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# **I. MISSION AND VISION STATEMENTS**

## **I-1. Mission Statement**

The University of St. Thomas School of Law, as a Catholic law school, is dedicated to integrating faith and reason in the search for truth through a focus on morality and social justice.

## **I-2. Vision Statement**

The mission of the University of St. Thomas School of Law, as a Catholic law school, is to integrate faith and reason in the search for truth through a focus on morality and social justice. To implement this mission, each member of the law school community is dedicated to promoting excellence in:

### **A. Professional Preparation**

By providing, from a faith-based perspective, practical skills and theoretical legal education and mentoring, the law school commits to preparing students to become accomplished servant leaders in the practice of law, in the judiciary, in public and community service, in business, and in education. The law school's faculty and curriculum will be distinctive in supporting and encouraging students' integration of their faith and deepest ethical principles into their professional character and identity. Because a legal education is enhanced by a broad understanding of global society's many challenges, the law school will also provide students with opportunities for interdisciplinary study and experiential learning.

### **B. Scholarly Engagement and Societal Reform**

The law school will undertake to expand knowledge about law and society and participate in the improvement of legal institutions and other organizations through recruitment and development of a faculty of outstanding teachers and scholars, sponsorship of academic lectures and interdisciplinary research activity, and establishment of a strong law library collection and staff. As members of a Catholic law school, students and faculty will particularly explore the intellectual integration of religious faith into the study of law, professional ethics, public policy, and social justice.

### **C. Service and Community**

The law school will work to establish a diverse community of talented students, faculty, and staff dedicated to supporting and serving each other, the law school's mission, and the local, national, and global communities. The law school, inspired by Catholic social teaching, and members of the law school community, drawing on their own faith and values, will promote and participate in service programs designed to address the needs and improve the conditions of the disadvantaged and underserved. The law school will strive to enhance social justice and will assist students in integrating their commitments to serve society into their personal and professional lives.

*Adopted by the Law Faculty, March 20, 2002*

## **II. ADMISSIONS POLICIES**

### **II-1. Admissions Requirements**

See Viewbook for admissions requirements.

## **II-2. Admission of Transfer Students**

### **A. Eligibility for Admission**

Students who have completed at least two semesters but no more than three semesters at an ABA-accredited law school may apply as a transfer student to the University of St. Thomas School of Law. Applications should be sent in between May 1 and July 1 of a given calendar year for those students interested in enrolling at the University of St. Thomas School of Law in the Fall of that year or in January of the following year. To be eligible for admission, the student seeking to transfer must:

1. have satisfactorily completed the first-year curriculum at the law school from which the student is transferring;
2. have received residence credit for no more than three (3) semesters at the law school from which the student is transferring;
3. be in good academic standing, i.e., with a cumulative GPA of 2.0 or better;
4. submit a copy of the LSDAS on file with the law school admissions office at the law school from which the student is transferring;
5. submit a letter of good standing from the Dean of the law school from which the student is transferring; and
6. submit a letter of recommendation from a law school professor.

### **B. Status upon Admission**

With respect to any student admitted as a transfer student, the Associate Dean for Academic Affairs may determine whether to:

1. recognize partial credit or full course credit for courses which have been satisfactorily completed at the law school from which the student is transferring;
2. recognize credit toward the graduation requirements at the University of St. Thomas School of Law for no more than 44 credit hours of course work completed satisfactorily at the law school from which the student is transferring, which credits shall not be factored into the student's cumulative grade point average at the University of St. Thomas School of Law;
3. exempt the transfer student from completing certain required courses to the extent the student has satisfactorily completed such courses at the law school from which the student is transferring;
4. require the student to take certain required courses generally completed during the first three (3) semesters at the University of St. Thomas Law School to the extent that the student has not satisfactorily completed comparable courses at the law school from which the student is transferring; and
5. prohibit the student from taking certain courses which would appear to duplicate courses the student has taken at the law school from which the student is transferring.

## II-3. Admission of International Students

International students must submit the following information.

