

TEXAS TECH UNIVERSITY SCHOOL OF LAW



FACULTY HANDBOOK 2017-2018

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PART I: GENERAL POLICIES

Note: The Texas Tech Operating Policies and Procedures discussed in this section are referred to by the initials “OP.” You can find all of the OPs for the University at the following website: <http://www.depts.ttu.edu/opmanual/>

§ 1. ACADEMIC FREEDOM.

The University recognizes the importance of scholarly activity, including research, to the University’s mission. As such, the University provides faculty members with the freedom to:

- a.** Choose the subject of research or scholarly activity;
- b.** Initiate and conduct such activity;
- c.** Seek the necessary resources to conduct such activity, and to exercise control over those resources; [and]
- d.** Disseminate the results of such activity in an appropriate manner.

Texas Tech OP 74.02. This OP also details the circumstances under which the University may act “to suspend, modify, or terminate the scholarly activity or research of a faculty member for adequate cause.”

§ 2. NON-DISCRIMINATION POLICY.

Based upon Texas Tech OP 40.01 and AALS By-Laws, the Law School will not tolerate discrimination or harassment on the basis of race, color, religion, genetic information, protected veteran status, national origin, sex, gender (including identity expression), sexual orientation, age, or disability.

§ 3. ADOPTION AND SALE OF TEXTBOOKS AND RELATED MATERIALS.

a. Texas Tech OP 30.18 establishes the policies of the University concerning the sale of materials to students for classroom use.

b. Faculty members may adopt casebooks or other like materials that they have written or edited if the books have “been printed by a recognized and reputable publishing house at its own risk and expense, made available for open sale, and approved for such use by a textbook committee appointed by the department or area head. Such approval must be in writing and is to be secured annually.” The Law School has a committee appointed annually that considers these requests.

c. Faculty members may also compile collections of materials from a variety of sources for students to use in class. These compilations are subject to the provisions copyright law. In addition, the OP places other requirements on the use of these materials. “All educational material to be sold for use in the class or in laboratory work must be approved by the appropriate textbook

committee. University departments that provide such instructional material must recover no more than that required to reimburse for costs of producing and using the material.”

d. If you adopt a casebook or like materials that you have written or edited, please submit your request to the chair of the Textbook Review Committee at the time you select the work.

§ 4. COURSE SYLLABI.

a. Course Content. Texas Tech OP 32.06 requires that faculty members provide to students a course syllabus within the first week of class that includes the following information:

- (1) the course outline;
- (2) the determination of credit hours for course work;
- (3) the expected learning outcomes from the course;
- (4) the methods of assessing those outcomes; and
- (5) the criteria for grade determination.

Faculty members should also “[i]nclude in the course syllabus statements on university policy concerning academic honesty (TTU OP 34.12), special accommodation for students with disabilities (TTU OP 34.22), and student absence for observance of a religious holy day (TTU OP 34.19).”

b. Attendance.

(1) Standard 308(a) of the American Bar Association Standards and Rules of Procedure for Approval of Law Schools states: “A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance”

(2) Under section 51.911(b) of the Texas Education Code and Texas Tech Operating Policy and Procedure 34.19, students may not be penalized for absences for the purpose of observing of religious holy days, including travel for that purpose.

(3) Faculty members must adopt attendance policies in their classes and communicate these to their students through course syllabi and other methods. If a student's absences approach the limit established, the faculty member should warn the student before asking the Registrar to remove the student from the class roll. The Associate Dean for Academic Affairs can assist in notifying students, and the Associate Dean for Student Life can help with counseling for students with recurrent attendance problems.

c. Disability.

(1) Texas Tech University OP 40.04 governs the University’s responsibilities under the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act. Paragraph 1 of TTU OP 40.04 states:

Texas Tech University is committed to the full inclusion of all qualified individuals. As part of this commitment, persons with disabilities will not be subject to discrimination or denied full and equal access to academic programs, employment, activities, benefits, and services offered by the University on the basis of their disability. This policy applies to all students, employees (faculty, staff, or student), volunteers, and visitors.

(2) Texas Tech OPs 34.22 and 32.06 requires faculty members to include a statement concerning accommodations for disabilities in course syllabi. The text of the TTU OP characterizes the notice of disability and accommodation in the classroom as between student and instructor. Because the general policy of the law school is for anonymity in the grading process, law students provide their notices of disability to the Associate Dean for Student Life. The Managing Director of the Office of Student Disability Services approved the following statement for course syllabi in the School of Law:

Any student who, because of a disability, may require special arrangements in order to meet the course requirements should contact the Associate Dean for Student Life John Delony as soon as possible to make any necessary arrangements. Students should present appropriate verification from Student Disability Services during the Associate Dean's office hours. Please note that classroom accommodations cannot be provided to a student until appropriate verification from Student Disability Services has been submitted. For additional information, you may contact the Student Disability Services office in 335 West Hall or 806-742-2405.

d. Religious Holy Day Statement. The following statement regarding absences for religious holy days must be included in syllabi:

Section 51.911(b) of the Texas Education Code provides excused absences for religious holy days. A student who intends to observe a religious holy day should make that intention known in writing to the professor prior to the absence. A student who is absent from classes for the observation of a religious holy day shall be allowed to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence. A student who is excused from the class under this policy may not be penalized for the absence; however, the professor may respond appropriately if the student fails to complete the assignment satisfactorily.

§ 5. USE OF WORKS PROTECTED BY COPYRIGHT.

The Copyright Act of 1976, as amended (17 U.S.C. §§ 101, *et seq.*), the Digital Millennium Copyright Act (17 U.S.C. §§ 1201-1205), and the Technology, Education, and Copyright Harmonization (TEACH) Act of 2002 (17 U.S.C. § 110(2)) regulate the reproduction, distribution, performance, display, and other use of works protected by copyright. The information contained in Texas Tech OP 30.22 was adopted to reduce the risk of infringement, while maintaining desired flexibility and support for the educational mission of the University.

§ 6. EEO TRAINING.

Texas Tech University requires all faculty members to complete the EEO Non-discrimination for Employees training program every two years. This program is available to complete online (<https://texastech.sumtotal.host/core/search>).

§ 7. TITLE IX MANDATED REPORTER TRAINING.

Under Title IX of the Educational Amendments Act of 1972, 20 U.S.C. §§ 1681-1686, the Clery Act, 20 U.S.C. § 1092(f), and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2000e-17, all faculty, staff, and student employees must complete mandated training within 30 days of assignment by the University and every two years thereafter. This program is available to complete online (<https://texastech.sumtotal.host/core/search>).

§ 8. FEDERAL EDUCATIONAL RIGHTS AND PRIVACY ACT (“FERPA”) TRAINING.

The Law School requires all faculty members to complete biennially Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, training. FERPA is a federal statute that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The program is available online (<https://texastech.sumtotal.host/core/search>).

§ 9. FACULTY DUTIES AND RESPONSIBILITIES.

Texas Tech OP 32.06 describes many of the duties of faculty members concerning teaching, research and creative activity, and service to the University, the faculty member’s profession, and the community.

§ 10. FACULTY CONSULTING.

University policy allows a faculty member to engage in consulting work for compensation provided that does not interfere with the faculty member's normal duties. The faculty member must request permission annually by submitting a form prescribed by the Provost. See Texas Tech OP 32.07.

§ 11. EVALUATIONS OF FACULTY PERFORMANCE.

a. The dean provides at least an annual evaluation of each faculty member’s performance in accordance with Texas Tech OP 32.32. Faculty members are asked to provide a report on their activities using a form distributed by the Dean’s Office.

b. In addition, students evaluate the teaching ability of each faculty member in each course. Faculty members cannot receive their teaching evaluations until they have turned in their grades for each course.

§ 12. PERFORMANCE EVALUATION MEDIATION.

a. Texas Tech OP 32.32 governs the periodic regular (annual) performance review process for faculty members. Section 3.f. of the OP states that each academic unit of the University should establish a procedure whereby a committee of peers will be available to mediate disagreement between an individual faculty member and the administration regarding a performance review.

b. Section 3.f. of the TTU OP provides that a faculty member under review who disagrees with his or her evaluation can request that a committee of peers be formed to mediate with the Law School Dean. Mediation committees will consist of three members. The Dean will select one member of the committee, the faculty member under review will select the second, and the two faculty members selected will choose the third member together. The committee will work to reach agreement between the Dean and the faculty member under review concerning the faculty member's performance evaluation. If the mediation is not successful, a copy of the committee's recommendation shall become part of the annual evaluation. This procedure and/or the possibility of filing a grievance provide the non-binding alternative dispute-resolution processes described in Chapter 154 of the Civil Practice and Remedies Code.

§ 13. FACULTY DEVELOPMENT PLAN.

Texas Tech OP 32.32, Section 5, provides for the establishment of a development plan for a faculty member whose evaluation reflects a pattern of incompetent performance, continuing or repeated substantial neglect of professional responsibilities, or other good cause as agreed upon by the dean and chairperson/coordinator. When the Law School Dean makes this determination, unless the Dean and the faculty member agree upon a development plan, the Dean will consult with a committee of three members of the tenured faculty. The Dean will select one member of the committee, the faculty member reviewed will select the second, and the two members selected will choose the third member. The committee will review the faculty member's evaluation and the basis for the Dean's determination. The Dean and the committee will create a development plan that conforms to the requirements specified in the TTU OP.

§ 14. DEVELOPMENT LEAVE.

The University typically provides for the support of several dozen faculty members from the colleges and schools of the University to take a development leave each academic year. Texas Tech OP 32.29 contains the requirements which a faculty member must meet to be eligible to apply for a development leave.

§ 15. GRADE-APPEAL POLICY.

Texas Tech OP 34.03 establishes the process that students must use to appeal a grade. TTU OP requires that the student first meet with the instructor. If dissatisfied with the result of that meeting, the student then must meet with the department chair. The Associate Dean for Academic Affairs serves as the department chair for the law school for the application of this TTU OP. If dissatisfied

with the results of the meeting with the Associate Dean, the student may file a grade appeal following the rules and procedures in the TTU OP. The student must file the grade appeal with the Dean's office no later than the 45th calendar day of the long semester following the semester in which the student earned the grade. The law school Grade Appeals Committee, consisting of three faculty members and two students, considers the appeal and makes its recommendation to the Dean. The student must show that prejudice or arbitrary or capricious action on the part of the instructor influenced the grade.

§ 16. ACCESS TO STUDENT EDUCATIONAL RECORDS.

a. The Family Educational Rights and Privacy Act of 1974 (20 U.S.C § 1232g) restricts access to student educational records at institutions accepting federal funds in many situations unless the student has consented to the release of the information. Only where a person has a "legitimate educational interest"—generally interpreted as a necessity to carry out job requirements—may he or she have access without the student's consent. The Associate Dean for Academic Affairs, for example, may have access to the records of students who must be placed on scholastic probation in order to notify the students of their status.

b. Faculty members who wish to have access to a student's transcript for the purposes of writing a reference letter or selecting students to enroll in a course or participate in an activity, for example, should request that the student provide a copy of the transcript as part of the application process.

PART II: TEACHING, RESEARCH, AND SERVICE POLICIES
(Adopted on December 7, 2011; Technical Corrections on December 12, 2011)

I. GUIDING PRINCIPLES.

§ 1. SCOPE.

a. These policies apply to all faculty members who hold a tenured or tenure-track position unless they are also serving in an administrative capacity as a dean, associate dean, or assistant dean, or have an additional appointment with the University, to the extent otherwise provided by agreement with the Dean or the University or otherwise authorized by these policies.

b. Nothing in these policies affects any requirements contained in the policies of the School of Law or Texas Tech University concerning promotion, tenure, and post-tenure review.

c. Except as otherwise specified herein, these policies do not apply to (a) visiting faculty members, (b) legal practice faculty who are not also tenured or on the tenure track, and (c) clinical faculty who are not also tenured or on the tenure track.

§ 2. FAIRNESS, AND FLEXIBILITY, AND ACADEMIC FREEDOM.

Faculty members should have equitable teaching loads and the ability to be creative, autonomous, and self-determined in designing their classes. The concept of equity recognizes, among other things, that different kinds of courses and different student loads place different demands on faculty time. In administering this policy, these important concepts as well as others, such as the curricular needs of the School of Law, will be balanced. In addition, to ensure fairness and flexibility, the process for establishing teaching loads will be transparent.

§ 3. STUDENT LEARNING.

A robust, rigorous curriculum with sufficient depth and breadth is necessary to fulfill our educational mission and to train students to become outstanding lawyers and leaders who serve the profession and society. As such, faculty members are encouraged to explore creative forms of pedagogy both inside and outside the classroom, and to mentor, engage, and interact with students outside the classroom.

§ 4. SCHOLARSHIP AND INTELLECTUAL GROWTH.

Faculty members are expected to produce scholarship and to remain current in their areas of expertise. The Law School values scholarship addressed to fellow academicians as well as to the bench and bar. It values scholarship regardless of format, so long as the scholarship shows: (1) originality of thought; (2) thoroughness of analysis; and (3) a sound contribution to the intellectual growth and understanding of the law, either at the abstract level or the level of practical application.

§ 5. INSTITUTIONAL NEEDS.

Full-time faculty should teach substantially all first year and upper level required courses. In addition, the School of Law is committed to continuing to satisfy all curricular and other requirements set forth in the American Bar Association's *Standards for Approval of Law Schools* and the membership requirements of the American Association of Law Schools.

§ 6. CONSISTENCY WITH CURRICULAR REFORM.

The faculty has an ongoing obligation to review and revise the curriculum. It is expected that faculty will consider teaching loads and curricular changes as principles that operate together to implement the Law School's goals and values.

II. ACADEMIC YEAR

§ 1. PROFESSIONAL CREDIT REQUIREMENTS.

a. **Not on Leave.** Each faculty member who is not on leave must earn at least fourteen professional credits per academic year.

b. **On Leave for One Semester.** If a faculty member is on leave (*e.g.*, faculty developmental leave, personal leave, visiting at another school, etc.) for one semester, the professional credit requirement is seven for the semester the faculty member is not on leave and zero for the semester the faculty member is on leave.

c. **On Leave for Academic Year.** If a faculty member is on leave for the entire academic year, there is no professional credit requirement.

d. **Dean's Discretion to Adjust.** The Dean has the discretion to adjust the professional credit requirements.

(1) **Upward Adjustment.** The Dean may not increase a faculty member's professional credit load without the informed consent of the faculty member.

(2) **Downward Adjustment.** Non-exhaustive examples of when the Dean may exercise discretion to lower a faculty member's professional credit load include (a) the initial year for a new, entry-level faculty member, and (b) a faculty member who earned more than the required number of professional credits in a prior year.

§ 2. METHODS OF EARNING PROFESSIONAL CREDITS.

a. **Teaching at the Law School.**

(1) **Generally.** A faculty member will receive one professional credit for each credit hour taught for a qualifying class as defined below which is taught during the academic year, or over the summer if the faculty member did not receive a teaching stipend.

(2) **Qualifying Class.**

(a) A qualifying class is a traditional law school doctrinal class or seminar which is taught to students in a classroom setting, including and without limitation, a clinical class, or a Legal Practice class.

(b) The following activities do not qualify for professional teaching credits although students may receive academic credit: (1) supervising one or more independent research students, (2) serving as the advisor to a student-edited law review or law journal, and (3) coaching a moot court, mock trial, negotiations, client counseling, or similar student team.

(3) **Minimum Teaching Requirement.** The usual, expected teaching load for a faculty member is a minimum of twelve professional credits for teaching qualified classes per academic year (six if on leave for one semester). Additionally, possible reductions from the usual, expected load are identified in sections II.2.b.(2), II.c.(1), and III.5.b. below, or if the faculty member has carry-forward credits from an overload in a prior academic year or summer. However, except with the express approval of the Dean or as required by University policy, state, or federal law, a faculty member must accrue a minimum of ten professional credits per academic year (five if on leave for one semester) for teaching qualified classes.

b. Service to the Law School.

(1) **Basic Credits.** A faculty member is generally expected to be engaged in service. A faculty member will receive one professional credit for each semester that the faculty member actively serves on Law School committees. For each semester that the Dean determines a faculty member failed to serve actively on assigned committees, the faculty member will not receive a professional credit for a subsequent semester of active service.

(2) **Additional Credits.** In the discretion of the Dean, a faculty member may receive one additional professional credit per semester for exceptional and significant service to the Law School, the University, the profession, or the public. [See TTU OP 32.18, §7(p)]

c. Scholarship.

(1) **Generally.** A faculty member is generally expected to produce scholarship. Ordinarily, a faculty member will not earn additional professional credits for scholarship; however, a faculty member who undertakes a substantial and extensive scholarly research project during an academic year (not summer) may receive one, two, or three professional credits in one academic year. [See TTU OP 32.18, § 7(q)]

(2) **Application Process.** A faculty member who wishes professional credits for a substantial and extensive scholarly research project during an academic year (not summer) must

submit the information described in the *Summer Research Stipend Program* (§ IV.3.c. below) policy by October 15, including a projected timeline for completing the project and the expected date of publication. The expected date for publication should generally be no later than October 15 fall of the academic year following calendar year.

(3) ***Dean's Discretion.*** Professional credits for a substantial and extensive scholarly research project during an academic year (not summer) are awarded at the Dean's discretion. The Dean may delegate this discretion to the Associate Dean for Research and Faculty Development.

(4) ***Evaluation Standard.*** Proposals to receive professional credits for a substantial and extensive scholarly research project during an academic year (not summer) are evaluated using the same standards as described in the *Summer Research Stipend Policies*.

III. SUMMER TEACHING POLICIES

§ 1. GENERAL.

a. Each year, the School of Law endeavors to offer a strong summer curriculum that includes advanced required courses, electives, and the summer entry program. The faculty temporarily suspended the Summer Entry Program on January 25, 2017, for summer 2017.

b. Consistent with our academic year policy, a robust, rigorous summer curriculum with sufficient depth and breadth is necessary to fulfill our mission and to provide a sufficient array of courses for those students who are without other summer opportunities or opt to complete their J.D. degree in a period of less than the usual three years.

c. Nothing in these guidelines will be construed to require an eligible faculty member to teach or seek a research stipend during the summer; however, faculty members are encouraged to maintain an active scholarly agenda.

§ 2. SUMMER FACULTY.

a. **Presumed Eligible Faculty Members.** Eligible faculty include tenured or tenure-track faculty members.

b. **Presumed Ineligible Faculty Members.** Visiting faculty members, tenured or tenure-track faculty members who also hold administrative appointments in the Dean's office, and other attorneys on the law school staff are generally ineligible. If, however, insufficient volunteers are otherwise available to staff the summer curriculum, the Dean may authorize these individuals to teach during the summer.

c. **Summer Entry Program.** The Assistant Dean for Academic Success Programs teaches a portion of the Summer Entry course each summer as part of his or her overall duties. A professor who teaches the doctrinal portion of the Summer Entry Program shall receive two hour of credits, unless provided by agreement with the Dean.

d. Dean's Discretion. The Dean's office may also reserve one or more summer teaching slots for new faculty hires or summer visiting or adjunct professors.

§ 3. APPLICATION PROCESS.

a. Dean's Announcement of Stipends. Before October 1 of each year, the Dean will announce the stipend amounts projected to be available (1) for summer teaching, as measured by an amount per credit hour, and (2) for summer research stipends.

b. Solicitation of Applications. On or before October 1 of each year, the Assistant Dean & Registrar will seek applications for staffing the summer curriculum.

c. Application Deadline. Eligible faculty will have until October 15 to submit a request to teach summer school.

d. Application Contents. The application must include the courses the faculty member is willing to offer and during which summer session(s).

e. Review of Applications. The Curriculum Committee, in conjunction with the Associate Dean for Academic Affairs, will review the list of volunteers and their proposed courses, and will develop and recommend for adoption by the faculty of an appropriate summer curriculum consistent with this policy and the needs of the School of Law.

§ 4. COORDINATION WITH SUMMER RESEARCH STIPEND.

a. An eligible faculty member may volunteer to teach a summer course or seek a summer research stipend, but may not receive law school funding for both.

b. In seeking volunteers to teach in the summer, the Assistant Dean and Registrar, acting for the Committee, will ask eligible faculty members whether they wish to be considered for summer teaching or are, instead, applying for a summer research stipend.

c. If an eligible faculty member elects to seek a summer research stipend, but that faculty member's proposal is rejected, the faculty member can then submit a request to the Curriculum Committee, through the Chair, for consideration for summer teaching. Any such request must be submitted within one week following the eligible faculty member's receipt of notice that the individual's research proposal has been rejected.

d. If an eligible faculty member elects to seek summer teaching but is not placed on the summer teaching schedule, the faculty member can then submit an application for a summer research stipend. Any such request must be submitted within one week following the eligible faculty member's receipt of notice that the individual's summer research or teaching proposal has been rejected.

§ 5. SUMMER COURSE POLICIES.

a. Number of Credits. The typical summer course will be for 2 credits, but certain 3-credit or 4-credit required, or bar-related courses may also be offered or included in the summer curriculum as suggested by the Associate Dean for Academic Affairs and the Curriculum Committee.

b. Offset of Summer Teaching Against Academic Year Professional Credit Requirements.

(1) A faculty member who teaches a 2-credit summer course may elect not to be paid for summer teaching, but instead choose to receive one professional credit for each uncompensated credit in the next academic year.

