faculty.

C. Constructive Notice

These standards serve as notice to all applicants, students, faculty, and others of rules, regulations, policies, and procedures described herein. This notice exists without regard to whether one has actually taken the opportunity to read the standards; the Law School will deal with all interested parties on the assumption that they have informed themselves as to these standards.

D. Availability

The Law School will make efforts to provide reasonable access to these standards to interested people. This access may include availability of the standards at the law library.

II. Categories of Students

Students shall be divided into categories by status (full-time or part-time), and, as to students in the lockstep courses, division (day or evening) and sequence (regular or extended).

A. Status

1. Full-time

All full-time students who have not completed lockstep courses must be in the day division, regular sequence. Advanced full-time students must enroll in at least thirteen credit hours per semester (and a proportionate load in a shorter

those enrolled in less than the full complement of courses available for their division. This program is prescribed for evening division students and is arranged for day division students.

III. Student Academic Conduct

A. Code of Academic Conduct

A student may be placed on probation, suspended, or dismissed for academic conduct unbecoming to a student of law. Academic conduct unbecoming to a student of law includes:

- (1) violating any rule or regulation of the Law School or the University, and
- (2) plagiarism and academic fraud, deceit, misrepresentation, or dishonesty.

B. Duty to Report

Any student who has reason to believe a violation of the Code of Academic Conduct has occurred must report that belief to the Dean or the Associate Dean for Academic Affairs. Failure to do so is a violation of the Code of Academic Conduct.

C. Disciplinary Process

1. Grading of Suspected Examination or Assignment

An instructor suspecting a violation of the Code of Academic Conduct on any class assignment or examination must report the violation to the Associate Dean for Academic Affairs. The instructor should grade the assignment or examination as if no violation occurred and should then turn in the grades with the request that they be held by the registrar pending an investigation.

2. Investigation

The Associate Dean for Academic Affairs shall act as counsel for the institution in investigating alleged violations of the Code of Academic Conduct. Upon concluding the investigation, the Associate Dean may either dismiss the charges, impose an appropriate sanction with the acquiescence of the Dean and the student, or request the appointment of a hearing tribunal.

3. Appointment of a Tribunal

Upon request of the Associate Dean for Academic Affairs, the Dean shall appoint a tribunal of five faculty members to hear the charges. On request of the

appropriateness of the sanctions imposed.

IV. Curriculum

A. Lockstep sequences

1. Full-time, Day Division, Regular Sequence

For full-time students, the prescribed regular sequence of the lockstep courses is as follows:

First Semester: Contracts I
 Criminal Law
 Legal Analysis & Writing
 Legal Research
 Property I
 Torts I

Second Semester: Civil Procedure
 Contracts II
 Legal Writing
 Property II
 Torts II

Third Semester: Powers of Government

2. Part-time, Day Division, Extended Sequence

A day division, extended sequence is available by petition to the Academic Standards Committee, which must approve the sequence of lockstep courses to be taken by a part-time student in the day division.

3. Part-time, Evening Division, Regular Sequence

For Evening Division students, the regular sequence of the lockstep courses is as follows:

First Semester: Contracts I
 Legal Analysis & Writing
 Legal Research
 Property I
 Torts I

Professional Responsibility.

D. Pass/55 Course Limitation

No student may count more than twelve credit hours earned in courses graded on a pass/55 basis toward the total number of hours required for graduation.

E. Non-classroom Course Limitation

No student may count more than twelve credit hours earned in courses without a regularly scheduled classroom component toward the total number of hours required for graduation.

F. Directed Research and Directed Readings Requirements

1. Eligibility for Directed Research and Directed Readings

Directed Research and Directed Readings are available to any student who has successfully completed all lockstep courses. (Concurrent registration with lockstep courses is not permitted.)

2. Directed Research

Directed Research is a two credit hour program, graded on a pass/55 basis. To receive credit, the student must spend at least 120 hours researching and writing a paper of the length and quality required for the graduation writing requirement. No credit may be given prior to completion of the written product.

3. Directed Readings

Directed Readings is a one credit hour program, graded on a pass/55 basis. To receive credit, the student must spend at least 60 hours reading materials assigned by the sponsoring faculty member. The materials must relate to a particular theme, and the student must produce either a single descriptive paper illustrating a knowledge of the subject or a series of papers summarizing the contents of the assigned reading materials. No credit may be given prior to completion of the written product.

4. Supervision

Directed Research and Directed Readings must be supervised by a full-time faculty member. The Dean or the Associate Dean for Academic Affairs may approve a directed research or directed readings with an adjunct faculty but only if a full-time faculty member acts as a co-sponsor for the student and reviews all of the student's work product.

5. Faculty Supervisor Consent Required for Registration

Students may not enroll for Directed Research or Directed Readings

4. Absences Prior to Adding a Course

Absences from class sessions prior to adding the course will be counted toward the maximum number of unexcused absences from a class.

D. Maximum Student Load

1. Full-time Student

A full-time student may not register for more than sixteen credit hours in any one semester. This includes non-classroom courses as well as classroom courses.

2. Part-time Student

A part-time student may not register for more than twelve credit hours in any one semester. This includes non-classroom courses as well as classroom courses.

3. Correction of Excessive Course Loads

A student who enrolls for more than the permissible number of hours shall be withdrawn from a course or courses until the registration complies with the maximum load requirements. The choice of courses from which the student will be withdrawn is in the sole discretion of the Associate Dean for Academic Affairs. However, if the overload is not discovered until after grades have been given for the courses, the Academic Standards Committee may withdraw the student from a sufficient number of courses in that semester or term to bring the course load into compliance. Furthermore, any fraud, deceit, misrepresentation, or dishonesty in creating the overload will be a violation of the Code of Academic Conduct.

VI. Attendance

A. Requirement

Regular and punctual class attendance is required of all students in all courses.

B. Sanctions for Excessive Unexcused Absences

1. Two Weeks

A student with unexcused absences exceeding two weeks in a course will receive no grade higher than 70 in that course. As used herein, a week's absence means absences equal to the number of times that course meets in a week. Absences need not be consecutive to count toward this total.

VII. Examinations

A. Anonymity

1. Confidential Examination Numbers Assigned

Each semester all students enrolled at the Law School are assigned a number to use instead of their name or Social Security number on Law School examinations. These examination numbers are confidential.

2. Grades Posted by Number

Grades for each course are posted by course name and by student examination number on the bulletin board across from the administrative offices.

3. "Blind" Examination Grading

Students enrolled in classes in which the primary means of evaluation is an examination receive a "blind" examination grade. In those courses, the instructors assign grades to examinations without knowing the name or identity of the test taker. After instructors turn in the "blind" examination grades for their courses, they have the opportunity to match student examination numbers with student names. Sometimes instructors adjust the "blind" examination grades to reflect class participation and other relevant factors in evaluating student work; therefore, the final grade which a student receives in a given course may differ from his or her "blind" examination grade. Instructors are expected to inform students about course evaluation procedures at the beginning of each course.

4. Retention of Work upon which Grades Are Based

The Law School will retain examinations and other written work on which a student's grade for a given course is based for a period of not less than one year following completion of the course. Students will be afforded some opportunity to review, within a reasonable time, written work upon which a grade is based.

B. Inviolability of Exam Times

All students shall take examinations as scheduled, except in the case of an extreme emergency beyond the control of the student. Students who must omit a scheduled examination shall submit to the Dean or the Associate Dean for Academic Affairs a written statement setting forth the nature of the emergency as soon after the emergency arises as is practicable. The Dean or the Associate Dean for Academic Affairs will either approve or disapprove the student's omission to take the scheduled examination. An unapproved failure to take a scheduled examination will be recorded as a grade of 55 for the course.

2. Permissible Collaboration

The amount of collaboration with others that is permitted in the completion of assignments may vary, depending upon the policy set by the instructor for the course. Students must assume that collaboration in the completion of assignments is prohibited unless explicitly permitted by the instructor. Students must acknowledge any collaboration and its extent in all work submitted.

3. Resolution of Doubts

Students who are in any doubt about the preparation of academic work should consult their instructor before it is prepared or submitted. Students who, for whatever reason, submit work that is either not their own or that does not include clear attribution of all sources will be subject to disciplinary action.

D. Double Dipping

Occasionally students seek to submit one paper for two or more courses or seminars. In such cases, the paper must be of sufficiently greater scope or depth to warrant such multiple credit. The instructors involved in each instance should discuss appropriate ways to make sure that the submitted work meets this greater burden and must each give his or her prior written approval of the proposed multiple use before multiple credit may be given. This rule applies to all course offerings whether at the Law School or elsewhere. A student who submits the same, or substantially the same, work in more than one course without obtaining such prior written approval will be subject to disciplinary action.

IX. Grades and Grading Policies

A. Grades

1. Available Grades

The grades at the Law School shall be whole numbers between 55 and 99, P, F, W, X, and I. No other grades exist.