1. An Application for Admission.
2. A \$50 application processing fee drawn on a U.S. bank (make personal check, travelers check or money order payable to the University of St. Thomas School of Law).
3. Personal Statement.
4. LSAT scores. Please contact Law Services at [www.lsac.org](http://www.lsac.org) for information on testing sites, dates and fees. If undergraduate work was done in Puerto Rico or Canada, the student can subscribe to the Law School Data Assembly (LSDAS) and have their transcripts and letters of recommendation sent to Law Services.
5. If undergraduate work was done outside the United States, Puerto Rico, or Canada, then the student should not subscribe to the LSDAS service but have the transcript(s) of their post-secondary education reviewed by a U.S. transcript evaluation service to determine its equivalency to a U.S. baccalaureate degree. The transcript evaluation must be sent directly from the evaluation service to the UST Law Office of Admissions along with two letters of recommendation sent directly from each recommender to UST Law Admissions.
6. If the student is a non-native speaker of English, they must take an English Proficiency Test (TOEFL at [www.toefl.org](http://www.toefl.org)). UST Law requires a minimum TOEFL score of 600 on the written test or 254 on the computer-based test. This official score report has to be sent directly to the UST Law School Admissions Office by the Educational Testing Service (ETS) in Princeton, NJ. UST Law testing center number is 6110.

## **II-4. Withdrawal from Law School; Readmission After Withdrawal; Leaves of Absence**

### **A. Withdrawal**

A student may, upon written notification to the Associate Dean for Academic Affairs, withdraw from the Law School and preserve his or her eligibility for readmission.

1. After a student's written withdrawal from the Law School, the student's permanent record will show a "W" ("Withdrew") in each course. "W" carries no academic penalty.
2. A student who withdraws from school without notifying the Associate Dean for Academic Affairs in writing will receive an "F" in each course in which the student was registered that semester.

### **B. Readmission after Withdrawal**

If the Associate Dean for Academic Affairs determines that (1) the student previously withdrew for good cause, and (2) the time since the student last attended UST Law School is no longer than is reasonable under the circumstances, the Associate Dean may readmit the student. Any student readmitted will be bound by all regulations and requirements in effect at the time of his or her readmission. A student who withdraws while on academic probation must apply for readmission according to the policy for readmitting students dismissed for academic reasons (see Policy II-5, Dismissal and Readmission).

### **C. Leave of Absence**

A student may, with the permission of the Associate Dean for Academic Affairs, take a leave of absence for no more than two (2) semesters. The Associate Dean's permission must be sought before the first day of class of any semester during which the student wishes to take a leave. Should circumstances require a student to seek a leave of absence during a semester, the student shall request the permission of the Associate Dean; if the permission is granted, that semester shall be deemed the first of the two allowable semesters, and the student's record will show a "W" in each course undertaken during the semester.

### **D. Effect on Degree Time Limit**

A withdrawal or leave of absence does not extend the time limit for the completion of requirements for the Juris Doctor degree.

## **II-5. Dismissal and Readmission**

### **A. Dismissal for Improper Conduct**

A student may be suspended or expelled from the Law School for improper conduct pursuant to such standards and procedures as the Law School Faculty may prescribe. No student expelled from the Law School for improper conduct will be eligible for readmission.

### **B. Dismissal for Academic Reasons**

A student who has been dismissed for academic reasons (see Policy III-C-1, Good Academic Standing) shall not be eligible for readmission until at least one academic year following that student's dismissal.

### **C. Readmission**

Petitions and all other matters concerning readmission shall be decided by the Readmission Committee, composed of the Dean, the Associate Dean for Academic Affairs, and the chair of the Admissions Committee. Readmission of any student shall be subject to such conditions as the Readmission Committee may specify.

*Adopted by the Law Faculty, May 1, 2002*

## **II-6. Refunds Upon Withdrawal: UST School of Law Financial Aid Policy**

If a student intends to withdraw, or does withdraw, from all courses at the University of St. Thomas School of Law before the completion of an academic term they need to be aware of the financial aid consequences. Different policies exist depending on the type of aid (federal, state or institutional) received. The following information will help the student understand the different policies in effect.