(2) If the Dean determines that there is sufficient available funding, a faculty member who teaches a 3-credit or 4-credit summer course may elect to be paid per credit hour for all 3 or 4 hours, or may instead elect to be paid at the rate for a 2-credit course and receive one professional credit for each uncompensated credit in the next academic year. In the event the Dean determines that there is insufficient funding available to compensate at a per credit hour rate for all 3 or 4 hours, a faculty member who teaches a 3-credit or 4-credit summer course may elect to be paid at the rate for a 2-credit course and receive one professional credit for each uncompensated credit in the next academic year.

c. Team Teaching. Two faculty members may split a 4-credit required course, each teaching one-half of the course, for one-half the credit.

§ 6. EXCESSIVE NUMBER OF TEACHING APPLICANTS.

a. Creating and Maintaining the Summer Wheel Priority Teaching List.

(1) The Dean's Office will prepare a new Summer Wheel upon adoption of these rules.

(2) Eligible faculty members' names will be placed in a common container, mixed, and drawn, and then will be placed on the initial Summer Wheel in order of priority beginning with first, second, and so on.

(3) After teaching in a summer session, the eligible faculty member's name will be placed at the bottom of the Summer Wheel in order of the original draw.

(4) As eligible faculty members are hired, their names will be placed at the bottom of the list in order of the date of hiring, except for faculty members with two years or less of law school teaching experience.

(5) If a faculty member leaves an administrative position in the Dean's office and returns to full-time teaching (and becomes an eligible faculty member), that faculty member's name will be added to the bottom of the list as of the date of change in appointment.

b. Use of Summer Wheel Priority Teaching List. If there are more applicants than available teaching slots, the Associate Dean for Academic Affairs and the Curriculum Committee will give priority to those eligible faculty members who are ranked higher in priority on the Summer Wheel, after giving due regard to curricular needs.

§ 7. TOO FEW NUMBER OF TEACHING APPLICANTS.

a. If an insufficient number of eligible faculty volunteer to staff the summer curriculum, the Curriculum Committee and the Associate Dean for Academic Affairs may seek volunteers from among visiting faculty members, tenured or tenure-track faculty members who also hold administrative appointments in the Dean=s office, and other attorneys on the law school staff.

b. Thereafter, if an insufficient number remains, the Summer Wheel will be used to complete the staffing from those faculty members on the wheel who were approved for a summer research stipend except for faculty members with two years or less of law school teaching experience. The highest priority faculty member(s) will be required to teach a summer course rather than receive a summer research stipend after giving due regard to curricular needs.

IV. SUMMER RESEARCH STIPEND POLICIES.

§ 1. GENERAL.

The Summer Research Stipend Program is designed to reward full-time faculty members (including legal practice faculty members) who engage in substantial and scholarly research projects between academic years (*i.e.*, over the “summer”). A faculty member is not required to teach or seek a research stipend during the summer.

§ 2. COMPLIANCE.

The Associate Dean for Research and Faculty Development (“Research Dean”) is charged with reviewing and documenting the compliance of faculty members with the Summer Research Stipend Program rules.

§ 3. APPLICATION PROCESS.

a. Dean’s Announcement of Stipends. Before October 1 of each year, the Dean will announce the stipend amounts available (1) for summer teaching, as measured by an amount per credit hour, and (2) for summer research stipends.

b. Application Date. To be considered for a Summer Research Stipend, a faculty member must timely submit a “Summer Research Application” to the Research Dean. On or before October 1 of each year, the Research Dean will inform the faculty that the annual Summer Research Application process is open, and that all applications will be due on or before October 15.

c. Summer Research Application Contents. The Summer Research Application should, to the extent possible, contain the following components:

- A short narrative description of the intended research project.
- An outline of the intended research project.
- An explanation of how the research project relates to the faculty member's prior or anticipated research, research agenda, or an explanation of the significance of the intended research project.
- A description of the journals, types of journals, or other publishers to which the faculty member expects to submit the research, if known.
- A statement that the faculty member will devote a substantial portion of the summer to this project along with a list of other summer activities in which the faculty member intends to participate such as teaching at another law school, teaching bar review courses, vacations and their likely duration, and consulting. Activities for which the faculty member anticipates being compensated must be specifically noted.
- Whether the faculty member will have one or more co-authors and, if co-authored, the role of the faculty member in the project.
- Whether the faculty member expects to be compensated for the project such as by a work-for-hire payment, royalties, etc., and the projected amount of any such compensation, if known.
- Whether the work requires special funding (*e.g.*, travel or research assistants) to facilitate completion. If so, include a description and a proposed budget. A faculty member who plans to cover these expenses with a professorship or chair, an outside grant, and/or the faculty member's own resources, does not need to include this component in the application.
- A projected timeline for completing the project (including an indication of whether it will be accepted for publication before June 1 of the calendar year following the summer research work).

§ 4. EVALUATION PROCESS.

a. Research Dean Review. The Research Dean will evaluate each Summer Research Application for substance and compliance with the application requirements. The Research Dean may communicate with a faculty member if an application needs to be supplemented. Each faculty member the Research Dean determines to have complied is deemed an Eligible Researcher.

b. Dean Approval. The Research Dean will promptly submit the list of Eligible Researchers to the Dean for approval. The Research Dean will also provide information to the Dean regarding any applications that were rejected. A faculty member whose application has been rejected may request a review by the Dean. Absent unusual circumstances, the Dean will disqualify any faculty member and remove the designation of Eligible Researcher if the faculty member was an Eligible Researcher in a prior summer or received one or more professional credits for scholarship in a prior academic year but has failed to make acceptable progress in completing the prior project.

§ 5. STIPEND QUALIFICATION.

a. When Eligible Researcher Entitled to Stipend. An Eligible Researcher is entitled to compensation only after the Dean or the Dean's designee determines that the project is (a) in publishable form and has either been accepted for publication or is ready to be submitted for publication, and (b) substantial and scholarly as described below.

b. Determination of Substantial and Scholarly. In determining whether the writing project is substantial and scholarly, the Dean or the Dean's designee will consider factors such as the amount of time required to produce the publication, the length of the publication, its overall quality and contribution to the literature, and whether it is intended for an academic audience.

(1) *Law Student and Practitioner Publications.* Publications for the benefit of law students, practicing attorneys, and judges are considered as being for an academic audience.

(2) *Popular Press Materials.* There is a rebuttable presumption that popular press publications are not considered as being for an academic audience.

c. Special Rules for Book Chapters.

(1) An Eligible Researcher may receive a summer research stipend in more than one summer for different chapters of a book project provided that each chapter of the book project (or a combination of chapters) prepared in a single summer otherwise meet(s) the stipend qualifications set forth above with regard to being substantial and scholarly.

(2) Funds for a summer research stipend may be paid to the Eligible Researcher when the Research Dean determines that the specific chapter or chapters prepared pursuant to the summer project is/are substantially in final form and otherwise meet the stipend qualifications set forth above.

§ 6. PROJECT CHANGES.

If a faculty member is designated as an Eligible Researcher and later determines that the faculty member needs or wishes to modify the project from what the faculty member described in the Summer Research Application, the faculty member must seek written approval from the Dean. The Dean has the discretion to approve or reject the modification and to request additional information about the proposed modification.

§ 7. STIPEND DETERMINATION.

The Dean has the discretion to determine, on an annual basis, the set amount for the research stipends and timing of payments to Eligible Researchers.

V. ACADEMIC ADVISING PROGRAM. (*Adopted by the faculty April 19, 2017*)

§ 1. POLICY.

In accordance with American Bar Association Standards and Rules for Approval of Law Schools 309(a) and 404(a)(2), each full-time faculty member is responsible for serving as an academic advisor to first-year students assigned by the Dean's Office. Each faculty advisor will be a "first-stop" contact for each assigned student, and meet with his or her advisees at least three times in the fall, and twice in the spring, at the approximate times indicated. Some of these meetings may be with the advisees as a group. Other advising resources for students will remain available, such as the Office of Academic Support, the Associate Dean of Student Life, the Associate Dean of Academic Affairs, the Registrar's Office, and University counseling offices.

§ 2. FULL-TIME FACULTY DEFINED.

For purposes of this program, the members of the full-time faculty include (a) all full-time faculty members who hold a tenured or tenure-track appointment, including Law Library Faculty members and also including tenured or tenure-track faculty members who hold administrative appointments; (b) any full-time Legal Practice Faculty members who do not hold a tenured or tenure-track position; and (c) any other full-time members of the faculty with the approval of the Dean's Office. Faculty members on leave are exempted from participation in academic advising for the relevant semester or year, and the Dean may in writing grant a faculty member an exemption from participation in academic advising for other good cause.

§ 3. PROCESS.

The Dean's Office (in consultation with the Admissions Office) allocates the first-year students among all members of the full-time faculty. For example, if there are 135 students and 34 full-time faculty members, each faculty member would be assigned about four students.

§ 4. ACADEMIC ADVISING COMMITTEE.

The Dean will appoint an Academic Advising Committee which will (a) continue to develop and refine "advisor-in-a-box" materials suggesting best practices, available resources, and other materials for advising; (b) provide periodic presentations to the faculty on the advising program, including frequently asked questions; and (c) periodically review the program and make recommendations for its improvement or modification.

PART III: ACADEMIC YEAR CURRICULUM AND TEACHING GUIDELINES

(Adopted December 6, 1995)

These are the guidelines used by the current Curriculum Committee to develop the proposed curriculum for the 1996-97 and 1997-98 academic years. The Committee proposes that the Faculty adopt these guidelines for future curriculum committees to help resolve such issues as "required" courses, the offering of multiple sections, and teaching preferences. Please note that these are guidelines only and are to be applied with good judgment and not as a collection of wooden and inflexible rules.

§ 1. COURSES THAT MUST BE TAUGHT: THE "REQUIRED CURRICULUM."

a. First-year required courses: Except for a first-year Legal Writing course or its equivalent, there should be no more than three sections of each first-year course, with all sections of each course offered during the same semester.

b. Advanced required courses: There should be at least two sections, but no more than three sections of each advanced required course during an academic year, and, preferably, at least one section should be offered during each semester.

c. Primary elective courses: Some elective courses are designated as "primary" because their content is covered on the Texas bar examination. At least one section, but not more than two sections, should be offered during an academic year, preferably one section in each semester when two sections are offered. In preparing a curriculum, the Curriculum Committee should regularly review the list of subjects published by the Texas Board of Law Examiners.

Comment: The preceding courses, the "ABC courses," represent the courses that must be taught in each academic year by regular faculty or by highly qualified adjunct faculty (*e.g.*, retired faculty members). If the annual canvass of teaching preferences reveals unstaffed ABC courses in the curriculum, the Associate Dean for Academic Affairs will solicit volunteers, consider the availability of adjunct faculty, or invite present teachers to "double up" or offer multiple sections of the course for one academic year. If the Associate Dean's efforts to staff the required curriculum fail, the Associate Dean will promptly report such failure and any recommendations to the faculty as a whole for consideration and action. If the faculty is unable to solve the staffing problems, the Dean is authorized to select faculty members to teach the unstaffed courses.

§ 2. COURSES THAT SHOULD BE TAUGHT: THE "OPTIONAL CURRICULUM."

a. Experiential courses: To graduate, a student must complete at least six credits of experiential coursework. An experiential skills course emphasizes identified lawyering skills over doctrine; requires each student to assume the role of a lawyer by addressing specific problems with legal, practical, professional and personal dimensions; and limits enrollment to permit intensive, frequent and critical evaluation of each student's performance. Qualifying courses include: (a)

Legal Practice II, (b) clinics; (c) externships; and (d) simulation courses. The Associate Dean for Academic Affairs includes in the annual registration materials a list of the courses that will be taught each year that satisfy this requirement. Experiential skills courses proposed by the faculty should be identified in curriculum proposals distributed to the faculty.

b. Other elective courses: Except for experiential skills courses, not more than one section of an elective course should be offered during an academic year. Except in extraordinary circumstances, the Curriculum Committee will not approve elective offerings of four or more hours.

§ 3. DETERMINATION OF CREDIT HOURS FOR COURSEWORK.

a. 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, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours. Factors bearing on the equivalence of work include the rigor of the experience, nature of the tasks involved, and quality and quantity of supervision.

b. For the purpose of this rule, fifty minutes of classroom or direct faculty instruction equate to an “hour.”

c. Additional guidance appears at Appendix I (March 21, 2017, memorandum from the Chair of the Curriculum Committee to the Associate Dean for Academic Affairs).

§ 4. TEACHING PRIORITIES AND PREFERENCES.

a. General: Teaching priorities are determined generally by past and present teaching assignments, and usually are based on individual teaching preferences, but teachers must recognize that teaching preferences are subject to institutional and curricular needs. To accommodate these sometimes opposing interests, the Curriculum Committee should adhere to the guidelines set out in B and C below, and faculty members should consider these guidelines in listing their course preferences.

b. Teachers of courses in the required curriculum:

(1) Present teachers of courses in the required curriculum (the “ABC Courses”) should not vacate an ABC course unless a replacement is obtained, except that teachers induced to volunteer or selected to teach the course may vacate after teaching the course one time.

(2) Teachers who voluntarily vacate an ABC course cannot reclaim that course unless an incumbent teacher agrees to vacate or alternate.

(3) Teachers of ABC courses can neither be displaced by another teacher nor be required to rotate with another teacher, but agreements to rotate ABC courses may be made between faculty members and such agreements will be respected by the Curriculum Committee.

c. Teachers of courses in the optional curriculum.

(1) Present teachers of courses not within the required curriculum enjoy continuing priority in those courses.

(2) Except in extraordinary circumstances, the Curriculum Committee will not approve elective offerings of four or more hours of optional courses cannot be displaced by another teacher nor be required to rotate with another teacher, but agreements to rotate optional courses may be made between faculty members and such agreements will be respected by the Curriculum Committee.

(3) A teacher vacating a course in the optional curriculum cannot reclaim it if another faculty member thereafter teaches the course, except that teachers who volunteer or who are selected to teach a course in the required curriculum do not lose their priority. A course is vacated by notice to the Curriculum Committee or by failure to teach the course at least once in two consecutive academic years.

§ 5. TEACHERS ON LEAVE.

Teachers on leave for a period not longer than one academic year retain the course responsibilities and priorities established in the preceding guidelines.

§ 6. TIMING OF CURRICULUM COMMITTEE ACTION.

The Curriculum Committee should conduct faculty preference surveys and report the results of such surveys early enough in each fall semester to permit the Committee to circulate a proposed academic year curriculum by November 15th of each academic year. The Committee should also conduct summer teaching and research surveys early enough in each Fall semester to permit the Committee to circulate a proposed summer school curriculum by November 15th of each year. Courses to be taught by adjunct faculty should be identified and included in curriculum proposals circulated to the faculty.

§ 7. PROSPECTIVE APPLICATION.

To the extent any of these guidelines adversely affect any courses or course arrangements existing on the date of adoption by the faculty, they will be applied prospectively only.

§ 8. MINIMUM ENROLLMENT.

Except for experiential courses, minimum enrollment for courses to be offered at the Law School is twelve (12) students.

PART IV: DISTANCE EDUCATION PLAN

To provide more accessibility to select law-school classes for students at Texas Tech University School of Law and to promote legal education generally, the School of Law establishes the following distance education plan in accordance with ABA Standard 306.

§ 1. TERMINOLOGY:

a. A distance education course is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously (ABA Standard 306(a)).

b. “Synchronous” means that the classes are offered live, and although the parties may be separated by distance, students view the class at the time of the teaching.

c. “Asynchronous” means that the classes are available to students online on demand. These classes may be viewed at a time other than when the taping occurred. Synchronous classes can become asynchronous if a live taped class is made available to students to view at a later time.

d. “Blended” or “hybrid” courses refer to classes that use both synchronous and asynchronous approaches. The term can include a course that is offered in part with live classes and also with distance education, but it does not include courses in which two-thirds or more of the course instruction consists of regular classroom instruction.

§ 2. PLAN:

a. Before a distance education course is offered, it must be approved through the law school’s regular curriculum approval process, including the appropriate course proposal form, with specific authorization to offer the course as a distance education class. The proposal to offer the course will include a description of academic content, course delivery, a specific explanation of how the course credit was determined, the method of evaluating student performance, and any other requirements established by the Curriculum Committee for all course proposals. [The Texas Tech University Guidance for Distance Education Courses is at Appendix II.]

b. Before being approved to teach a distance education course, the faculty member must complete TTU Worldwide eLearning training at the Teaching, Learning, and Professional Development Center before the first day of classes. [*see* Texas Tech University Guidance for Distance Education Courses].

c. No more than 15 total credit hours of distance education courses may be counted towards the J.D. degree (see ABA Standard 306(e)). An LL.M. student may not enroll in a distance education course without the advance written consent of the Associate Dean for International Programs.

d. No J.D. student will be allowed to enroll in any distance education course until he or she has successfully completed 28 credit hours. Transfer credits may be used to reach the 28 credit hour requirement. Additionally, transient students who have completed 28 credit hours at their home institution may take a distance education course with their home school's permission. (see ABA Standard 306(f)).

e. All faculty teaching distance education courses will ensure that students receive instruction satisfying ABA Standard 310.

f. Faculty who teach distance education courses will provide students in those courses with opportunities to interact with the instructor that satisfy the requirements of ABA Standard 306(d). [please see Guidance document]

g. All exams offered in distance education courses will be given in a manner that assures that the student who registered for the course and will be receiving the academic credit for the course is the same student who participated in and completed the course and the exam.

h. Faculty who teach distance education classes must abide by all School of Law and University policies and procedures, including copyright compliance for materials used in the course.

i. No course may be taught strictly via correspondence.

j. For purposes of computing a faculty member's teaching load or summer compensation, a distance education course will count the same as a regular class with the same number of credit hours.

k. If a distance education course has not been offered in more than three academic years, the Curriculum Committee may authorize non-retention of course materials. The creating faculty member will be notified before a course item is removed.

l. Faculty ownership of content created for distance education courses is set forth in TTU OP 74.04.

PART V: SCHOLARLY WRITING SERIES
(Adopted on April 23, 2014; revised February 24, 2016)

§ 1. SCHOLARLY WRITING SERIES REQUIREMENT.

a. In the semester in which a J.D. student registers to receive credit for the upper-level writing requirement, the student may, as determined by the faculty member, complete Texas Tech University School of Law's online Scholarly Writing Series.

b. Professors are encouraged to include information about the Scholarly Writing Series on their course syllabi. Professors are also encouraged to assign students to read the most current edition of Elizabeth Fajans and Mary Falk, *Scholarly Writing for Law Students* (Thomson/West), or a similar piece on scholarly legal writing.

§ 2. ON-LINE PRESENTATION.

The Scholarly Writing Series will consist of three one-hour online presentations that will focus on important aspects of preparing a scholarly research paper.

Class 1: Selecting a topic (including where to look for a topic and how to evaluate a topic), researching a scholarly paper (including research strategies and suggestions on where to start).

Class 2: Developing a thesis (including the difference between a topic and a thesis and thesis originality), organizing your research, and formatting a scholarly paper.

Class 3: Attribution (including where citations fit into the writing process, incorporating footnotes or endnotes, the frequency of footnotes/endnotes and the number of sources that should be cited, the three primary functions of footnotes/endnotes, adding text to the footnotes/endnotes, and defining and preventing plagiarism).

PART VI: GUIDELINES FOR OPEN FACULTY MEETINGS

(Adopted December 4, 1974; amended April 16, 2008)

§ 1. OPEN OR CLOSED FACULTY MEETINGS.

a. Closed meetings. A faculty meeting is wholly or partly closed to student attendance when —

(1) the faculty considers promotion or tenure for specific members of the faculty, or considers appointments to the faculty; or

(2) the faculty considers any matter relating to a specific person (or persons) under circumstances providing good reason to believe that unrestricted dissemination of the facts and faculty discussion would constitute an unreasonable and inappropriate destruction of the affected person's legitimate expectations of privacy; provided, however, that a non-faculty person whose privacy is protected by closing the faculty meeting may waive closure in advance or by so indicating in writing to the Dean.

b. Open meetings. Except for those faculty meetings closed under the preceding guidelines, faculty meetings are open to student attendance.

c. Determination. The Chair shall determine when a faculty meeting is closed by applying the preceding guidelines.

§ 2. STUDENT ATTENDANCE AT OPEN FACULTY MEETINGS.

Any student in the School of Law may attend an open faculty meeting.

§ 3. NOTICE OF OPEN FACULTY MEETINGS.

Notice of the date, time, and place of a scheduled open faculty meeting shall be posted on the law school intranet at least 24 hours before the meeting. If the faculty has received a meeting agenda, this notice shall include the meeting agenda.

§ 4. STUDENT PARTICIPATION IN OPEN FACULTY MEETINGS.

Students shall enjoy the privilege of the floor upon any matter at any open faculty meeting by majority vote of the faculty present. The Chair shall regulate the privilege to allow representative diversity of student remarks consistent with the time available for the meeting and the state of the agenda.

§ 5. STUDENT CONDUCT.

Disorderly students will be excluded from open faculty meetings.

§ 6. MINUTES OF OPEN FACULTY MEETINGS.

The minutes of each open faculty meeting will be posted on the law school intranet after approval of the minutes by the faculty.