2. Interpretations and Uses of Numerical Grades

Numerical grades from 55 to 59 are failing grades and confer no credit. Grades from 60 to 99 are passing grades and do confer credit. The grade average is obtained in the following fashion: First, multiply each numerical grade received by the number of credit hours for the course. This product is referred to as quality points. Second, add all of a student's quality points. Third, divide the sum of the student's quality points by the total number of credit hours for which the student has received a numerical grade (graded credit hours). The resulting number is the grade

will be graded on a pass/55 basis. Students who pass the course receive a P for the course. Failure of a pass/55 course results in a 55 being posted on the transcript. This grade of 55 will be calculated as part of the grade average.

3. Pass/55 Only for Entire Class

Absent approval of the Academic Standards Committee, pass/55 grading may only be used for an entire class; no student or students shall be given a pass/55 option either before or after posting of numerical grades.

C. Grade Standards

1. Lockstep Courses

For lockstep courses, the mean grade shall be between 72 and 76. In no circumstances may it exceed 76, and it may only be below 72 with approval of the Academic Standards Committee.

2. Advanced Courses

For all advanced courses, the mean grade shall be between 74 and 79, unless the Academic Standards Committee approves.

3. Procedures for Implementing Standards

i. Mid-term Grades

Certain lockstep courses are full-year courses and the first semester grades from those courses are merely mid-term grades. For that reason, it is possible to have first semester, mid-term grades which exceed the prescribed standard. However, the final average grades for the course must conform to the standard.

ii. Submission of Final Grades

Final grades are to be submitted to the Associate Dean for Academic Affairs, who will check for their compliance with the grading standard. Grades in compliance will be posted and grades not in compliance will be returned to the instructor.

iii. Petition to the Academic Standards Committee

An instructor wishing to grant grades for a course which fall outside the standard shall petition the Academic Standards Committee in writing.

iv. Failure to Bring Grades into Compliance

If an instructor, after a reasonable period of time, fails to bring the grades for a course into compliance with the grading standards or petition for

C. Probation

1. At Discretion of Academic Standards Committee

Students who are dismissed for academic deficiency may petition the Academic Standards Committee to be placed on probation.

2. Effective Date of Probation

Probation shall not begin until the first full semester after the student was dismissed and then, by virtue of the committee's grant of a petition, placed on probation.

3. Schedule Approval

A student on probation must have his or her class schedule approved by the Academic Standards Committee.

4. Additional Terms and Conditions

The Academic Standards Committee may include in a probation any additional terms or conditions the committee deems appropriate.

5. Resolution of Probation

A student whose average remains below 70 after the semester in which he or she was placed on academic probation shall be dismissed for academic deficiency, unless the Academic Standards Committee again votes to place the student on probation, but the committee may not under any circumstances grant probation for more than two semesters.

XI. Leaves of Absence

A. Not Available for First Year Students

A student who has not completed the first two semesters of the student's program (regardless of status, division, or sequence) may not obtain a leave of absence. The student may petition the Academic Standards Committee to be allowed to withdraw from school with a right to re-start the first year program.

B. Limited Availability Prior to Completing Lockstep Courses

A student who has not completed the lockstep courses (regardless of status, division, or sequence) may only obtain a leave of absence by permission of the Academic Standards Committee. The committee may impose any conditions on that leave, particularly relating to the date of the student's return and the plan for completing lockstep courses.

time status to full-time status must be accompanied by an affidavit swearing that the student shall not be employed more than twenty hours per week at any time during any semester or term for which the student is a full-time student.

XIII. Graduation

A. Requirements

1. Required Courses

A candidate for graduation must have received credit in all required courses, namely Civil Procedure, Contracts, Criminal Law, Legal Analysis, Legal Research, Legal Writing, Powers of Government, Professional Responsibility, Property, and Torts.

2. Total Hours

A candidate for graduation must have received a minimum of eighty-eight credit hours.

3. Grade Average Requirements

a. Lockstep Courses (or Waiver)

A candidate for graduation must have an average no lower than 70.00 for all lockstep courses or a waiver of this standard from the Academic Standards Committee (which is typically granted at the time the student was placed on probation).

b. Cumulative

A candidate for graduation must have a cumulative average no lower than 70.00. There is no waiver of this standard.

4. Residency Requirements

A candidate for graduation must complete six semesters in residence to be eligible to graduate. No residence credit is earned for a course which the student fails. Residency for regular semesters (14 weeks of classroom instruction plus two weeks of final examinations) will be calculated as follows:

13+ credits earned:	1.00 semester in residence
8-12 credits earned:	0.75 semester in residence
7 credits earned:	0.66 semester in residence
6 credits earned:	0.56 semester in residence

Academic Standards

- I. Function of these Standards
 - A. Comprehensive Rules and Interstitial Rulemaking
 - B. Adoption and Amendment
 - C. Constructive Notice
 - D. Availability

- II. Categories of Students
 - A. Status
 - 1. Full-time
 - 2. Part-time
 - B. Division
 - 1. Day
 - 2. Evening

- III. Student Academic Conduct
 - A. Code of Academic Conduct
 - B. Duty to Report
 - C. Disciplinary Forum
 - 1. Grading of Scheduled Examinations or Assignments
 - 2. Investigations
 - 3. Appointments of a Tribunal
 - 4. Conflict of Interest for Investigators
 - 5. Conflict of Interest for Appointments of the Tribunal
 - 6. Procedures in the Hearing
 - 7. Standard of Proof
 - 8. Required Vote
 - 9. Appeals by an Accused Student
 - 10. Appeals by Others

- IV. Curriculum
 - A. Lockstep sequences
 - 1. Full-time, Day Division, Regular Sequence
 - 2. Day Division, Extended Sequence
 - 3. Evening Division, Regular Sequence
 - 4. Evening Extended Division

Academic Standards

- I. **Function of these Standards**
 - A. **Comprehensive Rules and Interstitial Rulemaking**
 - B. **Adoption and Amendment**
 - C. **Constructive Notice**
 - D. **Availability**

- II. **Categories of Students**
 - A. **Status**
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Academic Standards

I. Function of these Standards

A. Comprehensive Rules and Interstitial Rulemaking

The function of these academic standards is to provide comprehensive rules for governing the academic standards to be applied to students of the institution. To the extent the rules fail to provide adequate guidance for administering a particular aspect of the students' academic program, the Academic Standards Committee may adopt temporary rules which shall have full force and effect for one semester or until the faculty adopts a permanent standard (whichever occurs earliest).

B. Adoption and Amendment

The academic standards are adopted by majority vote of the faculty and are subject to amendment by a majority vote of the faculty.

C. Constructive Notice

These standards serve as notice to all applicants, students, faculty, and others of rules, regulations, policies, and procedures described herein. This notice exists without regard to whether one has actually taken the opportunity to read the standards; the Law School will deal with all interested parties on the assumption that they have informed themselves as to these standards.

D. Availability

The Law School will make efforts to provide reasonable access to these standards to interested people. This access may include availability of the standards at the law library.

II. Categories of Students

Students shall be divided into categories by status (full-time or part-time), and, as to students in the lockstep courses, division (day or evening) and sequence (regular or extended).

A. Status

1. Full-time

All full-time students who have not completed lockstep courses must be in the day division, regular sequence. Advanced full-time students must enroll in at least thirteen credit hours per semester (and a proportionate load in a shorter

term) and take the bulk of their schedule in the day. No full-time student may work more than twenty hours per week during any week in any term or semester for which the student is enrolled. The student bears the burden of proving compliance with this work limitation, and the Law School, at its sole discretion, may at any time require the student to provide proof of compliance. Any student who cannot prove satisfactorily the student's compliance with the work limitation shall be regarded as a part-time student, and the sanctions for exceeding the maximum student load for a part-time student will be imposed for any semester in which the student exceeded the maximum part-time load. Furthermore, violation of the work limitation is an Code of Academic Conduct violation and is therefore subject to additional sanction through that process.

2. Part-time

A part-time student is any student working more than twenty hours per week, any student taking twelve or fewer credit hours in a semester (or a proportionate load in a shorter term), any student who has not completed lockstep courses and is not in the day division, regular sequence, or any student who is not taking the bulk of the student's schedule in the day.

B. Division

1. Day

The day division consists of full-time or part-time students who have not completed their lockstep courses and are attending those courses during the day.

2. Evening

The evening division consists of part-time students who have not completed their lockstep courses and are attending those courses during the evening.

C. Sequence

1. Regular

Students enrolled in a regular sequence of lockstep courses are those enrolled in the full complement of courses available for their division.

2. Extended

Students enrolled in an extended sequence of lockstep courses are those enrolled in less than the full complement of courses available for their division. This program is prescribed for evening division students and is arranged for day division students.

III. Student Academic Conduct

A. Code of Academic Conduct

A student may be placed on probation, suspended, or dismissed for academic conduct unbecoming to a student of law. Academic conduct unbecoming to a student of law includes:

- (1) violating any rule or regulation of the Law School or the University, and
- (2) plagiarism and academic fraud, deceit, misrepresentation, or dishonesty.