### **A. Return of Title IV (Federal) Aid**

Withdrawal from all courses at St. Thomas during any given term results in a calculation of “earned” versus “unearned” federal financial aid. This policy assumes aid is earned based on the number of days enrolled in a particular term. The date of withdrawal, not institutional costs, will determine how much aid must be returned to the federal programs.

### **B. Withdrawal Procedure**

The student must withdraw officially in one of three ways: through MURPHY telephone registration, MURPHY On-line (at <https://registration.stthomas.edu>) or by permission of the Dean of Students for the Law School. The withdrawal date is the date the withdrawal process is begun. If the student fails to withdraw officially, the withdrawal date will become the midpoint of the term, unless the university can document a later date. In certain circumstances if an earlier date of last academic activity is determined, this date may be used in the calculation of “earned” federal aid.

### **C. Calculation of “Earned” Federal Aid**

Once the withdrawal date is known, the university divides the total number of calendar days in the term for which the student was enrolled, including weekends and excluding breaks that are 5 days or longer, by the total number of calendar days in the term. This figure is the percentage of federal aid that has been “earned” and the student is allowed to keep. If the student withdraws after completing 60% of the term, they have earned all of the federal financial aid for that period.

St. Thomas and the student share the responsibility of repaying unearned federal aid. Before a student’s portion is determined, St. Thomas’ share is calculated. Federal funds will be returned to the programs in the following order:

1. Unsubsidized Stafford Loan
2. Subsidized Stafford Loan
3. Other Federal Assistance

St. Thomas' share may be enough to cover all unearned aid that must be returned to the federal programs. If this is the case, no further payment is required from the student. However, should the student be required to repay a portion of their loan through the student's share calculation, they will NOT be expected to return the loan funds immediately, but rather when repayment begins according to the terms and conditions of the promissory note.

**D. Institutional and State Refund Policy**

The return of Title IV Aid calculation, as cited above, only takes into consideration federal funds. It does not include institutional, state or outside funding sources that may be included in a student's financial aid package. This section explains the institutional refund policy and how these other sources of aid may be affected by a withdrawal from the University of St. Thomas.

The University of St. Thomas offers tuition refunds if a student withdraws from the university according to the following schedule for fall and spring semesters:

Through the first 14 calendar days of the semester	100%
From the 15th through 21st calendar days	80%
From the 22nd through 28th calendar days	60%
From the 29th through 35th calendar days	40%
From the 36th through 42nd calendar days	20%
After the 42nd calendar day	0%

If a student withdraws during a period of time that allows for a tuition refund, a portion or all, of the institutional, state, and/or outside funding may be reduced or cancelled. If the student received a 100% tuition refund on all courses for a particular term, all institutional, state and outside funding must be returned to the appropriate aid program(s). If the tuition refund was not used to fully repay the Return of Title IV Aid, then a proportional share of the remaining tuition refund must be returned to the appropriate aid program(s).

It is very likely that St. Thomas would be required to return more federal money to the various programs than the student received in institutional refund. If this happens, the student will be responsible for paying the balance. However, if this causes undue hardship, a satisfactory payment arrangement can be made with the St. Thomas Student Accounts Office. The office can be reached at 651-962-6609.



## **III. ACADEMIC STANDARDS POLICIES**

### **A. BASIC ACADEMIC REQUIREMENTS**

#### **III-A-1. Graduation Requirements**

##### **A. Summary of Requirements**

For the J.D. degree at the University of St. Thomas School of Law, the graduation requirements include:

1. Credit in at least 88 hours of course work recognized by the University of St. Thomas School of Law;
2. A final cumulative grade point average of at least 2.0;
3. A passing grade in all required courses; and
4. Satisfactory completion of all requirements associated with:
  - a. the Upper Level Writing Program,
  - b. the Mentor Program, and
  - c. the Public Service Program.

##### **B. Time Limits**

Under normal circumstances, a student is expected to complete 88 credit hours within three (3) academic years. In no event will a student be allowed to take longer than four (4) academic years to complete all requirements for the degree without the written approval of the Associate Dean for Academic Affairs obtained during the four-year period.

