

FACULTY RULES OF  
THE COLLEGE OF LAW  
The Ohio State University  
(Updated July 1, 2020)

These Faculty Rules constitute the basic rules for the governance of the College of Law. While some pertain solely to matters affecting the faculty, most concern student conduct. Chapters 5, 6, 7, and 9 concerning academic standing, examinations, graduation requirements, and the instructional program, respectively, are of particular relevance. A more thorough overview of the Faculty Rules may be obtained by reviewing the table of contents to the Rules.

Faculty Rules of the College of Law are revised periodically pursuant to procedures set out in these Rules and the By-Laws of the University Board of Trustees and in the Rules of the University Faculty. College of Law Committees, composed of faculty members, students, and staff, provide the normal channel for persons to request deliberation on proposed rule changes.

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Chapter 1 – College Governance

1.01. Powers of the Faculty and of College of Law Committees.

All formal actions of the College of Law, including any amendment to the Rules of the College of Law, shall be made in faculty meetings called and conducted pursuant to the rules of the College of Law.

Source: Faculty minutes, April 14, 1976.

1.02. College of Law Committees.

A. Committees and Functions. There shall be seven committees with the following major functions:

Admissions: To consider and pass on applications for admission and readmission, and to be concerned with student financial aid.

Administration: To be concerned with budgetary matters, alumni affairs, the law library, overseeing the Honor Code, student activities of a noncurricular nature, and such other matters, as assigned by the Dean, that are not regularly assigned to one of the other College committees.

Academic Affairs: To be concerned with consideration of new courses and curricular planning (including clinical offerings); and student petitions on such matters as load-lightening, transient status, scheduling, and student probation.

Appointments: To be concerned with initial faculty appointments of all types other than regular clinical-track appointments.

Promotion and Tenure: To be concerned with tenure-track faculty promotion and tenure questions and recommendations for amendments to the rules on promotion and tenure.

Diversity and Inclusion: To be concerned with all matters relating to diversity and minority affairs of the College community, but not to the exclusion of similar concerns by other committees within their areas of activity.

Long-Range Planning: To be concerned with long-range planning (including the future of legal education, the physical facility, new programs, cooperation with University planning activities, and coordination with various constituencies and with other College committees concerning action recommended to or undertaken by the faculty).

B. Chairpersons; restrictions. No one shall be required to serve as a committee chairperson in two consecutive years.

C. Faculty Membership. The Dean shall appoint faculty members to committees, except that no faculty member shall be required to serve on the Appointments Committee, the Promotion

and Tenure Committee, or the Academic Affairs Committee more than three years out of five. The faculty must comprise a majority of the membership of any committee.

D. Staff Membership. The Dean may appoint staff of the College of Law who is not members of the College of Law faculty to serve on College committees.

E. Student Membership. Students shall serve on all standing and ad hoc committees of the College, other than the College Investigation Committee. Of the faculty and students serving on any committee, the students shall comprise approximately one-third.

F. Ex Officio Membership. The Dean may appoint any person to serve as an ex officio member of any committee. Ex officio members have no vote and are not to be counted toward quorum requirements or the committee composition requirements set forth in divisions C through E of this Rule.

G. Student Selection. The President of the Student Bar Association shall be one of the student members of the Administration Committee. All other student members of College committees shall be selected in a manner determined by the Student Bar Association.

H. Voting Faculty are entitled to vote on all committee matters. Staff and students shall be entitled to vote within their respective committees on all questions, with three exceptions. Staff and student members may not vote on any matter coming before the Promotion and Tenure Committee, and may not consider or vote on individual cases coming before the Academic Affairs Committee or the Admissions Committee. However, the prohibition on staff voting on individual cases coming before the Admissions Committee does not apply to the Associate or Assistant Deans of Admissions should those positions be held by persons who are not members of the faculty.

I. The Academic Affairs Committee may designate a subcommittee to handle any student petition filed under these Faculty Rules. The subcommittee shall consist of the Chair, at least two voting faculty members, and *ex officio*, the Associate Dean for Academic Affairs. The decision of the subcommittee shall have the same force and effect as a decision of the Committee.

Source: Faculty minutes, April 14, 1976, May 19, 1976, April 12, 1978, April 18, 1979, November 28, 1979, February 22, 1984, October 2, 1985, November 10, 1988, March 4, 1998, September 23, 1998, March 17, 1999, February 12, 2003, May 2, 2007, and May 5, 2011.

### 1.03. Faculty Meetings: Attendance and Voting Rights.

A. Faculty. Except as otherwise specified by these rules, all members of the College faculty, as defined in Rule 3335-5-19(A) and (B) of the Rules of the University Faculty, shall be entitled to attend, participate in, and vote at College faculty meetings. Except as otherwise specified by these rules, all adjunct professors, visiting faculty members, faculty members with joint appointments whose tenuring unit is not the College of Law who have not been granted a right to vote by the faculty, and staff attorneys shall be entitled to attend and to participate in such meetings, but shall not be entitled to vote.

B. Staff and Students. The President of the Student Bar Association shall be permitted to attend and participate, without vote, in faculty meetings. When a matter reported by a committee, or a matter placed on the agenda and within the jurisdiction of a specific committee, is before the faculty, staff and student members of the committee may attend the meeting during, and participate in, the discussion of the reported matter and have a full vote on that matter, except that they shall not be entitled to vote on individual student petitions or admission applications, on individual cases involving faculty appointments, or on any matter coming from the Promotion and Tenure Committee. Notwithstanding the foregoing, the faculty may decide by majority vote to exclude staff and students from attendance during deliberation on matters authorized for executive session under Rule 1.06(B).

Source: Faculty minutes, April 14, 1976, May 19, 1976, February 22, 1984, April 1, 1998, March 17, 1999, February 12, 2003, and April 5, 2012.

#### 1.04. Faculty and Committee Meetings; When and By Whom Called.

A. Regular Faculty Meetings. Regular meetings of the faculty shall be held on Thursday afternoons at least once each month in accordance with a schedule established by the Dean at the beginning of each semester.

B. Special Faculty Meetings. A special faculty meeting may be called by the Dean for any Thursday afternoon on which no regular faculty meeting has previously been scheduled. The Dean shall call a special faculty meeting upon the signed request of any seven faculty members. Special faculty meetings should not be utilized for business that can reasonably be conducted within the schedule of regular faculty meetings.

C. Emergency Special Faculty Meetings. Where action is required that cannot reasonably be postponed until the following Thursday, the Dean may call an emergency special faculty meeting for any reasonable time.

D. Committee Meetings. Committee meetings shall be called by the chairperson of the committee in question. Thursday afternoons from 12:10 to 2:15 p.m., when there is no regular or special faculty meeting, may be reserved by faculty members and utilized by committee chairpersons for committee meetings. Committee meetings may be called for other times, where required.

Source: Faculty minutes, April 14, 1976, March 17, 1999, and January 13, 2011.

#### 1.05. Notice of Faculty Meetings.

A. Authority. This rule is adopted in compliance with, and under the authority of Ohio Revised Code section 121.22(f), as amended, effective November 28, 1975.

B. Regular Meeting Schedule. At the beginning of each semester, the Dean shall distribute to the College faculty, post on the College main floor closed bulletin board, and mail to all persons who have supplied self-addressed stamped envelopes for that purpose, a schedule of regular meetings of the faculty.

C. Special Faculty Meetings. At least four calendar days prior to any special faculty meeting, the Dean shall distribute to the full-time faculty, post on the College main floor closed bulletin board, and mail to all persons who have provided self-addressed stamped envelopes for that purpose notice of the date, time, and place of such meeting.

D. Emergency Special Faculty Meetings. As early as possible, prior to any emergency special faculty meeting, the Dean shall distribute to the full-time faculty, post on the College main floor closed bulletin board, and mail to all persons who have provided self-addressed stamped envelopes for that purpose notice of the date, time, and place of such meeting. The Dean shall also notify the clerk of the State House Press Room of the time and place of the meeting.

E. Agendas of Faculty Meetings. At least 48 hours prior to any faculty meeting, except an emergency special faculty meeting, the Dean shall distribute to the full-time faculty, post on the College main floor closed bulletin board, and mail to all persons who have provided self-addressed stamped envelopes for that purpose the agenda for such meeting.

F. Public Information. Any person may determine the time, place, and agenda of all faculty meetings by:

1. Writing to the Dean, College of Law, The Ohio State University, 55 West 12<sup>th</sup> Avenue, Columbus, Ohio 43210;
2. Calling the Office of the Dean, College of Law, The Ohio State University;
3. Consulting the closed bulletin board located in the main floor corridor of The Ohio State University College of Law.

G. Delegation. In giving the notices required by this rule, the Dean may rely on assistance provided by a member of his or her staff and any such notice is complete if given by such member in the manner provided in this rule.

Source: Faculty minutes, April 14, 1976, and March 17, 1999.

#### 1.06. Faculty Meetings; Required to Be Open; Executive Sessions.

A. Open Meetings. All meetings of the faculty shall be open to the public for observation (but not for participation), subject to adjournment to executive session for deliberations on such matters as are authorized by Ohio Revised Code section 121.22(G). All resolutions, rules, or formal action by the College faculty shall be adopted in open session.

B. Executive Sessions. The Dean shall be empowered to adjourn any faculty meeting to executive session for purposes of deliberating upon such matters as are authorized for executive session by Ohio Revised Code section 121.22(G).

Source: Faculty minutes, April 14, 1976.

1.07. Distribution of Materials for Faculty Consideration.

Committee Reports and recommendations and other matters for consideration by the faculty shall be distributed to the faculty and to students entitled to attend and participate at least five days preceding the meeting at which it is to be considered. In appointments matters, a forty-eight hour notice shall suffice with regard to specific individuals being recommended if a five-day notice has been given that such recommendations may be made. Such distribution shall be made by the chairperson of the committee or the faculty proponent of the matter for consideration.

Source: Faculty minutes, April 14, 1976, and September 3, 1987.

1.08. Changes or Amendments.

To facilitate expeditious disposition of matters for consideration at faculty meetings, faculty members or students who propose amendments to or substitutes for committee recommendations shall, wherever possible, circulate their proposals to the faculty and to students entitled to attend and participate in faculty meeting consideration of the matter, in advance of the meeting at which the committee report is scheduled for consideration.

Source: Faculty minutes, April 14, 1976.

1.09. Quorum.

For the transaction of ordinary faculty business, a quorum shall consist of a majority of the members of the College faculty, as defined in Rule 3335-5-19(A) and (B) of the Rules of the University Faculty, who are not on leave, or if on leave are present at the meeting, as defined in Rule 1.11.

Source: Faculty minutes, April 14, 1976, March 17, 1999, May 7, 2003, and April 5, 2012.

1.10. College Investigation Committee.

A. The College shall establish a College Investigation Committee to carry out the duties described in University Faculty Rule 3335-5-04(E). The committee shall consist of six tenured faculty members from the College of Law and one tenured faculty member from outside of the College of Law. The outside member may not be a person eligible to vote on appointment matters at the College of Law. Four of the College of Law faculty members shall serve as regular members of the committee and two as alternates. The Dean, Associate Deans, and Assistant Deans of the College of Law shall not be eligible to serve as members of the committee, nor shall any faculty member serving in an administrative capacity in the University on a full-time basis.

B. Each member of the College Investigation Committee shall serve for a term of two years, commencing on June 1 of the year such member is elected. Two regular and one

alternative members of the committee from the College of Law shall be selected each year. The outside member shall be elected every other year.

C. Each year, all members of the College faculty who hold the rank of assistant professor, associate professor, professor, assistant clinical professor, associate clinical professor, or clinical professor, shall be given a ballot consisting of the names of all College faculty eligible to serve on the Committee, as provided in section A, above. Persons who are completing a two-year term as a regular member of the committee may have their name excluded from this ballot upon request. To be valid, a ballot must contain one vote for each position being voted on in that year. When these votes are tallied, a second ballot shall be circulated to the faculty containing the names of those five persons receiving the highest number of votes in the first ballot. If there is a tie for the fifth place, any faculty members tied for fifth place shall be included in the second ballot. The members of the faculty eligible to vote in the first ballot may also vote on this second ballot. To be valid in the run-off election, a ballot must again contain one vote for each position being voted upon. The two faculty members receiving the highest number of votes shall be regular members of the committee. The faculty member receiving the third highest number of votes shall be the alternate. If there are ties, they shall be broken by a coin toss.

D. In years in which a committee member from outside the college must be selected, the Dean shall solicit from the College faculty the names of eligible faculty members from outside the College of Law. The Dean shall contact these persons and ask them if they are willing to serve on the College Committee. The names of those persons willing to serve will be entered onto a ballot and all members of the College faculty eligible to vote on appointments matters shall be entitled to vote for one of the names on the ballot. If no single name receives a vote of the majority of the faculty casting ballots, a run-off shall be held between the two persons who received the most votes.

E. At the first election of the members of the College Investigation committee, six faculty members of the College of Law and one faculty member from outside of the College shall be selected as members of the Committee. The run off shall be among the ten members of the College and two outside members receiving the highest number of votes. The two members of the College receiving the highest number of votes shall be elected for two year regular terms, the next two for one year regular terms, the fifth for a two year alternate term, and the sixth for a one year alternate term.

F. An alternate member shall serve in the determination of a matter that comes before the committee in the event of a regular member's unavailability, incapacity, or recusal, whether voluntarily or upon the majority vote of the committee based on conflict of interest in the circumstances surrounding the complaint.

Source: Faculty minutes, June 1, 1994, and February 12, 2003.

#### 1.11. Voting; Proxies.

Subject to the limitations on use of proxies in Rules 14.03 and 14.06, all actions of the College faculty shall be decided by a majority of those voting either in person or by proxy. All proxies must be in writing and filed with the Dean or Associate Dean for Academic Affairs before the proxy is used. For the purposes of this Rule, Rule 1.09, Rule 14.03(F)(3), and Rule 14.06(C)(6) only, "in person" or "present" means physical presence or, in appropriate

circumstances when authorized by the Dean, presence by other means which allow for participation in the meeting. Appropriate circumstances include, but are not limited to, professional responsibilities, illness or care of family members that preclude or impair physical presence at a meeting.

Source: Faculty minutes, April 14, 1976, March 17, 1999, May 7, 2003 and November 1, 2018.

#### 1.12. Notice to Students of Faculty Action.

Unless otherwise specified by vote of the faculty, all actions and decisions taken by the faculty shall promptly be brought to the attention of the student body; provided, however, that the Associate Dean for Academic Affairs shall have discretion not to post some action or decision until the matter has been brought before the faculty's next meeting for its decision as to posting.

Source: Faculty minutes, April 14, 1976, and March 17, 1999.

#### 1.13. Petition for Open Hearing.

On petition of 10% of the student body, a committee shall hold an open hearing for the purpose of hearing student opinion on legislative or policy issues within the jurisdiction of the committee.

Source: Faculty minutes, April 14, 1976, and January 19, 1977.

#### 1.14. Publication of Committee Reports.

Unless otherwise specified by vote of a committee, all committee reports submitted for faculty consideration shall promptly be brought to the attention of the student body.

Source: Faculty minutes, April 14, 1976.

#### 1.15. Grievance Procedure.

Grievances of a student or a class of students against a faculty member which are based on arbitrary and/or discriminatory treatment shall be handled in the following manner:

A. The Dean of the College or his or her designated representative shall hear all such grievances.

B. If the Dean or the representative determines that the grievance is of a substantial nature, he or she shall inform the faculty member of the grievance and attempt to resolve the grievance.

C. If the grievance remains unresolved, the Dean or the representative shall conduct a meeting at which the students and faculty member, if they wish to attend, may fully express their views.



D. The purpose and policy of the procedure specified in paragraphs A through C is to provide an opportunity for voluntary conciliation of grievances.

E. If conciliation does not result from the procedure specified in paragraphs A through C, the Dean or the representative may take whatever action is necessary, reasonable, and within his or her power.

F. The Office of the Dean shall publish and make available this procedure to students of the College.

Source: Faculty minutes, November 14, 1973, and March 17, 1999.

#### 1.16. University Senate.

Any regular tenure track faculty and regular clinical faculty are eligible for election to the University Senate. The following rules apply:

- a. For purposes of election of senators, the electorate shall be composed of all regular tenure track and regular clinical track faculty.
- b. No more than one senator or not more than 45% of the senators representing the College of Law, whichever is greater, may be regular clinical track faculty.

Source: Faculty minutes, August 20, 2008.

#### 1.17. Complaints Regarding Significant Problems as to Compliance with the ABA Standards.

As an ABA-accredited law school, the Moritz College of Law at The Ohio State University is subject to the American Bar Association's Standards for Approval of Law Schools. The Standards may be found at [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html). This rule governs the filing of and response to complaints regarding the College of Law's compliance with standards governing the program of legal education.

- A. Any student at the College of Law who wishes to bring a formal complaint to the Administration of the College of Law regarding a significant problem that directly implicates the College's program of legal education and its compliance with the ABA Standards should take the following steps:
  1. The student should submit the complaint in writing (via hard copy or e-mail) to the Assistant Dean for Academic Affairs or to the person designated by the Dean for that purpose. If the complaint concerns the person designated to receive complaints, the student should consult the Dean, who will designate an alternate person to receive the complaint.
  2. The writing should (a) identify the ABA Standard implicated, (b) describe in appropriate detail the behavior, program, or process complained of, and (c) explain

how the College of Law's program of legal education does not comply with the identified Standard as a result of the problem.

3. The writing must provide the name of the student submitting the complaint. It should also include the student's preferred contact information for written or electronic communication. Upon request, the person receiving the complaint may, at his or her discretion, maintain the student's anonymity for all or part of the process.
- B. The person who receives the written complaint (or his or her designee) should acknowledge the complaint within five business days of receipt of the written complaint. Acknowledgment may be made by e-mail, U.S. mail, or by personal delivery.
  - C. Within ten business days of acknowledgment of the complaint, the person who receives the complaint (or his or her designee) shall communicate the College of Law's progress in regard to the complaint either in writing or in a meeting with the complaining student. The communication should include either a substantive response to the complaint or information about what steps are being taken by the College of Law to address or further investigate the complaint. If further investigation is needed, the complaining student shall, within two weeks of the completion of the investigation, be provided with either (i) a substantive response to the complaint or (ii) information about what steps are being taken by the College of Law to address the complaint.
  - D. Appeals may be taken to the Dean of the College of Law. Any decision made on appeal is final.
  - E. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the office of the Dean of the College of Law as required by University retention rules or until the end of the academic year in which the complaint is reported to the ABA as part of the College of Law's sabbatical accreditation process, whichever is later.
  - F. The College of Law will not retaliate against any individual who makes a complaint under this rule, nor authorize any faculty member, administrator, employee, or student to do so.
  - G. This rule addresses only complaints that implicate compliance of the College's program of legal education with the American Bar Association's Standards for Approval of Law Schools. Students may always articulate in a professional manner the concerns and complaints they may have about other issues by addressing the appropriate persons, or by using other procedures described in the Rules and Regulations of the American Bar Association, the College of Law, or The Ohio State University.

Source: Faculty minutes, October 13, 2011.

## CHAPTER 2 – ADMISSIONS

### 2.01. Report of Admissions Committee.

The Admissions Committee shall annually recommend for faculty adoption Criteria and Procedures relating to admissions of candidates for the J.D. degree.

Source: Faculty minutes, December 16, 1995 and September 3, 2003.

### 2.02. Admission Application Requirements for the J.D. Program.

A. Traditional Process. Except for applicants admitted under Rule 2.02 (B) or (C), an applicant for admission to the College of Law to pursue the J.D. degree must complete the College's application form, take the Law School Admission Test (LSAT), submit a transcript from each college or university the applicant attended, have completed or will complete a B.A. or its equivalent prior to law school matriculation and meet any other requirements the Admissions Committee may impose. If it is impossible for the applicant to take the LSAT, the Admissions Committee may waive the LSAT requirement. Applications for residents and nonresidents shall be identical.

B. Alternate Standardized Test Admissions Option. Each year, a limited number of applicants who are currently enrolled at The Ohio State University – Columbus campus, or who are or will be enrolled in an OSU graduate degree program, may be eligible for admission pursuant to an Alternate Standardized Test Admissions Option. Under this option, an applicant for admission to the College of Law to pursue the J.D. degree must complete the College's application form, submit a transcript from each college or university the applicant attended, submit a copy of the appropriate alternative standardized test score (ACT, SAT, GRE, GMAT), and meet any other requirements the Admissions Committee may impose. An applicant who is applying to the J.D. Program as a transfer from the LL.M. Program does not need to have taken the LSAT.

C. Pathway to Law: 3 + 3 B.A./J.D. Program. Each year, applicants who are enrolled in the University's Pathway to Law 3 + 3 B.A. /J.D. program may be eligible for admission to the College of Law to pursue a J.D. degree. Under the Pathway to Law option, the applicant must complete the College's application for, take the Law School Admission Test, submit a transcript from each college or university the applicant attended, submit appropriate documentation of participation in the Pathway to Law Program, and meet any other requirements the Admission Committee may impose.

Source: Faculty minutes, December 16, 1995, September 3, 2003, November 13, 2014, April 2, 2015, and May 7, 2015.

### 2.03. Criteria for Selection of Applicants to the J.D. Program.

In evaluating an application of a candidate for the J.D. degree, the most important factors are the applicant's academic potential for law school work, which is usually best evidenced by the

applicant's transcript and LSAT score, and the applicant's potential to contribute to the profession and to the intellectual life of the College. In assessing an applicant's potential for success in law school and for contributing to the profession and intellectual life of the College, consideration will also be given to other indicators of academic or professional potential such as trend in undergraduate grades, letters of recommendation, extracurricular activities, leadership abilities, significant outside time demands, public service activities, work experience, life experience, and similar factors. Believing that a diverse student body is important to the educational life and mission of the College and to the profession as a whole, the College of Law shall provide full opportunities for admission by qualified members of groups (including racial and ethnic minorities) which bring diverse backgrounds to the study of law and its role in our society. To this end, racial and ethnic minority status will be considered among those factors weighed in the admissions process.

Source: Faculty minutes, December 16, 1995, November 6, 1996, October 22, 1997, and September 3, 2003.

#### 2.04. Bar Admission Requirements.

Each applicant for the J.D. program shall be advised to secure information regarding character and other qualifications for admission to the Bar of the state in which the applicant intends to practice.

Source: Faculty minutes, December 16, 1995, March 17, 1999, and September 3, 2003.

#### 2.05. Beginning Students Must Commence in First Semester.

Students who wish to pursue the J. D. degree must begin their study of law in the first semester.

Source: Faculty minutes, December 16, 1995 and September 3, 2003.

#### 2.06. Applicants Who Have Attended Another Law School, Admission to the First-Year Class of the J.D. Program.

An applicant to the J.D. program who has attended another law school may apply for admission to the first-year class. Such applicants will be evaluated in accordance with the Criteria and Procedures adopted for the entering class for which admittance is sought. In applying those criteria, the applicant's previous law school experience will be considered. An applicant admitted under this Rule enters the College as a first-year student, but, with the approval of the Associate Dean for Academic Affairs, may be given credit for and need not repeat previously completed law school courses in which the applicant received a grade of C or better.

Source: Faculty minutes, December 16, 1995 and September 3, 2003.

2.07. Admission of Students With Advanced Standing to the J.D. Program.

An applicant for admission with advanced standing to the J.D. program shall be admitted only on the basis of successful performance for at least one academic year at a law school approved or provisionally approved by the American Bar Association or at a law school outside the United States if the quality of the educational program at the foreign law school is at least equal to that required for an American Bar Association approved school. The admission standards for beginning students in this College shall be considered together with the academic record achieved by the applicant at the law school from which transfer is requested. Students presenting credit earned at another law school may be admitted at the beginning of any semester in which it is possible for them to fit into the curricular pattern for this College.

Source: Faculty minutes, December 16, 1995 and September 3, 2003.

2.08. Credit Allowed Students With Advanced Standing.

In all cases in which the student is admitted with advanced standing to this College, the law school work or foreign legal education which has been completed will be evaluated in light of the curricular offerings of this College. The decision concerning the extent to which credits previously earned may be transferred and applied toward a degree from this College lies in the discretion of the Associate Dean for Academic Affairs or his or her designee, with the following restrictions:

- (1) for transfer students from non-ABA approved law schools or from foreign law schools, the number of credits transferred may not exceed one-third of the total required for graduation, as set forth in Faculty Rules 3.07 and 5.04; and
- (2) for transfer students from ABA-approved law schools, the number of credits transferred may not exceed the number of credits awarded to a full-time first-year student at the College.
- (3) all transfer credits must comply with the standard articulated in Faculty Rule 9.52.

Source: Faculty minutes, December 16, 1995, November 12, 1997, March 17, 1999, September 3, 2003, December 9, 2008, and October 5, 2017.

2.09. Admission of Transient Students.

Students who are earning their law degrees from another institution may be admitted as transient students at the College of Law for one or two semesters, with the approval of the Admissions Committee.

Source: Faculty minutes, March 17, 1999.