B. Duty to Report

Any student who suspects a violation of the Code of Academic Conduct must report that suspicion to the Dean or the Associate Dean for Academic Affairs. Failure to do so is a violation of the Code of Academic Conduct.

C. Disciplinary Process

1. Grading of Suspected Examination or Assignment

An instructor suspecting a violation of the Code of Academic Conduct on any class assignment or examination must report the violation to the Associate Dean for Academic Affairs. The instructor should grade the assignment or examination as if no violation occurred and should then turn in the grades with the request that they be held by the registrar pending an investigation.

2. Investigation

The Associate Dean for Academic Affairs shall act as counsel for the institution in investigating alleged violations of the Code of Academic Conduct. Upon concluding the investigation, the Associate Dean may either dismiss the charges, impose an appropriate sanction with the acquiescence of the Dean and the student, or request the appointment of a hearing tribunal.

3. Appointment of a Tribunal

Upon request, the Dean shall appoint a tribunal of five faculty members to hear the charges. On request of the student, the Dean may appoint one student member in lieu of one faculty member on the panel.

4. Conflict of Interest for Investigation

If the Associate Dean for Academic Affairs is either a witness or the instructor of the course in which the alleged violation occurred, the Dean shall appoint another full-time faculty member to act as counsel for the institution in that case.

IV. Curriculum

A. Lockstep sequences

1. Full-time, Day Division, Regular Sequence

For full-time students, the prescribed regular sequence of the lockstep courses is as follows:

First Semester: Contracts I
 Criminal Law
 Legal Analysis & Writing
 Legal Research
 Property I
 Torts I

Second Semester: Civil Procedure
 Contracts II
 Legal Writing
 Property II
 Torts II

Third Semester: Powers of Government

2. Day Division, Extended Sequence

A day division, extended sequence is available by petition to the Academic Standards Committee, which must approve the sequence of lockstep courses to be taken by a part-time student in the day division.

3. Evening Division, Regular Sequence

For Evening Division students, the regular sequence of the lockstep courses is as follows:

First Semester: Contracts I
 Legal Analysis & Writing
 Legal Research
 Property I
 Torts I

Second Semester: Contracts II
 Legal Writing
 Property II

Torts II

Third Semester: Civil Procedure
Criminal Law
Powers of Government

4. Evening Extended Division

For Evening Division students, the extended sequence of the lockstep courses is as follows:

First Semester: Contracts I
Legal Analysis & Writing
Legal Research
Torts I

Second Semester: Contracts II
Legal Writing
Torts II

First Summer: Property I & II

Third Semester: Civil Procedure
Criminal Law

Fourth Semester: Powers of Government

B. Deviations from Lockstep sequences

Students may not deviate from their Lockstep sequence. Students in the Evening Division may opt for the Evening Division extended sequence anytime before the eighth week of the first semester. Students in the Day Division may petition for a Day Division extended sequence anytime before the eighth week of the first semester. After this time period, no changes in sequence are permissible (even at semester breaks) absent approval of the Academic Standards Committee.

C. Advanced Required course

In addition to completing the lockstep courses, every student, during some semester or term prior to graduation, must complete the advanced required course, Professional Responsibility.

D. Pass/55 course limitation

No student may count more than twelve credit hours earned in courses

graded on a pass/55 basis toward the total number of hours required for graduation.

E. Non-classroom course limitation

No student may count more than twelve credit hours earned in courses without a regularly scheduled classroom component toward the total number of hours required for graduation.

F. Directed Research and Directed Readings requirements

1. Eligibility for Directed Research and Directed Readings

Directed Research and Directed Readings are available to any student who has successfully completed all lockstep courses. (Concurrent registration with lockstep courses is not permitted.)

2. Directed Research

Directed Research is a two credit hour program, graded on a pass/55 basis. To receive credit, the student must spend at least 120 hours researching and writing a paper of the length and quality required for the graduation writing requirement. No credit may be given prior to completion of the written product.

3. Directed Readings

Directed Readings is a one credit hour program, graded on a pass/55 basis. To receive credit, the student must spend at least 60 hours reading materials assigned by the sponsoring faculty member. The materials must relate to a particular theme, and the student must produce either a single descriptive paper illustrating a knowledge of the subject or a series of papers summarizing the contents of the assigned reading materials. No credit may be given prior to completion of the written product.

4. Supervision

Directed Research and Directed Readings must be supervised by a full-time faculty member. The Dean or the Associate Dean for Academic Affairs may approve a directed research or directed readings with an adjunct faculty but only if the Dean or Associate Dean personally acts as a co-sponsor for the student and reviews all of the student's work product.

5. Faculty Supervisor Consent Required for Registration

Students may not enroll for Directed Research or Directed Readings without already having obtained the consent of a faculty sponsor. Each student who enrolls for Directed Research or Directed Readings will be assigned to a section which will correspond with the student's faculty sponsor; thus a change of faculty sponsor would be a change of section and would require compliance with the Law School's

add/drop policies and procedures.

6. Topics

Topics for Directed Research and Directed Readings must be topics not covered in the regular curriculum. They may include specialized topics not taught in traditional courses or advanced work building on a topic covered in the curriculum; however, a student may not do advanced work through directed research or directed readings without having completed the course or courses upon which the directed research or directed readings will build.

V. Registration

A. Normal registration times

Registration times for each semester or term shall be set by the administration but will typically be a period of about two weeks held approximately two months before the start of the semester or term.

B. Late Registration

Failure to register during the normal registration time for a semester or term will cause a student to incur a late fee to be set by the Law School administration and to lose any priority in registration.

C. Add/Drop policies

1. Normal time period

Students may add or drop classes during the first two weeks of a semester or an equivalent portion of a shorter term.

2. Late adds

After the normal add/drop period, a student may only add a course with the permission of the Academic Standards Committee.

3. Late drops

After the normal add/drop period, a student may only drop a course with the permission of the Dean or the Associate Dean for Academic Affairs.

4. Absences prior to adding a course

Absences from class sessions prior to adding the course will be counted toward the maximum number of unexcused absences from a class.

D. Maximum Student Load

1. Full-time Student

A full-time student may not register for more than sixteen credit hours in any one semester. This includes non-classroom courses as well as classroom courses.

2. Part-time Student

A part-time student may not register for more than twelve credit hours in any one semester. This includes non-classroom courses as well as classroom courses.

3. Correction of Excessive Course Loads

A student who enrolls for more than the permissible number of hours shall be withdrawn from a course or courses until the registration complies with the maximum load requirements. The choice of courses from which the student will be withdrawn is in the sole discretion of the Associate Dean for Academic Affairs. However, if the overload is not discovered until after grades have been given for the courses, the Academic Standards Committee may withdraw the student from a sufficient number of courses in that semester or term to bring the course load into compliance. Furthermore, any fraud, deceit, misrepresentation, or dishonesty in creating the overload will be a violation of the Code of Academic Conduct.

VI. Attendance

A. Requirement

Regular and punctual class attendance is required of all students in all courses.

B. Sanctions for Excessive Unexcused Absences

1. Two Weeks

A student with unexcused absences exceeding two weeks in a course will receive no grade higher than 70 in that course. As used herein, a week's absence means absences equal to the number of times that course meets in a week. Absences need not be consecutive to count toward this total.

2. Three Weeks

A student with unexcused absences exceeding three weeks in a course will receive no grade higher than 59 in that course. As used herein, a week's

absence means absences equal to the number of times that course meets in a week. Absences need not be consecutive to count toward this total.

C. Notice

The Law School shall notify students when their absences exceed the limits noted above. Notice shall be sent by regular mail to the student's address of record in the Registrar's office, and shall be sent once for each class in which a student has excessive absences.

D. Excused Absences

1. All absences are presumptively unexcused

All absences are presumed to be unexcused. The only method for excusing an absence is by petition to the Academic Standards Committee.

2. Committee procedure for determining excused absences

Students who receive notice of excessive absences may submit excuses in writing to the Academic Standards Committee which will determine their legitimacy. Examples of excused absences include but are not limited to: death of a family member, illness, or accident. Outside employment excuses are ordinarily not acceptable because students are expected to schedule work so that it will not interfere with school requirements; however, in exceptional circumstances, employment requirements may be acceptable.

E. Sanction for Excessive Excused Absences

A student whose total absences (excused and unexcused) exceed four weeks but who is not subject to sanction for unexcused absences shall be withdrawn from that course and have a W grade entered on the student's transcript, unless the instructor and the Academic Standards Committee, based on extraordinary circumstances and evidence that the student has sufficiently comprehended the course material, determine that the student should receive credit. The student's final examination grade is some evidence of sufficient comprehension of the material but is by no means conclusive.

VII. Examinations

A. Anonymity

1. Confidential examination numbers assigned

Each semester all students enrolled at the Law School are assigned a number to use instead of their name or Social Security number on Law School

examinations. These examination numbers are confidential.

2. Grades posted by number

Grades for each course are posted by course name and by student examination number on the bulletin board across from the administrative offices.