PART VII: EXAM ADMINISTRATION & GRADING PROCEDURES *(Amended February 22, 2017 and August 31, 2017)*

§ 1. ROLE OF THE REGISTRAR'S OFFICE.

a. The Registrar's Office must be notified of all exams given during a semester to ensure compliance with testing accommodations for certain students under the Americans with Disabilities Act. Faculty members who plan to give mid-term exams, quizzes, and practice tests during the semester should use the Exam Survey issued to faculty at the beginning of every semester to give proper notification to the Registrar's Office. Likewise, the Final Exam Survey will be distributed later in the semester to gather relevant information regarding faculty members' final exams. Faculty members must complete the form in its entirety to ensure a successful examination administration.

Final examinations are administered by the Office of the Registrar with the assistance of Law School Staff. Other types of exams, such as mid-terms, class quizzes, and practice exams should be administered by staff members, teaching assistants, or by faculty members. Students receiving accommodations will have their exam, quiz, practice exam, test, etc. administered by the Registrar's Office.

b. To maintain the school policy of anonymity in the exam process, faculty members should not discuss test administration procedures with any student, including requests to reschedule exams. Please direct all students with these inquiries to the Registrar's Office or to the Associate Dean for Academic Affairs.

§ 2. ANONYMITY.

The official policy of the law school is that examinations and papers submitted in lieu of written examinations will be identified and graded through the use of a number on the paper rather than the student's name, unless preservation of student anonymity is not possible. To protect anonymity, a professor should not speak to his or her students about a final exam until the grades for the course have been recorded on the students' transcript.

§ 3. GRADING POLICY. (*Adopted by the Faculty on April 21, 1992; revised August 31, 2017*)

"Evaluation of student work is one of the fundamental obligations of law professors. Examinations and assignments should be conscientiously designed, and all student work should be evaluated with impartiality. Grading should be done in a timely fashion and should be consistent with standards recognized as legitimate within the university and the profession." Statement of Good Practices By Law Professors in the Discharge of Their Ethical and Professional Responsibilities (Association of American Law Schools 1969).

"The responsibility for determining all grades and for judging the quality of academic performance in a course rests with the instructor." TTU OP 30.03, § 1.a. (Jan. 25, 2007).

Principle One. The responsibility to evaluate individual student academic performance and to assess the academic performance of a class of students comes within the discretion of the individual professor. This discretion includes determination of the distribution of grades for the course. The professor is obliged to evaluate the performance of the individual student along with the performances of the class, within the context of the professor's experiences and professional judgment. This responsibility partakes of the individual professor's academic freedom. Consistent with professional standards and university policy, the only external limitation on this evaluation is that the grade or grades cannot be the product of prejudice, or arbitrary or capricious action.

Principle Two. The Faculty recognizes that grading appropriately rests in the sound discretion of the individual professor. At the same time, the Faculty understands that using a grading policy similar to the practices of the law school's peer institutions would provide several benefits. A policy would help to minimize potential employer's misunderstandings in comparison of grades across institutions. It would further minimize grading disparity between sections of the same course in the law school, particularly in first year sections. As such, the Faculty suggests that individual faculty members consider the grade distribution below, acknowledging that the distribution of grades within every course is left to the wisdom of the professor. Using another grade distribution or departing in any way from this suggested distribution will not constitute grounds for an individual grade appeal. Seminars and other small enrollment classes are not included in these suggested distributions.

Suggested Grade Distribution

A	15%	
B+	20%	
B	30%	
C+	20%	
C	10%	
D+, D, F	5%	
MEAN:	2.95	MEDIAN: B

PART VIII: ABSENTEE VOTING AT FACULTY MEETINGS

(Adopted by the Faculty on May 1, 2013)

It is increasingly the case that faculty members must travel out of town on the date of a faculty meeting. Since faculty meetings are important to faculty governance, the rule that allows a faculty member to cast a vote through proxy on personnel issues so long as he or she attends the meeting by telephone also applies to other voting matters. Faculty members who are out of town or, with permission of the Associate Dean for Academic Affairs, physically unable to attend the meeting in person can participate and vote according to the rules that apply to personnel matters. When the vote is by secret ballot, the faculty member may designate a proxy to vote on his or her behalf.

PART IX: APPOINTMENT, PROMOTION, AND TENURE OF FACULTY
(Approved March 16, 1977, with amendments made August 15, 1990, October 25, 1994, April 30, 2003, April 18, 2007, October 19, 2011, April 2, 2014, March 25, 2015, April 22, 2015, May 15, 2015, February 24, 2016, April 20, 2016, and December 16, 2016)

I. GENERAL RULES.

§ 1. VOTING.

If application of any of the rules in Section III, Section IV, or Section V, or Section VI yields a number that is not a whole number, that number shall be rounded up to the next higher whole number if the decimal value is .5 or greater and shall be rounded down to the next lower whole number if the decimal value is less than .5.

§ 2. EFFECT OF AMENDMENTS.

The provisions of Sections III and IV that are in effect at the beginning of a person's most recent continuous appointment to the faculty shall apply to the review of that person for promotion or tenure or both. However, notwithstanding the foregoing sentence, a person may elect to have the provisions of the then-current Sections III and IV applied to the review of that person. Any such election must be made in writing to the Dean on or before August 15th of the year in which the person exercising the election is to be reviewed.

II. CRITERIA FOR APPOINTMENT, PROMOTION, AND TENURE.

The principal functions of the School of Law are to organize, to increase, and to communicate knowledge of the law. The chief instrument for performing these functions is the faculty. In addition to the General Criteria for Promotion and Tenure noted at paragraph 4 of Texas Tech University OP 32.01, present and prospective faculty members must be evaluated on the following criteria:

§ 1. EXCELLENCE IN TEACHING AND COMMUNICATING KNOWLEDGE OF THE LAW.

To be considered are:

- a. Recommendations of the committee responsible for evaluating the candidate,
- b. When available, the written evaluations of the students,
- c. Comments or written evaluation of any faculty member, educator, former student, or member of the Bar acquainted with the candidate's performance in the educational function or in professional practice,

- d. Any other objective demonstration of the candidate's excellence or potential for excellence in teaching or directing productive work by students.

§ 2. EXCELLENCE IN WRITING AND RESEARCH.

To be considered are:

- a. Publication of legal writing, evaluated on the basis of:
 - (1) its scholarly quality,
 - (2) its originality, and
 - (3) its contribution to the growth and understanding of the law.
- b. Research, together with its result. This research may be of any type and shall be evaluated on the basis of:
 - (1) its thoroughness,
 - (2) what has been accomplished with it, and
 - (3) what may be accomplished with it.
- c. Changes in the law which have been proposed or effected pursuant to such proposals. This activity may be evidenced by:
 - (1) statutory proposals or enactments,
 - (2) advocacy for change through the judicial process or
 - (3) regulatory proposals or adoptions.

§ 3. EXCELLENCE IN NATIONAL, STATE, COMMUNITY, UNIVERSITY, LAW SCHOOL, OR PROFESSIONAL SERVICE.

To be considered are:

- a. Contributions to legal profession,
- b. Committee work,
- v. Appointive or elective law-related positions,
- d. Participation in workshops, seminars, making presentations or giving speeches on law-related subjects,

- e. Any other activity which serves to promote the University, law school or a better understanding of the law.

§ 4. EXCLUSIVITY OF CRITERIA.

These criteria are the exclusive basis for making appointments, giving promotions, and admitting to tenure. Evaluation of a candidate shall be based on all three criteria. Faculty members must strive to be objective in their professional judgment of colleagues upon whose appointments, retention, promotion, and tenure their opinion may be sought. Professional judgments of colleagues should be based solely upon an objective appraisal of abilities in teaching, research, writing and other professional activities and should not be influenced by extraneous considerations of the colleague's political, social or religious views, or views concerning the operation and administration of the University and the School of Law.

§ 5. APPLICATION OF CRITERIA.

a. The criteria should be applied as the circumstances of the particular case require, for example: initial appointments to assistant professor should be made on the basis of the demonstrable potential of the candidate to excel. Initial appointments or promotions to associate professor should be made on the basis of demonstrated excellence. Initial appointments or promotions to professor should be made on the basis of demonstrated excellence. Admission to tenure, to be considered apart from promotions, should also be made on the basis of demonstrated excellence.

b. The above criteria and the procedures which follow in Parts II, III, IV, and V shall control appointments, promotions and admissions to tenure at the School of Law. Policies on appointments, promotions and tenure generally applicable to other divisions of the University shall be given effect unless they are inconsistent with these criteria and procedures.

III. APPOINTMENT OF FACULTY.

§ 1. DUTIES OF THE PERSONNEL COMMITTEE.

The personnel committee shall have the responsibility for:

- a. The preliminary selection of candidates any type of faculty appointment;
- b. Recommending to the faculty that invitations to visit the campus be extended to selected candidates;
- c. Recommending to the faculty that offers of appointment be extended to particular candidates, together with the general recommended terms, other than salary, of any such offers.

§ 2. VISITING & ADJUNCT FACULTY APPOINTMENTS.

a. The Dean shall be principally responsible for the appointment of visiting faculty whose term shall not exceed 2 consecutive long semesters. The Dean shall also be principally responsible for appointing adjunct faculty members. The Dean shall confer with the Curriculum Committee to determine the need for visiting and adjunct faculty. The Dean may delegate to the Personnel Committee the responsibility for screening visiting and adjunct candidates.

b. Visiting appointments shall be approved by the faculty with at least two-thirds of the faculty voting and eligible to vote, and at least a majority of them present and eligible to vote, voting affirmatively in favor of the appointment.

c. Adjunct appointments need not be approved by the faculty unless the faculty by majority vote so requests. Where requested the voting procedure shall be the same as for a visiting appointment.

§ 3. PRELIMINARY SELECTION OF CANDIDATES.

The personnel committee shall make a preliminary selection of candidates for any type of faculty appointment by:

- a.** Soliciting information about current appointment needs from the faculty, the Dean and the curriculum committee;
- b.** Examining and evaluating information about persons interested in law teaching obtained from:
 - (1)** Suggestions by the faculty and Dean;
 - (2)** The Association of American Law Schools Faculty Appointments Register and Law Teachers Directory;
 - (3)** Personnel committee files;
 - (4)** Such other sources as may be available, including applications sent directly to the School of Law by any candidate.
- c.** Sending representatives of the School of Law to interview qualified candidates at other law schools who are interested in law teaching;
- d.** Sending representatives of the School of Law to any meeting scheduled to include faculty recruiting activities as all or part of the meeting including but not limited to the annual Association of American Law Schools recruitment conference.

For the purposes of the operation of the personnel committee, only § 3.b.(1) is mandatory in all cases. The other subsections need to be complied with for only so long as is necessary to identify

a candidate who is qualified on the general criteria listed in paragraph I or who possesses a high degree of potential on the general criteria listed in paragraph I.

§ 4. CAMPUS INTERVIEW VISITS.

In the case of a candidate for a regular, full-time, faculty appointment, a campus visit is normally required before an offer is extended. In the case of a candidate for a visiting faculty appointment, no campus visit is required before an offer is extended if the proposed visiting period is for one academic year or less, but the personnel committee may recommend that a visit for interviews should nevertheless be scheduled.

§ 5. PROCEDURE FOR CAMPUS VISITS.

As soon as conveniently possible after a candidate has accepted an invitation to visit the campus, the faculty shall be informed of the dates and times when the candidate will be available at the School for interviews and shall be furnished with biographical information on the candidate. Visits shall be of as uniform a time and type as practicable and each visitor shall interview with as many of the faculty as possible. Every effort shall be made to provide each member of the faculty an opportunity to interview all visitors. The candidate will also be interviewed by a representative group of students.

§ 6. PROCEDURE FOR RECOMMENDING APPOINTMENTS.

a. If a candidate for faculty appointment has been selected and has visited the campus under the procedures of §§ II.3-5 above, the personnel committee shall meet as soon as practicable after the visit for the purpose of voting on the candidate and the terms of his or her appointment to the faculty. The results of the personnel committee's deliberations shall be reported to the faculty with the committee's recommendation at the next regular faculty meeting or at a faculty meeting specially called for the purpose of considering personnel matters.

b. If a candidate for faculty appointment has been selected under the procedures of § II.3 but is not required to visit the campus under the procedures of §§ II.3-5, the personnel committee shall meet as may be timely and convenient for the purpose of voting on the candidate and the terms of his or her appointment to the faculty. The results of the personnel committee's deliberations shall be reported to the faculty with the committee's recommendation at the next regular faculty meeting or at a faculty meeting specially called for the purpose of considering personnel matters.

§ 7. FACULTY VOTE ON APPOINTMENTS.

a. All faculty members, except those with appointments which do not acquire tenure, shall be eligible to vote. A quorum exists if two-thirds of faculty members eligible to vote are present. Before an offer can be extended, a candidate must receive both an affirmative vote from at least two-thirds of the faculty members voting and, if any faculty members abstain from voting, from at least a majority of those present at the meeting.

Comment:

The dual requirements for approval are meant to prevent appointment of any candidate who does not have broad support from the faculty, as illustrated in the following example.

The Personnel Committee recommends two candidates for appointment. Thirty faculty members are eligible to vote, and twenty-four of those attend the faculty meeting. The two-thirds quorum requirement is met.

Sixteen of the faculty members present vote affirmatively for Candidate A, six votes no, and two abstain. Candidate A is eligible to receive an offer, having received a greater than two-thirds affirmative vote from those faculty members who voted (16-6) and an affirmative vote from more than a majority of those present at the meeting (16 out of 24).

Eleven of the faculty members present vote affirmatively for Candidate B, five votes no, and eight abstain. Candidate B is not eligible to receive an offer. While receiving a two-thirds affirmative vote (11-5), Candidate B did not receive an affirmative vote from a majority of those present at the meeting (only 11 out of 24).

b. Absentee or proxy voting shall not be permitted, but a member of the faculty eligible to vote on appointment shall be deemed present for all purposes if the member participates in the meeting using a speaker phone or other technology that allows the member to give and receive information and interact with the other members in real time during the meeting. A member of the eligible voting faculty who participates in the meeting by use of a speaker phone or other technology may designate a member of the faculty, either before or during the meeting, to record his or her vote when a vote is called during the course of the meeting, provided that the designated faculty member is physically present at the meeting. This designation shall be recorded in the minutes of the meeting, but provision must be made to ensure that the vote cast by telephone or by other electronic means is known only to the designated faculty member.

c. If the personnel committee has recommended appointment with tenure, the candidate must receive the required two-thirds vote and the required majority vote on that term of the appointment. The personnel committee may only recommend appointment with tenure if it conducts an evaluation of the candidate comporting as nearly as possible with the evaluation procedures required by part IV and if an affirmative vote of at least two-thirds of the tenured faculty voting and eligible to vote and at least a majority of those present and eligible to vote, at a meeting at which a quorum is present, has been obtained on tenure.

d. All votes taken on appointments and the terms thereof shall be by secret ballot. The ballots shall be counted and the results announced to the faculty at the end of the balloting. If more than one person is to be voted on (for one or more positions) the order of balloting shall be recommended by the personnel committee. A preference ballot shall be taken if more candidates are approved than there are positions available.

e. All tenured and tenure-track faculty of the School of Law shall be eligible to vote on any appointment issue.

f. Matters discussed at a meeting regarding candidates for appointment to the faculty will be treated as confidential and not disclosed to persons not present at the meeting, except for faculty members otherwise eligible to vote but who were unable to attend the meeting at which the vote is taken, or when integral to faculty and University formal proceedings and then, no personal identifying information may be used.

§ 8. EXTENSION OF OFFERS.

a. The Dean shall extend an offer to each candidate, on behalf of the School of Law, who has been approved under § II.7 above, incorporating such terms as may have been approved under the same section. The Dean should advise the candidate on criteria and procedures of the School of Law pertaining to promotions and admission to tenure; the provisions of sections III and IV should be specifically pointed out. The Dean shall determine the salary terms to be extended with the offer.

b. In no instance shall an offer be made or any terms of appointment extended to anyone who has received less than the votes required for appointment and terms of appointment. The terms and conditions of every appointment shall be stated in writing and shall be in the possession of both the University and the prospective faculty member before the effective date of the appointment.

§ 9. DUTY TO KEEP FACULTY FULLY INFORMED.

The personnel committee shall make such reports as may be required to keep the faculty informed about personnel matters. The records of the personnel committee, including files on, and correspondence with, persons interested in law teaching shall be available for inspection by members of the faculty upon request so the faculty may keep itself informed on personnel matters and make suggestions to the personnel committee on the subject of faculty appointments.

IV. THIRD-YEAR REVIEW OF UNTENURED FACULTY.

§ 1. APPLICATION.

Texas Tech University Operating Policy and Procedure (OP) 32.01 requires that all untenured faculty members be evaluated in their third year with regard to progress toward tenure. The Final Faculty Rules for Appointment, Promotion, and Tenure of Faculty for the School of Law allow untenured faculty members in the fall of their third years of appointment to apply for promotion or tenure or both. If an untenured faculty member chooses to apply only for promotion in the fall of his or her third year, that review process will satisfy the third-year review required by the OP, although the tenured faculty will assess the faculty member's progress toward tenure by a vote as described below.

§ 2. PROCEDURE FOR REVIEW.

a. Reviewing Faculty. The members of the tenured faculty are the reviewing faculty.

b. Review Committee. Three members of the tenured faculty will comprise a Review Committee for each untenured faculty member. In years with more than one untenured faculty members to be reviewed, each untenured faculty will have a separate Review Committee composed of different members of the tenured faculty, if possible.

c. Dean's Preparation. In the spring of an untenured faculty member's second year of appointment, the Dean will consult with the faculty member concerning his or her plans to apply for promotion or tenure or both in the fall. If the faculty member plans not to apply for promotion or tenure or both, the Dean will inform the faculty member of the third-year review process and consult with the faculty member about the composition of the review committee to propose to the tenured faculty. On or before August 15 at the beginning of the third year of appointment for untenured faculty members, the Dean will prepare a list of the untenured faculty members to be reviewed.

d. Meeting of Tenured Faculty. If one or more untenured faculty members are to be reviewed, the Dean will call a meeting of the tenured faculty. The meeting will be held by September 15 of each year. At the meeting, the Dean will present the list of untenured faculty members for verification. The Dean will also announce the composition of the proposed Review Committee(s). Members of the tenured faculty may consult with the Dean, within one week following the meeting, about possible changes to the composition of the Committee(s). The faculty member being reviewed will be given an opportunity to object to any member of the Committee

e. Duties of Review Committees. It will be the responsibility of the members of the Committees to inform themselves fully as to matters bearing on the criteria listed in Part I as applied to the faculty member under review. Information may be obtained by visiting the faculty member's classes, by examining the faculty member's written products, by discussion with the faculty member regarding law school, university, and community service, by examination of the faculty member's student evaluations, by submitting for written review by faculty members at other accredited law schools any publications of the faculty member, and by such other means as may be reasonably related to the inquiry, but the faculty member must be advised of any such other means which the Committee proposes to use. The faculty member will also be provided an opportunity to suggest such other means for use by the Committee.

- (1) The faculty member under review will be allowed to see and comment on all material considered by the review team or the reviewing faculty.
- (2) The Committee will conduct its own independent evaluation on behalf of the faculty. The Committee will prepare a written report on the untenured faculty member which will be submitted to the faculty at least five working days prior

to the evaluation meeting. The Committee, in its discretion, may call for a faculty meeting during the fall semester prior to the evaluation meeting. The Committee will include in its report a finding of whether the faculty member under review is making satisfactory progress toward tenure. If the Committee finds that the faculty member under review has not made satisfactory progress toward tenure, the Committee will include in its report recommendations for the faculty member to address deficiencies in one or more of the areas of teaching, creative activity or research, and service.

f. Evaluation by Tenured Faculty. Members of the tenured faculty will review the report of the Review Committee. If a member of the tenured faculty disagrees with the finding of the Committee as to the progress of the faculty member under review toward tenure, the tenured faculty member should notify a member of the Review Committee.

g. Evaluation Meeting of Tenured Faculty. A meeting of the tenured faculty will be called by the Dean at a date in early to mid-November to consider the report and advise the Dean on the progress of the faculty member under review toward tenure. Matters discussed at the evaluation meeting regarding untenured faculty members will be treated as confidential and not disclosed to persons not present at the meeting, except for faculty members otherwise eligible to vote but who were unable to attend the evaluation meeting, or when integral to faculty and university formal proceedings and then, no personal identifying information may be used.

h. Voting.

- (1) **Quorum.** A quorum will exist if two-thirds of the tenured faculty members are present. If the computation of the number of persons required yields a number that is not a whole number, that number will be rounded up to the next higher whole number if the decimal value is .5 or greater and down to the next lower number if the decimal value is less than .5.
- (2) **Purpose.** The purpose of the vote is to assess the untenured faculty member's progress toward tenure. A finding of satisfactory progress by this vote is not binding on subsequent votes on the untenured faculty member's application for promotion or tenure.
- (3) **Remote Voting.** Absentee or proxy voting will not be permitted, but a member of the faculty eligible to vote shall be deemed present for all purposes if the member participates in the meeting using speaker phone or other technology that allows the member to give and receive information and interact with the other members in real time during the meeting. A member of the tenured faculty who participates in the meeting by use of a speaker phone or other technology may designate another member of the faculty, before or during the meeting, to record his or her vote when a vote is called during the course of the meeting, provided that the designated faculty member is physically present at the meeting. This designation shall be recorded in the minutes of the meeting, but

provision must be made to insure that the vote cast by telephone or by other electronic means is known only to the designated faculty member.