#### 2.10. Admission of Special Students.

Graduates with law degrees may be admitted to the College of Law for the purpose of taking selected courses with the permission of the instructors of such courses and approval of the Dean or the Dean's designee. Students enrolled in the Graduate School of The Ohio State University may register in courses offered by the College of Law, provided that registration is approved by the Dean of the Graduate School and Dean of the College of Law or their designees.

Source: College of Law Bulletins, 1967-68 through 1973-74. Faculty minutes, December 16, 1995, February 16, 1996, and March 17, 1999.

## CHAPTER 3 – DEGREES, DUAL DEGREES, AND HONORS (INCLUDING COIF)

### 3.01. Juris Doctor Degree.

The degree Juris Doctor (J.D. or Doctor of Jurisprudence) shall be awarded to those students who complete the study of law in the J.D. program at The Ohio State University and in accordance with University policy, those students who attain a superior level of academic achievement, shall receive the additional academic distinction as indicated by the terms “summa cum laude,” “magna cum laude” or “cum laude” in accordance with Faculty Rules 3.02, 3.03, and 3.04.

Source: Action of the Board of Trustees at regular meeting on March 9, 1967, faculty minutes, February 4, 1976, March 17, 1999, September 3, 2003, and March 15, 2006.

### 3.02. Requirements for Summa Cum Laude Honors for the J.D. Degree.

The top 3% of persons in the J.D. program who are graduated from the College of Law of The Ohio State University during each year, beginning with the Summer Session and extending through the following Second Semester, shall be awarded the degree Juris Doctor summa cum laude.

Source: Faculty minutes, February 4, 1976 and September 3, 2003.

### 3.03. Requirements for Magna Cum Laude Honors for the J.D. Degree.

The top 4-10% of persons in the J.D. program who are graduated from the College of Law of The Ohio State University during each year, beginning with the Summer Session and extending through the following Second Semester, shall be awarded the degree Juris Doctor magna cum laude

Source: Faculty minutes, March 15, 2006.

### 3.04. Requirements for Cum Laude Honors for the J.D. Degree.

The top 11-25% of persons in the J.D. program who are graduated from the College of Law of The Ohio State University during each year, beginning with the Summer Session and extending through the following Second Semester, shall be awarded the degree Juris Doctor cum laude.

Source: Faculty minutes, February 4, 1976, October 6, 1976, March 17, 1999, September 3, 2003, and March 15, 2006.

### 3.05. Eligibility of Transfer Students for Honors for the J.D. Degree.

Transfer students receiving their J.D. degree from the College of Law shall be eligible for honors if they have completed at least fifty-four semester hours of their course work while in residence at the College. They shall be ranked on the basis of all work undertaken at this College. They shall be disqualified for eligibility if in the opinion of the faculty their level of performance while not in residence at this College was significantly below their level of performance while in residence.

Source: Faculty minutes, April 26, 1978, March 17, 1999, and September 3, 2003.

### 3.06. Eligibility For Coif of Transfer Students into the J.D. Program.

Transfer students receiving their J.D. degree from the College of Law shall be eligible for election to the Order of the Coif, if they have completed at least fifty-four semester hours of their course work while in residence at the College. They shall be ranked on the basis of all work undertaken at this College. They shall be disqualified for eligibility if, in the opinion of the faculty, their level of performance while not in residence at this College was significantly below their level of performance while in residence.

Source: Faculty minutes, July 12, 1966, April 26, 1978, March 17, 1999, and September 3, 2003.

### 3.07. Dual Degrees.

To provide opportunities for the earning of dual degrees:

A. Students enrolled concurrently in the J.D. program of the College of Law and in a post-baccalaureate degree program outside of the College of Law shall be entitled to receive twelve semester hours credit toward their J.D. degrees, providing they are in good standing in the post-baccalaureate degree program and have satisfactorily completed twelve semester hours of non-law credit toward their graduate degree, or have already received such degree, at the time of graduation from the College of Law.

B. To qualify for the credits afforded in 3.07(A) above, the following requirements must be met:

(1) The post-baccalaureate degree program must be approved by the Associate Dean for Academic Affairs of the College of Law. The Associate Dean for Academic Affairs, after consultation with a faculty member who has reviewed the proposed program, shall approve programs which are offered by a fully accredited college or university, are deemed relevant and useful to the training of law students for the professions, award credits in a manner consistent with Faculty Rule 9.52, and appear to contain substantial intellectual content. Law students and applicants to the College of Law intending to enroll in degree programs not yet approved may initiate requests for approval prior to enrollments.



(2) A significant part of the requirements for the post- baccalaureate degree must be fulfilled while the dual degree candidate is enrolled in the College of Law. What constitutes a “significant part” may be determined in general or on a case-by-case basis by the Academic Affairs Committee.

(3) The participation of each student enrolled in a dual degree program under this rule shall be periodically reviewed by a faculty member designated by the Associate Dean for Academic Affairs to insure that in its actual operation the program is achieving its educational objectives and that the credit allowed is consistent with Rule 9.52.

C. Students enrolled in an approved dual degree program under this rule may, if reasonably necessary or useful in fulfilling the requirements for both degrees, extend the period for matriculation from the College of Law to four academic years. However, enrollment in such programs shall not per se entitle any student to drop or defer any required first-year course. Students seeking to drop any required first-year course to enroll in courses under a dual degree program must obtain the permission of the Academic Affairs Committee.

D. The Associate Dean for Academic Affairs shall maintain records of: (1) post-baccalaureate degree programs which have been granted or denied approval or for which approval has been withdrawn under this rule; (2) individual students who have been admitted or denied admission to dual degree programs, the nature of the programs to which they have sought admission, and the number and percentage of students who have successfully completed dual degree programs; and (3) faculty reviews conducted under Subsection B(3). This data shall be summarized for the faculty by the Associate Dean for Academic Affairs at least once each year.

Source: Faculty minutes, June 6, 1973, January 19, 1977, March 17, 1999, September 3, 2003, and October 5, 2017.

### 3.08 Master in the Study of Law.

A. The Master in the Study of Law (M.S.L.) degree is a non-professional degree intended to provide a legal background for scholars in other disciplines who do not have a J.D. or other law degree. Completion of the M.S.L. degree will not qualify students to sit for a bar examination or to engage in the practice of law. The degree Master in the Study of Law (M.S.L.) shall be awarded to those students who complete the requirements listed below for this degree.

#### B. Program Administrator and Graduate Studies Committee.

1. The Dean of the College of Law shall select an Administrator for the Master in the Study of Law program. The Dean shall also appoint a Graduate Studies Committee, which shall serve in an advisory capacity and which shall constitute an admission committee for the M.S.L. Program.

2. The Administrator and the Graduate Studies Committee shall have the responsibility for acting as liaison between the Graduate School and the faculty

members of the College of Law for reviewing the admissions files of applicants for the M.S.L. program and making recommendations on admission of applicants for the program, for making recommendations to the Curriculum Committee of the Council on Research and Graduate Studies for approval of new courses designed specifically for students enrolled in the M.S.L. program, and for any other duties assigned to the Graduate Studies Committee by the Rules of the Graduate Faculty of The Ohio State University or by the Faculty Rules of the College of Law.

C. Admissions Requirements for Master in the Study of Law.

1. Applicants for admission to the M.S.L. program shall complete the appropriate admission form, submit a transcript from each college or university the applicant attended, submit two letters of recommendation, and meet any other requirements that the Graduate Studies Committee may impose. Applicants for admission to the M.S.L. program shall be required to take, or submit information, including test results, indicating that they have previously taken, one of the following tests: the Law School Admissions Test (LSAT), the Graduate Record Examination (GRE), the Graduate Management Admissions Test (GMAT), the Medical College Admissions Test (MCAT), or other similar test. The Graduate Studies Committee shall consult, as needed, with appropriate offices at the University when presented with information or test results concerning a standardized test other than the LSAT. This test result requirement may be waived with the approval of both the Administrator of the M.S.L. program and the Graduate Studies Committee.

2. In order to be considered for admission to the Master in the Study of Law program, applicants shall have received a graduate degree in a discipline other than law by the time of matriculation into the M.S.L. program. Applicants who do not meet this requirement at the time of application may be admitted to the M.S.L. program on the condition that they satisfactorily complete a program of study amounting to 45 quarter hours or 30 semester hours toward their graduate degree prior to beginning their M.S.L. degree. Applicants may also apply simultaneously to the M.S.L. program and another graduate program at the University and be admitted with the same condition. In exceptional circumstances, such as extensive relevant work or other experience, applications for waiver of this graduate degree requirement may be granted with the approval of both the Administrator of the M.S.L. program and the Graduate Studies Committee. In these cases, the requirement of taking and submitting one of the standardized tests described in 3.8(C)(1) shall not be waived.

D. Graduation Requirements for Master in the Study of Law.

1. In order to fulfill the requirements for the Master in the Study of Law, students must have earned passing grades in not fewer than 30 semester credit hours of law school courses, including all courses required for completion of the degree.

2. Candidates for the M.S.L. degree shall be required to complete the first-year course in Legal Analysis and Writing I or Legal Analysis, Research and Writing for

International Students and two of the following courses: Civil Procedure I, Constitutional Law, Contracts I, Criminal Law, Legislation and Regulation, Property, or Torts.

3. In order to ensure that candidates for the M.S.L. degree who seek to enroll in upper-class courses have the necessary preparation for upper-class courses, they must obtain prior approval of their program of courses, and any deviation from that approved program of courses, from the Administrator of the M.S.L. program.

4. The M.S.L. program may be pursued on either a part-time or full-time basis, over no fewer than two semesters of residency at the College of Law. Students enrolled in the program on a full-time basis will generally be expected to complete the requirements for the M.S.L. degree in one academic year. Students enrolled in the program on a part-time basis will generally be expected to complete the requirements for the M.S.L. degree within four academic years. Except when special exception has been provided by the Academic Affairs Committee for good cause shown, the requirements for completion of the M.S.L. degree shall be completed within a maximum of five calendar years from the date of first matriculation in the College of Law.

E. Grading Standards and Academic Standing Requirements for M.S.L. Students.

1. Grading Standards. Because students enrolled in the M.S.L. program will be graduate students rather than professional students, without as extensive a background in legal issues as students enrolled in the J.D. program, students who are enrolled in the M.S.L. program shall be graded by “graduate schools standards,” as described in Faculty Rule 9.46(A), rather than by “law school standards.” “Graduate school standards” shall be determined by the concerned faculty member, in accordance with guidelines issued by the Administrator and the Graduate Studies Committee after consultation with the appropriate individuals at the Graduate School at the University.

2. Academic Standing Requirements. Students enrolled in the M.S.L. program shall be required to maintain a cumulative grade point average of at least 3.0 in order to remain in good academic standing. A student enrolled in the M.S.L. program whose cumulative grade point average falls below 3.0 at any time will be placed on probation, subject to the conditions of probation imposed by the Graduate Studies Committee including a requirement that the student raise his or her cumulative grade point average to at least 3.0 within two semesters of being placed on probation. A student who fails to meet the conditions of probation, including raising his or her cumulative grade point average to at least 3.0 within two semesters of being placed on probation, shall be dismissed from the College of Law.

3. Authority to Reinstate Students to the M.S.L. Program Dismissed Because of Academic Deficiency. The Graduate Studies Committee may, in cases in which it is persuaded that achievement of academic good standing is a realistic probability, reinstate, on a probationary status, a student who has been dismissed from the M.S.L. program for academic deficiency. The terms of probation shall be determined by the

Graduate Studies Committee and shall include a requirement that the student raise his or her cumulative grade point average to at least 3.0 within two semesters of being placed on probation.

F. Coordination Between J.D. Program and M.S.L. Program.

3. Assignment Preferences for Students in Oversubscribed Courses. In addition to the assignment preferences applicable to J.D. students set forth in Faculty Rule 9.06, J.D. students shall have preference over M.S.L. students for all classes that are part of the regular J.D. program. This preference shall not apply to special classes, if any, that are offered primarily for M.S.L. students.

4. Enrollment in First-Year Courses with Small Sections. M.S.L. students may only enroll in a small section of a first-year course in the J.D. program with the permission of the Associate Dean for Academic Affairs.

5. Grade Distribution and Class Rank Information. M.S.L. students shall not be considered in creating the grading profile for any course in which they are enrolled, nor shall their scores be considered by instructors applying the grading profile to determine the final course grades for J.D. students. M.S.L. students shall not be included in the grade distribution statement or in the class rank for J.D. students described in Faculty Rule 9.11.

G. Transfers Between the M.S.L. and J.D. Programs.

1. No Transfers Allowed from M.S.L. Program to the J.D. Program. Because of the different requirements of the J.D. and the M.S.L. programs, including the different grading standards and requirements for academic standing applied to students in those programs, students shall be prohibited from transferring from the M.S.L. program to the J.D. program. Accordingly, a student enrolled in the M.S.L. program who desires to enroll in the J.D. program would be required to apply to the J.D. program as an entering student and to meet all of the requirements for admission to the J.D. program. If a student formerly enrolled in the M.S.L. program were admitted to the J.D. program, that student would receive no credit toward the total credit hours required for the J.D. degree, as set forth in Rule 5.04, for law courses completed while enrolled in the M.S.L. program. Grades obtained by students for law classes completed while the student was enrolled in the M.S.L. program also would not count toward the student's cumulative grade point average as a J.D. student, nor toward the accumulated credit points required for the J.D. degree, as set forth in Rule 5.09. At the discretion of the Associate Dean for Academic Affairs, the student could receive credit toward the curriculum requirements for the J.D. program, as set forth in Rules 5.04 and 5.05, for courses taken while the student was enrolled in the M.S.L. program.

2. Transfers Between J.D. Program and M.S.L. Program. A student presently enrolled, or formerly enrolled, in the J.D. program at the College of Law, who desires to apply to the M.S.L. program, would be required to meet all of the requirements for admission to the M.S.L. program or to obtain a waiver of those requirements from the

Administrator of the M.S.L. program and the Associate Dean for Academic Affairs. If a student formerly enrolled in the J.D. program were admitted to the M.S.L. program, the credit, if any, that the student would receive toward the M.S.L. degree for law courses completed while enrolled in the J.D. program would be determined by the Administrator of the M.S.L. program and the Associate Dean for Academic Affairs.

Source: Faculty Minutes, September 3, 2003, October 1, 2003, May 5, 2011, March 3, 2016, May 5, 2011 and May 3, 2018.

### 3.09. Master of Laws.

A. Degree. The degree Legum Magister (LL.M. or Master of Laws) shall be awarded to those students who complete the study of law in the LL.M. program at the Ohio State University in accordance with the requirements set forth in this rule.

B. Administration. The Dean of the College of Law shall select an Assistant Dean to administer the LL.M. program. The Dean shall also appoint a Graduate Studies Committee, which shall serve in an advisory capacity and which shall constitute an admissions committee for the LL.M. program.

### C. Admissions.

1. Admission to the College of Law to pursue the LL.M. degree shall be limited to applicants who have:
  - a) obtained an LL.B. or J.D. degree from a university in a foreign country;
  - b) completed in a foreign country the university based legal education required to take the equivalent of the bar examination in that foreign country;
  - c) qualified to practice law in a foreign country;
  - d) the equivalent of any of the three conditions above as determined by the Graduate Studies Committee; or
  - e) students currently enrolled in an LL.B. or J.D. degree program from a university in a foreign country that has entered into a consortium agreement with Moritz to jointly offer a combined program or the equivalent.
2. The applicant must complete the College's application form, take and submit the results of the Test of English as a Foreign Language test (TOEFL) or the International English Language Testing System test (IELTS) unless the test is waived, submit a transcript from each college or university the applicant attended, and meet any other requirements that the Graduate Studies Committee may impose.

In evaluating an application for the LL.M. degree, the most important factors shall be the applicant's academic record, record of demonstrated leadership and experience in the practice of law, and potential to contribute to the intellectual life of the College. The minimum score on the TOEFL shall be 80 internet-based; 550 paper-based; and 213 computer based. The minimum score on the IELTS shall be 6.5. In exceptional cases, the Graduate Studies Committee may authorize the Assistant Dean to admit an otherwise

strong applicant with a TOEFL/IELTS score below the minimum if the applicant demonstrates acceptable proficiency in English.

3. The Graduate Studies Committee may authorize the Assistant Dean to offer conditional admission to an otherwise strong applicant with deficient English proficiency. In order to be considered for conditional admission, an applicant must have a minimum TOEFL score of 69 or IELTS section scores of reading 6, listening 6, speaking 5.5, and writing 5.5. Students who are accepted conditionally must attend an English language program in the United States and achieve the required minimum score for admission by June of the year of their matriculation.

D. Graduation Requirements.

1. In order to fulfill the requirements for the Master of Laws, students must earn passing grades in not fewer than 24 semester hours of credit, including the courses required for completion of the degree, with accumulated credit points which aggregate to not less than 2.3 times the total number of credit hours.

2. Candidates for the LL.M. degree shall be required to complete the courses in (1) the U.S. Legal System and Legal Traditions; and (2) Legal Analysis, Research, and Writing for International Students. The Graduate Studies Committee may permit a student to substitute another course/s if the Assistant Dean finds that the student has satisfactorily completed equivalent course/s.

3. LL.M. Students must obtain prior approval of their programs of courses from the Assistant Dean.

4. The LL.M. program may be pursued on a full-time or part-time basis, over no fewer than two semesters of residency at the College of Law. Students enrolled in the program on a full-time basis will generally be expected to complete the requirements of the degree in one academic year. Students enrolled in the program on a part-time basis will generally be expected to complete the requirements for the LL.M. degree within two academic years. Except when a special exception has been provided by the Academic Affairs Committee for good cause shown, the requirements for completion of the LL.M. degree shall be completed within a maximum of three calendar years from the date of first matriculation in the College of Law.

E. Grading Standards for LL.M. Students. Students who are enrolled in the LL.M. program shall be graded on a separate scale from J.D. students and shall not be awarded numerical grades. Except in a satisfactory/unsatisfactory course, where students receive a grade of “S” or “U,” the LL.M. grading scale and credit points per credit hour will be:

<u>Grade</u>	<u>Credit Points</u>
A	4.0
A-	3.7
B+	3.3
B	3.0

B-	2.7
C+	2.3
C	2.0
D	1.0
E	0

For LL.M. students, a grade of C or lower indicates unacceptable work.

If an LL.M. student has indicated an intention to apply for a transfer into the J.D. program pursuant to Rule 3.09 (I), then in addition to calculating grades according to the LL.M. scale, instructors teaching joint LL.M./J.D. classes will also determine whether that LL.M. student would have scored an 80 or higher if the grade were calculated on the J.D. scale. If so, the instructor will calculate the grade for that LL.M. student according to the J.D. scale, as described in Rule 9.10. (This calculation is not to affect the distribution of grades for the J.D. students in the class). These J.D. scaled grades shall not become part of the LL.M. student's record if the student stays in the LL.M. program. However, if the LL.M. student transfers into the J.D. program, these J.D. scaled grades will replace the LL.M. scaled grades on the student's transcript, and the LL.M. scaled grades will be discarded.

F. Relationship of LL.M. Grading to J.D. Grading. The performance of LL.M. students shall not be considered in determining grades for J.D. Students. LL.M. students shall not be included in creating the grading profile or curve for any J.D. course in which they are enrolled. LL.M. students' grades shall not be included in J.D. honors calculations or rankings.

G. Examination. LL.M. students shall be assigned examination numbers that are distinct from J.D. student examination numbers. The registrar shall inform professors which examination numbers have been assigned to LL.M. students in order to separate LL.M. examinations from the grading process for J.D. students. LL.M. students for whom English is not the primary language shall receive an additional 30 minutes for each hour of an examination and may take a printed language dictionary into in-class examinations.

H. Academic Standing Requirements and Dismissal for Academic Deficiency for LL.M. Students.

1. Students enrolled in the LL.M. program shall be required to maintain a cumulative point hour ratio of at least 2.3 in order to remain in good academic standing. A student shall be dismissed from the College of Law for academic

deficiency if he or she does not maintain a cumulative point hour ratio of at least 2.0.

2. A student whose cumulative point hour ratio falls below 2.3 at any time shall be placed on probation, subject to the conditions of probation imposed by the Graduate Studies Committee, including a requirement that the student raise his or her cumulative point hour ratio to at least 2.3 within one semester of being placed on probation. A student who fails to meet the conditions of probation shall be dismissed from the College of Law.

3. The Graduate Studies Committee may, in cases in which it is persuaded that achievement of academic good standing is a realistic probability, reinstate, on a probationary status, a student who has been dismissed from the LL.M. program for academic deficiency. The terms of probation shall be determined by the Graduate Studies Committee and shall include a requirement that the student raise his or her cumulative point hour ratio to at least 2.3 within one semester of being placed on probation.

I. Transfer from the LL.M. Program Into the J.D. Program. A student enrolled in the LL.M. program may apply to transfer into the J.D. program after the student has completed the regular coursework in the LL.M. program. If the student is accepted into the J.D. program, the student shall receive credit towards a J.D. degree for every class the student completed in the LL.M. program for which the student received a J.D. scale grade pursuant to Rule 3.09(E), except for (1) U.S. Legal System and Legal Traditions, and (2) Legal Analysis, Research, and Writing for International Students.

If the student transfers into the J.D. program, the student's official grades for the classes completed as an LL.M. student will be replaced with the grades that were calculated according to the J.D. scale, as described in Rule 3.09(E).

A student who has transferred from the LL.M. program into the J.D. program will receive a J.D. degree and not an LL.M. degree upon successful completion of the J.D. program graduation requirements. At any time before the completion of the J.D. program graduation requirements, the transferred student may petition the Academic Affairs Committee to be removed from the J.D. program and awarded an LL.M. degree. Upon approval of the Academic Affairs Committee, the student will receive an LL.M. degree and become ineligible for a J.D. degree. The grades on the student's transcript will remain the grades calculated according to the J.D. scale, as described in Rule 3.09(E).

J. Three-Semester Option. To enhance their educational experience, LL.M. students may apply to add a third semester of work to their LL.M. degree. Students may apply for this three-semester option either before matriculating at the College of Law or during the first semester of their LL.M. program. Students accepted for the three-semester option will satisfy all of the degree requirements specified in this rule and will maintain full-time status (as defined by Faculty Rule 5.01) during each of their three semesters. This option does not preclude full-time students from transitioning to a part-time schedule and spreading their work over more than two semesters, as allowed by Section D.4.



Source: Faculty minutes, June 20, 2007, May 20, 2009, October 2, 2014, November 13, 2014, January 8, 2015, March 3, 2016 and December 13, 2017.

## CHAPTER 4 – CERTIFICATES

### 4.01. Certificate in Legal Issues in International Trade and Development.

The Certificate Program in Legal Issues in International Trade and Development at the College of Law offers specialized legal and interdisciplinary training to law students interested in international trade and development. Upon graduation, students who have successfully completed the Certificate Program requirements will receive, in addition to the J.D. degree, a Certificate from the College of Law certifying that they have completed a course of study in international trade and development.

The Certificate Program shall be open to all students in good academic standing at the College of Law. Students may apply to the Certificate Program in the second semester of their first year by submitting an application to the faculty member or members administering the program. The faculty administrator also shall have the discretion to accept applications from law students who have already completed their first year of study. The Dean of the College of Law is authorized to select the faculty member or members who will administer the Program. The Dean may also appoint an advisory committee that will provide consultation on matters relating to the Certificate Program.

In order to fulfill the requirements of the Program, students must complete the equivalent of 30 semester hours of course work. Fifteen of these semester hours must be completed within the College of Law and the equivalent of 15 semester hours (22 quarter hours) shall be completed in other departments and colleges at Ohio State University. All of such course work shall be completed with the consultation and approval of the faculty member administering the program.

Students must complete 15 semester hours of College of Law course work, which must include a core course on International Trade and Development. Each student's additional law school courses shall be chosen from among a selection of courses relating to international trade and development approved by the faculty administrator in conjunction with the College of Law's Academic Affairs Committee. The 15 semester hours of course work completed by students within the College of Law will concomitantly satisfy the requirements toward the J.D. degree.

Students must also complete the equivalent of an additional 15 semester hours (22 quarter hours) beyond what is required for the J.D. degree by completing course work outside the College of Law. With the prior consent of the faculty administrator and the Associate Dean for Academic Affairs, students may receive up to 5 semester hours of credit toward the J.D. degree for courses completed outside the College of Law. Otherwise, the 22 quarter hours completed outside the College of Law shall not be used to concomitantly satisfy the requirements for the J.D. degree and except for satisfying the Certificate Program requirements, no additional law school credit shall be given to any of these hours outside the College of Law. Ordinarily, 7 semester hours (10 quarter hours) shall be devoted to the study of a foreign language. With the consent of the faculty administrator, students may complete as many as 10 semester hours (15 quarter hours) of language study in satisfying the course work requirement outside the College of Law. In order to receive credit toward the certificate program for a non-law course completed outside the College of Law, the student must receive a grade of B- or above.