3. "Blind" examination grading

Students enrolled in classes in which the primary means of evaluation is an examination receive a "blind" examination grade. In those courses, the instructors assign grades to examinations without knowing the name or identity of the test taker. After instructors turn in the "blind" examination grades for their courses, they have the opportunity to match student examination numbers with student names. Sometimes instructors adjust the "blind" examination grades to reflect class participation and other relevant factors in evaluating student work; therefore, the final grade which a student receives in a given course may differ from his or her "blind" examination grade. Instructors are expected to inform students about course evaluation procedures at the beginning of each course.

4. Retention of work upon which grades are based

The Law School will retain examinations and other written work on which a student's grade for a given course is based for a period of not less than one year following completion of the course. Students will be afforded some opportunity to review, within a reasonable time, written work upon which a grade is based.

B. Inviolability of Exam Times

No student may fail to take a scheduled examination. If in the case of an extreme emergency beyond the control of the student, he or she must omit a scheduled examination, a written statement setting forth the nature of the emergency must be submitted to the Dean or the Associate Dean for Academic Affairs as soon after the emergency arises as is practicable. The Dean or the Associate Dean for Academic Affairs will either approve or disapprove the student's omission to take the scheduled examination. An unapproved failure to take a scheduled examination will be recorded as a grade of 55 for the course.

C. Take-Home Pass/55 Remedy for Extraordinary Circumstances

In the event of a death in the family or a student's illness which interferes with the student's ability to take an exam at the scheduled time, the Dean or the Associate Dean for Academic Affairs may approve having the student take an appropriate take-home exam for the course on a pass/55 basis. The student taking an examination in this manner waives all right to anonymity.

D. Extra Time for Students with Disabilities

Students with medically verifiable disabilities may be provided extra time to complete examinations. Petitions for extra time must be made to the Academic Standards Committee by November 1 of each academic year for which the student desires extra time. Each petition should be accompanied by evidence of the medical condition and evidence of extra time given in past educational settings or examinations. Particular weight is given to the time allowed for taking the LSAT. The student whose request is granted is responsible for making appropriate arrangements with the student services office.

VIII. Papers and Projects

A. Anonymity Optional

In any course which requires papers or projects other than in-class or take-home examinations, the instructor for the course may, but need not, make such arrangements for anonymous grading of such papers or projects as he or she deems appropriate.

B. Citation rules

The responsibility for learning the proper forms of citation lies with the individual student. Quotations must be properly placed within quotation marks and must be fully cited. In addition, all paraphrased material must be completely acknowledged. Whenever ideas or facts are derived from a student's reading and research, the sources must be clearly indicated.

C. Own work requirement

1. Identification of sources

All work submitted to meet course requirements is expected to be the student's own work. In the preparation of work submitted to meet course requirements, students should always take great care to distinguish their own ideas and knowledge from information derived from other sources. The term "sources" includes not only published primary and secondary material, but also information and opinions gained directly from other people.

2. Permissible collaboration

The amount of collaboration with others that is permitted in the completion of assignments can vary, depending upon the policy set by the instructor for the course. Students must assume that collaboration in the completion of assignments is prohibited unless explicitly permitted by the instructor. Students must

acknowledge any collaboration and its extent in all work submitted.

3. Resolution of doubts

Students who are in any doubt about the preparation of academic work should consult their instructor before it is prepared or submitted. Students who, for whatever reason, submit work that is either not their own or that does not include clear attribution of all sources will be subject to disciplinary action.

D. Double dipping

Occasionally students seek to submit one paper for two or more courses or seminars. In such cases, the paper must be of sufficiently greater scope or depth to warrant such multiple credit. The instructors involved in each instance should discuss appropriate ways to make sure that the submitted work meets this greater burden and must each give his or her prior written approval of the proposed multiple use before multiple credit may be given. This rule applies to all course offerings whether at the Law School or elsewhere. A student who submits the same, or substantially the same, work in more than one course without obtaining such prior written approval will be subject to disciplinary action.

IX. Grades and Grading Policies

A. Grades

1. Available grades

The grades at the Law School shall be whole numbers between 55 and 99, P, F, W, X, and I. No other grades exist.

2. Interpretations and uses of numerical grades

Numerical grades from 55 to 59 are failing grades and confer no credit. Grades from 60 to 99 are passing grades and do confer credit. The grade average is obtained in the following fashion: First, multiply each numerical grade received by the number of credit hours for the course. This product is referred to as quality points. Second, add all of a student's quality points. Third, divide the sum of the student's quality points by the total number of credit hours for which the student has received a numerical grade (graded credit hours). The resulting number is the grade average.

5. Conflict of Interest for Appointment of the Tribunal

If the Dean is either a witness or the instructor of the course in which the alleged violation occurred and the Associate Dean for Academic Affairs has concluded a tribunal should hear the case, the appointment of the tribunal members shall be made by the Associate Dean for Administration.

6. Procedure in the Hearing

In the hearing before the tribunal, the institution bears the initial burden of producing evidence and bears all burdens of persuasion. While the tribunal should attempt to avoid unnecessary formality, it will adhere to the following minimum standards: no one may be forced into self-incrimination, any accused student may be accompanied by counsel, and all witnesses must be subject to confrontation and cross-examination.

7. Standard of Proof

The tribunal must determine by clear and convincing evidence if the accused student has violated the Code of Academic Conduct, and if so, what the appropriate institutional response to the act shall be.

8. Required Vote

All decisions of the panel require concurrence of at least three members of the panel.

9. Appeals by an Accused Student

An accused student may appeal the decision of the tribunal to the entire full-time faculty. This appeal may address both questions of guilt or innocence and questions of appropriate sanctions. This appeal shall be on the basis of the substantial evidence rule.

10. Appeals by Others

There is no appeal from a decision by the Associate Dean not to pursue a case, nor from a decision by the tribunal that no violation occurred. In addition, no one other than the accused student may appeal questioning the appropriateness of the sanctions imposed.

3. Interpretations and uses of letter grades

i. I

An I is given to a student who has not completed the requirements for a course in a timely fashion, but has arranged with the instructor to do so within no more than one calendar year. After one year, an unresolved I becomes a 55. At no time does an I confer credit for the course.

ii. X

An X grade is posted on the transcript if the student through no fault of his or her own has not yet received a grade for a course. This grade is designed to cover those situations in which a course is expected to take more than one semester to complete. The X grade does not confer credit for the course and is not calculated in the grade average.

iii. W

A grade of W is posted on the transcript whenever a student withdraws from a course after the drop deadline. This withdrawal may only be done with permission. The W grade confers no credit and is not calculated in the grade average.

iv. P

A grade of P is given to any student who passes a pass/55 course. This grade confers credit for the course, but is not calculated in the grade average.

v. F

A grade of F is given to any student who fails a retaken course. This grade confers no credit for the course and is not calculated in the grade average.

B. Pass/55 or Pass/Fail grading

1. Pass/Fail only in retaking failed course

No course is graded pass/fail; however, students who retake a failed course are graded in that course on a pass/fail basis.

2. Pass/55 grading

Any course in which numerical grades are not expected to be given will be graded on a pass/55 basis. Students who pass the course receive a P for the course. Failure of a pass/55 course results in a 55 being posted on the transcript. This

grade of 55 will be calculated as part of the grade average.

3. Pass/55 only for entire class

Absent approval of the Academic Standards Committee, pass/55 grading may only be used for an entire class; no student or students shall be given a pass/55 option either before or after posting of numerical grades.

C. Grade Standards

1. Lockstep Courses

For lockstep courses, the mean grade shall be between 72 and 76. In no circumstances may it exceed 76, and it may only be below 72 with approval of the Academic Standards Committee.

2. Advanced Courses

For all advanced courses, the mean grade shall be between 74 and 79, unless the Academic Standards Committee approves.

3. Procedures for implementing standards

i. Mid-term grades

Certain lockstep courses are full-year courses and the first semester grades from those courses are merely mid-term grades. For that reason, it is possible to have first semester, mid-term grades which exceed the prescribed standard. However, the final average grades for the course must conform to the standard.

ii. Submission of final grades

Final grades are to be submitted to the Associate Dean for Academic Affairs, who will check for their compliance with the grading standard. Grades in compliance will be posted and grades not in compliance will be returned to the instructor.

iii. Petition to the Academic Standards Committee

An instructor wishing to grant grades for a course which fall outside the standard shall petition the Academic Standards Committee in writing.

iv. Failure to bring grades into compliance

If an instructor, after a reasonable period of time, fails to bring the grades for a course into compliance with the grading standards or petition for and receive a waiver, the Academic Standards Committee shall act in its discretion to bring the grades in compliance.

E. Changing Grades

After an instructor has submitted grades to the Associate Dean, the grades are final and may not be changed except with permission of the Academic Standards Committee. The committee shall freely allow changes in the case of a grade which was incorrectly given as a result of an arithmetical, administrative, or other "mechanical" error. Other changes will only be permitted in the most extraordinary circumstances.