- (4) **Faculty Members on Leave.** Faculty members on leave will not be eligible to vote nor counted in the quorum unless they are present at the evaluation meeting.
- (5) **Form of Ballot.** The ballot shall provide the choices: “Yes,” “No,” and “Abstain.” Each ballot shall also include space in which the voter is requested to indicate the reason for his or her vote, but failing to so indicate will not invalidate the ballot. An abstention shall be counted for purposes of determining the quorum but shall not be counted as voting or for any other purpose.

i. Results of Balloting. An untenured faculty member must receive an affirmative vote from a majority of those voting and eligible to vote for a finding of satisfactory progress towards tenure. If the faculty member under review has not made satisfactory progress towards tenure as a result of the vote, the Committee will consult with the Dean to determine recommendations to address deficiencies in one or more areas of teaching, creative activity or research, and service.

j. Retention of Committee Report. The report of the review committee will be retained and included in the dossier required by OP 32.01 if the faculty member applies for tenure.

IV. PROMOTION OF FACULTY.

§ 1. TIME FOR REVIEW.

a. The *usual* time for first evaluation review of a candidate in the Law School which may lead to the recommendation of promotion is as follows:

- (1) For instructors and assistant professors, the review process for promotion shall be in the fall term of their third year in that rank at the Law School;
- (2) For associate professors who have at least two years of teaching experience at the Law School before promotion in that rank, the review process for promotion shall be in the fall term of their second year in that rank at the Law School;
- (3) For associate professors who are initially appointed at that rank at the Law School, the review process for promotion shall be in the fall term of their third year in that rank at the Law School.

b. Nothing herein precludes a faculty member from seeking an earlier or later promotion review, provided the Dean approves.

c. In accordance with Texas Tech Operating Policy and Procedure 32.01, if a faculty member does not otherwise receive a promotion review by his or her third year at the Law School,

he or she will receive a written assessment and recommendation regarding his or her progress toward promotion and tenure in his or her third year on the Law School faculty as provided in § III above.

§ 2. DETERMINATION OF ELIGIBILITY FOR REVIEW.

Before April 15 of each year when a faculty member is eligible for review for promotion the following academic year, the Dean shall prepare a list of the candidates to be reviewed for promotion. A candidate shall be reviewed in accordance with the above schedule unless the candidate requests in writing to the Dean that the consideration for promotion be changed. If a request for a delay in review is submitted to the faculty, a review may nevertheless be undertaken if a majority of the faculty eligible to vote on the promotion votes to deny the request.

§ 3. PRELIMINARY MEETING OF REVIEWING FACULTY.

a. If one or more candidates may be reviewed during a fall term, the Dean shall, under normal circumstances, call a meeting before the May hooding ceremony of the prior Spring semester of all faculty who are expected to be eligible to vote on one or more of the promotion questions which will require determination.

b. At the preliminary meeting of the reviewing faculty, the Dean will present the list of candidates to the reviewing faculty for verification.

§ 4. APPOINTMENT OF THE PROMOTION COMMITTEE.

a. After consultation with the reviewing faculty at the preliminary meeting, the Dean shall appoint, within one week following the meeting, a three-member Promotion Committee for each candidate to be reviewed and the candidate shall be given an opportunity to object to one or more members of the team before the members are notified of their appointment. Under normal circumstances, the Dean will appoint Promotion Committees by April 15 of the academic year preceding the vote on a candidate's promotion. The Promotion Committee shall be composed of persons eligible to vote on promotion of the candidate.

b. The Dean and Associate Dean for Academic Affairs will hold a meeting with the chairs of the promotion committees to review the promotion processes, including the procedures for soliciting outside reviews of scholarship.

§ 5. DUTIES OF THE PROMOTION COMMITTEES.

a. The Promotion Committees shall fully inform themselves about their candidate's qualifications for promotion based upon the criteria listed in Section I. Committees may obtain and evaluate information about their candidate's qualifications by: (1) visiting the candidate's classes; (2) reviewing the candidate's scholarship; (3) reviewing the candidate's service to the law school, the University, and the community; (4) examining the candidate's student evaluations; (5) in coordination with the Associate Dean for Academic Affairs, select outside evaluators of the candidate's scholarship as indicated in §§ 6-13; and (6) such other means as may be reasonably

related to the inquiry, but the candidate must be advised of any such other means which the team proposes to use. The Committees shall also afford their candidate an opportunity to suggest other means of evaluating the candidate's qualifications for promotion. Candidates must disclose which letters come from reviewers with whom they have a relationship that might raise a potential conflict of interest, such as collaborators, coauthors, former professors, or students. The total number of letters is not restricted.

b. The candidate shall be allowed to see and comment on all material considered by the Committees and the reviewing faculty. This requirement may be waived by the candidate.

c. The Committees shall conduct ~~its~~ their own independent evaluation on behalf of the faculty. The Committees shall prepare a written report on the candidate which shall be submitted to the faculty at least five working days before the evaluation meeting. The Committees, in ~~its~~ their discretion, may call for a faculty meeting during the fall semester before the evaluation meeting.

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On April 20, 2016, the law faculty unanimously approved the Administrative Guidelines on Outside Reviewers in sections 6 through 13. The Administrative Guidelines ensure that promotion packets submitted to the University for law faculty are consistent with University operating policies and expectations, and that law faculty candidates have the best possible chance of obtaining approval at the University level. They are designed to address issues that have arisen in the past, to make the process more consistent for all candidates, and to shift some of the administrative burden associated with obtaining outside scholarship reviews.

§ 6. SELECTING OUTSIDE EVALUATORS.

Selections should be consistent with TTU OP 32.01. The candidate's chair should work with the other committee members and the candidate to prepare a list of at least six possible outside evaluators. The evaluators should be experts in the substantive area of the scholarship to be reviewed. The evaluators typically should be legal academicians, although in some cases practitioners, judges, and academicians in other areas could be acceptable. The University has expressed concern in the past about non-academicians who do not appear to have a record of producing scholarship. Whenever possible, at least one evaluator should teach at an AAU school, <https://www.aau.edu/about/article.aspx?id=5476> (which are the same schools listed on TTU's list of "aspirational peers," <http://www.depts.ttu.edu/cvpa/downloads/> https://www.aau.edu/about/article.aspx?id=5476facultystaff/2013_PeerInstitutions.pdf). For other evaluators, the committee might consider those who teach at a school on TTU's "peer institutions" list, or from a school in one of the Big 5 athletic conferences (ACC, Big 10, Big 12, Pac-12, SEC).

a. The candidate may nominate individual evaluators, as may the committee members.

b. The chair will maintain a list of all nominations and who made them.

c. The committee should share the full list with the candidate, discuss the evaluators with the candidate, and ask for the candidate to disclose, in writing, any current or prior relationship

with each possible evaluator. For example: Has the candidate worked for or with the evaluator? Did the candidate attend law school with the evaluator? Was the evaluator one of the candidate's law professors? Does the candidate consider the evaluator a personal friend? Has the candidate served as an evaluator of the proposed evaluator's work?

d. The committee should conduct preliminary research on each potential evaluator and select at least three, and up to five. As indicated in § 13, alternate evaluators may be designated. The chair may consult with the Dean or Associate Dean for Academic Affairs if he or she has questions or concerns about a possible evaluator.

e. The chair or another committee member should contact each selected evaluator to gauge the individual's desire and availability to serve.

f. Once selected, the candidate should not communicate with an evaluator about the review or specific materials to be reviewed. If a candidate is contacted by an evaluator about the review or specific materials to be reviewed, the candidate should contact his or her chair and disclose the contact.

§ 7. SUBMITTING EVALUATOR NAMES TO THE ASSOCIATE DEAN FOR ACADEMIC AFFAIRS:

No later than July 5, the chair should submit electronically to the Associate Dean for Academic Affairs:

- a. The names, title, and contact information for each evaluator.
- b. Which pieces of scholarship each evaluator will review.
- c. The candidate's written disclosure of any relationship with the selected evaluators.

§ 8. SUBMITTING MATERIALS TO THE ASSOCIATE DEAN FOR ACADEMIC AFFAIRS.

No later than July 5, the committee or candidate should create and share with the Associate Dean for Academic Affairs electronic versions of all pieces of scholarship to be reviewed (.pdf is usually preferable) and a current copy of the candidate's CV. If a piece of scholarship cannot be placed into the account electronically, the committee or candidate should provide sufficient copies to the Associate Dean for distribution to the appropriate evaluators. The Associate Dean's office will create a cloud folder for each candidate's materials that can be shared with evaluators. If a faculty member is completing a piece he or she wishes to be considered and cannot meet the July deadline, please note that information and then submit it to the Associate Dean when completed. It may be difficult to obtain timely reviews for any pieces submitted after mid-September.

§ 9. SUBMITTING MATERIALS TO THE EVALUATOR.

No later than July 20, the Associate Dean for Academic Affairs will send a letter containing instructions to each evaluator and also share the "account" or hard-copy materials with the appropriate reviewer.

§ 10. INSTRUCTIONS TO EVALUATORS.

The letter from the Associate Dean to the evaluator should:

- a.** Ask the evaluator to spend a paragraph or so describing his or her background and expertise to serve as an evaluator for the candidate.
- b.** Request the evaluator to submit a current CV along with the written review.
- c.** Request the evaluator to describe if and how he knows the candidate.
- d.** Provide our standard for promotion or tenure, as appropriate, and ask the evaluator, in a summary paragraph, to indicate whether he or she believes the candidate meets Texas Tech's scholarship standard. The letter will not ask whether the candidate would meet the standard at the evaluator's school.
- e.** Explicitly state what the faculty member is being considered for (*e.g.*, tenure).
- f.** Include any information about the candidate's appointment that could be relevant in evaluating the scholarship (*e.g.*, joint appointments, administrative appointments).
- g.** Request that the evaluator provide a thorough, objective assessment of the scholarship submitted to the evaluator, including the significance of the work produced and its impact on the field.
- h.** Request the letter to be submitted to the Associate Dean by the last day of September.
- i.** Request that the letter not be shared with others.
- j.** Indicate that Texas Tech University School of Law will pay a \$200 honorarium after receiving the letter, and include the appropriate documents to allow us to process that honorarium.
- k.** Alert the evaluator that under the University OP, a faculty member must sign off on his or her dossier; thus, the faculty member is entitled to see the review letters.

§ 11. REVIEWING EVALUATOR LETTERS FOR COMPLIANCE.

When received, the Associate Dean will review the letter to ensure that it contains the requested information. If it does not, the Associate Dean will ask the reviewer to correct any defect and resubmit. The Associate Dean will not ask any evaluator to alter his or her actual evaluation of the scholarship. If the letter does contain the requested information, the Associate Dean will forward the letter to the committee chair for inclusion in the candidate's packet. Under the TTU OP, any letter solicited must be included in the candidate's file.

§ 12. SHARING LETTER WITH CANDIDATE, AND CANDIDATE RESPONSE TO LETTER.

The chair will share the letter with the candidate. The candidate may respond to the review in writing as part of the promotion or tenure package, if he or she desires.

§ 13. ALTERNATE EVALUATORS.

If, at any point, the Associate Dean or chair becomes concerned that an evaluator will not submit a timely review, an alternate evaluator may be used, following the procedures set forth above, but on a timeframe, that provides the review at least three weeks before a faculty vote on the candidate. The chair may pre-designate one or more alternate evaluators when submitting the original list of evaluators to the Associate Dean.

* * * * *

§ 14. EVALUATION MEETING OF REVIEWING FACULTY.

a. The dean shall call a meeting of all faculty eligible to vote on one or more candidates at least 14 days in advance of the date set by the University Administration for submitting recommendations for promotion to discuss and vote on the promotion of the candidate or candidates under review. At this meeting, the eligible faculty shall consider candidates by:

- (1) Obtaining views of members of each candidate's Promotion Committee;
- (2) Reviewing signed letters to the Dean from any member of the faculty or other qualified persons. The Dean will read any such letters in the meeting and will disclose the name of the writer;
- (3) Examining reports of any student evaluation process; and
- (4) Open discussion.

b. Matters discussed at a meeting regarding candidates for appointment to the faculty will be treated as confidential and not disclosed to persons not present at the meeting, except for faculty members otherwise eligible to vote but who were unable to attend the meeting at which the vote is taken, or when integral to faculty and University formal proceedings and then, no personal identifying information may be used.

c. At the close of the discussion, a secret ballot shall be taken in the case of each candidacy in accordance with the procedures established for voting in § III.6.

§ 15. VOTING.

a. Eligibility. All members of the faculty holding a higher academic rank than the candidate shall be eligible to vote on the issue of a candidate's promotion. Faculty members with appointments which do not acquire tenure shall not be eligible to vote.

b. Quorum. A quorum of eligible voting members of the faculty shall exist if four-fifths of the eligible faculty are present.

Comment

This rule is subject to the general rounding rule stated in § I.1.

c. Absentee or Proxy Voting. Absentee or proxy voting shall not be permitted, but a member of the faculty eligible to vote on promotion shall be deemed present for all purposes if the member participates in the meeting using speaker phone or other technology that allows the member to give and receive information and interact with the other members in real time during the meeting.

d. Faculty Members on Leave. Faculty members on leave shall not be eligible to vote nor counted in the quorum unless they are present at the evaluation meeting.

e. Form of Ballot. The ballot shall provide the choices: “for,” “against,” or “abstain.” An abstention shall be counted for purposes of determining the quorum but shall not be counted as voting or for any other purpose.

f. Order of Balloting. Because it may occur that a person is eligible to vote on another candidate, but is also a candidate for promotion, an order of balloting shall be established which will permit the greatest degree of freedom of expression on the part of each person eligible to vote. Unless otherwise established by a majority vote of those present at the opening of the meeting, the following order of balloting shall be used:

- a.** Candidates shall be voted on in the order of their academic rank, highest rank first;
- b.** Those persons voted on first shall be excused from the meeting while discussion and voting on their candidacy is conducted and shall be invited to return to the meeting at the conclusion of the balloting for the purpose of discussion and voting on those candidates for whom they are eligible to vote;
- c.** If this order of balloting is used, ballots cast on those persons excused from the meeting who have later been invited to return shall not be examined or tabulated until the conclusion of the entire meeting but shall, instead, be placed in suitably identified sealed envelopes until that time.
- d.** A member of the eligible voting faculty who participates in the meeting by use of a speaker phone or other technology may designate a member of the faculty, either before or during the meeting, to record his or her vote when a vote is called during the course of the meeting, provided that the designated faculty member is physically present at the meeting. This designation shall be recorded in the minutes of the meeting, but provision must be made to insure that the vote cast by telephone or by other electronic means is known only to the designated faculty member.

§ 16. RESULTS OF BALLOTING.

Comment

These rules concerning the Results of Balloting are subject to the general rounding rule stated in § I.1.

a. A candidate must receive an affirmative vote from at least two-thirds of the faculty voting and eligible to vote, and at least a majority of those present to vote, at a meeting at which a quorum is present, to be recommended to the University for promotion. If the Dean disagrees with the recommendation of promotion, the Dean must state the reasons for disagreement to the faculty voting the recommendation before advising the candidate and the University of the recommendation and disagreement.

b. Unless a candidate is in his or her last probationary year, if the candidate does not receive the faculty votes necessary to be recommended for promotion, the faculty may consider the candidate for promotion the following academic year. The candidate shall be notified of the faculty decision.

§ 17. POST-RECOMMENDATION PROCEDURE.

After the faculty has voted under the procedure described above, the Dean shall advise the candidate in writing of the results and to present the results to the appropriate University officials, together with such documentation as may be required. If the Provost, President, or Chancellor disapprove a recommendation for promotion, the Dean shall immediately notify the voting faculty members so that they may contribute their views on the disapproval to the Dean, who shall convey these views to the Provost. The Dean shall immediately notify the candidate and the voting faculty of any action on the promotion recommendation—favorable or unfavorable—by the Provost, President, Chancellor, or Board of Regents.

§ 18. CHAIR, SECRETARY, MINUTES, AND FILES.

The Dean, or in the Dean's absence, the senior member of the tenured faculty in terms of date of appointment at this School of Law, shall chair meetings of the reviewing faculty. A secretary shall be appointed by the chair and minutes of all meetings, reports to candidates resulting from action by the reviewing faculty at meetings, and reports to University officials on the promotion of candidates shall be maintained in the records of the School of Law.

V. AWARD OF FACULTY TENURE.

§ 1. PROBATIONARY APPOINTMENTS AND MAXIMUM PROBATIONARY PERIOD.

a. A reasonable probationary period shall be required of faculty members of any rank before acquiring tenure in the School of Law.

b. The maximum probationary period for admission to tenure is six years and is not affected by promotions made during that period. An untenured assistant, associate, or full professor must be notified in writing before the end of the sixth probationary year either that tenure has been awarded or that appointment will not be renewed at the end of the seventh year.

c. In exceptional instances professors and associate professors may be appointed with tenure. Such appointments shall be made only when the tenured faculty and the faculty as a whole (II.H) has approved the appointment. Appointments made which are effective other than at the normal commencement of the academic year shall be deemed to have been made as of the normal commencement of the next academic year for probationary purposes.

§ 2. TIME FOR REVIEW.

a. Tenure may be granted earlier than the maximum period set out in Section IV.A, above. The time for the first evaluation review of a candidate in the School of Law which may lead to a recommendation of an award of tenure ordinarily shall be:

- (1) For faculty who were initially appointed as assistant professors, in the fall term of their fifth year at the School of Law;
- (2) For faculty who were initially appointed as associate professors, in the fall term of their third year at the School of Law; and
- (3) For faculty who were initially appointed as professors, in the fall term of their second year at the School of Law.

b. The period of teaching by a candidate at another law school or other appropriate legal experience or periods of teaching at this law school under an appointment which does not acquire tenure shall shorten the time period to the first evaluation review only if specified in the original terms of appointment which leads to the admission to tenure. The Dean shall take care that all appointees to the faculty are informed of the substance of this section.

c. This statement of the usual time for the first evaluation review shall not preclude an earlier review time if such is requested by the candidate and approved by the Dean.

§ 3. DETERMINATION OF ELIGIBILITY FOR REVIEW.

Before April 15 of each year, the Dean shall prepare a list of those faculty members to be reviewed for tenure the following academic year. A candidate shall be reviewed in accordance with the above schedule unless the candidate requests in writing that the consideration be delayed or accelerated. If a request to delay is submitted to the faculty, a review may nevertheless be undertaken if a majority of the faculty eligible to vote on tenure votes to deny the request.

§ 4. PRELIMINARY MEETING OF REVIEWING FACULTY.

a. If one or more candidates may be reviewed during a fall term, the Dean shall, under normal circumstances, call a meeting before the May hooding ceremony of the prior Spring semester of all faculty who are expected to be eligible to vote on one or more of the promotion questions which will require determination.

b. At the preliminary meeting of the reviewing faculty, the Dean will present the list of candidates to the reviewing faculty for verification

§ 5. APPOINTMENT OF THE TENURE COMMITTEE.

a. After consultation with the reviewing faculty at the preliminary meeting, the Dean shall appoint, within one week following the meeting, a three-member Tenure Committee for each candidate to be reviewed during the fall term and the candidate shall be given an opportunity to object to one or more members of the team before the members are notified of their appointment. Under normal circumstances, the Dean will appoint Tenure Committees by April 15 of the academic year preceding the vote on a candidate's tenure. The Tenure Committee shall be composed of persons eligible to vote on tenure of the candidate. If a candidate is eligible for both promotion and tenure in any academic year, only one team shall be appointed to review the candidate for both promotion and tenure.

b. The Dean and Associate Dean for Academic Affairs will hold a meeting with the chairs of the tenure committees to review the tenure processes, including the procedures for soliciting outside reviews of scholarship.

§ 6. DUTIES OF THE TENURE COMMITTEE.

a. The Tenure Committees shall fully inform themselves about their candidate's qualifications for tenure based upon the criteria listed in § I. Committees may obtain and evaluate information about their candidate's qualifications by: (1) visiting the candidate's classes; (2) reviewing the candidate's scholarship; (3) reviewing the candidate's service to the law school, the University, and the community; (4) examining the candidate's student evaluations; (5) in coordination with the Associate Dean for Academic Affairs, select outside evaluators of the candidate's scholarship as indicated in §§ 7-14; and (6) such other means as may be reasonably related to the inquiry, but the candidate must be advised of any such other means which the team proposes to use. The Committees shall also afford their candidate an opportunity to suggest other means of evaluating the candidate's qualifications for promotion. Candidates must disclose which letters come from reviewers with whom they have a relationship that might raise a potential conflict of interest, such as collaborators, coauthors, former professors, or students. The total number of letters is not restricted.

* * * * *

On April 20, 2016, the law faculty unanimously approved the Administrative Guidelines for Outside Reviewers in sections 7 through 14. The Administrative Guidelines ensure that tenure and promotion packets submitted to the University for law faculty are consistent with University operating policies and expectations, and that law faculty candidates have the best possible chance of obtaining

approval at the University level. They are designed to address issues that have arisen in the past, to make the process more consistent for all candidates, and to shift some of the administrative burden associated with obtaining outside scholarship reviews.

b. The candidate shall be allowed to see and comment on all material considered by the Tenure Committees and the reviewing faculty. This requirement may be waived by the candidate.

c. The Committees shall conduct their own independent evaluation on behalf of the faculty. The Committees shall prepare a written report on the candidate which shall be submitted to the faculty at least five working days before the evaluation meeting.