The Certificate in Legal Issues in International Trade and Development shall be a separate document from the J.D. diploma and shall also be entered on the transcript of grades for the J.D. degree in the same manner as the notation for Honors is printed.

Source: Faculty minutes, April 5, 1995, April 10, 1996, and March 17, 1999.

#### 4.02. Certificate in Dispute Resolution.

The Certificate in Dispute Resolution will be awarded to those students who have successfully completed the requirements for a J.D. degree or an LL.M. degree and also the special requirements listed below for the certificate. The Dean of the College of Law is authorized to select a faculty member or members who will administer the certificate program. The Dean may also appoint an advisory committee to provide consultation to the faculty administrator on matters relating to the certificate program.

The Certificate Program will be open to all students in good academic standing at the College of Law. Students may apply to the Certificate Program at any time by submitting an application together with a list of planned courses for the Certificate to the faculty administrator.

In order to fulfill the requirements to receive the Certificate, students must: 1) earn 15 semester hours of courses in the College of Law that have been approved as part of the Certificate Program by the faculty administrator and the Associate Dean for Academic Affairs; 2) earn credit for one of the two clinical courses in mediation; 3) earn credit in an approved dispute resolution seminar in which the student completes a substantial and high quality scholarly paper in the dispute resolution field; and 4) successfully complete an approved non-credit externship. The following may be counted toward the 15 semester hours required for the certificate: courses listed in 1), 2), and 3) above; and up to 3 credit hours earned as a staff member or editor of the *Ohio State Journal on Dispute Resolution*.

The externship required for the certificate must be approved by the dispute resolution faculty member who will supervise the externship, by the faculty administrator, and by the Associate Dean for Academic Affairs and must involve a total of 112 hours of work mediating, teaching about dispute resolution, or conducting research and consultation on dispute resolution. The 112 hours of the externship may be done through a single short-term placement or through a series of placements during the summers and/or the student's second and third years at the College of Law. For LL.M. students, the externship requirement may be satisfied by completing the 112 externship hours as described above or, with the approval of the Director of the Dispute Resolution Program, coursework that includes at least 112 hours of academic work in courses approved for credit toward the Certificate in Dispute Resolution but for which the student does not earn academic credit.

The Certificate in Dispute Resolution shall be a separate document from the J.D. or LL.M. diploma and a notation regarding the Certificate should be made on the transcript of grades for the J.D. or LL.M. degree in the same manner as the notation for honors is printed.

Source: Faculty minutes, February 11, 1998, June 18, 2003, January 13, 2010, and March 1, 2018.

#### 4.03. Certificate in Children Studies.

The Certificate in Children Studies will be awarded to those students who have successfully completed the requirements for a J.D. degree and also the special requirements listed below for the certificate. The Dean of the College of Law is authorized to select a faculty member or members who will administer the certificate program. The Dean also may appoint an advisory committee to provide consultation to the faculty administrator on matters relating to the certificate program.

The Certificate Program will be open to all students in good academic standing at the Moritz College of Law. Students may apply to the Certificate Program at any time by submitting an application together with a list of planned courses for the Certificate to the faculty administrator.

In order to fulfill the requirements of the Certificate Program, students must successfully complete the equivalent of twenty semester hours of course work. Fifteen of these semester hours must be completed within the College of Law and the equivalent of five semester hours in graduate-level courses in other departments and colleges at The Ohio State University. All of such course work shall be completed with the consultation and approval of the faculty member administering the program.

Students must complete fifteen semester hours of Moritz College of Law course work, which must include ten semester hours in three core Children Studies courses: Children and the Law (three semester hours), Family Law (three credit hours), and the Justice for Children Practicum (four credit hours). Each student's additional law school courses shall be chosen from among a selection of courses relating to children studies approved by the faculty administrator and the Associate Dean for Faculty. The fifteen semester hours of course work completed by students within the Moritz College of Law will concomitantly satisfy the requirements toward the J.D. degree.

Students also must successfully complete the equivalent of an additional five semester hours (the equivalent of eight quarter hours) by completing graduate-level course work outside the Moritz College of Law. Each student must obtain approval for the graduate-level courses from the faculty administrator and comply with all other University rules governing enrollment in courses outside the student's department or college. Courses cross-listed at the law school and another college or department may count toward the required 5 semester hours of graduate-level courses.

The Certificate in Children Studies shall be a separate document from the J.D. diploma and a notation regarding the Certificate shall be made on the transcript of grades for the J.D. degree in the same manner as the notation for honors is printed.

The Certificate requirements may be amended by a vote of the Moritz College of Law's Academic Affairs Committee in consultation with the faculty administrator upon good cause shown.

Source: Faculty minutes, January 22, 2003, January 9, 2008, and November 4, 2009.



## CHAPTER 5 – GRADUATION REQUIREMENTS

### 5.01. Residence Requirement for the J.D. Degree.

A. In order to graduate with a J.D. degree, a student must complete six semesters or the equivalent in full-time residence in the College of Law, extending over a period of not less than ninety weeks.

B. A student in the J.D. program taking ten semester hours or more of work in courses scheduled in the College of Law in any one semester, excluding a summer session, shall be considered to have been in residence for one full semester. A single summer session cannot be considered the equivalent of a full-time semester, regardless of the number of hours taken during that session. Study abroad may count for the residence requirement if the student receives permission from the Academic Affairs Committee.

C. If a student takes fewer than ten semester hours of work in courses scheduled in the College of Law during any semester or summer session, each hour shall count as one tenth of a full semester for purposes of determining whether the full semester requirements for graduation are met. However, no more than three sessions (semester or summer session) may be aggregated during a student's law school career for purposes of meeting the full semester requirements for graduation, and students seeking to aggregate semesters or sessions of fewer than 10 hours to more than one full semester must secure the approval of the Academic Affairs Committee.

Source: Faculty minutes, March 27, 1974, November 3, 1993, March 17, 1999, and September 3, 2003.

### 5.02. Residence Requirement, Transfer Students into the J.D. Program.

For transfer students admitted with advanced standing to the J.D. program, the residence requirement will be reduced proportionately. However, a student must complete their last four semesters in residence at the College, unless the student receives permission from the Academic Affairs Committee to waive this requirement.

Source: Rules contained in College of Law catalog since 1958-59, amended faculty minutes, March 17, 1999 and September 3, 2003.

### 5.03. Curriculum Requirements for the J.D. Program.

A. In order to graduate with a J.D. degree, a student must obtain a passing grade in not fewer than 88 credit hours of courses, including all required courses. 70 of these credits must be awarded in courses which qualify for credit under Rule 304(b) of the ABA Standards and Rules of Procedure for Approval of Law Schools. For students in dual degree programs, only 67 of these credits must be earned in such courses.

B. Students may apply up to eight non-graded externship credits toward the minimum number of credits required for graduation.

Source: Faculty minutes, November 2, 1966, May 31, 1972, December 6, 1978, March 13, 1992, December 6, 1996, March 17, 1999, September 3, 2003, February 2, 2012, and March 1, 2012.

#### 5.04. Required Courses for the J.D. Program.

The following courses are required for the J.D. degree:

- A. LAW I and LAW II
- B. Torts
- C. Civil Procedure I
- D. Criminal Law
- E. Property
- F. Contracts I
- G. Legislation & Regulation
- H. Constitutional Law;
- I. Either Appellate Advocacy or Transactional Practice, and
- J. A course that the Associate Dean for Academic Affairs has designated as meeting the professional responsibility requirement.

In addition, in order to graduate with a J.D. degree, a student must fulfill the experiential and simulation courses requirement described in Rule 5.05 and the seminar requirement described in Rule 5.06. Students who begin their first JD year at the Moritz College of Law after July 2018 must complete two credits of work in the Legal Practice and Perspectives Program.

Source: Faculty minutes, January 24, 1963, April 10, 1974, November 10, 1974, September 3, 2003, March 1, 2012, and November 2, 2017.

#### 5.05 Experiential and Simulation Courses Requirement.

In order to graduate with a J.D. degree, a student must earn a total of six credits from designated experiential and simulation course work.

A. The required first year course of Legal Analysis and Writing II counts towards this requirement.

B. The required second year course of Appellate Advocacy or Transactional Practice counts towards this requirement.

C. A student must earn the remainder of the required experiential or simulation course credits from a list of courses designated by the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs shall designate a course as an experiential or simulation course if it meets the experiential or simulation course definition under applicable ABA



requirements. The Associate Dean for Academic Affairs or any faculty member may refer questions concerning whether a course should be designated as an experiential course to the Academic Affairs Committee.

D. If a J.D. candidate completed their first year of law school at another institution, the Associate Dean for Academic Affairs or their designee shall review the courses taken by the student and determine how many credits from those courses satisfy the requirements of this rule.

Source: Faculty minutes, March 1, 1995, March 17, 1999, September 3, 2003, March 7, 2013, and January 14, 2016.

#### 5.06. Seminar and Writing/Skills Requirements.

A. In order to graduate with a J.D. degree, a student must obtain a passing grade in a seminar for at least two hours of credit.

B. The Associate Dean for Academic Affairs will designate a course a seminar only if the course involves a rigorous writing experience with formative feedback and substantial small-group discussion. The Associate Dean for Academic Affairs or any faculty member may refer questions concerning whether a course may qualify as a seminar to the Academic Affairs Committee.

C. A student may not use the same course to satisfy both the Seminar requirement of this rule and the Experiential and Simulated Courses requirement under Rule 5.05 or the Professional Responsibility Instruction requirement under Rule 5.04.

Source: Faculty minutes, May 14, 1969, December 16, 1970, May 31, 1972, June 1, 1983, February 27, 1985, April 17, 1985, March 17, 1999, April 18, 2001, September 3, 2003, and January 14, 2016. See also Rule 9.27.

#### 5.07. Minimum Cumulative Average for the J.D. Degree.

A student is eligible to graduate with a J.D. degree only if the student has completed their first and second year course work with a cumulative average of not less than 2.0, and, in addition, has completed their third-year course work with cumulative average of not less than 2.0 in the third year.

Source: Faculty minutes, November 2, 1966, March 17, 1999, and September 3, 2003.

#### 5.08. Ineligibility Upon Failing Courses.

A student may not graduate with a J.D. degree if they have failed more than two courses in any one year or if they have failed more than three courses during the student's entire work in the College of Law. For purposes of this rule, a failure is a "E" in a graded course or a "U" in an ungraded course, independent study, or co-curricular activity.

Source: Faculty minutes, November 2, 1966, March 17, 1999, and September 3, 2003.

5.09. Graduation only in June and December.

The College of Law shall graduate students only in June and December of each year.

Source: Faculty minutes, January 8, 1953.

5.10. Ranking of Students Completing Requirements in Summer Session.

All students completing the requirements for graduation during summer of any year shall, for ranking purposes, be considered a member of the class to be graduated the ensuing December and June.

Source: Faculty minutes, April 21, 1939, May 26, 1971, and March 17, 1999.

5.11. Maximum Period of Enrollment for J.D. Degree.

A. A student must complete the requirements for the J.D. degree within a maximum of seven semesters of enrollment. This requirement does not apply to a student enrolled in a dual degree program.

B. A student must complete the requirements for the J.D. program within a maximum of five calendar years from the date of first matriculation in the College of Law.

C. The Academic Affairs Committee can grant an exception to (A) or (B) if good cause is shown.

Source: Faculty minutes, April 12, 1978, March 17, 1999, and September 3, 2003.

## CHAPTER 6 – ACADEMIC STANDING, DISMISSAL, PROBATION, AND READMISSION

### 6.01. Student Standing in University.

A student who is admitted to the College of Law is resident in the University only as a law student. The student's standing in the University is dependent upon his or her standing in the College of Law.

Source: Faculty minutes, October 1, 1959, and March 17, 1999.

### 6.02. Requirements for Good Standing in the J.D. Program.

Good standing in the J. D. program of the College of Law depends upon maintaining an average of C (2.00) or better. For purposes of this rule, averages shall be computed at the end of the second, fourth, and sixth semesters.

Source: Faculty minutes, November 16, 1966, March 17, 1999, and September 3, 2003.

### 6.03. Requirements to Continue in the J.D. Program of the College.

A student shall be permitted to continue in the J.D. program of the College of Law in good standing under the following rules:

A. A student is eligible to continue his or her studies beyond the first year in good standing if the student has completed the required first-year curriculum of the J.D. program of the College of Law with accumulated credit points which aggregate not less than 2.00 times the total number of credit hours taken during the year.

B. A student is eligible to continue his or her studies beyond the second year in good standing if the student has completed his or her second-year course work in the J.D. program with accumulated credit points which aggregate not less than 2.00 times the total number of credit hours taken during the second year.

Even though a student meets the requirements of the above paragraphs, the student will not be eligible to continue in the J.D. program of the College of Law if he or she has failed more than two courses in any one year or if he or she has failed more than three courses during the student's entire work in the College of Law. For purposes of this rule, a failure is an "E" in a graded course or an "U" in an ungraded course, independent study project, or co-curricular activity.

Source: Faculty minutes, November 2, 1966, March 17, 1999, and September 3, 2003.

6.04. Dismissal of First Year Students in the J.D. Program; Withdrawal.

No dismissals of first-year students in the J.D. program will be made before the end of the first two semesters. However, if a student withdraws prior to the end of his or her first two semesters and has not maintained a minimum point-hour average of 1.85, the student shall be dismissed.

Source: Faculty minutes, October 1, 1959, March 17, 1999, and September 3, 2003.

6.05. Dismissal from the J.D. Program for Low Grades.

A student in the J.D. program shall be dismissed from the College at the end of the second semester, if he or she shall not have maintained a cumulative point hour ratio of at least 1.75. A student in the J.D. program shall be dismissed from the College at any time after his or her third semester that the student's cumulative point hour ratio is less than that which, pursuant to Rule 6.06, entitled a student to a probationary status.

Source: Faculty minutes, December 12, 1973, March 17, 1999, and September 3, 2003.

6.06. Academic Probation of Students in the J.D. Program; Academic Watch.

A. Circumstances and Terms of Academic Probation. A student in the J.D. program shall be placed on academic probation in the following circumstances and the terms of the academic probation shall be as follows:

1. End of Second Semester. A student who fails to attain a cumulative point hour ratio of 2.00 at the end of the student's second semester, but who has earned an average of at least 1.75, shall be eligible to continue in the College, but shall be on academic probation. The terms of this probation and the terms of probation for a student readmitted by the Academic Affairs Committee after dismissal for low grades at the end of the second semester shall be:

- a) Attainment of at least a 2.00 average on all work undertaken in each semester, excluding work undertaken in a summer session, during which the probation continues;
- b) Attainment of a cumulative point hour ratio of at least 2.00 at the conclusion of that semester during which the probationer will have completed 60 hours of course work.
- c) Approval by the Dean or Associate Dean for Academic Affairs of the probationer's schedule. A probationer may appeal the decision of the Dean or Associate Dean to the Academic Affairs Committee.
- d) Such other terms as the Academic Affairs Committee deems advisable.

The probation shall continue until dismissal or until the probationer satisfies the terms of probation.

2. End of fourth semester. A student who fails to attain a 2.00 in the student's third and fourth semesters combined but who has a cumulative average on all work undertaken of 2.00 or better will be entitled to continue into a fifth semester as a probationer on condition that the probationer's average for the fifth semester, during which the student must enroll for at least twelve credits in courses to be graded at the completion of that semester, shall be at least 2.25.

3. End of sixth semester. A student who fails to attain a 2.00 for the student's fifth and sixth semesters combined but who has an average on all work undertaken of 2.00 will be permitted to continue for an additional semester as a probationer on condition that the probationer's average for the seventh semester, during which the student must enroll for at least twelve credits in courses to be graded at the completion of that semester, shall be at least 2.25.

B. Failure to Meet Terms of Probation.

1. First Failure. When a probationer who has not been either previously dismissed or continued on probation after petitioning the Committee fails to meet the conditions of probation, the probationer shall be notified of that fact and shall have one week to petition the Academic Affairs Committee to continue on probation. If the probationer does not petition the Committee, the probationer shall be dismissed from the College. If the probationer petitions the Committee, the Committee shall decide whether the probationer should continue on probation under the same or different conditions or should be dismissed.

2. Subsequent Failure. When a probationer who has been either previously dismissed or continued on probation after petitioning the Committee fails to meet the conditions of probation, the probationer shall be dismissed.

C. Criterion for Academic Watch. A student in the J.D. program shall be on academic watch whenever that student's cumulative point hour ratio falls below 2.40. The student shall remain on academic watch until that student attains a point hour ratio of at least 2.40.

D. Terms of Academic Watch. A student who is on academic watch shall be required (1) to meet with the Associate Dean for Academic Affairs, or the Associate Dean's designee, at least once per semester to review the student's academic schedule and other matters relating to the student's academic performance and (2) to participate in a program of academic assistance as directed by the Associate Dean for Academic Affairs or the Associate Dean's designee. The academic watch designation shall not appear on the student's transcript.

Source: Faculty minutes, December 12, 1973, October 18, 1978, April 1, 1998, March 17, 1999, September 3, 2003, and April 7, 2011.

6.07. Readmission After Withdrawal From J.D. Program While in Good Standing.

A. Students in the J.D. program who withdraw from the first year while in good standing but without completing all course requirements may be permitted to return the following first semester at the discretion of the Admissions Committee. Such a student will be permitted to take only courses he or she did not complete during the preceding year or to take a full course load by taking selected second-year courses in addition to first-year courses he or she had not completed at the discretion of the Associate Dean for Academic Affairs.

B. Students in the J.D. program who withdraw from the College after the first year while in good standing may be permitted to return to the College at that student's class level at the time of withdrawal, if readmission is sought within two years of withdrawal. At any later date, applications for readmission must be made to the Academic Affairs Committee of the College of Law.

Source: Faculty minutes, May 4, 1967, March 17, 1999, and September 3, 2003.

#### 6.08. Return of Student Leaving as Probationer.

A student who withdraws from the J.D. program of the College, who would have been a probationer if that student had continued, shall be permitted to return as a probationer and the terms of the probation shall be the same as though the student had not withdrawn.

Source: Faculty minutes, December 12, 1973 and September 3, 2003.

#### 6.09. Readmission After Withdrawal From the J.D. Program Not in Good Standing.

A student not in good standing who withdraws from the J.D. program of the College of Law, or a student who withdraws or fails to reregister during the first year of the J. D. program and whose average is less than that required for admission to the second year, may be readmitted only with the consent of the Academic Affairs and the Admissions Committees of the College.

Source: Faculty minutes, April 25, 1970, March 2, 1977, March 17, 1999, and September 3, 2003.

#### 6.10. Authority of Academic Affairs Committee to Reinstate Students to the J.D. Program Dismissed Because of Academic Deficiency.

The Academic Affairs Committee of the College may, in those cases where it is persuaded that achievement of academic good standing is a realistic probability, reinstate, on a probationary status, a student who has been dismissed from the J.D. program for academic deficiency. The terms of the probation shall be as determined by the Academic Affairs Committee, but shall not be more lenient than those required of students who are on probation as a matter of right.

Source: Faculty minutes, December 12, 1973 and September 3, 2003.

6.11. Readmission to the J.D. Program Retake the First Year's Work.

Applications or petitions for readmission to retake the first year's work submitted by students who have been dismissed from the J.D. program of the College of Law of The Ohio State University for academic deficiencies during or at the end of their first year of attendance shall be treated as initial applications for admission and shall be considered by the Admissions Committee under then current criteria applicable to first admissions generally.

Source: Faculty minutes, January 14, 1970, February 16, 1972, March 17, 1999, and September 3, 2003.

6.12. Minimum Scholastic Standards for Transfer Students to the J.D. Program.

For the purpose of the rules on the minimum scholastic requirements, a transfer student from another college of law or foreign institution who is admitted to advanced standing in the J.D. program of this College of Law shall be treated as though his or her entire College of Law residence had been at this University, but his or her cumulative point hour shall be computed only on work done at this University. The application of this rule shall be limited to consideration of dismissals only.

Source: Executive Committee, January 5, 1960, and Faculty minutes, April 14, 1993 and September 3, 2003.

## CHAPTER 7 – EXAMINATIONS

### 7.01. Examinations Under Honor System.

Examinations in the College of Law are administered to students under the regulations and standards of the Honor Code established by the Student Bar Association.

Source: Faculty minutes, October 1, 1959.

### 7.02. Proctored Examinations.

Notwithstanding the provisions of Rule 7.01, any student may elect to take an examination under the Supervision System in which event, the examination shall be proctored. The Honor Council of the Student Bar Association shall have no authority to investigate charges of violations arising in the course of any such proctored examination.

Source: Faculty minutes, April 26, 1967.

### 7.03. Examinations in Courses Covering More Than One Semester.

Where a course is continuous for two semesters, an examination will be given at the end of the course. An interim examination may be given at the end of the first semester while the course is in progress at the discretion of the instructor. The instructor may give additional interim examinations during the progress of the course.

Source: Faculty minutes, May 4, 1961, and March 17, 1999.

### 7.04. Withdrawal from Multiple Semester Course After First Examination.

If a student registered in a two semester course seeks permission to withdraw from the course after the examination in the first semester, permission to withdraw may be conditioned upon the student accepting a failing grade for the first semester's work if, in the opinion of the instructor, the student has a failing grade on the first semester's work and if the reasons for withdrawing are not compelling. Otherwise, the student shall receive neither a grade nor partial credit for the course.

Source: Faculty minutes, March 5, 1964, and March 17, 1999.

### 7.05. Examinations, When Taken.

Except as otherwise provided in the rules of the College, students shall take their examinations on the dates and at the times scheduled. Any extension of time beyond the scheduled closing time of an examination requires the consent of one of the Deans.

Source: Faculty minutes, April 5, 1967, May 3, 1970, and March 7, 1973.



7.06. Postponement of Examination for Emergency.

A student may, with prior consent of the Associate Dean for Academic Affairs or his or her designee, postpone an examination because of emergency circumstances (such as illness or a death in the family) deemed sufficient by that Dean.

Source: Faculty minutes, March 7, 1973, and March 17, 1999.

7.07 Variances Which May Be Authorized by the Dean; Examination Before Scheduled Date Restricted.

There can be no variance from Rules 7.05 and 7.06 without the consent of the Associate Dean for Academic Affairs or his or her designee. When the Associate Dean for Academic Affairs or his or her designee believes there is good cause for so doing, he or she may permit or require an examination to be taken at a time other than one of those provided for in Rules 7.05 and 7.06. In no event, however, shall the Associate Dean for Academic Affairs or his or her designee permit or require any student to take an examination in advance of the scheduled date without the consent of the student and the examining instructor. Further, in cases where permitting a student to take an examination in advance of the scheduled date will result in the same examination's administration to one or a small group of students in advance of its administration to a significantly larger group, the Associate Dean for Academic Affairs or his or her designees shall withhold their consent unless there are extraordinary circumstances which provide strong reason for an early examination.

Source: Faculty minutes, March 7, 1973, and March 17, 1999.

7.08. Examination May Be Typewritten.

Students may use typewriters without memory in writing examinations. These examinations shall be taken in a separate room or rooms than students handwriting their examinations.

Source: Faculty minutes, May 14, 1937, and March 17, 1999.

7.09. Use of Computers for Writing Examinations.

A. Students may use computers or similar devices to write examinations unless such use is prohibited by the instructor giving the examination.

B. Except in the case of take-home examinations or examinations that are not located within Drinko Hall, all computers or similar devices used to write examinations must be equipped with examination software selected by the Moritz College of Law. The Dean, or her designee, may modify or waive this requirement as necessitated by individual student or class circumstances.

C. An individual instructor may establish his or her policy governing examination procedures and may refuse to allow the use of computers or similar devices during examinations. An individual instructor may not, however, waive or modify the requirements of 7.09(B).

D. If the requirement under 7.09(B) is waived by the Dean or his designee, then the following procedures for student computer use in writing examinations shall apply:

1. Computer users may not put into their examination answers any materials or statements written prior to the exam and stored in the computer's memory or elsewhere. Computer users are not permitted to access any network during the exam, except for purposes of printing their answers to the examination. The exam answer must consist only of material written during the time provided for the taking of the examination. Copy & paste (within or between documents), cut & paste between documents, find (within or between documents), and any other function that adds prewritten text may not be used during the exam period. Spell check, and cut & paste within a document may be used.
2. At the end of the examination, each computer user must submit the printed examination answer or a floppy disk containing the examination answers. The floppy disk must be marked with the student examination number. The instructor is under no obligation to return the disk.
3. Within one hour of the end of the examination, a student must submit a printed copy of the student's examination answer to the person designated by the instructor to receive the document, with due regard to maintaining anonymity.
4. Any printed version of examination answers tendered after the examination has ended must be placed inside a bluebook, with the Honor Code pledge signed according to instructions on the bluebook. The examination answers submitted must be an exact duplicate of the examination answers contained on the floppy disk.