##### **C. Exceptions for Transfer Students and Visiting Students**

Any student who transfers into the University of St. Thomas School of Law, or any student from the University of St. Thomas School of Law who concludes studies for the J.D. by visiting at an ABA-accredited law school, may petition the Associate Dean for Academic Affairs to request modification of the graduation requirements related to the satisfactory completion of all requirements associated with the Upper Level Writing Program, the Mentor Program and the Public Service Program for students. The Associate Dean for Academic Affairs may grant a modification of such requirements for good cause.

## **III-A-2. Residency and Course Load Requirements**

### **A. Maximum/Minimum Course Load**

Students must take 30 credit hours in the first year, all of which are in first-year required courses. In the second and third years of law school, students may take a maximum of 16 credit hours per semester, and must take a minimum of 12 credit hours per semester. Enrolling in more credit hours than the maximum or fewer than the minimum requires good cause and the approval of the Associate Dean for Academic Affairs, but such approval does not in anyway change the residency requirement set forth below.

### **B. Residency Requirements**

#### **1. Basics**

The American Bar Association accreditation standards require six (6) semesters of residency or its equivalent. The purpose of the residency requirement is to assure that the study of law will be spread over a minimum period of time. (The requirements regarding a student's course load set forth above, i.e., the number of credit hours in which a student enrolls in a given semester, are different from this residency requirement.)

Accordingly, except as set forth below with respect to transfer students and visiting students, candidates for the J.D. degree from the University of St. Thomas School of Law must have six (6) semesters of residence credit at the University of St. Thomas School of Law. A student receives one semester of residence credit at the University of St. Thomas School of Law for each semester in which the student is registered for and satisfactorily completes 12 credit hours of courses recognized by the law school.

#### **2. General Residency Exceptions**

A student may receive one (and only one) semester of residence credit pursuant to each of the exceptions set forth below:

- a. First, a student may receive residence credit for one semester in which the student is registered for 12 or more credit hours of courses recognized by the law school, but in which unsatisfactory grades cause the number of credit hours satisfactorily completed to fall to 10 or 11 credit hours.
- b. Second, the Associate Dean for Academic Affairs, for good cause, may grant residence credit for one semester in which the student satisfactorily completes at least 8 credit hours of courses recognized by the law school.

### **3. Exceptions for Transfer Students and Visiting Students**

In addition to fulfilling the graduation requirements as set forth above, a student who transfers to the University of St. Thomas School of Law from an ABA-accredited law school must complete at least three semesters of residence credit at the University of St. Thomas School of Law to receive a J.D. degree from the University of St. Thomas School of Law.

A student who will complete at least four semesters of residence credit at the University of St. Thomas School of Law may petition the Associate Dean for Academic Affairs for permission to visit for one or two semesters at an ABA-accredited law school or, when permitted under the ABA's Standards for Approval of Law Schools, at a foreign institution. The Associate Dean for Academic Affairs may grant the petition for good cause.

The following factors will be considered by the Associate Dean in determining good cause for foreign study at a non-ABA approved foreign law school

The educational objective of UST Law with respect to such study is that for a mature student with well-defined career goals, well-monitored foreign study at a non-ABA accredited foreign law school can enhance the student's skills for the practice of law. The student applying for this permission carries the burden to establish both clear academic objectives related to career goals, and sufficient maturity, sufficient academic capability, and sufficient foreign language skill to achieve those objectives.

The student applying for this foreign study carries the burden also to ensure that he/she complies with all ABA Standards with respect to such study. This includes the following requirements as of the date of this Statement.

