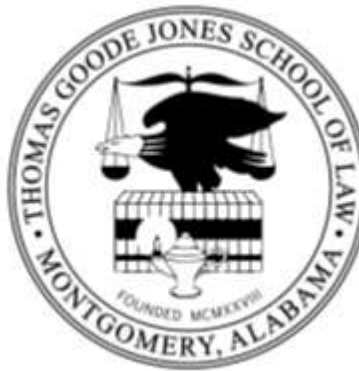




FAULKNER LAW

THOMAS GOODE JONES SCHOOL OF LAW



MANUAL OF POLICIES ADOPTED BY THE FACULTY

2025–2026

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CHAPTER ONE ~ MISSION & ADMINISTRATION

PART 1—MISSION

§ 1-101. Mission Statement.

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

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

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

Oct. 22, 2004; Rev. Nov. 12, 2007

PART 2—ACADEMIC CALENDARS

§ 1-201. Calendar for 2025–2026.

FALL SEMESTER 2025

Sunday, August 10	Fall Semester Classes Open Online (Executive Schedule Courses)
Wednesday, August 13	Final Registration for Fall Semester
August 13-14	New Student Orientation
Friday, August 15	Faculty Retreat
Friday, August 15	First On-Campus Classes for Executive Schedule
Monday, August 18	Fall Semester Classes Begin (Full-time Schedule Courses)
August 18-29	Examination Review Period
Friday, August 22	Last Day for Late Registration and Course Changes
Friday, August 29	Last Day to Drop Courses at 100% Reimbursement
Monday, September 1	Labor Day Holiday
Friday, September 12	Last Day to Drop Courses at 50% Reimbursement
Friday, September 12	Last Day to Drop Courses Without Cause and with a grade of “WP”
October 13-22	Advising for Spring 2026 Semester Registration
October 23-29	Online Registration for Spring 2026 Semester
Monday, November 24	Last Day of Fall Semester Classes (Full-time Schedule Courses)
November 25-30	Study Days
December 1-December 13	Final Examinations
Saturday, December 6	Last Day of Fall Semester Classes (Executive Schedule Courses)
December 12-13	Final Examinations on Campus (Executive Schedule Courses)

SPRING SEMESTER 2026

Monday, January 5	January Intersession Classes Begin
Friday, January 9	Final Registration for Spring Semester
Friday, January 9	First On-Campus Classes for Executive Schedule
Monday, January 12	Spring Semester Classes Begin (Full-time Schedule Courses)
January 12-23	Examination Review Period
Friday, January 16	Last Day for Late Registration and Course Changes
Monday, January 19	Martin Luther King, Jr. Holiday
Friday, January 23	Last Day to Drop Courses at 100% Reimbursement

Friday, January 23	Intersession Final Examinations
Friday, February 6	Last Day to Drop Courses at 50% Reimbursement
Friday, February 6	Last Day to Drop Courses Without Cause and with a grade of “WP”
March 9-10	Online Registration for Summer Session
March 16-20	Spring Break
March 23-April 1	Advising for Fall 2026 Semester Registration
April 2-8	Online Registration for Fall 2026 Semester
Monday, April 27	Last Day of Spring Semester Classes (Full-time Schedule Courses)
April 28-May 3	Study Days
Saturday, May 2	Last Day of Spring Semester Classes (Executive Schedule Courses)
May 4-May 15	Final Examinations
May 8-9	Final Examinations on Campus (Executive Schedule Courses)
Saturday, May 16	Commencement

SUMMER SESSION 2026

Friday, May 22	Final Registration for Summer Session
Monday, May 25	Memorial Day Holiday
Wednesday, May 27	Field Placement and Pretrial Practice Courses Begin
Saturday, May 30	Asynchronous Online Courses Begin
June 1-12	Examination Review Period
Friday, June 5	Last Day for Late Registration and Course Changes
Friday, June 5	Last Day to Drop Courses at 100% Reimbursement
Friday, June 12	Last Day to Drop Courses at 50% Reimbursement
Monday, June 15	Last Day to Drop Courses Without Cause and with a grade of “WP”
Saturday, July 4	Independence Day Holiday
Sunday, July 12	Last Day of Asynchronous Online Courses
July 13-17	Final Examinations for Asynchronous Online Courses
Wednesday, July 29	Last Day of Field Placement and Pretrial Practice Courses

§ 1-202. Calendar for 2026–2027 (Tentative).

FALL SEMESTER 2026

August 12-14	New Student Orientation
Friday, August 14	Faculty Retreat
Friday, August 14	Final Registration for Fall Semester
Sunday, August 16	Fall Semester Classes Begin Online (Executive Schedule Courses)
Monday, August 17	Fall Semester Classes Begin (Full-time Schedule Courses)
August 17-28	Examination Review Period
Friday, August 21	Last Day for Late Registration and Course Changes
Friday, August 21	First On-Campus Classes for Executive Schedule
Friday, August 28	Last Day to Drop Courses at 100% Reimbursement
Monday, September 7	Labor Day Holiday
Friday, September 11	Last Day to Drop Courses at 50% Reimbursement
Friday, September 11	Last Day to Drop Courses Without Cause and with a grade of “WP”
October 12-21	Advising for Spring 2027 Semester Registration
October 22-28	Online Registration for Spring 2027 Semester
Wednesday, November 11	Veterans Day Holiday
Tuesday, November 24	Last Day of Fall Semester Classes (Full-time Schedule Courses) (Wednesday Courses)
November 25-30	Study Days
December 1-December 12	Final Examinations
Saturday, December 5	Last Day of Fall Semester Classes (Executive Schedule Courses)
December 11-12	Final Examinations On Campus (Executive Schedule Courses)

SPRING SEMESTER 2027

Monday, January 4	January Intercession Classes Begin
Friday, January 8	Final Registration for Spring Semester
Friday, January 8	First On-Campus Classes for Executive Schedule
Monday, January 11	Spring Semester Classes Begin (Full-time Schedule Courses)
January 11-22	Examination Review Period
Friday, January 15	Last Day for Late Registration and Course Changes
Monday, January 18	Martin Luther King, Jr. Holiday
Friday, January 22	Last Day to Drop Courses at 100% Reimbursement
Friday, January 22	Intercession Final Examinations

Friday, February 5	Last Day to Drop Courses at 50% Reimbursement
Friday, February 5	Last Day to Drop Courses Without Cause and with a grade of “WP”
March 8-9	Online Registration for Summer Session
March 15-19	Spring Break
March 22-31	Advising for Fall 2027 Semester Registration
April 1-7	Online Registration for Fall 2027 Semester
Monday, April 26	Last Day of Spring Semester Classes (Full-time Schedule Courses)
April 27-May 3	Study Days
Saturday, May 1	Last Day of Spring Semester Classes (Executive Schedule Courses)
May 4-May 14	Final Examinations
May 7-8	Final Examinations On Campus (Executive Schedule Courses)
Saturday, May 15	Commencement

SUMMER SESSION 2027

Friday, May 21	Final Registration for Summer Session
Wednesday, May 26	Field Placement and Pretrial Practice Courses Begin
Saturday, May 29	Asynchronous Online Courses Begin
Monday, May 31	Memorial Day Holiday
June 1-11	Examination Review Period
Friday, June 4	Last Day for Late Registration and Course Changes
Friday, June 4	Last Day to Drop Courses at 100% Reimbursement
Friday, June 11	Last Day to Drop Courses at 50% Reimbursement
Monday, June 14	Last Day to Drop Courses Without Cause and with a grade of “WP”
Friday, June 18	Juneteenth Holiday
Sunday, July 4	Independence Day Holiday
Sunday, July 11	Last Day of Asynchronous Online Courses
July 12-16	Final Examinations for Asynchronous Online Courses
Wednesday, July 28	Last Day of Field Placement and Pretrial Practice Courses

PART 3—THIS MANUAL

§ 1-301. Contents and Name.

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

Sept. 21, 2004

§ 1-302. Definitions.

- (a) In this manual, unless otherwise specified, “the dean” means the dean of the law school or his or her designee.
- (b) In this manual, unless otherwise specified, “semester” means the term beginning in August and ending in December and/or the term beginning in January and ending in May. “Semester” does not include in its meaning a summer session or an interterm session.

Sept. 21, 2004

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

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

Sept. 21, 2004

§ 1-304. Maintenance and Availability.

- (a) The Dean shall keep this manual up to date.
- (b) Current copies of this manual shall be kept in the offices of the Dean and the Associate Dean for Academic Affairs.

Sept. 21, 2004

§ 1-305. Policies To Be Included.

- (a) If a policy adopted by the faculty is not an amendment of a policy already in the manual, that policy shall be included in this manual unless the faculty passes a motion which explicitly provides otherwise.
- (b) If a policy adopted by the faculty is an amendment of a policy already in the manual, the amendment shall be inserted in this manual in place of that part of the policy which shall have been amended.

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

Sept. 21, 2004

§ 1-306. Date below Each Section.

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

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

Sept. 21, 2004

§ 1-307. Updating.

- (a) Promptly after the faculty has made a policy decision which Section 1-305 requires to be inserted in this manual, the dean shall provide each faculty member with the language the dean chooses to insert to reflect the faculty's decision. The dean shall have the discretion to make stylistic changes in the language of the faculty decision, to choose a caption or captions, and to choose a section number or numbers. If the faculty does not agree with any of the dean's choices, the faculty shall choose and adopt the language (and/or section number[s]) to be inserted in this manual; and thereafter the dean shall change this manual accordingly.
- (b) When any change is made in this manual, the dean shall promptly provide each faculty member with the pages(s) affected (with the date of distribution shown at the bottom of each page).
- (c) **The Dean or the Dean's designee may periodically review and update the language of this manual or its appendices to correct typographical errors, to reflect stylistic consistency, to correct erroneous cross-references, or to implement changes in terminology when a change adopted by the faculty requires terminology changes elsewhere in the manual. Such person shall provide the faculty notice of every such change within a reasonable time, using the method provided in subsection (b) of this section.**

Sept. 21, 2004; Feb. 27, 2019

§ 1-308. Organization.

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

Sept. 21, 2004

§ 1-309. Modifications in Unusual Circumstances.

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

Oct. 1, 2004

CHAPTER TWO ~ CURRICULUM

PART 1—REQUIRED COURSES FOR FULL-TIME STUDENTS

(renumbered August 1, 2017)

§ 2-101. First Semester.

- (a) Each entering full-time student is expected to attend an introductory program during the week before regular classes begin.
- (b) Each full-time student is required to take the following courses during the fall semester of the first year of law school:
 - (1) Civil Procedure I;
 - (2) Criminal Law;
 - (3) Legal Reasoning, Writing & Research;
 - (4) Foundations of Law; and
 - (5) Torts.

Sept. 21, 2004; Rev. Mar. 31, 2011; Apr. 22, 2015

§ 2-102. Second Semester.

- (a) The following are required courses and, subject to subsections (b) and (c) hereof, each full-time student is required to take them during the spring semester of the first year of law school:
 - (1) American Constitutional Order;
 - (2) Civil Procedure II;
 - (3) Contracts;
 - (4) Foundations of the Legal Profession;
 - (5) Legal Analysis & Persuasion; and

- (6) Property.
- (b) Completing the course and receiving a grade (other than “WP” or “WF”) in Civil Procedure I is a prerequisite for enrollment in Civil Procedure II.
- (c) The receiving of credit in Legal Reasoning, Writing & Research is a prerequisite for enrollment in Legal Analysis & Persuasion.

*Sept. 21, 2004; Rev. Feb. 15, 2005; Jan. 17, 2006;
Mar. 31, 2011; Mar. 18, 2014; Apr. 22, 2015*

§ 2-103. Third Semester.

- (a) Each full-time student is required to take the following courses, normally during the third semester:
 - (1) Constitutional Criminal Procedure;
 - (2) Evidence; and
 - (3) The First Amendment and Individual Rights.
- (b) Completing the course and receiving a grade (other than “WP” or “WF”) in American Constitutional Order are prerequisites for enrollment in The First Amendment and Individual Rights.

*Jan. 20, 2005; Rev. Jan. 17, 2006;
Mar. 18, 2014; Sept. 16, 2015*

§ 2-104. Fourth Semester.

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

- (1) Business Associations;
- (2) Professional Responsibility; and
- (3) (for all students matriculating after July 1, 2014) Sales.

*Jan. 20, 2005; Rev. Jan. 17, 2006;
Mar. 18, 2014; Sept. 16, 2014; Mar. 10, 2015*

§ 2-105. Fifth Semester.

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

- (1) Remedies; and
- (2) (for students matriculating after July 1, 2014) Administrative Law.

Sept. 21, 2004; Rev. Jan. 17, 2006; Mar. 10, 2015

§ 2-106. Sixth Semester.

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

- (1) Bar Examination Skills and Strategies; and
- (2) (for all students matriculating after July 1, 2014) Federal Courts.

Apr. 16, 2014; Mar. 10, 2015

§ 2-107. Second Year or Thereafter.

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

- (a) take offerings that satisfy the Professional Development Requirement pursuant to Section 2-601; and
- (b) fulfill the Rigorous Writing Requirement pursuant to Section 2-501.

Jan. 20, 2005

§ 2-108. Students with a Cumulative GPA Below 2.33. (For students matriculating after July 1, 2021.)

Any student whose grade point average falls below a 2.33 upon completion of the courses for graded credit listed in sections 2-101 and 2-102 shall, in addition to the courses listed in section 2-101 through section 2-106 above, take the following courses:

- (1) Wills and Trusts;
- (2) Family Law; and
- (3) Commercial Law: Secured Transactions.

Mar. 10, 2015; Nov. 10, 2021

§ 2-109. Curricular Pathways.

The Dean and the Associate Dean for Academic Affairs may, with the approval of the faculty, design curricular pathways for students who have completed their first two semesters of study and wish to concentrate their studies. A student may be deemed to have completed the requirements for a curricular pathway when that student has completed twelve (12) credit hours of courses designated as being within the pathway, six (6) of which must be Professional Development courses.

Mar. 10, 2015

[NOTE: The following summarizes the curriculum that applied to students who matriculated prior to August 2011.

First Year, First Semester. Introductory program during the week before regular classes begin. Civil Procedure I; Contracts I; Legal Research and Writing I; Property I; and Torts I.

First Year, Second Semester. Civil Procedure II; Contracts II; Legal Research and Writing II; Property II; Torts II; and Criminal Law. Completing the course and receiving a grade (other than “WP” or “WF”) in Civil Procedure I, Contracts I, Property I, or Torts I are prerequisites for enrollment in Civil Procedure II, Contracts II, Property II, or Torts II, respectively. Receiving of credit in Legal Research and Writing I is a prerequisite for enrollment in Legal Research and Writing II.

Second Year, First Semester. Constitutional Law I and Evidence.

Second Year, Second Semester. Business Associations; Constitutional Law II; and Professional Responsibility. Completing the course and receiving a grade (other than “WP” or “WF”) in Constitutional Law I is a prerequisite for enrollment in Constitutional Law II.

Third Year, First Semester. Remedies.

Second Year or Thereafter. During the second year or thereafter: an offering that satisfies the Professional Skills requirement; and fulfill the Rigorous Writing Requirement pursuant to Section 2-501.]

PART 2—OTHER SCHEDULING OPTIONS

§ 2-201. Flexible Schedule: In General.

Students completing the Juris Doctor (J.D.) degree on the flexible schedule will take courses offered on the full-time schedule but with a reduced course load each semester. Consequently, students on the flexible schedule are not required to take the full complement of required courses during the same semesters when full-time students are required to take those courses. It is expected that flexible-schedule students will take elective courses as their schedule permits after the completion of at least 18 hours.

May 8, 2019

§ 2-202. Flexible Schedule: Sequencing and Required Courses.

Each flexible-schedule student must take the following required courses. The following is the course sequence, and any deviation must be approved by the Associate Dean for Academic Affairs.

First Year Fall Semester

Civil Procedure I	3
Foundations of Law (or Criminal Law)	3
Legal Reasoning, Writing, & Research	3
Total Hours	9

First Year Spring Semester

Civil Procedure II	2
Contracts (or Property)	4
Legal Analysis & Persuasion	2
Foundations of the Legal Profession	1
Total Hours	9

Second Year Fall Semester

Criminal Law (or Foundations of Law)	3
Torts	4
Total Hours	7

Second Year Spring Semester

American Constitutional Order	3
Property (or Contracts)	4
Total Hours	7

Third Year Fall Semester

Constitutional Criminal Procedure	3
Evidence	4
First Amendment & Individual Rights	3
Total Hours	10

Third Year Spring Semester

Business Associations	3
Professional Responsibility	3
Sales	2
Total Hours	8

Fourth Year Fall Semester

Remedies	3
Administrative Law	3
Total Hours	6

Fourth Year Spring Semester

Bar Exam. Skills & Strategies	2
Federal Courts	3
Total Hours	5

(See Part 3 of this Chapter for particulars of required courses, including prerequisites.)

May 8, 2019

§ 2-203. Flexible Schedule: Professional Development Requirement and Rigorous Writing Requirement.

- (a) Each flexible-schedule student is required to take offerings to satisfy the Professional Development Requirement pursuant to § 2-601, ordinarily after the completion of at least 18 hours; and
- (b) Each flexible-schedule student is required to fulfill the Rigorous Writing Requirement pursuant to § 2-601, ordinarily after the completion of at least 32 hours.

May 8, 2019

§ 2-204. Flexible Schedule: Students with a Cumulative GPA Below 2.33.

Flexible-schedule students whose grade point average falls below a 2.33 upon completion of the courses for graded credit listed in sections 2-101 and 2-102 shall, in addition to the courses listed in section 2-101 through section 2-106 above, take the following courses:

- (1) Wills and Trusts;
- (2) Family Law; and
- (3) Commercial Law: Secured Transactions.

May 8, 2019; Nov. 10, 2021

§ 2-205. Flexible Schedule: Applicability of Policies.

Except as provided in this Part or as specifically provided elsewhere, all policies of the Faculty Policies Manual apply to flexible-schedule students.

May 8, 2019

§ 2-206 – § 2-220. [Reserved]

§ 2-221. Executive Schedule: In General

Students completing the Juris Doctor (J.D.) degree on the executive schedule will take courses offered on the executive schedule. Consequently, students on the executive schedule are not required to take the full complement of required courses during the same semesters when full-time students take those courses. Courses offered on the executive schedule will be delivered primarily in a blended learning format, which includes both in-person and online instructional components. Students on the executive schedule may also take distance education courses when offered, subject to the Distance Education Policy (§2-701), and residential courses offered on the full-time schedule. It is expected that executive-schedule students will take elective courses as their schedule permits after the completion of at least 18 hours.

October 9, 2019

§ 2-222. Executive Schedule: Sequencing and Required Courses.

Each executive-schedule student must take the following required courses. The following is the course sequence, and any deviation, including accelerations and decelerations, must be approved by the Associate Dean for Academic Affairs. Within the first two years, deviations will be approved only in extraordinary circumstances. After the first two years, deviations will be more liberally approved.

First Year Fall Semester

Civil Procedure I

3

First Year Spring Semester

Civil Procedure II

2

Foundations of Law (or Criminal Law)	3	Contracts (or Property)	4
Legal Reasoning, Writing, & Research	3	Legal Analysis & Persuasion	2
		Foundations of the Legal Prof'n	1
Total Hours	9	Total Hours	9

Second Year Fall Semester

Criminal Law (or Foundations of Law)	3
Torts	4
Total Hours	7

Second Year Spring Semester

American Constitutional Order	3
Property (or Contracts)	4
Total Hours	7

Third Year Fall Semester

Constitutional Criminal Procedure	3
Evidence	4
First Amendment & Individual Rights	3
Total Hours	10

Third Year Spring Semester

Business Associations	3
Professional Responsibility	3
Sales	2
Total Hours	8

Fourth Year Fall Semester

Remedies	3
Administrative Law	3
Total Hours	6

Fourth Year Spring Semester

Bar Exam. Skills & Strategies	2
Federal Courts	3
Total Hours	5

(See Part 3 of this Chapter for particulars of required courses, including prerequisites.)

October 9, 2019

§ 2-223. Executive Schedule: Professional Development Requirement and Rigorous Writing Requirement

- (a) Each executive-schedule student is required to take offerings to satisfy the Professional Development Requirement pursuant to § 2-601, ordinarily after the completion of at least 18 hours; and
- (b) Each executive-schedule student is required to fulfill the Rigorous Writing Requirement pursuant to § 2-601, ordinarily after the completion of at least 32 hours.

October 9, 2019

§ 2-224. Executive Schedule: Students with a Cumulative GPA Below 2.33.

Executive-schedule students whose grade point average falls below a 2.33 upon completion of the courses for graded credit listed in sections 2-101 and 2-102 shall, in addition to the courses listed in section 2-101 through section 2-106 above, take the following courses:

- (1) Wills and Trusts;
- (2) Family Law; and
- (3) Commercial Law: Secured Transactions.

Oct. 9, 2019; Nov. 10, 2021

§ 2-225. Executive Schedule: Applicability of Policies

Except as provided in this Part or as specifically provided elsewhere, all policies of the Faculty Policies Manual apply to executive-schedule students.

October 9, 2019

PART 3—PARTICULARS OF REQUIRED COURSES

§ 2-301. Administrative Law (8371).

- (a) Administrative Law is an elective course for three semester hours of graded credit for students who matriculated before July 2, 2014. It is a required course for three semester hours of graded credit for students who matriculated after July 1, 2014.
- (b) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are Civil Procedure I and II.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

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

Sept. 21, 2004; Mar. 10, 2015

§ 2-302. American Constitutional Order (Constitutional Law I) and The First Amendment and Individual Rights (Constitutional Law II) (6345, 6346).

- (a) American Constitutional Order is a required course for three semester hours of graded credit.
- (b) The First Amendment and Individual Rights is a required course for three semester hours of graded credit.

- (c) Prerequisites for taking The First Amendment and Individual Rights are completing American Constitutional Order and receiving a grade (other than “WP” or “WF”).
- (d) Each of the courses shall have a final examination.
- (e) In publications, the description of the courses shall be approximately as follows:

American Constitutional Order is a three-unit required first year course introducing students to the United States Constitution. The course examines three topics of fundamental import within the American legal system: (1) federalism; (2) separation of powers; and (3) judicial review. Specific topics of coverage include federalism-based limits on state authority, the scope of Legislative powers, the scope of Executive powers, the scope of Judicial power and judicial review, the relationship between the three branches (including immunities), and limitations on federal power rooted in the Tenth and Eleventh Amendments.

The First Amendment and Individual Rights is a study of the constitutional provisions guaranteeing individual rights and freedoms. The course considers the nature and source of human rights, and includes a study of the rights of freedom of speech, freedom of the press, and freedom of religion found in the First Amendment, the guarantee of due process and equal protection found in the Fifth and Fourteenth Amendments, and issues concerning the application of these protections to the federal government and to the states.

Jan. 20, 2005; Rev. Mar. 18, 2014; Sept. 16, 2014

§ 2-303. Bar Examination Skills and Strategies (7250).

- (a) Bar Examination Skills and Strategies is a required course for two hours of graded credit.
- (b) In publications, the description of the course shall be approximately as follows:

The course will build on what students have learned about multistate bar subjects and test taking throughout law school. The focus will be on knowledge, skill, and attitudes that have been shown to be helpful in passing the multiple-choice Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE), and the Multistate Performance Test (MPT). Included will be practice in writing bar exam essays and insight into how they are graded, practice in answering MBE-type questions, and practicing for the MPT. The course is intended to supplement and not replace the commercial review courses. The course grade will be determined based

upon satisfactory completion of required assignments and a midterm and final exam that simulate the bar exam experience.

Apr. 16, 2014; Mar. 10, 2015; Dec. 6, 2017

§ 2-304. Business Associations (6344).

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

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

Oct. 22, 2004; Oct. 14, 2014

§ 2-305. Civil Procedure (5341, 5242).

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

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

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

Jan. 20, 2005; Rev. Oct. 12, 2007;

§ 2-306. Constitutional Criminal Procedure (5346).

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

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

Oct. 11, 2010; Mar. 18, 2014

§ 2-307. Contracts (5440).

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

The Contracts course studies the history and development of the common law rights, duties, and remedies attendant to the making of promises. Although the order and amount of coverage may vary somewhat from year to year, it is expected that the course will address legal theories for enforcing promises or preventing unjust enrichment; principles controlling the formation, modification, and enforceability of contracts; the parol evidence rule; performance; remedies for nonperformance or threatened nonperformance; excuses for nonperformance; enforcement rights of nonparties; assignment of contract rights; and delegation of contractual duties.

Sept. 21, 2004; Rev. Mar. 31, 2010

§ 2-308. Criminal Law (5362).

- (a) Criminal Law is a required course for three semester hours of graded credit.

- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

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

Sept. 21, 2004; Rev. Mar. 31, 2010; Mar. 18, 2014

§ 2-309. Evidence (6431).

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

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

Sept. 21, 2004; Rev. Jan. 17, 2006; Jan. 31, 2006

§ 2-310. Federal Courts (8383).

- (a) Federal Courts is an elective course for three semester hours of graded credit for students who matriculated before July 2, 2014. It is a required course for three semester hours of graded credit for students who matriculated after July 1, 2014.
- (b) Prerequisites for taking the course are Civil Procedure I and II. Unless waived by the Associate Dean for Academic Affairs, another prerequisite for taking the course is Constitutional Law I.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

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

Sept. 21, 2004; Mar. 10, 2015

§ 2-311. Foundations of Law (5360).

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

This required first-year course takes up important questions for the beginning law student: What is law? Where does it come from? What are its purposes? And how is it implemented in contemporary society? The course surveys the types of law in Anglo-American institutions, which include custom, legislation, administrative regulation, and judicial opinions. It examines the institutions of Anglo-American law, especially courts, legislatures, and administrative agencies. And it surveys foundational schools of Western legal thought and influences on Anglo-American law, especially ancient Greek philosophy, the Hebrew and Christian scriptures, natural law and natural rights theories, common law jurists, English legal positivism, pragmatism and legal realism, liberty and liberalism, and analytical jurisprudence.

These inquiries are pursued through engagement with great books of the Western, and especially the Anglo-American, legal tradition, and with judicial decisions, statutes, proclamations, and other legal materials that illustrate foundational concepts. Emphasis is also placed on enduring aspects of legal practice, such as deductive logic, inductive reasoning, and inference; the meaning and importance of conscience and of due process; different approaches to textual interpretation; the relation of law to other normative concepts, such as morality and religion; its relation to sciences, such as economics; and its relation to other authorities, such as equity, executive prerogative, and judicial discretion.

Mar. 31, 2010; Nov. 8, 2017

§ 2-312. Foundations of the Legal Profession (5100).

- (a) Foundations of the Legal Profession is a required course for one semester hour of credit.
- (b) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (c) In publications, the description of the course shall be approximately as follows:

This required one-unit, first-year course will take up important questions for law students who are preparing to enter the legal profession: What does it mean to be a member of the legal profession? In what roles, relationships, and environments do lawyers serve? What moral values and convictions define their professional identity, call them to serve, govern their professional relationships, and inform their judgments?

This course explores the professional identity of the lawyer, examines the values that define the profession, and surveys the different roles, relationships, and environments in which lawyers serve. It introduces students to the process of becoming a member of the profession, the nature and function of professional governance, and the core responsibilities borne by all member of the profession and all officers of the court. Classroom discussion will afford students opportunities to reflect on the kind of lawyer they would like to be and to wrestle with the implications of their own moral convictions as they relate to their understanding of the law and the lawyer’s professional identity and role. This course will introduce students to a range of career pathways for lawyers, and members of the bench and bar will speak about professionalism topics and their experience in different career pathways. This course will culminate in a written submission in which each student will reflect on the important questions posed in this course and outline his or her career goals.

The course will be graded pass/fail based upon classroom participation, attendance, formative assessments, the satisfactory completion of the self-assessment project, and submission of a resume.

Mar. 18, 2014; Dec. 8, 2015

§ 2-313. Legal Reasoning, Writing & Research (Legal Research and Writing I) (5339).

- (a) Legal Reasoning, Writing & Research is a required course for three semester hours of graded credit.
- (b) The instructor of the course shall have the discretion not to give a final examination.

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

In the Legal Reasoning, Writing & Research course, students learn basic skills of the legal profession. In addition to learning the basics of legal reasoning, syllogistic reasoning (IRAC), and analogical reasoning, they learn to write as lawyers write, with a focus on organization, precision, clarity, and conciseness. They also learn and practice foundational legal research skills and learn how to move from research to analysis to writing. Additionally, students learn the basics of Bluebook citation, which are necessary to the practice of law. Throughout the semester, students use these fundamental skills – reasoning, writing, and research – to write several predictive/objective memoranda addressed to a senior partner in a fictional law firm in which the class is set. Students receive instructive feedback on assignments so that students can improve their fundamental skills.

Sept. 21, 2004; Rev. Feb. 15, 2005; Mar. 31, 2010; Apr. 22, 2015

§ 2-314. Legal Analysis & Persuasion (Legal Research and Writing II) (5240).

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

In the Legal Analysis & Persuasion course, students build on their training in basic legal reasoning, writing, and research skills. In their assignments, students write persuasively to convince a fictional court to rule in their clients favor. To develop oral advocacy skills, students participate in oral argument.

Sept. 21, 2004; Rev. Feb. 15, 2005; Mar. 31, 2010; Apr. 22, 2015

§ 2-315. Professional Responsibility (7339).

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

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

Sept. 21, 2004

§ 2-316. Property (5448).

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

Property covers the classification of interests in property and the doctrines and rules that govern the acquisition and management of assets. The course covers methods of acquisition, including capture, creation, adverse possession, sale, and other forms of transfer. The course then turns to the classification of interests in property, including the system of possessory estates and future interests, concurrent estates, marital interests, and the rights and responsibilities of landlord and tenant. The course concludes by examining methods of managing and governing property, including covenants and servitudes, land use regulations, and takings.

Sept. 21, 2004; Rev. Oct. 12, 2007; Mar. 31, 2010; Feb. 4, 2011

§ 2-317. Remedies (7343).

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

This course is the study of the law of judicial remedies, both legal and equitable, focusing on the nature and scope of relief, as distinguished from substantive and procedural law. The four major categories of remedies addressed are damages, restitution, injunctions, and declaratory relief. Also addressed are ancillary remedies

to effectuate the relief obtained, such as collecting judgments, enforcing injunctions, and reforming documents. Also studied are legal and equitable defenses, such as fraud, waiver, estoppel, unclean hands, and *in pari delicto*.

Sept. 21, 2004; Rev. Jan. 17, 2006

§ 2-318. Sales (7244).

- (a) Sales is an elective course for two semester hours of graded credit for students who matriculated before July 2, 2014. It is a required course for two semester hours of graded credit for students who matriculated after July 1, 2014.
- (b) A prerequisite for taking the course is Contracts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

Focusing on Article 2 of the Uniform Commercial Code, this course is the study of **the sale of goods, including seller's warranties, risk of loss, and remedies**. The course also introduces the student to Article 2A (lease of goods) and to the international treaty dealing with the sale of goods.

Oct. 22, 2004; Oct. 13, 2015

§ 2-319. Torts (5450).

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

Torts is a study of civil liability for injury to property and persons. The course will introduce students to liability resulting from intentional wrongs, such as battery and infliction of mental distress; liability resulting from accidental wrongs, such as automobile negligence and medical malpractice; and strict liability, such as abnormally dangerous activities and product defects. The course places heavy emphasis on the law of negligence by examining the elements of negligence, causation and available defenses. Injuries to relations, such as defamation and privacy, may also be covered.

Sept. 21, 2004; Rev. Jan. 17, 2006; Mar. 31, 2010

PART 4—PARTICULARS OF ELECTIVE OFFERINGS

(renumbered August 1, 2017)

§ 2-401. Seminars.

- (a) A seminar provides a small group learning environment conducive to the development of lawyering skills through legal writing and class participation.
- (b) Each student will write a substantive paper following the guidelines set forth in Section 2-501. This paper may satisfy the student's Rigorous Writing Requirement.
- (c) Seminar class size limitations:
 - (1) Except as provided in subsection (c)(2) the number of students enrolled in a seminar shall not exceed twelve.
 - (2) On a class-by-class basis, the Associate Dean for Academic Affairs and the instructor of a seminar may decide that the enrollment in a seminar may exceed twelve but in no event shall enrollment exceed sixteen.
- (d) Many of the courses that may be offered as seminars also may be offered for either two or three hours of credit. If a course is offered as a seminar for three hours of credit, it must contain more rigorous requirements (not just a greater number of minutes in the classroom) than the same seminar would if it were offered for only two hours of credit.

Jan. 20, 2005; Rev. Sept. 13, 2005

§ 2-402. Class Size.

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

Nov. 5, 2004

§ 2-403. Courses in Curriculum Inventory.

Courses which have been approved by the faculty but which have not been offered for two years or more shall be added to a reserve inventory. A current list of all courses in this inventory shall be maintained by the Associate Dean for Academic Affairs and available for faculty inspection at any time. Such courses may continue to be offered from time to time without additional approval being necessary.

§ 2-404. Accounting for Lawyers (8350).

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

This course introduces basic accounting principles, concepts, and terminology. It is intended for law students who have little or no previous knowledge of accounting. The course will introduce students to accounting issues that lawyers in law practices of small to medium size would typically face in advising clients and managing their own practices. Through a problem-based approach, students will learn how firms account for common financial transactions and present those transactions on a balance sheet and an income statement. Students will learn the significance of separating assets and liabilities of the firm from those of the lawyer and the client and how to properly record transactions involving client trust accounts. The course will also address the impact that tax law and time value of money concepts have on legal and financial decisions. Students with no quantitative training should be able to grasp the material. Students who have taken a college accounting course must receive instructor approval.

May 8, 2019

§ 2-405. Advanced Criminal Procedure (8325).