E. If the requirement under 7.09(B) is waived by the Dean or his designee for a particular exam, an instructor may modify the default rules contained in 7.09(D). If the instructor chooses to modify the examination procedures, the instructor must file a written copy of his or her policy with the Associate Dean for Academic Affairs and must provide students enrolled in the each course taught by the instructor with a written notice of his or her policy within two weeks of the beginning of any regularly scheduled course in order for the policy to be operative. If a faculty member establishes a policy as provided for in this section, each provision of the default rule set forth in 7.09(D) will remain in effect unless the faculty member specifically establishes a contrary policy.

F. If the student taking the exam uses exam software, subsections D and E will not apply and the rules regarding printing and submission of the exam will be set by the Dean or his designee in accordance with the requirements of the exam software.

Source: Faculty minutes, March 13, 1992, March 29, 2000, February 21, 2001, and May 7, 2003, and November 16, 2005.

7.10. Instructions on Examination Books.

There shall be no uniform instructions concerning examinations printed on the blue books. The Honor Pledge shall be printed on the cover of the blue book.

Source: Faculty minutes, November 17, 1965.

7.11. Anonymous Grading.

All examinations shall be graded anonymously. Papers and other assignments will be graded according to the guidelines announced by the instructors. Anonymous grading means that the instructor will not learn the identity of the student submitting work until after having first turned in the grade for that work to the College Office. That grade will be retained for one year, and will be available, upon request, to the student.

Source: Faculty minutes, May 14, 1980, and March 17, 1999.

## CHAPTER 8 – HONOR SYSTEM

### 8.01. Honor Code, How Administered.

There shall be in the College of Law an Honor Code administered by the Dean's Office. The Honor Code presently in effect, an official copy of which is on file in the Office of the Dean of the College, is approved as the Honor Code for the College and the procedures set out in such code shall be utilized in the administration of the same.

Source: Faculty minutes, December 12, 1929, and August 29, 1990.

### 8.02. Amendment of Honor Code.

Amendments to the Honor Code may be proposed by the Student Bar Association or by members of the faculty from time to time but no amendment will be effective until the proposed amendment has been approved by the faculty of the College of Law.

Source: Faculty minutes, November 20, 1952.

### 8.03. Honor Pledge.

A. There shall be printed on each examination blue book and each objective examination the following “HONOR PLEDGE: I have not been guilty of cheating, or assisting others to cheat, nor have I seen any cheating during the course of this examination.” A student taking an examination under the Honor System shall sign such pledge with the examination number assigned to him or her or report to the Associate Dean for Academic Affairs or his or her designate any reason why the student cannot conscientiously so sign such pledge. A faculty member receiving an unsigned honor pledge shall report the exam number for that student to the Associate Dean for Academic Affairs, or his or her designate, for further inquiry.

B. Unless other arrangements are made by the Professor before hand, on all graded written assignments, the student shall sign and date, or report to the Associate Dean for Academic Affairs or his or her designate any reason why the student cannot conscientiously do so, the following Honor Pledge: “I have not been guilty of cheating, plagiarism or assisting others to cheat or plagiarize, nor have I seen any cheating or plagiarism during the course of this writing assignment.”

C. Prior to the examination, the Professor or his or her designate should explain the Honor Pledge to the class and should reiterate what can or cannot be done or used during the exam.

Source: Faculty minutes, November 17, 1965, April 26, 1978, August 29, 1990, March 17, 1999, and May 7, 2003.

8.04. Administration Committee to Act on Honor Council Reports.

A. Jurisdiction. All Honor Council reports and all reports of “no prima facie case” from a prosecutor shall be considered by the Administration Committee, which shall make its decisions by majority vote.

B. Student Participation. Student members of the Administration Committee shall participate fully in committee deliberations on Honor Code cases and shall have a right to vote on such matters in the Committee and in faculty meetings under Rule 8.05. The defendant in Honor Code proceedings shall have no right to preclude such participation and voting.

C. Excuse and Challenge for Cause. The Dean may excuse a member of the Administration Committee from participation in a proceeding upon request of the member. A challenge for cause may be made by any counsel appearing in the proceeding and shall be sustained and the challenged member excused from further participation in the proceeding, unless a majority of the remaining members vote to override such challenge. Challenge for cause shall be made at the earliest time that the cause is known to, or through the exercise of reasonable diligence would be known to, the counsel making the challenge.

D. Powers Where Prosecutor Reports No Prima Facie Case. Where the Honor Code prosecutor reports that he or she has received an allegation of an Honor Code violation, but has found that there is no prima facie case under the Honor Code, the Administration Committee may direct the prosecutor to prosecute if the Administration Committee finds material error in the legal analysis or otherwise finds the decision inappropriate. It may also ask the prosecutor for additional assistance in reaching this decision.

E. Powers where Honor Council Reports. In acting upon an Honor Council report, the Administration Committee shall utilize the following standards:

- (1) The Administration Committee may reverse a finding of no violation if the Administration Committee finds gross error in the proceeding below;
- (2) The Administration Committee may increase the sanction recommended by the Honor Council if the Administration Committee finds a gross abuse of discretion;
- (3) The Administration Committee may reverse a finding of a violation if the Administration Committee finds material error in the proceeding below;
- (4) The Administration Committee may decrease the sanction recommended by the Honor Council if the Administration Committee finds the sanction is inappropriate.

In any case where the Administration Committee could alter (in any way) or reverse the findings or recommendations of the Honor Council, the Committee may order a new hearing (in whole or on limited issues) before the Honor Council or it may order the Honor Council to reconsider its recommendations.

F. Finality of Action. The decision of the Administration Committee shall be final in all cases, except as provided in Rule 8.05.

G. A written opinion shall be prepared by the Presiding Officer for the Administration Committee, describing and explaining any decision made on Honor Code matters.

H. The Administration Committee shall consider the recommendation of the Honor Council concerning the public posting and reporting of Honor Council findings, recommendations, and opinions in the case. It shall determine whether the Honor Council recommendation shall be followed or overruled and whether the Administration Committee's opinion should or should not be publicly posted or reported. In making these determinations, the Administration Committee shall not be bound in any way by the Honor Council recommendation. The Administration Committee may decide that the material should be posted and reported, but that names and identifying characteristics should first be deleted. Where an individual has been found to have committed no Honor Code violation, no opinion permitting public identification of that person shall be posted or reported without the permission of the individual. All postings must be reviewed by the Associate Dean for Academic Affairs for compliance with state and federal law, including but not limited to the Family Educational Rights and Privacy Act [FERPA]. 20 USCA § 1232g.

I. Appearance by Defendant and Prosecutor. The defendant shall have a right to appear before the Administration Committee, with counsel if represented, to make an argument on a question of law or a statement in mitigation, but may not introduce new evidence going to the issue of guilt. If the defendant chooses to appear before the Committee, the prosecutor shall be extended the same right.

J. The Administration Committee shall maintain the confidentiality of all information that may lead to the identification of any person involved in Honor Code matters except as permitted by Subsection H.

Source: Faculty minutes, February 9, 1966, April 26, 1978, August 29, 1990, March 17, 1999, November 15, 2000, and May 7, 2003.

#### 8.05. Faculty Review of Administration Committee Decision.

A. Jurisdiction. Where the Administration Committee imposes or confirms a sanction of suspension or expulsion, the defendant may within ten days of notification of Administration Committee action, request faculty review of the sanction.

B. Form. The request shall be by written petition, to which shall be appended all documents before the Administration Committee and any written decision of the Committee. A copy of the petition shall be served upon the prosecutor, who may respond in writing.

C. Publication. Any decisions by the faculty pursuant to this rule shall be posted on an official College bulletin board, unless the faculty determines that such publication is inappropriate.

D. Review Discretionary. The faculty shall, by majority vote, decide whether or not to review the case.

E. Power. If review is granted the faculty may either affirm or reduce the sanction. It may not increase the sanction, review the finding of guilt, or receive evidence.

F. Participation; Vote. Student, staff, and faculty **members** of the Administration Committee may participate fully, and vote, in deliberations on Honor Council matters. Reduction of sanction shall require a decision by simple majority vote.

G. Appearance by Defendant and Prosecutor. The defendant shall not have the right to appear before the faculty, but the faculty may, by majority vote, permit the defendant to appear. In this case, the prosecutor shall be given the same privilege.

Source: Faculty minutes, April 26, 1978, and March 17, 1999.

#### 8.06. Reporter of Decisions.

The Dean shall be responsible for the maintenance of two copies of a Reporter of Decisions in Honor Code cases, which shall contain a copy of all opinions of the Honor Council and the Administration Committee that the Administration Committee has decided should be published pursuant to Rule 8.04(H). One copy of this Reporter shall be kept on closed reserve in the Library, and one in the Dean's Office.

Source: Faculty minutes, April 26, 1978, August 29, 1990 and March 17, 1999.

#### 8.07. Faculty Advisors to Prosecution and Defense Counsel; Presiding Officer.

The Dean shall appoint one or more members of the faculty to serve as Honor Code prosecution faculty advisors and one or more faculty members to serve as Honor Code defense counsel advisors, and one faculty member to serve as Presiding Officer. Prosecutors and defense counsel appointed pursuant to the Honor Code, Article I, Section B, shall be informed of the names of such persons. No faculty advisor shall sit on Administration Committee or faculty deliberations of a case on which they provided advice.

Source: Faculty minutes, April 26, 1978, and August 29, 1990.

#### 8.08.

Faculty members shall not act as prosecutors or defense counsel before the Honor Council.

Source: Faculty minutes, April 26, 1978.

## CHAPTER 9 – INSTRUCTIONAL PROGRAMS

### 9.01. Two Programs of Instruction for the J.D. Program.

There shall be in the J.D. program of the College of Law only two programs of instruction: (1) the regular program of three academic years with graduation in June; (2) the accelerated program - six consecutive semesters which include two summer half-semester sessions - with graduation in December.

Source: Faculty minutes, May 22, 1952 and September 3, 2003.

### 9.02. Calendar and Class Schedules; Procedure for Adoption.

At an appropriate time each year, the Dean or the Dean's designee shall promulgate a proposed calendar, class schedule, and examination schedule for the next academic year. Copies of these items shall be distributed to members of the faculty, members of the Student Bar Association, Administration Committee, student class officers, and student members of faculty committees. Copies shall also be posted on the College of Law main floor closed bulletin board for general perusal by students. The Dean or the Dean's designee shall receive comments and suggestions for at least two weeks, and shall then promulgate a revised version of the calendar and class schedule. The Dean or the Dean's designee shall have the authority to then promulgate final class schedules. The calendar shall be submitted for approval of the Administration Committee or an ad hoc committee appointed by the Dean.

Source: Faculty minutes, April 5, 1967, minutes, November 1, 1972, May 22, 1974, June 11, 1975, and November 28, 1984.

### 9.03. Class Scheduling.

A. 8:00 a.m. Classes. There shall be no classes scheduled during the 8:00 to 8:50 a.m. hour except when a faculty member agrees that his or her class be scheduled during that time. Generally, the 8:00 to 8:50 a.m. hour will be utilized by adjunct professors.

B. Saturday Classes. There shall be no classes scheduled on Saturdays except when a faculty member requests that his or her class or seminar be scheduled on such day.

C. Open Hours. The time 12:10-2:15 p.m. on Thursdays will be kept open for regular and special faculty meetings and for faculty committee meetings. To the extent practicable, an effort should be made to keep one or two noon hours free from regular classes, in order to allow the scheduling of make-up classes and special events.

Source: Faculty minutes, April 28, 1971, March 17, 1999, and January 13, 2011.

### 9.04. Principles Concerning Courses and Course Requirements, Number in Classes.



In general, no section of a second- or third-year course in the J.D. program should have an enrollment exceeding 75; no section of a first-year course should have an enrollment exceeding 100.

Source: Faculty minutes, May 25, 1967, March 17, 1999, and September 3, 2003.

#### 9.05. Small Section Program in the J.D. Program.

A. Consistent with faculty availability and other needs, the College of Law will endeavor to offer a sufficient number of sections of first-year courses in the J.D. program so that each first-year student will be enrolled in one small section during the fall semester, in addition to the courses in Legal Analysis and Writing.

B. The small section course offered in addition to those in Legal Analysis and Writing shall include significant enriching experiences, at least one of which shall be a midterm examination that contributes to the student's final grade and offers some type of feedback before the semester ends. The choice of examination and feedback format remains in the discretion of the instructor.

Source: Faculty minutes, March 15, 1989, January 27, 1999, March 17, 1999, September 3, 2003, and February 3, 2011.

#### 9.06. Assignment Preference for J. D. Students in Over- subscribed Courses.

Where more students than can be accommodated have registered, at the pre-announced registration time, for a particular course or section of a course, third-year students in the J.D. program shall have preference over second-year students in the J.D. program and accelerators shall have preference over non-accelerators, except that in Evidence, Business Associations, and Federal Income Taxation second-year students shall have preference over third-year students who have had a previous opportunity to enroll in the course. Subject to faculty approval, the Academic Affairs Committee may adopt further rules governing assignment preferences. Those rules shall be announced to the students before preregistration begins.

Source: Faculty minutes, March 2, 1977, December 6, 1996, February 12, 1997, and September 3, 2003.

#### 9.07. Student Employment.

The Associate Dean for Academic Affairs shall be responsible for maintaining records of student employment. Students shall identify where and to what extent they expect to be employed during the academic year.

Source: Faculty minutes, May 25, 1977, and March 17, 1999.

9.08. Class Attendance.

A faculty member may establish a rule of attendance by announcement no later than the first week of the semester. Continued enrollment may be conditioned upon compliance with the rule of the faculty member and the final grade adjusted for noncompliance with the rule. Whether or not a faculty member has established a rule of attendance, continued enrollment is conditioned upon and the final grade may be adjusted for failure to comply with the rules and regulations of the University and of bar-admitting authorities or with the standards of accrediting organizations.

Source: Faculty minutes, March 11, 1981.

9.09. Grading of Students' Work.

Grading of student work shall be by the use of both letter grades and numerical grades. Letter grades are assigned credit points and are used in calculating standing in the University for purposes of graduation and dismissal. Numerical grades shall be used in calculating standing in class for making awards and granting honors.

Source: Faculty minutes, October 1, 1959.

9.10. Letter and Numerical Grades.

Letter grades, numerical grade ranges for letter grades, and credit points earned shall be as follows:

A	93-100	4.0 credit points per credit hour.
A-	90-92	3.7 credit points per credit hour.
B+	87-89	3.3 credit points per credit hour.
B	83-86	3.0 credit points per credit hour.
B-	80-82	2.7 credit points per credit hour.
C+	77-79	2.3 credit points per credit hour.
C	70-76	2.0 credit points per credit hour.
D	65-69	1.0 credit points per credit hour.
E	60-64	no credit points.
I		Incomplete work.
P		Progress in multiple semester courses.
R		Audit.
S		Satisfactory.
U		Unsatisfactory.
K		Transfer credit from other law schools for which the student received a C or higher grade.

Source: Faculty minutes, October 1, 1959, March 11, 1970, May 3, 1995, and February 15, 2006.

9.11. Disclosure of Class Rank Information for the J.D. Program.

After the conclusion of each academic year, the Dean or his or her designee shall issue a grade distribution statement for each class in the J.D. program (first-year, second-year cumulative, and third-year cumulative). These statements shall be similar in form to the model for grade distribution for the Class of 1989, which was as follows:

CLASS OF 1989  
GRADE DISTRIBUTION

<u>APPROXIMATE AVERAGE</u>	<u>PERCENT OF CLASS</u>
95-96	5%*
93-94	10%
92-93	20%
91	35%
89-90	50%
77	MINIMUM AVERAGE NEEDED FOR GOOD STANDING

\* THOSE PERSONS IN THE TOP 5% OF THE CLASS ARE RANKED INDIVIDUALLY.

THIS DISTRIBUTION IS MADE AVAILABLE PRIMARILY TO ENABLE STUDENTS TO DETERMINE THEIR APPROXIMATE CLASS STANDING. EMPLOYERS ARE CAUTIONED TO USE THIS INFORMATION JUDICIOUSLY. AS THE CHART SHOWS, MINOR DIFFERENCES IN ACADEMIC AVERAGES CAN HAVE VERY SIGNIFICANT EFFECTS UPON CLASS STANDING. ALL OF OUR STUDENTS HAVE SURVIVED A COMPETITIVE AND CAREFUL ADMISSIONS PROCESS AND GENERALLY ARE SUPERBLY QUALIFIED FOR THE PRACTICE OF LAW.

The appropriate third-year cumulative grade distribution statement shall be made a part of a student's transcript.

The precise class ranks of students who rank in the upper five percent of their classes shall be communicated to the students in question. The precise class ranks of students who rank in the upper five percent of their class cumulatively for their three years of law school shall be recorded on their transcripts. Class rank information shall not otherwise be disclosed to students except insofar as is necessary in connection with Law Journal selection, election to Coif, and the awarding of other honors based on class rank.

Source: Faculty minutes, October 26, 1988, March 17, 1999, and September 3, 2003.

9.12. Class Ranking of Students in J.D. Program, Limitation.

A. Except as provided in subsection B, class ranking, if calculated, shall not be recorded in students' records and shall not be communicated to anyone, including the students so ranked. Rankings will be available only for determination of eligibility for election to the Order of the Coif and other special honors based on ranking. The highest numerical average may be disclosed and students shall be placed on a percentile scale prepared in a similar manner to that utilized in reporting LSAT standings. The College shall issue a statement explaining grading procedures and the grade average distribution.

B. The class rank of students in the top 5% of the class shall be reported in student records and shall be made available on the same basis as other information in the student's records.

C. In calculating class ranking, grade point average will not be computed beyond the first decimal place. In case of ties, rank will be established by rounding downward, that is, if several students are tied at the bottom of a category, all will be included in that category.

Source: Faculty minutes, March 4, 1970, October 18, 1978, November 1, 1978, and September 3, 2003.

#### 9.13. Ranking of Irregular Students in the J.D. Program.

Class ranking of students in the J.D. program shall be computed on the basis of all grades received, regardless of interruption, except that if the grading scale is changed during the period of interruption, the grades received prior to the change of scale shall be converted to the new scale.

Source: Faculty minutes, May 26, 1971 and September 3, 2003.

#### 9.14. What Grades Show.

An A or A- in a course indicates high distinction within the class; a B+, B, or B- indicates distinction within the class; a C+ or C indicates that the student has demonstrated professional competence; a D is sufficient for course credit. An S takes the place of and is equivalent to one of the above grades in recording passing work. An E or a U represents failing work in the course.

Source: Through 1971-72 Bulletins as amended by faculty for inclusion in 1973-74 Bulletin, and Faculty minutes February 15, 2006.

#### 9.15. Point-hour Average, How Computed.

The point-hour ratio of a student shall be computed by dividing the sum of the applicable number of credit hours in which the marks, A, A-, B+, B, B-, C+, C, D, or E have been given into the sum of the credit points assigned for such hours, with appropriate grade substitutions as may be provided in Rules 9.30 and 9.31. Credit hours and marks earned at a foreign institution under Faculty Rule 9.46 shall not be calculated for the purposes of this rule.

Source: Faculty minutes, October 1, 1959, April 14, 1973, April 14, 1993, March

17, 1999 and February 15, 2006.

9.16. Weighted Numerical Average, How Determined.

The weighted numerical average shall be calculated in such a way that grades in first-year courses carry fifty percent as much weight per credit hour as advanced courses. First-year courses shall be those courses taken by most students in the first year of the J.D. program even though a particular student may take the course at some time later than the first year.

Source: Faculty minutes, February 23, 1977 and September 3, 2003.

9.17. Relative Class Standing, How Determined.

All questions which depend on relative standing in the class, including the awarding of honors, shall be determined by the weighted numerical average of the students.

Source: Faculty minutes, July 16, 1953.

9.18. Incomplete E Grade in Determining Class Standing.

An E Incomplete shall be treated as 61 points for purposes of determining class standing.

Source: Executive Committee Minutes, July 26, 1961.

9.19. Late Enrollment.

A student may not enroll:

- A. In any course other than a seminar, clinical practicum, or Trial Practice after the third meeting of that course, or
- B. In any seminar, clinical practicum, or in Trial Practice after the first meeting of that seminar or course,

without the permission of the instructor concerned and of the Dean or his or her designee.

Source: Faculty minutes, April 25, 1970, February 25, 1970, and March 17, 1999.

9.20. First-Year Load-Lightening; Excuse from Full-Time Attendance; Academic Affairs Committee.

A. The Academic Affairs Committee shall be empowered to except from full-time attendance, for good cause shown, a student in the J.D. program who has otherwise been accepted for full-time study. A part-time student shall be considered as one-half student for purposes of limitations on admission. For students in the J.D. program, attendance on a part-time basis shall require enrollment for a minimum of 6 hours per semester.

- B. Any first-year law student in the J.D. program may petition the Academic Affairs

Committee for authority to lighten his or her load during the first year in the College. Such petitions shall be acted upon by the Academic Affairs Committee.

C. Applications for relief under division B may be granted when the Academic Affairs Committee finds that the applicant: (1) has primary personal or economic responsibility for a child or other dependent; (2) has experienced individual difficulties external to the College of Law which have materially disrupted learning opportunities; or (3) has experienced academic difficulty and indicates that his or her progress in the College will be materially improved by granting the requested relief.

D. Applications for relief will normally be denied unless made within 6 weeks after the beginning of the course or courses involved or within 10 days after the occurrence of the facts constituting the grounds for the application.

E. Applications requesting waiver of the limitations expressed in divisions C and D of this rule will be granted upon demonstration of extraordinary circumstances.

Source: Faculty minutes, December 1, 1971, December 31, 1972, November 17, 1976, April 26, 1978, March 17, 1999, and September 3, 2003.

#### 9.21. Taking Postponed or Dropped First-Year Courses in the J.D. Program.

A course postponed under Rule 9.20 or dropped under Rule 9.22 must be taken by the student who postponed taking it or who dropped it, the next time such course is offered.

Source: Faculty minutes, December 1, 1971, December 31, 1972, November 17, 1976, March 17, 1999, and September 3, 2003.

#### 9.22. Withdrawal From Courses and Seminars.

The following shall govern withdrawal by students from courses and seminars in the College of Law:

A. First-year Students in the J.D. Program. The faculty committee charged under Rule 9.20 with the responsibility for considering applications of first-year students in the J.D. program to lighten their loads may allow a first-year student to drop any course at any time before the final examination.

B. Seminars, Clinic, Closed Courses, and Professional Skills Courses. A student may not withdraw from any seminar, closed course, clinic, or professional skills course after the first full week of class without the permission of the instructor concerned and the Dean or his or her designee. A faculty member may further limit the time for withdrawal from a seminar, clinic, or professional skills course with the prior approval of the Academic Affairs Committee. Notice of such further limitation shall be communicated to the students in the preregistration materials.

C. Other Second-year and Third-year Courses in the J.D. Program. A student may withdraw, without prejudice, from any second- or third-year course in the J.D. program, including

multiple semester courses other than those set out in sub-paragraph B above, by notifying the Associate Dean or his or her designee prior to the commencement of the seventh week of the term in which the course is commenced. After the commencement of the seventh week of the term in which the course is commenced, a student may withdraw from the course only with the permission of the instructor concerned and the Associate Dean or his or her designee. The Associate Dean or his or her designee shall not grant permission for withdrawal after the final day of regularly scheduled classes for that term. A student who withdraws from any second- or third-year course will be given low priority for enrollment in the same course in a subsequent term.

D. Failure to Complete Course Without Withdrawal. A student who is not officially withdrawn from a course or seminar and fails to complete the same will receive a grade of E.

E. Waiver of Withdrawal Rule. Except for those cases in which faculty or Academic Affairs Committee permission is specified, the Dean or his or her designee in the College of Law, for good cause shown, may waive any or all of the provisions of this rule.

Source: Faculty minutes, February 25, 1970, December 1, 1971, April 2, 1997, March 17, 1999, September 3, 2003, and March 1, 2012.

9.23. Withdrawal from College Noted.

Withdrawal from the College of Law shall be noted on a student's official permanent record.

Source: Faculty minutes, April 2, 1997.

9.24. General Rule When Study Interrupted for Military Service.

It shall be the policy of the College of Law that every effort be made to salvage as much enrollment time as possible in cases involving study interruption for military service.

Source: Faculty minutes, November 12, 1969.

9.25. Readmission When First-Year Interrupted for Military Service.

A. A student who has successfully completed a first-year course prior to the interruption of his or her studies need not repeat it after readmission. With the approval of the Academic Affairs Committee, the student in the J.D. program may register for second-year courses in order to bring his or her schedule up to the required minimum number of hours.

B. A student who has completed one and one-half semesters of academic work in the first year of the J.D. program may, with the approval of the Academic Affairs Committee, be permitted to register for one or more of the courses which were interrupted, at the point of interruption or at some earlier point, in lieu of registering at the beginning of such course. In deciding whether to grant approval pursuant to this rule, the Academic Affairs Committee may consider any factors it deems relevant, including the student's undergraduate record and LSAT

score, length of time away from law school, the student's grades in completed courses, and a change in the content of an interrupted course.

Source: Faculty minutes, February 25, 1970, March 17, 1999, and September 3, 2003.