1. The student will complete all required courses at UST Law. The student must complete a degree audit with the Dean of Students before applying for permission for foreign study under this statement. The student will obtain the Assistant Dean's written confirmation that this audit has been completed.
2. The student must have the written agreement of the Mentor Director concerning how the student will comply with the Mentor Program requirements.
3. The student must find, and obtain written confirmation from, a UST Law full-time faculty adviser both to approve the student's foreign study program in advance and to monitor the student's foreign study. The student and the UST Law faculty adviser must first agree on a written plan to be submitted to the Associate Dean that defines how the foreign study will achieve clear academic objectives related to career goals, and explains how the student has sufficient maturity, sufficient academic capability, and sufficient language capability to realize the academic objectives. The written plan must define the methods of evaluation to measure whether the student's educational objectives have been attained.

4. The student will secure a full-time faculty adviser at the foreign law school.
5. The student will work with the UST Law faculty adviser to obtain written confirmation from the foreign law school faculty adviser that the student's educational objectives can be attained.
6. The student will secure all syllabi of courses to be taken and provide them for the review of the UST Law faculty adviser.
7. The UST Law faculty adviser will review both the confirmation from the foreign law school adviser and the syllabi and provide a written recommendation, attaching these documents, to the Associate Dean indicating what credit UST Law should give for the courses taken at the foreign law school.
8. At the end of the foreign law school study, the student shall provide to the UST Law faculty adviser and the Associate Dean an official transcript of the student's grades and a portfolio of the student's work. The UST Law faculty adviser will certify to the Associate Dean that the work has satisfied the student's written plan outlined in paragraph 3 above.

Only in the most exceptional circumstances where a student shows personal hardship will the Associate Dean approve study at a non-ABA approved foreign law school for more than one semester.

A student granted permission to visit at an ABA-accredited law school or, when permitted under the ABA's Standards for Approval of Law Schools, at a foreign institution may receive a J.D. from the University of St. Thomas School of Law, if such student fulfills the graduation requirements set forth above, and satisfactorily completes at least 12 credit hours of classes in each of two semesters at the law school at which the student visits (for a student who completes four semesters of residence credit at the University of St. Thomas School of Law) or in one semester at the law school at which the student visits (for a student who completes five semesters of residence credit at the University of St. Thomas School of Law). The student and the mentor program director must agree on experiences that will meet the mentor program requirements for the period of the visit.

A candidate for a joint degree in an approved program may apply twelve hours of credit and one full semester of residency successfully completed in the second discipline toward the requirements for the J.D. degree, provided the student satisfactorily completes the requirements set out for the joint program by the faculty conferring the second degree.

Students studying away are charged an administrative fee by UST Law. The Assistant Dean for Administration will provide information on the current fee. Students requesting study away at an ABA-approved law school must provide a written statement showing good cause to the Associate Dean. Students requesting study away at a non-ABA approved foreign law school must satisfy all the requirements of the Statement of Educational Objectives for Foreign Study at a Non-ABA Approved Foreign Law School, available from the Dean of Students or the Associate Dean.

### **III-A-3. Upper-Level Writing Requirement**

After successfully completing the required first-year lawyering skills courses, but before graduation, all students must satisfy an upper-level writing requirement. Students are strongly encouraged to complete this requirement before their last semester of law study.

To meet the upper-level writing requirement, each student must demonstrate competence by producing a paper that:

1. reflects substantial legal research and critical analysis;
2. is well-written and carefully edited;
3. contains no fewer than 7,500 words, including appropriate footnotes or endnotes;
4. reflects revisions incorporating the critique and suggestions of the supervising instructor on at least one previous draft;
5. has received a grade of C+ or better from the instructor for the paper, and
6. is certified by the instructor as satisfying all of these requirements.

Examples of papers that might satisfy the upper-level writing requirement include those prepared as supervised research projects or those prepared for seminars or other courses that require a substantial research and writing project.