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

This course will cover the procedural rules applicable to various stages in the development of a criminal case from pre-trial stages through appeal. Coverage will include statutory and other sources of procedural law outside the U.S. Constitution, and may also include rules derived from relevant federal constitutional law, to the extent these are not treated in the Constitutional Criminal Procedure course. Topics considered include issues related to search and seizure, privileges, preliminary

hearings, bail, pleas and plea bargaining, jury selection, fair trials, sentencing and judgment, double jeopardy, and post-conviction relief.

Oct. 22, 2004; Rev. Oct. 10, 2008; Feb. 4, 2011

§ 2-406. Supplemental Bar Preparation (6101).

- (a) Supplemental Bar Preparation is an elective course for one (1) semester hour of graded credit.
- (b) Prerequisites for taking the course are Legal Reasoning, Writing & Research and Legal Analysis & Persuasion.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

The Supplemental Bar Preparation course is an elective skills development course designed to introduce students to the analytical writing skills and testing techniques essential for effective bar examination performance. When offered, it is conducted in a condensed format. The course includes skills and select substantive legal topics that are not covered in the Bar Examination Skills & Strategies course but that are routinely tested on the Multistate Bar Examination (MBE), Multistate Essay Examination (MEE) and the Multistate Performance Test (MPT).

Apr. 22, 2015; Apr. 13, 2022; Nov. 16, 2022

§ 2-407. Advanced Legal Research (7247, 7376).

- (a) Advanced Legal Research is an elective course for two or three semester hours of graded credit.
- (b) Credits earned in Advanced Legal Research count toward the Advanced Practicum Requirement set forth in Section 2-601.
- (c) Unless waived by the Associate Dean for Academic Affairs, prerequisites for taking the course are the receiving of credit in Legal Reasoning, Writing & Research and Legal Analysis & Persuasion.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

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

Jan. 17, 2006; Rev. Nov. 14, 2006; Nov. 15, 2016

§ 2-408. Advanced Topics in Family Law Seminar (8272).

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

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

Apr. 10, 2009

§ 2-409. Advanced Torts Seminar (8257).

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

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

Mar. 22, 2005

§ 2-410. Advanced Trial Advocacy (#3##).

- (a) Advanced Trial Advocacy is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Advanced Practicum Requirement of the Professional Development Requirement.
- (c) Prerequisites for taking the course are Evidence and Trial Advocacy or Trial Advocacy for Competition.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

This is a practice-oriented course intended to develop the students' advanced legal skills in the trial setting. The course emphasizes presentation of damages, jury selection, jury instructions, sentencing, presentation of expert testimony, and the use of technology.

Nov. 8, 2017

§ 2-411. Agricultural Law (83##).

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

This course is a general survey of the law applicable to agriculture. Substantive coverage may include the following: agriculture finance and credit; environmental law (i.e., Endangered Species Act, pesticides litigation and regulation, and Clean Water Act); livestock marketing; rights and limitations in the use of farmland (including nuisance, states' right-to-farm laws, and foreign ownership of agricultural land);

USDA programs and appeals processes; federal commodity research and promotion boards; water law; the Farm Bill; contracts and sales (including agricultural leases and solar and carbon contracts); torts; estate planning; and protection of the productivity of agricultural land.

Nov. 16, 2023

§ 2-412. Alabama Probate and Practice (#1##, #2##)

- (a) Alabama Probate and Practice is an elective course for one or two semester hours of graded credit.
- (b) The course shall have a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This intensive course covers the substantive and practical elements of probate law. Students will study Alabama statutes and cases governing wills, estate administration, guardianships and conservatorships, involuntary civil commitments, and adoptions. Where appropriate, students will learn and distinguish the Uniform Probate Code and other uniform acts from Alabama statutes. Additional substantive coverage includes procedural aspects of probate such as jurisdiction, venue, and removal. Finally, students will be introduced to model petitions, motions, and other forms commonly used in probate practice.

Apr. 13, 2022

§ 2-413. Animal Law (8266, 8337).

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

This course in animal law will introduce students to those principles, rules, and regulations—as developed by common law and from statute—that affect animals. Starting with a summary of historical origins, the course will examine such laws in their philosophical, scientific, and practical underpinnings, and from a variety of

differing perspectives, exploring how the law has treated animals in the past and may treat them in the future, both locally and nationally. From the foundational (How are animals defined? Can animals have standing? Are animals property?) to the pragmatic (What procedural obstacles might confront claims made on behalf of animals? What substantive constraints might prosecuting an animal cruelty case entail?) the course will address diverse questions and answers in such areas as: contract, tort and constitutional law; protections under criminal and civil statutes; cruelty and abuse laws; legal standing for animals; treatment of laboratory animals; ownership and valuation issues; custody areas; and ethical and legal dilemmas posed by the capture, confinement, and commercial use of animals.

May 16, 2007

§ 2-414. Antitrust (8331).

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

This course examines how the antitrust laws regulate the private economic behavior of market participants. The course will cover federal antitrust laws including the Sherman Antitrust Act, the Clayton Act and the Federal Trade Commission Act. The course will examine cases on topics such as monopolization, predatory pricing, vertical restraints, price fixing and territorial allocations.

Sept. 27, 2005

§ 2-415. Apology, Forgiveness, and Reconciliation (#2##, #3##)

- (a) This is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-502.
- (c) In publications, the description of the course shall be approximately as follows:

This course examines each of the themes of apology, forgiveness, and reconciliation. A spectrum of definitions and meanings of each theme is explored, and materials include both religious and nonreligious perspectives on these themes. A variety of approaches on how to implement each theme is discussed. The application of the

material is considered in different contexts, including implementation in one's own life, provision of professional advice to another as an advocate, and provision of service as a mediator.

May 13, 2020

§ 2-416. Appellate Advocacy (7360).

- (a) Appellate Advocacy is an elective course for three semester hours of graded credit.
- (b) When offered as a three-hour course, it satisfies the Advanced Practicum Requirement of the Professional Skills Requirement.
- (c) The receiving of credit in Civil Procedure I and II, Contracts, Torts, Legal Reasoning, Writing & Research, and Legal Analysis & Persuasion is a prerequisite for enrollment in this course.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

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

Jan. 20, 2005; Sept. 11, 2018; Nov. 16, 2022; Dec. 11, 2024

§ 2-417. Arbitration (8319).

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

This course is a study of the principles and attendant laws governing the arbitration process. Students are given a history of the arbitration process and its current applications. Up-to-date case and statutory law on arbitration are discussed in light

of recent developments in the uses of this process to control contract disputes. The course will cover the ramifications of the use of arbitration as a forum choice.

Oct. 22, 2004; Sept. 11, 2018

§ 2-418. Bankruptcy (8375).

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

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

Oct. 22, 2004

§ 2-419. Board of Advocates (8115).

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

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

Apr. 18, 2008

§ 2-420. Children's Rights (8233, 8374).

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

This course focuses on the relationship between children, families, and the state, with particular emphasis on the juvenile justice system and delinquency, child abuse and neglect, foster care of dependent children, and the educational rights of disabled children. The special ethical considerations of representing children will also be covered.

Jan. 20, 2005

§ 2-421. Civil Rights (8254, 8324).

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

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

Oct. 22, 2004

§ 2-422. Commercial Law: Sales and Negotiable Instruments (7336).

- (a) Commercial Law: Sales and Negotiable Instruments is an elective course for three semester hours of graded credit.
- (b) A Prerequisite for taking the course is Contracts.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

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

Oct. 10, 2008

§ 2-423. Commercial Law: Secured Transactions (7344).

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

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

Sept. 21, 2004; Rev. Oct. 10, 2008

§ 2-424. Comparative Constitutional Law (8263, 8302).

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

This course examines and compares the fundamental constitutional structures and institutions of the United States, Canada, France, Germany, the United Kingdom, and the European Union. Other nations' systems may also be studied depending on the interests of the students who have enrolled in the course. The course may be offered for two or three hours of credit.

Jan. 17, 2006

§ 2-425. Conflict of Laws (8378).

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

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

Sept. 21, 2004

§ 2-426. Constitutional History and Theory I (to 1877) (#2##, #3##).

- (a) Constitutional History and Theory I is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination and/or a final paper (that need not satisfy the Rigorous Writing Requirement set forth in Section 2-501), or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501. **In the instructor's discretion, methods of evaluation may differ by student in the same semester.**
- (c) There are no prerequisites for this course, and students may take this course concurrently with American Constitutional Order or First Amendment and Individual Rights.
- (d) In publications, the description of the course shall be approximately as follows:

This course will survey selected topics in American constitutional history through the end of Reconstruction and selected theoretical topics in constitutional design and interpretation.

Regarding constitutional history, the course will begin by examining British constitutionalism before the Revolutionary War. It will then survey topics surrounding the creation and ratification of the U.S. Constitution, constitutional law in the early national period, and will end with the constitutional crises posed by chattel slavery, the Civil War, and post-bellum Reconstruction.

Regarding constitutional design and interpretation, the course will cover topics such as: constitutionalism, institution creation, and originalism, among others.

Readings will come from primary sources (e.g., the Articles of Confederation, the Constitution, selected Supreme Court cases, selected writings from historical figures of the time period(s) studied) and secondary sources (e.g., book(s), book chapters, and scholarly articles) about the topics and time periods studied.

Dec. 6, 2017

§ 2-427. Constitutional History and Theory II (1877–Present) (#2##, #3##).

- (a) Constitutional History and Theory II is an elective course for two or three semester hours of graded credit.
- (b) This course may be offered as a seminar. When it is a seminar, the instructor shall have the discretion not to give a final examination. When not so offered, the instructor shall have the discretion to grade students in this course by a final examination and/or a final paper (that need not satisfy the Rigorous Writing Requirement set forth in Section 2-501), or by a substantive paper that satisfies the Rigorous Writing Requirement set forth in Section 2-501. **In the instructor's discretion, methods of evaluation may differ by student in the same semester.**
- (c) There are no prerequisites for this course, and students may take this course concurrently with American Constitutional Order or First Amendment and Individual Rights.
- (d) In publications, the description of the course shall be approximately as follows:

This course will survey selected topics in American constitutional history from the end of the nineteenth century to the present and selected theoretical topics in constitutional design and interpretation.

Regarding constitutional history, the course will begin by examining selected topics in constitutional history at the end of the nineteenth century. It will then survey topics regarding the early twentieth century, Holmes and his influence, the World War II era, the Warren Court, the individual rights revolution, and how the presidency has shaped and been shaped by the Constitution.

Regarding constitutional design and interpretation, the course will cover topics such as: textualism, interpretivism, amendment and change of the Constitution, among others.

Readings will come from primary sources (e.g., the Constitution, selected Supreme Court cases, selected writings from historical figures of the time period(s) studied) and secondary sources (e.g., book(s), book chapters, and scholarly articles) about the topics and time periods studied.

Dec. 6, 2017

§ 2-428. Consumer Law (#2##, #3##)

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

This course examines contemporary consumer law, situating consumer law statutes in the context of the common law of tort and contract. It is organized around a consumer transaction, including how businesses attract consumers, the terms of the products or services purchased, and the remedies or enforcement tools available if the deal goes awry. In addition to established topics such as unfair or deceptive acts or practices, warranties, and consumer credit law, the course examines how the consumer law landscape is changing. Issues include technological advances that raise privacy concerns; the increase in automobile debt and student loans; and the work of the newest federal agency, the Consumer Financial Protection Bureau. This course is not exclusively about “consumer protection”; instead, it considers consumer law from multiple viewpoints, including those of businesses that are regulated by consumer law and those of policymakers who are charged with protecting the public interest in a fair marketplace.

May 13, 2020

§ 2-429. Contract Drafting (8316, 8354).

- (a) Contract Drafting is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Advanced Practicum Requirement of the Professional Development Requirement set forth in Section 2-601.
- (c) The receiving of credit in Legal Reasoning, Writing & Research and in Legal Analysis & Persuasion is a prerequisite for enrollment in this course.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) The course will be capped at 16 students.
- (f) In publications, the description of the course shall be approximately as follows:

In this course, students will learn principles of drafting business contracts, how to design and draft entire contracts, and how transactional lawyers translate a business

deal into contractual provisions. Topics covered may include (1) drafting entire contracts, (2) drafting clauses for inclusion in complex contracts, (3) commenting on and editing contracts or clauses written by others, (4) drafting memoranda to clients and letters to opposing counsel, (5) writing letters of intent, and (6) creating term sheets. The course may also include simulated negotiations. Students will learn these concepts and skills through a combination of lecture, hands-on drafting exercises, formative and summative feedback from the instructor, and self-evaluation. This course is not intended to cover litigation documents.

Jan. 20, 2005; Feb. 17, 2016

§ 2-430. Copyright Law (83##, 83##).

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

This course surveys the domestic and international laws and policies of copyright law, with a secondary emphasis on related areas of law such as trademark, unfair competition, and contractual protection of ideas and other unprotected works under federal copyright law. Substantive coverage may include the following: copyrightable subject matter; ownership and transfer of copyrights; the rights afforded to copyright owners in the United States and via international treaties and conventions; duration of protection; infringement; the Digital Millennium Copyright Act; and remedies.

Nov. 16, 2022

§ 2-431. Current Issues in Criminal Law (8252).

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

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

Oct. 22, 2004

§ 2-432. Dean Fellow (8117).

- (a) Dean Fellow is an upper-division elective course offered for one hour of credit per year. One half credit is earned each semester served.
- (b) In this offering, each student shall receive a grade of “P” or “1.00” or “0.00.”
- (c) Students must receive permission from the Assistant Dean of Students to enroll in this course.
- (d) Prerequisites for taking this offering are the first-year required courses listed in sections 2-101(b) and 2-102(a).
- (e) In publications, the description of the offering shall be approximately as follows:

This offering is for upper level law students selected by the Assistant Dean of Students. Dean Fellows have a genuine commitment to Faulkner Law, maintain at least a 2.5 cumulative GPA, and exhibit strong leadership potential. Students who are selected as Dean Fellows work directly with the Academic Success Program, under the supervision of the director of the Academic Success Program, to provide academic assistance to first year students beginning at Mini Prep and continuing until the Spring semester final examinations.

Nov. 8, 2017

§ 2-433. Dispute Resolution Processes (7347).

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

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

Jan. 20, 2005; Sept. 11, 2018, Oct. 9, 2019

§ 2-434. Dispute Resolution System Design (#2##, #3##).

- (a) Dispute Resolution System Design is an elective course for two or three semester hours of graded credit.
- (b) Unless waived by the Associate Dean for Academic Affairs, prerequisite for taking the course is Dispute Resolution Processes.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course teaches a systems approach to designing organizational dispute resolution services. The course addresses the legal and other organizational goals associated with designing dispute resolution systems. The class teaches students to diagnose and ameliorate challenges in existing systems and to design and implement new systems. It also teaches students how to determine which dispute resolution processes best align with various types of conflicts, how to generate stakeholder support, and how to assess the legal and ethical responsibilities associated with certain forms of dispute resolution systems. The course particularly emphasizes the role of outside counsel and in-house counsel in advising an organization during the dispute resolution system design process.

Oct. 9, 2019

§ 2-435. Economics for Lawyers (7200, 7300).

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

This course surveys economic, statistical, financial, and accounting concepts that play a crucial role in determining the outcome of legal disputes. Students will be exposed to both the mechanics and the subtleties of these tools. The goal of the

course is to educate and train students so that they will be better prepared to understand a dispute, craft an argument, or prepare a witness.

May 8, 2019

§ 2-436. eDiscovery (#3##)

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

This course studies the practice of eDiscovery. It seeks to impart the knowledge and the expertise needed for an attorney, functioning as a “general contractor” in this area, to assemble and manage the right team of attorney specialists, technologists, and allied professionals who will conduct the eDiscovery components of cases on behalf of and under the direction of the attorney. Accordingly, it endeavors to provide training in the law and the technical aspects of eDiscovery so that the student understands how to assemble the right team, keep costs under control, and ensure that legal and ethical obligations to clients, courts, and opponents are met and discharged.

Apr. 13, 2022

§ 2-437. Education Law (8273, 8339).

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

Education Law is a study of constitutional and statutory issues that arise in public schools. Topics may include the following: racial integration; gender equality; speech protection; discipline; religious practices; parental choice; “No Child Left Behind”; and disability accommodation.

Oct. 12, 2007, Rev. Oct. 11, 2010

§ 2-438. Elder Law Clinic (7375).

- (a) The Elder Law Clinic is an elective offering for three semester hours of credit.
- (b) Taking this offering satisfies the Experiential Learning Requirement of the Professional Development Requirement.
- (c) In this offering, each student shall receive a grade of either “P,” “1.00,” or “0.00.”
- (d) The prerequisite for taking this offering is Professional Responsibility. Students are strongly encouraged to complete or take simultaneously with the Elder Law Clinic at least one of the following courses: Wills & Trusts; or Administrative Law. Students must be certified as a legal intern (3L card) to participate in the Elder Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar.
- (e) A student may not take more than one clinic in the same semester. A student may not take Elder Law Clinic and a Field Placement in the same semester.
- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) In publications, this shall be the approximate description of the course:

The Elder Law Clinic provides opportunities for law students to represent and counsel low-income, elderly citizens in Montgomery, Autauga, and Elmore counties. Third Year law students counsel and represent clients with diverse legal needs: guardianships, advanced directives for health care, powers of attorney, simple wills, basic estate planning, public benefit applications, appeals from benefit denials, long-term care, elder abuse, and medical decision making. The Elder Law Clinic also provides public information programs on federal and state benefits, long-term care solutions, nursing home and skilled nursing facility standards, age discrimination, elder abuse, grandparental custody, medical decision making, and end-of-life issues. The Elder Law Clinic works in cooperation with the Central Alabama Aging Consortium, Montgomery Area Council on Aging, Brooks-Sellers One Place Family Justice Center, and Legal Services Alabama. Students must be certified as a legal intern (3L card) to participate in the Elder Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar. A student may not take more than one clinic in the same semester. A student may not take Elder Law Clinic and a Field Placement in the same semester.

§ 2-439. Employment Law (8387).

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

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

Sept. 21, 2004

§ 2-440. Environmental Law (#2##, 8381).

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

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

Sept. 21, 2004; Rev. Feb. 14, 2006, May 13, 2020

§ 2-441. Family Law (7342).

- (a) Family Law is an elective course for three semester hours of graded credit.
- (b) Prerequisites for taking the course are Contracts and Torts.

- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

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

Sept. 21, 2004

§ 2-442. Family Violence Clinic (7372).

- (a) Family Violence Clinic is an elective offering for three hours of credit.
- (b) This course is a Professional Development offering (*see* § 2-601).
- (c) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (d) Prerequisites for taking the offering are Evidence and Professional Responsibility. Students are strongly encouraged to complete or take Family Law prior to or simultaneously with the Family Violence Clinic. Students must be certified as a legal intern (3L card) to participate in the Family Violence Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar.
- (e) A student may not take more than one clinic in the same semester. A student may not take Family Violence Clinic and a Field Placement in the same semester.
- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) In publications, the description of the course shall be approximately as follows:

Operating as an on-site partner of the Brooks-Sellers One Place Family Justice Center, the Family Violence Clinic provides pro bono services for victims of domestic violence. Third Year law students with limited-practice authority will represent clients in court proceedings for Protection from Abuse Orders and related matters and will interview clients, provide advice, prepare pleadings, investigate and evaluate cases. Students must be certified as a legal intern (3L card) to participate in the Family Violence Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar.

A student may not take more than one clinic in the same semester. A student may not take Family Violence Clinic and a Field Placement in the same semester.

Sept. 21, 2004; Rev. May 1, 2009; Oct. 13, 2015

§ 2-443. Federal Crimes.

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

This course introduces students to the kinds of serious federal criminal offenses they are likely to encounter during a federal clerkship or high-level criminal practice. Substantive coverage includes mail and wire fraud, securities fraud, bribery, money laundering, narcotics trafficking, Hobbs Act extortion and robbery, racketeering, entity liability, the U.S. Sentencing Guidelines, and select defenses.

Sept. 21, 2004; Apr. 13, 2022

§ 2-444. Field Placement Program.

The Field Placement Program has two components: the classroom component (Field Placement Class) and the fieldwork component (Field Placement Hours). Credits earned in the Field Placement Program count toward completion of the Experiential Learning Requirement set forth in § 2-601. A student may take no more than two semesters in the Field Placement Program.

(1) Field Placement Class (8108).

- (a) Field Placement Class is an elective offering for one semester hour of credit.
- (b) Multiple sections may be offered in any given semester. The instructor, in consultation with students and the Associate Dean for Academic Affairs, may group students who are in similarly-situated placements and may tailor the sections accordingly.
- (c) In this offering, each student shall receive a grade of “P” or “1.00” or “0.00.”

- (d) Prerequisites for taking this offering are a cumulative grade point average of at least 2.00 and the successful completion of at least 28 semester hours. Field Placement Hours (8229, 8309, 8496, 8501) is a co-requisite for taking this offering.
- (e) The instructor shall have the discretion not to give a final examination.
- (f) In publications, the description of this offering shall be approximately as follows:

Participants in the Field Placement Class supplement their placement fieldwork experience by exploring ethical, professional, and practical issues in a specific arena within the legal profession. Students in similar placements meet weekly to reflect upon and glean lessons from the fieldwork experience, focusing on professional development and the daily realities of law practice. This offering must be taken in conjunction with Field Placement Hours. Consent of the instructor is required to register for this offering.

(2) Field Placement Hours (8229, 8309, 8496, 8501).

- (a) Field Placement Hours is an elective offering for two (8229), three (8309), four (8496), or five (8501) semester hours of credit.
- (b) Each semester hour of credit requires 60 hours of fieldwork.
- (c) In this offering, each student shall receive a grade of “P” or “1.00” or “0.00.”
- (d) Prerequisites for taking this offering are a cumulative grade point average of at least 2.00 and the successful completion of at least 28 semester hours. The Field Placement Class (8108) is a co-requisite for taking this offering.
- (e) The instructor shall have the discretion not to give a final examination.
- (f) In publications, the description of this offering shall be approximately as follows:

Participants in the Field Placement Program work under the supervision of qualified and experienced practicing attorneys and judges who provide guidance and training in professional lawyering skills. Each semester hour of credit for Field Placement Hours requires 60 hours of fieldwork. Thus, students who register for two credits of Field Placement Hours must work at least 120 hours in their field placement over the course of the semester. This offering must be taken in conjunction with the Field Placement Class,

unless the student is permitted by the instructor to omit the classroom component. Consent of the instructor is required to register for this offering.

Jan. 20, 2015; Nov. 15, 2016

§ 2-445. Freedom of Expression (8262).

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

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

Jan. 17, 2006

§ 2-446. Gaming Law Seminar (8258).

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

This course is an in-depth study of the current issues relating to gambling including gaming distinctions and gambling regulations. The course will examine the inter-relationship between state and federal gambling laws. Other topics include tribal

gambling, charitable gambling, the marketing of games and lotteries, internet gambling and criminality of games.

Mar. 22, 2005

§ 2-447. Generational & Ancestral Property Clinic (73##).

- (a) The Generational & Ancestral Property (GAP) Clinic is an elective offering for three semester hours of credit.
- (b) Taking this offering satisfies the Experiential Learning Requirement of the Professional Development Requirement.
- (c) In this offering, each student shall receive a grade of either “P,” “1.00,” or “0.00.”
- (d) The prerequisites for taking this offering are Civil Procedure, Property, and Professional Responsibility. Each student must be certified as a law student by the Alabama State Bar to participate in the GAP Clinic. Each student enrolled in the GAP Clinic will complete the requirements to be certified as a legal intern (3L card) on the first day of class.
- (e) A student may not take more than one clinic in the same semester. A student may not take GAP Clinic and a Field Placement in the same semester.
- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) In publications, this shall be the approximate description of the course:

The Generational & Ancestral Property (GAP) Clinic provides opportunities for law students to work with low-income Alabama residents and families to protect ancestral property, resolve land title issues, and clear a path to generational financial stability through property ownership. Third-year law students will identify legal issues, conduct property and land ownership research, develop plans for clarifying ownership, and work with clients to implement those plans, including representation in mediation, actions in Probate or Circuit Court, and drafting documents related to family use of ancestral property. The GAP Clinic also provides information and education to community organizations and agencies on family financial stability, generational property management, and inheritance. Each student must be certified as a legal intern (3L card) to participate in the GAP Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar. A student may not take the GAP Clinic and another clinic, or a Field Placement, in the same semester.

§ 2-448. Healthcare Compliance (#2##, #3##)

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

This course provides an understanding of the complexities of the healthcare compliance process from practical, business, and legal perspectives. Students will become familiar with the components of an effective compliance plan and program as well as the issues that arise in the implementation and administration of a compliance plan. They will discover the many roles that compliance staff fill in encouraging compliance with laws, regulations, and ethical principles and gain familiarity with some of the more significant issues that arise when allegations of noncompliance come to the attention of the federal and state governments.

May 13, 2020

§ 2-449. Health Law (8247, 8384).

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

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

Jan. 20, 2005

§ 2-450. Immigration Law (8268).

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

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

Oct. 10, 2008

§ 2-451. Independent Study (8107, 8236, 8385).

- (a) Independent Study is an elective offering for one, two, or three semester hours of graded credit. The offering shall be taken for two or three semester hours unless it is taken as an add-on to a course, in which case it shall be taken for only one semester hour.
- (b) Prerequisites for taking Independent Study are approval of the Associate Dean for Academic Affairs, a cumulative grade point average of at least 2.75, and completion of at least 60 semester hours.
- (c) The supervising professor of each Independent Study must be a full-time member of the faculty.
- (d) A student may earn credit for only one Independent Study.
- (e) No professor may supervise more than two Independent Studies per semester.
- (f) The goals of Independent Study shall be:
 - (1) To enhance the student's research skills;

- (2) To enhance the student's legal analysis skills;
 - (3) To enhance the student's writing skills; and
 - (4) To provide the student an opportunity to produce a writing sample that can be shown to prospective employers.
- (g) The Independent Study paper shall show evidence of thorough legal research and sound legal analysis and shall be footnoted or end-noted in a form approved by the supervising professor.
 - (h) If the Independent Study paper is prepared in 12-point type and is double-spaced, the paper must be at least thirty pages in length, including footnotes or end-notes. This length shall be adjusted as appropriate for papers that are not prepared in 12-point type and/or double-spaced.
 - (i) The following procedures shall apply to each Independent Study:
 - (1) The student shall apply to the Associate Dean for Academic Affairs for permission to do an independent study, and shall obtain the signed approval of the supervising professor. Before the student is given approval to do the Independent Study, he or she shall submit to the supervising professor a 100-200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.
 - (2) The student shall submit an outline of the proposed paper, which the supervising professor shall examine and approve.
 - (3) Before submitting the final paper, the student shall submit at least one draft of the paper which the supervising professor shall critically examine.
 - (4) Before submitting the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.
 - (j) If the student chooses to use the Independent Study to fulfill the Rigorous Writing Requirement, he or she must follow all procedures and fulfill all requirements for the Rigorous Writing Requirement as well as those required herein for Independent Study.
 - (k) In publications, the description of the offering shall be approximately as follows:

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

Sept. 21, 2004

§ 2-452. Insurance Law (8386).

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

This course is a study of fundamental legal principles relating to various types of first-party and liability insurance contracts, focusing on property, life, health, automobile and commercial and professional liability policies. Topics include: rules of insurance contract construction; doctrines governing applications for insurance and representations made by the applicant; statutory and administrative regulation of insurance; and various issues arising in particular types of insurance.

Oct. 22, 2004

§ 2-453. Intellectual Property (8242, 8320).

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

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

Oct. 22, 2004

§ 2-454. International Business Litigation (8344).

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

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

Oct. 11, 2010

§ 2-455. International Business Transactions (#2##, #3##)

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

This course covers the fundamental issues that affect business in today's global marketplace. Topics covered include legal issues associated with financing commercial transactions, transnational contracts, and foreign direct investment in countries abroad. It emphasizes the role of international trade institutions, GATT treaties, and federal trade law.

May 13, 2020

§ 2-456. International Law (8251, 8328).

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

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

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

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

Oct. 22, 2004

§ 2-457. International Sales and Commercial Arbitration (#2##, #3##)

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

This course provides an overview of the law governing international sales of goods and international commercial arbitration, focusing primarily on the U.N. Convention of the International Sale of Goods, the UNCITRAL Model Law on International Commercial Arbitration, and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

May 13, 2020

§ 2-458. Interviewing, Counseling, and Negotiation (7349).

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

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

Jan. 20, 2005; Sept. 11, 2018

§ 2-459. Jurisprudence (8246, 8323).

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

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

Jan. 20, 2005

§ 2-460. Jury Selection, Voir Dire, and Jury Instructions (8118)

- (a) Jury Selection, Voir Dire, and Jury Instructions is an elective course for one hour of graded credit.
- (b) The instructor shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This intensive, week-long course is designed to provide students with hands-on experience in the art of jury selection and jury instructions. The course will outline the many purposes of voir dire and the legal and procedural standards and rules pertaining to jury selection and jury instructions.

Dec. 8, 2015

§ 2-461. Land Planning (8239, 8322).

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

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

Jan. 20, 2005

§ 2-462. Law and Bioethics (8270).

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

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

§ 2-463. Law and Christian Theology (8248, 8306).

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

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

Jan. 20, 2005; Rev. Aug. 10, 2005

§ 2-464. Law and Literature (8345).

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

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

opinion; to frame the meaning of law to individuals and society; and to hone students' understanding of the role of lawyers in society.

Oct. 11, 2010

§ 2-465. Law and Public Policy (8269, 8342).

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

Law & Public Policy examines the relationship between legal doctrine and public policy. In this course students explore the relationship between legal doctrines and policy outcomes, both intended and unintended. The course focuses upon several areas of recent legal reform in the United States, which have met with varying levels of success and which illustrate the relationship between law and policy. Within each area the course examines (1) the relevant law before and after the reform and the interpretations given to those laws by the courts; (2) the perceived problems with the initial law; (3) the goal of the reform; (4) the consequences of the subsequent change in the law.

Oct. 10, 2008

§ 2-466. Law, Faith & Society (8284).

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

This course explores the social and cultural dimensions of law, with particular attention to the ways these influence policy considerations. Students will gain familiarity both with sociological theories relevant to understanding law and with empirical social science research examining various aspects of law. The course aims to

heighten student awareness of the ways that social and cultural factors influence law, as well as the ways law shapes societies and cultures, both historically and today. It will also consider how religious faith shapes law and society and what that might tell us about the appropriate place for religious faith in our legal system today.

Dec. 11, 2024

§ 2-467. Law Review (8109, 8110, 8111, 8112, 8225, 8226, 8227, 8228, 8308).

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

- (1) *Junior Staff*: Credit for being on the Junior Staff shall be earned by students who are candidates for Law Review membership and who are in their first year of Law Review membership. Based upon performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to Junior Staff one semester hour of credit for the fall semester and one semester hour of credit for the spring semester, except as provided in subsection (4) hereof.
- (2) *Senior Staff*: Credit for being on the Senior Staff shall be earned by students who are in their second year of Law Review membership. Based upon performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to Senior Staff one semester hour of credit for the fall semester and one semester hour of credit for the spring semester, except as provided in subsections (3), (4), and (5) hereof.
- (3) *Editorial Board*: Credit for being on the Editorial Board shall be earned by students who are in their second year of Law Review membership. Based upon performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to members of the Editorial Board two semester hours of credit for the fall semester and two semester hours of credit for the spring semester, except as provided in subsection (4) and (5) hereof.
- (4) *Executive Editor-Elect and Executive Editor*: The Executive Editor-Elect shall be elected during his or her first year of Law Review membership and shall serve as Executive Editor-Elect until his or her second year of Law Review membership when, unless unqualified under the criteria set forth in the Law Review Constitution and Bylaws, he or she shall ascend to the office of Executive Editor. Based upon

performance criteria set forth in the Law Review Constitution and Bylaws, the faculty advisor for the Law Review shall assign to the Executive Editor-Elect one semester hour of credit for the fall semester and two semester hours of credit for the spring semester, and shall assign to the Executive Editor two semester hours of credit for the fall semester and two semester hours of credit for the spring semester.

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

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

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

This offering is available only to students selected for membership on the staff of Law Review. Credit is earned upon the basis of performance criteria set forth in the Law Review Constitution and Bylaws and the requirements of each office as determined from time to time by the Law Review Editorial Board.

Oct. 21, 2004; Feb. 17, 2016

§ 2-468. Law School Skills (51##)

- (a) Law School Skills is an elective course for one semester hour of credit.

- (b) In this offering, each student shall receive a grade of “P,” “1.00,” or “0.00.”

- (c) The course shall have a final examination.

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

Law School Skills is an intensive course designed to prepare students for the law school experience. The course includes simulated classes, interactive modules that will cover case briefing, outlining, essay writing, and other helpful law school success strategies, and many opportunities for law students to reflect on their learning and progress. This course will also help demystify some of the law school teaching methods to help students acclimate to law school. This course is offered to students prior to the beginning of their first semester of law school.

May 13, 2020

§ 2-469. Legal and Investigative Research (7160).

- (a) Legal and Investigative Research is an elective course for either one or two hours of graded credit.
- (b) The receiving of credit in Legal Reasoning, Writing & Research and in Legal Analysis & Persuasion is a prerequisite for enrollment in this course.
- (c) The instructor shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers resources and tools necessary to perform legal and investigative research for free or at a low cost. Students learn methodologies for efficiently and effectively locating primary and secondary materials from websites and online databases other than Lexis Advance, Westlaw, and Bloomberg. The class introduces high quality free services, such as Casemaker, Google Scholar, and the Social Science Research Network. It also teaches proper search techniques on free services and examines methods to circumvent known problems in free research (*e.g.*, lack of citators, lack of editorial features such as headnotes, and limited searching capabilities). The course covers how to find secondary sources, case law, legislative and administrative materials, ethical opinions, sample forms and litigation documents, and public records.

Nov. 15, 2016

§ 2-470. Legislation (8321).

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

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

Sept. 21, 2004

§ 2-471. Mediation Clinic (7348).