9.26. Seminars: Requirement to Graduate from the J.D. Program.

The requirement for completion of seminar offerings shall be that at least two hours of seminar offerings shall have been completed during the second or the third year. Students are encouraged to take more than one of such offerings. Each third-year student in the J.D. program shall have priority over all second-year students in the J.D. program in enrolling in seminars. Where applications for a seminar exceed maximum enrollment, a third-year student in the J.D. program who has had one or more seminars as a second-year student shall not, because of that fact, be discriminated against in allocating openings in the seminar. Nothing in this rule affects the prerequisites, if any, that have been or may be established for a seminar.

Source: Faculty minutes, December 16, 1970, March 17, 1999, and September 3, 2003. See Rule 5-07.

9.27. Maximum Course Load for Students in the J.D. Program.

A second- or third-year student in the J.D. program may never register in J.D. coursework in excess of 17 semester hours.

A second- or third-year student in the J.D. program may register in J.D. coursework totaling 17 semester hours in one semester if at least one of the semester hours is being awarded for work on journals or moot court pursuant to Rules 10.04 and 11.01. If none of the semester hours is being awarded for journals or moot court, however, then the student may register in J.D. coursework totaling 17 semester hours only with the consent of the Dean or his or her designee.

Source: Faculty minutes, November 20, 1974, March 17, 1999, September 3, 2003 and October 4, 2012.

9.28. Independent Study Credit.

Students may undertake independent study projects under the supervision of a faculty member with the approval of the Associate Dean for Academic Affairs. The credit assigned to that project should be appropriate for the magnitude of the project and the quality of the work. Students may earn toward their J.D. degree no more than a total of four credit hours for independent study projects unless, upon a student's petition, the Academic Affairs Committee approves a higher number of total hours for that student.

Source: Faculty minutes, November 1, 1951, March 17, 1999, and May 5, 1999.



9.29. Repetition of Courses.

A. A student who has received a mark of E or U in a required course at this University may repeat the course for credit only as provided in University Rule 3335-7-27(A). A student who has received a mark of E or U in any other course at this University may repeat the course for credit if permission to do so has been granted by the Academic Affairs Committee and the Dean.

B. An undergraduate or professional student who has received a mark of D in a course at this University may repeat the course for credit only upon recommendation of the Academic Affairs Committee and with the approval of the Dean of his or her College.

C. An undergraduate or professional student who has received a mark of A, A-, B+, B, B-, C+, C or S in a course taken at this University or elsewhere may repeat the course only as an auditor, upon receipt of permission by the Dean of the College.

D. A student who has audited a course may subsequently repeat the course for credit with the permission of the Academic Affairs Committee of the College.

E. The credit hours for a repeated course shall in no case be counted more than once in meeting graduation requirements.

Source: Rule 37.09, Rules for the University Faculty, November, 1969; Faculty minutes, April 4, 1973, March 17, 1999 and February 15, 2006.

9.30. Repetition of First-year Courses in the J.D. Program, Authorization, Grade on Repetition.

A J.D. or M.S.L. student who, at the direction of, or with the permission of, the Academic Affairs Committee and the Dean or his or her designee, repeats a first-year course in the J.D. program in which the student has received a grade of D or E shall have the grade received on repetition of the course counted toward his or her accumulative point-hour average and credit hours toward graduation. The grade received the first time the course was taken shall remain on the student's permanent record, but shall not count toward the student's accumulative point-hour average or credit hours toward graduation.

Source: Faculty minutes, April 4, 1973, March 17, 1999, and September 3, 2003.

9.31. Repetition of Second- or Third-year Courses in the J.D. Program, Authorization, Grade on Repetition.

A J.D. or M.S.L. student who, at the direction of, or with the permission of, the Academic Affairs Committee and the Dean or his or her designee, repeats a second- or third-year course in the J.D. program shall have the grade received on his or her repetition of the course and the grade received the first time the course was taken averaged for purposes of determining the student's accumulative point-hour average.

Source: Faculty minutes, April 4, 1973, March 17, 1999, and September 3, 2003.

9.32. Retention of Course Papers by Students.

Students shall not be permitted to retain the original copy of papers submitted by them to meet course requirements.

Source: Faculty minutes, March 2, 1966.

9.33. Class Recording Prohibited.

No student of the College of Law shall, in any course offered by the College of Law, record in class, by any means other than handwriting or use of the computer, the content, either verbatim or in substance, of all or any part of any lecture, discussion, or demonstration, without first obtaining the approval of the instructor concerned. A computer may not be used if the instructor so informs the student.

Source: Faculty minutes, May 17, 1962, and February 17, 1993.

9.34. Sale of Class Notes Prohibited.

No student of the College of Law shall, with reference to any course offered by the College of Law, convey, for value, to any other person, whether or not a student of the College of Law, or to any organization or association, whether or not affiliated with the College of Law, any record, whether made by handwriting or by any other method or device, of the content, either verbatim, or in substance, or in outline form, of all or any part of any lecture, discussion, or demonstration, without first obtaining the approval of the instructor concerned.

Source: Faculty minutes, May 17, 1962.

9.35. Aiding or Procuring Violation of Rules 9.33 and 9.34.

No student of the College of Law shall knowingly aid or procure any other person, whether or not a student of the College of Law, or any organization or association, whether or not affiliated with the College of Law, to engage in conduct violative of Rules 9.33 and 9-34.

Source: Faculty minutes, May 17, 1962, and March 17, 1999.

9.36. Organization Violation of Rules 9-33, 9-34, and 9-35 Prohibited.

No organization or association affiliated with the College of Law shall engage in any conduct prohibited by Rules 9-33, 9-34, and 9-35.

Source: Faculty minutes, May 17, 1962, and March 17, 1999.

9.37. All-day Scheduling.

The College of Law shall adopt as a deliberate policy a schedule which will include an all-day class curriculum, on all five weekdays.

Source: Faculty minutes, May 20, 1932, and March 17, 1999.

9.38. Classes to Meet Before and After Holidays.

Classes shall meet immediately before and after holidays at the regularly scheduled time.

Source: Faculty minutes, July 3, 1946, and March 17, 1999.

9.39. Review of First-year Grades in the J.D. Program.

The Dean or Associate Dean for Academic Affairs shall review all proposed grades to be given by first-year instructors in first-year courses in the J.D. program to ensure substantial compliance with the College's grading profile and if, in the opinion of the Dean or Associate Dean for Academic Affairs, a meeting of first-year instructors is necessary, such a meeting shall be held prior to the posting of any grades for first-year students.

Source: Faculty minutes, November 7, 1963, March 17, 1999, and September 3, 2003.

9.40. Substantial Compliance with First-Year Profile by Visiting and Adjunct Professors.

The Dean shall not assign a visiting faculty member or an adjunct faculty member to teach a course in the first-year of the J.D. curriculum unless the Dean has previously described to such faculty member the College first-year grading profile and secured the agreement of the faculty member to seek to achieve substantial compliance with that profile in the grading of the course.

Source: Faculty meeting, September 5, 1984 and September 3, 2003.

9.41. Classroom Blackboard Notices Prohibited.

Classroom blackboards will not be used to post notices, advertisements, or announcements.

Source: Faculty minutes, January 10, 1979.

9.42. Summer Sessions of College.

The College of Law shall conduct a summer session each year on as broad a basis as student demand and fiscal circumstances allow.

Source: Faculty minutes, November 7, 1919, and March 17, 1999.

9.43. Credit for Summer Sessions at Other Colleges.

Students of the College of Law may take courses in a summer school program of a college of law accredited by both the American Bar Association and The Association of American Law Schools with the approval of the Associate Dean for Academic Affairs. Work completed at a level of D or above in approved courses shall be accepted as credit toward the J.D. by the College.

A student receiving a grade of C or better shall receive a grade of “satisfactory” (K) on the records of the College and University for the work completed. A student receiving a grade of D shall receive a grade of D on the records of the College and University and the grade of D shall be computed in the student's cumulative grade point average. Credit for work completed at a C level or above in summer school or at the summer term of a foreign institution with high academic standards shall be received only upon compliance with the process established in Faculty Rule 9.46.

Source: Faculty minutes, May 29, 1907, April 26, 1978, October 18, 1978, April 14, 1993, May 3, 1995, and March 17, 1999.

#### 9.44. Permission for Transiency Credit Other Than During Summer Sessions.

A student of the College of Law may request permission to take courses as a transient student at another law school accredited or provisionally accredited by the American Bar Association. Permission for a single semester of transiency may be obtained from the Associate Dean for Academic Affairs. Permission for a period of transiency study to exceed a single semester must be obtained from the Academic Affairs Committee. The transfer of credit from such other law school shall be subject to preliminary approval by the Associate Dean for Academic Affairs to ascertain that credit is not provided for undue overlap with courses already taken at The Ohio State University College of Law. Work completed at a level of D or above in approved courses shall be accepted as credit toward the J.D. degree. A student receiving a grade of C or better shall receive a grade of “satisfactory” (K) on the records of the College and University for the work completed. A student receiving a grade of D shall receive a grade of D on the records of the College and University and the grade of D shall be computed in the student's cumulative grade point average. For transiency credit from a foreign institution with high academic standards, the petition shall be approved only upon compliance with the process established in Faculty Rule 9.46.

Source: Faculty minutes, April 26, 1978, October 18, 1978, April 14, 1993, May 3, 1995, March 17, 1999, and November 15, 2000.

#### 9.45. Process for Approving Credit for Legal Education at a Foreign Institution with High Academic Standards.

The general educational objective in allowing students to study abroad for academic credit is to enrich the students' legal education by adding a rigorous and rewarding international experience. To ensure that the experience merits credit and to establish the appropriate level of that credit, the Academic Affairs Committee upon petition by a student of the College, who has completed in good standing at least the first year of full-time study, may approve up to 29 semester hours credit for legal education at a foreign institution with high academic standards. This credit limit does not apply to a program of foreign study that has received specific approval from the faculty. The petition shall contain:

(A) A written agreement by a faculty member of this College with the student's specific educational objectives and coursework and acceptance by that faculty member of

responsibility for (I) supervising the student, including a requirement for an adequate amount of written student work for that supervision, and (II) monitoring the academic program at the foreign institution;

(B) A statement from the Dean or a faculty member that the foreign institution has faculty members with academic credentials equivalent to the members of this College's faculty;

(C) A statement describing both the general academic program at the foreign institution and the specific courses for which credit is being sought, including the methodology of those courses, which must meet the same academic standards as those of the College, and indicating that the foreign institution is government-sanctioned or otherwise accredited by an appropriate entity;

(D) A statement of specific educational objectives, accompanied by assurances from the foreign institution that those objectives can be accomplished and designation by the foreign institution of a resident faculty member who will serve as an on-site supervisor of the student;

(E) For each course, a statement indicating (I) the anticipated hours of direct faculty instruction; (II) descriptions of and time estimates for assigned reading; (III) descriptions of and time estimates for other out-of-class work; and (IV) hours allotted to a final examination or other final assessment.

(F) A statement that the coursework at the foreign institution is in English or that the student is sufficiently fluent in the foreign language to understand the coursework; and

(G) A statement of the residency and class attendance requirements of the foreign institution, and a commitment from the student to comply with either those requirements or the requirements of this College, whichever are greater.

Upon review of the petition the Committee shall determine whether to grant the petition and, if so, for how many semester hours credit. The Committee may set the number of semester hours by considering the number of hours the equivalent amount of coursework, using comparable methodology, would be awarded at the College. In no case will the Committee allow more credit hours than permitted by Rule 9.52. Credit shall be further conditioned on compliance with the requirements of the American Bar Association.

Source: Faculty minutes, April 14, 1993, March 17, 1999, May 5, 1999, October 5, 2017, and March 1, 2018.

#### 9.46. Credit, Non-curricular Courses.

To provide opportunities for interdisciplinary training:

A. Graduate students not otherwise enrolled in the College of Law shall be permitted, with the consent of the instructor concerned, to take a course or a seminar in the College of Law:

(1) Law faculty members permitting graduate students to enroll in their College of Law courses may, in their discretion, grade such students on any of the following bases:

- (a) Grade--law school standards; or
- (b) Grade--graduate school standards, on a scale equivalent to that in Rule 3.09(e).

(2) Law faculty members are encouraged, but not required, to offer each graduate student a choice between the two bases set out in sub-section (1) above. In any event, each attending graduate student shall be informed of the grading standard applicable to him or her before the student is permitted to enroll in the course.

(3) Graduate school grading standards shall be determined by the concerned law faculty member by consulting with the chairman of the graduate department in which the student to which such standards are to be applied is enrolled. If a graduate student is to be graded according to graduate school standards in a law course, such course shall not constitute credit towards a law degree should the student later enroll in law school. An appropriate notation of the applicable grading standard shall be made on the student's transcript, and the student shall be informed that law courses graded under graduate school standards will not count as credit toward a law degree.

(4) Teachers of College of Law courses who are willing to open enrollment in their courses, pursuant to Faculty Rule 9.46(A), to graduate students from other departments, shall inform the committee charged with responsibility for Interdisciplinary Programs, which will obtain approval of such courses for graduate credit from the graduate school and the Council on Academic Affairs.

B. Law students shall be permitted to enroll in courses and seminars offered outside the College up to a total of five semester hours credit provided:

(1) The student desiring to take such a course or seminar presents a petition so to enroll to a law faculty member. Where practicable, the faculty member to whom the petition is presented shall be familiar with the area in question.

(2) The petition shall contain adequate data concerning the course or seminar, including reading lists and other requirements of the course, to demonstrate why the course is useful and relevant to the student's professional interests, to establish that there is no unacceptable overlap with offerings available in the College of Law, and to demonstrate that the requested credit hours comply with Faculty Rule 9.52.

(3) The law faculty member certifies in writing that the course or seminar will be useful and relevant to the student's professional interests, that there is no unacceptable overlap with offerings available in the College of Law, and that the requested credit hours comply with Faculty Rule 9.52.

(4) The petition is approved by the Associate Dean for Academic Affairs.

(5) Courses and seminars so approved shall count toward fulfillment of the

College's hour requirement for graduation if: (a) the faculty member who approved the course or seminar under paragraph 3 above, reviews the student's participation in such course or seminar at least once each term and determines that in its actual operation it is achieving its educational objective and that the credit allowed is consistent with Rule 9.52; and (b) the student receives a passing grade in the course or seminar. However, grades earned in such courses or seminars shall not be included in computing the student's cumulative point-hour grade in the College of Law.

(6) Approved petitions and statements required pursuant to paragraph (5) above, shall be maintained in the College of Law files of the petitioning students. Copies of approved and disapproved petitions and statements required pursuant to paragraph (5) above shall be maintained by the Associate Dean for Academic Affairs.

Source: Faculty minutes, April 30, 1969, April 5, 1972, June 6, 1973, March 17, 1999, September 3, 2003, September 6, 2012, and October 5, 2017.

#### 9.47. Professional Responsibility, Orientation.

Approximately one hour of the orientation program for first-year students in the J.D. program shall be devoted to instruction by a faculty member in problems of professional responsibility.

Source: Faculty minutes, May 9, 1973 and September 3, 2003.

#### 9.48. Grades -- When Due.

In all courses, final grades shall be submitted within the later of 21 days of the scheduled date for the final examination or scheduled date of submission for final student work, or 14 days from the date that the instructor receives the final examination or student work, unless exceptional circumstances have been discussed with the Dean and require extension.

Source: Faculty minutes, October 6, 1993 and June 4, 2020.

#### 9.49. Co-Curricular Activity.

A. A co-curricular activity is an activity other than a course or independent study for which academic credit may be earned.

B. First-year students in the J.D. program are ineligible to engage in or compete for selection to a co-curricular activity prior to the completion of their second semester examinations; however, they may attend informational meetings regarding such co-curricular activity during their first year.

Source: Faculty minutes, September 24, 1997 and September 3, 2003.

#### 9.50. Grade of Incomplete.

When a grade of "I" is awarded, the faculty member shall set a date certain by which the

work must be completed and communicate that date to the student and to the Associate Dean for Academic Affairs. The date certain shall be no later than the end of the examination period of the semester following the semester in which the course was offered. If the work remains incomplete after the scheduled date, the professor will then replace the grade of “I” with a grade of “A” through “E” (in a pass-fail course, “S” or “U”).

Source: Faculty minutes, May 5, 1999.

#### 9.51. Enrollment in Clinical Practicum.

Students may enroll in more than one clinical practicum during a single semester only in exceptional circumstances and with the prior approval of the Associate Dean for Academic Affairs. The Associate Dean or the Dean’s designee will make the determination in consultation with the instructors of each clinical practicum in which the student seeks to be enrolled.

Source: Faculty minutes, April 4, 2007.

#### 9.52. Policy for Determining Credit Hours Awarded for Academic Work.

A. The College of Law adheres to ABA Standards in determining the number of credit hours awarded for coursework. ABA Standard 310(b) provides:

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

(1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

B. ABA Interpretation 310-1 clarifies that:

(1) the fifteen-week period may include one week of exam period;

(2) fifty minutes suffices for one “hour” of classroom or direct faculty instruction; and

(3) sixty minutes are required to constitute an “hour” of out-of-class student work.

C. In accordance with Standard 310, the College of Law awards one unit of credit for an amount of academic work that reasonably approximates:

(1) at least 750 minutes of classroom or direct faculty instruction (including examinations) plus 1800 minutes of out-of-class student work, for a total time of 42.5 hours per credit; or



(2) at least 45 hours of academic work completed outside the classroom without direct faculty instruction; or

(3) any other combination of direct faculty instruction and out-of-class work that satisfies the guidelines articulated in sections A and B above.

These requirements apply to academic work that extends over any period of time, including semester-long courses, short courses, and summer session courses. They also apply to distance education courses.

D. Any new course proposal must include a paragraph describing the anticipated workload and offering a reasonable estimate of the hours that students will devote to the course. As appropriate to the course, this description should include:

- (1) anticipated hours of direct faculty instruction;
- (2) descriptions of and time estimates for assigned reading;
- (3) descriptions of and time estimates for other out-of-class work; and
- (4) hours allotted to a final examination or other final assessment.

The Academic Affairs Committee and faculty will consider this information when reviewing the proposed course. The Committee will recommend, and the faculty will determine, the appropriate credit hours for the proposed course.

Source: Faculty minutes, October 5, 2017.

#### 9.53. Periodic Review of Credit Hours Awarded in Established Courses.

A. When an instructor teaches an established course, the instructor will provide the following information for the planned course:

- (1) anticipated hours of direct faculty instruction;
- (2) descriptions of and time estimates for assigned reading;
- (3) descriptions of and time estimates for other out-of-class work; and
- (4) hours allotted to a final examination or other final assessment.

The instructor will also attest that the planned course offering complies with the College of Law guidelines articulated in Faculty Rule 9.52.

B. The Associate Dean for Academic Affairs will review the information provided under subsection A and, if the Associate Dean believes that work done in a course does not match the credit hours awarded, will work with the instructor to adjust the credit hours or workload.

Any change in credit hours for an established course must be reviewed by the Academic Affairs Committee and approved by the faculty.

C. To inform estimates made by instructors under subsection A, as well as the review conducted by the Associate Dean under subsection B:

(1) The Associate Dean or their designee will periodically prepare reports aggregating workload data from course information submitted by instructors. The Associate Dean will share those aggregate reports with instructors to promote understanding and discussion of academic workloads at the College of Law.

(2) Each academic year, the Academic Affairs Committee will solicit student input on the overall academic workload at the College of Law. The committee may solicit that input from student representatives on the committee, surveys, focus groups, or any other means it finds appropriate.

(3) The Academic Affairs Committee will sponsor, as appropriate, an annual faculty-wide discussion about academic workloads. These discussions may include review of aggregate data from the Standard 310 forms, presentations by experts, or other materials designed to inform faculty pedagogy.

Source: Faculty minutes, October 5, 2017.

#### 9.54. Documentation of Hours.

If a student seeks academic credit for an independent study project (Faculty Rule 9.28), an externship (Faculty Rule 5.03.B), work in the lawyering skills program (Faculty Rule 10.04), or work on a College of Law journal (Faculty Rule 11.01), the student must keep a regular timesheet recording the amount of time spent and nature of the activity. The Associate Dean for Academic Affairs will assure that faculty supervisors/advisors and students have developed regular timekeeping practices for these activities. To receive academic credit, students must submit their timesheets to the activity's faculty supervisor or advisor at the end of the semester. The faculty supervisor or advisor will certify to the Associate Dean for Academic Affairs that the credits sought comply with Faculty Rule 9.52. Students, however, may not receive more credit for these activities than the amounts specified in Faculty Rules 9.28, 5.03.B, 10.04, and 11.01.

Source: Faculty minutes, October 5, 2017.

## CHAPTER 10 – LAWYERING SKILLS COMPETITION PROGRAM

### 10.01. Lawyering Skills Competition Program.

There shall be in the College of Law a Lawyering Skills Competition Program for students in the second and third years of the J.D. program.

Source: Faculty minutes, February 25, 1970, March 13, 1992, March 1, 1995, and September 3, 2003.

### 10.02. Lawyering Skills Program Director and Executive Committee.

There shall be a Director of the Lawyering Skills Competition Program appointed by the Dean. The Director shall administer all intramural and interscholastic lawyering skills competitions at the College of Law. The Director shall be assisted by an Executive Committee consisting of second and third-year students. The Executive Committee shall consist of a President, Vice-President for Intramural Competitions, Vice-President for Interscholastic Competitions, and such other positions as the Director determines are necessary.

Source: Faculty minutes, February 25, 1970, March 13, 1992, March 1, 1995, and February 16, 2005.

### 10.03. Appellate Advocacy II.

Appellate Advocacy II, also known as the Herman Competition, is a voluntary intramural appellate advocacy competition for second-year students in the J.D. program. Appellate Advocacy II has two independent components. One component offers additional experience in brief writing and oral argumentation. The other component is the selection of interscholastic moot court competition teams.

Source: Faculty minutes, February 25, 1970, March 13, 1992, March 1, 1995, March 17, 1999, and September 3, 2003.

### 10.04. Credit for Participation in the Lawyering Skills Program.

All grading in the Lawyering Skills Competition Program shall be on a satisfactory/unsatisfactory basis. Successful completion of Appellate Advocacy II shall require a suitable quality written product and oral argument as determined by the Director. One credit hour shall be given for successful completion of Appellate Advocacy II. By prior arrangement with the Director, Executive Committee members may receive up to a maximum of two credit hours per year during their membership on the Executive Committee for successful completion of their responsibilities. Members of interscholastic moot court teams selected from the Herman Competition shall receive one credit hour upon approval of the team's faculty advisor. Members of other interscholastic lawyering competition teams selected by a process approved by the Director shall also receive one credit hour upon approval of the team's faculty advisor. All interscholastic teams shall have a faculty advisor and approval of the Director before representing the College of Law at an interscholastic competition. A student may receive no more than five

credit hours under this rule.

Source: Faculty minutes, February 25, 1970, March 13, 1992, March 1, 1995, December 6, 1995, March 17, 1999, and February 16, 2005.

10.05. Satisfaction of the Non-Seminar Writing Requirement for Members of Interscholastic Moot Court Teams.

The non-seminar writing requirement of Faculty Rule 5.07 may be satisfied for members of moot court teams in interscholastic competitions upon (1) review by the faculty advisor of the writing done by the student and (2) the faculty advisor's written certification to the Associate Dean for Academic Affairs that the writing experience was of sufficient quality and quantity to satisfy the non-seminar writing requirement.

Source: Faculty minutes, February 25, 1970, December 6, 1972, March 13, 1992, and March 1, 1995.

## CHAPTER 11- LAW JOURNALS

### 11.01. Academic Credit for Work on Law Journals.

The Moritz College of Law sponsors five highly regarded academic journals: the *Ohio State Business Law Journal*, *Ohio State Journal of Criminal Law*, *Ohio State Journal on Dispute Resolution*, *Ohio State Law Journal*, and *Ohio State Technology Law Journal*.

A. Academic Credit for Student Writing. J.D. students selected to join one of these journals may earn up to two hours of credit for researching, writing, and revising one or more notes or comments for the journal.

B. Academic Credit for Other Journal-Related Work. J.D. students selected to join one of these journals may earn one hour of credit for other journal-related work completed prior to the beginning of their fifth semester, and an additional two hours of credit for other journal-related work done in their two final semesters of academic residence. "Journal-related work" includes cite-checking, editing the work of another student or professional author, managing Journal symposia or other functions, and any other work deemed "journal-related" by the journal's editor-in-chief and advisor(s).

C. Academic Credit for Work on the Managing Board. J.D. students who successfully complete work on the Managing Board of one of the journals may receive an additional hour of credit.

D. Credit for LL.M. Students. LL.M. students who collaborate with one of the journals, by performing any of the work described in subsections A through C, may receive up to one hour of credit.

E. Compliance with Rules 9.53 and 9.54. The credits designated above represent the maximum number of credits available for each type of law journal activity. Students will not receive these credits unless they work at least 45 hours for each credit (as Rule 9.53 requires) and document that work (as Rule 9.54 requires).