**SCHOOL OF LAW  
UPPER-LEVEL WRITING  
REQUIREMENT  
CERTIFICATION OF COMPLIANCE**

**STUDENT'S NAME:** \_\_\_\_\_

**SUPERVISING INSTRUCTOR:** \_\_\_\_\_

**The paper was written for:**

\_\_\_\_\_ **A. The following course or seminar:**

\_\_\_\_\_

**Grade on the paper:** \_\_\_\_\_

\_\_\_\_\_ **B. Supervised Research & Writing:**

**Grade on the paper:** \_\_\_\_\_

\_\_\_\_\_ **C. Other: (Please explain.)**

\_\_\_\_\_

**By signing below, I certify that this student has completed a paper that satisfies the upper-level writing requirement as follows:**

- (1) The paper reflects substantial legal research and critical analysis;
- (2) The paper is well-written and carefully edited;
- (3) The paper contains no fewer than 7,500 words, including appropriate footnotes or endnotes;
- (4) The paper reflects revisions incorporating my critique and suggestions to the student on at least one previous draft; and
- (5) The student has received a grade of C+ or better from me for the paper.

\_\_\_\_\_  
Instructor's Signature

\_\_\_\_\_  
Date

*Please return this form to the Dean of Students at the University of St. Thomas School of Law.*

### **III-A-4. Guidelines for Required Public Service Policy**

#### **PREAMBLE**

The Vision Statement of the University of St. Thomas School of Law (School of Law), adopted by the faculty on March 20, 2002, includes the following commitment:

The law school will work to establish a diverse community of talented students, faculty, and staff dedicated to supporting and serving each other, the law school's mission, and the local, national, and global communities. The law school, inspired by Catholic social teaching, and members of the law school community, drawing on their own faith and values, will promote and participate in service programs designed to address the needs and improve the conditions of the disadvantaged and underserved. The law school will strive to enhance social justice and will assist students in integrating their commitments to serve society into their personal and professional lives.

Consistent with this commitment, as a prerequisite to graduation, every candidate for a J.D. degree from the School of Law must complete a total of 50 hours of qualifying public service during his or her three years of law school. There are two reasons why this public service requirement is imposed. First, the obligation to serve others does not end upon enrollment in law school and begin again upon graduation; law students remain members of the broader community, with all of the accompanying responsibilities. Second, the most reliable indicator of whether a lawyer will do pro bono work in the future is whether that lawyer has done pro bono work in the past. Law students who have served the community—even under the compulsion of a public service requirement—are far more likely to serve the community after graduation than those who have not.

Also consistent with this commitment, all other members of the law school community—administrators, faculty, and staff—are strongly encouraged to complete 50 hours of qualifying public service every three years, as well as to satisfy the public service aspirations of their professional organizations.

These Guidelines for the Required Public Service Program (Program) establish the standards for the implementation of the Program.

#### **ADMINISTRATION OF REQUIRED PUBLIC SERVICE PROGRAM**

##### **A. Administration**

The Program will be administered by the Public Service Board (PSB). The PSB will consist of two first-, five second-, and six third-year law students in good academic standing, and will be advised by one member of the law school faculty or administration. The law student members will be selected by the student government; the PSB will present a slate of nominees to the student government for appointment in consultation with the advising faculty member or administrator. The faculty member or administrator will be appointed by the Dean. Members of the PSB serve renewable one-year terms.

The PSB will be responsible for the day-to-day administration of the Program. Its duties will include maintaining and distributing to students information about public service opportunities; overseeing the maintenance of the on-line public service reporting system; making determinations as to whether particular service constitutes “qualifying public service” within these Guidelines; and maintaining records of qualifying public service performed by law students. The advisor will certify satisfactory completion of the Program requirements by law students.

## **B. General Oversight**

The PSB will be assisted by an advisor. The advisor will be a member of the law school faculty or administration, and will be appointed by the Dean

The advisor will be responsible for general oversight of the Program, including monitoring the ongoing administration of the Program to assure compliance with the Guidelines; advising the PSB on policy issues raised in administration of the Program that are not covered by the Guidelines; and considering (and, where appropriate, recommending to the faculty) revisions to the Guidelines.

The advisor will present an annual report reviewing the ongoing administration of the program to the faculty.