- (a) Mediation Clinic is an elective offering for three semester hours of credit.
- (b) The offering satisfies the Experiential Learning Requirement as set forth in § 2-601.
- (c) Successful receiving of credit in Dispute Resolution Processes is a prerequisite for this clinic.
- (d) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (e) The instructor of the offering shall have the discretion not to give a final examination.
- (f) A student may not take more than one clinic in the same semester effective Fall 2017.
- (g) In publications, the description of the offering shall be approximately as follows:

This is a clinical offering that contains a classroom component as well as “hands on” mediation experiences under the supervision of a faculty member. Students co-mediate disputes in District Court in Montgomery, Autauga, and surrounding counties and engage in analytical debrief sessions post-mediation. The goal of the course is to allow the students to hone their skills as mediators in courtroom settings as well as in the classroom.

Sept. 21, 2004; Nov. 15, 2016

§ 2-472. Mediation Competition Team (7171, 7248).

- (a) Mediation Competition Team is an elective course offered for one or two hours of credit.
- (b) In this offering, each student shall receive a grade of either “P” or “1.00” or “0.00.”
- (c) Students must receive authorization from the Director of Advocacy in order to enroll in this course.
- (d) In publications, the description of the offering shall be approximately as follows:

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

Jan. 11, 2008

§ 2-473. Mediation Theory and Practice (72##, 7351).

- (a) Mediation Theory and Practice is an elective course that may be offered for either two or three semester hours of graded credit.
- (b) The instructor of the course shall have the discretion not to give a final examination.
- (c) In publications, the description of the course shall be approximately as follows:

This course explores the various theories underpinning and practices basic to mediation. To establish the context for the study of mediation, students learn major non-litigated dispute resolution processes, with particular emphasis on negotiation theory and bargaining styles. The curriculum addresses the role of the mediator, core principles of mediation, mediator styles, and mediator ethics generally and under Alabama State law. The course teaches mediator techniques and skills, including how to address high emotion, psychological barriers, and party impasse. The study of the mediation process is organized into a series of stages, and basic mediation skills and techniques appropriate to each stage are identified and cultivated. Simulations and experiential exercises provide students with an opportunity to develop proficiency as mediators and to analyze appropriate roles and behavior as mediators and/or advocates in mediation taking into account legal, ethical, and public policy issues surrounding the practice of mediation.

Nov. 15, 2016

§ 2-474. Moot Court Competition Team (7170, 7243).

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

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

This offering is for students selected by the Director of Advocacy on one of the Law School's interscholastic moot court teams. Students gain expertise in appellate advocacy as they prepare for the competition by researching legal issues presented and preparing an appellate brief. Students also gain experience for and participating in oral arguments at the competition.

Aug. 4, 2006

§ 2-475. Nonprofit Law Clinic (7377).

- (a) Non-Profit Law Clinic is an elective offering for three semester hours of credit.
- (b) Taking this offering satisfies the Experiential Learning Requirement.
- (c) In this offering, each student shall receive a grade of either "P," "1.00," or "0.00."
- (d) The prerequisites for taking this offering are Business Associations and Professional Responsibility. Students are strongly encouraged to complete or take simultaneously with the Non-Profit Law Clinic at least one of the following courses: Employment Law; Intellectual Property; Contract Drafting; Federal Income Tax; or Taxation of Business Enterprises. Students must be certified as a legal intern (3L card) to participate in the Non-Profit Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar.
- (e) A student may not take more than one clinic in the same semester. A student may not take Non-Profit Law Clinic and a Field Placement in the same semester.
- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) In publications, this shall be the description of the course:

The Non-Profit Law Clinic is a three-credit, one semester, transactional legal clinic. It provides legal assistance to churches and other non-profit organizations that cannot afford to retain private counsel. Second and Third Year law students help non-profit organizations, nascent and established, with the process of organization and incorporation; draft and negotiate contracts; obtain tax exemption; advise on governance, communications and compliance matters; and solve related issues. The Non-Profit Law Clinic also hosts informational programs and workshops on topics such as employment law, safe church policies, intellectual property law, and the like.

During the course of the semester, students will develop fundamental analytical, drafting, counseling, planning and negotiation skills in the context of live projects as well as classroom work. Students must be certified as a legal intern (3L card) to participate in the Non-Profit Law Clinic. Prior to registering for the course, students must have submitted their Application for Registration as a Law Student to the Alabama State Bar. A student may not take more than one clinic in the same semester. A student may not take Non-Profit Law Clinic and a Field Placement in the same semester.

Jan. 20, 2015

§ 2-476. Personal Income Tax (#3##)

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

This course introduces the basic concepts contained in the Internal Revenue Code and emphasizes laws governing the taxation of individuals. Students will learn the definition of income, the assignment of income, and the applicable rates of taxation for a variety of tax scenarios. Upon completion of the course, students will understand the relationship between regulations and statutes and be able to work through a basic tax return.

Apr. 13, 2022

§ 2-477. Pretrial Practice (8312).

- (a) Pretrial Practice is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Advanced Practicum Requirement of the Professional Development Requirement.
- (c) The receiving of credit in Legal Reasoning, Writing & Research, Legal Analysis & Persuasion, Civil Procedure I, and Civil Procedure II is a prerequisite for enrollment in this course.
- (d) The instructor of the course shall have the discretion not to give a final examination.
- (e) In publications, the description of the course shall be approximately as follows:

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

Jan. 20, 2005; Sept. 11, 2018; Dec. 11, 2024

§ 2-478. Products Liability (8393).

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

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

Sept. 21, 2004

§ 2-479. Professional Malpractice (8255, 8317).

- (a) Professional Malpractice is an elective course for two or three semester hours of graded credit.
- (b) The course may be offered as a seminar. When not so offered, the course shall have a final examination. When it is a seminar, the instructor shall have the discretion not to give a final examination.
- (c) Prerequisites for taking the course are Civil Procedure I and II and Torts. Unless waived by the Associate Dean of Academic Affairs, an additional prerequisite is Evidence.
- (d) In publications, the description of the course shall be approximately as follows:

This course covers the fundamental procedures and trial techniques followed in professional liability lawsuits, with particular emphasis placed on the law relating to medical and legal professions. This course will analyze and discuss plaintiff's rights and defenses to claims against doctors, hospitals, drug companies, lawyers, and other professionals.

Sept. 21, 2004; Rev. Jan. 17, 2006

§ 2-480. Property and Economic Justice (8281, 83##)

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

This course is about the nature of economic justice and its relationship to property law. It critically examines the major schools of thought about economic justice and their critiques of property law. It considers whether property law, and law generally, should serve justice and, if so, what justice requires. It critically examines the norms and institutions of Anglo-American property law in order to consider how well they serve the demands of justice and by what means they do so, if at all. And it explores some implications of these studies for law and policy makers.

Apr. 13, 2016

§ 2-481. Psychology and Dispute Resolution (82##, 8343).

- (a) Psychology and Dispute Resolution is an elective course that may be offered for either two or three semester hours of graded credit.
- (b) Unless waived by the Associate Dean for Academic Affairs, prerequisite for taking the course is the receiving of credit in Dispute Resolution Processes.
- (c) The instructor of the course shall have the discretion not to give a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

This course is the study of the psychological and other cognitive barriers that influence the resolution of legal and other disputes. Among other topics, the course materials explore the interplay of perception, memory and concepts of justice with decision-making and persuasion in the context of negotiation and mediation.

Nov. 15, 2016

§ 2-482. Public Health Law (8288, 8348).

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

This course studies the role of law and government regulation in the area of public health. Among the topics addressed are the concepts of public health and public health law; the law governing the practice of public health by state, local, and federal agencies; the roles of health care professionals and institutions in public health; the means of public health regulation and promotion; the tension between public health regulation and individual rights; and the role of public health law in regulating such matters as sanitation, infectious disease, tobacco use, obesity, guns, and bioterrorism.

May 6, 2014

§ 2-483. Race, Poverty, and the Death Penalty (8265).

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

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

Oct. 17, 2006

§ 2-484. Real Estate Practice (8330).

- (a) Real Estate Practice is an elective course for three hours of graded credit.
- (b) The prerequisite for taking this course is Property.
- (c) The course shall have a final examination.
- (d) In publications, the description of the course shall be approximately as follows:

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

Sept. 21, 2004

§ 2-485. Religion and the Constitution (8264).

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

This course is a study of the three Religion Clauses of the Constitution (the Religious Tests Clause of Art. VI, and the Establishment and Free Exercise Clauses of the First Amendment). The course will address the history and theory of the Religion Clauses as well as their interpretation by the U.S. Supreme Court. Students will apply constitutional law and theory to topics such as religious exercises in public schools, religiously motivated legislation, governmental funding of churches and religious schools, governmental regulation of private religious activities, political involvement by religious groups, and governmental promotion of religious ideas.

Jan. 17, 2006

§ 2-486. Securities Regulation (72##, 73##)

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

This course examines how the stock market and other securities markets are regulated in the United States. The primary focus is on the Securities Act of 1933 and, to a lesser extent, the Securities Exchange Act of 1934. The course covers how companies raise capital through initial public offerings (IPOs) and other offerings, including private placements, and the complicated regulatory framework that applies to this important engine of corporate and economic growth. It takes an in-depth look at insider trading rules while evaluating the disclosure requirements that apply when companies decide to sell stock or debt or to go public. It is appropriate for aspiring corporate litigators and transactional corporate lawyers and any student interested in learning about the federal regulation of securities.

May 13, 2020

§ 2-487. Smart Growth Seminar (8259).

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

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

§ 2-488. Social Media, Emerging Technologies, and the Law (82##, 83##).

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

This course explores the impact that social media and other emerging technologies (such as artificial intelligence and the Internet of Things) are having on the legal system, substantive areas of the law, and the legal profession itself. Students will learn how social media and other emerging technologies are affecting evidentiary, discovery, and procedural concerns, fundamental notions of jurisdiction, as well as substantive areas of law including family, criminal, tort, employment, and constitutional law. In addition, students will learn how such technology impacts an attorney's ethical obligations, including day-to-day responsibilities such as communicating with clients. This course will also offer tips on the proper use of technology in legal practice, including safeguarding client data from cyberattacks, attorney marketing, and consumer interaction online.

Nov. 16, 2022

§ 2-489. Sports Law (8244, 8307).

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

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

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

Jan. 20, 2005

§ 2-490. Survey of Federal Taxation for Lawyers (7373).

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

This course addresses a broad range of federal tax issues lawyers are likely to face in practice. These issues include taxation of corporations and partnerships; operation of a business for profit; avoidance of federal taxes on generational transfers of wealth; avoidance of federal criminal liability and malpractice liability; assisting clients in planning for commendable and congressionally-approved tax avoidance; items included in or excluded from gross income or a gross estate; deductions; credits; timing; and recognition and character of gains and losses from transfers of property.

Oct. 22, 2004; Apr. 13, 2022

§ 2-491. Taxation of Business Enterprises (8332).

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

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

Sept. 27, 2005

§ 2-492. Trial Advocacy (7368).

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

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

Jan. 20, 2005; Rev. Jan. 31, 2006; Nov. 8, 2017

§ 2-493. Trial Advocacy for Competition (7374).

- (a) Trial Advocacy for Competition is an elective course for three semester hours of graded credit.
- (b) The course satisfies the Advanced Practicum Requirement of the Professional Development Requirement.
- (c) Evidence is a co-requisite.
- (d) Students enrolled will need the approval of and be selected by the instructor(s) or Advocacy Director.
- (e) The course will be capped at sixteen students.
- (f) The instructor of the course shall have the discretion not to give a final examination.
- (g) A student enrolled in this course is precluded from taking Trial Advocacy, § 2-464 (7368).
- (h) In publications, the description of the course shall be approximately as follows:

This is a practice-oriented course intended to develop the students' legal skills in the trial setting. The course emphasizes preparation of witnesses, opening statements, presentation of evidence, examination of witnesses and closing arguments. The purpose of this intensive trial advocacy course is to prepare students to compete in regional and national trial competitions.

Apr. 21, 2006; Sept. 11, 2018

§ 2-494. Trial Competition (7167).

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

One hour of credit may be earned by participating in this intra-school Trial Competition. Students are given a case file in early August; the competition is typically completed during the first half of the fall semester. All students prepare both sides of a case and try the case a minimum of three times. Some of the trials are held on weekends. Participating in Trial Competition makes a student eligible for being considered for selection for the law school's trial team that competes against trial teams from other law schools.

Sept. 21, 2004

§ 2-495. Trial Competition Team (7169, 7242, 7371).

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

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

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

Sept. 21, 2004; Rev. Apr. 21, 2006; Oct. 17, 2006

§ 2-496. Wills and Trusts (7335).

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

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

Jan. 20, 2005

§ 2-497. Workers' Compensation (8256, 8329).

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

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

Oct. 22, 2004

PART 5—WRITING REQUIREMENTS

§ 2-501. Rigorous Writing Requirement.

- (a) Among the requirements for the J.D. degree is the satisfactory fulfillment of the Rigorous Writing Requirement. The purpose of the Rigorous Writing Requirement is to give each student a challenging experience in legal research, problem solving, organization, legal reasoning, and legal writing. It may involve interdisciplinary work, the integration of theory and application, probing fundamental legal values, analysis of the current state of the law, and/or advocacy of a particular position. Satisfaction of the Rigorous Writing Requirement must involve a close working relationship with the supervising professor. The receiving of credit in Legal Analysis and Persuasion is a prerequisite for fulfillment of the Rigorous Writing Requirement.
- (b) The Rigorous Writing Requirement may be satisfied in any of the following ways:
 - (1) By writing a paper or other document in connection with a seminar (or other upper-level course in which each student is required to write a paper) taught by a full-time faculty member (or, with permission of the Associate Dean for Academic Affairs, by an adjunct faculty member).
 - (2) By writing any portion of an appellate brief prepared for and submitted in an inter-scholastic moot court competition for which the student is entitled to and receives **a grade of “P” and course credit pursuant to § 2-462.**
 - (3) With permission of the Associate Dean for Academic Affairs, by writing a directed research paper under the supervision of a full-time faculty member.
- (c) The requirements for a paper satisfying the Rigorous Writing Requirements under (b)(1) or (b)(3) of this section are as follows:
 - (1) If written in connection with a course, it shall be on some aspect of the subject matter of the course.
 - (2) It shall be a substantial paper resulting from extensive research. It shall be at least 6,500 words in length, exclusive of footnotes. Each student shall be required to submit a word count, excluding footnotes, with the final draft.

- (3) It shall be a product of high caliber that demonstrates the student's ability to define a research problem and to do legal analysis. It shall be properly footnoted or end-noted in a form approved by the supervising professor.
 - (4) Before the student is given approval to write the paper, he or she shall submit a 100–200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.
 - (5) Prior to the student's submission of a draft, the supervising professor shall examine and approve an outline of the proposed paper.
 - (6) Prior to the student's submission of the final paper, the supervising professor shall critically evaluate at least one draft of the student's work.
 - (7) If written in connection with a seminar or other course in which each student is required to write a paper, the final paper must qualify for a grade no lower than C+ or the equivalent thereof. If written as a directed research paper, the final paper shall be of such quality that, if it were written and graded to meet a requirement of a seminar, it would receive a grade no lower than C+ or the equivalent thereof.
 - (8) Prior to approval of the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.
- (d) The requirements for a paper satisfying the Rigorous Writing Requirements under (b)(2) of this section are as follows:
- (1) The interscholastic moot court competition rules must permit faculty input in the writing or review of the brief.
 - (2) A member of the faculty must review drafts of the brief and provide feedback to the students.
 - (3) At the time the brief is submitted to the interscholastic moot court competition, the brief must also be submitted to the supervising faculty member.
 - (4) The supervising faculty member must certify that the brief satisfies the Rigorous Writing Requirement.

- (e) The Associate Dean for Academic Affairs may waive or modify the provisions of the Rigorous Writing Requirement for any student who attended the law school before the fall semester of 1999.
- (f) If the supervising professor approves the final paper, he or she shall complete and deliver to the Associate Dean for Academic Affairs the following certification:

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

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

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

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

Signature of Supervising Professor

Date

*Sept. 21, 2004; Rev. Jan. 31, 2006; Oct. 12, 2007;
Dec. 7, 2007; May 6, 2014; Apr. 13, 2016*

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

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

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

Sept. 21, 2004

PART 6—PROFESSIONAL DEVELOPMENT REQUIREMENT

§ 2-601. Professional Development Requirement.

(These changes shall be applicable to students matriculating after July 1, 2014.)

- (a) Among the requirements for the J. D. degree is the satisfactory fulfillment of the Professional Development Requirement. The purpose of the Professional Development Requirement is to give each student a challenging experience in the development of professional **skills to prepare students for the practice of law.** “Professional skills” means skills that the American Bar Association has identified as necessary for effective and responsible participation in the legal profession. In order to graduate a student must complete at least six (6) credit hours of Professional Development courses, identified in subsections (b) and (c) below. Except for the Law Review Editor-in-Chief and other members of the Law Review Editorial Board and students who receive credit for inter-scholastic advocacy competitions, a student must complete at least three (3) credit hours of Advanced Practicum courses and at least three (3) credit hours of Experiential Learning courses.
- (b) The Advanced Practicum Requirement may be satisfied in any of the following courses:
- (1) Advanced Legal Research
 - (2) Appellate Advocacy
 - (3) Contract Drafting
 - (4) Dispute Resolution Processes
 - (5) Interviewing, Counseling, and Negotiation
 - (6) Pretrial Practice (civil or criminal)
 - (7) Trial Advocacy
 - (8) Trial Advocacy for Competition
 - (9) Moot Court Competition Team
 - (10) Mediation Competition Team
 - (11) Trial Competition Team
- (c) The Experiential Learning Requirement may be satisfied in any of the following courses:
- (1) Elder Law Clinic
 - (2) Family Violence Clinic
 - (3) Generational and Ancestral Property Clinic

- (4) Field Placement
- (5) Mediation Clinic
- (6) Nonprofit Law Clinic

*Jan. 20, 2005; Rev. Sept. 13, 2005; July 9, 2010;
Apr. 22, 2015; Sept. 11, 2018, Oct. 9, 2019; Nov. 16, 2022*

PART 7—DISTANCE EDUCATION

§ 2-701. Distance Education Policy.

(a) General

- (1) Distance Education is an educational process involving a physical separation between teacher and student. Classes in which more than one third of the instruction is outside the residential classroom are considered Distance Education classes (“DE classes”).
- (2) DE classes must be scheduled for the same required minutes per credit as for non-DE classes.
- (3) It is acceptable for the School of Law to utilize the services of a third-party vendor to develop educational content or to deliver online classes. However, the academic oversight of a DE program is ultimately the responsibility of the Dean or his designee and the Faculty. All policies of the School of Law apply to the DE program, unless otherwise directed by the School of Law.

(b) Faculty and Interactivity

- (1) Each DE class must include interactivity, allowing faculty and students opportunities that equal or exceed the interaction found in a traditional classroom setting. Such interactivity may be achieved through synchronous pedagogies; message boards; chat rooms; emails; and office hours. Responsiveness to students should meet traditional expectations.
- (2) Online faculty will provide prompt feedback on student effort and performance.
- (3) Intellectual property rights between the teacher and institution should be agreed upon before a DE class begins; the allocation of rights must take into account campus policy and the unique circumstances of the preparation, nature, and delivery of

the course, as well as the compensation structure for course development and teaching.

- (4) Faculty members who develop or teach DE classes must participate in mandatory distance education teaching training.

(c) **Students**

- (1) Students in the J.D. program may take up to a total of 30 distance education credits during their academic career, provided that the **student's** distance education credits do not exceed one-third of the total credit hours required for the J.D. degree, as specified in Section 3-105. No more than ten DE credits may be earned during the first one-third of the **student's** legal education, or to meet first-year curriculum requirements.
- (2) Each DE class must protect, as in traditional classes, student privacy according to campus policy and legislation, including the Family Education Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) guidelines. All DE classes must be delivered from secure sites; student identification will be limited to those sites.
- (3) Each class will require students to have a secure login and password, issued through current standard student verification protocols.
- (4) Examinations must be proctored or otherwise monitored by technology with a security standard similar to that in a non-DE class. Although residential class examinations are administered in many ways, including through technology dependent on school policy and faculty preference, utmost concern and care must be provided to the security involved in the examination administration of DE classes.
- (5) All students who take DE classes should be trained and oriented in the technology used and in DE protocols, before the class begins; they must be supported during the semester when they encounter IT difficulties.
- (6) All student work that occurs in a DE class may be monitored and reviewed by the teaching faculty, program administrator, and other necessary law school personnel.
- (7) All DE students must abide by the School of Law Honor Code in all DE classes and in other relevant aspects of the DE class.

Mar. 10, 2015

PART 8—DETERMINATION OF CREDIT HOURS FOR COURSEWORK

§ 2-801. Definition of a Credit Hour.

A “credit hour” is an amount of work that reasonably approximates:

- (a) at least 750 minutes of classroom or direct faculty instruction and 1,800 minutes of out-of-class student work, including the week of the final exam, if a final exam is given; or
- (b) at least an equivalent amount of work as required by subparagraph (a) above for seminars, simulation courses, field placements, clinics, co-curricular activities, or other academic work for which credit hours are awarded.

§ 2-802. Credit Hour Policy.

- (a) The course instructor shall ensure that each credit hour to be awarded to students in a given course includes sufficient work to comply with the definition of a “credit hour” in § 2-801 above. Specifically, students must complete, at a minimum, 42.5 hours (2,550 minutes) of work per credit hour awarded.
- (b) For purposes of this policy, the course instructor may rely on the presumptions set forth in § 2-804. In all cases in which a course does not presumptively comply with this Credit Hour Policy, the course instructor shall consult with the Associate Dean for Academic Affairs to determine the appropriate number of credit hours to be offered in conjunction with the course.
- (c) For co-curricular activities such as the law review, dean’s fellow, independent study, moot court or trial competition teams, Board of Advocates, or other academic work leading to the award of credit hours, students shall maintain a log documenting the time spent on work related to these courses or activities (which may include reading, researching, drafting, editing, attending structured study group sessions, practicing or rehearsing, competing in tournaments, etc.), and such work must amount to, at a minimum, 42.5 hours (2,550 minutes) per credit hour awarded. The student shall periodically submit documentation as directed by the course instructor, and the course instructor shall ensure compliance with this Credit Hour Policy.

§ 2-803. Course Scheduling.

The School of Law operates on a 14-week semester followed by a two-week examination period. The School of Law will follow the following scheduling guidelines:

- (a) Classroom courses for which the primary method of instruction is direct faculty instruction and which include a written final exam are usually scheduled to meet for at least 700 minutes per credit hour.
- (b) Classroom courses for which the primary method of instruction is direct faculty instruction and which do not include a written final exam are usually scheduled to meet for at least 750 minutes per credit hour.
- (c) Classroom courses with sufficient out-of-class work may be scheduled for fewer classroom minutes if the course instructor and the Associate Dean for Academic Affairs together determine that the course will comply with the Credit Hour Policy set forth in § 2-802.
- (d) Other courses, such as clinical courses and field placements, and other academic activities for which credit hours are awarded may be scheduled in any way that ensures compliance with the Credit Hour Policy set forth in § 2-802.
- (e) Synchronous distance education courses are considered classroom courses for these purposes. Asynchronous distance education courses must include sufficient work, such as viewing of lectures, engaging in discussion boards, reading course material, and completing course assignments, to comply with the Credit Hour Policy set forth in § 2-802.

§ 2-804. Presumptions.

For purposes of determining whether a course complies with the Credit Hour Policy set forth in § 2-802, the following presumptions shall apply:

- (a) Presumptions Regarding Reading Assignments
 - (1) In a doctrinal course based primarily on the casebook method, assignment of one page of casebook reading constitutes ten minutes of out-of-class student work.
 - (2) In a doctrinal course based primarily on a problem-method of instruction, in which weekly assignments ordinarily include student preparation of responses to a set of problems included within or based upon the assigned textbook materials, assignment of one page of textbook reading constitutes twelve minutes of out-of-class student work.
 - (3) For other readings, including statutes, restatements, or other assigned readings not in a casebook or problem-based textbook, assignment of one page of outside reading constitutes six minutes of out-of-class student work.

(b) Presumption Regarding Final Exams

- (1) In classes in which an exam such as a midterm or final exam is given, the time allotted for the exam shall be considered classroom minutes, and each 50 minutes of allotted exam time shall presumptively require at least 120 minutes of out-of-class student preparation.

(c) Presumptions Regarding Written Work Product

- (1) In a course primarily oriented toward legal research and writing, each 500 words (or two double-spaced pages) of substantive, research-driven written work not meeting the standard of subsection (c)(2) below shall be presumed to require six hours of out-of-class student work.
- (2) **In a course in which the student's work will culminate in a single research-driven, notated, original work of scholarship** such as a research paper, court brief, motion, or pleading, and in which students must submit one or more drafts of the written work prior to submission of the final product, each 500 words shall be presumed to require eight hours of out-of-class work. This presumption applies to, but is not limited to, all courses for which credit for the Rigorous Writing Requirement of § 2-501 is earned.
- (3) For assignments requiring a written work product not involving substantial outside research and not involving the submission of multiple drafts, each 500 words shall be presumed to require two hours of out-of-class work.
- (4) For written work product, 500 words is presumed to equal one single-spaced page, and 250 words is presumed to equal one double-spaced page.

§ 2-805. Special Cases – Field Placements and Short Courses.

- (a) **Field Placements.** For field placements, the Field Placement Class need not by itself satisfy the Credit Hour Policy, so long as the Field Placement Class plus the co-requisite Field Placement Hours cumulatively satisfy the Credit Hour Policy.
- (b) **Intersession Courses and Summer Short Courses.** To comply with the standards set forth above, intersession courses and summer courses may require students to complete readings or assignments before or after the intersession or summer course period. Such readings or assignments must be completed and assessed before the student is assigned a final grade.

§ 2-806. Implementation and New Course Approval.

- (a) Course instructors who are full-time employees of the School of Law are responsible for ensuring that each course for which they are the designated course instructor meets the requirements set forth in this Credit Hour Policy. The Associate Dean for Academic Affairs is responsible for ensuring that other courses, such as those taught by adjuncts, meet **the requirements set forth in this standard.** To facilitate periodic review of a course's compliance with this standard, course instructors shall submit their syllabi to the Associate Dean for Academic Affairs within the first two weeks of each semester.
- (b) The Associate Dean for Academic Affairs shall review all courses for compliance with this policy at least once every three years.
- (c) When new courses are proposed to be offered, the proposal shall include a justification for the number of credits to be awarded, including the approximate time to be spent in class sessions and the approximate out-of-class work.

CHAPTER THREE ~ ACADEMIC PROGRESS

PART 1—J.D. DEGREE

§ 3-101. Degree Conferred upon Graduates.

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

Sept. 21, 2004

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

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

Sept. 21, 2004; Rev. Feb. 13, 2007; Nov. 9, 2009

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

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

Sept. 21, 2004; Rev. Feb. 13, 2007

§ 3-104. Graduating *Cum Laude*.

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

Sept. 21, 2004; Rev. Feb. 13, 2007

§ 3-105. Requirements for Degree.

- (a) A student shall earn the J.D. degree upon satisfying the following requirements (which are not subject to variance or waiver unless otherwise provided by faculty policy):
 - (1) The successful completion of 90[*] semester hours of offerings, which shall include successful completion of all required courses;

- (2) Satisfaction of the Rigorous Writing Requirement, § 2-501, and Professional Development Requirement, § 2-601;
 - (3) A cumulative grade point average of at least 2.00; and
 - (4) The completion of six semesters in residence (or the equivalent) if a full-time student or eight semesters in residence (or the equivalent) if a part-time student.
- (b) Requirements for earning the J.D. degree, as well as the courses offered, may be changed by the faculty at any time.

[*The 90-hour requirement “appl[ies] to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 88 hours.]

Jan. 20, 2005; Rev. May 6, 2014; Mar. 9, 2016; Sept. 11, 2018

§ 3-106. Time to Complete Degree.

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

Sept. 21, 2004

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

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

[*The 90-hour requirement “appl[ies] to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 88 hours.]

*Sept. 21, 2004; Rev. Nov. 5, 2004; Nov. 14, 2006;
Nov. 9, 2009; May 6, 2014; Mar. 9, 2016*

PART 2—RESIDENCY

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

- (a) To receive residence credit for a semester, a full-time student must (1) complete the semester enrolled for at least ten semester hours and (2) receive academic credit for at least nine semester hours.
- (b) In any semester in which a full-time student fails to receive residence credit for a semester pursuant to subsection (a) hereof, the student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to ten.

Sept. 21, 2004

§ 3-202. [Reserved].

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

- (a) Subject to subsection (b) hereof, in any session other than a semester, a full-time student shall receive residence credit for a fraction of a semester in the ratio that the hours of academic credit received bears to ten.
- (b) The total of all courses taken in summer sessions by a full-time student shall not count for more than one semester in residence.

Sept. 21, 2004

§ 3-204. [Reserved].

PART 3—COURSE OF STUDY

§ 3-301. Maximum Loads.

- (a) Full-time students may not register for more than 16 credit hours per semester and part-time students may not register for more than 11 credit hours per semester without first receiving written permission from the Associate Dean for Academic Affairs.
- (b) The preceding section notwithstanding, full-time students whose grade point average is 2.5 or higher may not register for more than 18 credit hours per semester.

Sept. 21, 2004; Rev. Nov. 14, 2006

§ 3-302. Changing Between the Full-time Schedule, the Flexible Schedule, or the Executive Schedule and from Full-time Status.

A student who wishes to change between the full-time schedule, the flexible schedule, or the executive schedule may do so only upon written application to and the approval of the Associate Dean for Academic Affairs. Regardless of whether a student wishes to change between schedules, a student who wishes to change from full-time status to fewer than ten hours in a semester may do so upon written application to and the approval of the Associate Dean for Academic Affairs.

Sept. 21, 2004; May 13, 2020

§ 3-303. Changing Sections of Same Course.

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

Sept. 21, 2004

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

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

Sept. 21, 2004

§ 3-305. [Reserved].

§ 3-306. Dropping Courses without Cause.

- (a) Subject to the provisions of Sections 3-304 and 3-305 and of Subsection 3-403(c), a student may drop a course or courses at any time prior to the close of business on the fourth Friday of the semester (or, for sessions shorter than a regular semester, at any time prior to the close of business on the day immediately after 27% of the session's classes have met).
- (b) To drop a course, a student must submit a timely and properly completed form. A grade of "WP" will be assigned and appear on the student's transcript. The "WP" will not have any effect on the student's grade point average. The University's tuition adjustment policy will apply.

Sept. 21, 2004

§ 3-307. Dropping Courses for Good Cause

- (a) After the deadline specified in Subsection 3-306(a), subject to the provisions of Sections 3-304 and 3-305 and of Subsection 3-403(c), a student may be allowed to drop without academic penalty a course (or courses) for good cause shown.
- (b) **“Good cause” shall be limited to well-documented, serious medical problems of the student or an immediate family member or death of an immediate family member.**
- (c) A request to drop must be in writing, with all supporting documents, and must be delivered to the Associate Dean for Academic Affairs prior to the start of the scheduled final examination for the course.
- (d) The request to drop must be approved by both the Associate Dean for Academic Affairs and the instructor of the course.
- (e) **If the request to drop is approved, a grade of “WP” shall be assigned and appear on the student’s transcript. The University’s tuition adjustment policy will apply.**
- (f) If the request to drop without academic penalty is not approved, the same shall be communicated promptly to the student. If the student desires to drop despite the imposition of academic penalty, the student **shall be assigned a grade of “WF”**. The University’s tuition adjustment policy will apply.
- (g) Once the student has indicated a desire to drop a course despite the imposition of academic penalty, the student shall not be permitted to withdraw from that course by a withdrawal pursuant to Section 3-902.

Sept. 21, 2004

§ 3-308. Retaking Course.

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

Sept. 21, 2004

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

- (a) The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting privileges at an ABA-approved law school or program if (1) the visit would serve

the best interests of both the student and Jones School of Law, (2) the petitioner's cumulative grade point average at the law school is 2.00 or higher, and (3) either

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

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

- (b) In all cases, the petitioner must provide the course description for each course to be taken at the other law school, and receive pre-approval of the course(s) from the Associate Dean for Academic Affairs.
- (c) Residence credit shall be granted to students on visiting status.

Sept. 21, 2004

PART 4—ATTENDANCE

§ 3-401. Requirement of Attendance and Preparation.

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

Sept. 21, 2004

§ 3-402. Attendance for Part of Class.

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

Sept. 21, 2004

§ 3-403. Limitation on Number of Absences.

- (a) Any student whose absences exceed 22% of all meetings in a course as specified in Section 3-404 shall have his/her final grade in the course reduced by one step for every absence over the maximum, as stated in this subsection. As used in this section "one step" is the number of grade points necessary to reduce the grade to the next lower grade on the grading scale.

- (b) Absences are counted from the first class meeting of the course, regardless of when a student actually registers for a course.
- (c) Once a student has been absent from more than the maximum permitted number of class meetings as specified in Section 3-404, the student shall not be permitted to drop the course pursuant to Section 3-306 or 3-307 or to withdraw from the course pursuant to Section 3-902.

Sept. 21, 2004; Rev. Apr. 21, 2005; Sept. 30, 2011; Oct. 14, 2014; May 11, 2022

§ 3-404. Maximum Number of Absences Permitted.

- (a) Regular Semester Courses. Each semester, the maximum number of absences permitted by the 22% rule shall be the same for all courses that regularly meet the same number of times each week for the entire semester; for each category of course, such maximum number shall conclusively be deemed the following:

	<u>22% rule</u>
Courses regularly meeting 4 times each week all semester	12
Courses regularly meeting 3 times each week all semester	9
Courses regularly meeting 2 times each week all semester	6
Courses regularly meeting 1 time each week all semester	3
Courses regularly meeting in person 9 times all semester	2

- (b) Summer Session Courses. For on-campus summer courses, the maximum number of absences permitted shall be 5. For asynchronous summer courses, an absence is the failure to complete a week's assigned activities, and the maximum number of absences permitted is 1. For the summer Field Placement Class, the maximum number of absences permitted shall be 2.