F. Limit on Credits. No student may receive more than 6 hours of credit for law-journal work.

G. Award of Credits. Credits will be awarded by the faculty advisor or managing faculty editor, upon recommendation of the editorial board.

H. Professional Commitment. Although the College awards academic credit for work done on law journals, journals are a co-curricular activity that may demand more time from students than the credit hours awarded. Students who join a journal, or who commit to fulfilling a particular role on a journal, should be prepared to fulfill their professional responsibilities even when those responsibilities require more hours than the credits awarded.

Source: Faculty minutes, November 7, 2019

## CHAPTER 12 – PLACEMENT

### 12.01. Equal Employment Opportunities, Policy Statement.

The College of Law, together with other law schools in Ohio and the nation, has expanded opportunities in legal education for students who belong to minority groups and for women. It is the joint responsibility of the College and the legal profession at large to ensure that all students are afforded equal employment opportunities. Many employers have taken positive steps to ensure that law school graduates are employed on the basis of full equality. The placement services of the College of Law are available only to employers who provide equal employment opportunities for all, regardless of sex, race, color, creed, religion, disability, national or ethnic origin, sexual orientation, or Vietnam-era veteran status or disabled veteran status, except as mandated by pertinent legal requirements.

Source: Faculty minutes, October 21, 1970, May 24, 1978, May 2, 1979, and March 17, 1999.

### 12.02. Publication, Equal Employment Opportunities Statement.

The statement set out in Rule 12.01 shall be incorporated in the College of Law Bulletin and in any general placement brochure prepared or issued by the College. Such statement shall be mailed annually as part of the placement brochure if one is published or otherwise in printed form to all persons and organizations (firms, corporations, and agencies) who may reasonably be expected to contemplate recruiting among students of the College, being those primarily who have contacted the College for recruitment purposes in the past several years by telephone or mail whether or not they have actually interviewed at the College. Such statement shall be provided for each interviewer who comes to the College to conduct placement interviews.

Source: Faculty minutes, October 21, 1970, and March 17, 1999.

### 12.03. Complaints by Students of Discriminatory Practices, Time Limits.

Students shall be informed of the policy set out in Rule 12.01 and advised that, if they wish to register a complaint of discriminatory practices, they should address themselves to the Director of Placement within a reasonable time.

Source: Faculty minutes, November 4, 1970, and March 17, 1999.

### 12.04. Complaints of Discriminatory Practices: Action by Director of Placement; Hearing Panel.

A. Upon receiving a complaint, the Director of Placement shall consider whether there are reasonable grounds to believe that a violation of the Equal Employment Opportunity policy has occurred. If the Director determines such grounds to exist, the matter shall be referred to the Dean.

B. If the Director finds no reasonable grounds to believe that a violation of the Equal Employment Opportunity policy has occurred, the Director shall, if the complainant desires,

convene a panel consisting of two tenured faculty members and one student. The faculty members shall be drawn according to seniority on the faculty from the committees on Affirmative Action/Minority Affairs and Admissions. The student shall be drawn from the hierarchy of officers in the Student Bar Association, according to rank but excluding the President. This panel shall consider whether there are reasonable grounds to believe that a violation has occurred. If the panel is unanimous in concluding that there are no reasonable grounds to believe that a violation has occurred, the complaint shall be rejected. In all other cases, the complaint shall be forwarded to the Dean.

Source: Faculty minutes, November 4, 1970, March 17, 1999, and February 12, 2003.

12.05. Conciliation of Complaint of Discrimination.

The Dean or his or her designee may attempt to conciliate the matter between the complainant and the person or organization named in the complaint.

Source: Faculty minutes, November 4, 1970, and March 17, 1999.

12.06. Complaint to Administration Committee of College, When.

If the matter is not resolved by conciliation to the satisfaction of the complainant within a period of four weeks, the complainant may bring his or her complaint before the Administration Committee, within a reasonable time, for a hearing and disposition.

Source: Faculty minutes, November 4, 1970, and March 17, 1999.

12.07. Administration Committee to Hear Complaints of Discrimination, When, How Constituted, Notice, Burden of Proof, Counsel, Disposition.

The Administration Committee, excluding the Deans and any person who has participated in the matter at an earlier stage, shall hear complaints submitted to it pursuant to the procedure set forth above. The Committee shall ensure that the person or organization named in the complaint receives reasonable notice of the substance of the complaint and an opportunity to be heard, confront the complainant, and present evidence material to the disposition of the matter. The burden of proof by a preponderance of the evidence shall be on the complainant. The parties to such proceeding may be assisted by counsel or an advisor of their choice, and if either party retains a member of the faculty as counsel or advisor, the Dean shall appoint another member of the faculty to act as counsel or advisor to the other party if such party desires that the Dean do so. The Committee shall make a final determination on questions of law and fact and shall impose such remedial action as it deems appropriate. The Committee shall report its disposition of the matter to the faculty for its information.

Source: Faculty minutes, November 4, 1970, and March 17, 1999.

12.08. Remedial Action When Discriminatory Practice Found.

Remedial action shall be limited to: (a) warning; (b) a pledge of future non-discrimination as a condition of continued use of placement facilities; (c) suspension from use of placement services; or (d) exclusion of a specific individual from interviewing at the College for particularly odious personal conduct.

Source: Faculty minutes, November 4, 1970.

12.09. File of Unfair Employment Practices Complaints.

The Director of Placement shall keep a file of all complaints of unfair employment practices received and shall record the disposition made of each complaint.

Source: Faculty minutes, November 4, 1970.



## CHAPTER 13 – FACULTY

### 13.01. Assignment of Courses.

The following policies shall be applied in the assignment of courses to instructors:

A. A seniority system with a right to retain presently held courses, to bid on open courses, and to develop new courses shall be observed. When additional sections of second- and third-year courses in the J.D. program are needed, expressions of interest shall be first obtained from the faculty. Likewise, as it becomes possible to develop small sections in the first-year courses in the J.D. program, similar expressions of interest should be solicited from the then current members of the faculty.

B. Each faculty member shall be allowed, if possible, to pursue his or her own interest by teaching courses and seminars in areas of his or her own choosing, consistent with the curricular needs of the College and the experience of the faculty member. However, before developing a new course or seminar, each faculty member should determine whether his or her interests are such that the faculty member can teach either one of the more popular elected courses or develop a small section in a first-year course in the J.D. program.

Source: Faculty minutes, May 17, 1967, March 17, 1999, and September 3, 2003.

### 13.02. Assignment of Clinical-Track Faculty, Adjuncts and Part-time Teachers.

Part-time teachers and adjunct professors shall be assigned only to those courses or seminars for which the faculty has given prior approval. Regular clinical-track faculty must receive prior faculty approval to teach any course outside of those courses described in Faculty Rule 14A.02

Source: Faculty minutes, May 17, 1967, March 17, 1999, February 12, 2003, September 3, 2003, and April 5, 2012.

### 13.03. Class Hours Rotation.

Undesirable class hours shall be rotated among the faculty members on a purely mechanical basis.

Source: Faculty minutes, May 26, 1960.

### 13.04. Assignment of Faculty Offices.

The Dean shall make assignments of faculty offices in accordance with convenience, nature of the work of the faculty members, and seniority.

Source: Faculty minutes, May 7, 1959.

### 13.05. Reporting Grades.

The members of the faculty shall turn in to the Registrar's Office not only alphabetical grades but numerical grades based on the scale set out in Rule 9.10.

Source: Faculty minutes, May 20, 1948, and March 17, 1999.

### 13.06. Research Assignment Program.

For the purpose of facilitating scholarship after tenure, the College establishes a research assignment program for faculty who have attained tenure. Under this program, a faculty committee designated by the Dean may recommend to the Dean and Associate Dean responsible for the curriculum the reduction of faculty teaching loads for a specified number of credit hours to provide the faculty members who have applied for a research assignment with more concentrated time for research. The Dean and Associate Dean responsible for the curriculum will designate the approximate number of credit hours that may be released under this program, consistent with preserving the diversity and richness of the curriculum.

Only tenured faculty are eligible for this program. Faculty will not be eligible for professional development leave and a research assignment in the same academic year. Each recipient shall make a full report of the results of the research assignment to the Dean at the conclusion of the assignment.

Ordinarily, a faculty member may request a research assignment of up to three credit hours for the following academic year and, ordinarily, a faculty member who receives a research assignment in one year would not be eligible to receive another research assignment in the following year. This presumption would not apply if the number of research assignments available consistent with curricular needs exceeds the number of *meritorious* candidates. In exceptional circumstances, a faculty member may request a research assignment that will be executed over a three year period. In that situation, the faculty member may request from three to six credit hours of research assignment to be credited to his or her teaching load for a three year period. Exceptional circumstances might include a commitment to publish several articles or securing (or being in an advanced stage of negotiating) a contract for the first edition of a book-length project with a university or academic press.

The committee designated by the Dean will establish guidelines for obtaining information relevant to making research assignments. In choosing among applicants for research assignments, the committee's primary focus will be whether a substantial research project will be completed as a result of the research assignment. In making this determination, the committee shall consider:

1. the professor's past scholarly production;
2. the concreteness of the professor's research plan;
3. the professor's use of previous summer research grants, professional leaves, and other research support to further his or her scholarship;
4. the professor's eligibility and qualification for promotion;
5. the professor's prior and current teaching load;
6. the professor's prior public service, including committee service and administrative work at the College and University level.

The committee may recommend that a faculty member receive a research assignment for fewer credit hours and over a different time period than requested by the faculty member. The Dean and Associate Dean responsible for the curriculum will seek to honor these recommendations consistent with preserving the diversity and richness of the curriculum; they may approve a research assignment but delay its implementation due to curricular needs.

Source: Faculty minutes, February 11, 1998, December 11, 2002.

CHAPTER 14 – TENURE-TRACK, JOINT, AUXILIARY, AND COURTESY FACULTY  
APPOINTMENTS, REAPPOINTMENT AND NONREAPPOINTMENT, AND PROMOTION

14.01. Preamble.

This chapter of the Faculty Rules of the College of Law is a supplement to Chapter 3335-6 of the Rules of the University Faculty (Rules of the University Faculty Concerning Faculty Appointments, Reappointments, Promotion and Tenure), the Office of Academic Affairs procedural guidelines for promotion and tenure reviews, and any additional policies established by the University. Should those rules and policies change, the College of Law shall follow those new rules and policies until it updates this chapter to reflect the changes.

This chapter sets forth the College of Law's mission and its criteria and procedures for tenure-track faculty appointment, reappointment, promotion, tenure, and rewards, including salary increases. It shall enter into force after being approved by the Faculty of the College of Law and by the Provost of the University. Approval by the Provost shall represent acceptance by the Provost of the College of Law's mission and criteria.

The College of Law and the Administration of the University are bound by the principles articulated in University Faculty Rule 3335-6-01, "General Considerations," which reads:

(A) Peer review provides the foundation for decisions regarding tenure-track faculty appointment, reappointment, and promotion and tenure (except when the provisions of paragraph H of rule 3335-6-03 are invoked). Peers are those faculty who can be expected to be most knowledgeable regarding an individual's qualifications and performance--normally tenure initiating unit colleagues. Because of the centrality of peer review to these review processes, faculty vested with responsibility for providing peer review have an obligation to participate fully and knowledgeably in review processes, to exercise the standards established in faculty rule 3335-6-02 of the Administrative Code and other standards specific to the academic unit and discipline, and to make negative recommendations when these are warranted to maintain and improve the quality of the faculty. Recommendations by the faculty vested with the responsibility for providing peer review will be accepted unless they are not supported by the evidence presented regarding how the candidate meets the standards established in faculty rule 3335-6-02 of the Administrative Code and other standards specific to the academic unit and discipline. When, for reasons just stated, a decision regarding faculty appointment, reappointment, or promotion and tenure differs from the recommendation of the faculty, the administrator or body making that decision will communicate in writing to the faculty body that made the recommendation the reasons that the recommendation was judged not to be supported by the evidence.

(B) In accordance with a policy of equality of opportunity, decisions concerning appointment, reappointment, and promotion and tenure shall be free of discrimination as to age, ancestry, color, disability, gender identity or expression, genetic information, military status, national origin, race, religion, sex, sexual orientation, or veteran status, and other categories covered in the University nondiscrimination policy.

Source: University Faculty Rule, 3335-6-01, faculty minutes, April 1, 1998, February 12, 2003, and May 3, 2018.

#### 14.02. Mission of the College of Law.

This statement articulates considerations that identify high quality in law faculty members. The considerations are intended to guide the evaluation of tenure-track faculty candidates and current tenure-track faculty members.

There can be no compromise with the requirement that the performance of every faculty member must be of high quality and that every tenure-track faculty member must be fully and effectively engaged in teaching, research, and service to the College, University, and public at large. These requirements are the same for all, but the specific manner in which individuals will demonstrate their high quality and vitality will undoubtedly vary. The College strives for continuous improvement in the quality of its faculty.

The functions of The Ohio State University and of the College of Law are teaching, scholarship, and service. Being an effective teacher is a requirement for all. To facilitate and enrich teaching, although not solely for those reasons, every faculty member also is expected to engage in the critical study of the legal institutions and processes with which the faculty member is particularly concerned. It is expected that insights and conclusions will be shared and their validity tested by publishing the results of research.

Although the College is a component of the University, it is also an institution in its own right, the most fundamental purpose of which is to prepare individuals for the practice of law in the many forms required by our society. There is hazard in interpreting this role too narrowly. Teaching technical craftsmanship is important, but not sufficient. It is necessary to create and nurture a sense of lawyering that is grounded in obligation to society as well as in skill in the formulation, analysis, and application of concepts. Accordingly, members of the law faculty are encouraged to infuse their teaching, scholarship, and public service with a concern for justice through the operation of the legal system.

As members of both the University and the College, faculty members are participants in institutional governance. In that capacity, too, every faculty member is expected to participate to an extent that is compatible with teaching, research, and other professional commitments.

In all of these various activities, there should be a strong balance among the evaluation criteria in the faculty as a whole. So also should there be balance in each individual faculty member over time with the rhythm and proportion of that balance varying from person to person. However, satisfying one criterion for appointment or promotion and tenure is not a substitute for satisfying other criteria.

The general practice at The Ohio State University is that, in the case of tenure-track faculty members, an Assistant Professor will ordinarily be considered for promotion and tenure in the sixth year of service, with promotion and tenure effective in the seventh year of service. The practice in the College of Law is different: an Assistant Professor will ordinarily be considered for

promotion and tenure in the first semester of the fourth year of service, with promotion and tenure effective in the fifth year. The earlier promoting and tenuring of law faculty is based on the experience of law schools in general, the conditions prevailing in the relevant job market, and the qualifications and professional experience of persons who accept positions on the law faculty.

Source: Faculty minutes, February 18, 1987, November 16, 1988, April 1, 1998, and February 12, 2003.

#### 14.03. Appointments.

A. Criteria for Appointment: Tenure-Track Faculty. Persons appointed to tenure-track faculty positions shall demonstrate strong potential in the areas of teaching, scholarship, and public service. Normally, a person appointed to a tenure-track faculty position shall have obtained a Juris Doctor or equivalent degree. Persons may also be appointed who have a doctor of philosophy or other terminal degree in fields of study other than law and who have demonstrated strong potential in inter-disciplinary work involving law. All persons appointed to the faculty at the rank of assistant professor and associate professor without tenure must demonstrate a strong potential to attain tenure and to advance through faculty ranks.

B. Criteria for Appointment: Joint Appointments of Faculty from Other Colleges of the University. Appointments may be made to the Faculty of the College of Law of members of the University Faculty whose tenure initiating unit is other than the College of Law. Such appointees shall not have the right to vote on matters of College governance unless specifically granted that right by the Faculty of the College of Law. The University's tenure responsibility shall continue to exist only in the faculty member's tenure initiating unit. While such appointees may be requested to serve on faculty committees, they shall have neither the right nor the duty to do so. Such appointments shall be made only to candidates that have demonstrated an interest in contributing in a significant way to the College of Law's fulfillment of one or more of its missions -- teaching, research or public service.

C. Criteria for Appointment of Regular Clinical-Track Faculty. Criteria for appointment of regular clinical-track faculty members are governed by Faculty Rule 14A.04.

D. Criteria for Appointment: Auxiliary Faculty. Auxiliary appointments to the faculty are temporary appointments and include (1) full-time or part-time appointments of faculty visiting from other academic institutions and (2) adjunct appointments. Persons appointed as auxiliary faculty shall meet the general standards of teaching at the College. Auxiliary faculty are also expected to contribute to the overall mission of the College. The following shall be sought as summer school visitors: a person who would bring to our students/faculty some unusual or unique educational experience; a person in whom we may have an interest for a permanent appointment and wish to have the opportunity for an extended mutual lookover; a person who fulfills some specific curricular need.

E. Criteria for Courtesy Appointments. Ohio State faculty from other tenure-initiating units may be given courtesy (no-salary) appointments if such persons meet expectations for substantial involvement in the College. Courtesy appointments shall not give the appointee a

faculty vote.

F. Procedures for Appointment: Tenure-Track Faculty.

1. Search for Candidates. The College shall engage in an extensive search for the most qualified persons for appointment to tenure-track positions. It shall make vigorous efforts to ensure that a diverse pool of highly qualified candidates is considered.

2. Appointments Committee; Empowered to Invite for Interviews. The Appointments Committee, upon the affirmative vote of at least one-half of its total membership and at least two-thirds of the membership voting on the question, may invite faculty candidates for interviewing visits to the College. No invitation authorized under this rule shall be communicated to a prospective candidate already in law teaching until forty-eight hours after the faculty has been apprised of the candidate's name and credentials. During this forty-eight hour period, any faculty member may request that no such invitation be extended to a particular candidate until after the matter has been approved by a vote of the faculty. If a timely request is made, the invitation will not be extended unless approved by the faculty.

3. Nominations for Appointment.

a. Participation. The following persons shall be entitled to attend and participate in the faculty meeting discussions: student and staff members of the Appointments Committee and all faculty.

b. Voting. Voting on nominations to the President and Board of Trustees of the University of persons for appointment shall be by all faculty members holding the rank of Assistant Professor, Associate Professor, and Professor, notwithstanding the rights of other participants to vote in the Appointments Committee under Rule 1.02(H). When appointment at a senior rank is being considered, a second vote will be taken by the following eligible faculty: for appointments carrying tenure, all tenured faculty members holding at least the same rank as that to which appointment is proposed; for appointments not carrying tenure, all faculty members holding at least the same rank as that to which appointment is proposed. For the second vote, the following faculty members are not eligible to vote: the Dean, the Assistant and Associate Deans of the College, the Executive Vice President and Provost, and the President.

c. Vote Required. All faculty appointment nominations shall require the affirmative votes of an absolute majority of those faculty members not on leave who are entitled to vote under this rule, or if on leave are present at the meeting. "Leave" means professional development or similar academic leave, extended leave of absence, or permanent assignment to a full-time position outside the College. However, a faculty member on leave who attends a meeting shall be entitled to vote at that meeting. A leave of absence is "extended" if it lasts or is reasonably expected to last at least two weeks due to military leave, family emergency, serious health condition, or other circumstances referred to by the Family and Medical Leave Act. At the outset of a meeting at which voting will occur on appointments, the Dean shall announce the number of faculty members comprising an absolute majority of those not on leave, or if on leave are present at the meeting and, upon request, the basis for that calculation. For each vote under this rule, the Dean shall announce the number of affirmative and negative votes and abstentions,

but, unless directed by the faculty, shall not record the number in the minutes.

d. Presence Required for Vote. All votes shall be cast in person; proxy and absentee voting shall not be permitted. “In person” shall be defined as stated in Rule 1.11.

e. Secret Ballot. Voting on nominations for faculty appointments shall be by secret written ballot. A faculty member, whose presence and participation have been by other means pursuant to Rule 1.11, may make arrangements to protect the anonymity of his or her vote to the extent feasible.

f. Notice of Meeting. All persons entitled to attend, participate, or vote under a. and b. above rule shall be notified of any meeting to consider appointment recommendations at least four days prior to such meeting and shall receive documentary background information on the candidate in advance of the meeting.

4. The Dean shall ensure that information on promotion and tenure policies accompanies each letter of offer of appointment to new tenure-track faculty. At the time of appointment, untenured faculty members shall be provided with all pertinent documents detailing College of Law and University promotion and tenure policies. They shall, in particular, be informed that University Rule 3335-6-03(D) provides for time to be excluded from the probationary period for birth or adoption of a child, personal illness, care of seriously ill or injured persons, unpaid leave of absence, or factors beyond a faculty member's control that significantly interfere with performance of the usual range of duties associated with being a successful faculty member.

G. Procedures for Appointment: Joint Appointments of Faculty from Other Colleges of the University. Voting on joint appointments shall be made through the procedure applicable to voting on tenure-track appointments.

H. Procedure for Appointments: Regular Clinical-Track Faculty. Procedures for appointment of regular clinical-track faculty are governed by Faculty Rule 14A.05.

I. Procedures for Appointment: Auxiliary Faculty.

1. Except as provided in sections 3 and 4 below, persons shall be appointed to auxiliary faculty positions by a vote of the faculty, with that vote being governed by the same rules as applicable to the appointment of tenure-track faculty. Auxiliary appointments shall be renewed annually.

2. Visiting Appointments, With and Without Presumption.

a. There shall be two categories of visiting appointments, “visits with a presumption toward permanent hiring” and “visits with no presumption toward permanent hiring.” Unless a visiting appointment is specifically designated by the faculty at the time of approval as a “visit with presumption,” it shall be a “visit without presumption.”

b. All persons hired as visitors who are “visitors without presumption”



shall be informed by the Dean at the time of hiring of this fact and that they will not be considered during their time here for a permanent appointment.

c. Persons hired for a “visit with presumption” may be considered for a permanent appointment during their visiting appointment.

d. Persons hired for a “visit without presumption” shall not be considered by the Appointments Committee or the faculty for a permanent appointment during the period of their visiting appointment, unless the faculty by a vote of two-thirds of those persons eligible to vote on the appointment direct the Committee to develop an appointments dossier and appointments recommendation on the person.

e. Appointments of visiting faculty shall not exceed three consecutive years.

3. Visitors and Adjuncts Appointed After February 1. After February 1, the Appointments Committee, upon the affirmative vote of at least one-half of its total membership and two-thirds of the membership voting on the question, may authorize the Dean to hire an adjunct or visiting faculty member of the “no-presumption” variety. No offer authorized in this manner shall be extended until seventy-two hours (not counting week-ends) after the faculty has been apprised of the candidate's name and credentials. During this seventy-two hour period, any two tenure-track faculty members may request that no offer be extended until after the proposal has been approved by a majority of the faculty. If a timely request is made, no offer shall be extended unless approved by an absolute majority of the faculty, as in other appointments matters.

4. Emergency Exception. In an exceptional case (for example, a sudden disability of a member of the faculty), when in the judgment of the Dean it is not feasible to seek a vote in the manner otherwise required before issuing an invitation to teach a single course or to teach during a single semester, the Dean may make the nomination without a vote in the manner otherwise required.

5. Procedures for Summer School Appointment of Visitors and Adjuncts. The Dean shall be authorized to employ visitors and adjuncts to teach summer school courses, on the condition that full-time faculty members have first option to teach summer school courses.

J. Procedures for Appointment: Courtesy Appointments. Courtesy (no-salary) appointments may be made for faculty from other tenure initiating units of the University. Voting on courtesy appointments shall be made through the procedure applicable to voting on tenure-track appointments. Continuation of the appointment should reflect ongoing contributions by the appointee to the College. Courtesy appointments do not require annual review.

#### K. Special Reappointment of Faculty on Leave

1. Eligibility. Members of the faculty who are approaching the completion of a two-year leave of absence may, in order to extend their time away from the College, seek special reappointment to the faculty. The special reappointment must commence within no more than one year of the conclusion of the leave. Under no circumstances should this rule be used to

extend an absence beyond three years. A faculty member may be eligible for such special reappointment only if the faculty member's leave and the additional time away from the College provided by the special reappointment is used to pursue substantial public service or is necessitated by extraordinary personal or family circumstances. A faculty member may receive an offer of special reappointment while still on leave, without first resigning from the faculty.

2. Criteria. In considering whether to make an offer of special reappointment to an eligible faculty member, the following factors shall be considered, in addition to the regular criteria for appointment specified in Rule 14.03(A):

- a. The impact on the curriculum of the faculty member's continued absence
- b. The extent to which the special reappointment would contribute to or interfere with the faculty member's development in teaching and scholarship, including the faculty member's ability to attain tenure and promotion
- c. The best interests of the College

### 3. Procedures for Special Reappointment

Procedures for Special Reappointment under this rule are governed by Faculty Rule 14.03(F)(3).

Source: University Faculty Rule 3335-6-02 and 3335-6-03(D); Faculty minutes, February 22, 1962, May 17, 1967, January 8, 1975, April 14, 1976, February 13, 1980, September 3, 1986, February 18, 1987, April 6, 1994, May 7, 1997, April 1, 1998, March 17, 1999, February 12, 2003, May 7, 2003, November 17, 2004, April 5, 2012, and May 3, 2018.