X. Student Retention

A. Student is on Notice of his own grades and grade average

Every student shall be deemed to be on notice of the student's own grades and grade average as well as these rules for student retention. Any student who, by virtue of these rules has been dismissed from the Law School, but who nevertheless attempts to continue enrollment and attendance in classes is responsible for tuition and fees charges incurred by the student's fraudulent attendance at the Law School.

B. Dismissal

1. Dismissal automatic if average is below 70

At any time after two semesters in the Law School, any student with a grade average below 70 shall be dismissed from school for academic deficiency.

2. Dismissal automatic if lockstep average is below 70

If a student deviates from the standard lockstep curriculum, the Academic Standards Committee, to adequately manage the attrition program, shall evaluate the student's grade average based both on lockstep courses alone and on all courses in the aggregate, and to continue in the Law School, the student's average in both instances must be at least 70.

3. Automatic Withdrawal

A student dismissed for academic deficiency is automatically withdrawn from any classes in which he or she is then enrolled and is fully refunded the tuition and fees paid for that semester.

C. Probation

1. At Discretion of Academic Standards Committee

Students who are dismissed for academic deficiency may petition the Academic Standards Committee to be placed on probation.

2. Effective Date of Probation

Probation shall not begin until the first full semester after the student was dismissed and then, by virtue of the committee's grant of a petition, placed on probation.

3. Schedule Approval

A student on probation must have his or her class schedule approved by the Academic Standards Committee.

4. Additional Terms and Conditions

The Academic Standards Committee may include in a probation any additional terms or conditions the committee deems appropriate.

5. Resolution of Probation

A student whose average remains below 70 after the semester in which he or she was placed on academic probation shall be dismissed for academic deficiency, unless the Academic Standards Committee again votes to place the student on probation, but the committee may not under any circumstances grant probation for more than two semesters.

XI. Leaves of Absence

A. Not available for First Year Students

A student who has not completed the first two semesters of the student's program (regardless of status, division, or sequence) may not obtain a leave of absence. The student may petition the Academic Standards Committee to be allowed to withdraw from school with a right of re-entry.

B. Limited availability prior to completing lockstep courses

A student who has not completed the lockstep courses (regardless of status, division, or sequence) may only obtain a leave of absence by permission of the Academic Standards Committee. The committee may impose any conditions on that leave, particularly relating to the date of the student's return and the plan for completing lockstep courses.

C. Leaves for advanced students

Advanced students (those who have completed lockstep courses) may obtain one leave of absence of up to one calendar year from the Dean or the Associate Dean for Academic Affairs. A second leave of absence, a leave of longer duration than one year, or an extension to a leave which has been granted may only be obtained from the Academic Standards Committee.

D. Standards for granting leave

A student's request for a leave of absence is not to be granted automatically; however, requests based on reasonable grounds, such as hardships arising from family, economics or employment, medical condition, or the like, shall be granted liberally.

E. Visits to another ABA approved law school

A leave of absence for a visit to another ABA approved law school is handled in the same fashion as any other leave of absence; there typically must be a demonstrable hardship leading to the request to attend another law school. A leave of absence for a visit to another ABA approved law school may be conditioned on the availability of certain courses at the visited school. Under no circumstances will more than thirty credit hours of work be transferred back from the visited school (regardless of the length of the leave approved) and no credits will be accepted which do not meet or exceed the grade average required to graduate from the visited school.

F. Sanctions

Failure to comply with the provisions on leaves of absence or with conditions on a leave granted shall be grounds for the Academic Standards Committee to impose any sanction it deems appropriate, including but not limited to refusal to accept transferred credits (regardless of the grade received), probation (with conditions it deems appropriate attached), or dismissal.

XII. Change of Status, Division, or Sequence

A. Prior to Completing Lockstep Courses

A change of status, division, or sequence prior to completion of lockstep courses shall only be allowed upon the approval of the Academic Standards Committee, which permission will only be granted in the most extraordinary circumstances.

B. After completing Lockstep Courses

A change of status after completing lockstep courses may be done in conjunction with registration for any semester or term. However, a change from part-time status to full-time status must be accompanied by an affidavit swearing that the student shall not be employed more than twenty hours per week at any time during any semester or term for which the student is a full-time student.

XIII. Graduation

A. Requirements

1. Required Courses

A candidate for graduation must have received credit in all required courses, namely Civil Procedure, Contracts, Criminal Law, Legal Analysis, Legal Research, Legal Writing, Powers of Government, Professional Responsibility, Property, and Torts.

2. Total Hours

A candidate for graduation must have received a total of eighty-eight credit hours.

3. Grade Average requirements

a. Lockstep Courses (or waiver)

A candidate for graduation must have an average no lower than 70.00 for all lockstep courses or a waiver of this standard from the Academic Standards Committee (which is typically granted at the time the student was placed on probation).

b. Cumulative

A candidate for graduation must have a cumulative average no lower than 70.00. There is no waiver of this standard.

4. Residency Requirements

A candidate for graduation must complete six semesters in residence to be eligible to graduate. No residence credit is earned for a course which the student fails. Residency for regular semesters (14 weeks of classroom instruction plus two weeks of final examinations) will be calculated as follows:

13+ credits earned:	1.00 semester in residence
8-12 credits earned:	0.75 semester in residence
7 credits earned:	0.66 semester in residence
6 credits earned:	0.56 semester in residence
5 credits earned:	0.47 semester in residence
4 credits earned:	0.38 semester in residence
3 credits earned:	0.28 semester in residence
2 credits earned:	0.19 semester in residence
1 credit earned:	0.09 semester in residence

Residency credit for terms smaller than a semester will be calculated from this formula on a pro rata basis.

5. Compliance with curricular requirements

A candidate for graduation must have complied with all curricular requirements, i.e., course prerequisites, standards relating to credit hours of pass-fail courses, standards relating to non-classroom courses, and the like. Any credits received in contravention of these curricular requirements shall not be counted toward the eighty-eight credit hours required for graduation.

B. Fees

Each student shall pay, no later than 90 days before the scheduled graduation date, a graduation fee to be set by the administration.

C. Honors

1. Summa Cum Laude

Any student who graduates with an average above 88 and is in the top two percent of the graduating class shall be designated as graduating summa cum laude.

2. Magna Cum Laude

Any student who graduates with an average above 85 and is in the top five percent of the graduating class shall be designated as graduating magna cum laude.

3. Cum Laude

Any student who graduates with an average above 82 and is in the top ten percent of the graduating class shall be designated as graduating cum laude.

EXHIBIT "C"

A P O C K E T H I S T O R Y

O F

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

A P O C K E T H I S T O R Y
O F
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

1. Definitions.

As used herein:

"University" means Texas Wesleyan University.

"School" means Texas Wesleyan University School of Law, or in regard to matters preceding August 1991, the Dallas/Fort Worth School of Law.

2. Operational History.

First Class. The School, under the name Dallas/Fort Worth School of Law, commenced its first law class in late August, 1989, the beginning of the School's first school year of 1989-1990.

Later Classes. Thereafter, the School admitted additional classes in late August or early September for the fall trimesters of the school years 1990-1991, 1991-1992, 1992-1993, and for the spring trimesters in January of the school years 1989-1990, 1990-1991, 1991-1992, and 1992-1993. No new classes were admitted during the summer trimesters. The last class admitted to date was in the fall semester of the 1993-1994 school year, the first time the School was on the semester system. No class will be admitted in the spring semester of the 1993-1994 school year.

Trimesters, Then Semesters. The normal School year through the school year 1992-1993 was September through August of each calendar year. Most often, the fall, spring, and summer trimesters respectively covered the following periods: September-December, January-April, and May-August. In the fall semester of the 1993-1994 school year the School commenced the use of the semester system and abandoned the trimester system.

Facilities. The School first housed its offices, classes, library, and related facilities in a leased portion of the buildings of The University of Dallas campus at 1451 East Northgate, Irving, Texas 75061. In late August, 1991, it moved to the complex of Recognition Equipment International, Inc. (REI), where its address is Building No. 3, 2535 Grauwylar Road East, Irving, Texas 75061-3400.

Board and Officers. Robert L. Harmon, Colleyville, Texas; Stephen R. Chaney, Esq., Fort Worth, Texas; and Randy Deaton Robason, J.D., C.P.A., Coppell, Texas; comprised the initial board of directors of the Dallas/Fort Worth School of Law. In 1991, G. K. Maenius, Fort Worth, Texas; joined the board as it increased to four members.

The initial officers were President Robert L. Harmon, Secretary Stephen R. Chaney, and Treasurer Randy Deaton Robason.

Immediately prior to the affiliation with Texas Wesleyan University School of Law, the officers of Dallas/Fort Worth School of Law were Chairman of the Board Stephen R. Chaney, President Frank W. Elliott, Executive Vice President Robert L. Harmon, Secretary Stephen R. Chaney, and Treasurer Randy D. Robason.

Immediately after the affiliation with Texas Wesleyan University School of Law, the Board of Directors of the University became the responsible board. Stephen R. Chaney and Randy D. Robason became members of the Board of Directors of the University. Stephen R. Chaney remains on the Board as of this writing.