*Sept. 21, 2004; Rev. Jan. 31, 2006;
Sept. 30, 2011; Oct. 14, 2014; Nov. 10, 2021; May 11, 2022*

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

A faculty member may, at his or her option, adopt a policy requiring a higher level of attendance. However, the professor may **lower the student's final course grade** no more than one step per absence **when the student's absences exceed those specified in the professor's policy.** Such policy must be in writing and communicated to students at the first class of the semester. As used in this section "one step" is the number of grade points necessary to reduce the grade to the next lower grade on the grading scale.

Sept. 21, 2004; Oct. 14, 2014

§ 3-406. Procedures.

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

Sept. 21, 2004

§ 3-407. Modification of the Attendance Policies in Unusual Circumstances.

In unusual circumstances, when the application of the attendance policies in §§ 3-403 to 3-407 may work an undue hardship, the Dean shall have the discretion to ameliorate the hardship by modifying the attendance policies or by otherwise granting an exception thereto. In taking such ameliorative action, the Dean shall follow the following guiding principles:

- (1) Student absences combined with remote attendance should not exceed 33% of all meetings in a course.
- (2) When students are not present in person but are able to attend class meetings remotely, they should be required to do so.
- (3) Absent good cause, remote attendance in a residential course should not exceed 33% of all meetings in a course.

The Dean shall report to the full faculty regarding any such ameliorative action that is taken.

Nov. 10, 2021

PART 5—STUDENT EMPLOYMENT

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

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

Sept. 21, 2004

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

- (a) At the beginning of each semester in which a student is enrolled in more than 12 semester hours, the student shall sign a statement certifying that the student is not engaged in remunerative employment for more than 20 hours per week and that he or she will not be so engaged during the remainder of the semester.
- (b) Signing such a statement that is false is a violation of the Honor Code and shall be grounds for any sanction identified in the Honor Code, including expulsion from the law school.

Sept. 21, 2004

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

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

Sept. 21, 2004

PART 6—EXAMINATIONS

§ 3-601. Time for Final Examinations.

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

Sept. 21, 2004

§ 3-602. Length and Content of Final Examinations.

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

- (b) The time length of any final examination shall approximate the credit hours assigned to that particular course. However, no final examination shall exceed 3½ hours in length, with the exception of a “take-home” examination.
- (c) The final examination in courses teaching predominately subject-matter tested on the Multistate Bar Examination shall include a substantial component in Multistate Bar Examination format. Such component should include questions simulating the time pressure, complexity, length, and content of Multistate Bar Examination questions related to that course’s subject matter.

Sept. 21, 2004; Jan. 20, 2015

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

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

Sept. 21, 2004

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

- (a) Except as provided in subsection (b) or (c) hereof, all students shall take each examination at its scheduled time.
- (b) **Before the examination.** Prior to the scheduled time for an examination, only the Associate Dean for Academic Affairs has the authority to permit a student to take an examination at a time other than its scheduled time.
 - (1) A student shall be granted a departure from the examination schedule for a conflict of examinations scheduled simultaneously. The Associate Dean for Academic Affairs shall post the final examination schedule at least three weeks prior to the last scheduled day of classes. A student claiming a conflict shall notify the Associate Dean for Academic Affairs of the conflict no later than one week after the examination schedule is posted. The Associate Dean for Academic Affairs shall promptly notify faculty members of conflicts, preserving the anonymity of the examination process. The student shall take the make-up examination at such time as shall be determined by the Associate Dean for Academic Affairs.
 - (2) A student may be granted a short delay from the examination schedule for a course or courses, provided the student or an immediate family member has a serious medical emergency or on account of a death of an immediate family member or on account of other exigent circumstances. The student must petition the Associate

Dean for Academic Affairs as soon as possible before the examination and provide credible, objective evidence (e.g., a letter from a licensed medical doctor) of the nature and extent of the serious medical emergency or such evidence of the death of the immediate family member or such evidence of other exigent circumstances. If the petition is approved, arrangements shall be made with the faculty member for the student to take a make-up examination as soon as is practical. Due to the impracticability of maintaining anonymous grading for a make-up examination, the student waives the right to claim a grievance based on biased or arbitrary grading.

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

(c) **After the Examination.**

- (1) If a student misses an examination without having requested relief pursuant to subsection (b) hereof, the student shall receive a grade of “0.00” for the examination unless the student petitions the Associate Dean for Academic Affairs in writing to make up the examination and the Associate Dean for Academic Affairs grants some form of relief. The Associate Dean for Academic Affairs shall not consider such a petition if the student has requested relief pursuant to subsection (b) hereof; when the Associate Dean for Academic Affairs does consider such a petition, the student shall have the burden of overcoming a presumption that the petition should be denied.
- (2) The Associate Dean for Academic Affairs may grant the student permission to make up the examination, or may provide such other relief and/or sanctions as he or she may deem appropriate under the circumstances, after consultation with the affected professor(s). Relief may only be granted under this subsection if the student or an immediate family member had a serious medical emergency or on account of a death of an immediate family member or on account of other exigent circumstances. The student must petition for permission to make up the examination by submitting to the Associate Dean for Academic Affairs a written petition as soon as possible after the examination. The petition should provide credible, objective evidence (e.g., a letter from a licensed doctor) of the nature and extent of the serious medical emergency or of the death of the immediate family member or of other exigent circumstances. The petition must also set forth why the student failed to request relief pursuant to subsection (b) hereof.

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

Sept. 21, 2004; Nov. 14, 2006; Oct. 11, 2023

§ 3-605. Examinations Other than Final Examinations.

- (a) The instructor of each class of Civil Procedure I, Criminal Law, Torts, and Foundations of Law shall give an examination during the semester. The instructor of each class shall determine the length and format of the examination for that class, what material will be covered on the examination, whether the examination will be for practice only or for credit (and, if so, how much credit), and what type of feedback the students will get after the examination.
- (b) In all classes not described in subsection (a) hereof, each instructor shall decide whether to give an examination during the semester. For any such examination, the instructor shall have control over all aspects of the examination.

Sept. 21, 2004; Rev. Nov. 5, 2004; Mar. 31, 2010

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

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

Sept. 21, 2004

§3-607. Format of Examinations/COVID-19 Pandemic.

Preamble: Pursuant to the instructions sent on March 20, 2020 by Faulkner University President Michael R. Williams and Thomas Goode Jones School of Law Interim Dean Charles B. Campbell, all campuses of the University will be closed until at least April 17, 2020, and all academic units of the University, including the Thomas Goode Jones School of Law, exclusively will deliver instruction online for the remainder of the Spring 2020 semester. The instructions from President Williams and Dean Campbell are in response to the outbreak of the COVID-19 pandemic in the state of Alabama.

It is the sense of the faculty of the Thomas Goode Jones School of Law that most final examinations must be taken remotely for the Spring 2020 final examination period. Therefore, the

following extraordinary rules and procedures are established for the Spring 2020 final examination period.

Therefore:

- (a) It is the expectation that the vast majority of students will complete their exam answers by using the exam editor software designated by the Associate Dean for Academic Affairs. However, for students whose disability or other circumstance (e.g., poor internet access) necessitates handwriting their exam answers, the Associate Dean shall make arrangements for those students to write their answers at a location designated by the Associate Dean. It **shall be within the sound discretion of the Associate Dean to determine whether a student's** circumstances would require him/her to come to the location designated by the Associate Dean to handwrite his/her exam answer(s).
- (b) Students who type their exam answers will use the exam editor software designated by the Associate Dean – e.g., Examsoft or Blackboard.
- (c) Once students download their exams from the exam editor program designated by the Associate Dean, they will have the time to complete the exam as described in §3-602(b) and the Exam Schedule published before the beginning of the Spring 2020 semester. However, students may complete their exam at any point in the twenty-four (24) hour period (starting at 12:00 A.M.) on the day of the exam designated by the Associate Dean on the Exam Schedule.
- (d) The requirement found in §3-602(c) is waived for Spring 2020 examinations.
- (e) Exams shall not be closed-book or closed-note, and professors shall not penalize students for consulting outside resources, except in the case of real-time collaboration that would violate the Honor Code.

April 1, 2020

PART 7—GRADES

§ 3-701. Preamble.

It is the sense of the faculty that every faculty member should be guided by responsibility and professionalism when assigning grades in any law school course. Responsibility and professionalism include, among other factors, the basic premise that a faculty member should not give students

false hope by assigning favorable grades to students who demonstrate little chance of success on the bar examination and in the practice of law.

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

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

Sept. 21, 2004

§ 3-702. Grading Standards.

- (a) The following grade distribution percentages shall be used in every course with 20 or more students with the exception of Legal Research and Writing I and II, Bar Examination Skills and Strategies, Professional Development courses, and seminar courses.

<u>Grade</u>	<u>Mandatory Range</u>		
4.00, 3.67	0	to	25%
3.33, 3.00, 2.67	25	to	65%
2.33, 2.00, 1.67	20	to	60%
1.33, 1.00, 0.50, 0.00	0	to	15%

- (b) Except as otherwise provided in subsections (d) and (e) hereof, a faculty member shall not assign grades in a course with a mean in excess of the mean specified in subsection (c) hereof.
- (c) The target mean grade in each first year course shall be 2.80. However, faculty members may arrive at any mean between 2.70 and 2.90 for first year courses. Notwithstanding this, a faculty member may petition in writing the Associate Dean for Academic Affairs for a variance of this first year mean range and shall only assign such a varied range in extraordinary circumstances and with the Associate Dean’s consent. The maximum mean grade in other courses in the curriculum shall be 3.00.
- (d) The grades of students who fail the course for non-attendance or who withdraw from the course and are assigned a failing grade shall be used in the calculation of the maximum

mean. If a student withdraws from a course with the mark of “WP” but has already earned a grade in the course, that grade shall not be used in the calculation of the maximum mean.

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

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

Sept. 21, 2004; Rev. May 3, 2005; Jan. 31, 2006; Apr. 14, 2006 Aug. 7, 2007; May 4, 2010; Mar. 18, 2014; Dec. 6, 2017; Nov. 13, 2018

§ 3-703. Values.

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

4.00	1.00
3.67	0.50
3.33	0.00
3.00	0.00 (WF, Withdrawn Failing)
2.67	I (Incomplete)
2.33	NC (No Credit)
2.00	P (Pass—Satisfactory)
1.67	WP (Withdrawn Passing)
1.33	

- (b) Course credit shall not be given for a grade of “0.00” or “WF”, but the numerical grade equivalent of 0.00 shall be used in calculating the student’s cumulative grade point average.
- (c) If a student receives a grade of “0.00” or “WF” in a course, the subsequent successful completion of the course shall not remove the prior failing grade from the student’s transcript,

and the 0.00 for the prior failing grade shall continue to be used in calculating the student's cumulative grade point average, except as provided in section 3-907.

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

Sept. 21, 2004; Rev. May 3, 2005; June 4, 2014

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

A professor may take into account the quality of a student's class participation in determining the course grade, provided this policy is described in writing to students no later than the second class meeting. However, the maximum amount by which a student's participation may positively or negatively influence the student's grade is one step. As used in this section "one step" is the number of grade points necessary to reduce the grade to the next lower grade on the grading scale.

Sept. 21, 2004; Oct. 14, 2014

§ 3-705. Anonymous Grading.

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

Sept. 21, 2004

§ 3-706. "Pass" Offerings.

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

Sept. 21, 2004

§ 3-707. Use of “I.”

- (a) With the approval of the Associate Dean for Academic Affairs, an instructor may assign the mark of “I” when the student is not able to complete the course work by the end of the semester due to circumstances beyond the student’s control, such as a change in the law on which the student is writing a paper or a carryover of clinical casework beyond the semester.
- (b) The course work must be completed at the time prescribed by the instructor, but no later than the end of the subsequent semester.
- (c) The mark of “I” shall be replaced with an earned grade only by the instructor after the course work has been completed. A student shall not enroll in the same course taught by a different instructor in order to remove the “I.”
- (d) If the course work is not completed at the time prescribed by the instructor, the mark of “I” shall be replaced with the grade of “0.00.”

Sept. 21, 2004

§ 3-708. Procedures for Recording Grades.

- (a) To ensure compliance with the grading standards specified in Section 3-702, all grades shall be submitted to the Associate Dean for Academic Affairs for approval prior to entry on the students’ records.
- (b) When the grades submitted violate the grading standards, the Associate Dean for Academic Affairs shall confer with the instructor. The instructor may decide to adjust the grades to comply with the grading standards. If the instructor does not so adjust the grades, any decision to change the grades in order to comply with the grading standards shall be made by the dean upon recommendation of the Associate Dean for Academic Affairs.
- (c) An instructor shall not change any student’s grade after the course grade sheet has been submitted to the Associate Dean for Academic Affairs, except for documented mathematical errors or to comply with the grading standards.

Sept. 21, 2004

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

- (a) These procedures are an attempt to ensure fairness in the independent and professional judgment of faculty members with regard to the assignment of final grades for students.

These procedures are intended to serve the mission of the law school through the preservation of integrity in the achievement of its academic and professional goals.

- (b) **Right to Petition.** Any student who has received a final grade in a course at the law school may initiate a grievance with regard to the grade by filing a petition with the Academic Standards Committee (referred to in this section as “the committee”).
- (c) **How and When Petition Is to Be Filed.**
 - (1) A petition may be filed with the committee by hand-delivering or mailing it to the Associate Dean for Academic Affairs no later than forty-five days after the final grade in question is posted. A petition filed by mailing shall be deemed to have been filed on the date of the postmark of the petition. A petition filed by hand-delivery shall be deemed to have been filed on the date of receipt.
 - (2) For purposes of calculating the forty-five day period, the day of posting the final grade shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. The committee in its discretion may for good cause shown extend the forty-five day period.
- (d) **Form of Petition.** A petition shall be addressed to the chairperson of the committee, must be signed by the petitioner, and shall state all of the following:
 - (1) The name and student number of the student filing the petition;
 - (2) The title of the course in which the final grade was received;
 - (3) The name of the professor who taught the course;
 - (4) The date on which the final grade in question was posted;
 - (5) The reason(s) the petitioner believes he or she is entitled to relief in accordance with the requirements set forth in subsection (e) hereof, along with particular factual allegations sufficient to support such reason(s); and
 - (6) The specific relief requested.

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

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

AND

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

- a. An error in computation was made in calculating the grade; or
- b. The grade received was the result of biased or arbitrary grading by the professor against the student by which the professor did not make a good faith effort to assign final grades in accordance with his or her academic judgment. The petition must include particular factual allegations sufficient, if true, to support the claim of bias or arbitrariness.

1. In addition, if the grade was received in a course graded anonymously, in whole or in part, and the claim of bias or arbitrariness relates to that part of the grade that was anonymous, there must also be an allegation of a breach of anonymity. (Moreover, the student must establish, by a preponderance of evidence, that anonymity was breached.)

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

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

- (h) **Actions and Procedures Available to the Committee in Considering Petition.** The committee, after due deliberation and by majority vote, may take one or more of the following actions and allied procedures in response to a petition:
- (1) *Determine that the facts stated in the petition, if true, do not state a grievance upon which relief can be granted.* in which case the committee shall write a decision to that effect and send a copy, with any dissenting opinion, to the petitioner and to the professor.
 - (2) *Determine that the facts stated in the petition, if true, state a grievance upon which relief can be granted.* in which case the committee shall notify the professor whose actions are the subject of the petition and select a time when the petitioner and the professor can be present for a hearing on the petition.
 - a. Both the petitioner and the professor shall be permitted to be present during the hearing, but no person shall be required to attend the hearing. Neither the professor nor the petitioner shall be accompanied at the hearing by any other person. The parties may make arguments, answer questions, and offer such evidence as they desire. The committee shall be the judge of the relevance and materiality of the evidence, and conformity to legal rules of evidence shall not be necessary. The committee may limit reasonably any oral presentations. No audio or visual recording of any kind shall be made of the hearing by the committee or any party.
 - b. The hearing is only one investigative tool available to the committee. The committee may at any time, on its own initiative, either inside or outside the hearing, gather evidence or otherwise investigate facts relevant to the petition. The committee or its individual members may possess information relevant to the petition that was obtained outside the hearing itself (either before or after); likewise, the committee or its individual members may engage in extra-hearing communications as necessary for investigative purposes or for serving as faculty members. The committee shall not be obliged to disclose any particular information it possesses nor is it obliged to disclose its activities.
 - c. Final Action by the Committee
 - 1. In a case where the committee finds no action is appropriate, the committee shall so notify the petitioner and the professor.

2. If any recommendation is made by the committee, it shall be made to the professor in writing, stating the recommendations and the reasons therefor.
 - (i) If the professor accepts the recommendations of the committee, the professor may change the disputed grade pursuant to the recommendation of the committee. A professor may acquiesce **with the committee's recommendation** and initiate the change of grade by forwarding a copy of the recommendation and written acquiescence thereto to the Associate Dean for Academic Affairs, who, upon receipt of same, shall effect the change of grade.
 - (ii) If the professor declines to accept the recommendation of the committee within a period of three days from receipt of the recommendation, the committee shall then issue a written decision, and provide a copy to the professor and the petitioner. The grade shall be changed only if a majority of the committee finds that the final grade was assigned for one or more of the reasons listed in (e)(2) above; in the case of such a finding, the committee shall provide copies of its written decision to the professor, the petitioner, the faculty, and the Associate Dean for Academic Affairs, who shall effect the change of grade upon receipt of the written decision.

Sept. 21, 2004; May 16, 2007; Oct. 11, 2023

§ 3-710. Modification of Grades Due to the COVID-19 National Emergency.

It is the sense of the faculty that accommodations in student assessment are appropriate due to the extraordinary disruptions to students caused by the COVID-19 national emergency. In the Spring 2020 semester disrupted by the COVID-19 national emergency, the following accommodations will be made for the benefit of all students enrolled in all courses in the law school:

- (a) all grades will be calculated by professors together with the Associate Dean for Academic Affairs and assigned without any modification to any grading standards (mandatory mean, distribution, anonymity, etc.);
- (b) after receiving their grades, students shall be permitted to elect to replace any passing grade **in any course for the Spring 2020 semester with a "P" as defined in §3-703(d)**. This election must be made by the time and in the manner to be set forth by the Associate Dean;

- (c) after receiving their grades, students shall be permitted to elect to replace any failing grade **in any course for the Spring 2020 semester with a “NC” as defined in §3-703(e).** This election must be made by the time and in the manner to be set forth by the Associate Dean;
- (d) all students shall be permitted (before or after delivery of the final examination, but before **final grades are posted on the student’s record**) **to notify the Associate Dean of a desire to withdraw from the course and take a “WP” as defined in §3-703(e) without being required to demonstrate “good cause” as required by §3-307(a).**

The Associate Dean shall implement this policy by any means calculated to provide all students with reasonable time to and means to exercise the election provided herein.

April 1, 2020

PART 8—RECOGNITION OF ACADEMIC ACHIEVEMENT

§ 3-801. Dean’s Honor Roll.

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

Sept. 21, 2004

§ 3-802. Academic Ranking.

- (a) All students who begin law school at Jones School of Law, regardless of schedule, shall be ranked at the end of each fall semester and each spring semester they complete as provided below in subsection (c). For purposes of ranking, students shall be grouped as follows:
 - (1) Students who have completed 32 hours or fewer.
 - (2) Students who have completed 33 to 68 hours.
 - (3) Students who have completed more than 68 hours but are not in the **graduating class. For purposes of academic rankings, the term “graduating class” shall be defined as all students appearing on the graduation program in May.**
 - (4) The graduating class. Students who complete their degree requirements in August and December will not receive a final academic ranking until after graduation in the following May.
- (b) All rankings shall be based on grade point average.

(c) The office of the registrar shall compose an official class ranking following each semester in conformance with the academic regulations contained herein. Students shall be entitled to request, in writing, and to receive their current class rank from the registrar's office. Upon a student's graduation, a student's final class ranking may appear on his or her official transcript at the student's request. The following guidelines are to be applied:

- (1) All students shall be ranked based on the number of credit hours completed. Students in the full-time schedule shall be ranked separately from students in the executive and flexible schedules when the credit hours they have completed are significantly different from the credit hours completed by students in the other schedules. Normally, this will mean that students in the full-time schedule will be ranked together with students in the executive and flexible schedules beginning (a) with the grades released for academic work completed by students in the full-time schedule at the conclusion of the second spring semester in that schedule and (b) with the grades released for academic work completed by students in the executive and flexible schedules at the conclusion of the third spring semester in those schedules.
- (2) After completing their second spring semester, students in the full-time schedule shall be ranked together with students who have completed their third spring semester in the executive and flexible schedules.
- (3) After completing their third fall semester, students in the full-time schedule shall be ranked together with students who have completed their fourth fall semester in the executive and flexible schedules.
- (4) All students listed in the May graduation program shall be ranked together. Any student who completes his or her degree requirements in August or December will not be provided an academic ranking until the following spring along with the May graduating class.
- (5) *Students Returning from Leave.*
When a student returns from an authorized leave of absence, the Associate Dean for Academic Affairs shall determine and communicate in writing to the registrar with which class of students the returning student shall be ranked.

The Associate Dean for Academic Affairs shall make this decision based upon which group of students most accurately reflects the class peers of the returning

student. If the Associate Dean for Academic Affairs determines that no class accurately reflects a returning student's class, the Associate Dean has the authority to declare that the student will not be ranked.

(6) *Transfer Students.*

No student who transfers into the school shall receive a class ranking from the school. Students who return to the law school to take courses after a transfer out will not be ranked upon their return to the school.

(7) This ranking system shall be implemented beginning with the executive and flexible schedule class matriculating in the fall of 2020 and the full-time schedule class matriculating in fall of 2021.

Rev. Feb. 4, 2011; Oct. 14, 2014; Nov. 10, 2021

PART 9—INTERRUPTION OF ACADEMIC PROGRESS

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

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

Sept. 21, 2004

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

- (a) The Dean, or the Associate Dean for Academic Affairs when the dean so authorizes him or her, shall have exclusive and final jurisdiction over the approving of withdrawals from the program.
- (b) Subject to the provisions of Sections 3-306 and 3-307 and Subsection 3-403(c), any student may withdraw from the law school program at any time provided a written request for complete withdrawal is approved in writing by the Dean or the Associate Dean for Academic Affairs.
- (c) Except as provided for first-year students in subsection (d) or (e) hereof, if a student receives approval to withdraw but is not granted a leave of absence, he or she must continue his or her studies in the semester immediately following the withdrawal. If such student fails to continue his or her studies in such semester, the student shall be dismissed from the law school.

- (d) If a student in his or her second semester receives approval to withdraw but is not granted a leave of absence, that student must continue his or her studies in the second semester immediately following the withdrawal. If such student fails to continue his or her studies in such semester, the student shall be dismissed from the law school.
- (e) If a student in his or her first semester receives approval to withdraw but is not granted a leave of absence, he or she shall not be dismissed for failure to continue his or her studies and may apply for readmission in any year following the withdrawal.
- (f) If a student receives approval to withdraw and later continues his or her studies, the student shall be subject to Section 3-105 as it reads at the time of the student's continuation of studies, except that a change in the number of hours in a required course shall not operate to the detriment of the returning student.

Sept. 21, 2004; Rev. Jan. 31, 2006

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

- (a) The Dean, or the Associate Dean for Academic Affairs when the dean so authorizes him or her, shall have exclusive and final jurisdiction over the granting of leaves of absence.
- (b) If, for good cause, a student finds it necessary to interrupt progress toward his or her degree, a leave of absence may be granted in writing by the dean or the Associate Dean for Academic Affairs, specifying the duration of the leave.
- (c) Only a well-documented request based upon extenuating circumstances beyond the control of the student (e.g., medical/psychological circumstances, death in the family, or other family crisis) shall constitute good cause. Good cause shall not include the desire to await accreditation.
- (d) A student must have a grade point average of 2.00 or higher, and must present the petition for a leave of absence to the dean or the Associate Dean for Academic Affairs.
- (e) The petition must state clearly and completely the reasons for the leave and the duration of the leave.
- (f) A leave of absence may be granted for a maximum of one year and can be approved only **once during a student's matriculation at the law school.**
- (g) If a student is granted a leave of absence and later continues his or her studies, the student shall be subject to Section 3-105 **as it reads at the time of the student's** continuation of

studies, except that a change in the number of hours in a required course shall not operate to the detriment of the returning student.

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

Sept. 21, 2004

§ 3-904. Academic Good Standing.

In order to remain in good standing, a student must:

- (a) At the conclusion of each semester, attain a cumulative grade point average of at least 2.00.
- (b) In this manual, unless otherwise specified, grade point averages shall be rounded to three significant digits. For example, a 1.995 or greater will be rounded to 2.00 but a 1.994 will be rounded to a 1.99 and not a 2.00.

Sept. 21, 2004; Rev. Nov. 9, 2009; May 4, 2010

§ 3-905. Probation, Academic Counseling, and Dismissal.

- (a) Any student whose cumulative grade point average falls at or below 1.00 at the end of the semester in which that student completes 16 hours of study shall be dismissed. Any student whose cumulative grade point average falls below 2.00 but above 1.00 at the end of the semester in which that student completes 16 hours of study shall be placed on academic probation. Any student whose cumulative grade point average falls below 2.15 but at or above 2.00 at the end of the semester in which that student completes 16 hours of study shall receive academic counseling.
- (b) Any student whose cumulative grade point average falls below 2.00 upon completion of the courses for graded credit listed in sections 2-101 and 2-102 shall be dismissed from the law school unless the student is placed on probation pursuant to section 3-907(b).
 - (1) Any such student whose cumulative grade point average is below 1.75 shall be dismissed from the law school and shall not be eligible for probation.
 - (2) Any such student whose cumulative grade point average is at least 1.75 may petition the Associate Dean for Academic Affairs to be placed on academic probation for one year. If the student fails to submit a petition, or if the Associate Dean for Academic Affairs denies the student's petition, the student shall be dismissed from the law school.

- (c) Any student whose cumulative grade point average falls below 2.00 after completion of the courses for graded credit listed in sections 2-101 and 2-102 may petition the Associate Dean for Academic Affairs to be placed on academic probation for up to one semester. A probationary semester shall include any summer session or intersession immediately before the probationary semester. If the student fails to submit a petition, or if the Associate Dean for Academic Affairs denies the student's petition, the student shall be dismissed from the law school.
- (d) Any student who is placed on academic probation or who receives academic counseling shall be required to meet with the Associate Dean for Academic Affairs (or designee) no later than the fifth day of classes of the second semester. The Associate Dean for Academic Affairs will counsel the student concerning the student's chances for successfully completing the academic program at the law school and may require the student (either as a condition of academic probation or as part of academic counseling) to participate in any portion or portions of the Academic Success Program that the Associate Dean shall deem appropriate.

Apr. 21, 2005; Rev. Sept. 12, 2008; Mar. 6, 2009; May 4, 2010; Oct. 11, 2010; Sept. 5, 2012; Mar. 18, 2014; June 4, 2014; May 4, 2016; Nov. 13, 2018; May 13, 2020; Nov. 10, 2021

§ 3-906. Limitation on Academic Probation.

A student may be placed on academic probation only once under section 3-905(c), except by the dean in extraordinary circumstances.

Sept. 21, 2004; June 4, 2014; May 4, 2016

§ 3-907. Grounds for Probation.

- (a) The Associate Dean for Academic Affairs shall place a student on academic probation only when he or she determines that (1) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher at the end of the probationary period, and (2) there is a strong likelihood that the student will achieve a cumulative grade point average of 2.00 or higher in each semester thereafter.
- (b) Probation Under Section 3-905(b)
 - (1) If a student whose cumulative grade point average falls below a 1.90 is placed on probation pursuant to section 3-905(b)(2), the student must repeat any course listed in sections 2-101 and 2-102 in which the student made a grade below 2.00, up to a maximum of 22 total credit hours. Upon repeating such a course, the grade that the student made when taking the course for the first time shall be replaced with a

grade of “NC.” The grade the student makes when repeating such a course shall be the grade used in calculating the student’s cumulative grade point average. If a student would otherwise be required to repeat more than 22 total credit hours under this subsection, the Associate Dean for Academic Affairs may decide which course or courses will not be repeated due to the 22-credit-hour limitation or may, in appropriate cases, permit the student to decide which course or courses will not be repeated due to the 22-credit-hour limitation.

- (2) If a student is placed on probation pursuant to section 3-905(b)(2), and if such student’s cumulative grade point average falls below a 2.00 but is at or above a 1.90, the student must repeat any course in which the student made a grade below 1.67, following the same rules applied to grades in subsection 3-907(b)(1), and may, pursuant to section 3-907(c), repeat one or more courses listed in sections 2-101 and 2-102 in which the student made a grade below a 2.00.
- (c) A student in good standing who is not placed on probation may nevertheless elect, with the permission of the Associate Dean for Academic Affairs, to repeat one or more courses listed in sections 2-101 and 2-102 in which the student made below a 2.00. If such a student makes this election, the grade the student earned when taking the course the first time will be replaced by the grade earned upon repeating the course, following the same rules applied to grades in subsection 3-907(b)(1).

*Sept. 21, 2004; Rev. Mar. 6, 2009; June 4, 2014;
May 4, 2016; Nov. 13, 2018; Nov. 10, 2021*

§ 3-908. Procedures for Probation; Conditions.

- (a) The Associate Dean for Academic Affairs shall have jurisdiction over probation decisions and shall develop policies and procedures for making such decisions.
- (b) A student shall initiate a petition for probation under section 3-905(b)(2) or (c) by preparing a written petition addressed to the Associate Dean for Academic Affairs. The petition shall describe the student’s academic circumstances, state the circumstances that caused the academic deficiency, and indicate why and how the student expects to make sufficient improvement to have a cumulative grade point average of 2.00 or higher at the end of the probationary year, semester, or session.
- (c) If the Associate Dean for Academic Affairs decides to place the student on probation, the student must meet with the Director of the Academic Success Program to develop an academic success plan. In addition, the Associate Dean may attach such further conditions to the decision as he or she deems to be in the best interests of the student and the law school under the particular circumstances involved. These conditions may demand such efforts as

full participation in various tutorial and academic enhancements and resources both inside and outside the law school. The conditions for probation may be varied and may be enhanced and updated in the discretion of the Associate Dean during the probationary year, semester, or session.

Sept. 21, 2004; Rev. Mar. 6, 2009; Nov. 9, 2009; June 4, 2014; May 4, 2016

§ 3-909. Deadline for Probation.

- (a) Any probationary term must begin no later than the third regular (fall or spring) semester following the academic term in which the student's performance caused the cumulative grade point average to fall below 2.00.
- (b) If the petition is for probation in the third regular semester following the student's performance which caused the cumulative grade point average to fall below 2.00, the petition must be submitted at least three weeks before the first class of that semester.

Sept. 21, 2004; May 4, 2016

§ 3-910. Dismissal after Probation.

If a student is placed on probation under section 3-905(b)(2) or (c) and does not achieve a cumulative grade point average of 2.00 or higher at the end of the probationary year, semester, or session, as applicable, the student shall be dismissed from the law school and shall not be eligible for reinstatement, except by the dean in extraordinary circumstances.

Sept. 21, 2004; May 4, 2016

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

- (a) As chief administrative officer of the law school, the Dean or his designee shall have plenary authority to discipline or dismiss from law school any student or otherwise resolve any student disciplinary matter as warranted by the circumstances. If the Dean acts under this section, he shall promptly report any action to the faculty for its review.
- (b) In the case where the Associate Dean for Academic Affairs or the faculty removes a particular case from the honor court pursuant to Art. IV, Section 4.1 of the Honor Code, the student will be provided with notice and an opportunity to be heard by the faculty. The faculty may then recommend a resolution to the Dean. This matter may be resolved in any manner the faculty recommends or the Dean sees fit. Nothing in this subparagraph is intended to or may be interpreted to conflict with or supersede the Dean's plenary authority described in § 3-911(a).

Apr. 21, 2005

CHAPTER FOUR ~ ADMISSIONS

PART 1—BEGINNING STUDENTS

§ 4-101. Authority of Admissions Committee.

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

Sept. 21, 2004

§ 4-102. Admissions Goals.

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

Sept. 21, 2004

§ 4-103. Educational Requirements.

- (a) The law school requires for admission to its J.D. degree program a bachelor's degree, or successful completion of **three-fourths of the work acceptable for a bachelor's degree**, from an institution that is accredited by an accrediting agency recognized by the United States Department of Education.
- (b) The law school may grant conditional admission to a student who has not satisfied the educational requirement stated in subsection (a) hereof, provided that such requirement will be met before the student matriculates.
- (c) In an extraordinary case, the law school may admit to its J.D. degree program an applicant **who does not possess the educational requirements of subsection (a) if the applicant's experience, ability, and other characteristics clearly show an aptitude for the study of law.** The admitting officer **shall sign and place in the admittee's file a statement of the considerations** that led to the decision to admit the applicant.

- (d) Each student who matriculates shall provide to the law school, no later than October 1 of the year of matriculation, the student's official transcripts verifying all academic credits undertaken and degree(s) conferred.

For purposes of this section, "official transcript" means:

- (1) a paper or electronic transcript certified by the issuing institution and delivered directly to the law school; or
- (2) a paper or electronic transcript verified by a third-party credential assembly service and delivered directly to the law school.

With respect to electronic copies, it is sufficient for transcripts to be maintained at the law school or off-site by a third-party provider as long as the law school has access to the documents on demand.

- (e) If the law school does not have an enrolled student's transcripts on file by the relevant deadline in subsection (d) of this section, the law school shall permit the student to complete the current semester, but the law school shall not permit the student to enroll in a subsequent semester until the law school has the student's official transcripts on file.

Sept. 21, 2004; Rev. May 6, 2014; May 9, 2018; Dec. 11, 2024

§ 4-104. Law School Admission Test.