L. Procedure for Appointment: Emeritus Faculty. The faculty shall recommend emeritus status for any retiring faculty member who requests such status and is eligible to receive such status under existing University rules.

Source: University Faculty Rule 3335-5-36; Faculty minutes, May 2, 2019.

## 14.04. Annual Reviews.

### A. Provisions Applicable to Annual Review of All Faculty Members.

1. Purposes of Annual Review. All faculty members shall be reviewed annually. The purpose of the annual review of faculty members is to aid in determining merit salary increases and other rewards, and to inform the Dean of each faculty member's performance over the previous year so that the Dean may provide appropriate support and reinforcement, publicity, and assistance.

2. Procedure for Annual Review. In connection with an annual review, either the Dean or the faculty member may request a meeting with the other. After the review has been

completed, the Dean shall provide the faculty member with a written assessment of that faculty member's performance. The Dean may provide this assessment in conjunction with informing the faculty member regarding merit salary increase. Final documents generated in an annual review shall be placed in the personnel file of the person being reviewed.

### 3. Student Evaluation of Teaching and Course Content.

a. Forms for anonymous student evaluation of teaching and course content shall be distributed and collected for every course taught in the College of Law, toward the end of the course.

b. Forms will normally be distributed for completion during class time, in which case a minimum of fifteen minutes shall be allocated for their completion. Alternatively, in unusual cases, forms may be distributed for completion outside of class, in which case they shall be collected at the commencement of a subsequent class or at an announced time and place. If the completed forms are collected during class time, they shall be delivered by a student or staff member to a person designated by the Dean. Regardless of whether the requests are completed during class time or outside of class, they shall be completed in the absence of the instructor. The instructor shall not consult these forms until after final grades are submitted for the course unless the evaluations are solicited early enough in the term so that the instructor may consult them for purposes of improving the course. In that event, the instructor shall also solicit evaluations toward the end of the course.

c. Appropriate forms to be used by all instructors shall be made available, and revised from time to time, by the Dean, in consultation with the Committee on Academic Affairs, and approved by the faculty. An instructor may use supplemental questions or supplemental methods of evaluation, if they otherwise comply with the provisions of these rules.

d. The Dean and the Associate Dean for Academic Affairs may read the student evaluations of teaching if they give notice of an intention to do so to the instructor who was evaluated. The Dean and the Associate Dean for Academic Affairs shall not communicate any information concerning the evaluations to any third person, except as authorized by College rules on promotion and tenure or annual review or as required by law, and shall not communicate any information concerning the evaluations to the instructor being reviewed until after that instructor has turned in final grades for the course being evaluated. Information concerning the evaluations of instructors in their first two years of law teaching shall be kept confidential to the greatest extent practicable.

e. Any summary, compilation, or other description of the completed forms shall be done in a way that both accurately reflects their contents and minimizes the potential for misuse of the summary, compilation, or other description. Bar graphs or histograms are preferred to arithmetic averages (means). If averages are calculated, the calculation shall satisfy all of the following conditions:

- (I) Calculation may not be done to more than one decimal place.
- (ii) Calculation must be done for each question

separately, and no aggregate average or averaging of the averages shall be done.

- (iii) The calculation must be accompanied by the number of responses, information about the distribution of ratings, and a representative rendition of the comments.

## B. Annual Review of Untenured Faculty Members Appointed to the Tenure Track.

1. Additional Purposes. In addition to the purposes identified in section (A) of this rule, the purpose of the annual review of untenured faculty members appointed to the tenure track is to determine the progress that the faculty member is making in teaching, scholarship, and public service; to determine what resources or technical assistance the faculty member may need; to allow the Dean to provide advice and suggestions for improvement or to help identify faculty members who will provide that advice and suggestions; and to identify untenured probationary faculty whose probation should not continue.

2. Exclusion of Time. The Dean may consider during the annual review process whether to recommend application for exclusion of time, as governed by the Rules and by University Rule 3335-6-03(D). However, a faculty member may not be required to apply for exclusion of time.

### 3. First and Second Reviews.

a. First and second reviews shall take place during the faculty member's first and second years of teaching.

b. The Dean shall ask the faculty member for a report of the faculty member's activities and shall give the faculty member an opportunity to submit material for the review.

c. First and second reviews shall be informal and shall be conducted by the Dean. The Dean shall review the faculty member's student evaluations of teaching, may talk with students and with other faculty members about the teaching of the faculty member being reviewed, may observe, or ask other faculty members to observe, one or more classes of the faculty member being reviewed, and shall review the faculty member's record of public service. The Dean shall also review any completed scholarship of the faculty member being reviewed and any work in progress that the faculty member designates. The Dean may ask assistance from the Promotion and Tenure Committee in conducting the first and second reviews.

d. The Dean, following a first or second review, shall provide the faculty member being reviewed with a written assessment of the faculty member's performance and an indication as to whether the faculty member will be reappointed for an additional year. The assessment should include both strengths and weaknesses, as appropriate. The Dean shall provide the assessment in two steps: (1) a tentative assessment, upon which the faculty member may comment, and (2) a final assessment, to which the faculty member may make a written response. The Dean's final assessment shall become a part of the faculty member's dossier for subsequent

annual reviews while untenured, including the review for promotion and tenure.

#### 4. Third and Subsequent Reviews.

a. A third review shall take place during a faculty member's third year of teaching. A similar review shall be undertaken in each subsequent year in which the faculty member is not being considered for tenure until the faculty member has tenure, except for the fourth year review.

b. Third and subsequent reviews, except for the fourth year review, shall be conducted for the same purpose and by the same procedures as a first or second year review, except as modified in the paragraphs that follow.

c. Third and subsequent reviews, except for the fourth year review, shall be conducted by the Dean, with the assistance of and in consultation with the Promotion and Tenure Committee. The review shall consist of a review of the faculty member's student evaluations of teaching and two class visitations by each of two faculty members, who will submit written evaluations of the classes. The review shall also consist of written evaluations by at least two faculty members of any scholarship completed since the prior review. The review may also include any work in progress that the faculty member being reviewed designates. The review of any work in progress shall be in writing and shall be conducted by at least one faculty member. The review also shall include a report on and a consideration of the faculty member's public service.

d. The Promotion and Tenure Committee shall submit its final conclusions in writing to the Dean, with a copy to the faculty member being reviewed. The faculty member may make written comments to these final conclusions. The Dean shall then prepare and furnish to the faculty member a tentative performance assessment. The faculty member may make written comments to this tentative assessment. Thereafter, the Dean shall give a final assessment to the faculty member being reviewed and to the Promotion and Tenure Committee. The person being reviewed, or the Promotion and Tenure Committee or any member of the Committee, may submit a response to the final assessment. The Dean's final assessment shall become a part of the faculty member's dossier for subsequent annual reviews while untenured, including the review for promotion and tenure.

#### 5. Fourth Year Review.

A fourth year review is necessary if a faculty member chooses not to be considered for promotion and tenure in the fourth year, or if the faculty does not make a favorable recommendation on promotion and tenure. If needed, the review shall be conducted in the fourth year of service, unless it is required to be conducted in some other year by application of University Rule 3335-6-03 (dealing with exclusion of time from the probationary period). The review shall be conducted using the same procedures as a review for promotion and tenure, except that external review letters shall not be required. Upon request of the faculty member being reviewed, the committee shall obtain external letters. Voting on a fourth year review shall be by all tenured faculty members. An favorable recommendation shall require the affirmative votes of a majority of tenured faculty members present and voting. The faculty's recommendation shall be

forwarded to the Dean. The Dean shall make an independent recommendation and shall forward both recommendations to the Provost.

If a faculty member who is subject to the requirement of a fourth year review is considered for promotion and tenure in the fourth year and the faculty does not make a favorable recommendation on promotion and tenure, the Committee shall conduct a separate assessment for the fourth year review. The Committee's conclusions shall be forwarded to the faculty, and the faculty shall vote on whether to make a favorable recommendation on the fourth year review. The faculty's recommendations regarding promotion and tenure and regarding the fourth year review, along with the Dean's recommendation regarding both promotion and tenure and regarding the fourth year review, shall be forwarded to the Provost.

#### 6. Termination of Probationary Period.

Probationary appointments may be terminated during any probationary year because of inadequate performance or inadequate professional development. If at any time other than a review in the fourth year or a mandatory review for tenure, the Dean recommends that a probationary appointment should be terminated, the probationary faculty member shall receive a review equivalent to the fourth year review as described in the preceding paragraph. At the conclusion of this process (including the comments process provided by Rule 14.06(C)(9), the Dean shall make a recommendation as to continuation or termination to the Provost, who shall make the final decision.

#### C. Annual Review of Tenured Faculty Members.

Each year the Dean shall give all tenured faculty members notice in writing that reviews will occur near the end of the second semester, in accordance with the procedure specified in Rule 14.04(A)(2).

#### D. Peer Review of Teaching of Tenured Faculty Members

1. This rule governs peer review of teaching for all faculty members who do not already undergo peer review while proceeding through the promotion and tenure process. See Faculty Rule 14.04(B) and 14.06(B)(1).

2. Peer review of each faculty member covered by this rule will take place every five years following award of tenure or becoming a member of the College of Law faculty with tenure. If a tenured faculty member is being reviewed as part of the promotion process, that review will supersede this rule and the next required peer review will be in the fifth academic year following the promotion review.

During the phase-in period of this rule, all faculty members presently eligible for review will be randomly assigned a number between 1 and 5. Those assigned a 1 will be reviewed in the first year of the program; those assigned a 2 will be reviewed the second year, etc.

3. At the beginning of each academic year, the Dean, or the Dean's designee, will contact those faculty members who are to be reviewed during that academic year under this rule.

If the faculty member is on leave during the academic year in which peer review would be required, the review will be postponed until the next semester in which the faculty member is in residence and teaching.

4. Peer review will be conducted by a faculty member holding a rank equal to or higher than the faculty member to be reviewed. The reviewing faculty member will be chosen by the Dean, or the Dean's designee, after consultation with and concurrence by the faculty member to be reviewed. No colleague can be selected as the reviewer for the same faculty member in two successive review periods.

5. In conducting peer review, the reviewer should review the class syllabus and class materials for the course or courses to be reviewed and attend two class sessions.

6. Following class attendance, the reviewer and the faculty member being reviewed will meet to discuss the course, teaching methods and the observations of the reviewing faculty member. At the request of either party, the conversation shall be kept confidential.

7. Once the peer review process has been completed, the faculty member conducting the review will inform the Dean, or the Dean's designee, that the process has been carried out.

Source: University Faculty Rules, 3335-6-03 and 3335-6-03(D); Faculty minutes, May 23, 1979, May 1, 1985, March 13, 1996, April 1, 1998, October 21, 1998, and March 17, 1999, May 1, 2002, February 12, 2003, March 7, 2013, and May 3, 2018.

#### 14.05. Merit Salary Increases and Other Rewards.

A. Criteria. Merit salary increases and other rewards shall be based on criteria consistent with the mission of the College of Law as stated in these Rules. Accordingly, the Dean shall consider each faculty member's performance in teaching, scholarship, and service, both during the year being reviewed and over the faculty member's entire career.

B. Procedures. The Dean may utilize materials from the annual review in determining merit salary increases. The Dean shall communicate to each faculty member, as soon as possible after receipt, the most reliable information he has available, as to that member's salary for the next academic year. If no better information is available, the communication shall consist of the recommendation by the Dean to the University administration with respect to that member's salary. When more reliable information is obtained, the Dean shall inform the members of the faculty as to the percentage increment for all continuing faculty members.

C. Documentation. The Dean shall provide each faculty member with a written statement indicating the recommended merit salary increase.

Source: Faculty minutes, May 15, 1968, and April 1, 1998.

## 14.06. Reviews for Promotion and Tenure and for Promotion of Tenure-Track Faculty.

### A. Timetable for Promotion and Tenure.

#### 1. Initial Appointment as Full Professor.

A person initially appointed to the faculty at the rank of full Professor may be appointed with tenure on the effective date of appointment or may be appointed without tenure for a probationary period of up to four years, with the length of time to be determined in consultation with the University Office of Academic Affairs.

#### 2. Initial Appointment as Associate Professor.

##### a. Appointment without tenure.

A person initially appointed to the faculty at the rank of Associate Professor without tenure may be appointed for a probationary period of up to four years, with the length of time to be determined in consultation with the University Office of Academic Affairs.

##### b. Appointment with tenure.

A person initially appointed to the faculty at the rank of Associate Professor with tenure normally shall first be eligible for promotion to full Professor as mutually agreed upon by the Dean and the appointee at the time of the initial appointment, with the concurrence of the Provost, provided that the agreement is consistent with such guidelines and conditions, if any, as may have been established by the faculty in connection with its approval of the appointment. However, the promotion should occur when the candidate is ready for this academic achievement. Therefore, a candidate may request an earlier review if the candidate believes that his or her achievements fulfill the requirements for promotion. Conversely, it should not be taken as a negative indication of career advancement if the candidate does not designate readiness for promotion until after the time agreed upon with the Dean at the time of appointment. The Promotion and Tenure Committee may decline to put forth a candidate for formal promotion review if the candidate's accomplishments are judged not to warrant such review, but the Promotion and Tenure Committee may not deny a tenured faculty member a formal review for promotion for more than one year.

#### 3. Initial Appointment as Assistant Professor.

##### a. Tenure.

A person initially appointed to the faculty at the rank of Assistant Professor shall receive tenure on the effective date of promotion to the rank of Associate Professor.

##### b. Timetable for promotion to Associate Professor.



A person initially appointed to the faculty at the rank of Assistant Professor normally shall be first considered for promotion to the rank of Associate Professor in the first semester of the fourth year of service. Such a person who does not desire to be considered by the first semester of the fourth year of service shall so inform the Dean before the beginning of the first semester of the fourth year of service. The Promotion and Tenure Committee may decline to put forth a candidate for formal promotion and tenure review if the candidate's accomplishments are judged not to warrant such review, unless the review would be a mandatory review. A decision on the promotion to Associate Professor of a person initially appointed at the rank of Assistant Professor must be taken no later than the first semester of the sixth year of service, unless an exclusion of time has been granted under University Rule 3335-6-03(D). A negative outcome of a consideration for promotion to the rank of Associate Professor prior to the first semester of the sixth year of service, or to the time as granted to the person under University Rule 3335-6-03(D), shall not affect the person's status in the College.

c. Timetable for promotion to Associate Professor of person who has taught at another institution.

A person initially appointed to the faculty at the rank of Assistant Professor after regular faculty service at another institution normally shall be first considered for promotion to Associate Professor as mutually agreed upon by the Dean and the appointee at the time of the initial appointment, provided that the agreement is consistent with such guidelines and conditions, if any, as may have been established by the faculty in connection with its approval of the appointment. Any postponement of such consideration must be requested in writing by the faculty member and approved by the Promotion and Tenure Committee and the Dean, provided, however, that the decision on promotion to Associate Professor must be taken no later than the first semester of the faculty member's sixth year of service, unless an exclusion of time has been granted under University Rule 3335-6-03(D).

d. Timetable for promotion to Professor.

A person initially appointed to the faculty at the rank of Assistant Professor and subsequently promoted to the rank of Associate Professor normally shall be first eligible for consideration for promotion to the rank of full Professor in the first semester of the faculty member's third year of service as an Associate Professor. However, the promotion should occur when the candidate is ready for this recognition of academic achievement. Therefore, a candidate may request a review in the second year in rank as an Associate Professor if the candidate believes his or her achievements fulfill the requirements for promotion. Conversely, it should not be taken as a negative indication of career advancement if a candidate does not designate readiness for promotion until after the third year in rank as an Associate Professor. The Promotion and Tenure Committee may decline to put forth a candidate for formal promotion review if the candidate's accomplishments are judged not to warrant such review, but the Promotion and Tenure Committee may not deny a tenured faculty member a formal review for promotion for more than one year.

B. Criteria for Promotion and Tenure.

## 1. Teaching Criterion.

a. No person shall be recommended for promotion to any rank or tenure unless that person is an effective teacher.

b. In determining whether a person is an effective teacher, consideration will be given to all relevant factors, including the quality of the teacher's presentation and direction of classroom discussion, the quality of synthesis and analysis, interest in students and in teaching, enthusiasm in the classroom, innovation and creativity in organizing and presenting material in diverse ways, mastery of subject matter, careful preparation, and open-mindedness. Working well with students outside the classroom in tutoring or independent research and motivating students to perform to the limit of their abilities will also be considered. The evaluation of all of these matters will take into account teaching load, number of contact hours, class size, subject matter, and years of experience.

c. The evaluation of teaching effectiveness will be based on peer review, student evaluations (SET forms), and on other available evidence bearing on the criteria in the preceding paragraph, including course syllabi, examinations, and supplementary course material such as writing assignments, problem cases, and the like. The Promotion and Tenure Committee shall select two peer reviewers on a yearly basis for each untenured member of the faculty and each individual seeking promotion to full professor during that academic year. The designated peer reviewers for individuals who are untenured and are in their third or subsequent year of teaching, and for individuals who are seeking promotion to full professor during that academic year, shall visit at least two class sessions of the reviewed individual. Peer reviewers of all other individuals being reviewed pursuant to this rule shall visit at least one class session of the reviewed individual. In general, peer review visits may occur at any time during the semester other than the first or last week of the semester absent exceptional circumstances (e.g., illness or maternity leave).

## 2. Scholarship (Research and Publication) Criterion.

a. The College of Law is, among other things, a research institution. Demonstrated capacity for research, rigorous analysis and synthesis, and writing and publication is a condition of promotion and tenure. There are diverse reasons underlying a scholarship criterion. First, there is a close relationship between teaching and scholarship. A faculty member who is enthusiastically committed to investigating important legal problems and to formulating useful insights concerning them will find this enthusiasm carried over into teaching. Research also improves the quality of teaching by broadening and deepening knowledge of a subject and by increasing a teacher's confidence in the classroom. Second, there are far fewer available positions on the Law Faculty than there are highly qualified persons to fill those positions. Faculty status is therefore a privilege that provides the time to investigate important issues and permits access to outstanding research facilities and support. The privilege of a faculty position entails the correlative obligation to enlarge the body of knowledge about law and legal institutions and processes. Third, research and publication contribute to a greater understanding and the fairer and more effective functioning of the legal system. Finally, through publishing the results of research, a teacher extends the reach of his or her teaching beyond the College and University. It follows from all of these reasons that all faculty members should regard research, writing, and publication

as integral parts of their professional lives.

Activity manifesting a career-long commitment to scholarship should begin early. Even in the first year of an Assistant Professorship, when most of the teacher's time will be spent preparing for the classroom, the teacher ought to be identifying and formulating questions for research. It is highly desirable that research should begin no later than the summer after the first year, with a view to producing various drafts culminating in a publishable product in the second year. Unless research and writing begin early in the teacher's career, the teacher may experience difficulty in complying with the criteria for promotion and tenure.

b. No person shall be recommended for promotion and tenure unless that person has demonstrated his or her career-long commitment to making substantial, continuing contributions to scholarship. A candidate's completion of two law review articles of high quality or their equivalent shall be required for recommendation for promotion and tenure and shall be regarded as establishing a presumption that such a commitment has been demonstrated.

The words "or their equivalent" have been included in the above criterion in order to signal that some flexibility must exist in determining whether a candidate has complied with the criterion. A book of high quality might well be the equivalent of two law review articles of high quality. The same is true of a single article of unusual breadth and depth, insight, or potential impact on legal institutions, processes, or functionaries. However, these illustrations are hardly exhaustive and other patterns may suffice. For example, a new teacher might well choose to begin with a short article in which a rather narrow subject is investigated, then write a second article of somewhat greater breadth and depth, and finally write what is often referred to as a "tenure piece," an article of considerable depth and breadth, although falling short of the single article described above. These three articles of varying scope might be regarded as the equivalent of "two law review articles of high quality." Whatever the pattern, however, the criterion remains the same: demonstration of a career-long commitment to making substantial, continuing contributions to scholarship.

In similar fashion, other works of high quality will be considered in determining whether the candidate's total scholarly production is the equivalent of "two law review articles of high quality." These works may include, but are not limited to, treatises, monographs, law-related book reviews of significant length and scope, publications for learned societies such as the American Law Institute or the American Bar Foundation, publications for legislative, judicial, or administrative conferences, and law-related articles in non-legal publications (e.g., an article on jurisprudence published in a philosophy journal).

c. No person shall be recommended for promotion to the rank of full professor unless that person has continued to demonstrate a career-long commitment to making substantial, continuing contributions to scholarship. The completion of two additional law review articles of high quality, or their equivalent, will be required to meet this standard.

### 3. Service Criterion.

a. Service to the College and University will be taken into account in promotion and tenure decisions. Service to the profession and to the public in matters involving

the candidate's professional expertise will also be considered.

b. The College and University are to a large extent self-governing institutions, and faculty members are expected to play a role in institutional governance. Performance of assigned institutional duties is a condition of promotion and tenure. Satisfactory performance of institutional responsibilities for which the candidate has volunteered also shall be given weight in promotion and tenure decisions.

c. The College and University expect faculty members to use their professional expertise for the benefit of the legal profession and the public. The professional contributions that College of Law faculty members have made in the past have included participation on governmental commissions, consultation with judicial and legislative groups, participation in law reform activity, participation in continuing legal education programs, service on bar association committees, presentation of speeches to various audiences on matters involving professional expertise, and pro bono legal work. Service to the profession and to the public shall be given weight in promotion and tenure decisions.

### C. Procedures for Promotion and Tenure Reviews

1. Promotion and Tenure Committee. A review shall be conducted, for presentation to the faculty, by a committee on promotion and tenure. The Promotion and Tenure Committee shall include at least three tenured, regular faculty members. All members shall be of an academic rank higher than that of any candidate that the Committee considers for promotion or tenure.

2. Procedures Oversight Designee. If the Promotion and Tenure Committee is considering one or more candidates for promotion or tenure, it shall, at the beginning of that process, select from its number a senior faculty member as its Procedures Oversight Designee. The Procedures Oversight Designee shall advise the Committee on procedure, with the aim of achieving reviews that are carried out in a highly professional manner in accordance with written procedures governing the review, and with the aim of precluding bias with respect to candidates protected under University policy of non-discrimination.

3. Dossier. Each candidate for promotion or tenure shall, with the assistance of the Promotion and Tenure Committee, prepare a dossier that follows a format approved by the University. The Chair of the Promotion and Tenure Committee or another person designated by the Chair of the Committee shall verify that the candidate has in fact authored writings indicated in the candidate's dossier as the candidate's work. In the event that a candidate's body of scholarship submitted for review includes co-authored work, the Promotion and Tenure Committee will seek statements from the candidate and from one co-author describing the respective contributions to the work of all authors. In determining whether the candidate meets the scholarly contribution requirements set forth in Faculty Rule 14.06(B)(2)(b) or 14.06(B)(2)(c), as applicable, the Committee and the faculty shall take such statements into account in deciding the weight to be accorded to the co-authored work.

4. External evaluation. The Promotion and Tenure Committee shall solicit evaluations from distinguished persons outside the University regarding the scholarly work of a

candidate. The Committee may solicit evaluations from persons suggested by the candidate, but the Committee shall seek a majority of evaluations from persons not suggested by the candidate. In no event shall the Committee forward to the faculty a packet of evaluations in which more than half are from persons suggested by the candidate. The Committee shall obtain and include in the dossier at least five letters of external evaluation.

5. Evaluation from Unit of Joint Appointment. The Promotion and Tenure Committee shall solicit a letter of evaluation from any other unit of the University in which the candidate holds a joint appointment, but it may forego soliciting such a letter if the candidate has no time commitment in the other unit and minimal interaction with it.

6. Recommendations for Promotion and Tenure.

a. Participation. The following persons shall be entitled to attend and participate in faculty meeting discussions: student and staff members of the Promotion and Tenure Committee and, for promotions carrying tenure, all tenured faculty members holding at least the same rank as that to which the promotion is proposed; for promotions not carrying tenure, all faculty members holding at least the same rank as that to which the promotion is proposed.

b. Voting. Voting on recommendations to the President and Board of Trustees of the University of persons for promotion and tenure shall be by the following: for promotions carrying tenure, by all tenured faculty members holding at least the same rank as that to which the promotion is proposed; for promotions not carrying tenure, by all faculty members holding at least the same rank as that to which the promotion is proposed. The following faculty members are not eligible to vote on recommendations for promotion or tenure: the Dean, the Assistant or Associate Deans of the College, the Executive Vice President and Provost, and the President. Absent emergency circumstances, it shall be considered an obligation of all faculty members who are not on leave and who are entitled to vote to be present at faculty meetings at which candidates for tenure or promotion are discussed.

c. Vote Required. All promotion and tenure nominations shall require affirmative votes from a majority of those faculty members who are entitled to vote under this rule and who are present and voting at the meeting. An otherwise eligible faculty member on leave who attends any such meeting shall be entitled to vote. "Leave" means professional development or similar academic leave, extended leave of absence, or permanent assignment to a full-time position outside the College. However, a faculty member on leave who attends a meeting shall be entitled to vote at that meeting. A leave of absence is "extended" if it lasts or is reasonably expected to last two weeks due to military leave, family emergency, serious health condition, or other circumstances referred to by the Family and Medical Leave Act.