§ 7. SELECTING OUTSIDE EVALUATORS.

Selections should be consistent with TTU OP 32.01. The candidate's chair should work with the other Committee members and the candidate to prepare a list of at least six possible outside evaluators. The evaluators should be experts in the substantive area of the scholarship to be reviewed. The evaluators typically should be legal academicians, although in some cases practitioners, judges, and academicians in other areas could be acceptable. The University has expressed concern in the past about non-academicians who do not appear to have a record of producing scholarship. Whenever possible, at least one evaluator should teach at an AAU school, <https://www.aau.edu/about/article.aspx?id=5476> (which are the same schools listed on TTU's list of "aspirational peers," <http://www.depts.ttu.edu/cvpa/downloads/> https://www.aau.edu/about/-article.aspx?id=5476facultystaff/2013_PeerInstitutions.pdf). For other evaluators, the committee might consider those who teach at a school on TTU's "peer institutions" list, or from a school in one of the Big 5 athletic conferences (ACC, Big 10, Big 12, Pac-12, SEC).

a. The candidate may nominate individual evaluators, as may the committee members.

b. The chair will maintain a list of all nominations and who made them.

c. The Committee should share the full list with the candidate, discuss the evaluators with the candidate, and ask for the candidate to disclose, in writing, any current or prior relationship with each possible evaluator. For example: Has the candidate worked for or with the evaluator? Did the candidate attend law school with the evaluator? Was the evaluator one of the candidate's law professors? Does the candidate consider the evaluator a personal friend? Has the candidate served as an evaluator of the proposed evaluator's work?

d. The Committee should conduct preliminary research on each potential evaluator and select at least three, and up to five. As noted in § 14, alternate evaluators may be designated. The chair may consult with the Dean or Associate Dean for Academic Affairs if he or she has questions or concerns about a possible evaluator.

e. The chair or another Committee member should contact each selected evaluator to gauge the individual's desire and availability to serve.

f. Once selected, the candidate should not communicate with an evaluator about the review or specific materials to be reviewed. If a candidate is contacted by an evaluator about the review or specific materials to be reviewed, the candidate should contact his or her chair and disclose the contact.

§ 8. SUBMITTING EVALUATOR NAMES TO THE ASSOCIATE DEAN FOR ACADEMIC AFFAIRS:

No later than July 5, the chair should submit electronically to the Associate Dean for Academic Affairs:

- a. The names, title, and contact information for each evaluator.
- b. Which pieces of scholarship each evaluator will review.
- c. The candidate's written disclosure of any relationship with the selected evaluators.

§ 9. SUBMITTING MATERIALS TO THE ASSOCIATE DEAN FOR ACADEMIC AFFAIRS.

No later than July 5, the Committee or candidate should create and share with the Associate Dean for Academic Affairs electronic versions of all pieces of scholarship to be reviewed (.pdf is usually preferable) and a current copy of the candidate's CV. If a piece of scholarship cannot be placed into the account electronically, the Committee or candidate should provide sufficient copies to the Associate Dean for distribution to the appropriate evaluators. The Associate Dean's office will create a cloud folder for each candidate's materials that can be shared with evaluators. If a faculty member is completing a piece he or she wishes to be considered and cannot meet the July deadline, please note that information and then submit it to the Associate Dean when completed. It may be difficult to obtain timely reviews for any pieces submitted after mid-September.

§ 10. SUBMITTING MATERIALS TO THE EVALUATOR.

No later than July 20, the Associate Dean for Academic Affairs will send a letter containing instructions to each evaluator and also share the "account" or hard-copy materials with the appropriate reviewer.

§ 11. INSTRUCTIONS TO EVALUATORS.

The letter from the Associate Dean to the evaluator should:

- a. Ask the evaluator to spend a paragraph or so describing his or her background and expertise to serve as an evaluator for the candidate.
- b. Request the evaluator to submit a current CV along with the written review.
- c. Request the evaluator to describe if and how he knows the candidate.

d. Provide our standard for promotion or tenure, as appropriate, and ask the evaluator, in a summary paragraph, to indicate whether he or she believes the candidate meets Texas Tech's scholarship standard. The letter will not ask whether the candidate would meet the standard at the evaluator's school.

e. Explicitly state what the faculty member is being considered for (*e.g.*, tenure).

f. Include any information about the candidate's appointment that could be relevant in evaluating the scholarship (*e.g.*, joint appointments, administrative appointments).

g. Request that the evaluator provide a thorough, objective assessment of the scholarship submitted to the evaluator, including the significance of the work produced and its impact on the field.

h. Request the letter to be submitted to the Associate Dean by the last day of September.

i. Request that the letter not be shared with others.

j. Indicate that Texas Tech University School of Law will pay a \$200 honorarium after receiving the letter, and include the appropriate documents to allow us to process that honorarium.

k. Alert the evaluator that under the University OP, a faculty member must sign off on his or her dossier; thus, the faculty member is entitled to see the review letters.

§ 12. REVIEWING EVALUATOR LETTERS FOR COMPLIANCE.

When received, the Associate Dean will review the letter to ensure that it contains the requested information. If it does not, the Associate Dean will ask the reviewer to correct any defect and resubmit. The Associate Dean will not ask any evaluator to alter his or her actual evaluation of the scholarship. If the letter does contain the requested information, the Associate Dean will forward the letter to the committee chair for inclusion in the candidate's packet. Under TTU OP, any letter solicited must be included in the candidate's file.

§ 13. SHARING LETTER WITH CANDIDATE, AND CANDIDATE RESPONSE TO LETTER.

The chair will share the letter with the candidate. The candidate may respond to the review in writing as part of the promotion or tenure package, if he or she desires.

§ 14. ALTERNATE EVALUATORS.

If, at any point, the Associate Dean or chair becomes concerned that an evaluator will not submit a timely review, an alternate evaluator may be used, following the procedures set forth above, but on a time-frame that provides the review at least three weeks before a faculty vote on the candidate. The chair may pre-designate one or more alternate evaluators when submitting the original list of evaluators to the Associate Dean.

§ 15. EVALUATION MEETING OF REVIEWING FACULTY.

a. The Dean shall call a meeting of all faculty eligible to vote on tenure at least 14 days in advance of the date that may be set by the University Administration for the submission of recommendations for tenure to discuss and vote on tenure in regard to each candidate under review. At this meeting, the eligible faculty shall consider candidates by:

- (1) Obtaining views of members of each candidate's review team;
- (2) Reviewing signed letters to the Dean from any qualified person. The Dean will read any such letters in the meeting and will disclose the name of the writer;
- (3) Examining reports of any student evaluation process;
- (4) Open discussion; and
- (5) Written reports by external reviewers of the candidate's publications.

b. Matters discussed at a meeting regarding candidates for appointment to the faculty will be treated as confidential and not disclosed to persons not present at the meeting, except for faculty members otherwise eligible to vote but who were unable to attend the meeting at which the vote is taken, or when integral to faculty and University formal proceedings and then, no personal identifying information may be used.

c. At the close of the discussion, a secret ballot shall be taken on the question or questions presented in the case of each candidacy in accordance with the rules established for voting in § IV.16.

§ 16. VOTING.

a. Eligibility. All tenured faculty of the School of Law shall be eligible to vote on the issue of a candidate's tenure.

b. Quorum. A quorum of eligible voting members of the faculty shall exist if four-fifths of the eligible faculty are present.

Comment

This rule is subject to the general rounding rule stated in § I.1.

c. Absentee or Proxy Voting. Absentee or proxy voting shall not be permitted, but a member of the faculty eligible to vote on tenure shall be deemed present for all purposes if the member participates in the meeting using speaker phone or other technology that allows the member to give and receive information and interact with the other members in real time during the meeting.

d. Faculty Members on Leave. Faculty members on leave shall not be eligible to vote nor counted in the quorum unless they are present at the evaluation meeting.

e. Form of Ballot. The ballot shall provide the following choices: “For,” “Against,” “Defer,” or “Abstain.” Each ballot shall also include space in which the voter is requested to indicate the reason for voting “Against,” or to “Defer,” or “Abstain,” but a failure to so indicate shall not invalidate the ballot. An abstention shall be counted for purposes of determining a quorum but shall not be counted as voting for any other purpose. A defer vote will be used for internal Law School purposes only; reports to the University will indicate that the candidate failed to receive the votes necessary for tenure.

f. Designation of Faculty Member for Proxy Vote. A member of the eligible voting faculty who participates in the meeting by use of a speaker phone or other technology may designate a member of the faculty, either before or during the meeting, to record his or her vote when a vote is called during the course of the meeting, provided that the designated faculty member is physically present at the meeting. This designation shall be recorded in the minutes of the meeting, but provision must be made to ensure that the vote cast by telephone or by other electronic means is known only to the designated faculty member.

§ 17. RESULTS OF BALLOTING.

Comment

These rules concerning the Results of Balloting are subject to the general rounding rule stated in § I.1.

a. A candidate must receive an affirmative vote from at least two-thirds of those voting and eligible to vote, and at least a majority of those present and eligible to vote, at a meeting at which a quorum is present, to be recommended to the University for tenure. If the Dean disagrees with the recommendation of tenure, the Dean must state the reasons for disagreement to the faculty voting the recommendation before advising the candidate and the University of the recommendation and disagreement.

b. A candidate, in the sixth year of his or her probationary period, who does not receive the two-thirds vote and majority vote required to recommend tenure, shall be promptly notified in writing of this fact and shall be extended a terminal contract for the next academic year.

c. Tenure may be awarded before a faculty member completes a full probationary term. A faculty member may request early tenure consideration before completing the full probationary period without prejudice for later reconsideration. For an early tenure bid, the faculty member’s record of accomplishment shall meet the criteria for tenure set forth in paragraph I above. Nothing in this paragraph shall be construed to prevent the Law School from refusing to reappoint or from dismissing a non-tenured faculty member under paragraph 3.b. of Texas Tech University Operating Policy and Procedure 32.02 (July 11, 2012).

§ 18. POST-RECOMMENDATION PROCEDURE.

After the faculty has voted under the procedure described above, the Dean shall advise the candidate in writing of the results and to present the results to the appropriate University officials, together with such documentation as may be required. If the Provost, President, or Chancellor disapprove a recommendation for tenure, the Dean shall immediately notify the voting faculty members so that they may contribute their views on the disapproval to the Dean, who shall convey these views to the Provost. The Dean shall immediately notify the candidate and the voting faculty of any action on the tenure recommendation—favorable or unfavorable—by the Provost, President, Chancellor, or Board of Regents.

§ 19. CHAIR, SECRETARY, MINUTES, AND FILES.

The Dean, or in the Dean's absence, the senior member of the tenured faculty, in terms of date of appointment at this School of Law, shall chair meetings of the reviewing faculty. A secretary shall be appointed by the chair and minutes of all meetings, reports to candidates resulting from action by the reviewing faculty at meetings, and reports to University Officials on the tenure of candidates shall be maintained in the records of the School of Law.

PART X: CONVERSION OF LEGAL PRACTICE (“LP”) & ADVOCACY 405(C) POSITIONS

(Adopted Nov. 13, 2013; amended May 5, 2015)

§ 1. CONVERSION.

All current Legal Practice Program and Advocacy Program ABA Standard 405(c) status positions (“Converted Positions”) are converted to tenure-track status, to be effective at the beginning of the 2014-2015 academic year, subject to approval of the University. After the date of the adoption of this proposal, if a vacancy occurs in a Converted Position, the position will be considered tenure track, and any long-term replacement shall be hired as a tenure-track or tenured professor in accordance with the terms of this proposal and other law-school and university policies.

§ 2. STATUS AND TIMELINE.

A professor in a Converted Position appointed to the tenure track will be appointed as an Assistant Professor of Law, and years of service will begin anew upon conversion, unless otherwise negotiated with the Dean. The newly tenure-track professor is subject to the promotion and tenure timelines set out in the faculty rules, referred to in paragraph 3 below.

§ 3. NATURE OF APPOINTMENT.

A professor in a Converted Position appointed to the tenure track will be subject to the Final Faculty Rules for Appointment, Promotion, and Tenure as set out in the Faculty Handbook; however, a professor in a Converted Position who converts to tenure-track status or a professor newly hired for a Converted Position may be offered a limited or restricted appointment as to course package at the discretion of the Dean.

§ 4. REVISION OF LP RULES.

Upon a vote by the faculty approving conversion of the Converted Positions, the Ad Hoc Governance Committee will propose revisions to the Rules Relating to Legal Practice accordingly.

§ 5. CONTINUITY OF LEGAL PRACTICE PROGRAM AND ROLE OF DIRECTOR.

b. *LP Program and Director.* This proposal makes no changes with respect to the structure of the Legal Practice Program or the role of the Director. Consistent with the Rules Relating to Legal Practice and the goal of consistency across Legal Practice sections, there shall be a Director of Legal Practice and a Legal Practice Program. To the extent practicable, the Director shall be a tenured Professor of Law with a national reputation in the legal writing community. As has been the situation, the position of Director of Legal Practice is an administrative one, and the Director is appointed by and serves at the discretion of the Dean.

b. *Future Development.* It is expected that the Legal Practice Program and the role of the Director will continue to evolve based on the needs of the Program and the best practices relating

to the teaching of legal practice and writing. However, any major changes in the structure of the Legal Practice Program or in the role of the Director will be subject to the approval of the faculty, in consultation with the Legal Practice faculty and the Director.

§ 6. CURRENT PROFESSORS.

a. *Eligibility.*

(1) All current professors in a Converted Position shall be eligible to apply to become members of the tenured faculty in accordance with the provisions of this proposal. This process will apply to all current professors in a Converted Position regardless of the date when they apply for conversion.

(2) A current professor is not required to apply for conversion and may choose to retain 405(c) status. A professor who elects to retain 405(c) status may at any time thereafter give written notice to the Dean that the professor wishes to convert to tenure-track status and the Dean will forward the application to the faculty as provided below, so long as the candidate is otherwise eligible for reappointment.

b. *Process.*

(1) A conversion candidate may apply to become a member of the tenure-track faculty by submitting to the Dean a statement of intent to convert, together with a resume and any other supporting documentation that the candidate deems relevant.

(2) Once the Dean determines that the candidate is otherwise eligible for reappointment, the Dean will forward the conversion application to the tenure-track and tenured faculty for its consideration and vote. The voting requirement and the criteria for conversion shall be the same as applicable to the appointment of a tenure-track faculty member.

c. *Offer.*

(1) If the faculty votes to offer a tenure-track position to the conversion candidate, the Dean will convey the offer and negotiate with the candidate over the terms and conditions of the position, subject to the provisions of this proposal.

(2) If the conversion candidate and the Dean reach an agreement, the candidate will become a member of the tenure-track faculty effective at the beginning of the next academic year, with the same rights and responsibilities as other TTU Law tenure-track faculty as provided in this proposal.

(3) Once a 405(c) professor converts to tenure-track status, that professor may not return to 405(c) status.

d. *Without Prejudice.* If the faculty does not vote to offer a conversion candidate a tenure-track position, the candidate's existing 405(c) status will not be affected. Conversion candidates

who are not offered a tenure-track position may apply for conversion of their 405(c) positions to tenure-track positions in subsequent years without prejudice, so long as they are otherwise eligible for reappointment.

§ 7. DIRECTOR.

a. As a tenured or tenure-track faculty member, the general criteria for teaching, service, and writing and research apply to the LP Director, with due regard for the LP Director's primary responsibility to administer and teach in the LP Program. Thus, substantial weight shall be given to the LP Director's administrative performance as reflected in the success of the LP Program, as well as to his or her teaching, service, and writing and research activities in connection with LP

a. General. The LP Director shall be a tenured or tenure-track faculty member whose primary responsibility is administering and teaching in the LP Program.

b. Criteria for Appointment, Promotion, and Tenure. As a tenured or tenure-track faculty member, the general criteria for teaching, service, and writing and research apply to the LP Director, with due regard for the LP Director's primary responsibility to administer and teach in the LP Program. Thus, substantial weight shall be given to the LP Director's administrative performance as reflected in the success of the LP Program, as well as to his or her teaching, service, and writing and research activities in connection with LP.

c. Administration. The LP Director shall administer the LP Program, including the development and implementation of the LP Program and the coordination and evaluation of the LP faculty members.

d. Teaching. The LP Director shall teach one section in the LP Program. The LP Director may teach other courses within the curriculum but shall have a reduced teaching load to reflect administrative responsibilities.

PART XI: RULES RELATING TO LAW LIBRARY FACULTY

(As Approved by Law Faculty 9/10/2014; with Technical Amendments Requested by Office of the Provost on 11/6/2014; as amended by Law Faculty on 4/22/2015; and with Technical Amendments on 7/20/2015 after Final Provost Review)

§ 1. GENERAL

Appointments to the Law Library Faculty are twelve-month, full-time appointments that are tenure-eligible. Law Library Faculty holding such appointments shall be designated in accordance with these rules as Assistant Librarians of Law, Associate Librarians of Law, or Librarians of Law (collectively, “Law Library Faculty,” and individually “Law Library Faculty Member”). Law Library Faculty shall be afforded non-compensatory perquisites reasonably similar to those provided to Law Faculty members, including academic freedom, the right to participate in faculty meetings, and the opportunity for promotion and tenure, all as provided in these Rules. (Collectively, the Law Faculty and the Law Library Faculty are referred to as the “Faculty.”)

To the extent consistent with these Rules, the Texas Tech University School of Law Faculty Handbook may be used as an aid to interpret these Rules with respect to appointment, promotion, and tenure.

§ 2. LAW LIBRARY FACULTY MEETINGS, COMMITTEES, AND TEACHING.

a. *Law Faculty Meetings.* Law Library Faculty Members may attend and participate in all Law Faculty meetings, including those relating to Law Faculty appointments, promotion, and tenure, but do not have the privilege to vote at Law Faculty meetings. With respect to attending and participating in meetings relating to Law Faculty promotion, Law Library Faculty must hold a higher rank than the candidate, and with respect to meetings relating to Law Faculty tenure, must hold tenure.

b. *Committees.* Law Library Faculty Members are eligible to serve and to vote on any Law School Faculty committee, except for those relating primarily to Law Faculty or ABA Standard 405(c) type faculty. Committees relating primarily to Law Faculty or ABA Standard 405(c) type faculty include those that consider appointment, promotion, tenure, post-tenure review, and the rules and policies relating thereto.

c. *Teaching.* At the discretion of and under the guidance of the Associate Dean for Law Library (the “Associate Dean”), Law Library Faculty shall have the opportunity to teach in the non-credit Excellence in Legal Research Program, to guest lecture in legal and non-legal doctrinal credit courses at the request of law and non-law faculty, and to provide instruction through any other teaching opportunities.

§ 3. CRITERIA FOR APPOINTMENT, EVALUATION, PROMOTION, AND TENURE

The general criteria for teaching, writing and research, and service apply to Law Library Faculty as modified in this Section to reflect the different activities and the unique demands of providing service as Law Library Faculty. These are the exclusive criteria for appointment, evaluation, promotion, and tenure.

a. *Teaching/Professional Performance.* The teaching/professional performance expectations of each Law Library Faculty Member are determined by the particular duties of the position. As specialists in providing access to information, Law Library Faculty are involved in developing library resources, collections, and information systems; bibliographic control and organization; information literacy instruction; reference and outreach services; and administration and planning. Thus, a single set of criteria for teaching and professional performance is not practicable. While no single definition or standard of excellence can adequately address all aspects of law librarianship, effective Law Library Faculty must demonstrate competence in their areas of specialization, creativity, and initiative. Because of the unique nature of law librarianship, professional performance in this broad sense is the most important criterion for consideration, although it does not eliminate the other aspects of teaching, writing and research, or service.

Professional performance evaluates the Law Library Faculty Member's ability to carry out competently and independently the complete range of functions and duties relating to his or her rank and particular assignment. Each position necessitates particular requirements and skills, and these must be carefully considered. Position-related characteristics such as accuracy, judgment, ability to organize work, dependability, accountability, initiative, problem solving, positive relationships with staff, patrons, students and other faculty, written and oral skills, and understanding of the relationship of one's function to the more general goals of the Law Library, the Law School and University also have a bearing on one's professional performance.

The teaching/professional performance component includes, as appropriate, potential for excellence, progress toward excellence, or demonstrated excellence in teaching. This teaching component may include supporting the Legal Practice Program, supporting the teaching activities of other faculty, teaching in the Excellence in Legal Research Program, providing freestanding research or technology skills instruction, and other teaching opportunities that support the educational mission of the University. Evaluation of this criterion should take into account all aspects of teaching for which Law Library Faculty who teach are responsible, including preparation and classroom performance, development of teaching materials, critique and evaluation of student work, and interaction with students.

b. *Writing and Research.* In addition to excellence in teaching/professional performance, evaluation of Law Library Faculty shall include progress toward excellence, or demonstrated excellence in writing and research. The evaluation may take into account writing and research within or outside the field of law librarianship, including pedagogy. In addition to published books and articles, excellence in writing and research may be demonstrated by presentations of papers at professional meetings, the development of course materials, teaching manuals, and other instructional materials, and any other research and writing comparable to the foregoing. Finally, while not sufficient in and of itself to meet the writing and research component, this criterion also includes the support provided by Law Library Faculty for the research and writing activities of other faculty members and students.

c. *Service.* In addition to excellence in teaching/professional performance and writing and research, evaluation of Law Library Faculty shall include, as appropriate, progress toward excellence, or demonstrated excellence in service. Evaluation of this criterion should take into account ability to coordinate and work well with other Law Library Faculty and the Associate Dean of Law Library, and contributions to the development of the Law Library and the Law School community, including Law School and University Committee work. Additional aspects of service may include contributions to the University, professional organizations, and to the local, state, national, or global communities.