- (a) Except as provided in subsection (d), the law school requires all applicants to take the Law School Admission Test (LSAT or LSAT-Flex) sponsored by the Law School Admission Council. The score earned by the applicant shall play a key role in the admission decision.
- (b) For those applicants taking the Law School Admission Test more than once, the score used for admission shall be the highest of the scores earned on all tests taken.
- (c) No LSAT score older than five years shall be considered in the admission process.
- (d) The Admissions Committee may, in its discretion, admit an applicant without an LSAT or LSAT-Flex score on the basis of the applicant's score on the Graduate Record Examination (GRE), together with the applicant's other application materials, if the Committee determines that the applicant appears capable of satisfactorily completing the law school's program of legal education and being admitted to the bar.

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

- (a) The law school shall consider admitting a student who has been disqualified previously for academic reasons by another school upon an affirmative showing that the student possesses the requisite ability to succeed in the study of law and that the prior disqualification does not indicate a lack of capacity to complete the course of study at Jones School of Law. This showing shall be made by a letter from the disqualifying school or, if two or more years have elapsed since that disqualification, by the nature of interim work, activity, or studies indicating a stronger potential for law study.
- (b) When such an applicant is admitted, the Admissions Committee shall place in the admittee's file a statement of the considerations that led to the decision to admit the applicant.

Sept. 21, 2004; Rev. Oct. 17, 2006

§ 4-106. Applicant with LL.M. Degree.

- (a) Each applicant to the J.D. program who has previously earned an LL.M. in an ABA-approved law school must furnish with the application a recent LSAT result.
- (b) Once admitted, except as provided in subsection (c) hereof, such student shall complete all **of the law school's requirements for other students earning the J.D. degree**. Except as provided in subsection (d) hereof, such student shall not be admitted with advanced standing.
- (c) The Associate Dean for Academic Affairs may grant a waiver from re-enrolling in certain required courses successfully completed as an LL.M. student (e.g., Contracts). In such an instance, the student shall still be required to complete 90[*] semester hours by substituting elective courses for any courses that were waived.
- (d) This policy does not preclude the Associate Dean for Academic Affairs from allowing credit consistent with ABA Standard 505.

[*The 90-hour requirement "appl[ies] to students matriculating in the J.D. program after July 1, 2016." For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 88 hours.]

Sept. 21, 2004; Rev. May 6, 2014; Mar. 9, 2016; Sept. 11, 2018

PART 2—READMITTED STUDENTS

§ 4-201. Authority of Admissions Committee.

- (a) The Admissions Committee shall have exclusive and final jurisdiction over the readmission of former students who have been dismissed or have withdrawn in their first semester.
- (b) No person shall be readmitted without the affirmative vote of a majority of the Admissions Committee.

Sept. 21, 2004

§ 4-202. Matriculation Two Years after Dismissal.

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

Sept. 21, 2004; Rev. Oct. 17, 2006

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

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

Sept. 21, 2004

§ 4-204. Status of Readmitted Student.

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

Sept. 21, 2004

§ 4-205. Statement in File.

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

Sept. 21, 2004

PART 3—TRANSFER STUDENTS

§ 4-301. Authority of Dean.

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

Sept. 21, 2004

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

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

Sept. 21, 2004

§ 4-303. Limitations on Transfer of Credit.

- (a) All course work accepted for transfer must be taken either at an ABA-approved law school or in an ABA-approved program.
- (b) No more than 30 semester hours of academic credits shall be accepted for transfer.
- (c) The law school shall accept transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the other law school.
- (d) Credit for any course required for graduation from Jones School of Law shall be accepted for transfer only when the course taken shall have been comparable to the course offered at Jones School of Law.

Sept. 21, 2004

§ 4-304. “P” for All Transfer Credit.

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

Sept. 21, 2004

PART 4—VISITING STUDENTS

§ 4-401. Authority of Dean.

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

Sept. 21, 2004

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

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

Sept. 21, 2004

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

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

Sept. 21, 2004

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

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

Sept. 21, 2004

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

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

Sept. 21, 2004

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

- (a) A student who is in good academic standing at the School of Law may earn credit at other ABA-approved law schools up to a maximum of 15 credit hours. Upon showing of a well-documented request based upon extenuating circumstances of hardship (e.g., medical/psychological circumstances, death in the family, or other family crisis), the Associate Dean for Academic Affairs may allow the student to earn up to 30 credit hours at other ABA-approved law schools. No credit may be earned at law schools that are not ABA-approved.

- (b) A student who is in good academic standing at the School of Law may participate in a summer abroad program sponsored by another ABA-approved law school subject to the credit hour limit above.
- (c) A student who wishes to earn credit at another ABA-approved law school must receive the approval of the Associate Dean for Academic Affairs prior to enrollment at the other law school.

Oct. 11, 2010

CHAPTER FIVE ~ PROGRAMS & CENTERS

PART 1—J.D.-LL.M. JOINT DEGREE IN ADVOCACY & DISPUTE RESOLUTION

§ 5-101. Joint J.D.-LL.M. in Advocacy and Dispute Resolution.

Individuals eligible for admission include the following:

- (a) Alumni of the law school who graduated within five (5) years of application to the program
- (b) Students currently enrolled in Faulkner Law's J.D. program

Feb. 17, 2016

§ 5-102. J.D.-LL.M. Joint Degree in Advocacy and Dispute Resolution—Curriculum.

The joint J.D.-LL.M. in Advocacy and Dispute Resolution is a 114[*] credit hour program with a maximum allowance of twelve credit hours counting toward both degrees, requiring the student to successfully complete a minimum of 102[*] credit hours. For any credit hours to count toward both degrees, a student must earn a grade of 2.00 or higher. For current J.D. candidates in the joint program, transfer credits shall be the required LL.M. courses. For alumni candidates in the joint program, transfer credits first shall be the required LL.M. courses in subsection (a) below, if any have been previously and satisfactorily completed, and if necessary the last LL.M. qualifying courses previously and satisfactorily completed, for a total of twelve transfer credits.

[*The 114- and 102-hour requirements “apply to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirements are 112 and 100 hours.]

Grades in courses taken beyond the requisite courses and credit hours required for the J.D. shall not affect a J.D. grade point average or class ranking. The LL.M. grade point average and transcript shall be determined once a joint candidate satisfactorily completes all the J.D. requirements. There is no particular course sequencing in the joint program, except where prerequisites may be required. Joint candidates who finish J.D. requirements may elect to graduate with the J.D. degree prior to graduating with the LL.M. degree.

Candidates who have completed J.D. requirements may not receive seat preference in a course that also is available to J.D. students. Completion of the joint program requires fulfillment of the J.D. requirements articulated in the Manual of Policies Adopted by the Faculty and fulfillment of all LL.M. requirements. Courses for the LL.M. shall include the following LL.M. required courses (12 credits), LL.M. experiential learning (5 credits), and additional elective hours (7 credits):

- (a) LL.M. Required Courses

- Arbitration (3 credit hours)
- Dispute Resolution Processes (3 credit hours)
- Interviewing, Counseling and Negotiation (3 credit hours)
- Trial Advocacy or Trial Advocacy for Competition (3 credit hours)

(b) LL.M. Experiential Learning Courses

Students must complete 5 credit hours from the following approved courses:

- Advanced Legal Research (3 credit hours)
- Appellate Advocacy (3 credit hours)
- Competition Team (Appellate, Mediation, or Trial Team—requires approval of Advocacy Director) (2 credit hours)
- Family Violence Clinic (3 credit hours)
- Field Placement/ Field Placement Course (requires approval of Externship Director) (2-3 credit hours)
- Contract Drafting (3 credit hours)
- Pretrial Practice (3 credit hours)
- Mediation Clinic (3 credit hours)

(c) LL.M. Elective Courses

Students must complete 7 credit hours of electives¹ from the following list or from experiential learning courses above in subsection (b):

- Administrative Law (3 credits)²
- Advanced Criminal Procedure (3 credit hours)
- Any Intersession Course³
- Any Seminar⁴
- Conflict of Laws (3 credit hours)
- Education Law (3 credit hours)
- Employment Law (3 credit hours)
- Family Law (3 credit hours)

¹ If a student completes more than five (5) credit hours of experiential learning credit, the additional course credit will count toward the seven (7) credit hours of required elective courses.

² This elective is available for students who matriculated prior to July 1, 2014.

³ Students may complete multiple Intersession Courses, not to exceed three credit hours total toward LL.M. electives.

⁴ Students may complete multiple Seminars, not to exceed three credit hours total toward LL.M. electives.

- Federal Courts⁵
- Health Law (3 credit hours)
- Independent Study (2-3 credit hours)
- International Business Litigation (3 credit hours)
- Products Liability (3 credit hours)

Feb. 17, 2016; Mar. 9, 2016

§ 5-103. Joint J.D.-LL.M. in Advocacy and Dispute Resolution—Degree Requirements.

- (a) A student shall complete the joint J.D.-LL.M. program upon satisfying the following requirements (which are not subject to variance or waiver, unless otherwise provided by faculty policy):
 - (1) The successful completion of at least 102[*] credit hours of offerings, which shall include successful completion of all requisite courses;
 - (2) A grade point average of at least 2.00; and
- (b) The faculty may change the requirements for earning the joint J.D.-LL.M. degree, as well as the courses offered, at any time.

[*The 102-hour requirement “appl[ies] to students matriculating in the J.D. program after July 1, 2016.” For students matriculating in the J.D. program before July 2, 2016, the applicable requirement is 100 hours.]

Feb. 17, 2016; Mar. 9, 2016

§ 5-104. Joint J.D.-LL.M. in Advocacy and Dispute Resolution—Academic Progress.

- (a) The maximum period of time for a full-time joint candidate to complete the requirements for the J.D.-LL.M. program shall be five years.
- (b) The maximum period of time for a part-time joint candidate to complete the requirements for the J.D.-LL.M. program shall be six years.
- (c) Students enrolled in the joint J.D.-LL.M. in Advocacy and Dispute Resolution degree program who complete the J.D. degree in advance of completing the LL.M. degree requirements shall wait twelve months from their graduation date before transferring into the LL.M.-only degree format. Requests for exceptions to this policy shall be directed to the Director of the LL.M. Program only after four months have elapsed since earning the J.D.

⁵ This elective is available for J.D. students who matriculated prior to July 1, 2014.

degree. The maximum time to completion stated in subsections (a) and (b) above tolls during the break required by this subsection.

Feb. 17, 2016; May 9, 2018

§ 5-105. Joint J.D.-LL.M. in Advocacy and Dispute Resolution—Admissions.

Admission to the joint program requires at least a cumulative law school grade point average of 2.00. The Dean shall develop admissions policies and procedures for the joint J.D.-LL.M. program.

Feb. 17, 2016

§ 5-106. Applicability of Honor Code, Code of Conduct and other Policies to the Joint J.D.-LL.M. in Advocacy and Dispute Resolution.

The Honor Code, Code of Conduct and other policies in this manual apply to students enrolled in the joint J.D.-LL.M. degree program, unless otherwise augmented or altered by the faculty.

Feb. 17, 2016

PART 2—LL.M. DEGREE IN DISPUTE RESOLUTION

§ 5-201. LL.M. in Dispute Resolution.

Individuals eligible for matriculation include the following:

- (a) Individuals who have earned a J.D. from an ABA-accredited law school or who have earned the first degree of law required for law practice or law teaching (for those who earned the first last degree outside of the United States); or
- (b) Students currently enrolled in Faulkner Law's J.D. program.

Jan. 31, 2018; Feb. 27, 2019

§ 5-202. LL.M. in Dispute Resolution—Curriculum.

The LL.M. in Dispute Resolution is a 24 credit hour program with a maximum allowance of twelve credit hours of the LL.M. degree that may be applied toward the J.D. degree, for those seeking a joint degree with the J.D. program. For any credit hours to count toward the LL.M. degree, a student must earn a grade of 2.00 or higher. For current J.D. candidates in the joint program, transfer credits shall be the required LL.M. courses. For alumni candidates in the joint program, transfer credits first shall be the required LL.M. courses in subsection (a) below, if any have been previously and satisfactorily completed, and if necessary the last LL.M. qualifying courses previously and satisfactorily completed, for a total of twelve transfer credits.

There is no particular course sequencing in the LL.M. program, except where prerequisites may be required.

Candidates for the LL.M. may not receive seat preference in a course that also is available to J.D. students. Completion of the degree program requires fulfillment of all LL.M. requirements articulated in the Manual of Policies Adopted by the Faculty, including the LL.M. Thesis Requirement. Courses for the LL.M. shall include the following LL.M. required courses (12 credits), LL.M. experiential learning courses (5 credits), and LL.M. elective courses (7 credits):

(a) LL.M. Required Courses

- Arbitration (3 credit hours)
- Dispute Resolution Processes (3 credit hours)
- Interviewing, Counseling and Negotiation (3 credit hours)
- Psychology and Dispute Resolution (3 credit hours)

(b) LL.M. Experiential Learning Courses

Students must complete 5 credit hours from the following approved courses:

- Advanced Legal Research (3 credit hours)
- Appellate Advocacy (3 credit hours)
- Competition Team (Appellate, Mediation, or Trial Team—requires approval of Advocacy Director) (2 credit hours)
- Contract Drafting (3 credit hours)
- Family Violence Clinic (3 credit hours)
- Field Placement/ Field Placement Course (requires approval of Externship Director) (2-3 credit hours)
- Mediation Clinic (3 credit hours)
- Pretrial Practice (3 credit hours)
- Trial Advocacy (3 credit hours)
- Trial Advocacy for Competition (3 credit hours)

(c) LL.M. Elective Courses

Students must complete 7 credit hours of electives⁶ from the following list or from experiential learning courses above in subsection (b):

- Advanced Criminal Procedure (3 credit hours)
- Any Intersession Course⁷
- Any Seminar⁸
- Apology, Forgiveness, and Reconciliation (2 or 3 credit hours)
- Conflict of Laws (3 credit hours)
- Consumer Law (2 or 3 credit hours)
- Dispute Resolution System Design (2 or 3 credit hours)
- Education Law (3 credit hours)
- Employment Law (3 credit hours)
- Environmental Law (2 or 3 credit hours)
- Family Law (3 credit hours)
- Health Law (3 credit hours)
- Healthcare Compliance (3 credit hours)
- Nonprofit Law Clinic (3 credit hours)
- Independent Study (2-3 credit hours)
- International Business Litigation (3 credit hours)
- International Business Transactions (2 or 3 credit hours)
- International Sales and Commercial Arbitration (2 or 3 credit hours)
- Mediation Theory and Practice (2 or 3 credit hours)
- Products Liability (3 credit hours)
- Securities Regulation (2 or 3 credit hours)
- Sports Law (2 or 3 credit hours)

(d) LL.M. Thesis Requirement

Jan. 31, 2018, Oct. 9, 2019, May 13, 2020

§ 5-203. LL.M. in Dispute Resolution—Degree Requirements.

- (a) A student shall complete the LL.M. program upon satisfying the following requirements (which are not subject to variance or waiver, unless otherwise provided by faculty policy):

⁶ If a student completes more than five (5) credit hours of experiential learning credit, the additional course credit will count toward the seven (7) credit hours of required elective courses.

⁷ Students may complete multiple Intersession Courses, not to exceed three credit hours total toward LL.M. electives.

⁸ Students may complete multiple Seminars, not to exceed three credit hours total toward LL.M. electives.

- (1) The successful completion of at least 24 credit hours of offerings, which shall include successful completion of all requisite courses;
 - (2) The successful completion of the LL.M. Thesis Requirement;⁹
 - (3) A grade point average of at least 2.00; and
- (b) The faculty may change the requirements for earning the LL.M. degree, as well as the courses offered, at any time.

Jan. 31, 2018

§ 5-204. LL.M. in Dispute Resolution—Academic Progress.

- (a) The maximum period of time for a full-time candidate to complete the requirements for the LL.M. program shall be five years.
- (b) The maximum period of time for a part-time candidate to complete the requirements for the LL.M. program shall be six years.
- (c) Students enrolled jointly in the J.D. and LL.M. in Dispute Resolution degree programs who complete the J.D. degree in advance of completing the LL.M. degree requirements shall wait twelve months from their graduation date before transferring into the LL.M. only degree format. Requests for exceptions to this policy shall be directed to the Director of the LL.M. Program only after four months have elapsed since earning the J.D. degree. The maximum time to completion stated in subsections (a) and (b) above tolls during the break required by this subsection.

Jan. 31, 2018; May 9, 2018

§ 5-205. LL.M. in Dispute Resolution—Admissions.

Admission to the program requires at least a cumulative law school grade point average of 2.70. The Dean shall develop admissions policies and procedures for the LL.M. program.

Jan. 31, 2018

§ 5-206. Applicability of Honor Code, Code of Conduct and other Policies to the LL.M. in Dispute Resolution.

The Honor Code, Code of Conduct and other policies in this manual apply to students enrolled in the LL.M. degree program, unless otherwise augmented or altered by the faculty.

⁹ This requirement applies to students who matriculate into the LL.M. program on or after January 1, 2018, or who enrolled in the J.D. program on or after August 1, 2017.

§ 5-207. LL.M. Thesis Requirement.

- (a) Among the requirements for the LL.M. in Dispute Resolution degree is the satisfactory fulfillment of the LL.M. Thesis Requirement. The purpose of the LL.M. Thesis Requirement is to give each student a challenging experience in legal research, problem solving, organization, legal reasoning, and legal writing concerning an alternative dispute resolution (ADR) related topic. It may involve interdisciplinary work, the integration of theory and application, probing fundamental legal values, analysis of the current state of the law, and/or advocacy of a particular position. Satisfaction of the LL.M. Thesis Requirement must involve a close working relationship with the supervising professor.

For joint J.D. students, the receiving of credit in Legal Analysis and Persuasion is a prerequisite for fulfillment of the LL.M. Thesis Requirement.

- (b) The LL.M. Thesis Requirement may be satisfied in any of the following ways:
 - (1) By writing a paper or other document in connection with a seminar (or other upper-level course in which each student is required to write a paper) taught by a full-time faculty member (or, with permission of the Director of the LL.M. Program, by an adjunct faculty member).
 - (2) With permission of the Director of the LL.M. Program, by writing a directed research paper under the supervision of a full-time faculty member.
- (c) A paper used to satisfy the rigorous writing requirement for the JD degree, §§ 2-501 and 2-502, shall not be used in whole or in part to satisfy the requirements of this section, nor shall any paper used to satisfy the requirements of this section be used in whole or in part to satisfy the rigorous writing requirements for the JD degree.
- (d) The requirements for a paper satisfying the LL.M. Thesis Requirements are as follows:
 - (1) If written in connection with a course, it shall be on some aspect of the subject matter of the course and some aspect of an ADR-related topic.
 - (2) It shall be a substantial paper resulting from extensive research. It shall be at least 8,000 words in length, exclusive of footnotes or endnotes. Each student shall be required to submit a word count, excluding footnotes or endnotes, with the final draft.

- (3) It shall be a product of high caliber that demonstrates the student's ability to define a research problem and to do legal analysis. It shall be properly footnoted or end-noted in a form approved by the supervising professor.
 - (4) Before the student is given approval to write the paper, he or she shall submit a 100–200 word executive summary of the proposed paper, explaining the nature of the subject and how he or she plans to cover it.
 - (5) Prior to the student's submission of a draft, the supervising professor shall examine and approve an outline of the proposed paper.
 - (6) Prior to the student's submission of the final paper, the supervising professor shall **critically evaluate at least one draft of the student's work.**
 - (7) If written in connection with a seminar or other course in which each student is required to write a paper, the final paper must qualify for a grade no lower than C+ or the equivalent thereof. If written as a directed research paper, the final paper shall be of such quality that, if it were written and graded to meet a requirement of a seminar, it would receive a grade no lower than C+ or the equivalent thereof.
 - (8) Prior to approval of the final paper, the student shall confer with the supervising professor at least twice, and more times if required by the professor.
- (e) If the supervising professor approves the final paper, he or she shall complete and deliver to the Director of the LL.M. Program the following certification:

I certify that _____ (name of student) _____ has written a paper that satisfies the LL.M. Thesis Requirement. The student wrote the paper

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

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

Signature of Supervising Professor

Date

PART 3—LAW REVIEW

[Reserved]

PART 4—ADVOCACY

[Reserved]

PART 5—ACADEMIC SUPPORT

[Reserved]

PART 6—ALTERNATIVE DISPUTE RESOLUTION

[Reserved]

CHAPTER SIX ~ ENVIRONMENT

PART 1—HONOR CODE

Article I. Purposes

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

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

Article II. Definitions

§2.1 “Code” means this Honor Code.

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

§2.3 To “file with the Court” means to provide a written or electronic copy of the document to the Chief Justice, the Associate Dean of Academic Affairs, the prosecutor, and any suspected violators.

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

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

§2.6 “Law School” is Faulkner University’s Thomas Goode Jones School of Law.

- §2.7 “Parties” include the suspected violator, the Prosecutor, Defense Counsel, and the interested faculty member, if any.
- §2.8 To “publish” means to post a notice on the Law School’s bulletin board designated for announcements relating to the Code.
- §2.9 “Quorum” is achieved when five or more Justices are present for a hearing of the Court.
- §2.10 “Reporting party” is any person who reports a suspected violation of the Code. “The Report” is the report of a suspected violation.
- §2.11 “Student” is any student admitted to, or enrolled in the Law School, including a student who is part-time, transferring, transient, auditing, or visiting from any other school.
- §2.12 “Suspected violator” is any person reported as having violated the Code. Whenever the term appears in a procedural context, it also refers to the suspected violator’s counsel.
- §2.13 “Unauthorized assistance” is the assistance that either the instructor or the Code specifies to be unauthorized.
- §2.14 “Unauthorized material” is the material that either the instructor or the Code specifies to be unauthorized.

Article III. Violations of the Honor Code

- §3.1 The following practices are violations of the Code:
- (a) Plagiarizing the work of another by representing, either expressly or by conduct, **that the work is one’s own.**
 - (b) Giving, obtaining, soliciting, or offering to provide unauthorized assistance in the preparation of material to be submitted or presented in a class, law review assignment or competition, moot court assignment or competition, essay contests for which eligibility is dependent on status as a law student, or any other similar activity.
 - (c) Using unauthorized materials in connection with class assignments or examinations.

- (d) Concealing or stealing library books or other library materials, or withdrawing such materials from the library without properly checking them out, or defacing such books or materials, making copies without paying for them if payment is appropriate, failure to pay library fines, computer fraud, and software copyright infringements.
- (e) Copying the work of another student during an examination or giving, soliciting, offering to give, or asking to receive or receiving any unauthorized assistance or information before or during an examination.
- (f) Obtaining or possessing an examination, assignment, answer sheet, or similar material in advance of such time as one is entitled to possess it.
- (g) Commencing or accessing an examination before the stipulated time, including reading the contents of the exam or writing any notes or outlines or continuing to write after time has expired in an examination period.
- (h) Bringing to an examination any unauthorized electronic device. Such devices include, but are not limited to, cell phones, tablets, smart watches, and computers.
- (i) Doing anything that compromises the anonymity of an examination or assignment, including but not limited to actions or **writings that would reveal one's identity** to the professor, unless authorized to do so by the professor. This provision shall not be construed to conflict with any provision of the Americans with Disabilities Act.
- (j) Failing to disclose to a professor that work submitted for credit was wholly or substantially done prior to the beginning of the course for which the work is being submitted (or, in the case of the rigorous writing requirement, prior to the **supervising professor's approval to write the paper**).
- (k) Taking property of another without authorization or by fraud. Such property includes, but is not limited to, briefs, books, notes, tapes, computer software, data, or outlines belonging to an instructor or another student.
- (l) Making a material misrepresentation to the administration, faculty, or staff of the Law School or Faulkner University. This provision specifically includes, but is not **limited to, signing another student's name to the class attendance roll, taking an exam for another student, or submitting an assignment for another student.**

- (m) Revealing any confidential information presented during a proceeding before the Court.
- (n) Engaging in conduct, which, if done by a lawyer, would violate the Alabama Rules of Professional Conduct.
- (o) Engaging in conduct that adversely reflects on fitness to study or practice law, including but not limited to violations of federal or state criminal law, regardless of whether such conduct is actually prosecuted in the courts.
- (p) Attempting to commit any of the acts described in Subsections 3.1(a) - 3.1(o).
- (q) Knowingly failing to report a violation of the Code.
- (r) Conspiring to violate the Code.
- (s) Abusing the Honor Court process, including but not limited to:
 - (i) Engaging in conduct with the intent to obstruct access to potential evidence connected with an Honor Code investigation or proceeding.
 - (ii) Filing a frivolous report of an Honor Code violation with the intent to harass another student. A frivolous report is one without basis in fact.
 - (iii) Attempting to intimidate or deter complainants, witnesses, or other participants in an Honor Code investigation or proceeding.
 - (iv) Taking action to prevent the discovery of conduct prohibited by this Code.

Article IV. Jurisdiction and Terms of the Honor Court

- §4.1** The Court shall have jurisdiction over all alleged violations of the Code as defined in Article III above, unless the Associate Dean for Academic Affairs or a majority of the faculty vote to remove a particular case from the Court.
- §4.2** Nothing in this Code is intended to supersede the authority and responsibility of an instructor to control conduct in the classroom, to determine what factors are to be considered in assigning a grade or credit for student performance, and to determine the appropriate grade or credit to be assigned. An aggrieved student may appeal his or her grade under the Academic Policies and Procedures of the Law School.

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

Article V. Members and Officers of the Court

§5.1 The voting members of the Court shall be seven students in good academic standing. A Chief Justice shall be elected by all students, in the spring semester for the upcoming term of the Court. The remaining student members shall be elected as follows: two at-large Justices from the third-year class elected by the entire third-year class, two at-large justices from the second-year class elected by the entire second-year class, and one Justice from each section of the first-year class to be elected by their respective sections. The two first-year members shall be elected within one month after the beginning of the fall semester; they shall become members of the Court as soon as they are elected. The remaining members shall be elected in the spring semester for the upcoming term of the Court. If no eligible person runs for Chief Justice during the spring semester elections, the remaining members of the Court shall select from among themselves a Chief Justice prior to the beginning of the summer term.

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

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

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

§5.5 The Prosecutor is an officer of the Court who is the representative of the law students in investigating, presenting, and prosecuting alleged violations of the Code. The Prosecutor

shall be a third-year law student appointed by the Associate Dean for Academic Affairs, subject to the approval of a majority of elected voting members of the Student Bar Association.

- (a) A Prosecutor may be recused from a case if the Associate Dean for Academic Affairs finds good cause for recusal.
- (b) If the Prosecutor is recused from a case, the Assistant Prosecutor shall act as the Prosecutor for that case.
- (c) If both the Prosecutor and the Assistant Prosecutor are recused from a case, the Associate Dean for Academic Affairs may appoint a prosecutor for the case from the student body.

§5.6 The Assistant Prosecutor is an officer of the Court who assists the Prosecutor in investigating, presenting, and prosecuting violations of the Code. The Assistant Prosecutor shall be a second-year law student in good standing appointed by the Associate Dean for Academic Affairs, subject to the approval of a majority of elected voting members of the Student Bar Association.

§5.7 After a determination of probable cause pursuant to Section 6.2(a), the suspected violator has the right to Defense Counsel. The Defense Counsel is an officer of the Court who is **selected by a suspected violator to assist in the suspected violator's defense.** A suspected violator may select as Defense Counsel either one attorney licensed to practice law in Alabama or a maximum of two second- or third-year law students. Suspected violators must be promptly apprised of their right to Defense Counsel, but they shall be entitled to proceed pro se.

- (a) If a suspected violator is represented by Defense Counsel, the Defense Counsel shall be privy to all communications with the suspected violator by the Prosecutor, the Court, or the counsel of any other party, including being copied on all electronic communications, unless the Defense Counsel and the suspected violator waive this right in writing.
- (b) If the suspected violator is represented by Defense Counsel, the Prosecutor shall not meet in person with the suspected violator without Defense Counsel being present or without a written waiver of this right signed by the suspected violator prior to each meeting.

Article VI. Prehearing Procedures

§6.1 Reporting Suspected Violations

- (a) Any student who in good faith reasonably suspects that a violation of the Code has occurred shall report that suspected violation at the earliest practicable time to the Prosecutor pursuant to the procedures set forth in Subsection 6.1(c).
- (b) Any other member of the Law School or University community (administration, faculty, or staff) who in good faith reasonably suspects that a violation of the Code has occurred may report that suspected violation to the Prosecutor pursuant to the procedures set forth in Subsection 6.1(c).
- (c) The Prosecutor shall provide a form for reporting violations and a separate sheet for the signature of the reporting party. The Report of the suspected violation shall **contain the name of the suspected violator or, if the violator's name is not known,** all relevant identifying information. It shall also include a full description of the suspected violation, stating the place, date, and approximate time of occurrence. The person reporting the violation shall verify the Report by signing on the separate signature page, and the Prosecutor shall reveal his or her identity as the reporting party only to the Associate Dean for Academic Affairs except as provided herein at Subsection 6.3(a).

§6.2 Initial Investigation and Opportunity to Be Heard

- (a) Upon receipt of a Report, the Prosecutor shall first provide a copy of the Report to the Associate Dean for Academic Affairs and then investigate whether there is probable cause to conclude that a violation of the Code has occurred.
 - (1) The investigation shall be conducted with the highest degree of confidentiality.
 - (2) The Prosecutor may request specific grades or academic transcripts as necessary to conduct the investigation. The Associate Dean for Academic Affairs retains discretion to approve or deny any such request.
 - (3) The Prosecutor shall inform each potential witness of the need for absolute confidentiality.
 - (4) If the Prosecutor determines that there is not probable cause, he or she shall

so advise the reporting party and promptly close the case.

- (b) Upon a determination of probable cause, the Prosecutor shall provide a copy of the Report (without the signature page) to the suspected violator and afford the suspected violator an opportunity to be heard by the Prosecutor on the matter.
 - (1) If the suspected violator admits all allegations of the Report, then the procedures for a Sanction Hearing set forth in Section 6.4 shall be followed.
 - (2) If the suspected violator does not admit all allegations of the Report, the Prosecutor may reassess the existence of probable cause based on any information provided by the suspected violator. If the Prosecutor determines that there is not probable cause, he shall so advise the suspected violator and the reporting party and take no further action on the Report. If the Prosecutor determines that there is probable cause, he or she shall so advise the suspected violator and the reporting party and follow the procedures for a Hearing on the Merits set forth in Section 6.3.
- (c) Prosecutorial Discretion
 - (1) The Prosecutor shall have discretion to dismiss any portion of the Report or to dismiss the entire Report and close the case until a motion is filed with the Court for a hearing under Section 6.3 or Section 6.4. If the Prosecutor dismisses only a portion of the Report, the Prosecutor shall file an Amended Report.
 - (2) The Prosecutor shall have discretion to file an Amended Report to include any additional violations of the Honor Code that are discovered during the investigation at any point until a motion is filed with the Court for a hearing under Section 6.3 or Section 6.4.
 - (3) Before filing an Amended Report, the Prosecutor shall provide a written copy of the Amended Report to the suspected violator and the Associate Dean for Academic Affairs. Once filed, the Amended Report will supersede the Report for all purposes within this Code.
- (d) Until a Motion for a Hearing on the Merits has been filed pursuant to Subsection 6.3(a), the Prosecutor and the suspected violator may reach a plea bargain. Once a Motion for a Hearing on the Merits has been filed, any plea bargain must be approved by the Associate Dean for Academic Affairs. Plea bargains may include, but

are not limited to, the following:

- (1) The suspected violator agrees with the Prosecutor to admit to the full Report on the condition that the Prosecutor will recommend a particular sanction to the Court. Notwithstanding any recommendation from the Prosecutor, the Court retains discretion regarding the sanction that it recommends to the Associate Dean of Academic Affairs.
- (2) The suspected violator agrees with the Prosecutor to admit to some of the facts in the Report on the condition that the Prosecutor dismiss the rest of the Report. The Prosecutor would prepare an Amended Report and follow the procedures set forth in Section 6.4.

§6.3 Hearing on the Merits

- (a) Promptly after notifying the suspected violator of the finding of probable cause, the Prosecutor shall file with the Court a Motion for a Hearing on the Merits, which shall include (i) a written complaint containing a plain statement of the facts of the alleged violation(s), (ii) the identity of the reporting party, (iii) the names of individuals needed as witnesses at the hearing on the complaint, and (iv) a request for a hearing on the Merits.
- (b) Upon filing a Motion for a Hearing on the Merits, the Prosecutor shall promptly provide to the alleged violator a list of any physical evidence **within the Prosecutor's** possession, custody, or control that is material to preparing the defense or that the Prosecutor intends to use during the case-in-chief, and shall allow the alleged violator the opportunity to inspect and copy any such evidence.
- (c) Promptly after receiving a Motion for a Hearing on the Merits, the Chief Justice of the Court shall hold a Scheduling Conference with the Prosecutor and the alleged violator, at which time the Chief Justice shall set a hearing date that affords the alleged violator a reasonable opportunity to attend.
- (d) Prior to the hearing, the suspected violator may, but is not required to, file with the Court a written response to the complaint. Before any such response is filed with the Court, a copy thereof shall be delivered to the Prosecutor.
- (e) At the hearing, the burden shall be on the Prosecutor to prove the allegations of violation(s) of the Code by clear and convincing evidence.

§6.4 Sanction Hearing

- (a) If the suspected violator admits the allegations of the Report, the Prosecutor shall file with the Court a Motion for a Sanction Hearing, which shall include (i) a copy of the Report, (ii) the fact that the violator has admitted the allegations of the Report, (iii) a request for a Sanction Hearing, and (iv) any other fact the Prosecutor deems relevant.
- (b) Upon receiving the motion requesting a Sanction Hearing, the Chief Justice of the Court shall schedule and hold a Scheduling Conference with the Prosecutor, the violator, and the violator's Defense Counsel (if any), at which time the Chief Justice shall set a hearing date that affords the violator a reasonable opportunity to attend.
- (c) At the Sanction Hearing, the Prosecutor shall present to the Court the Report, the fact that the violator has admitted the allegations of the Report, and any other relevant fact. The violator and the violator's Defense Counsel have the right to appear before the Court and make such statements as they choose. Article VII applies to the Sanction Hearing.