The Dean shall announce at the outset of a meeting at which voting will occur on promotion or tenure the number of faculty members present at the meeting and entitled to vote. The ballot for promotion and tenure nominations shall allow faculty to vote "Yes" or "No" but shall not include an abstention option. For each vote under this rule, the Dean shall announce the number of affirmative and negative votes, and whether the affirmative votes constituted a majority of votes, but, unless directed by the faculty, shall not record the number in the minutes.

d. Presence Required for Vote. All votes shall be cast in person; proxy and absentee voting shall not be permitted. "In person" shall be defined as stated in Rule 1.11.

e. Secret Ballot. Voting on promotions and tenure shall be by secret written ballot. A faculty member, whose presence and participation have been by other means pursuant to Rule 1.11, may make arrangements to protect the anonymity of his or her vote to the extent feasible.

f. Notice of Meeting. All persons entitled to attend, participate, or vote under a. and b. above shall be notified of any meeting to consider tenure and promotion recommendations at least four days prior to such meeting and shall receive documentary background information on the candidate in advance of the meeting.

7. Faculty Report. If the faculty votes to recommend promotion or tenure, it shall prepare a written report of the candidate's strengths and weaknesses. This report shall reflect the faculty discussion and its numerical vote on the candidacy. This report shall also indicate who verified that the candidate has in fact authored writings indicated in the candidate's dossier as the candidate's work. This report shall be included in the candidate's dossier.

8. Dean's Letter. If the faculty votes to recommend promotion or tenure, the Dean shall write a letter assessing the candidate's strengths and weaknesses. This letter shall be included in the candidate's dossier.

9. Comment Process. When the faculty has voted and the Dean's letter has been written, the candidate shall be notified in writing of the completion of the College review and of the candidate's right to review the faculty's report, the Dean's letter, and evaluation materials that have been compiled. The Dean shall inform the candidate that the candidate may, within ten calendar days after being notified of the completion of the review, provide the Dean with written comments on the review for inclusion in the dossier. The Dean also shall inform the candidate that the Dean and/or Promotion and Tenure Committee may make written responses to the candidate's comments for inclusion in the dossier. No further responses from the candidate, the Dean, or the Committee shall be included in the dossier.

10. Appeals. If the College review results in a negative recommendation, the candidate may utilize the procedures described in the rules of the University faculty to appeal the negative recommendation.

Source: University Faculty Rule 3335-6-02, 3335-6-03, 3335-6-04, and 3335-6-05; Faculty minutes, April 14, 1976, May 19, 1976, April 12, 1978, April 18, 1979, November 28, 1979, February 18, 1987, February 22, 1984, October 2, 1985, November 10, 1988, November 16, 1988, May 7, 1997, April 1, 1998, October 21, 1998, March 17, 1999, May 7, 2003, April 5, 2012, March 7, 2013, May 3, 2018, November 1, 2018, May 2, 2019, and March 5, 2020.

CHAPTER 14A – REGULAR CLINICAL-TRACK FACULTY APPOINTMENTS,  
REAPPOINTMENT AND NONREAPPOINTMENT, AND PROMOTION

14A.01. Preamble. This chapter of the Faculty Rules of the Moritz College of Law is a supplement to Chapter 3335-7 of the Rules of the University Faculty (Rules of the University Faculty Concerning Clinical and Research Faculty Appointment, Reappointment and Nonreappointment, and Promotion), applicable guidelines of the Office of Academic Affairs procedural guidelines relating to clinical-track faculty matters, and any additional policies established by the University. Should those rules and policies change, the Moritz College of Law shall follow those new rules and policies until it updates this chapter to reflect the changes.

14A.02. Definition. Clinical-track faculty appointments to the faculty of the College of Law are fixed-term contract appointments that do not entail tenure. Clinical-track faculty are teacher/practitioners who will be engaged primarily in teaching activities related to: (a) law courses or instructional situations involving representation of live clients, resolution of actual disputes, applied skills in legislative bodies, governmental agencies or departments, and other applied practice areas, (b) courses or instructional situations involving the simulation of problems and circumstances related to the representation of live clients, or (c) courses or instructional situations involving professional skills.

14A.03. Titles. Persons appointed to the clinical track at the College of Law shall be given the title of “assistant clinical professor of law,” “associate clinical professor of law,” or “clinical professor of law.”

14A.04. Criteria for Appointment as a Clinical-Track Faculty Member.

Persons appointed to the clinical track shall have relevant practice and occupational experience in their areas of expertise and strong potential in all areas of performance relevant to the clinical-track faculty position. For all clinical-track faculty, these relevant performance areas ordinarily should include: (a) classroom teaching, as described in greater detail in Faculty Rule 14.06(B)(1); (b) providing timely and effective feedback on student work; (c) conforming to the highest ethical standards and to applicable codes of professional conduct; (d) engaging in public service, as described in greater detail in Faculty Rule 14.06(B)(3); and (e) maintaining knowledge in the faculty member’s areas of expertise. Additional performance areas that may be relevant to some clinical-track faculty positions include: (f) supervising students in a clinical or skills setting; (g) handling cases and other matters in connection with the College’s clinical programs; and (h) expanding understanding of the law through preparation of written materials. Persons appointed to the clinical track normally will have a J.D. degree or its equivalent. When necessary for client representation, they must be admitted to, or eligible for admission to, the practice of law in the State of Ohio and in the federal courts.

14A.05. Procedures for Appointment as a Clinical-Track Faculty Member.

A. Search for Candidates. The College shall engage in an extensive search for the most qualified persons for appointment to clinical-track positions. It shall make vigorous efforts to ensure that a diverse pool of highly qualified candidates is considered.

B. Clinical-Track Appointments Committee. The Dean shall appoint a Clinical-Track Appointments Committee, when necessary, to recommend the appointment of suitable candidates to the clinical track at a specified rank. Student and staff members of the Clinical-Track Appointments Committee shall be entitled to attend and participate in discussion at the relevant faculty meeting. Student and staff members shall not be entitled to vote on the actual appointment by the faculty, notwithstanding their right to vote in committee. The committee's recommendations will be made to the faculty.

C. Faculty Review of the Clinical-Track Appointments Committee Recommendations.

1. Participating Faculty. Recommendations to the Dean concerning appointment of candidates to the clinical track shall be made by all faculty members holding the rank of assistant professor, associate professor, professor, assistant clinical professor, associate clinical professor, or clinical professor.

2. Notice of Meeting. All persons entitled to attend, participate, or vote under the provisions of the Faculty Rules applicable to clinical-track faculty appointments shall be notified of any meeting to consider appointment recommendations and receive documentary background information in conformance with Rule 1.07.

3. Vote Required. The faculty will review the Clinical-Track Appointments Committee's recommendation. After this review, the faculty may, by affirmative vote of an absolute majority of those faculty members not on leave, make a recommendation to the Dean for the appointment of clinical-track faculty. "Leave" means professional development or similar academic leave, extended leave of absence, or permanent assignment to a full-time position outside the college. However, a faculty member on leave who attends a meeting shall be entitled to vote at that meeting. A leave of absence is "extended" if it lasts or is reasonably expected to last at least two weeks due to military leave, family emergency, serious health condition, or other circumstances referred to by the Family and Medical Leave Act. At the outset of a meeting at which voting will occur on appointments, the Dean shall announce the number of faculty members comprising an absolute majority of those not on leave and, upon request, the basis for that calculation. For each vote under this rule, the Dean shall announce the number of affirmative and negative votes and abstentions, but, unless directed by the faculty, shall not record the number in the minutes.

4. Presence Required for Vote. All votes shall be cast in person; proxy and absentee voting shall not be permitted. "In person" shall be defined as stated in Rule 1.11.

5. Secret Ballot. Faculty shall use secret written ballots to vote on nominations for clinical-track faculty appointments. A faculty member whose presence and participation have been by other means pursuant to Rule 1.11 may make arrangements to protect the anonymity of the faculty member's vote to the extent feasible.

D. The Dean's Decision. The Dean will decide whether or not to follow the faculty's recommendation.



E. Recommendations Concerning Rank. The faculty's recommendation to the Dean may include a recommendation for appointment to the rank of associate clinical professor of law or clinical professor of law. When a recommendation at a senior rank is being considered, a second vote will be taken by faculty at or above the proposed rank, excluding the Dean, the Assistant and Associate Deans of the College, the Executive Vice President and Provost, and the President. If the Dean accepts the faculty's recommendation with respect to academic rank, or independently determines that the candidate should be given the academic rank of associate clinical professor of law, or clinical professor of law, then the Dean's recommendation with respect to academic rank shall be reported to the Office of Academic Affairs, which is required by University Rule 3335-7-06 to separately approve such appointment before it becomes final.

#### 14A.06. Term of Appointment.

A. Duration of Contract. Contracts for appointment to the clinical track must be for a period of at least three years and no more than five years.

B. Probationary Contracts. Regardless of the rank of the appointment, the initial contract for a clinical-track faculty member is probationary and a faculty member will be informed by the end of each probationary year as to whether she or he will be reappointed for the following year. By the end of the penultimate year of the probationary contract, the faculty member will be informed as to whether a new contract will be extended at the conclusion of the probationary contract period. Terms of a contract may be renegotiated at the time of reappointment. If a new contract is not extended, the final year of the probationary contract is the terminal year of employment. There is no presumption that a new contract will be extended.

C. Non-probationary Contracts. During the second and subsequent contract periods, clinical-track faculty appointments may only be terminated for cause (see University Faculty Rule 3335-5-04) or financial exigency (see University Faculty Rule 3335-5-02.1) and the termination decision for either of these reasons shall result from procedures established by applicable University or College faculty rules. A contract may be renegotiated during a contract period only with the voluntary consent of the faculty member. By the end of the penultimate year of each contract period, the faculty member will be informed as to whether a new contract will be extended at the conclusion of the current contract period. Terms of a contract may be renegotiated at the time of reappointment or promotion. If a new contract is not extended, the final year of the current contract is the terminal year of employment. While under University Rule 3335-7-07(B), there is no presumption that a contract will be extended for another term, it is expected that a clinical-track faculty member whose performance satisfies the obligations of the position will be reappointed to a new contract. This rule shall be construed to provide all clinical-track faculty members with security of position and protection of academic freedom to the greatest extent allowable under University rules and policies, in furtherance of Standard 405(c) of the American Bar Association's Standards and Rules of Procedure for Approval of Law Schools.

#### 14A.07. Annual Review, Promotion Review, Reappointment/Nonreappointment Review.

A. Annual Review. Annual reviews of clinical-track faculty shall be conducted pursuant to Rule 14.04A. In addition, the Dean, at his or her discretion, may request peer review of any clinical-track faculty member. In the event that the Dean requests such review, it shall include the criteria specified in Rule 14.06(B)(1)(c).

B. Clinical-Track Faculty Review Committee. During any academic year in which the College faculty includes probationary clinical-track faculty, clinical-track faculty seeking promotion, or clinical-track faculty in the penultimate year of a non-probationary contract period, the Dean shall appoint a Clinical-Track Faculty Review Committee to assist in the reviews described in subsections C, D, and E below. The Clinical-Track Faculty Review Committee shall include the Director of Clinical Programs and any others whom the Dean appoints. Probationary clinical-track faculty may not serve on the committee.

C. Review during Probationary Contract Period. During the course of each year of a clinical-track faculty member's probationary contract period, the performance of the clinical-track faculty member shall be reviewed by the Dean, with the assistance of and in consultation with the Clinical-Track Faculty Review Committee, for the purpose of determining whether the contract will be continued for the next year, or, if the review is during the penultimate year of a probationary contract period, whether a new contract will be extended at the conclusion of the probationary contract period.

#### D. Promotion Review.

1. A clinical-track faculty member initially appointed to the faculty at the rank of assistant clinical professor normally shall be first considered for promotion to the rank of associate clinical professor during that faculty member's fourth year of service. A faculty member at the rank of associate clinical professor normally is eligible for consideration for promotion to clinical professor during that faculty member's third year of service as associate clinical professor.

2. During an academic year in which a clinical-track faculty member is being considered for promotion, the Clinical-Track Faculty Review Committee shall review the performance of that faculty member and, based upon that review, shall make a written report and recommendation to the faculty concerning that faculty member's promotion. The committee's review will assess the faculty member's performance in all relevant areas, as described in Faculty Rule 14A.04 above.

3. The faculty shall consider the Clinical-Track Faculty Review Committee's recommendation and, by majority vote of those present and voting, shall make its own recommendation to the Dean concerning promotion. Faculty members eligible to consider and vote on the recommendation are tenure-track faculty holding at least the same rank as that to which the promotion is proposed and clinical-track faculty holding at least the same rank as that to which the promotion is proposed, excluding the Dean and Assistant or Associate Deans of the College, the Executive Vice President and Provost, and the President.

4. After receiving the faculty's recommendation, the Dean shall then decide, based upon all relevant information, whether to recommend the faculty member's promotion. The Dean's decision with respect to promotion shall be forwarded to the Executive Vice President and Provost, who shall review the decision consistent with the review procedures established for tenure-track faculty including those set forth in University Rule 3335-6-04. Any decision of the Executive Vice President and Provost shall be final.

5. A clinical-track faculty member receiving a promotion may elect to begin a new contract under Rule 14A.06(C) on the effective date of the promotion.

#### E. Reappointment Review

1. During the penultimate year of any non-probationary contract period of a clinical-track faculty member, the Dean will review that faculty member's performance for purposes of determining whether to reappoint that faculty member for a subsequent contract period. This review will assess the faculty member's performance in all relevant areas, as described in Faculty Rule 14A.04 above.

2. By December 1 of the penultimate year of a non-probationary contract, the Dean shall make an initial decision whether to reappoint the faculty member and renew the contract and shall communicate that initial decision to the faculty member and to the Chair of the Clinical-Track Faculty Review Committee.

3. If the Dean's initial decision is to reappoint the faculty member, the reappointment review process is complete. The reappointment will take effect at the end of the current contract period, unless the faculty member and the College agree to a different date.

4. If the Dean's initial decision is not to reappoint the faculty member, the following process will be followed:

(a) The Clinical-Track Faculty Review Committee shall review the faculty member's performance, and based upon that review, shall make a written report to the faculty concerning that faculty member's reappointment. This review will assess the faculty member's performance in all relevant areas, as described in Faculty Rule 14A.04 above.

(b) The faculty shall consider the Clinical-Track Faculty Review Committee's report and, by majority vote of those present and voting, shall make a recommendation to the Dean concerning reappointment. All college faculty members other than the candidate for reappointment are eligible to consider and vote on the reappointment recommendation regardless of the rank of the candidate.

(c) After receiving the committee's and the faculty's recommendation, the Dean shall then make a final decision, based on all relevant information, whether or not to reappoint the faculty member being reviewed, and inform that faculty member of the Dean's final

decision no later than the end of that academic year. The Dean's decision shall be final with respect to reappointment or nonreappointment.

(d) If the Dean's final decision is to reappoint the faculty member, the reappointment will take effect at the end of the current contract period, unless the faculty member and the College agree to a different date.

(e) If the Dean's final decision is not to reappoint the faculty member, the final year of the contract period during which the reappointment review occurred shall be the terminal year of employment.

#### F. Faculty Meeting Procedure

When provisions of the Faculty Rules applicable to the promotion or reappointment reviews of clinical-track faculty call for the College faculty to make a recommendation to the Dean, the following procedures shall govern the faculty meeting at which that recommendation is made:

1. Notice of Meeting. All persons entitled to attend, participate, or vote under the provisions of the Faculty Rules applicable to the promotion or reappointment reviews of clinical-track faculty shall be notified of any meeting to consider promotion or reappointment recommendations and receive documentary background information in conformance with Rule 1.07.

2. Presence Required for Vote. All votes shall be cast in person; proxy and absentee voting shall not be permitted. "In person" shall be defined as stated in Rule 1.11.

3. Secret Ballot. Faculty shall use secret written ballots to vote on recommendations concerning promotion or reappointment of clinical-track faculty members. A faculty member whose presence and participation have been by other means pursuant to Rule 1.11 may make arrangements to protect the anonymity of his or her vote to the extent feasible.

#### 14A.08. Merit Salary Increases and Other Rewards.

A. Criteria. Merit salary increases and other rewards for clinical-track faculty shall be based on the faculty member's contributions both during the year being reviewed and over the faculty member's entire career. The relevant criteria for these salary increases and other rewards are the same factors stated in Rule 14A.04. Accordingly, the Dean shall consider each clinical-track faculty member's overall performance based on these criteria.

B. Procedures. The Dean may utilize materials from the annual review in determining merit salary increases. The Dean shall communicate to each faculty member, as soon as possible after receipt, the most reliable information available as to that member's salary for the next academic year. If no better information is available, the communication shall consist of the recommendation by the Dean to the University administration with respect to that member's salary. When more reliable information is obtained, the Dean shall inform the members of the

faculty as to the percentage increment for all continuing faculty members.

C. Documentation. The Dean shall provide each faculty member with a written statement indicating the recommended merit salary increase.

14A.09. Transfers Between Clinical Track and Tenure Track. Transfers from the clinical track to the tenure track are not permitted. Clinical-track faculty may apply for tenure track positions and compete in regular national searches for such positions. Transfers from the tenure track to the clinical track are not permitted. Tenure-track faculty may apply for clinical-track positions and compete in the regular national searches for such positions.

Source: Faculty Minutes, February 12, 2003, May 5, 2011, April 5, 2012, October 5, 2017, and April 4, 2019.

## CHAPTER 15 – PROFESSIONAL LEAVE

### 15.01. Establishment.

The College of Law shall have a faculty professional leave program consistent with Section 3345.28 of the Ohio Revised Code and Rules of the Board of Trustees of The Ohio State University.

Source: Faculty minutes, March 29, 1978.

### 15.02. Definitions.

As used in this Chapter:

A. “Full-time faculty member” shall mean any person holding the rank of Professor, Associate Professor, or Assistant Professor on at least 50% appointment. Adjunct and regular clinical-track faculty members are not included in this definition. A visiting appointment at the College does not count in such a calculation. A joint appointment of at least 50% does.

B. “Academic year of teaching service” shall mean any academic year in which the full-time faculty member, while in such status, whether on nine or eleven months appointment, had significant responsibilities to the College, including teaching, assigned research, or administrative responsibilities.

Source: Faculty minutes, March 29, 1978, March 17, 1999, and February 12, 2003.

### 15.03. Eligibility for Professional Leave.

A. A full-time faculty member who has completed seven years of teaching service, as defined by Rule 15.02(B), shall be eligible for professional leave, subject to the provisions of this Chapter.

B. A full-time faculty member shall become eligible for a second professional leave after completion of seven years of teaching service following the end of the first professional leave.

C. In determining years of teaching service, times spent on leaves of absence shall not be included, but also shall not impair the accumulation of previous and subsequent periods of teaching service credit.

D. In determining eligibility, a temporary discontinuation of service to the University shall not impair the accumulation of previous and subsequent years of teaching service, unless such discontinuation has extended for more than two academic years.

Source: Faculty minutes, March 29, 1978, and March 17, 1999.

15.04. Certification of Eligibility.

By October 1 of each academic year, the Dean shall provide to the Committee charged under Rule 15.06 and to each eligible faculty member a list of those faculty members who will be eligible to begin a professional leave during the subsequent academic year.

Source: Faculty minutes, March 29, 1978.

15.05. Application for Professional Leave.

A. An eligible faculty member may file with the Dean a written proposal for professional leave, which the Dean shall forward to the Committee designated pursuant to Rule 15.06.

B. Written proposals shall be filed by November 1 of the academic year prior to the academic year in which the leave would begin. Proposals filed after November 1 may be considered by the Dean and the Committee or they may be postponed until the following year's deliberations.

C. Proposals shall include a detailed description of the proposed work and the applicant's qualifications for the task.

D. Proposals shall state the duration of the leave requested and the starting date proposed.

Source: Faculty minutes, March 29, 1978.

15.06. Peer Review.

A. The Dean shall appoint a special faculty committee of three to seven members, or shall designate the committee charged with appointments, promotion and tenure, or academic affairs, to act as a Peer Review Committee for professional leave proposals.

B. This Committee shall review all proposals referred to it by the Dean and shall report to the Dean, within forty-five days of receipt of the proposals, whether the proposal meets the standards for a professional leave proposal.

C. In determining whether a proposal should be approved, the Committee shall consider, among others, the following factors:

1. Importance of the proposal for the development of the faculty member;
2. Importance of the proposal to the College's welfare;
3. Merit of the proposal;
4. Ability of the applicant to meet the stated objectives of the proposal; and
5. Need for a professional leave to accomplish the proposed goals.

D. Conflict of Interest. If the Dean appoints a special faculty committee to consider professional leave proposals and if a member of that committee submits a proposal for professional leave to the Dean, the member shall resign from the Committee. The Dean shall

appoint another member of the faculty to fill the vacant position if necessary to maintain the requisite number of faculty under Rule 15.06(A). If the Dean designates a standing committee to consider professional leave proposals and if a member of that committee submits a proposal for professional leave to the Dean, the member shall recuse herself from considering any professional leave requests. The Dean shall appoint another member of the faculty to the committee, but only for the purpose of voting on professional leave proposals, if necessary to maintain the requisite number of faculty under Rule 15.06(A).

Source: Faculty minutes, March 29, 1978, March 17, 1999, and November 17, 2004.

15.07. Determination of feasibility; Referral to the Provost.

A. Upon receipt of approval by the Peer Review Committee, the Dean shall determine whether it is feasible to implement the proposal during the proposed period. Every effort shall be made to grant leaves on a current basis, i.e., at the time requested.

B. The following preferences, in the order listed, should guide the Dean in attempting to implement a peer-approved professional leave proposal:

1. Any funds released by the absence of the person on leave and any funds which may be available to the College specifically for professional leaves should be used to hire visiting faculty for the period of absence;
2. Arrangements should be made to have non-essential courses taught on an alternate year basis;
3. Arrangements should be made to have courses taught by adjuncts;
4. Consensual arrangements with other faculty members should be made to cover essential (required or high enrollment) courses; and
5. Enrollments beyond those specified in Rule 9.04 should be permitted in other sections of multiple-section courses.

Non-teaching responsibilities of the absent faculty members shall be divided among remaining faculty.

C. If the Dean determines that it is not feasible to grant a leave approved by the Committee, he or she shall notify the faculty member and the Committee of the reasons for this determination and shall make every effort to ensure that the leave can be granted in the following year.

D. If the Dean determines that it appears that only a certain portion of the Committee - approved leaves for a particular period are feasible, he or she shall report that fact and the reasons to the faculty members involved and to the Committee, for further action pursuant to Rule 15.08(A).

E. The Dean shall, as early as possible in the second semester, forward to the Provost all Committee-approved leave requests, as a group, from eligible faculty members, except where he or she has determined that it is not feasible to grant such leave.



Source: Faculty minutes, March 29, 1978, and March 17, 1999.

15.08. Priorities Among Approved Proposals.

A. If the Dean reports to the Committee that the Dean or the University administration has determined that only a certain portion of Committee-approved leaves are feasible for a particular period, the Dean and the Committee shall meet together, with the Dean as chair, to determine which of the approved leaves shall be granted.

B. The following factors shall be considered by the Committee:

1. Whether the proposed leave has already been postponed one or more times;
2. Whether the leave proposal was submitted by the deadline stated in Rule 15.05(B);
3. The length of the proposed leave, with longer leaves preferred over shorter ones;
4. The relative merit of the proposals according to the criteria specified in Rule 15.06(C); and
5. Whether the nature of the proposed activity is amenable to postponement.

C. Where the Committee is unable to resolve priorities among proposals under division B, it shall make such resolution according to years of teaching service, and then, if necessary, by lot.

Source: Faculty minutes, March 29, 1978, and March 17, 1999.

15.09. Withdrawals.

An application may be withdrawn by the applicant at any time until it is approved by the Provost. Thereafter, it may be withdrawn with the approval of the Dean.

Source: Faculty minutes, March 29, 1978.

15.10. Phase-in Period.

The procedure outlined in Rule 15.08 shall be used during a phase-in period, except that criteria 1 under Rule 15.08(B) shall not be applicable.

Source: Faculty minutes, March 29, 1978.

15.11. Responsibilities of Faculty Member Taking Professional Leave.

A. A faculty member on professional leave is expected to comply in good faith with the proposal approved, with any alterations approved by the Dean in cases of supervening difficulty.

B. A faculty member returning from professional leave shall submit a report to the Dean, by the end of the first semester back at the College, on the leave experience, including an indication of the extent to which objectives of the leave were realized.

C. A faculty member taking professional leave shall be expected to return to the service of the College for at least one year after the end of the leave.

Source: Faculty minutes, March 29, 1978, and March 17, 1999.