Board of Advisors. The Board of Advisors assists the Board of Directors. Members are reflected in the Texas Wesleyan University School of Law Bulletin which is published annually.

Significant among the Board of Advisors is Allen E. Smith. From the beginning, he served as a consultant to the School on various matters, and he served as an adjunct faculty member. He is a former member of the faculty of The University of Texas at Austin School of Law and served as the Dean at both The University of Missouri-Columbia School of Law and The University of Alabama School of Law.

Dean and President; Provost and Academic Vice President. Acting Dean John C. Cady became the first dean and the first professor of the School in August of 1989. Dean Cady previously served as an associate dean at two other law schools.

Dean and Professor Frank W. Elliott became Dean and Professor in mid-October 1989. He became President, Dean, and Professor effective November 1, 1991. At that time Robert L. Harmon became Executive Vice President.

Upon the affiliation with Texas Wesleyan University, the President of the University, Jake Schrum, automatically became the responsible president. The Provost and Academic Vice President of the University is Dr. M. Mark Wasicsko who holds the intermediate position between the Dean and the President.

Dean Elliott formerly was President of the Southwestern Legal Foundation, Dean of Texas Technological University School of Law,

and a long time Professor of Law at the University of Texas at Austin School of Law. He is a Colonel, Ret., U. S. Army Reserves, Judge Advocate General Corps. He holds memberships in many prestigious national and state organizations including the American Law Institute and the American Bar Foundation.

Dean Elliott appointed Associate Professor Dennis Alan Olson as Associate Dean in the summer trimester of the 1989-1990 school year. In the fall trimester of the 1991-92 school year, Dean Elliott appointed Associate Professor Olson as Associate Dean for Academic Affairs and Associate Professor Frederick E. Moss as Associate Dean for Administrative Affairs. In the spring trimester of the 1992-1993 school year Professor John C. Cady replaced Associate Dean Olson. Deans Cady and Moss remain in those offices today.

Director of the Law Libraries. Professor Emeritus John Corbin served as the first Director of the Library. Upon his retirement in August 1991, Executive Director of the Law Library and Professor James Hambleton succeeded him.

Initial Faculty. Dean Elliott, Professor John C. Cady, and adjunct faculty members Judge Joe Spurlock, II., and Sue Pirtle, were the first teachers at the School, commencing in late August 1989.

Additional Full-time Faculty. Later additions to the full-time faculty, some of whom had earlier taught as Adjuncts, were:

January 1990 -- Professor and Director of the Library John Corbin, Professor Shirley C. Zabel, Assistant (now Associate) Professor Stephen R. Alton (on leave 1991-1992 and 1992-1993 for graduate study at Columbia University Law School), Assistant (now Associate) Professor W. Robert Gray, and Assistant (now Associate) Professor Malinda L. Seymore.

May 1990 -- Associate Professor Dennis Alan Olson.

September 1990 -- Associate Professor (now also Associate Dean for Administrative Affairs) Frederick E. Moss, Associate Professor Joseph Shade, and Assistant (now Associate) Professors James Paul George, Steven M. Breker-Cooper, and Gregory D. Williams.

January 1991 -- Professor Denny O. Ingram and Associate Professor John F. Shampton.

May 1991 -- Professor and Executive Director of the Law Library James Hambleton.

September 1991 -- Visiting Associate Professor (now Associate Professor) Donald J. Zahn and Assistant (now Associate) Professor Ray Waddell.

January 1992 -- Visiting Associate Professor (now Associate Professor) Walter William Hofheinz.

September 1992 -- Associate Professor John C. Duncan, Jr.

January 1993 -- Visiting Assistant Professor and Associate Director of the Legal Writing Program Deborah C. Wakefield.

September 1993 -- Distinguished Visiting Professor Wylie H. Davis.

Visiting Faculty. H. Dee Johnson, Jr., served as a Visiting Professor for the spring and summer trimesters of the 1991-1992 school year. Craig Allen Nard was a Visiting Assistant Professor for the school year 1992-1993. Kay Elkins Elliott has been a Visiting Associate Clinical Professor since the fall of the 1992-1993 school year. Deborah Wakefield became Visiting Associate Director of Legal Writing in the spring semester of the 1992-1993 school year and remains in that position. Wylie H. Davis became a Visiting Professor of Law in the fall of the 1993-1994 school year for the entire year and is scheduled to continue as a Visiting Professor of Law for the 1994-1995 school year.

Law Library personnel holding University faculty positions, some or all of whom assist in teaching law courses, include:

Director of Bibliographic and Collection Management Rita Dermody, Bibliographic Applications Librarian Amy Ness-Carver, Public Services Coordinator Susan Phillips, and Research and Reference Services Coordinator and Associate Director of Legal Research Lydia M. V. Brandt.

Other library personnel include: Public Services and Library Assistant Belinda Murray, Acquisitions Assistant Angela Tolbert, Serials Assistant [vacant], and Collections Maintenance Assistant Robert Twine.

Adjunct Faculty. Numerous persons served as Adjunct Faculty members from the beginning through the fall 1992-1993 trimester:

Susanne Adams, Leota Alexander, Erin Baker, Lee Baldwin, William Blackburn, Judge David Brooks, Allen Butler, Frank Carroll, Stephen R. Chaney, Henry Dahl, Kay Elkins-Elliott, Richard Faulkner, Frank Finn, Eugene Flynn, James Greenstone, Walter Hofheinz, Hubert Johnson, Sr., Judge Ed Kinkeade, Gary Kirkpatrick, Sharon Leviton, Tom Malorzo, Lehman Marks, Joan Marshall, Rona Mears, Sue Pirtle, John Ratcliffe, Ruth Rodriguez, Wayne Scheiss, D. Grant Seabolt, Malinda L. Seymore, John Shampton, Allen Smith, Judge Joe Spurlock, Louis Sturns, Dana Tait, Maridell Templeton, Brenda Thompson, Robert Trimble, Wyndylyn Von Zharen, Ray Waddell, Deborah Wakefield, Catherine Weber, Helmut Wolff, and Mark Zimmermann.

Additional Adjunct Faculty commencing with the spring 1992-1993 trimester and not within the foregoing list include:

Judge Frank Douthitt, Hortense Haynes, Kevin Marshall, Craig Allen Nard, Kathy Paulter, Linda Thomas, Kenneth Walker, and Richard Wieland.

Present Full-time Faculty. The present full-time Law Faculty members and degree sources are:

Dean and Professor Frank W. Elliott, J.D., The University of Texas at Austin School of Law, 1957; graduate law study Columbia University Law School, 1962; B.A., mathematics, The University of Texas at Austin, 1951.

Associate Professor Stephen R. Alton, (on leave 1991-1992 and 1992-1993 school years for graduate study at Columbia University Law School) J.D., The University of Texas at Austin School of Law, 1981; Ed.M., administration, planning and social policy, Harvard Graduate School of Education, 1986; A.B., history, Harvard, 1978.

Associate Professor Steven M. Breker-Cooper, LL.M., Harvard Law School 1990; J.D., Rutgers University Newark School of Law, 1985; M. A., molecular biology, University of California, Santa Barbara, 1978; M.S., psychology, New Mexico Highlands University, 1973; B.A., New York University, 1970.

Professor John C. Cady, J.D., George Washington University National Law Center, 1980; M.S., information science, Washington State University, 1969; B.A., mathematics, University of Omaha, 1963.

Professor and Director of the Library Emeritus John Corbin, J.D., Boston University Law School, 1949, M.S., library science, Southern Connecticut State College, 1980; B.A., philosophy and political science, Middlebury College, 1942.

Distinguished Visiting Professor Wylie H. Davis, LL.M., Harvard Law School, 1948; LL.B., Mercer University, 1947; A.B., Mercer University, 1947. Former Dean and Emeritus Distinguished Professor of Law of the University of Arkansas, Fayetteville, School of Law.

Associate Professor John C. Duncan, Jr., J.D., Yale Law School, 1976; Ph.D., linguistics, Stanford University, 1971; M.B.P.A., business and public administration, Southeastern University, 1985; M.Sc., audiology and speech pathology, University of Michigan 1965; M.A., linguistics, English as a second language, University of Michigan, 1966; B.A., De Pauw University, 1964.

Visiting Associate Clinical Professor Kay Elkins Elliott, LL.M., international law, Southern Methodist University School of

Law, 1984; J.D., University of Oklahoma College of Law, 1964; M.A., international management, University of Texas at Dallas, 1990; A.A., Stephens College, 1958.

Associate Professor James Paul George, LL.M., Columbia University Law School, 1983; J.D., University of Tulsa School of Law, 1978; B.A., political science, Oklahoma State University, 1973.

Associate Professor W. Robert Gray, J. D., The University of Chicago Law School, 1981; M.A., ethics and society, The University of Chicago Divinity School, 1974; M.A., political science, The University of Wisconsin at Madison, 1971; B.A., government, The University of Texas at Austin, 1969.

Executive Director of the Law Library James Hambleton, J.D., George Washington University National Law Center, 1978; A.M.L.S., library science, University of Michigan, Ann Arbor, 1971; B.A., Russian, Middlebury College, 1969.