Article VII. Hearing Procedures

- §7.1 Each Sanction Hearing as set forth in Section 6.4 and each Hearing on the Merits as set forth in Section 6.3 shall be closed to all persons except the Prosecutor, Assistant Prosecutor, Defense Counsel, the suspected violator, the interested instructors, the witnesses, and any person designated by the Court to assist in the conduct of the hearing. Any party may invoke the rule to exclude a witness except during the taking of his testimony.
- §7.2 In no hearing shall the Court be bound by formal rules of criminal or civil procedure or strict rules of evidence, nor does the Code attempt to establish detailed procedural rules. Each hearing shall be conducted in a manner that affords the parties a fair and reasonable opportunity to present information and make arguments relevant to the alleged violation(s) and appropriate sanction(s) when violation(s) are admitted or proved.
- §7.3
 - (a) Any party has a right to challenge any member of the Court for cause. Any challenge for cause shall be made in writing and filed with the Court no later than one day prior to the hearing.
 - (b) The Chief Justice shall make the final decision on a challenge for cause filed prior to the hearing. If the Chief Justice is challenged or is otherwise unable to rule on the

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

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

- §7.4** The parties have the right to make opening and closing statements.
- §7.5** The parties have the right to examine and cross-examine witnesses.
- §7.6** The parties have the right to present any physical or demonstrative evidence, independent of witnesses, that is relevant to the case.
- §7.7** The parties have the right to present character evidence and character witnesses.
- §7.8** An electronic sound recording shall be made of the proceedings of the hearing.
- §7.9** All exhibits offered, whether received into evidence or not, shall be retained and made a part of the record of the proceedings.
- §7.10** Promptly after the hearing the Court shall deliberate to its decision. A finding of a violation of the Code requires an affirmative vote by four members of the Court that the violation has been proved by clear and convincing evidence.
- §7.11** The Court shall prepare written findings of fact with respect to whether a violation has or has not occurred. Copies of such findings shall be presented to the Associate Dean for Academic Affairs and to each of the parties in the case.

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

Article VIII. Sanctions

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

- (a) Expulsion.
- (b) Suspension for a specified period of time, or an indefinite suspension with the possibility of readmission upon application for readmission to the Admissions Committee after a set period of time.
- (c) A reduction of the grade in the course in which the violation occurred, including **reduction to an “F.”**
- (d) **A grade of “Incomplete” in the course in which the violation occurred.**
- (e) Cancellation of the work done in the course in which the violation occurred.
- (f) A written reprimand, which the administration of the Law School shall have the **discretion to remove from the student’s permanent record.**
- (g) Payment to compensate for any injury or loss caused, provided that the amount of such injury or loss has been proved by a preponderance of the information, together with up to three times the amount of such compensatory payment.
- (h) Restitution.
- (i) Dismissal from Law Review, Moot Court, and any other office or position connected with the Law School.
- (j) Probation for a definite period of time under specified terms or conditions with consequences specified for noncompliance.
- (k) Any other appropriate sanction.

§8.2 This Honor Code does not require the imposition of any particular sanction or range of sanctions for any of the types of misconduct described in §3.1. The decision to impose a particular sanction or a mix of sanctions is made by the Associate Dean of Academic Affairs, who may, in his sole discretion, consider the following factors as mitigating or aggravating factors:

- (a) Conscientious admissions of misconduct made by a student before gaining any knowledge that someone else may suspect that student of an Honor Code violation;
- (b) Admissions of wrongdoing made after a student has been accused of misconduct;
- (c) Whether the misconduct was intentionally or negligently committed;
- (d) The degree of harm to others and the seriousness of the conduct;
- (e) The nexus between the **student's** conduct and the question of character and fitness of the student to practice law;
- (f) **The violator's** history of misconduct or lack thereof;
- (g) The motive for the misconduct.

Article IX. Appeals

§9.1 Any interested party has the right to appeal to the Dean. Any matter may be appealed except for findings of fact. Notice of appeal must be filed with the Dean no later than three days after the party receives written notification of the sanction(s) to be imposed. The failure to file a timely notice of appeal operates as a waiver of the appeals process.

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

§9.3 When the Dean has decided an appeal, he shall provide written notice to the parties of his decision. Following receipt of such notice (or the expiration of the time for filing an appeal if no appeal was filed), the Chief Justice shall promptly publish a summary of any case in which a sanction is imposed, including findings of fact as to the violation(s) of the Code and the sanction(s) imposed, provided however that the name of the parties involved shall not be revealed.

Article X. Miscellaneous Procedures

§10.1 Any document filed with the Court shall be captioned as “Faulkner Law v. [Defendant’s Name].”

§10.2 The case number of any case shall be the date that the case was filed, followed by two digits, beginning with “01” and ascending numerically for each case filed in a particular day (Year-Month-Day ##, for example, “2016-11-30 01”).

§10.3 A case is considered opened once a report is made to the Prosecutor pursuant to Section 6.1.

§10.4 A Prosecutor closes the case by providing written notice of the closure to the reporting party, the suspected violator (if the suspected violator has received notice of the case), the suspected violator’s Defense Counsel (if any), and the Associate Dean of Academic Affairs. A case is automatically closed once a case has been dismissed under §6.2(a) or the appeals process under Article IX has been waived or completed.

§10.5 A case may not be reopened without written approval by the Associate Dean of Academic Affairs. If a case is reopened, notice shall be promptly sent to the alleged violator.

§10.6 If an alleged violation occurs, or a report is filed, at a time other than during the fall or spring semesters, and if:

- (a) both the Prosecutor and the Assistant Prosecutor are away from campus;
- (b) the suspected violator is away from campus, and is not reasonably expected to return within the two weeks following the report; or
- (c) one or more Honor Court Justices are away from campus, such that a quorum of the Court cannot be established in person;

then, in the discretion of the Associate Dean for Academic Affairs, the investigation and/or hearing procedures described in this Honor Code may be postponed up until the beginning of the next regular semester or may proceed by using technology to secure the real-time electronic participation of physically-absent participants.

Article XI. Enactment of, and Amendments to, the Code

- §11.1 The Code, and any amendment of it, shall originate either in the Court or the faculty. The originating body shall approve the Code or any amendment of it and then submit it for approval of the other body. Upon approval by the other body, it shall be submitted to the student body for final approval.
- §11.2 The Code, and any amendment of it, shall become effective upon final approval and shall govern all conduct occurring after the date of its adoption.
- §11.3 Upon final approval, the Code shall be printed and distributed to the students. The Code as amended shall be printed in each subsequent addition of the Student Handbook and provided to all students upon enrollment in the Law School. Copies of the Code shall be placed on reserve in the law library and made available in the office of the Student Bar Association.
- §11.4 If there is any conflict between the Code and the regulation of any student organization, the Code governs such regulation.
- §11.5 Final approval of the Code repeals the honor code(s) in effect at the time of such approval.

Article XII. Pledge

- §12.1 On any written work done by a law student for academic credit, including examinations, the pledge provided in Section 12.2 **must be included, followed by the student's entry of his signature (or anonymous number when appropriate).** However, even if the pledge is not included, all such work is governed by the Code.
- §12.2 The pledge shall be as follows: **"On my honor I represent that I have neither given nor received unauthorized aid on this (fill in the appropriate description)."**
- §12.3 If the completed pledge does not appear on the academic work, the instructor may exercise discretion to deny credit for the work.
- §12.4 The purpose of the pledge is to provide a continuing reminder to students that they owe a responsibility of honorable behavior to themselves, to fellow students, to instructors, to the Law School, and to the legal profession.

*As originally approved by the faculty on January 23, 2004, and by the student body on March 16, 2004;
as amended and approved by the faculty on January 25, 2017, and approved by the student body on April 14, 2017.*

PART 2—NONDISCRIMINATION AND DIVERSITY

§ 6-201. Nondiscrimination.

(a) Admissions, Educational Policies, Educational Programs, Financial Aid, or Activities

Faulkner University - Thomas Goode Jones School of Law does not discriminate on the basis of race, color, ethnicity, religion, national origin, gender (including personal beliefs regarding identity and expression), sexual orientation, age, disability, military or veteran status in any of its educational policies, admissions, financial aid, educational programs, or activities. Although the School of Law does not discriminate on the basis of sexual orientation, sexual conduct outside of biblical marriage (see, e.g., Gen. 2:24; Matt. 19:5-6; Eph. 5:31, 33; I Tim. 3:2; and Tit. 1:6) is inconsistent with the University's religious traditions, values, affiliation, and purpose. The School of Law expects its students to avoid using the law school's (or University's) facilities, resources, name, or symbols to advocate conduct that is inconsistent with the University's biblically-informed religious traditions, values, affiliation, and purpose.

(b) Employment

Faulkner University - Thomas Goode Jones School of Law does not discriminate on the basis of race, color, ethnicity, religion, national origin, gender (including personal beliefs regarding identity and expression), sexual orientation, age, disability, military or veteran status in its employment practices. Although the School of Law does not discriminate on the basis of sexual orientation, sexual conduct outside of biblical marriage (see, e.g., Gen. 2:24; Matt. 19:5-6; Eph. 5:31, 33; I Tim. 3:2; and Tit. 1:6) is inconsistent with the University's religious traditions, values, affiliation, and purpose. Therefore, in accordance with ABA Standard 205 and Interpretation 205-2, the School of Law does not knowingly employ individuals who engage in such conduct. Notwithstanding the foregoing, in accordance with Standard 205 and Interpretation 205-2, the School of Law exercises a preference in the employment of faculty and staff for those qualified applicants who are members of the Churches of Christ whose lifestyles are consistent with the mission of the School of Law and with the beliefs and values of the Churches of Christ. In cases where no qualified applicant is a member of the Churches of Christ, the School of Law exercises a preference in employment for those whose religious beliefs and lifestyles are consistent with the mission of the School of Law and with the beliefs and values of the Churches of Christ.

§ 6-202. Diversity.

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

Sept. 21, 2004

PART 3—ACADEMIC FREEDOM

§ 6-301. Principles.

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

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

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

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

Sept. 21, 2004

§ 6-302. Speech regarding Gender or Sexuality.

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

Sept. 21, 2004

PART 4—STUDENT ORGANIZATIONS

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

- (a) Subject to subsection (b) and (c) hereof, no student whose cumulative grade point average is less than 2.30 may hold an office in an organization approved by the law school. A student who does not meet this requirement forfeits his or her office immediately.
- (b) A first-year SBA Senator or Honor Court Justice may complete his or her term of office should he or she finish the fall semester with a grade point average less than a 2.30.
- (c) This section does not impair the right of a particular organization to require a higher grade point average as a prerequisite for holding office.

Sept. 21, 2004; Rev. Feb. 13, 2007

§ 6-402. Former Students Not Eligible.

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

Sept. 21, 2004

PART 5—POLICIES

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

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

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

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

§ 6-502. Professional Courtesy and Behavior Policy.

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

A non-exhaustive list of inappropriate conduct includes:

1. Severe or pervasive use of obscenities or the use of profane, degrading, abusive, or threatening language or gestures.
2. Disrupting the activities or functions of the law school or university, or any class, library, academic, or co-curricular activity.
3. Making a material misrepresentation to the administration, faculty, or staff of the law school or university. Misrepresentations prohibited by section 3.1(I) of the Honor Code shall be addressed pursuant to the Honor Code, rather than under this Policy.
4. Publishing or circulating false information that is damaging to the reputation of any member of the law school or university community.
5. Failing or refusing to comply with the reasonable instruction of any clearly identified law school or university official who is performing his or her duties.
6. Destroying, defacing, erasing, altering, hiding, limiting access to, possessing, accessing, entering or using, without authority, the property of the law school and university or the property of others located on the premises of the law school and university or related to a law school and university activity. Practices prohibited by section 3.1(d) of the Honor Code shall be addressed pursuant to the Honor Code, rather than under this Policy.
7. Taking property of another without authorization or by fraud. Such property includes, but is not limited to, briefs, books, notes, tapes, computer software, data, or outlines belonging to a faculty member or another student.

8. Engaging in conduct, which, if done by a lawyer, would violate the Alabama Rules of Professional Conduct, including but not limited to the unauthorized practice of law, lack of candor to appropriate authorities, and untruthfulness.
9. Engaging in conduct that adversely reflects on fitness to study or practice law, including but not limited to violations of federal or state criminal law, regardless of whether such conduct is actually prosecuted in the courts.
10. Directly or indirectly discouraging, harassing, retaliating against, or attempting to influence improperly any administrator, faculty member, witness, person reporting a violation, or other person involved with the Administrative Discipline process or Honor Code process, or refusing to cooperate in any investigation or proceeding pursuant to such processes.
11. Behavior that adversely reflects on or affects the law school and university community, mission, or reputation.

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

Sept. 14, 2009

§ 6-503. Administrative Discipline Policy

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

1. Expulsion
2. Suspension for a specified period of time.
3. Disciplinary probation.
4. A written reprimand, which the administration of the law school shall have the discretion to remove from the student's permanent record.
5. Community service.

6. Payment to compensate for any injury or loss caused, provided that the amount of such injury or loss has been proved by a preponderance of the information, together with up to three times the amount of such compensatory payment.
7. Restitution.
8. Dismissal from Law Review, Moot Court, and any other office or position connected with the law school.
9. Any other appropriate sanction.

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

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

Sept. 14, 2009

CHAPTER SEVEN ~ FACULTY

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

PART 1—INITIAL APPOINTMENTS

(renumbered August 1, 2017)

§ 7-101. Authority to Appoint Faculty.

Authority to appoint members of the faculty is vested in the President of the University. This authority is normally exercised in the law school through the dean after recommendation by the faculty.

Sept. 21, 2004; Rev. April 18, 2008

§ 7-102. Hiring Preference.

- (a) The mission statements of Faulkner University and the law school speak to the religious and ethical philosophy of the goals of the University and the law school. It is the purpose of this section to state a hiring preference in the law school.
- (b) As to each potential faculty appointment, the tenured and tenure-track faculty should first determine the requirements for the position in general terms as to attainments beyond the minimum of a J.D. degree from a nationally-accredited school of law (i.e., national reputation and prominence of law school, rank in class, law review, judicial clerkships, quality of law firm, teaching experience, professional research and publications record, post-J.D. law degrees, specific specialized fields of competence in law practice, and similar criteria). Then, it should be the responsibility of all parties involved (the faculty's Appointments Committee, the dean, and the tenured and tenure-track faculty members who interview candidates) to demonstrate that all reasonable avenues have been explored to find such a candidate who is a faithful member of the Church of Christ. If such efforts fail, then the search should be broadened to include other believers in Christ who likewise understand and agree with the Christian aspects of the mission statements of the University and law school, and who evidence an intent and desire to preserve and expand upon the Christian commitments of the University and the law school.

Sept. 21, 2004

§ 7-103. Initial Rank as Assistant Professor of Law.

An appointment to a tenure track position will normally be made at the rank of Assistant Professor of Law.

Sept. 21, 2004; Rev. Nov. 15, 2010

§ 7-104. Initial Rank as Associate Professor of Law.

In circumstances where the candidate has significant practice, law teaching, or other relevant experience, appointment will be made, in the discretion of the Dean, at the Associate Professor of Law rank.

Sept. 21, 2004; Rev. Nov. 15, 2010

§ 7-105. Initial Rank as Professor of Law.

In circumstances where outstanding experience warrants consideration of appointment at the rank of full Professor of Law, the Dean shall advise the faculty and shall recommend such an appointment to the Rank and Tenure Committee. Upon acceptance of the Dean's recommendation by the Rank and Tenure Committee, the Dean will be authorized to make such an offer.

Sept. 21, 2004; Rev. Nov. 15, 2010

§ 7-106. Appointments Committee.

- (a) The Appointments Committee and the dean are charged with the responsibility of seeking qualified prospective faculty members.
- (b) The Appointments Committee should obtain a law school transcript and a writing sample from every prospective faculty member and should check background references before **bringing that applicant's name to the faculty for consideration.**
- (c) Such members of the committee as the dean designates shall represent the school at appropriate faculty recruiting conferences.

Sept. 21, 2004

§ 7-107. Interviews by, and Presentations to, Faculty.

- (a) It is the responsibility of the Appointments Committee, in consultation with the dean, to decide who will be interviewed by the faculty. In discharging this duty, the committee should, within budgetary limitations, make available to the faculty all persons who are serious prospects, in order that the entire faculty may make comparative decisions. Adequate time should be scheduled during on-campus interviews for every tenured and tenure-track faculty member who desires to do so to interview each prospect personally, as well as in a group setting.

- (b) Prospects normally will be asked to make a presentation to the entire faculty.

Sept. 21, 2004

§ 7-108. Recommendations by Faculty.

- (a) After completion of interviews and presentation(s) to the faculty, the Appointments Committee may, within its discretion, recommend to the faculty prospect(s) to whom they feel an offer should be extended.
- (b) In a meeting called for such purpose, the tenured and tenure-track faculty shall vote upon whether to recommend the prospect(s) for appointment.
- (c) Before an offer is extended, there must be support by a majority of the law school's tenured and tenure-track faculty members.

Sept. 21, 2004

§ 7-109. Dean's Role.

- (a) No offer shall be made without an affirmative recommendation by the dean.
- (b) All offers will be made by the dean, who will also negotiate and commit to writing all financial arrangements.

Sept. 21, 2004

§ 7-110. Appointment of Visiting Faculty Member to Tenure Track.

- (a) When a visiting faculty member wishes to be considered for appointment to a tenured or tenure-track position, such individual should so notify the chair of the Appointments Committee no later than November 1 if the visitor is teaching at the law school during the summer session or fall semester, or no later than March 1 if the visitor is teaching only during the spring semester.
- (b) Upon receipt of such notification, the chair of the Appointments Committee shall refer the matter to the tenured faculty for a determination as to whether there is any reason why the candidate should not be considered for appointment to a tenured or tenure-track position. The tenured faculty shall, upon receipt of such notification, meet for the purpose of making their determination. If they determine that there is some reason why the candidate should not be considered, they shall notify the chair of the Appointments Committee of that decision; and that shall terminate consideration of the candidate. If they determine that there is no reason why the candidate should not be considered, they shall so notify the chair of

the Appointments Committee and refer the candidate back to that committee for consideration as hereinafter specified.

- (c) **The Appointments Committee should evaluate the visitor's qualifications for an appointment by considering the following factors:**
 - (1) The specific areas of teaching interests and/or expertise of the visitor in light of the needs of the law school;
 - (2) **The visitor's demonstrated level of teaching effectiveness;**
 - (3) The visitor's total contributions to the welfare of the school and its students;
 - (4) The visitor's commitment to producing scholarly research and publications; and
 - (5) **The nature of the visitor's dedication and commitment to achieving both the religious and educational goals of the University.**

After consideration of all relevant factors, the committee may recommend to the tenured and tenure-track faculty that they consider the visitor's appointment to a tenured or tenure-track position.

- (d) Thereafter, the tenured and tenure-track faculty should discuss the **Appointments Committee's recommendation and independently consider the visitor's qualifications, including the factors specified in subsection (c) hereof.** Thereafter, the tenured and tenure-track faculty shall vote whether to recommend a tenured or tenure-track appointment.
- (e) Before an offer is extended, there must be support by a majority of the tenured and tenure-track faculty members and also the affirmative recommendation of the dean.

Sept. 21, 2004

§ 7-111. Visiting Professor, Lecturer, and Adjunct Appointments.

- (a) Three categories of faculty employment exist at the law school:
 - (1) Tenured and Tenure-track Faculty, and Visiting Faculty, in which individuals may hold, or may be eligible to receive, tenure;

- (2) Legal Research and Writing Faculty, Lecturers, Librarians, and Clinical Faculty, in which the individual is employed on a contract basis but is not eligible for tenure; and
- (3) Adjunct Faculty, in which the individual is employed to teach one or more courses for a limited period of time but is not eligible for tenure or long-term contract.

In addition, the Associate Dean for Information Resources, if untenured, is eligible to apply for tenure pursuant to Section 7-307.

- (b) Each adjunct faculty member shall be appointed for a term not to exceed one year. Lecturers may be appointed for a term of one year or longer, as provided in Section 7-114(c). Visiting professors may be appointed for an initial one-year term or, in exceptional cases, for an initial two-year term, pursuant to subsection (d) below. Lecturers and adjunct faculty members may routinely be appointed for multiple sequential one-year terms. Ordinarily, however, a visiting professor will not be appointed for more than a single one-year term. Exceptional cases for visiting professors must be approved in advance of the subsequent term appointment, as provided in subsection (d) below.
- (c) The dean shall appoint each visiting professor, lecturer, and adjunct faculty member after advising the Appointments Committee, but without complying with procedures stated in Subsection 7-106(b) and Sections 7-107, 7-108, and 7-110.
- (d) The appointment of a Visiting Professor for an initial one-year term shall be within the discretion of the Dean, but no person shall be appointed to any subsequent term as a visiting professor without the prior consent of a majority of the members of the Rank and Tenure Committee. Such consent will only be given in extraordinary cases, and must be given prior to the initial appointment if the initial appointment is for two years, and prior to the subsequent year appointment if the initial appointment is for one year.

Sept. 21, 2004; Rev. Apr. 19, 2013; Oct. 4, 2013; Sept. 11, 2018

§ 7-112. Legal Research and Writing Faculty.

- (a) This policy applies to all faculty employed in contract positions who teach Legal Research & Writing in the School of Law.

It shall be the primary responsibility of the Faculty Appointments Committee to identify new Legal Research & Writing faculty candidates. In doing so, consideration shall be given to university hiring policies. Appointment of a Legal Research & Writing faculty member

requires the approval of the faculty, the Dean of the School of Law and the President of the University or the appropriate designee.

- (b) A Legal Research and Writing faculty member shall initially be hired at the rank of Research and Writing Assistant Professor of Law. However, if previous experience should warrant, in the discretion of the Dean, the faculty member will be hired at the rank of Research and Writing Associate Professor of Law.

Those benefits accruing to Legal Research & Writing Faculty include participation in the law school faculty retreat; marching in law school graduation exercises; marching in other University functions; attendance at School of Law faculty meetings with full discussion privileges, and with voting rights on all matters with the exception of personnel matters; and receipt of faculty minutes.

- (c) Legal Research & Writing Faculty may attend appropriate professional conferences and professional development meetings at University expense, dependent upon approval of the Dean, and the availability of funds for such purposes.

Legal Research & Writing Faculty shall not have an obligation to publish scholarly articles or books; however, faculty wishing to do so shall be eligible for consideration for summer research grants and for research assistants, dependent upon the availability of funds for such purposes.

- (d) Legal Research & Writing Faculty shall receive an initial appointment to a one-year contract. During the initial one-year appointment, an evaluation shall be undertaken by the Rank and Tenure Committee. The criteria for that evaluation shall be: effectiveness of classroom teaching; contribution to, and support for, the mission of the law school and the university; collegial contribution to the committee work of the law school and to student advising and assistance, and contribution to the community and to the legal profession.

The decision whether to renew the faculty member's contract will be made by the Dean of the School of Law upon recommendation of the Rank and Tenure Committee and will be based upon the totality of the employment relationship including the annual review. Annual reviews shall take place before annual salary increases are considered.

During the second year of employment, a formal review by the Rank and Tenure Committee, will be held during the Fall Semester. Following this review and, upon affirmative recommendation of the Rank and Tenure Committee, the Dean of the School of Law, upon approval by the President of the University, may grant the faculty member a continuing appointment for the next three (3) years. During the first year of this appointment, the

faculty member will receive a one (1) year contract with the full expectation that two (2) subsequent one (1) year contracts will be given in the absence of good cause for non-renewal, program termination or financial exigency. Thereafter, the faculty member will be reviewed every three (3) years by the Rank and Tenure Committee to determine whether another three (3) year continuing appointment will be granted.

Unless grounds for dismissal for cause are found or a financial exigency or program termination occurs, a Legal Writing Faculty member shall be presumptively entitled to continuing three-year appointments.

Reviews for contract renewal will be separate from reviews for salary increases but salary increases must take into consideration the performance as measured by the review for contract renewal.

A Research and Writing Assistant Professor of Law may apply to the Rank and Tenure Committee to be recommended for promotion to the rank of Research and Writing Associate Professor of Law after at least three years of service. The Rank and Tenure Committee shall invite the Director of Legal Research and Writing to fully participate and vote on the application. Evaluation of the application shall be based the applicant's having gained distinction in teaching, scholarship or service. The Rank and Tenure Committee's recommendation shall be forwarded to the Dean, who, in the exercise of his discretion, shall promote or decline to promote the applicant.

- (e) Written notice that an initial appointment or reappointment is not to be renewed will be given to a Legal Research and Writing faculty member in advance of the expiration of the current terms of appointment, as follows:
 - (1) Not later than March 15 of the first academic year of service;
 - (2) Not later than December 15 of the second year of service; and
 - (3) Not later than December 15 of the terminal year of a three-year contract.
- (f) A Legal Research & Writing faculty member who is terminated for reasons of financial exigency, or due to program termination, may appeal the decision pursuant to the appropriate University procedures for grievances.
- (g) Other than for reasons of financial exigency or program termination, during a period of contract appointment, a Legal Research & Writing faculty member may be terminated only

for good cause. Evidence indicating cause may include, but shall not be limited to, any of the following:

- (1) Serious neglect of duties;
 - (2) Gross misconduct, dishonesty, or turpitude;
 - (3) Professional incompetence or incapacity;
 - (4) Misconduct which causes injury or brings discredit to the School of Law and/or the University;
 - (5) A clear demonstration of a consistent pattern of disregard for the policies, the Christian values, or the mission of the School of Law or the University.
 - (6) Activity knowingly and willfully directed toward the violent overthrow of either the government of the United States or any State or political subdivision thereof.
- (h) Dismissal for cause will be preceded by:
- (1) Discussions between Associate Dean for Academics, the Dean of the School of Law, and the faculty member looking toward a mutual resolution of the concerns.
 - (2) A statement of reasons for dismissal, framed with reasonable particularity by the Dean of the School of Law, a copy of which shall be delivered to the faculty member.

The faculty member will have the right to grieve the dismissal in accordance with University grievance procedures.

- (i) Legal Research & Writing faculty members are afforded all benefits provided by the University. The contract period for Legal Research & Writing faculty shall be ten (10) months, beginning August 1 and terminating on May 31. It is expected that all faculty will attend the faculty retreat and graduation each year as part of their faculty duties. Legal Research and Writing faculty members shall receive all university holidays. All other university personnel policies applicable to faculty shall apply to Legal Research and Writing faculty.

*Aug. 10, 2005; Rev. Apr. 10, 2009; May 1, 2009;
Nov. 15, 2010; Apr. 19, 2013*

§ 7-113. Clinical Faculty.

- (a) This policy applies to all faculty employed in contract positions who teach clinical courses in the School of Law.

It shall be the primary responsibility of the Faculty Appointments Committee to identify new clinical faculty candidates. In doing so, consideration shall be given to university hiring policies. Appointment of a clinical faculty member requires the approval of the faculty, the Dean of the School of Law, and the President or the appropriate designee.

- (b) A Clinic faculty member shall initially be hired at the rank of Clinical Assistant Professor of Law. However, if previous experience should warrant, in the discretion of the Dean, the faculty member will be hired at the rank of Clinical Associate Professor of Law.

Those benefits accruing to Clinical Faculty include participation in the law school faculty retreat; marching in law school graduation exercises; marching in other University functions; attendance at School of Law faculty meetings with full discussion privileges, and with voting rights on all matters with the exception of personnel matters; and receipt of faculty minutes.

- (c) Clinical Faculty may attend appropriate professional conferences and professional development meetings at University expense, dependent upon approval of the Dean, and the availability of funds for such purposes.

Clinical Faculty shall not have an obligation to publish scholarly articles or books; however, faculty wishing to do so shall be eligible for consideration for summer research grants and for research assistants, dependent upon the availability of funds for such purposes.

- (d) Clinical Faculty shall receive an initial appointment to a one-year contract. During the initial one-year appointment, an evaluation shall be undertaken by the Rank and Tenure Committee. The criteria for that evaluation shall be: effectiveness of classroom teaching; effectiveness of skills training; contribution to, and support for, the mission of the law school and the university; collegial contribution to the committee work of the law school and to student advising and assistance, and contribution to the community and the legal profession.

The decision whether to renew the faculty member's contract will be made by the Dean of the School of Law upon recommendation of the Rank and Tenure Committee and will be based upon the totality of the employment relationship including the annual review.

Following the review and acceptance of the recommendation of the Rank and Tenure Committee by the Dean of the School of Law, the faculty member will be granted a continuing appointment for the next five (5) years. During the first year of this appointment, the faculty member will receive a one (1) year contract with the full expectation that four (4) subsequent one (1) year contracts will be given in the absence of good cause for non-renewal, program termination, or financial exigency. Thereafter, the faculty member will be reviewed every five (5) years by the Rank and Tenure Committee to determine whether another five (5) year continuing appointment will be granted.

Unless grounds for dismissal for cause are found or a financial exigency or program termination occurs, a Clinical Faculty member shall be presumptively entitled to continuing five-year appointments.

Reviews for contract renewal will be separate from reviews for salary increases but salary increases must take into consideration the performance as measured by the review for contract renewal.

A Clinical Assistant Professor of Law may apply to the Rank and Tenure Committee to be recommended for promotion to the rank of Clinical Associate Professor of Law after at least three years of service. The Rank and Tenure Committee shall invite the Clinical Director to fully participate and vote on the application. Evaluation of the application shall be based on the applicant's having gained distinction in teaching, scholarship or service. The Rank and Tenure Committee's recommendation shall be forwarded to the Dean, who, in the exercise of his discretion, shall promote or decline to promote the applicant.

- (e) Written notice that an initial appointment or reappointment is not to be renewed will be given to a Clinical Faculty member in advance of the expiration of the current terms of appointment, as follows:
 - (1) Not later than March 15 of the first academic year of service;
 - (2) Not later than December 15 of the terminal year of a five-year contract.
- (f) A Clinical Faculty member who is terminated for reasons of financial exigency, or due to program termination, may appeal the decision pursuant to the appropriate University procedures for grievances.
- (g) Other than for reasons of financial exigency or program termination, during a period of contract appointment, a Clinical Faculty member may be terminated only for good cause. Evidence indicating cause may include, but shall not be limited to, any of the following:

- (1) Serious neglect of duties;
 - (2) Gross misconduct, dishonesty, or turpitude;
 - (3) Professional incompetence or incapacity;
 - (4) Misconduct which causes injury or brings discredit to the School of Law and/or the University;
 - (5) A clear demonstration of a consistent pattern of disregard for the policies, the Christian values, or the mission of the School of Law or the University;
 - (6) Activity knowingly and willfully directed toward the violent overthrow of either the government of the United States or any State or political subdivision thereof.
- (h) Dismissal for cause will be preceded by:
- (1) Discussions between the Associate Dean for Academics, the Dean of the School of Law, and the faculty member looking toward a mutual resolution of the concerns.
 - (2) A statement of reasons for dismissal, framed with reasonable particularity by the Dean of the School of Law, a copy of which shall be delivered to the faculty member.

The faculty member will have the right to grieve the dismissal in accordance with University grievance procedures.

- (i) Clinical Faculty members are afforded all benefits provided by the University. The contract period for Clinical Faculty shall be twelve (12) months, beginning August 1 and terminating on July 31. It is expected that Clinical Faculty will attend the faculty retreat and graduation each year as part of their faculty duties. Clinical Faculty shall receive all university holidays. All other university personnel policies applicable to faculty shall apply to Clinical Faculty.

*Apr. 10, 2009; Rev. May 1, 2009; Nov. 15, 2010;
Apr. 19, 2013; Jan. 20, 2015*

§ 7-114. Lecturers.

- (a) The position of Lecturer is a full-time contract teaching position in the law school. Lecturers are not on the tenure track, and no one may be offered or granted tenure while holding the rank of Lecturer. However, any Lecturer may apply for a tenure-track position pursuant to the same rules that govern applications for a tenure-track position by those unaffiliated with the law school, as provided in Sections 7-101 through 7-109.
- (b) Lecturers are hired at the discretion of the Dean in consultation with the Appointments Committee, as provided in Section 7-111. For such an appointment, the Dean may, in his **or her discretion, attach the title of “Lecturer” to such an appointment, or attach some other special and appropriate title to such an appointment, such as Distinguished Scholar in Residence, Distinguished Jurist, or Distinguished Lecturer, among others.** Notwithstanding the foregoing, however, the title chosen must differentiate this position from non-Lecturer positions already defined by law school policies. All appointees under this Section will hold the rank of Lecturer for purposes of law school policies, whatever their official title.
- (c) Lecturers shall receive an initial appointment to either a one-year contract or a two-year contract. Subsequent contracts may be for one, two, or three years. Within these parameters, the length of each contract, as well as the decision whether to offer or renew a contract, shall be in the discretion of the Dean after advising the Appointments Committee as provided in Section 7-111(c).
- (d) Lecturers may attend faculty meetings and participate in discussion but may not vote. Lecturers are also entitled to participate in the law school faculty retreat; to march in law school graduation exercises; to march in other University functions; and to receive faculty minutes.

Apr. 19, 2013

§ 7-115. Professional Law Librarians.

- (a) This policy applies to all professional library positions in the School of Law. Professional librarians are those who hold the M.L.S. degree (or its equivalent) from an ALA-accredited library school and who may hold an additional graduate degree, such as the J.D. degree from an ABA-approved school.

Among the other duties involved in directing the law library, it shall be the responsibility of the Associate Dean for Information Resources to identify new librarian candidates. In

doing so, consideration shall be given to university hiring policies. Appointment of a professional librarian requires the approval of the Dean of the School of Law and the President of the University or the appropriate designee.