§ 4. INITIAL APPOINTMENT.

a. *Standing Personnel Committee.* For the selection and appointment of Law Library Faculty, a standing Law Library Faculty Personnel Committee shall be formed. The Dean, in consultation with the Associate Dean, shall appoint the members of the Committee. To the extent practicable, three members of the Committee shall be from the Law Library Faculty and two members from the Law Faculty. If at any time it is not practicable to appoint three Law Library Faculty members to the Committee, the Associate Dean and other Law Faculty members will make up the balance of the five-person Committee.

The Law Library Faculty Personnel Committee shall advertise any vacancy for a Law Library Faculty Member position, select candidates for interview, and arrange for a time when other Faculty members may interview the candidate. The Committee shall seek the input of Faculty members and make such reports as may be required to keep the Faculty informed about personnel matters, including the results of Committee deliberations. The Committee shall make recommendations regarding the appointment of candidates to the Associate Dean (when the Associate Dean is not on the Committee), and the Associate Dean will forward the Committee's recommendation (along with the Associate Dean's recommendation, if any) to the Dean.

b. *Terminal Degrees.* For vacancies occurring after the adoption of these rules, Law Library Faculty candidates must have the appropriate terminal degrees, which include both of the following: (i) a Master's degree in Library Science, Library and Information Science, or a similar subject from an ALA accredited institution; and (ii) a J.D. degree from an ABA accredited law school, or a nationally recognized equivalent program.

c. *Committee Vote on Appointments and Extension of Offer.* At least a majority of the whole number of Committee members at a meeting at which a quorum is present must vote affirmatively in favor of the appointment of a candidate before an offer can be extended. A preference ballot shall be taken if more candidates are approved than there are positions available. A quorum shall consist of four-fifths of the members of the Committee. All votes taken on appointments shall be by secret ballot.

Absentee or proxy voting shall not be permitted, but a member of the Committee shall be deemed present for all purposes if the member participates in the meeting using a speaker phone or other technology that allows the member to give and receive information and interact with the other members in real time during the meeting. A member of the Committee who participates in the meeting by use of a speaker phone or other technology may designate a member of the Committee, either before or during the meeting, to record his or her vote when a vote is called during the course of the meeting, provided that the designated Committee member is physically present at the meeting. This designation shall be recorded in the minutes of the meeting, but provision must be made to insure that the vote cast by telephone or by other electronic means is known only to the designated Faculty member.

If the Committee recommends appointment with tenure, the candidate must receive the required majority vote on that term of the appointment. The Personnel Committee may recommend only appointment with tenure if it conducts an evaluation of the candidate comporting as nearly as possible with the evaluation procedures required for tenure. An appointment with tenure is also subject to the approval of the Law Library Faculty Tenure Review Committee as provided in § 7.a.

Matters discussed at a meeting regarding candidates for appointment will be treated as confidential and not disclosed to persons not present at the meeting, except for (i) the Committee's reports referenced above, (ii) Faculty members otherwise eligible to vote but who were unable to attend the meeting at which the vote is taken, or (iii) when integral to faculty and university formal proceedings and then, no personal identifying information may be used.

The Dean or the Dean's designee shall extend an offer to each candidate who has been approved by the Committee in accordance with the order established by any preference ballot. The Dean or the Dean's designee shall determine the salary terms to be extended and shall advise the candidate of the terms of the offer, including the provisions of these rules relating to Law Library Faculty Members, which shall be incorporated in the offer.

§ 5. ANNUAL REVIEW

Based on the Law School calendar, the Associate Dean and/or the designee shall evaluate each Law Library Faculty Member annually based on the appropriate criteria provided in Section 3. The evaluation shall include a written evaluation to be submitted to the Dean and to the Law Library Faculty Member. Additional evaluation may be conducted if the Dean, after discussion with the Associate Dean and the Law Library Faculty Member, determines that additional evaluations would be appropriate. Based on the Law School calendar, each Law Library Faculty Member shall annually submit to the Associate Dean and/or the designee a written statement describing the Law Library Faculty Member's activities for the prior calendar year relating to the appropriate criteria provided in Section 3.

§ 6. PROMOTION.

a. *Time for Review.* The usual time for review for promotion of a Law Library Faculty Member shall be:

- (1) For Assistant Librarians of Law, in the fall semester of their third year in that rank at the School of Law Library;
- (2) For Associate Librarians of Law who have been employed at the Law School for at least two years prior to promotion to Associate Librarian of Law, in the fall semester of their second year in that rank at the School of Law Library; and
- (3) For Associate Librarians of Law who are initially appointed at that rank, in the fall term of their third year in that rank at the School of Law Library.

This statement of the usual time for the first promotion review shall not preclude an earlier or a later review time if such is requested in writing by the candidate and approved by the Dean, in consultation with the Associate Dean.

Moreover, in accordance with Texas Tech Operating Policy and Procedure 32.01, if a Law Library Faculty Member does not otherwise receive a promotion review by his or her third year at the School of Law Library, he or she will receive a written assessment and recommendation regarding his or her progress toward promotion and tenure in his or her third year on the Law Library Faculty.

b. *Determination of Eligibility of Review.* On or before August 15th of each year when a candidate for promotion is eligible for review, the Associate Dean, in consultation with the Dean, shall prepare a list of the candidates to be reviewed. The first review shall be according to the time for review established by the Section above.

c. *Promotion Review Committee.* At the beginning of the fall term of any year during which a Law Library Faculty Member is to be reviewed for promotion, a standing Law Library Faculty Promotion Review Committee shall be formed which will review all such candidates. The Dean, in consultation with the Associate Dean, shall appoint the members of the Committee, and the candidates shall be given an opportunity to object to one or more members of the Committee before the members are notified of their appointment. To the extent practicable, three members of the Committee shall be from the Law Library Faculty and two members from the Law Faculty. If at any time it is not practicable to appoint three Law Library Faculty Members to the Committee, the Associate Dean and other Law Faculty members will make up the balance of the five-person Committee.

Faculty members who hold a higher academic rank than the candidate are eligible for appointment to the Committee. In any year during which a Law Library Faculty member is to be reviewed for tenure, only tenured Faculty members are eligible for appointment to the Committee and only one Committee shall be appointed for both promotion and tenure. Notwithstanding the foregoing, a separate promotion Committee shall be appointed whenever needed to permit non-tenured Law Library Faculty Members, if any, to serve on the promotion Committee. At the discretion of the Dean, in consultation with the Associate Dean, the same Committee members may be appointed to the Law Library Faculty Personnel Committee.

d. *Duties of Promotion Review Committee.* The Committee members shall fully inform themselves about their candidate's qualifications for promotion based upon the criteria listed in Section 3. The Committee may obtain and evaluate information about a candidate's qualifications by: (1) visiting the candidate's classes, if applicable; (2) reviewing the candidate's scholarship; (3) reviewing the candidate's service to the law school, the University, and the community; (4) examining the candidate's student evaluations, if applicable; (5) submitting two of the candidate's publications for written review by at least three Faculty members at other American Bar Association-accredited law schools; and (6) such other means as may be reasonably related to the inquiry, but the candidate must be advised of any such other means which the team proposes to use. The chair of the Committee shall, in consultation with the candidate, select the outside reviewers of the candidate's publications. The Committee shall also afford its candidate an opportunity to suggest other means of evaluating the candidate's qualifications for promotion. Candidates must disclose which letters come from reviewers with whom they have a relationship that might raise a potential conflict of interest, such as collaborators, coauthors, former professors, or students. The total number of letters is not restricted.

The candidate shall be allowed to see and comment on all material considered by the Committee. This requirement may be waived by the candidate.

The Committee shall prepare a report and make recommendations regarding the promotion of candidates to the Associate Dean (when the Associate Dean is not on the Committee), and the Associate Dean will forward the Committee's recommendation (along with the Associate Dean's recommendation, if any) to the Dean.

The Committee shall conduct its own independent evaluation on behalf of the Faculty. The Committee shall seek the input of Faculty members, including any report or vote of Law Library Faculty Members pursuant to the Internal Procedures Relating Law Library Faculty Voting on Appointment, Promotion and Tenure. The Committee shall also make such reports as may be required to keep the Faculty informed about promotion matters, including the report containing the results of the Committee's deliberations and recommendation and any report or vote pursuant to the Internal Procedures Relating Law Library Faculty Voting on Appointment, Promotion and Tenure.

e. *Committee Vote.* At least a majority of the whole number of Committee members at a meeting at which a quorum is present must vote affirmatively in favor of the promotion of a candidate to be recommended for promotion. A quorum shall consist of four-fifths of the members of the Committee. All votes taken on appointments shall be by secret ballot.

Absentee or proxy voting shall not be permitted, but a member of the Committee shall be deemed present for all purposes if the member participates in the meeting using a speaker phone or other technology that allows the member to give and receive information and interact with the other members in real time during the meeting. A member of the Committee who participates in the meeting by use of a speaker phone or other technology may designate a member of the Committee, either before or during the meeting, to record his or her vote when a vote is called during the course of the meeting, provided that the designated Committee member is physically present at the meeting. This designation shall be recorded in the minutes of the meeting, but provision must be made to insure that the vote cast by telephone or by other electronic means is known only to the designated Faculty member.

Matters discussed at a meeting regarding candidates for promotion will be treated as confidential and not disclosed to persons not present at the meeting, except for (i) the Committee's reports referenced above, (ii) Faculty members otherwise eligible to vote but who were unable to attend the meeting at which the vote is taken, or (iii) when integral to faculty and university formal proceedings and then, no personal identifying information may be used.

f. *Results of Vote and Post-Recommendation Procedure.*

(1) If the Dean or Associate Dean disagrees with the recommendation of promotion, he or she must state the reasons for disagreement to the Committee before advising the candidate and the University of the recommendation and disagreement.

(2) Unless a candidate is in his or her last probationary year, if the candidate does not receive the votes necessary to be recommended for promotion, the Committee may consider the candidate for promotion the following academic year. The candidate shall be notified of the Committee's decision.

(3) After the Committee has voted under the procedure described in this Section, the Dean or the Dean's designate shall advise the candidate in writing of the results and present the results to the appropriate University officials, together with such documentation as may be required. If the Provost, President, or Chancellor disapprove a recommendation for promotion, the Dean shall immediately notify the Associate Dean, the Committee, and voting Faculty members so that they may contribute their views on the disapproval to the Dean, who shall convey these views to the Provost. The Dean shall immediately notify the candidate and voting Faculty members of any action on the promotion recommendation—favorable or unfavorable—by the Provost, President, Chancellor, or Board of Regents.

§ 7. TENURE.

a. *Probationary Appointments and Maximum Probationary Period.*

A reasonable probationary period shall be required of Law Library Faculty Members of any rank before acquiring tenure in the School of Law Library.

The maximum probationary period for admission to tenure is six years and is not affected by promotions made during that period. An untenured Assistant Librarian of Law, Associate Librarian of Law, or Librarian of Law must be notified in writing before the end of the sixth probationary year either that tenure has been awarded or that appointment will not be renewed at the end of the seventh year.

In exceptional instances Librarians of Law and Associate Librarians of Law may be appointed with tenure. Such appointments shall be made only when the Law Library Faculty Tenure Review Committee has approved the appointment. Appointments made which are effective other than at the normal commencement of the academic year shall be deemed to have been made as of the normal commencement of the next academic year for probationary purposes.

b. *Time for Review.* Tenure may be granted earlier than the maximum period set out in Section G.1. above. The time for the first evaluation review of a candidate in the School of Law which may lead to a recommendation of an award of tenure ordinarily shall be:

- (1) For Law Library Faculty who were initially appointed as Assistant Librarian of Law, in the fall term of their fifth year at the School of Law Library;
- (2) For Law Library Faculty who were initially appointed as Associate Librarian of Law, in the fall term of their third year at the School of Law Library;
- (3) For Law Library Faculty who were initially appointed as Librarian of Law, in the fall term of their second year at the School of Law Library.

The period of related employment by a candidate at another law library or other appropriate legal experience or periods of related employment at this law library under an appointment which does not acquire tenure shall shorten the time period to the first evaluation review only if specified in the original terms of appointment which leads to the admission of tenure. The Dean or the Dean's designee shall take care that all appointees to the Law Library Faculty are informed of the substance of this Section.

This statement of the usual time for the first evaluation review shall not preclude an earlier or later review time if such is requested in writing by the candidate and approved by the Dean, in consultation with the Associate Dean.

c. *Determination of Eligibility for Review.* On or before August 15th of each year when a candidate for tenure is eligible for review, the Associate Dean, in consultation with the Dean, shall prepare a list of the candidates to be reviewed. The first review shall be according to the time for review established by the Section above.

d. *Tenure Review Committee.* At the beginning of the fall term of any year during which a Law Library Faculty Member is to be reviewed for tenure, a standing Law Library Faculty Tenure Review Committee shall be formed which will review all such candidates. The Dean, in consultation with the Associate Dean, shall appoint the members of the Committee, and the candidates shall be given an opportunity to object to one or more members of the Committee before the members are notified of their appointment. To the extent practicable, three members of the Committee shall be from the Law Library Faculty and two members from the Law Faculty. If at any time it is not practicable to appoint three Law Library Faculty Members to the Committee, the Associate Dean and other Law Faculty members will make up the balance of the five-person Committee.

Faculty members who hold tenure are eligible for appointment to the Committee. In any year during which a Law Library Faculty member is to be reviewed for promotion, only Faculty members also holding an academic rank higher than the candidate are eligible for appointment to the Committee and only one Committee shall be appointed for both promotion and tenure. Notwithstanding the foregoing, a separate promotion Committee shall be appointed whenever needed to permit non-tenured Law Library Faculty Members, if any, to serve on the promotion Committee. At the discretion of the Dean, in consultation with the Associate Dean, the same Committee members may be appointed to Law Library Faculty Personnel Committee.

e. *Duties of Tenure Review Committee.* The Committee members shall fully inform themselves about their candidate's qualifications for tenure based upon the criteria listed in Section 3. The Committee may obtain and evaluate information about a candidate's qualifications by: (1) visiting the candidate's classes, if applicable; (2) reviewing the candidate's scholarship; (3) reviewing the candidate's service to the law school, the University, and the community; (4) examining the candidate's student evaluations, if applicable; (5) submitting two of the candidate's publications for written review by at least three Faculty members at other American Bar Association-accredited law schools; and (6) such other means as may be reasonably related to the inquiry, but the candidate must be advised of any such other means which the team proposes to use. The chair of the Committee shall, in consultation with the candidate, select the outside reviewers of the candidate's publications. The Committee shall also afford its candidate an opportunity to suggest other means of evaluating the candidate's qualifications for tenure. Candidates must disclose which letters come from reviewers with whom they have a relationship that might raise a potential conflict of interest, such as collaborators, coauthors, former professors, or students. The total number of letters is not restricted.

The candidate shall be allowed to see and comment on all material considered by the Committee. This requirement may be waived by the candidate.

The Committee shall prepare a report and make recommendations regarding the tenure of candidates to the Associate Dean (when the Associate Dean is not on the Committee), and the Associate Dean will forward the Committee's recommendation (along with the Associate Dean's recommendation, if any) to the Dean.

The Committee shall conduct its own independent evaluation on behalf of the Faculty. The Committee shall seek the input of Faculty members, including any report or vote of Law Library Faculty Members pursuant to the Internal Procedures Relating Law Library Faculty Voting on Appointment, Promotion and Tenure. The Committee shall also make such reports as may be required to keep the Faculty informed about tenure matters, including the report containing the results of the Committee's deliberations and recommendation and any report or vote pursuant to the Internal Procedures Relating Law Library Faculty Voting on Appointment, Promotion and Tenure.

f. *Committee Vote.* At least a majority of the entire number of Committee members at a meeting at which a quorum is present must vote affirmatively in favor of the tenure of a candidate to be recommended for tenure. A quorum shall consist of four-fifths of the members of the Committee. All votes taken on tenure shall be by secret ballot.

The ballot shall provide the choices: "For," "Against," "Defer," or "Abstain." Each ballot shall also include space in which the voter is requested to indicate the reason for voting "Against" or to "Defer" or "Abstain," but failure to so indicate shall not invalidate the ballot. An abstention shall be counted for purposes of determining the quorum but shall not be counted as voting or for any other purpose. A defer vote will be used for internal Law School purposes only; reports to the University will indicate that the candidate failed to receive the votes necessary for tenure.

Absentee or proxy voting shall not be permitted, but a member of the Committee shall be deemed present for all purposes if the member participates in the meeting using a speaker phone or other technology that allows the member to give and receive information and interact with the other members in real time during the meeting. A member of the Committee who participates in the meeting by use of a speaker phone or other technology may designate a member of the Committee, either before or during the meeting, to record his or her vote when a vote is called during the course of the meeting, provided that the designated Committee member is physically present at the meeting. This designation shall be recorded in the minutes of the meeting, but provision must be made to insure that the vote cast by telephone or by other electronic means is known only to the designated Faculty member.

Matters discussed at a meeting regarding candidates for tenure will be treated as confidential and not disclosed to persons not present at the meeting, except for (i) the Committee's reports referenced above, (ii) Faculty members otherwise eligible to vote but who were unable to attend the meeting at which the vote is taken, or (iii) when integral to faculty and university formal proceedings and then, no personal identifying information may be used.

g. *Results of Vote and Post-Recommendation Procedure.*

(1) If the Dean or Associate Dean disagrees with the recommendation of tenure, he or she must state the reasons for disagreement to the Committee before advising the candidate and the University of the recommendation and disagreement.

(2) A candidate in the sixth year of his or her probationary period who does not receive the majority vote required to recommend tenure shall be promptly notified in writing of this fact and shall be extended a terminal year contract for the next academic year.

(3) A candidate not in the last decisional year of his or her probationary period who does not receive the majority vote required to recommend tenure shall be notified in writing of this fact. A new review Committee shall be appointed in the fall term of the next academic year, and the candidate shall be reconsidered for tenure.

(4) After the Committee has voted under the procedure described above, the Dean or the Dean's designate shall advise the candidate in writing of the results and present the results to the appropriate University officials, together with such documentation as may be required. If the Provost, President, or Chancellor disapprove a recommendation for tenure, the Dean shall immediately notify the Associate Dean, the Committee, and voting Faculty members so that they may contribute their views on the disapproval to the Dean, who shall convey these views to the Provost. The Dean shall immediately notify the candidate and voting Faculty members of any action on the tenure recommendation—favorable or unfavorable—by the Provost, President, Chancellor, or Board of Regents.

§ 8. POST-TENURE REVIEW.

Texas Tech University School of Law Faculty Handbook, Comprehensive Performance Evaluations of Tenured Faculty (Law School Post-Tenure Review Policy) is incorporated herein, except as provided below.

As applied to the post-tenure review of a member of the Law Library Faculty, the review procedure is modified as follows:

a. Terms. Any reference to members of the tenured faculty includes tenured members of the Law Library Faculty.

b. Review Committee. At least one member of the post-tenure review committee shall be a Law Library Faculty Member holding tenure or the Associate Dean for Law Library and Academic Technology.

c. Criteria. The teaching, writing and research, and service criteria for consideration are as modified in Section 3.

§ 9. TRANSITION RULES.

For Law Library Faculty Members who were Members of the Law Library Faculty before the approval of these Rules, special transition rules are provided in paragraph 5 of the Revised Law Library Faculty Proposal, as adopted by the Law Faculty on April 23, 2014 (the "Revised Proposal"). The referenced special transition rules are incorporated herein.

Whenever Law Library Faculty Members apply for an Integrated Position, as defined in the Revised Proposal, they shall be given an opportunity to object to one or more members of the Law Library Faculty Personnel Committee before the members are notified of their appointment.

**PART XII: COMPREHENSIVE PERFORMANCE EVALUATIONS
OF TENURED FACULTY**
(Law School Post-Tenure Review Policy)
(Completely Revised February 22, 2017)

§ 1. GENERAL.

Texas Education Code section 51.942 and Board of Regents Guidelines for Comprehensive Performance Evaluations of Tenured Faculty and Faculty Members Who Received an Academic Promotion (TTU OP 32.31) require a comprehensive performance evaluation of each tenured faculty no less than once every six years after the date the faculty member received tenure or an academic promotion. Each department, college, or school within the University must follow a standardized procedure for administering the comprehensive performance evaluation (post-tenure review). The professional development of the faculty member is the general purpose of the evaluation process.

§ 2. CRITERIA.