Associate Professor Walter William Hofheinz, J.D., The University of Texas at Austin School of Law, 1979; B.A., McMurry College, 1979.

Professor Denny O. Ingram, Jr., J.D., The University of Texas at Austin School of Law, 1957; B.A., The University of Texas at Austin, 1956.

Associate Dean for Administrative Affairs and Associate Professor Frederick E. Moss, LL.M., The George Washington University National Law Center, 1973; J.D., University of Mississippi School of Law, 1964; B.A., economics, Rice University, 1961.

Associate Professor Dennis Alan Olson, J.D., Brigham Young University J. Reuben Clark Law School, 1984; B.A., political science, Brigham Young University, 1978.

Associate Professor Malinda L. Seymore, J.D., Baylor University School of Law, 1986; B.A., political science and medieval history, Rice University, 1982.

Associate Professor Joseph Shade, J.D., The University of Texas at Austin School of Law, 1960; B.B.A., The University of Texas at Austin, 1958.

Associate Professor John F. Shampton, J.D., The Ohio State University School of Law, 1970; Ph.D., finance, University of North Texas, 1992; B.A., history, University of Dayton, 1967.

Professor Joe Spurlock, II., LL.M., the University of Virginia School of Law, 1992; J.D., The University of Texas at Austin School of Law, 1962; B.A., economics, Texas A. & M. University, 1960.

Associate Professor Ray Waddell, J.D., The University of Texas at Austin, 1985; M.A., mathematics, The University of Texas at Austin, 1966; B.A., mathematics, The University of Texas at Austin, 1964.

Visiting Assistant Professor and Associate Director of Legal Writing Deborah C. Wakefield, J.D., Southwestern University School of Law, 1990; B.S., business management, 1981, B.A., English, 1978, University of Alabama.

Associate Professor Gregory D. Williams, J.D., Southern Methodist University School of Law, 1989; B.S., criminal justice, University of Texas at Arlington, 1985.

Professor Shirley C. Zabel, LL.M., University of Pennsylvania School of Law, 1979; J.D., University of Utah, 1960; M.A., Spanish and French, University of New Mexico, 1952; B.A., Earlham College, 1948.

Associate Professor Donald J. Zahn, LL.M., taxation, New York University School of Law, 1967; J.D., Albany Law School of Union University, 1966; A.B., history and economics, New York University, 1963.

Additional information on the faculty members is available in the Texas Wesleyan University School of Law Bulletin published annually.

Tenured Faculty. The tenured members of the faculty are: Dean and Professor Frank Elliott, Executive Director of the Law Library and Professor James Hambleton, Professors Shirley Zabel, Joe Spurlock, and Denny O. Ingram, and Associate Professor Dennis A. Olson.

Full-time University Faculty Presently Based at the School. The present full-time University Faculty based at the School and their degree sources are:

Director of Bibliographic and Collection Management Rita Dermody, M.S., University of Illinois, 1974; B.A., DePaul University, 1973.

Research and Reference Services Coordinator and Associate Director of Legal Research Lydia M. V. Brandt, LL.M., New York University, 1986; J.D., Florida State University, 1982; M.S. University of North Texas, 1992; B.A., University of South Florida, 1975.

Bibliographic Applications Librarian Amy Ness-Carver, M.S., University of North Texas, 1992; B.S., Montana State University, 1991.

Public Services Coordinator Susan Phillips, J.D., The Catholic University of America, 1991; M.S.L.S The Catholic University of America, 1991; B.A., University of Dallas, 1987.

Administrative Personnel. Other administrative personnel of the School not yet mentioned, and being integral to the School's operations and the faculty's mission, include or have included:

Formerly: Operations Manager Joy Gallagher, Registrar Beth Slaton, Public Relations Officer Robert Cash, Director of Student Placement Denise Shade, Book Store Manager Mary Beth Kirk, Faculty Secretary Lee Lovelace. Prior to the affiliation with the University, James Welch was Chief Financial Officer.

Presently: Director of Student Services Beth Slaton, Manager of Financial Operation James German, Dean's Secretary Rita O'Donald, Faculty Secretaries Carol Rain and Arlene Lewis, Director of Career Services Linda Morley Shelby, Bookstore Supervisor Patricia McGarity, Admissions Assistant Tammy Whitaker, Admissions Assistant Janice Mize, Receptionist Joan Stringfellow, Accounting Clerk Asna Tessama, and Maintenance Dave Simmons,

Other support personnel for the administration include Samantha Paulin, Receptionist, and Dave Simmons, Maintenance.

Student Body and Student Organizations. The fall semester 1993-1994 school year student body consisted of approximately 510 students, full and part-time. The number of full-time equivalent students reached approximately 424 at the admission of the newest class.

The student body is organized as the Student Bar Association (SBA), a Texas nonprofit corporation qualified as tax exempt pursuant to IRC § 501(c)(3).

The current officers of the SBA are: Dub Summers, President; Craig Schumacher, Third Year Vice President; David Taylor, Second Year Vice President; Matthew Toback, Secretary; Diego Lopez, Treasurer; Charles Puff, Parliamentarian.

The immediate past officers of the SBA are: Rodney Adams, President; Craig Watkins, Third Year Vice President; Craig Schumacher, Second Year Vice President; Jan McKenna, Secretary; and Stuart Allen and Diego Lopez, Treasurers.

The prior past officers were: Rob Clements, President; Gary Krupkin, Third Year Vice President; Brett Smith, Second Year Vice President; Stephani Hudgins, Treasurer; and Jeff Templeton,

Secretary. Past presidents are Dana Huffman, 1990-1991, and Robert Leone, 1989-1990.

Prominent student organizations, in the order listed in the Student Directory, are:

Student Bar Association (SBA), Law Review, Moot Court Order of the Barristers, *Lex Et Veritas* (SBA newspaper), Pro Bono Board, Alternate Dispute Resolution Bar, Black Law Student Association, Hispanic Law Society, Organization of Women Lawyers Phi Alpha Delta Law Fraternity, Delta Theta Phi Law Fraternity, and International Law Society.

For further information on any of the aforementioned student organizations, please consult the Student Directory and the organizations' executive officers listed therein.

ABA 1990-1991 School Year Visitation and Response. In early 1991, the School requested an early visitation from an examining team of the American Bar Association (ABA) in order to ascertain further action needed for accreditation. This visit occurred in May 1991 and was considered at the ABA Committee level on June 28, 1991. The result included direction to the School from the ABA regarding the School's future action.

The School responded to the ABA recommendations with significant conduct, as permitted by growth in student body and concomitant increased funding, including: Moving to the new location, increasing faculty, adding substantially to the library, adding some fringe benefits for faculty and staff, reorganizing and expanding curriculum, increasing student activities and accreditation involvement, strengthening faculty governance and accreditation involvement, commencement of merger negotiations with a local university, employing Professor James N. Castleberry (a former longtime dean at St. Mary's University School of Law) as advisor regarding accreditation, and otherwise showing responsiveness to the ABA comments and the School's own study of the accreditation process.

The School deemed its affiliation with the University as extremely significant to the preparation for accreditation. This conclusion has numerous premises. To list a few: Financial endowment; interdisciplinary and other benefits of belonging in a university atmosphere; enhanced stature in the eyes of the public and the profession; economy of scale; and increased administrative experience and advice.

ABA 1992-1993 School Year Visitation and Response. The ABA visited the School again in the spring trimester of the 1992-1993 school year and noted improvements but remaining deficiencies. Prompt responses were made to the Site Evaluation Team's Report. In early 1994, the application for another ABA visit contained

detailed responses to the statements of the Site Evaluation Team and the ABA Committee Report. These detailed responses were contained in the Self Study filed with the 1994 application. The responses recognized areas needing further improvements to meet the standards to which the School aspires and demonstrated the numerous and substantial actions taken to cure all deficiencies brought to the attention of the School as well as those which were discovered by internal action.

ABA 1993-1994 School Year Visitation The School anticipates that another ABA visit during the 1993-1994 school year, coupled with the improvements and long range funding assurances, will provide strong encouragement to the ABA to grant provisional approval of the School, the first step in all approval procedures for all law schools. Assuming provisional approval, all graduates thereafter would be eligible to take the bar examination.

Any provisional approval is followed by annual inspections which anticipate further maturing of the school culminating with final approval no earlier than three years from the date of provisional approval.

It should be noted that all inspections of the School, including the annual ones between any provisional and any final approval are accompanied by a prelude in the form of an extensive Self Study of the institution made by the faculty, administration, staff, and students.

3. Constitutional Legal Matters -- Articles of Incorporation; Affiliation With Texas Wesleyan University; History and Other Matters Pertinent to Texas Wesleyan University.

3.1. Articles of Incorporation of Dallas/Fort Worth School of Law. The School received its Articles of Incorporation (Articles) as a Texas non-profit corporation under the name "North Texas School of Law" on July 12, 1989. On September 15, 1989, the corporation amended its Articles and became Dallas/Fort Worth School of Law, Inc. This action had earlier been approved by a vote of the majority of the members of the Board of Directors (Board) on August 23, 1989, the body holding the authority to so act.