- (b) Benefits of faculty status for Librarians include, but may not be limited to: participation in the law school faculty retreat for those Librarians holding the J.D. degree from an ABA-approved school; marching in law school graduation exercises; marching in other University functions; attendance at School of Law faculty meetings for those Librarians holding the J.D. degree from an ABA-approved law school with full discussion privileges, and with voting rights on matters directly affecting the library (as decided by the Chair); receipt of faculty minutes for informational purposes; and the opportunity to participate in professional development opportunities as described below.
- (c) Librarians may attend appropriate professional conferences and professional development meetings at University expense, dependent upon approval of the Associate Dean for Information Resources, and the availability of funds for such purposes.
- (d) All Librarian positions will be subject to a three-month probationary period. During this time, a new employee may be terminated without cause upon two (2) weeks' written notice. Discharge grievance procedures and/or appeals are not available to employees serving in this introductory period upon hire or rehire.

Librarians shall receive one-year appointments with the University. Each Librarian will meet annually for a formal review with the Associate Dean for Information Resources, and the Librarian's immediate supervisor to discuss progress. Areas of growth, challenges, projects completed, projects not completed, goals for the next year, general knowledge of the job, performance of assigned responsibilities, and commitment to the mission of the School of Law and Faulkner University will be addressed. The decision whether to renew the Librarian's contract will be made by the Dean of the School of Law upon recommendation of the Associate Dean for Information Resources and will be based upon the totality of the employment relationship including the annual review. Annual reviews shall take place before annual salary increases are considered.

During the second year of employment with the library, a formal review will be held during the Spring Semester. Following this review, the Associate Dean for Information Resources, in consultation with the Dean of the School of Law and the President of the University, may grant the Librarian a continuing appointment for the next three (3) years. During the first year of this appointment, the Librarian will receive a one (1) year contract with the full expectation that two (2) subsequent one (1) year contracts will be given in the absence of adequate cause for non-renewal, program termination or financial exigency. Thereafter,

the Librarian will be reviewed every three (3) years by the Associate Dean for Information Resources, **and the Librarian's immediate supervisor, if any, to determine** whether another three (3) year continuing appointment will be granted.

Unless grounds for dismissal for cause are found or a financial exigency or program termination occurs, a Librarian shall be presumptively entitled to continuing three-year appointments.

Reviews for contract renewal will be separate from reviews for salary increases but salary increases must take into consideration the performance as measured by the review for contract renewal.

- (e) During the first year of employment, the University **will give at least three (3) months'** written notice of non-renewal. **Thereafter, at least six (6) months' written notice of non-renewal** must be given.
- (f) A Librarian who is terminated for reasons of financial exigency, or due to program termination, may appeal the decision pursuant to the appropriate University procedures for grievances.
- (g) Other than for reasons of financial exigency or program termination during a period of appointment, a Librarian may be terminated only for cause. Evidence indicating cause may include, but shall not be limited to, any of the following:
 - (1) Serious neglect of duties;
 - (2) Gross misconduct, dishonesty, or turpitude;
 - (3) Professional incompetence or incapacity, including the inability to meet and sustain the minimum standards established by the Law Library or the School of Law relating to the duties imposed upon Librarians;
 - (4) Misconduct which causes injury or brings discredit to the School of Law and/or the University;
 - (5) A clear demonstration of a consistent pattern of disregard for the policies, the Christian values, or the mission of the School of Law or the University.
 - (6) Activity knowingly and willfully directed toward the violent overthrow of either the government of the United States or any State or political subdivision thereof.

- (h) Dismissal for cause will be preceded by:
 - (1) Discussions between the immediate supervisor, the Associate Dean for Information Resources, the Dean of the School of Law, and the Librarian looking toward a mutual resolution of the concerns.
 - (2) A statement of reasons for dismissal, framed with reasonable particularity by the Associate Dean for Information Resources, a copy of which shall be delivered to the Librarian.

The Librarian will have the right to grieve the dismissal in accordance with University grievance procedures.

- (i) Librarians are afforded all benefits provided by the University. The contract period for Librarians shall be twelve (12) months. Librarians shall receive all university holidays. Requests for personal days, sick time and vacation shall be approved by the Associate Dean for Information Resources.

Aug. 10, 2005; Rev. May 1, 2009; Apr. 19, 2013; Oct. 4, 2013

§ 7-116. Associate Dean for Information Resources.

- (a) The position of Associate Dean for Information Resources is an administrative position held by a member of the faculty. The Associate Dean for Information Resources is the full-time director of the law library, overseeing all Professional Law Librarians and library staff.
- (b) The Associate Dean for Information Resources is appointed to that administrative position by the Dean of the School of Law, and thereafter reports directly to the Dean. The Associate Dean for Information Resources must, at the time of such administrative appointment, be a member of the Tenured, Tenure-track, or Librarian faculty of the law school, hired in accordance with the hiring policies pertaining to the applicable one of these three faculty categories. Appointment to the position of Associate Dean for Information Resources may be simultaneous with hiring for the faculty position, although different procedures are required for the hiring than for the administrative appointment.

Oct. 4, 2013

§ 7-117. Emeritus Professor Designations.

- (a) Upon application of a candidate, or nomination by the Dean or a tenured faculty member, the Rank & Tenure Committee shall consider whether to recommend that a retiring faculty member be awarded the title of either “Professor of Law, Emeritus” (for those retiring from

full-time teaching) or “Dean Emeritus” (for those retiring from the position of Dean of the Law School). Any such recommendation by the Rank & Tenure Committee shall be forwarded to the Dean for approval, and upon the Dean’s approval, forwarded by the Dean to the President of the University. If the Dean is the candidate, the Rank & Tenure Committee may forward its recommendation directly to the President. If the President concurs with the positive recommendation of the Dean (if applicable) and the Rank & Tenure Committee, the President shall confer the title.

- (b) Designation as either “Professor of Law, Emeritus” or “Dean Emeritus” is designed to recognize the recipient’s service to the law school and to promote the collegial encouragement his or her continued presence can give to the younger faculty. Such a designation is honorary only and carries with it none of the privileges accorded faculty status except the right to use the title as part of the retiree’s self-description; the privilege to maintain an office, if space is available, including the continued use of phone, mail, email, copying, and technical assistance; and the privilege to participate in official law school ceremonies such as commencement exercises. A Professor of Law, Emeritus or Dean Emeritus is not by virtue of that title alone an employee of the law school, and thus the title itself does not denote membership in any of the categories of faculty employment delineated in Section 7-111(a).
- (c) For all designations of “Professor of Law, Emeritus” and “Dean Emeritus,” subsection (a) shall be binding for designations made in the year 2015 and after, and subsection (b) for designations made in the year 2014 and after.

Sept. 8, 2015

PART 2—EVALUATIONS OF PROFESSIONAL PERFORMANCE

§ 7-201. Evaluations of Tenure Track Faculty.

- (a) Each tenure track faculty member’s teaching shall be evaluated annually.
- (b) Each tenure track faculty member’s overall performance in the areas of teaching, scholarship and service shall be evaluated by the Rank and Tenure Committee in the faculty member’s third year on the tenure track, pursuant to § 7-301(a).

Sept. 21, 2004; Rev. Apr. 18, 2008; Apr. 17, 2019

§ 7-202. Annual Class Visitations.

It is the goal of the Rank and Tenure Committee to visit each tenure-track faculty member class session at least once each year. **More visits of a faculty member’s classes may occur in any semester** when deemed appropriate.

Sept. 21, 2004; Rev. Apr. 18, 2008

§ 7-203. Evaluators.

- (a) The Rank and Tenure Committee shall perform the class visitations and overall evaluation of all tenured members of the faculty pursuant to § 7-304(b) (2), and shall forward a copy of its report to the dean. The committee shall develop procedures for the evaluation process.
- (b) The Rank and Tenure Committee shall perform the overall evaluations of all members of the faculty who are on the tenure track, who are visiting professors, and who are Legal Research and Writing faculty, Clinical faculty, or lecturers.
- (c) All class visitations that are the responsibility of the Rank and Tenure Committee shall be performed by one or more members of the Rank and Tenure Committee and reported to the entire committee. A written visit report for each classroom visit shall be shared with the evaluated faculty member and kept on file with the committee.
- (d) Evaluations of adjunct faculty members, and teaching evaluations of law librarians who **teach, shall be performed by the Dean or the Dean's designee. Other evaluations of law librarians** shall be performed by the Associate Dean for Information Resources.

Sept. 21, 2004; Rev. Apr. 18, 2008; May 1, 2009; Apr. 17, 2019

§ 7-204. Standards for Evaluating Teaching.

- (a) **In General.** “Teaching” in its broadest sense includes teaching in or out of the classroom, by traditional methods or otherwise, and includes skills training and teaching in a clinical setting. Each faculty member must demonstrate proficiency in teaching, and must have excellence in teaching as a goal.
- (b) **Characteristics of Excellent Teaching.** Although teachers will demonstrate the following characteristics in varying degrees of proficiency, each is a characteristic of excellent teaching and should be taken into account in the evaluation of each faculty member:
 - (1) Mastery of the subject matter;
 - (2) Interest in teaching and careful preparation for class;
 - (3) Ability to communicate material in an analytical, organized, and interesting manner, whether by lecture, problem approach, Socratic dialogue, or other established or innovative techniques;

- (4) Ability to develop the students' analytical reasoning skills;
- (5) Ability to deepen and expand the students' understanding of the subject matter;
- (6) Expertise in engaging students in performance-based learning and in leading class discussions;
- (7) Use of challenging assignments and examinations;
- (8) **Appropriate evaluation of students' performance;**
- (9) Concern for students and accessibility to them outside of class;
- (10) Conscientious and skilled supervision of student writing and research;
- (11) Willingness to seek good teaching practices used in the academic community; and
- (12) Ability to inspire learning, diligence, intellectual rigor, and professional integrity.

Sept. 21, 2004

§ 7-205. Standards for Evaluating Research and Scholarship.

- (a) **In General.** Conducting research is an important academic exercise, and the quality of that research is an indication of competence and growth. The goal of excellence in teaching requires every faculty member to do research on a regular basis in connection with preparing for class. Moreover, the publication of the results of research and the insights gained **therefrom is a contribution to the body of knowledge, which is one of the law professor's obligations as a scholar.** Research is also required to perform well various types of professional service, such as speech making and serving on committees which work to improve the state of the law. Each faculty member must have excellence in research and scholarship as a goal.
- (b) **Characteristics of Excellent Scholarship.** Evaluating the significance and determining the weight to attach to any particular published work is a difficult task. Certainly the mere **counting of pages does not suffice. The piece's intrinsic merit is the primary basis of evaluation; this merit is seen in the piece's accuracy, integrity, comprehensiveness, originality, and style.** Relevant to the evaluation is the evaluator's **impression of the quality and quantity** of the intellectual effort made in producing the piece. The mastery of complex materials and innovative approaches to problems are very commendable while routine expository works of existing law have less merit.

The primary method for determining the quality of any published work is careful analysis of the work itself. In addition, the following factors may be useful in reaching a final evaluation:

- (1) The nature and quality of the publication in which the work appears;
- (2) The degree and extent of assistance by other scholars and/or an editorial staff;
- (3) Critiques and/or recognition of the work by outside experts, when available;
- (4) The form of the work as a rough gauge of quality (article in a scholarly periodical, law review article, book review, casebook, student text, practitioner text, teaching materials, printed speeches, electronic publishing, etc.); and
- (5) The degree and extent of assistance by students.

Sept. 21, 2004

§ 7-206. Standards for Evaluating Service.

- (a) **In General.** Serving others should be the touchstone of the life of each member of this faculty. Some of that service should be related to the **faculty member's status and expertise** as a teacher, lawyer, and legal scholar.
- (b) **Characteristics of Excellent Service.** Serving student organizations and groups is encouraged. Every faculty member is expected to do a significant amount of work on law school committees, including chairing committees, engaging in research and fact-gathering, and drafting of policies. In addition, other professional, educational, and legally-related service activities are particularly commendable, especially when they call upon the legal expertise of the faculty member or otherwise complement the faculty functions of teaching and scholarship. Examples of these activities include the following:
 - (1) Participation in local, state, and national government, including work on boards, commissions, task forces, and the like;
 - (2) Presentation of papers to professional, educational, and scholarly organizations;
 - (3) Participation in the affairs of professional, educational, and scholarly organizations;

- (4) Consultative activities with governmental or private groups; and
- (5) Pro bono service.

Sept. 21, 2004

§ 7-207. Preparation of Visitation Reports.

- (a) **Nature of Report.** A report of each class visited pursuant to Subsection 7-203(c) shall be produced by the visiting faculty member, shall be written in light of Section 7-204, and shall substantially conform to a form approved by the faculty for evaluating classroom teaching.
- (b) **Tentative Draft and Discussion.** After a tentative draft of the visitation report has been provided to the visited faculty member, he or she and the visiting faculty member shall discuss the class visited and the tentative draft.
- (c) **Final Report.** After the discussion, the visiting faculty member shall prepare the final Visitation Report, which may be either the same as or different from the tentative draft.

Sept. 21, 2004; Rev. Apr. 18, 2008; Feb. 11, 2010

§ 7-208. Preparation of Overall Evaluation Reports.

- (a) **Nature of Evaluation.** Pursuant to §7-301(a), under the direction of the chair of the Rank and Tenure Committee and in coordination with the faculty member being evaluated, the committee shall evaluate the faculty member's professional performance since the last such evaluation. In addition to any other relevant information, the evaluation shall take into account the following:
 - (1) Any information submitted by the faculty member for consideration in the evaluation process;
 - (2) Class visitations conducted pursuant to §7-203(c) and the visitation reports on those classes produced pursuant to §7-207;
 - (3) Student evaluations of the faculty member;
 - (4) Examinations given and student papers written in the faculty member's courses;
 - (5) The faculty member's publications;
 - (6) The faculty member's service; and

- (7) Any administrative responsibilities of the faculty member which are beyond those administrative responsibilities typically performed by a faculty member.
- (b) **Contents of Evaluation Report.**
- (1) The report on each teacher on the tenure track shall contain a section each about his or her teaching, scholarship, and service.
 - (2) The report on each visiting professor, instructor, lecturer, or adjunct professor shall consist of a report on his or her teaching.
 - (3) Each report's section on teaching shall include a report on student evaluations (including the average score for "overall effectiveness" in each class) and shall refer to the final Visitation Report(s), which shall be attached to the Evaluation Report together with the visited faculty member's response(s) to the final Visitation Report(s), if any.
 - (4) When the evaluated faculty member has administrative responsibilities beyond those typically performed by a faculty member, the Evaluation Report shall also contain a section about those administrative responsibilities.
 - (5) For evaluations of teachers on the tenure track, each report's section on scholarship shall include a statement of how many "units" of work, within the meaning of §7-303(b) and §7-306(b), the committee deems the teacher to have completed at the time of review, and which publications were counted in arriving at that number.
- (c) **Transmittal of Evaluation Report to Faculty Member.** A copy of the Evaluation Report shall be transmitted within a reasonable period to the faculty member being evaluated.
- (d) **Transmittal of Evaluation Report to Dean.** A copy of the Evaluation Report, together with a copy of any response to the report from the faculty member, shall be transmitted to the Dean for use in formulating decisions on such matters as retention, salary, and teaching assignments.
- (e) **Retention of Evaluation Report by the Committee.** A copy of the Evaluation Report, and a copy of any response to the report from the faculty member, shall be retained by the Rank and Tenure Committee to be considered in the future in assessing progress achieved by the faculty member and in formulating decisions on applications by the faculty member for promotion and/or tenure.

Sept. 21, 2004; Rev. Apr. 18, 2008

PART 3—PROMOTION AND TENURE

§ 7-301. General Procedures.

A recommendation with regard to promotion or the award of tenure is based on the judgment and recommendation of the Rank and Tenure Committee and the Dean as to whether the faculty member meets established criteria together with the **relationship between the faculty member's expertise and the law school's educational needs**. Final decisions concerning promotion are delegated by the Board of Trustees to the President and final decisions with regard to tenure are made by the Board of Trustees.

- (a) **Three Year Pre-Tenure Review.** The Rank and Tenure Committee shall undertake a review of tenure-track candidates during the third year of teaching to determine whether such candidates are making satisfactory progress toward tenure under the criteria set forth in both the Academic Standards for Tenure and the Standards for Professional Responsibility under §7-306 and §7-503. The candidates shall be counseled with regard to progress toward tenure, and the Dean shall be advised in writing of the Rank and Tenure Committee's views concerning the individual candidate's progress towards tenure.
- (b) **Effective Date for Promotion and Tenure.** When applications for promotion and tenure are approved by the President or the Board of Trustees, such promotion and/or tenure becomes effective with the beginning of the academic year following the year in which the decision is rendered.
- (c) **Notice.**
 - 1. The Dean shall, no later than September 1st of each year, send a notice to all faculty indicating eligibility for promotion and/or tenure, and the deadline for notification of intent to apply and the deadline for submitting the application.
 - 2. A faculty member must notify the Dean by September 15th of her/his intent to apply for either a promotion or tenure, and must include a list of potential experts for outside review of scholarship.
- (d) **Application.** Application for promotion or for tenure must be made to the Dean by a candidate by October 1st of the academic year in which the faculty member seeks the review. The Dean will forward the application to the Rank and Tenure Committee on or before October 15th of the same year.

- (e) **Failure to Apply or to Apply in a Timely Fashion.** Absent good cause determined by the Dean, the failure to apply in a timely manner for promotion will be deemed a waiver of the faculty member's right to such a review until the following academic year. Absent good cause, the failure to apply in a timely manner for tenure in the faculty member's mandatory tenure year has the same effect as the denial of tenure as provided hereafter. The determination whether good cause exists shall be solely within the discretion of the Dean.
- (f) **Evaluation File.** A candidate's evaluation file shall consist of two parts. The first part is the application prepared by the candidate. It must contain a letter requesting review for promotion and/or tenure, a detailed table of contents, a current curriculum vitae, evidence of teaching proficiency (including student evaluations, course syllabi, and instructional materials prepared by the faculty member), evidence of scholarship (including reprints, photocopies, or citations to articles and other scholarly materials), evidence of community service, and other evidence indicating compliance with the criteria and standards for promotion and tenure.

The second part of the evaluation file includes the reports prepared or received by the Rank and Tenure Committee, as well as reports prepared by or obtained by prior Rank and Tenure Committees. Customarily, this part will include written reports prepared by the members of the committee who visit the candidate's classes and written evaluations of the candidate's scholarship prepared by committee members and outside reviewers. Copies of all materials included in the second part of the evaluation file must be made available to the candidate upon request and must include all materials considered by the committee subject to the confidentiality provisions set forth in Section 7-301(f)1.

1. **Confidentiality.** The material contained in the evaluation file may be made available only to the Board of Trustees, the President, the Dean, the members of the Rank and Tenure Committee, and the candidate. The candidate is not bound to keep the information contained in the file confidential. However, the confidentiality of the contents of the outside reviews solicited under Sec. 7-301(f)2 shall be preserved by the Rank and Tenure Committee and shared only with the Dean.
2. **Outside Review.** The Rank and Tenure Committee will solicit review of a candidate's scholarship from experts outside the law school. The committee will send a candidate's scholarship to two reviewers, one selected by the committee and a second selected by the committee from a list of no less than three potential reviewers submitted by the candidate. This provision shall not apply to submissions for publication prior to adoption of this provision by current members of the faculty.

- (g) **Committee Recommendation.** After the evaluation is completed, the Rank and Tenure Committee must prepare a written report expressing the recommendation of the Committee to the Dean, stating the reasons and the factual basis which support the recommendation, and the number of votes for and against the report. Any dissenting views that the minority may wish to make may be included in the report. The written report must be conveyed to the Dean by the last day of January in the year of review. The recommendation to the Dean must be accompanied by the complete evaluation file including any reports prepared by the committee. The Dean shall provide the candidate with a copy of the report and the candidate may submit to the Dean a **written response to the committee's recommendation** no later than February 15th in the year of review. The committee's recommendation together with any response shall then be forwarded to the President.

Sept. 21, 2004; Rev. April 18, 2008; Nov. 15, 2010

§ 7-302. Schedule for Promotion.

The normal schedule for consideration for promotion is:

- (1) An Assistant Professor shall be recommended for promotion to Associate Professor by the Rank and Tenure Committee upon the Committee's finding that the Assistant Professor is making satisfactory progress towards tenure under Policy 7-301 and has satisfied the one "unit" publication requirement set forth in Policy 7-303 (b) (1).
- (2) An Associate Professor shall not be considered for promotion to Full Professor until one year after the award of tenure. An Associate Professor will normally not be considered for promotion prior to his or her seventh year as an Associate Professor at this law school. However, an Associate Professor with substantial teaching experience at another law school (ordinarily at least two years as an Associate Professor at another school) or with substantial experience in another area of the legal profession may be considered for promotion earlier than his or her seventh year as an Associate Professor at this law school if the person was hired with tenure at this law school.
- (3) Promotion shall not be regarded as automatic upon attainment of the time in rank stated in this section.

Sept. 21, 2004; Rev. Apr. 18, 2008; Nov. 15, 2010

§ 7-303. Academic Standards for Promotion.

- (a) Academic Standards for Promotion are to be judged by the qualitative measures set forth in §7-204, §7-205 and §7-206 in relation to the following criteria:

- (1) Teaching;
 - (2) scholarly research and publication; and
 - (3) service to the university and to the profession.
- (b) The relevant expectations for publication of scholarship are:
- (1) For promotion from Assistant Professor to Associate Professor, a faculty member **normally must have published at least one “unit” of work while at the law school.**
 - (2) For promotion from Associate Professor to Professor, a faculty member **normally must have published four “units” of work, at least one “unit” of which should have been completed following the award of tenure.**
 - (3) As a general guideline, a unit is an article of typical length and scope in a law journal or equivalent publication, such as a chapter in an academically oriented, edited volume. **“Law journal or equivalent publication” is to be understood as including any publication indexed in the Index to Legal Periodicals, the Current Law Index, and/or another appropriate specialized index.** The Rank and Tenure Committee may consider a given piece worth more than one unit or, in an unusual case, such a piece may be assigned a lesser value. Other written pieces, including but not limited to books, monographs, articles in other appropriate publications, book reviews, and the like shall receive appropriate unit valuation from the Rank and Tenure Committee.

Apr. 28, 2006; Rev. Apr. 18, 2008

§ 7-304. Tenure of Faculty.

(a) **Tenure’s Benefits**

- (1) **Purposes.** The award of tenure to faculty members in the law school is a high honor which is intended to serve at least the following purposes:
 - a. To further protect and promote the academic freedom of tenured faculty members in conformity with the commitment set forth in §6-301;
 - b. To attract and retain a highly competent faculty;

- c. To encourage excellent teaching, scholarship, and service by tenure-track faculty members;
 - d. To encourage tenured faculty members to contribute, even in less quantifiable or demonstrable ways, to the well-being of the law school and university to which their job security is tied; and
 - e. To encourage tenured faculty members to seek, recruit, approve, and mentor the most highly qualified candidates in the faculty hiring process, **without worrying that such a new hire might compete for or threaten one's own job security.**
- (2) **Privileges.** The award of tenure to a faculty member means that, in addition to the rights and privileges of a tenure-track faculty member, the faculty member is granted the following benefits:
- a. The University and the law school commit to employ the faculty member as a tenured faculty member of the law school until the faculty member dies, or voluntarily resigns or retires. Notwithstanding the foregoing, however, the employment may be terminated in cases of extreme financial exigency pursuant to §7-304(a)(3), or for good cause according to the procedures listed in §7-501(b). **"Good cause" for these purposes means that one or more of the factors listed in § 7-501(a) is demonstrated by clear and convincing evidence.**
 - b. The University and the law school commit to maintain or increase, but not **reduce, the tenured faculty member's salary and benefits throughout his or her term of employment.**
 - c. The University and the law school commit to assigning teaching and other duties to the tenured faculty member in a reasonable and equitable way, so as not to require more of any non-administrative tenured faculty member than is required of faculty members generally.
 - d. The University and the law school commit that the tenured faculty member will not be penalized for failure to accept any administrative position that may be offered, or for failure to agree to perform any special duty or assignment not performed by all faculty members generally.

- e. The law school expects continued scholarly productivity from its tenured faculty members throughout their employment, but the University and law school commit that the tenured faculty member will not be penalized for failing to maintain the level or pace of scholarly productivity that is required as a condition of the initial award of tenure.

(3) **Extreme financial exigency.**

- a. “Extreme financial exigency” as used in this section means that after reasonable investigation, the Dean and a majority of the members of the Rank and Tenure Committee believe that:
 - 1. The Law School or the University faces an imminent financial crisis that threatens the survival of one or both of these institutions; and
 - 2. The crisis cannot be alleviated by less drastic means than terminating the employment of one or more tenured faculty members; and
 - 3. The employment of such tenured faculty member(s) is not being terminated in favor of retaining any untenured faculty member; and
 - 4. No new faculty appointments will be made as long as the extreme financial exigency continues; and
 - 5. The terminated position of the tenured professor(s) will not be filled by a replacement for a period of at least three years following the termination.
- b. Any tenured professor dismissed due to extreme financial exigency shall, upon dismissal, be provided with a copy of a written declaration of the Dean and the Rank and Tenure Committee attesting to the presence of each of the conditions listed above.

(b) **Tenure’s Limitations:**

The only faculty members eligible for tenure are those on tenure track at the rank of Associate Professor or above. Those not eligible for tenure include Visiting Professors of any rank, Instructors, Lecturers, full time faculty members appointed for a limited period of time, adjunct faculty members, part time faculty members, and faculty members accorded Emeritus status. Tenure granted to a member of the faculty of the law school is limited to

the law school and is not transferable to another school, college, or division of Faulkner University.

- (1) Although a tenured faculty member may hold an administrative position, his or her tenure does not apply to any such administrative position.
- (2) Each tenured faculty member is subject to a thorough review of performance by the Rank and Tenure Committee once every five years as provided in § 7-203 (a).

Apr. 28, 2006; Rev. Apr. 18, 2008; May 1, 2009

§ 7-305. Normal Schedule for Tenure Consideration.

Except as provided in subsections (a) through (c) below, in order to be considered for tenure, a Tenure-Track Faculty member must have completed five years of full-time teaching in the law school, and for all of these years the faculty member must have been on the tenure track at this law school. A faculty member can request to be considered for tenure one time only and must be considered for tenure no later than the seventh year of full-time teaching. The following are exceptional circumstances:

- (a) For a Tenure-Track Faculty member who was previously on the tenure track at a nationally accredited law school, up to three of the required five years may be considered to have been served in full-time teaching at such other law school. A minimum of two years of full-time teaching at the law school would thus be required for consideration under this exception. Time spent as a Visiting Professor, Lecturer, or other non-tenure-track position shall not be counted toward any part of this two-year minimum requirement.
- (b) A faculty member who was previously tenured at a law school approved by the American Bar Association ordinarily may be considered for tenure after one year of full-time teaching at the law school. This one-year period may be spent as a visiting professor at the law school while on leave from the tenured position at the other law school.
- (c) Under unusual circumstances, a tenured faculty member at a law school approved by the American Bar Association may be considered for an award of tenure contemporaneously with the initial teaching appointment at the law school.

Apr. 28, 2006; Rev. Apr. 18, 2008; Apr. 19, 2013

§ 7-306. Academic Standards for Tenure of Teaching Faculty.

Except as provided for the Associate Dean for Information Resources in §7-307, candidates seeking tenure must demonstrate compliance with following standards of academic achievement by reference to qualitative measures set forth in §7-204, §7-205, and §7-206.

- (a) The faculty member has developed a high level of competence in classroom teaching and is committed to continued improvement in teaching skills;
- (b) The faculty member has a record of scholarly research and publication consisting of at least **three “units” that demonstrate a high level of expertise in a significant area of law.** The faculty member must also demonstrate a commitment to adding to such record;
- (c) The faculty member has a record of service to the University and the profession;
- (d) The faculty member offers such potential for continuing professional achievement in the areas of teaching, scholarship and service that the continuous appointment of that person to the faculty of the law school will contribute significantly to the furtherance of the programs and goals of the law school.

Apr. 28, 2006; Rev. Apr. 18, 2008; Oct. 4, 2013

§ 7-307. Criteria for Tenure of the Associate Dean for Information Resources.

- (a) If the Associate Dean for Information Resources is untenured when appointed to that position, he or she may choose at the time of appointment or thereafter to apply for tenure, by so notifying the Dean and the chair of the Rank and Tenure Committee in writing. Such notifications should be filed no later than September 15 of the academic year in which the applicant seeks the review. The notifications must include a list of at least three experts who might serve as outside reviewers of scholarship. In addition, by October 1 of the same year, the applicant must submit to the chair of the Rank and Tenure Committee an application file conforming to the requirements for application files as detailed in Section 7-301(f). If the candidate has not regularly taught classes, however, the file need not contain evidence of teaching proficiency, and the evaluations of teaching effectiveness will be relaxed or eliminated as appropriate. Except as otherwise provided here in Section 7-307, the procedures for evaluating the tenure application will be those specified in Section 7-301 pertaining to tenure applications generally.
- (b) All of the criteria stated in Section 7-306 apply to the consideration of tenure of the Associate Dean for Information Resources except that the criteria related to teaching in Subsections (a) and (d) of that Section do not apply if the Associate Dean for Information Resources has not regularly taught classes. The criteria stated in Subsection (b) of that Section may be met by research and publication on issues related to law libraries.

- (c) In addition, to be recommended for tenure, the Associate Dean of Information Resources shall demonstrate excellence in librarianship. Aspects of librarianship to be considered include all those appropriate to the law library, including substantial ability to
- (1) review, evaluate and organize the operating procedures of the Law Library and the performance of its personnel;
 - (2) preserve and build the law library collection and technology resources in a systematic and efficient manner;
 - (3) motivate the staff to respond to faculty and student expectations for efficient library services;
 - (4) develop Law Library services as part of the University's library system;
 - (5) assist and enhance the scholarly activities of the faculty;
 - (6) develop and take steps toward meeting long-range goals for enhancing the excellence and reputation of the Law Library; and
 - (7) make efficient use of budgeted resources.

Apr. 28, 2006; Rev. Oct. 4, 2013

PART 4—APPOINTMENT OF THE DEAN

§ 7-401. Responsibility of the President.

Appointment of the person holding the office of Dean of the School of Law will be made by the President of the University pursuant to recommendations made by majority vote of all full-time faculty members who are tenured or on tenure-track in the School of Law.

Apr. 28, 2006

§ 7-402. Dean Search Committee.

Upon determination that the appointment of a new Dean is necessary, the President shall appoint a search committee, the majority of whom shall be faculty members holding tenure in the School of Law.

§ 7-403. Selection of candidates.

The search committee shall solicit nominations for the position of Dean of the Law School. Upon determination of the qualifications of such candidates, the committee shall invite such of them to campus as it believes will offer the faculty a reasonable basis for selection of the most qualified candidate.

Apr. 28, 2006

§ 7-404. Recommendation to the President.

Following completion of such interviews, the tenured and tenure-track faculty shall forward no more than three candidates who are acceptable to a majority of the tenured and tenure-track faculty to the President. While the President shall not be bound to act according to the recommendations of the faculty, the President shall not appoint a person to the position of Dean who is unacceptable to a majority of the tenured and tenure-track faculty of the School of Law.

Apr. 28, 2006

§ 7-405. Extraordinary Promotion of Dean.

If a candidate selected by the President and faculty and appointed to the office of Dean does not already hold the rank of Professor of Law, the Rank and Tenure Committee shall be authorized, notwithstanding the provisions of Sections 7-301 through 7-303, to recommend to the Dean and the President, upon its own motion, that the candidate be promoted to the rank of Professor of Law.

Mar. 18, 2014

PART 5—DISMISSAL PROCEDURES AND PROFESSIONAL RESPONSIBILITIES

§ 7-501. Dismissal of Tenured Faculty Members for Good Cause.

- (a) If the Dean decides that it is necessary to initiate a proceeding to dismiss a tenured faculty member evidence indicating good cause must include one or more of the following:
1. The faculty member is physically or mentally impaired such that he or she is no longer able to perform the essential duties of the position even with reasonable accommodation;
 2. The faculty member has substantially and manifestly neglected his or her professional responsibilities or one or more duties of the job (for example, teaching classes) which were previously agreed upon;

3. The faculty member has been convicted of a crime of moral turpitude in a court of law, or has divulged information in violation of legal standards governing confidentiality at Faulkner University;
 4. The faculty member is guilty of academic dishonesty, including but not limited to plagiarism, accepting bribes from students, or falsifying research;
 5. The continued employment of the faculty member poses a significant threat to the physical safety of another or the physical security of the campus;
 6. The faculty member has engaged in grievous sexual or racial harassment; or
 7. The faculty member has clearly demonstrated a consistent pattern of disregard for or disagreement with the Christian values or mission of the law school. Examples of conduct rising to this level would include conversion to a non-Christian religion, profession of atheism, repeated public denunciations of Christ, or repeated public assertions that Christian education is a misguided enterprise.
- (b) Dismissal of a tenured faculty member for cause shall be governed by the following rules and shall conform to the ABA Standards for Approval of Law Schools found in Appendix 1: Statement on Academic Freedom and Tenure:
1. Any such dismissal must be preceded by discussions between the Associate Dean for Academic Affairs, the Dean of the School of Law, and the faculty member looking toward a mutual resolution of the concerns. Should a mutual resolution of the concerns not occur the Dean shall submit a detailed written charge particularizing the cause for dismissal to the Rank and Tenure Committee with a copy provided to the faculty member.
 2. At the request of the faculty member, the Rank and Tenure Committee shall provide notice and conduct a full hearing where evidence of good cause as provided in Subsection (a) of this section shall be presented by the Dean or representative of the Dean.
 3. The hearing shall be conducted as follows:
 - a. The hearing shall be made convenient to all parties.