The comprehensive performance evaluation will cover the professional responsibilities of the faculty member-teaching, research, service, and administration (when applicable). In each category, the Peer Review committee shall consider the faculty member's annual review forms for the immediately preceding five (5) years.

a. Teaching: The Peer Review Committee shall evaluate the faculty members being reviewed to determine that each is teaching in a competent manner. The Committee may consider factors such as class visitations, course materials, syllabi, teaching methodology, teaching awards, and course evaluations in making its determination.

b. Research and Creative Activity: The Peer Review Committee shall evaluate the faculty members being reviewed to determine that each has conducted in a competent manner appropriate independent, joint, or interdisciplinary research activities during the immediately preceding five (5) years. The Committee may consider any written or oral presentation prepared by the faculty member which reflects scholarly research during that time frame.

c. Service: The Peer Review Committee shall evaluate the faculty members being reviewed to determine that each has made contributions through service performed in a competent manner to the Law School, University, legal profession, and the community at large during the preceding five (5) years.

d. Administration (as appropriate): The Peer Review Committee shall evaluate the faculty members being reviewed to determine that each has performed in a competent manner administrative assignments and duties during the immediately preceding five (5) years.

§ 3. PROCEDURE.

a. All tenured faculty will be reviewed no more often than once every year, but no less than once every six years after the date the faculty member received either tenure or an academic promotion. The review period for faculty who have not undergone a prior comprehensive performance evaluation will be the previous five years. Otherwise, the review period will be the years since the faculty member's most recent evaluation.

b. Notice of the comprehensive performance evaluation must be given to faculty members to be reviewed no later than September 1, the evaluation to begin no earlier than February 1, and to end no later than May 1, all in the same academic year.

c. The comprehensive performance evaluation will be conducted by a peer evaluation committee to be selected by September 15 before each academic year in which comprehensive performance evaluations will be conducted. The committee review team will be comprised of three tenured faculty members chosen by lot from all tenured faculty not scheduled for review excluding the Dean, tenured Associate and Assistant Deans, and tenured faculty members who are on leave or visiting at other schools during the spring semester or the entire academic year. A faculty member may not serve on a peer evaluation committee in any two consecutive years. The committee shall elect its own chairperson. In years when five or more tenured faculty members are scheduled for evaluation, multiple committee review teams may be chosen by lot from the pool of eligible tenured faculty members. The tenured faculty to be evaluated will be assigned to each committee by lot. The number of faculty members to be evaluated by each committee should not exceed four, to the extent possible.

d. The comprehensive performance evaluation process shall include review of the following:

- (1)** the materials submitted by the faculty member to the Dean for individual annual performance reviews and written evaluations by the Dean conducted under the terms of OP 32.32 for the period since the previous comprehensive performance review or promotion/tenure decision, which will be the primary documentation;
- (2)** an updated, current, and complete vitae;
- (3)** student evaluations of the member and of courses taught;
- (4)** classroom visitations if deemed appropriate by the committee or if requested by the faculty member under review;
- (5)** any input from students or colleagues submitted to the peer evaluation committee review team after notice of the member's review; and
- (6)** such additional supporting documentation as the member under review deems relevant for the comprehensive performance evaluation.

e. In conducting the comprehensive performance evaluation, the peer evaluation committee shall:

- (1)** before January 1, post a notice in a prominent place listing the faculty members to be reviewed;
- (2)** contact each faculty member to be reviewed before February 15 to provide details of the review process;
- (3)** conduct its evaluation by reviewing the documentation listed under section D;
- (4)** write a one-page report of its review which shall include its conclusion as to whether the faculty member under review discharges with professional competence the duties associated with that person's position,
- (5)** provide a copy of the report to the faculty member under review who shall acknowledge receipt by signing the report and who may make a response in writing that becomes a part of the report; and
- (6)** submit the report to the Dean before May 1.

On receiving the report from the peer evaluation Peer Review Committee, the Dean will add an evaluation, which will be included in the package submitted to the Provost.

f. If the faculty member disagrees with the findings of the Peer Review Committee, he or she may request a meeting with the Dean. If after meeting with the Dean the faculty member still disagrees with the results of the evaluation, the faculty member may request that additional reviews in writing be obtained from no more than three specialists in the faculty member's area of teaching and/or research who are not members of the School of Law. The outside reviewers will be selected by mutual agreement between the faculty member and the Dean. The specialist reviews will be included in the evaluation materials that are forwarded to the University Provost and the President and will be considered in any administrative action that results from the comprehensive performance evaluation process.

g. The Dean may determine that a faculty member whose evaluation reflects a pattern of incompetent performance, continuing or repeated substantial neglect of professional responsibilities, or for other good cause should complete a development program. The program will be established following the procedures detailed in TTU OP 32.32, Section 5. The faculty member may request that a committee of three other tenured faculty members be created to consult with the Dean on the elements of the development program. If the faculty member reviewed makes this request, the Dean will select one member from the tenured faculty, the faculty member reviewed will select the second, and the two members selected will select the third member. The program and its implementation will conform to the requirements specified in TTU OP 32.32, Section 5.

§ 4. TIMING.

Implementation of the evaluation sequence will be in strict order of seniority according to date of tenure for those faculty members already eligible for evaluation by virtue of having been tenured/promoted for more than six years as of September 1, 1999. Approximately one-fourth of these members will be evaluated each year over the four-year initial implementation period. Remaining faculty will be subject to the comprehensive performance evaluation in year five following the year they receive tenure. Subsequent evaluations will be conducted within six years of the previous evaluation.

COMPREHENSIVE PERFORMANCE EVALUATION FORM

School of Law Texas Tech University

Instructions: Please type complete and specific information in each category. In the case of a faculty member whose performance is determined to be incompetent by the peer evaluation committee, including the complete dossier, along with a detailed explanation for the incompetent rating along with supporting documentation. For faculty who are determined to be performing completely by either the peer evaluation committee, only this form should be forwarded to the dean.

Name: _____

Rank/Title: _____

Date Submitted: _____

Date of awarding of tenure or most recent promotion in rank: _____

Date of most recent previous comprehensive performance evaluation: _____

Peer Evaluation Committee: Please enter the findings of the committee with respect to the professional competence of the faculty member being evaluated. The committee consisted of the following persons:

_____ Competent _____ Incompetent (supply documentation)

Signature of Committee Chair

Date

I have been informed of the findings made by the Peer Evaluation Committee.

Signature of Faculty Member

Date

Dean's Response:

_____ Faculty member is found to be performing in a professional competent manner, no action required.

_____ Faculty member is found to exhibit a pattern of incompetent performance. Indicate below the steps that have been taken to deal with the situation.

Signature of Faculty Member

Date Signature of Dean

Date

PART XIII: ADJUNCT FACULTY

§ 1. EMPLOYMENT MATTERS

- a. **Use of Adjunct Professor Title.** Adjunct faculty members may use the title “Adjunct Professor” in correspondence or documents related to Texas Tech University or the Law School while they are teaching regularly at the Law School. They may also list the years that they teach in their resumes and on their firm’s website. Other uses are inappropriate, such as in court briefs or in other marketing materials, because the reader may not be aware of the type of relationship between the adjunct faculty member and Texas Tech University School of Law.
- b. **Assessment of Appointments.** A full-time faculty member will observe each adjunct professor’s class at least once a semester. The full-time faculty member will prepare for the Associate Dean for Academic Affairs a written assessment of the adjunct professor’s teaching effectiveness. Based upon the full-time professor’s written assessment and the students’ course evaluations, the Associate Dean for Academic Affairs will determine whether to retain the adjunct professor for future teaching assignments. Moreover, based upon curricular needs and financial resources, the Law School assesses its needs for adjunct professors annually and makes appointments as needed for each semester.
- c. **Transcripts.** The Southern Association of Colleges and Schools (SACS), the accrediting agency for Texas Tech University, requires each college and school of the University to verify the academic credentials of its faculty, including adjunct faculty members. All faculty members must have a copy of their transcripts for each degree earned sent to Dr. Frank Ramos, Associate Professor of Administration and Finance, School of Law, Texas Tech University School of Law, 1802 Hartford Avenue, Lubbock, TX 79409-0004. The Law School must receive the transcript *directly* from the college or university granting the degree.
- d. **Law School Policies.** The Law School’s policies and procedures may be found at <http://www.depts.ttu.edu/law/policies/>.

§ 2. COURSES

- a. **Class Webpages.** Adjunct faculty members may post class assignments to Blackboard, the learning management system used by Texas Tech University. Adjunct faculty members can familiarize themselves with Blackboard by visiting <http://www.depts.ttu.edu/lms/> .
- b. **The Honor System.** The Law School has both an Honor Code and a Student Code of Professional Conduct. The University also has a Code of Student Conduct to which law students are subject. The Honor Code, which can be found at <http://www.depts.ttu.edu/law/policies/Documents/THE-HONOR-CODE.pdf>, addresses matters of academic dishonesty, including cheating, improper collaboration, unfair academic advantage, deception and misrepresentation, electronic dishonesty, and plagiarism. The Student Code of Professional Conduct, which can be found at <http://www.depts.ttu.edu/law/studentlife/STUDENT-CODE-OF-PROFESSIONAL->

CONDUCT-APR19.pdf, governs primarily non-academic misconduct, including policy violations, legal violations, disruptive conduct, harmful or threatening behavior, false reports, failure to comply with official requests, violation of professional duties, failure to comply with official sanctions or directives, financial default, repeated or other unprofessional conduct. Report any suspected violations to the Associate Dean for Student Life John Delony.

c. Class Schedule and Length.

- (1) A “credit hour” is an amount of work that reasonably approximates:
 - (a) 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
 - (b) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours. Factors bearing on the equivalence of work include the rigor of the experience, nature of the tasks involved, and quality and quantity of supervision.
- (2) For the purpose of this rule, fifty minutes of classroom or direct faculty instruction equate to an “hour.”
- (3) Additional guidance appears at Appendix I (March 21, 2017, memorandum from the Chair of the Curriculum Committee to the Associate Dean for Academic Affairs).

d. Campus Emergency Notification System. The University maintains an Emergency Alert Notification System that sends messages about campus emergencies and class cancellations due to weather to those who have registered their telephone numbers. Adjunct faculty members should visit the Emergency Communications Center website to register for notifications.

e. Notices to Students. The Law School uses email as the primary means to send notices to students. Faculty members can access mailing lists for the students enrolled in particular classes through the Faculty link on MyTechLaw.

f. Book Orders. Federal and state regulations encourage universities to provide their students with information about books selected for courses well in advance of the beginning of the semester. This allows students time to find the best prices for the books that they will need. The Registrar’s Office contacts faculty members about the deadline. Adjunct faculty members must enter the information about their casebooks or textbooks online, using the “Faculty Textbook Request” link in the Dean’s Office department page on MyTechLaw. The information required for a faculty book order includes book’s title, author, edition, publisher, and ISBN number.

- g. Class Rosters.** Faculty members can find class rosters on Raiderlink under the “Summary Class List” link. This provides an alphabetical list with links to email each student. MyTechLaw also has class rosters in the Faculty Departments page. The MyTechLaw rosters include the names, pictures, and email addresses for students registered for the course and section.
- h. Seating Charts.** Seating charts with pictures of each student are available for each course. If such a seating chart is desired, please contact Tracy Coffman or Michele Thaetig.
- i. Student Computer Use.** Law School classrooms have computer and internet connections. The Law School allows each faculty member to determine his or her policy on allowing students to use computers during class time.
- j. Independent Research.** Adjunct faculty members may supervise a student engaging in an independent research project for credit only with the written permission of the Associate Dean for Academic Affairs. The Associate Dean must certify that no full-time faculty member has the expertise in the subject matter involved in the project. Students must obtain approval using the form available on the law school website. The approval form must be completed and returned to the Registrar before a student may register for Independent Research. Students may enroll for one or two credit hours for independent research in a semester, subject to following limitations.

§ 3. EXAM AND GRADING

- a. The Honor System.** The Honor Code applies to all examinations and other Law School academic endeavors. Faculty members who suspect a student of cheating or committing plagiarism must report the suspicion to Associate Dean for Student Life John Delony.
- b. Exam Numbers and Anonymity.** To preserve a student’s anonymity in the grading process, all students receive an exam number to use in place of their names for final exams. Unless a student’s anonymity is not possible, these numbers should always be used to identify and grade exams and papers. The Registrar’s Office can supply multiple sets of numbers for multiple exams, which adjunct faculty members grade and then discuss with their students. To further protect anonymity, adjunct faculty members should not speak to a student about an exam that has been given until the grade has been recorded.
- c. Exams Given During the Semester.** Adjunct faculty members must contact the Registrar’s Office or the Associate Dean for Academic Affairs before giving any test or exam during the semester. This pertains to all types of quizzes and exams, other than “pop” quizzes. Some students in their classes may be certified to receive accommodated conditions in testing, and the Registrar or the Associate Dean must be consulted to arrange for these accommodations.
- d. Final Exam Schedule.** Students receive a final exam schedule for each semester as part of their registration materials. Students sometimes have scheduling conflicts with

- the final exams in other courses and may be allowed to reschedule a particular exam. *To preserve anonymity and to avoid confusion, adjunct faculty members may not discuss rescheduling exams with students.* A student who qualifies under the Law School's policies for rescheduling an exam must contact the Registrar's Office.
- e. **Exam Database.** Students have access to previous exams released by professors, listed by course, dating back to 1976 via MyTechLaw on the law school website.
 - f. **Final Exam Preparation.** Toward the end of the semester, the Registrar's Office will announce the date for faculty members to submit their final exams. The deadline is typically 10 days before the date scheduled for the exam. Included in this announcement is a Final Exam Survey, which provides guidance for test administrators (*e.g.*, whether the exam is open book or closed book, the maximum time allowed for the exam). Adjunct faculty members must also provide their contact information for the day and time the exam is administered in case of a problem or question from a student. The Registrar's Office distributes the exam to the department staff members for copying.
 - g. **ExamSoft.** For essay exams, many professors allow students to use ExamSoft, the program used for the Texas Bar Exam. ExamSoft is a word-processing application that allows students to type their essay questions on their laptop computers, but prevents access to the hard drive, internet, or anything else on their computers during the exam. When students complete the exam, their work is uploaded to the Law School server; the IT department prints out each exam and labels it with the student's exam number. A benefit of ExamSoft is that each test is stored in the server and can be reprinted if a test is ever lost or misplaced. Adjunct faculty members can contact Greg Roberts, Director for Academic Technologies, for any questions about this program.
 - h. **Scantrons.** For multiple-choice exams (in whole or in part), adjunct faculty members may use Scantron forms on which students record their answers. Adjunct faculty members must provide the Registrar's Office with an answer key at the same time that they submit their exams. Keys include an answer page, a weight sheet, and a trailer. The Registrar's Office can assist in preparing these forms.
 - i. **Exam Procedures.** Law School staff members administer final exams. Other types of exams, such as class quizzes and mid-term exams, may be administered by staff members or by faculty members. Students should report to the room shown on the exam schedule. The Law School furnishes bluebooks, answer sheets, and scratch paper. Professors may not be in the room during final exams. If a student has a question about the exam, the student will direct the question to the test administrator, and the administrator will contact the professor. Professors may not speak to students about an exam that has been given until they have submitted all grades for the exam. This process protects students' anonymity.

j. The Day of the Final Exam.

- (1) The test administrator will pick up the exam materials from the Registrar's Office and take them to the exam room. During the hours of the exam, the Registrar's Office must be able to reach faculty members using the contact information that provided with the exam. After the exam is over, the administrator brings all test materials to back the Registrar's Office, where the exams are accounted for and prepared to be picked up by the professor. The minimum amount of time for this process is about 24 hours.
- (2) Students sometimes have emergency situations that prevent them from taking their exams as scheduled. ***If contacted by a student reporting an emergency, adjunct faculty members must refer the student immediately to the Registrar's Office.*** The Associate Dean for Academic Affairs determines the procedures for administering exams for late arrivals. If the Associate Dean allows for an administration at a later time, the Registrar can hold several exams back until the student affected takes the exam. The Registrar then places that student's exam in the small group. This procedure protects the anonymity of students taking the exam late.

k. Submitting Grades. The Registrar provides grade rolls to submit course grades along with forms to designate awards. ***All faculty members must observe the deadline for submitting grades.*** The failure to turn in grades by the deadline affects the timing of financial aid disbursement to students. The Registrar will also send each faculty member a roster showing student names, exam numbers, and grades to confirm that the correct grades were entered several weeks following the end of the semester.

l. Adjustments to Grades. Adjunct faculty members may add or subtract one letter grade increment to the final grade for classroom attendance and participation if they have stated this policy in their syllabus. Adjunct faculty members must include a list of these adjustments when submitting grades to the Registrar's office.

m. Top Grade/Distinction Awards. The "Top Grade Award" is for the top performer in each class. Generally, only one person receives this award per class. The Distinction Award for Superior Academic Achievement can be assigned to one or more students deserving the designation.

n. Posting Grades. The federal Family Educational Rights and Privacy Act (FERPA) prohibits the release of educational records such as grades in a manner in which students can be identified. Because of this restriction, the Law School no longer posts grades publicly. Students obtain their grades through the University computer system.

o. Grade Changes. After grade submissions, no changes can be made to grades unless there has been an error in calculating a grade or an answer missed in the grading process. To change a grade, adjunct faculty members must complete a grade-change form, available from the Registrar's Office. The Associate Dean for Academic Affairs

must approve all grade changes, and the Registrar notifies students whose grades are changed.

- p. Retention Policy for Exams.** Each faculty member must keep exams from a class for one year.

§ 4. GENERAL INFORMATION

- a. Administrative Support.** Michele Thaetig provides administrative support to adjunct faculty members.
- b. Break Rooms.** Adjunct faculty members have access to the kitchen area in the Dean's Office on the first floor and the Law Library break room. Both areas have microwaves and refrigerators for staff and faculty use.
- c. Campus Map.** A campus map can be found at any visitor's booth stationed at the entrances of the main campus, as well as online (<http://www.ttu.edu/map/>).
- d. Compensation.** Dr. Frank Ramos, Associate Dean of Administration and Finance, handles all new employee paperwork and payroll concerns. Adjunct faculty members can fill out all the necessary forms online. They should contact Dr. Ramos to make sure their paperwork has gone through and they are set up in the Texas Tech University system.
- e. Email.** Adjunct faculty members' Texas Tech email address and their courses' Blackboard websites are the primary means of communication with students outside the classroom. Once paperwork has been submitted and processed, adjunct faculty members must establish an eRaider account by calling (806) 742-HELP. When an eRaider account is established, adjunct faculty members receive a Texas Tech email address. Campus and Law School announcements are sent to this address. eRaider usernames and passwords also allow access to MyTechLaw, Raiderlink, and other websites within the Texas Tech University System.
- f. Law Library.** The Law Library contains study areas, a lounge, individual study carrels, computer labs, and an extensive collection of legal documents and sources. The Law Library also subscribes to over 150 electronic databases and journals. For more information, please see the Law Library website (<http://www.law.ttu.edu/lawlibrary/>).

The regular hours of library operation for fall and spring semesters are:

Monday - Thursday: 7:30 a.m.- 10:00p.m.

Friday: 7:30 a.m.-5:00 p.m.

Saturday: 9:00 a.m.-5:00 p.m.

Sunday: 10:00 a.m.-10:00 p.m.

The hours differ during breaks between semesters and for holiday periods.

Faculty members may place items on reserve for courses currently being taught. Reserve items will be held during the semester at the Circulation Desk. Contact Circulation (742-3957) to place materials on reserve.

The reference staff will answer questions in person, by phone, or by email, based on a faculty member's. Contact the Reference Desk at 742-7155 or the Associate Director, Jamie Baker, at 806-834-5792, for assistance.

- g. Law School Hours.** The doors to the Law School lock at 10:00 p.m. The doors reopen at 7:00 a.m., Monday through Saturday, and 9:00 a.m. on Sunday. For 24-hour access to the law school, adjunct faculty members should see Katie Moorhead in the Dean's Office, who will order an access fob and a key to their area.
- h. Mailboxes.** Adjunct faculty mailboxes can be found on their office floor or in the Dean's Office on the first floor.
- i. Motorist Assistance Program.** The motorist assistance program, offered by University parking services, provides free assistance on campus, 24 hours a day, to students, staff and faculty. Free services are limited to three times a year and include fixing flats, pop-a-lock services, a jump on a dead car battery, and a free gallon of gas if stranded. Call 742-MAPP.
- j. Notary Public.** Notaries are available free of charge in the administration office. There are several notaries in the building, Lynn Karnavas, Elma Moreno, and Donna Williams.
- k. Offices.** Offices for adjunct faculty members are on the third floor of the Law School.
- l. Parking.** Adjunct faculty members should purchase a parking pass for the Law School parking lot. See Lynn Karnavas at the front reception desk of the administration office for parking details.

The University blocks the north entrances to the Law School parking lot on days when a major event is scheduled in the United Supermarket Arena. On those days, all Law School personnel must enter the parking lot through the east side Hartford Avenue entrance.

- m. Room Requests.** Many Law School rooms are booked in advanced for student organizations or other special functions. To schedule meetings or events with students outside of normal class times, see the Registrar's Office about academic room requests and Erica Lux about event room requests.
- n. Sam's Place.** Sam's Place is located in the Law School Commons. It offers breakfast and lunch items, as well as fountain drinks and coffee. Hours are Monday through Friday, 8:00 a.m. to 2:00 p.m., in the fall and spring semesters.

o. Texas Tech Police Department. In an emergency, use any Law School telephone to dial 9-911 and it will direct your call to the campus police department. For situations other than emergencies, call (806) 742-3931.

p. Website Addresses.