3.2. Affiliation With Texas Wesleyan University. The School was affiliated with the University on August 1, 1992, and was renamed Texas Wesleyan University School of Law.

3.21. Brief History and Other Basic Pertinent Material Regarding Texas Wesleyan University. The matter appearing in Subparagraphs 3.211-3.214, below, comes almost *verbatim* from the University's General Catalog for 1992-1993 which was written before the acquisition of the School.

3.211. History. The University was founded in 1890 by the Methodist Episcopal Church, South, and named Polytechnic College, meaning literally "Many arts and sciences." The College was sponsored by Bishop Joseph S. Key, and land was donated by A. S. Hall, W. D. Hall, and George Tandy, Fort Worth area businessmen.

In 1914 the College became the women's college of the Methodist Church and was named Texas Woman's College. In 1934 it again was made coeducational and became Texas Wesleyan College.

The Board of Trustees voted in October 1988 to change the name of the College to Texas Wesleyan University effective in January 1989. Throughout its history, the University has maintained a close relationship with the United Methodist Church.

3.212. Accreditation; Memberships. The University is accredited by the Southern Association of Colleges and Schools (SACS), the Texas Education Agency, and the National Association of Schools of Music. [It recently received an affirmation of its accreditation by SACS after a customary re-examination.]

The University is a member of twenty-four major associations related to education.

3.213. Purpose. The University, which has been historically and is presently affiliated with the United Methodist Church, believes that the primary goal of education is the development of students to their full potential as individuals and as members of society. The University strives to give students the opportunity to grow intellectually and spiritually in a friendly, democratic environment. With a curriculum designed to integrate liberal studies with professional and career preparation, the University primarily concentrates on undergraduate programs in humanities and sciences, fine art, education, and business, [and a professional degree in law]. The University offers graduate programs in select areas. Texas Wesleyan is committed to the principles that each student deserves personal attention and that all members of the academic community must have the freedom to pursue independent thought and to exercise intellectual curiosity.

3.214. Organization.

The governance of the University is vested in a Board of Trustees, as provided in its 1890 charter. The board delegates to an executive committee the authority to conduct the business of the University.

The board meets in regular session semiannually and at other times as needed. The board elects the president, manages the property of the corporation, and determines general policy.

The School, as Texas Wesleyan University School of Law, an integral part of Texas Wesleyan University since August 1, 1992, now relies upon the tax rulings given to Texas Wesleyan University, all of which are essentially the same as those held by the predecessor.

EXHIBIT "D"
LETTER FROM
PRESIDENT JAKE SCHRUM
AND
MEMORANDUM
REGARDING SEXUAL HARASSMENT



1201 WESLEYAN

FORT WORTH, TEXAS 76105-1536

(817) 531-4444

November 23, 1993

Memorandum

TO: All Students, Faculty and Staff

FROM: Jake B. Schrum

RE: Harrassment

Harrassment of any kind, sexual, racial or otherwise, will not be tolerated within the University community. Any form of harrassment may be grounds for expulsion of a student or termination of a faculty or staff member.

Texas Wesleyan University has in place a policy detailing the procedure for filing a complaint of sexual harrassment and the due process which follows a complaint, a copy of which is attached. Additional copies of the sexual harrassment policy may be obtained from the Office of the Vice President for Finance, second floor of the Administration Building.

Students should report other forms of harrassment to the Dean of Students. Faculty and Staff should report other forms of harrassment to their immediate supervisor.

Questions regarding the sexual harrassment policy or other forms of harrassment may be referred to John Ratliff, vice president for finance, who heads our human resources services, at extension 4403.

JBS:mhw

FILE
PW: Policy
Sec. Harass

MEMORANDUM

To: All Staff, Faculty, and Students of Texas Wesleyan University
From: The President, Texas Wesleyan University
Date: July 9, 1993
Subject: Sexual Harassment Policy of Texas Wesleyan University

1. Sexual harassment will not be tolerated at Texas Wesleyan University.
2. "Sexual harassment" is defined legally as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of either unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexually harassing conduct include but are not limited to:

- * Repeated sexual innuendo or sexually-oriented verbal abuse.
- * Unwanted physical contact, such as hugging, patting, stroking, or grabbing body parts.
- * Verbal comments of a sexual nature about a person's physical attributes or sexual activity.
- * The display of sexually suggestive objects, pictures or materials.
- * The use of disparaging, demeaning, or sexist terms to refer to a person.
- * Vulgar, sexist jokes or abusive "teasing"
- * The making of obscene gestures or suggestive/insulting sounds.
- * Indecent exposure.

- * Suggestions to a person that he/she will advance further or faster if he/she goes out socially or engages in sexual activity with their supervisor/teacher, etc.

3. Both men and women can be victims of sexual harassment.
4. Making employment decisions based on sexual favoritism is prohibited.
5. Persons found to have engaged in sexually harassing conduct will be appropriately sanctioned depending upon the nature of the conduct involved. Such sanctions may include oral reprimands, written reprimands (with copy to be filed in the person's personnel file), leave without pay, suspension, and in severe cases, termination.
6. **RETALIATION AGAINST ANY PERSON MAKING A SEXUAL HARASSMENT COMPLAINT OR ASSISTING OR TESTIFYING IN A SEXUAL HARASSMENT INVESTIGATION IS STRICTLY FORBIDDEN AND WILL NOT BE TOLERATED.**
7. For persons who think they are victims of sexual harassment, the goal should be to establish integrity and documentation. The following steps should be taken:
 - (a) Confront the harasser. Say that the behavior (be specific!) makes you uncomfortable. Tell this offender to stop the behavior.
 - (b) Document all incidents, actions and conversations related to the problem. Keep a dated diary.
 - (c) Talk confidentially with other persons in the workplace. You are probably not the only target of harassment. See if there is a pattern or history of sexual harassment by the offender or in the workplace generally. It is more difficult to dismiss a group complaint than the complaint of one person.
 - (d) If the offensive behavior persists, speak candidly to your supervisor about the problem. If the offender is your supervisor, speak to that individual's supervisor or persons listed in paragraph 8.a. below.
 - (e) If nothing is done or if harassment continues, file complaint in accordance with paragraph 8 below.
8. All complaints or claims of sexual harassment will be taken seriously and will be thoroughly investigated. Persons are encouraged to communicate directly with one another about

conduct they find offensive. Some instances of "harassment" may simply result from one person honestly not realizing that his/her remarks or conduct are offending co-workers. In the event that direct communication does not result in a resolution of any inappropriate conduct, there following formal procedures will be found:

- (a) Complaints regarding sexual harassment should be made to any of the following persons:

Name:	Phone Number:
John Ratliff, Vice President of Finance	531-4403
Marcie Wilemon, Secretary to the University and Assistant to the President	531-4401
Deborah Hickson, Assistant to the V.P. of Finance	531-4403
Loralee Pohl, Vice President of Student Services	531-4859
Mark Wasicsko, Vice President/Provost	531-4405

- (b) Complaints may be made either in writing or orally.
- (c) Every effort will be made to conduct investigation into claims of sexual harassment in a manner that will protect the confidentiality of any witnesses interviewed in connection with sexual harassment claims.
- (d) If the complaint involves students only, the Dean of Students will investigate the matter and follow the due process guidelines stated in the student handbook.

9. Upon receipt of any oral or written claim of sexual harassment, the claim will be referred to the Vice President of Finance or the President who will order a prompt investigation. The Vice President of Finance or the President will appoint at least two persons and at least one of each sex, to conduct an investigation into any complaints of sexual harassment. Those persons will conduct a prompt and thorough investigation of the complaints and make a written report to Vice President who supervises the alleged harasser(s) of their findings and recommendations. Based upon the findings and recommendations of the investigators, that Vice President will make a determination as to the appropriate sanctions, if any, to be imposed in the case. Both the complainant and the alleged harasser will be promptly advised of this decision.

10. In the event either the complainant or the alleged harasser disagrees with the decision of the Vice President, that individual may appeal that decision to the President of Texas Wesleyan University who may:
 - (a) Review the written findings and recommendations of the investigators and affirm the decision of the Vice President;
 - (b) Review the written findings and recommendations of the investigators and change or modify the decision of the Vice President;
 - (c) Direct that additional investigation be conducted in any manner as he/she may direct, and make a final decision based upon the findings and recommendations resulting from the new or additional investigation. If new or additional investigation is directed, the President may appoint the investigators who conducted the initial investigation, or appoint new investigators of his choice, following the guidelines in paragraph 8.
11. This policy rescinds and supersedes any previous policies dealing with sexual harassment. In the event of any conflicts in the provisions of this policy with the provisions of any other University policies and/or procedures, the provisions of this policy are controlling.
12. Each staff/faculty shall signify that he/she has read the foregoing policy by signing a copy of the policy below, and such signed copy shall be filed in that person's personnel file.