- b. The faculty member and the Dean shall have the right to appear in person before the Rank and Tenure Committee. Each will also have the right to have a separate advisor or counsel present.
 - c. The hearing will not be bound by legal rules of evidence but will consider any evidence of probative value. Each party will have the right to call witnesses and present evidence. Both the faculty member and the institution(s) shall have the right to confront and cross-examine all witnesses.
 - d. The burden of proof shall rest with those supporting the dismissal and will be satisfied only by clear and convincing evidence presented in the hearing.
- 4. If the tenured faculty member has requested such a hearing, dismissal of the faculty member cannot occur unless, after hearing and deliberation, a majority of the Rank and Tenure Committee are convinced by clear and convincing evidence that one or more of the particular causes listed in Subsection (a) of this section is proven.
 - 5. If a majority of the Rank and Tenure Committee is not convinced that cause for dismissal has been proven the matter shall be dismissed and no further action taken.
 - 6. If a majority of the Rank and Tenure Committee decides that the cause for dismissal is proven, a written report indicating the number of votes for and against the charge, and setting forth a summary of the evidence substantiating the charge, shall be provided by the Committee to the Dean and faculty member. Dissenting reports by the minority of the Rank and Tenure Committee, if any, shall be attached to the majority report.
 - 7. **After receipt of the Rank and Tenure Committee's written report finding that the cause for dismissal has been proven, the Dean shall review the matter and in his discretion dismiss or otherwise resolve the matter with the faculty member.**
 - 8. The faculty member will have the right to grieve his dismissal in accordance with University grievance procedures.

Apr. 18, 2008; Rev. May 1, 2009

§ 7-502. Dismissal of Untenured Tenure-track Faculty Members for Cause.

- (a) Dismissal for cause under §7-502(b) of an untenured teacher shall be conducted as follows:

1. Discussions between the Associate Dean for Academic Affairs, the Dean , and the faculty member looking toward a mutual resolution of the concerns.
 2. A statement of reasons for dismissal, framed with reasonable particularity by the Dean of the School of Law, a copy of which shall be delivered to the faculty member and to the Rank and Tenure Committee.
 3. An informal hearing before the Rank and Tenure Committee, shall be held upon petition by the faculty member, or the Dean, where the matter shall be considered and a recommendation from the Committee shall be provided to the Dean.
 4. **The Dean shall give such the Rank and Tenure Committee's recommendation due** consideration, however, the final decision shall rest with the Dean, who shall have sole discretion to dismiss the untenured faculty member or otherwise resolve the issue.
 5. The faculty member will have the right to grieve the dismissal in accordance with University grievance procedures.
- (b) Dismissal of an untenured faculty member shall be for one or more of the following causes.
1. Failure to make adequate progress towards tenure.
 2. The faculty member has substantially and manifestly neglected his or her professional responsibilities or one or more duties of the job (for example, teaching classes) which were previously agreed upon;
 3. The faculty member has been convicted of a crime of moral turpitude in a court of law, or has divulged information in violation of legal standards governing confidentiality at Faulkner University;
 4. The faculty member is guilty of academic dishonesty, including but not limited to plagiarism, accepting bribes from students, or falsifying research;
 5. The faculty member has completed a terminal one year of service subsequent to a failure to receive tenure.
 6. The continued employment of the faculty member poses a significant threat to the physical safety of another or the physical security of the campus;

7. The faculty member has engaged in grievous sexual or racial harassment; or the faculty member has clearly demonstrated a consistent pattern of disregard for or disagreement with the Christian values or mission of the law school. Examples of conduct rising to this level would include conversion to a non-Christian religion, profession of atheism, repeated public denunciations of Christ, or repeated public assertions that Christian education is a misguided enterprise.
8. The faculty member is physically or mentally impaired such that he or she is no longer able to perform the essential duties of the position even with reasonable accommodation.

Sept. 21, 2004; Rev. Apr. 18, 2008; May 1, 2009

§ 7-503. Standards of Professional Responsibility.

It is expected that every faculty member shall be committed to the missions and welfare of the University and the law school. This commitment is demonstrated among other things by honoring the following duties:

- (a) **Cancellation of Classes.** Regularly scheduled classes should not be cancelled without the prior permission of the Associate Dean for Academic Affairs, when such permission is practical to obtain. In the case of emergencies, such as an unexpected illness, every effort should be made to notify the Associate Dean for Academic Affairs as soon as possible after the emergency arises.
- (b) **Review of Examinations.** All faculty members are expected to engage in reasonable post-examination review with students, preferably individual reviews, upon request. Faculty members may choose to carry out this policy using alternative means, such as by holding a general review concerning the examination open to all students or by providing an outline or exemplar of good examination answers.
- (c) **Interaction with Students.** Faculty members are expected to meet and interact with students on a regular basis outside the classroom. Student advising and sponsorship of student activities are among the most important non-classroom responsibilities of faculty members.
- (d) **Outside Employment.**
 - (1) The law school recognizes that consulting work may be a valuable professional experience for full-time faculty members. However, consulting work must not interfere with the faculty member's responsibilities as a full-time member of the faculty.

A faculty member should not cancel class in order to arrange for consulting work. Generally, consulting work should not consume more than ten hours per week. This policy does not apply during the summer if the faculty member has not received a research or teaching assignment for the summer.

- (2) Generally, the subject matter of a full-time faculty member's consulting work should be related to **the faculty member's teaching or research expertise**. Prior permission to consult should be received from the dean.
- (3) A full-time faculty member should neither have an "of counsel" relationship with a law firm nor permit his or her name to be listed on law firm stationery, except as permitted by the Dean.

(e) **Conflicts of Interest.**

- (1) Conflicts of interest in the law school context may arise in a variety of ways and are to be avoided in all cases. In any instance where a conflict of interest may arise, it is the responsibility of a faculty member to consult with the dean.
- (2) In dealings or relationships with students, a faculty member has a responsibility to avoid any apparent or actual conflict between professional responsibilities and personal interests. In the interest of preventing conflicts of interest and to avoid the very appearance of impropriety, a faculty member cannot render legal advice to or undertake legal representation of any student enrolled at Faulkner University or Jones School of Law at the time the advice or representation is sought.
- (3) In using the law school's name, official stationery, facilities, and pictures, a faculty member should do nothing to leave the impression that such use is in support of the faculty member's personal interests.
- (4) Faculty members will be provided such secretarial services as are needed for their professional work. Secretaries are not permitted to work on the personal affairs of faculty members during normal business hours. A secretary who works on the personal affairs of a faculty member must do so as an employee of the faculty member, and not as an employee of the University.

- (f) **Outside Grants.** Faculty members are encouraged to seek research or study grants from agencies and foundations outside the law school or the University. Such grants may not be requested until the faculty member involved has discussed the matter with the dean, who

will decide whether to discuss it with appropriate University officials to avoid competing grant requests to the same agencies and foundations.

- (g) **Use of Copyrighted Material.** Faculty members are expected to adhere to controlling copyright laws.
- (h) **Attendance at Commencement.** Full-time faculty members are expected to attend the commencement ceremony.
- (i) **Standard Teaching Load.**
 - (a) The standard teaching load for a full-time faculty member, not including clinical faculty, is between ten and thirteen semester hours per academic year. Specific course assignments are made after consultation between the faculty member and the dean or the Associate Dean for Academic Affairs.
 - (b) From time to time, faculty members may be afforded the opportunity to teach a reduced load. Request for a reduced load should be made to the dean and specify the professional reasons for the request.

Sept. 21, 2004; Rev. Apr. 18, 2008; Jan. 20, 2015

PART 6—FACULTY GOVERNANCE

§ 7-601. In General.

- (a) The Dean and the faculty shall formulate and administer the educational program of the law school, including curriculum; methods of instruction; admissions; and academic standards for retention, advancement, and graduation of students; and shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of the faculty.
- (b) Both the Dean and the faculty shall have a significant role in determining educational policy.

Sept. 21, 2004

§ 7-602. Faculty Meetings.

- (a) The faculty shall have meetings as needed to transact business.

- (b) All faculty members, whether full-time or part-time (regardless of whether they are tenured, on the tenure track, or have a term appointment, including adjunct faculty members) may attend, and participate in discussion at, all meetings of the faculty.
- (c) All faculty members who are tenured or on the tenure track may vote at faculty meetings, except that the dean may vote only to make or break a tie. Visiting faculty, Lecturers, and adjunct faculty may not vote. Legal research and writing faculty and clinical faculty who are employed on a contract basis but who are not eligible for tenure may vote on all matters except personnel matters. Librarians holding the J.D. degree from an ABA-approved law school may vote on matters directly affecting the library. The Dean shall rule on all issues of voting rights and enfranchisement. **The Dean's decision shall be subject to appeal to the tenure-track and tenured faculty.**
- (d) Voting at faculty meetings shall not be by written ballot unless (1) the vote involves a decision about a specific individual, (2) so ordered by the chair on his or her own motion, or (3) upon request of any faculty member eligible to vote and present at the meeting.
- (e) Faculty action must be by not less than a majority of the faculty members who are eligible to vote and who are present at the meeting.
- (f) A quorum requires the presence, in person, of a majority of the faculty members who are eligible to vote and who are not on sabbatical or authorized leave.
- (g) A quorum is required at each meeting of the faculty. No action taken in the absence of a quorum at a faculty meeting is binding, and this rule as to quorum may not be suspended by motion.

Sept. 21, 2004; Rev. Apr. 19, 2013

§ 7-603. Minutes of Faculty Meetings.

Minutes of each faculty meeting shall be taken and distributed to all faculty members. All faculty members shall have access to the approved minutes of faculty meetings permanently on file in the office of the Assistant Dean of Students or such other person as designated by the Dean.

Sept. 21, 2004; Sept. 11, 2018

§ 7-604. Standing Committees.

- (a) At the beginning of each academic year, the dean shall appoint a chairperson and members to the following committees of the faculty: Academic Standards; Admissions; Advocacy; Appointments; Clinics, Externships, and Pro Bono; Curriculum; Information Resources and Facilities; Outcomes and Assessments; and Student Life. The dean shall appoint a

chairperson and members to a Strategic Planning or Self-Study committee on an as-needed basis.

- (b) The Rank and Tenure Committee shall be composed of all faculty members holding tenure in the School of Law. The Committee shall choose its chairperson at the beginning of the academic year. In the event that the Associate Dean for Academic Affairs is untenured, then the Dean shall be permitted to appoint the Associate Dean as an ex officio member of the Committee.
- (c) A student shall serve on each of the following committees: Academic Standards; Clinics, Externships, and Pro Bono; Curriculum; Information Resources and Facilities; and Student Life.
- (d) Whenever a question arises as to which committee has jurisdiction over a given matter, a decision as to the committee to assume responsibility for the matter shall be made by the chairpersons of the committees which possibly have jurisdiction.
- (e) Lecturers and adjunct faculty members may not be appointed to faculty committees. Visiting Professors shall be appointed to faculty committees in an ex officio capacity (without voting rights on such committees).

Sept. 21, 2004; Rev. Aug. 10, 2005; Apr. 12, 2012; Apr. 19, 2013; Sept. 11, 2018

APPENDIX ONE

PROMOTION AND TENURE POLICIES 2005–2006

PART 3—PROMOTION

§ 7-301. Normal Schedule for Promotion Considerations.

- (a) An Assistant Professor who has not been on the tenure track at another law school will normally not be considered for promotion prior to his or her third year at this law school, for implementation at the beginning of the fourth year. However, an Assistant Professor with substantial teaching experience at another law school may be considered for promotion during his or her second year at this law school.
- (b) An Associate Professor will normally not be considered for promotion prior to his or her third year as an Associate Professor at this law school. However, an Associate Professor with substantial teaching experience at another law school (ordinarily at least two years as an Associate Professor at another school) or with substantial experience in another area of the legal profession may be considered for promotion earlier than his or her third year as an Associate Professor at this law school if the person was hired with tenure at this law school.
- (c) Promotion shall not be regarded as automatic upon attainment of the time in rank stated in this section.

Sept. 21, 2004

§ 7-302. Roles in the Promotion Process.

- (a) The President of Faulkner University makes each decision to promote a member of the faculty.
- (b) No promotion shall be made without a recommendation, either affirmative or negative, from the dean.
- (c) No promotion recommendation from the dean shall be made without a recommendation, either affirmative or negative, from the Committee on Rank and Tenure.

Sept. 21, 2004

§ 7-303. Relevant Factors and Expectations for Promotion.

- (a) In connection with each decision regarding a recommendation for promotion, relevant factors shall include the quality of the faculty member's
 - (1) Commitment to the missions of the University and of the law school,
 - (2) Teaching,
 - (3) Scholarly research and publication,
 - (4) Service to the University and the profession,
 - (5) Advising students, and
 - (6) Contribution to the welfare of the University and its students.
- (b) Normal Expectations for Publication of Scholarship.
 - (1) For promotion from Assistant Professor to Associate Professor, a faculty member **normally must have published at least one “unit” of work while at the law school.**
 - (2) For promotion from Associate Professor to Professor, a faculty member **normally must have published two “units” of work, at least one “unit” of which should have been completed while an Associate Professor at the law school.**
 - (3) As a general guideline, a unit is an article of high merit of typical length and scope in a law journal or equivalent publication, such as a chapter in an academically oriented, edited volume. **“Law journal or equivalent publication” is to be understood as including any publication indexed in the Index to Legal Periodicals, the Current Law Index, and/or another appropriate specialized index. The Rank and Tenure Committee may consider a given piece worth more than one unit, or in an unusual case such a piece may be assigned a lesser value. A “unit” that is published in a law journal or equivalent publication is presumed to satisfy the requirements of this section as to “high merit.” Other written pieces, including but not limited to books, monographs, articles in other appropriate publications, book reviews, and the like shall receive appropriate unit valuation from the Rank and Tenure Committee.**

Sept. 21, 2004

§ 7-304. Procedures of the Rank and Tenure Committee.

- (a) The Committee on Rank and Tenure shall initiate consideration of promotion of a faculty member when he or she makes application in writing to the chair of the committee.
- (b) Each faculty member making application for promotion shall provide the following to the committee:
 - (1) A detailed statement of his or her professional activities;
 - (2) Copies of all of his or her publications; and
 - (3) Any other material that the faculty member wishes to be considered by the committee.
- (c) The chair of the committee shall appoint a subcommittee consisting of not more than three members to evaluate the faculty member being considered for promotion. That subcommittee shall make a written report to the committee no later than 45 days following the date of its appointment. Such report shall evaluate the faculty member in light of the standards specified in Sections 7-204, 7-205, and 7-206, and shall make a recommendation as to what action should be taken by the committee.
- (d) In evaluating candidates for promotion, it shall be within the discretion of the subcommittee and of the Committee on Rank and Tenure to seek the evaluation of other qualified persons as to whether the candidate meets the standards for promotion in rank insofar as those standards may be recognized by the legal profession, by legal educators, and by the University community.
- (e) The committee shall meet soon after receipt of the evaluation report from the appointed subcommittee.
 - (1) A recommendation for promotion in rank shall be made only upon majority vote of the committee.
 - (2) Members of the committee holding the rank of Associate Professor are entitled to participate in the evaluation of candidates for promotion from Assistant to Associate Professor but not in the evaluation of candidates for promotion from Associate Professor to Professor.

- (3) When a faculty member applies for consideration for promotion and tenure at the same time, the committee shall consider each application on its own merits. When appropriate, the committee shall make an affirmative recommendation on one application and a negative recommendation on the other application.
- (4) A member of the committee who applies for promotion shall not participate in any of the committee's **deliberations on such member's application, nor shall the member** be permitted to vote on such application.
- (f) The committee shall submit its recommendation, whether affirmative or negative, to the dean. A copy of the committee's recommendation shall also be provided to the faculty member.

Sept. 21, 2004

§ 7-305. Committee's Recommendation to President.

The dean shall submit to the President a copy of the committee's recommendation along with his or her recommendation.

Sept. 21, 2004

PART 4—TENURE

§ 7-401. Faculty Members Eligible for Tenure.

- (a) The only members of this faculty eligible for tenure are those on the tenure track at the rank of Associate Professor or above.
- (b) Those not eligible for tenure include Visiting Professors, Visiting Associate Professors, Visiting Assistant Professors, Instructors, Lecturers, full-time faculty members appointed for a limited period of time, adjunct faculty members, part-time faculty members, and faculty members accorded Emeritus status.

Sept. 21, 2004

§ 7-402. Tenure's Limitations.

- (a) Tenure granted to a member of the faculty of the law school is limited to the law school and is not transferable to another school, college, or division of Faulkner University.
- (b) Although a tenured faculty member may hold an administrative position, his or her tenure does not apply to any such administrative position.

- (c) Each tenured faculty member is subject to a thorough review of performance by the dean every year. If the dean decides that it is necessary, he or she may recommend to the President that the University initiate a proceeding to dismiss a tenured faculty member for cause.

Sept. 21, 2004

§ 7-403. Normal Schedule for Tenure Considerations.

In order to be considered for tenure in the normal course, a faculty member must have completed five years of full-time teaching in the law school. A faculty member must be considered for tenure no later than the seventh year of full-time teaching. The following are exceptional circumstances:

- (a) For a faculty member who was previously on the tenure track at a nationally accredited law school, up to three of the required five years may be considered to have been served in full-time teaching at such other law school. A minimum of two years of full-time teaching at the law school would thus be required for consideration under this exception.
- (b) A faculty member who was previously tenured at a nationally accredited law school ordinarily may be considered for tenure after one year of full-time teaching at the law school. This one-year period may be spent as a visiting professor at the law school while on leave from the tenured position at the other law school.
- (c) Under unusual circumstances, a tenured faculty member at a nationally accredited law school may be considered for an award of tenure contemporaneously with the initial teaching appointment at the law school.

Sept. 21, 2004; Rev. Feb. 15, 2005

§ 7-404. Roles in the Tenure Process.

- (a) After receiving a recommendation from the President of Faulkner University, the Board of Trustees of the university makes each decision to award tenure to a member of the faculty.
- (b) No recommendation for tenure shall be made without a recommendation, either affirmative or negative, from the dean.
- (c) No tenure recommendation from the dean shall be made without a recommendation, either affirmative or negative, from the Committee on Rank and Tenure.

Sept. 21, 2004

§ 7-405. Criteria for Tenure of Teaching Faculty.

Except as provided for the Director of the Law Library in Section 7-406, each of the following criteria must be met by a faculty member before he or she is recommended for tenure:

- (a) The faculty member is committed to the missions of the University and of the law school;
- (b) The faculty member has developed a significant level of expertise in a significant subject area of the law;
- (c) The faculty member has developed a high level of competence in classroom teaching and is committed to continued improvement in teaching skills;
- (d) The faculty member has a record of scholarly research and publication and a commitment to adding to such record;
- (e) The faculty member has a record of service to the University and the profession;
- (f) The faculty member has demonstrated a commitment to the advising of students;
- (g) The faculty member has made significant contributions to the welfare of the University and its students; and
- (h) The faculty member offers such potential for continuing professional achievement that the continuous appointment of that person to the faculty of the law school will contribute significantly to the furtherance of the programs and goals of the law school.

Sept. 21, 2004

§ 7-406. Criteria for Tenure of the Director of the Law Library.

- (a) All of the criteria stated in Section 7-405 apply to the consideration for tenure of the Director of the Law Library except that the criteria stated in Subsections 7-405(c) and (f) do not apply if the Director has not regularly taught classes. The criterion stated in Subsection 7-405(d) may be met by research and publication on issues related to law libraries.
- (b) In addition, to be recommended for tenure, the Director of the Law Library shall demonstrate excellence in librarianship. Aspects of librarianship to be considered include all those appropriate to the law library, including substantial ability to

- (1) review, evaluate, and organize the operating procedures of the Law Library and the performance of its personnel;
- (2) preserve and build the law library collection and technological resources in a systematic and efficient manner;
- (3) motivate the staff to respond to faculty and student expectations for efficient library services;
- (4) **develop Law Library services as a part of the University's library system;**
- (5) assist and enhance the scholarly activities of the faculty;
- (6) develop and take steps toward meeting long-range goals for enhancing the excellence and reputation of the Law Library; and
- (7) make efficient use of budgeted resources.

Sept. 21, 2004

§ 7-407. Procedures of the Rank and Tenure Committee.

- (a) The Committee on Rank and Tenure shall initiate consideration of tenure for a faculty member when he or she makes application in writing to the chair of the committee.
- (b) The procedures stated in Section 7-304 shall be followed by the committee in its consideration of an application for tenure. The report of the committee's subcommittee shall—in addition to evaluating the faculty member in light of the standards specified in Sections 7-204, 7-205, and 7-206—also evaluate him or her in light of the criteria specified in Section 7-405 (if a teaching faculty member) and 7-406 (if the Director of the Law Library).

Sept. 21, 2004

§ 7-408. Committee's Recommendation to President.

The dean shall submit to the President a copy of the committee's recommendation along with his or her recommendation.

Sept. 21, 2004

§ 7-409. Failure to Gain Tenure.

A faculty member who fails to gain tenure within the time specified in § 7-403 above will be offered a terminal year contract for the following academic year. At the conclusion of that terminal year contract, no further contract may be offered.

Feb. 15, 2005

§ 7-410. Review of Tenure Track Candidates

A review of tenure track candidates will be undertaken by the Rank and Tenure Committee during the third year of teaching to determine whether such candidate is making satisfactory progress toward tenure and the candidate shall be counseled with regard to progress toward tenure.

Feb. 15, 2005

APPENDIX TWO

PROCEDURES AND STANDARDS FOR PROMOTION OF LRW AND CLINICAL PROFESSORS

Our Policy Manual, §§ 7-112 – 7-113, requires for promotion in rank from Research and Writing or Clinical Assistant Professor of Law to Research and Writing or Clinical Associate Professor of Law that distinction be gained in teaching, scholarship or service. However, the primary focus and duty of every Research and Writing and Clinical professor should be to become an excellent teacher. Thus before any promotion will be recommended by the Rank and Tenure Committee, a very strong foundation in teaching must be demonstrated. This foundation should be laid over the course of at least three years of teaching at Faulkner, after which time the professor may apply for promotion.

Applications for promotion should be submitted to the chair of the Rank and Tenure Committee no later than October 1 and should be comprised of a letter of application, curriculum vita, letter of self-reflection, and full documentation of distinguished teaching, scholarship or service. The chair will consult with the applicant on special issues such as outside reviewers of scholarship if that is the basis for promotion. By February 1, the Rank and Tenure Committee will submit its recommendation and supportive facts and rationale to the Dean and applicant, with the ultimate decision to promote being within the discretion of the Dean.

The standards set forth for promotion and tenure articulated in Part 7 of the Manual of Policies shall guide the Rank and Tenure **committee in judging the applicant's teaching, scholarship and service.** As a general guideline, at least two high quality law review articles should be produced by the applicant to support an application for distinction in scholarship. Further, it is the Rank and Tenure Committee's view that **promotion is a high honor that is not to be gained as a matter of course but as a reflection of true distinction in teaching, scholarship or service.**

APPENDIX THREE

PROCEDURES FOR RETENTION OF LRW FACULTY

The Rank and Tenure Committee is charged by the faculty with review and evaluation of the LRW Faculty. The decision whether to renew the faculty member's contract will be made by the Dean of the School of Law upon recommendation of the Rank and Tenure Committee and will be based upon the totality of the employment relationship including the annual review. Annual reviews shall take place before annual salary increases are considered.

Set out below are the procedures and expectations for the reviews.

First Year Evaluation

Early in the second semester of the professor's first year of teaching, members of the Rank and Tenure Committee will evaluate the professor based on the criteria outlined in § 7-112(d) of the Faculty Policy Manual and more specifically explained here. The Rank and Tenure Committee, or a sub-committee thereof, will meet with the faculty member before a recommendation is made to the Dean.

Members of the Committee will evaluate the faculty member's classes according to the following four criteria. The faculty member should write a short reflective self-evaluation analyzing his or her performance based on these criteria.

1. Effectiveness of classroom teaching
 - a. The LRW faculty member's teaching and grading responsibilities are primary to all other duties. Class should be well organized and focused on the subject of the day. Classroom atmosphere should be conducive to learning, rigorous, analytical, and should elicit participation from students.
 - b. The Committee will consider student evaluations.
 - c. The Committee will seek feedback from the LRW Director as to how the faculty member is performing in the classroom and outside the classroom.
2. Contribution to, and support for, the mission of the law school and the university
3. Collegial contribution to the committee work of the law school and to student advising and assistance

Within the time constraints of the position, the faculty member should serve the law school community by attending and participating in faculty meetings, serving on committees, and otherwise meeting the responsibilities of service to the law school.

4. Contribution to the community and to the legal profession

Serving the community and the legal profession by all means is encouraged. The Committee will seek information **from the LRW Director as to the faculty member's collegiality within the LRW community.** The faculty member should make positive contributions to the discussion of LRW teaching, including development of teaching materials where needed.

Second Year Review

During the fall semester of the second year of employment, the Rank and Tenure Committee will review the faculty member following the same procedures of the First Year Evaluation. In addition, the faculty member will be asked to prepare a dossier containing examples of student written work **and the LRW faculty member's evaluation and critique of the student work.** Feedback should be insightful with diagnostic comments, not just corrective comments. The student should be able to see how the paper can be improved based on the comments. The dossier should also contain any paperwork the faculty member thinks is relevant to the evaluation process, such as handouts given to the class, or other teaching tools used by the faculty member.

Following this review and, upon affirmative recommendation of the Rank and Tenure Committee, the Dean of the School of Law, upon approval by the President of the University, may grant the faculty member a continuing appointment for the next three (3) years.

Unless grounds for dismissal for cause are found or a financial exigency or program termination occurs, a Legal Writing Faculty member shall be presumptively entitled to continuing three-year appointments.

Reviews for contract renewal will be separate from reviews for salary increases but salary increases must take into consideration the performance as measured by the review for contract renewal.

APPENDIX FOUR

THIRD YEAR REVIEW PROGRESS SAMPLE LETTER

April 19, 2011

Associate Professor
Thomas Goode Jones School of Law
Faulkner University
5345 Atlanta Highway
Montgomery AL 36109

Dear Professor:

On behalf of the Rank and Tenure Committee, we wish again to express our support and appreciation for the good work you have done over these past few years. By your having begun to build a strong foundation for your academic career, you have also strengthened Jones School of Law.

Since your coming to Jones, you have made, in the expression used in our law school rules, “satisfactory progress” toward obtaining tenure through your teaching, service, and scholarship and through the discharge of your professional responsibilities. The attached third-year evaluation report sets out our view of your individual achievements and we invite you to consider this report and make any responses to it you see fit before it is forwarded on to Dean Nelson.

Of particular interest to the Committee is the issue of scholarship given that our Manual of Policies Sec. 7-208(b)(5) requires that the Committee advise you of how many “units” of scholarship we view you to have completed. That involves a two-step process with the first being to consider the scholarship quantitatively.

On the issue of defining what a “unit” is and how many you have completed, the Committee has been guided by our Manual of Policies that emphasizes traditional law review publication by the teacher. Sec. 7-303(b) primarily defines a unit as a law review published article that is of “typical length and scope.” The Committee considers a single-authored law review of ordinary length to be one of approximately 20-30 pages in length, appropriately footnoted. With regard to co-authored pieces, the Committee has virtually no way of determining the relative contribution of each author and advises the young faculty to develop their own presence in the academy. However, the Committee is prepared, in an ordinary situation, to count a co-authored article of typical length and scope as .5 of a unit. Finally, a short law review published essay or article of 10-20 pages will ordinarily count .5 of a unit.

There are of course many types of written work published in a wide array of venues that make up a normal part of academic expression. However the Rank and Tenure Committee has decided, for purposes of counting the number of law reviews published, not to count writings of the following nature: a) light pieces such as newspaper op-eds or book reviews, b) derivative articles based on previous work done that is but a recapitulation or popularization of that work, and c) law practice type work such as amicus appellate briefs.

The second step is to consider the quality of the unit. As a general matter, given that the Committee has determined that you are making satisfactory progress towards tenure, this should be seen as an endorsement and encouragement of your scholarship efforts. More specifically, Section 7-306 (b) of our Manual of Policies requires for tenure a record of publication of at least three units **that demonstrate a “high level of expertise in a significant area of law.”** Thus, in order to qualify as a “unit” of legal scholarship, each law review article should similarly demonstrate high quality scholarship on an important theme. However, in keeping with the methodology of counting the number of units and giving .5 unit credit for shorter or co-authored pieces, the Committee may give .5 unit credit for a law review publication that is of a lesser value or primarily descriptive in nature. *See* Manual of Policies Sec. 7-205(b), “Characteristics of Excellent Scholarship.”

The attached review of **your scholarship more specifically expresses the Committee’s view of this matter** in regard to your particular work.

Finally let me say that in the coming years when you apply for tenure, the Rank and Tenure Committee will happily review all of your writings of whatever nature. Our rules make the very fair demand that at least three high-quality law review articles be published over a course of six years of teaching. When that hurdle has been passed, then the committee will move to make its ultimate determination: whether the candidate is going to be a lifetime scholar in order to warrant a lifetime appointment in the academy. It is at that point that all of your writings of every nature will be considered and their cumulative weight, depth and value will be judged. This is, of course, a judgment that is not answered by counting units. It is a judgment that is answered by considering the **candidate’s entire body of work and recommending for tenure those who have by their scholarship, teaching and service helped to bring this school to national prominence.**

We are proud of you and proud to call you a colleague. We wish you continued success and thank you for all the good things you do for Faulkner University and Jones School of Law.

With very best regards,

Prof. Donald W. Garner
Chairman, Rank and Tenure Committee
Jones School of Law, Faulkner University

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APPENDIX FIVE

PRACTICES RELATING TO TENURE REVIEW

The Rank and Tenure Committee has adopted the following practices regarding outside review of scholarship as part of the tenure review process:

- (a) It has been our practice to date to select all outside reviewers from the list of three submitted by the candidate and to note only that the Committee has read and considered the outside reviews. We have made no comment on content or the weight given these reviews in the justification statement supporting our recommendation, in order to preserve confidentiality and committee discretion.
- (b) The recommendation should be submitted separately to the Dean so that he may forward only the recommendation for tenure to the administration while the long justification statement supporting the recommendation stays with the Dean and is shared only with the candidate for a response. Generally, the justification will be shared with the candidate only when the recommendation is negative.

APPENDIX SIX

PRACTICES AND PROCEDURES RELATING TO FIVE-YEAR POST-TENURE REVIEW

- (a) The purpose of the collegial five-year post-tenure review shall be to assist the tenured professor in the areas of teaching, scholarship, and service.
- (b) Tenured administrators with teaching duties and tenured part-time professors with teaching duties shall be subject to a five-year review of teaching but shall not be subject to a five-year review of scholarship and service, given their distinctive duties or limited responsibilities.
- (c) This review shall consist of:
 - (i) A classroom visitation and report;
 - (ii) A written self-evaluation, which the Rank and Tenure Committee reviews with the classroom visitation report; and
 - (iii) A report to the Dean.
- (d) The Committee interprets “thorough review of performance” as used in Section 7-304(b)(2) to include reviews the Committee conducts pursuant to applications for promotion or applications for tenure.

APPENDIX SEVEN

SPRING 2020 POLICIES CREATED AS COVID-19 ACCOMMODATIONS

§ 3-607. Format of Examinations/COVID-19 Pandemic

Preamble: Pursuant to the instructions sent on March 20, 2020 by Faulkner University President Michael R. Williams and Thomas Goode Jones School of Law Interim Dean Charles B. Campbell, all campuses of the University will be closed until at least April 17, 2020, and all academic units of the University, including the Thomas Goode Jones School of Law, exclusively will deliver instruction online for the remainder of the Spring 2020 semester. The instructions from President Williams and Dean Campbell are in response to the outbreak of the COVID-19 pandemic in the state of Alabama.

It is the sense of the faculty of the Thomas Goode Jones School of Law that most final examinations must be taken remotely for the Spring 2020 final examination period. Therefore, the following extraordinary rules and procedures are established for the Spring 2020 final examination period.

Therefore:

- (f) It is the expectation that the vast majority of students will complete their exam answers by using the exam editor software designated by the Associate Dean for Academic Affairs. However, for students whose disability or other circumstance (e.g., poor internet access) necessitates handwriting their exam answers, the Associate Dean shall make arrangements for those students to write their answers at a location designated by the Associate Dean. It shall be within the sound discretion of the Associate Dean to determine **whether a student's** circumstances would require him/her to come to the location designated by the Associate Dean to handwrite his/her exam answer(s).
- (g) Students who type their exam answers will use the exam editor software designated by the Associate Dean – e.g., Examsoft or Blackboard.
- (h) Once students download their exams from the exam editor program designated by the Associate Dean, they will have the time to complete the exam as described in §3-602(b) and the Exam Schedule published before the beginning of the Spring 2020 semester. However, students may complete their exam at any point in the twenty-four (24) hour period (starting at 12:00 A.M.) on the day of the exam designated by the Associate Dean on the Exam Schedule.

- (i) The requirement found in §3-602(c) is waived for Spring 2020 examinations.
- (j) Exams shall not be closed-book or closed-note, and professors shall not penalize students for consulting outside resources, except in the case of real-time collaboration that would violate the Honor Code.

April 1, 2020

§ 3-710. Modification of Grades due to the COVID-19 National Emergency

It is the sense of the faculty that accommodations in student assessment are appropriate due to the extraordinary disruptions to students caused by the COVID-19 national emergency. In the Spring 2020 semester disrupted by the COVID-19 national emergency, the following accommodations will be made for the benefit of all students enrolled in all courses in the law school:

- (a) all grades will be calculated by professors together with the Associate Dean for Academic Affairs and assigned without any modification to any grading standards (mandatory mean, distribution, anonymity, etc.);
- (b) after receiving their grades, students shall be permitted to elect to replace any passing grade in any course for the Spring 2020 semester with a “P” as defined in §3-703(d). This election must be made by the time and in the manner to be set forth by the Associate Dean;
- (c) after receiving their grades, students shall be permitted to elect to replace any failing grade in any course for the Spring 2020 semester with a “NC” as defined in §3-703(e). This election must be made by the time and in the manner to be set forth by the Associate Dean;
- (d) all students shall be permitted (before or after delivery of the final examination, but before final grades are posted on the student’s record) to notify the Associate Dean of a desire to withdraw from the course and take a “WP” as defined in §3-703(e) without being required to demonstrate “good cause” as required by §3-307(a).

The Associate Dean shall implement this policy by any means calculated to provide all students with reasonable time to and means to exercise the election provided herein.

April 1, 2020