MyTechLaw <http://mytechlaw.law.ttu.edu>
Raiderlink <http://www.raiderlink.ttu.edu>
Texas Tech Law School <http://www.law.ttu.edu>

§ 5. CONTACT INFORMATION

The Law School Telephone Number is: (806) 742-3990

<u>Resource</u>	<u>Contact Name</u>	<u>Contact Email</u>	<u>Contact Phone</u>
Associate Dean for Academic Affairs	Alison Myhra	Alison.myhra@ttu.edu	806-834-5055
Associate Dean for Administration and Finance	Frank Ramos	Frank.Ramos@ttu.edu	806-834-4195
Associate Dean for Student Life	John Delony	John.delony@ttu.edu	806-834-7542
Assistant Dean of Finance and Administration	Brian Uline	Brian.Uline@ttu.edu	806-834-7452
Assistant Dean of Academic Services and Registrar	Janessa Walls	Janessa.walls@ttu.edu	806-834-0917
Assistant Registrar	Robyn Lamb	Robyna.lamb@ttu.edu	806-834-1468
Director for Calendar and Events	Erica Lux	Erica.lux@ttu.edu	806-834-3412
Executive Associate to the Dean	JoAnn Altman	Joann.altman@ttu.edu	806-834-6941
Executive Administrative Assistant & Front Desk Reception	Lynn Karnavas	Lynn.karnavas@ttu.edu	806-834-1518
Faculty Assistant, 2 nd floor	Tracy Coffman	tracy.coffman@ttu.edu	806-834-1433
Faculty Assistant, 3 rd floor	Michele Thaetig	Michele.thaetig@ttu.edu	806-834-7635
IT Department Computer Support		Computersupport.law@ttu.edu	806-742-4897
Law Library Reference			806-742-7155
Circulation Desk			806-742-3957

APPENDIX I

TO: Associate Dean for Academic Affairs

FROM: Chair of Curriculum Committee

DATE: March 21, 2017

RE: Amendment of faculty rule governing credit hours and adoption of guidance—as approved by committee

Background:

Standard 310 of the revised ABA Standards and Rules of Procedure for Approval of Law Schools requires, in essence, that students perform 42.5 hours of work per credit hour:

Standard 310, DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.

(b) 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.

Interpretation 310-1

For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An “hour” for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination.

Last year, to implement Standard 310 (as well as provisions of Standard 305), the faculty adopted the following rule that essentially cribbed from the ABA’s language:

DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) 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, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours. Factors bearing on the equivalence of work include the rigor of the experience, nature of the tasks involved, and quality and quantity of supervision.

(b) For the purpose of this rule, fifty minutes of classroom or direct faculty instruction equate to an “hour.” For all other work, an hour requires the standard sixty minutes.

(c) The total hours of work for a course may include a one-week final examination period.

Since the faculty adopted the preceding rule, the ABA has issued the Managing Director’s Guidance Memo on Standard 310 (May 2016), which provides further information regarding how to implement Standard 310 and document compliance. Highlights include:

- Standard 310 does not require “[s]cientific precision” in determining how much work “reasonably approximates” an hour. The Council and the Accreditation Committee “do not intend to micromanage the ways in which schools may choose to comply with Standard 310.”
- The Guidance Memo is somewhat ambiguous on this point, but it seems to indicate that the fifty-minute “hour” applicable to classroom time can apply when determining an “equivalent” amount of non-classroom time. This boils down to the proposition that both classroom and non-classroom courses require 42.5 hours of time per credit rather than 45.
- Schools may establish guidelines governing student work “by any reasonable method.” The Guidance Memo notes that possibilities include: “thorough discussion and analysis among experienced faculty members; thorough review of scholarly literature on the subject; by having a group of students log the time required to complete assignments; by analyzing data collected by having students report the amount of time spent on written assignments when they submit the assignments; or by having students report the amount of time spent on coursework during the semester when they complete end-of-term course evaluations.”
- The Guidance Memo suggests that guidelines may take the form of a “presumptive number of pages of reading.” The presumption could be adjusted to reflect the type of course or the material (e.g., 1L vs. 2L/3L; common law vs. code-based). A given course might also add time for other forms of “academic engagement,” such as time spent on written assignments, on-line discussion boards, preparation for finals, etc.
- The Guidance Memo emphasizes that Standard 310 does not impose any minimum “seat time.” Thus, it is not necessary to match the number of credits awarded for a classroom

course to the number of hours it meets per week. More specifically, the Guidance Memo notes, “the typical arrangement for ‘seminar’ classes, in which the credits awarded exceed the weekly time spent in regular classroom sessions in recognition of the additional time allocated for preparation of a substantial paper, is permitted under Standard 310.”

- Regarding documentation of compliance, a “school must ... demonstrate how, through the course approval process, a curriculum review process, a process under the authority and direction of the Associate Dean for Academic Affairs or otherwise, it assures adherence to the Credit Hour Policy, by undertaking initial and periodic reviews of course descriptions and syllabi to assess whether the work assigned complies with the school’s policy for the amount of work required per credit hour, including out-of-class work that is required.”
- The ABA Guidance Memo adds, “[s]ite teams will review the policies and procedures that the institution uses to assign credit hours, including how the parameters for the granting of credit set forth in those policies and procedures were determined, and verify the application of those procedures by reviewing syllabi or some other method, likely through sampling that will include traditional courses, clinics, field placements, and distance education classes if applicable.”

It seems fair to say that the Guidance Memo requires faculty to make good faith, reasonable efforts to ensure that work assignments appropriately reflect credit assignments. The Guidance Memo rejects false precision in this judgment-laden endeavor, and it implicitly recognizes that faculty must exercise sensible professional discretion in determining student assignments.

Demonstrating compliance with Standard 310 should be straightforward for non-classroom-based courses that either require students to work a set number of hours or are project-oriented—*e.g.*, externships, law review, etc. Students will need to document that they are performing at least 42.5 hours of work per credit, and the school will need some method of confirming this documentation. It is my understanding that this sort of effort is already occurring (*e.g.*, the EICs of the law journals all confirm that they are tracking staff time spent on editing/bluebooking articles).

Traditional, classroom-based courses present greater difficulties given that: (a) much of the work for such classes is composed of reading assignments; and (b) students naturally vary in terms of both their ability and willingness to work through such materials. Therefore, even if the faculty could precisely determine what reading assignments should take 2 hours of student preparation, not all students would spend 2 hours on them. Some would spend less time; other would spend more.

Another complication is that, given the nature of traditional law school courses, students should spend substantial time on cumulative review as well as daily class preparation. A brownbag discussion held by the faculty suggested a rough consensus that students should spend 10-15 hours on cumulative review per credit hour. If we assume that students spend approximately 10 hours on cumulative review per credit (the low-end of the estimated range), then Standard 310 contemplates that students should spend, on average, roughly 90 minutes of time preparing new material per class hour.

Regarding the appropriate length of reading assignments, the brownbag discussion indicated a rough consensus that:

- For 1L courses, it is reasonable to expect students to prepare 10-20 pages of casebook reading for a class hour.
- For upper class courses, it is reasonable to expect 15-25 pages of casebook reading per hour of class.
- The preceding ranges represent rough baseline expectations for readings of “usual” density. It is appropriate to depart from these ranges to reflect readings that are more or less difficult than the norm. For instance, assignments that include statutes, rules, or other code material may be especially difficult. By contrast, historical overview materials may present a relatively “easy” read justifying more pages.

Based on an expectation that students spend 90 minutes preparing for a class hour, these figures indicate that faculty expect students to cover roughly 7-14 pages of material per hour of preparation for 1L classes, and faculty expect students to cover roughly 10-17 pages per hour of preparation for upper class courses.

These figures are roughly in line with the conclusions of *How Much Should We Assign? Estimating Out of Class Workload*, available at <http://cte.rice.edu/blogarchive/2016/07/11/workload> (Elizabeth Barre & Justin Esarey, Rice University Center for Teaching Excellence). According to this survey, the limited available academic literature suggests that a student attempting “engaged” reading of material that includes “many new concepts” should be able to cover approximately 7 pages per hour (assuming 600 words per page).

Other schools’ approaches to the problem:

Alison Myhra kindly distributed to the committee an email compilation of Standard 310 policies adopted by 4 law schools. One especially gutsy school seems to have essentially cribbed the language of Standard 310 and left it at that. The other 3 schools provided far more detail—*i.e.*, 2 ½ to 4 pages of single-spaced guidance specifically addressing various types of courses. As you will see, I have tried in the proposal below for generality and concision. Two of the schools included baseline guidance regarding presumptive expectations for the amounts of reading sufficient to justify a credit. One school selected 195 pages per credit. Another selected 140 per credit for traditional doctrinal courses and 100 pages per credit for problems-based courses. As you will see, the figures suggested in the proposal below are similar.

Proposal:

The Curriculum Committee should amend the rule DETERMINATION OF CREDIT HOURS FOR COURSEWORK by striking its last sentence and adopt the Guidance for Implementation set forth below:

DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) 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, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours. Factors bearing on the equivalence of work include the rigor of the experience, nature of the tasks involved, and quality and quantity of supervision.

(b) For the purpose of this rule, fifty minutes of classroom or direct faculty instruction equate to an “hour.” [Professor Murphy comment: The justification for striking this sentence is that the ABA Guidance Memo seems to indicate that, in determining an “equivalent” amount of work for non-classroom work, one can include fifty minute hours. The upshot is that a credit hour seems to require 42.5 hours of actual time regardless of the nature of the course.] See ABA Guidance Memo at 3-4 Guidance for Implementation:

Faculty should design their courses to ensure that students perform, at minimum, work that reasonably approximates 42.5 hours of work per credit awarded.

Credit for classroom-oriented courses: The default presumption is that the credit hours awarded for a traditional classroom-based course will match the number of hours that the class meets per week during the semester, including a final examination. For such a course, this rule contemplates that students should work, on average, 2 hours outside of class per fifty-minute “hour” of class time. Students should therefore perform a minimum of approximately 30 hours of “homework” per credit hour for traditional classroom courses over the course of a fourteen-week semester plus finals period. For courses assessed primarily by exams, and which therefore require substantial cumulative review, this rule’s requirements will be presumptively satisfied by: (a) the assignment of 140 pages of reading per credit hour for first-year courses; and (b) the assignment of 200 pages of reading per credit hour for upper class courses. [Professor Murphy comment: These figures were derived from a faculty brownbag that suggests a rough consensus that it is reasonable to expect students to cover 10-20 pages of material in an hour of 1L class and 15-25 for 2L/3L. If we assume that students spend about 10 hours per credit on cumulative review, then they should be spending about 1 ½ hours in prep per individual class. This means they should be, during one hour of prep, covering about 7-14 pages (1L) or 10-17 (2L/3L).]

The preceding figures represent default guidance. Faculty should exercise professional judgment to adjust the length of assignments as appropriate. For instance, shorter assignments may be justified for readings that focus on difficult statutory, regulatory, or other code-based materials.

In addition, many courses include classroom-oriented assignments other than traditional casebook readings. Faculty should exercise professional judgment to design such exercises and determine appropriate time allocations. Such assignments might include, among many other possibilities: scholarly papers for seminars, briefs, problems, on-line discussions, oral arguments and presentations, clinical case analysis, and simulation exercises.

Credit hours for seminars: Seminar courses requiring a substantial paper or similar project may depart from the default presumption that the credit hours awarded for a traditional classroom-based course should match the number of hours that the class meets per week. For instance, with suitable justification, three credits might be awarded for a seminar class that meets twice a week in recognition of the time required for paper preparation. [Professor Murphy comment: The ABA Guidance Memo adverts to this possibility.]

Recording and reporting time for other academic work: Many courses award credit for academic work performed neither in the classroom nor as direct preparation for classroom time. Examples include law journal work, clinical work, externship work, and independent studies. Faculty supervising such courses shall take appropriate steps to ensure that students document the time they spend on such academic work. Students in such courses must submit suitable time records to their faculty supervisors to receive credit.

Course proposals: For approval by the Curriculum Committee, a new course proposal must provide a satisfactory explanation of how the proposed course satisfies this rule's requirements.

Reporting and review of existing courses: On request, faculty will provide the Law School's administration with explanations specifying how the courses they teach satisfy this rule's requirements. This guidance does not contemplate that faculty explanations will require highly detailed, class-by-class specifications of assignments. Rather, a brief explanation specifying the amount and nature of the materials covered during a class as a whole should generally suffice. The administration will periodically audit these explanations to confirm compliance.

APPENDIX II
Texas Tech University School of Law
Guidance for Distance Education Courses

In establishing this guidance document, Texas Tech University School of Law's (TTULaw) primary goal is compliance with ABA Standard 306, particularly 306(c)(1)'s requirement that there be "opportunity for regular and substantive interaction between faculty members and student and among students" and 306(c)(2)'s requirement that there be "regular monitoring of student effort by the faculty member and opportunity for communication about that effort."

The guidance below owe a significant debt to the Working Group for Distance Education in Legal Education and its recommendations set forth in *Distance Learning in Legal Education: A Summary of Delivery Models, Regulatory Issues, and Recommended Practices*. Additionally, this guidance was adopted from *Distance Learning Practices by iLaw*, a Wolters Kluwer product.

The guidance below falls into five categories: Teacher Training, Support, and Responsibilities; Student Services; Technical Standards and Support; Course Delivery and Interactivity; and Integrity.

Teaching Training, Support, and Responsibilities

1. In accordance with the *Faculty Handbook, Part IV*, all faculty members must complete TTU Worldwide eLearning training at the Teaching, Learning, and Professional Development Center. These training courses provide instruction in distance course delivery and design, as well as provide instruction to use Blackboard's various interactive features in a training environment. See ABA Standard 311.
2. All faculty members must ensure access to a high quality internet connection for all courses. Faculty members are responsible for ensuring access to an internet connection that supports the highest quality of audiovisual transmission in Blackboard. The internet connection must be secure and uninterrupted. While it is recommended that professors teach all synchronous classes from the same location, professors who teach from multiple locations during the term must ensure a high quality connection at each location by testing the audiovisual transmission before class.
3. Students must complete distance education orientation material. The student orientation materials will provide full information about the administration of the distance education courses, as well as comprehensive training in Blackboard. See ABA Standard 311. As part of this orientation, all distance education students will be required to login to Blackboard before the first day of classes. During this time, students must ensure that they have access to a reliable internet connection, a functioning web camera, and a functioning microphone. Students must also complete a mock assessment. This orientation will also include some education on the applicable code of conduct (discussion board etiquette, etc.) and plagiarism.

4. Faculty will make detailed course syllabi available to students no later than one week before the start of classes. The course syllabus will include all information required by TTULaw. In addition, the course syllabus will state technology requirements for distance education classes, tech support information, and online proctor information.
5. Faculty members teaching distance education courses must submit grades that are in compliance with the law school's grading policies.
6. It is strongly recommended that faculty members be available to students for live office hours and via email and closely monitor and participate in out-of-class discussions. Professors should be available for at least two hours per week for live office hours. Professors should provide their email address to students in the syllabus and respond to email daily throughout the term. Professors should closely monitor discussion boards in Blackboard. Professors should provide feedback to students about class assignments within a week of when the assignment was submitted.
7. All courses will be supported by an instructional designer, as needed. Instructional designers are available at TTU Worldwide eLearning to consult with the faculty member on all aspects of distance education course delivery and design, including the organization of modules and content, the creation of learning objectives, the creation and delivery of assessments, and the development and curation of course content (e.g. videos).

Student Services

8. Students will be registered for distance education courses at the same time that they register for all other courses.
9. The privacy of student information will be protected. TTULaw will comply with all applicable rules governing the privacy of student information.
10. Students will have recourse for any complaints about a course, professor, and any other aspect of their experience in TTULaw's distance education courses just as they do with in-person courses.
11. Students will have ample opportunities to interact directly with professors. Students should have direct access to professors during live office hours (at least two hours per week), via email, and via discussion boards, for example.
12. Students will complete an end-of-course evaluation.
13. Students who are entitled to services under the Americans with Disabilities Act (ADA) will be fully supported. TTULaw will provide exam accommodations, as well as any other supports for students with disabilities.

Technical Standards and Support

14. All courses will receive ample technical support. From the beginning of the orientation materials through the end of the final examination period, students and professors will receive

technical support for Blackboard and any technical issues affecting their ability to participate in the distance education courses. This support will be provided through a combination of TTULaw staff, main campus IT, and main campus Blackboard support. Professors should notify students of IT Help Central's hours of operation and contact information at the beginning of the course so that students can plan accordingly.

15. Professors will ensure that they have appropriate hardware and software. Professors should ensure that they have a professional background when teaching or recording classes, including appropriate lighting and camera positioning. It is of utmost importance that the professor achieve high quality audiovisual transmission with his or her equipment, including his or her existing computer, web camera, and microphone. If the built-in web camera and microphone do not produce high quality A/V transmission, it is recommended that the professor acquire an external web camera and/or microphone.

16. It is recommended that professors monitor each student's attendance and contact any student who misses two consecutive synchronous classes or has not logged into the course within a 72-hour period.

17. Professors should conduct periodic surveys throughout the course to provide students with an opportunity to provide feedback about technical issues or course administration.

18. All course content will be provided through Blackboard and will be password protected. Student will use their eRaider usernames and passwords to login to Blackboard.

Course Delivery and Interactivity

19. The learning objectives and measurable student outcomes for each course will be clearly stated in the syllabus. Objectives and outcomes will be identified for each individual class session. In addition to placing this information in the syllabus, students will also receive the information in the content area of the course in Blackboard for each class module. See ABA Standards 302.

20. Professors will design classes so that students in distance education courses enjoy at least as much interactivity as in the traditional classroom. Students in distance education courses should have the opportunity for "regular and substantive interaction between the faculty member and student and among students." (See ABA Standard 306(d)). Professors should include formal interactive opportunities in the syllabus. These may include blogs, chat rooms, discussion boards, assignments, etc. There should be "regular monitoring of student effort" in these activities by the faculty member. There also should be opportunity for communication between the student and the faculty member about that effort.

The following suggestions help assure interactivity, but professors are encouraged to consider additional ideas that make pedagogical sense with the course.

Students will be required to attend synchronous courses in accordance with the professor's attendance policy. Students in asynchronous classes must view all classes.

For class attendance to count in synchronous classes, students must join the class no later than five minutes after the start of class and stay for the duration. Instances in which the student is experiencing technical difficulties, and these technical difficulties prevent the student from joining all or a portion of the class, then TTULaw will count the student as having attended the class provided that the student views the entire class recording within 24 hours.

Students in asynchronous classes will be required to view all recordings.

During synchronous classes, professors should strongly consider initiating interaction with students at least once every eight minutes, and during asynchronous classes, initiating interaction with students at least twice per week.

During synchronous classes, professors should strongly consider initiating direct interaction with students at least ten times per class. During asynchronous classes, professors should strongly consider initiating direct contact with student at least twice per week. These are minimum standards, and professors are encouraged to exceed these minimums.

For synchronous classes, this interactivity may be satisfied by the following types of activities: (1) discussion boards; (2) placing students into group breakout sessions to work on a problem; (3) yes/no polling questions; (4) multiple choice questions; (5) calling on designated students to answer questions or make presentations to the class; (6) cold-calling on students; (7) requiring students to provide short answer responses through the chat message board.

In asynchronous classes, this interactivity requirement may be satisfied by the following types of activities: (1) discussion boards; (2) placing students into breakout sessions to work on a problem; (3) asking questions of specific students during discussion board and office hours; (4) asking students to answer yes/no or multiple choice polling questions or to provide short answer responses through discussion boards, chat rooms, and office hours; (5) calling on designated students to answer questions or make presentations to the class through discussion boards, chat rooms, or office hours.

Professors should provide at least one out-of-class assessment opportunity per class session. These out-of-class assessments may include the following: (1) a discussion board question provided by the professor in advance of a class to prepare students for class; (2) a discussion board question provided by the professor after class for review purposes; (3) a short multiple choice review quiz in which feedback is provided on all possible answer choices; (4) a group assignment involving 3-5 students submitted to the professor; (5) a discussion thread initiated and moderated by a designated student or group of students. This list is not meant to be exhaustive, and professors are encouraged to be creative in generating opportunities for out of class interaction.

In synchronous courses, professors should transmit their video image at all times during class and students should transmit their video image when using the microphone. Professors of asynchronous courses should use live-video conferencing for office hours and evaluations of at least two class assignments.

In synchronous courses, all students should be called on to use the microphone in a live class at least once in each course. Professors are encouraged to require students to use the microphone more often. In asynchronous courses, students should participate in all class activities.

Visuals will be provided for every class session. Professors must provide PowerPoint slides and/or other visuals for every class.

21. Classes must comply with ABA Standard 310. Minutes counted toward the credit hour will include faculty instruction through synchronous or asynchronous teaching, synchronous or asynchronous contact with students, and other online communications.

22. A final examination will be administered in every J.D. course. Professors should provide samples of the question formats used in the final examination before the final examination. In some of the assessments provided during the course (see above), it is suggested that professors provide questions in the format(s) that will be used on the final examination.

Integrity

27. Professors will guard against plagiarism. It is suggested that at least one writing assignment for each student be processed through a plagiarism check during the course term.

28. All examinations will be administered in a secure environment to ensure exam integrity. In some courses, students will be asked to verify their identities by uploading their image with a valid ID. These images will be time stamped. When available, TTULaw will use a proctor system provided by TTU Worldwide eLearning to verify student identity and proctor all final examinations. If the exam proctor identifies suspicious behavior during a final examination, TTULaw will investigate and take disciplinary action as needed.