## **STANDARD FOR QUALIFYING PUBLIC SERVICE**

This section provides guidance as to what service will qualify for required public service credit. “Qualifying public service” consists of uncompensated public service meeting the following guidelines:

### **A. Uncompensated**

“Uncompensated” means that the student receives neither monetary compensation nor academic or writing credit for work done in satisfaction of the public service requirement. The required public service requirement is in addition to the other requirements for the J.D. degree. To assure that work credited toward the public service requirement is appropriately distinguished from work resulting in compensation or credit, the following rules apply:

- 1. Service Related to Employment During a Semester.** Otherwise qualifying public service provided to or under the auspices of any individual or organization during the academic year may qualify for required public service credit if that service is provided by a student during any semester in which the student also receives compensation from that individual or organization only if the compensation is provided on an hourly basis and no compensation is received for the services for which credit is sought.
- 2. Service Related to Summer Employment.** Otherwise qualifying public service provided by a student to or under the auspices of any individual or organization during the summer may qualify for required public service credit even if the

student receives compensation from that individual or organization for work performed during that summer, provided that the qualifying service (a) is performed during a week for which the student receives no compensation from the employer and (b) is in addition to work that the student is expected or required to complete during a period when the student is compensated. In no event shall work performed during a week or weeks for which the student receives compensation qualify for required public service credit. For example, neither work done after regular hours nor work done on weekends qualifies, if any compensated work is done during the week for which credit is sought.

3. **Service for a Faculty Member.** Otherwise qualifying public service provided under the auspices of a faculty member may qualify for required public service credit only if that service is not performed during any semester in which the student also receives academic credit for a class taken with that faculty member.
4. **Service Related to a Course.** Otherwise qualifying public service provided by a student with respect to a matter on which the student works as part of any course for which the student receives credit at the School of Law may qualify for required public service credit only if that service (a) is in addition to the work expected or required in satisfaction of the course and (b) is performed during a semester in which the student receives no academic credit for that course.

## B. Public Service

1. **General Guidelines.** *Octogesima Adveniens*, the Encyclical Letter of Pope Paul VI, issued on May 14, 1971, calls the faithful to become involved in action to address the injustices of the world, in the following terms:

[I]t belongs to the laity, without waiting passively for orders and directives, to take the initiatives freely and to infuse a Christian spirit into the mentality, customs, laws, and structures of the community in which they live. Let each one examine himself, to see what he has done up to now, and what he ought to do. It is not enough to recall principles, state intentions, point to crying injustice and utter prophetic denunciations; these words will lack real weight unless they are accompanied for each individual by a livelier awareness of personal responsibility and by effective action...Thus, amid the diversity of situations, functions, and organizations, each one must determine, in his conscience, the actions which he is called to do.

It is in this spirit that these Guidelines for qualifying public service are presented. The scope of public service that will qualify for required public service credit is broad, and includes virtually any type of volunteer work that is consistent with the mission of the School of Law and the University of St. Thomas, and with the School of Law's dedication, as articulated in the excerpt from the Vision Statement quoted in the preamble of this policy, to "promote and participate in service programs designed to address the needs and improve the conditions of the disadvantaged and underserved." Particularly encouraged is service for the relief, defense, and liberation of "those who are oppressed by poverty[, who] are the

object of a preferential love on the part of the Church” (*Catechism of the Catholic Church*, § 2448).

The examples given below are not intended to be exclusive; rather, they are intended generally to illustrate the types of public service for which credit will be given, if it otherwise qualifies.

**2. Examples of “Public Service.”**

- a. legal services to those without the financial resources to compensate counsel (e.g., indigent individuals and incubator businesses that seek to improve the economy of a disadvantaged community);
- b. legal or nonlegal services intended to protect the rights of an individual or individuals in situations raising important public interest concerns, or important rights, belonging to underrepresented segments of the public such as the poor, the homeless, the unemployed, the unborn, children, the elderly, people with disabilities, prisoners, immigrants, and victims of crime, abuse, and discrimination;
- c. community service, such as volunteering in local schools, day care centers, churches, or governmental units;
- d. spiritual works of mercy, such as instructing, advising, consoling, and comforting the needy (*Catechism of the Catholic Church*, § 2447);
- e. corporal works of mercy, such as feeding the hungry, sheltering the homeless, clothing the naked, visiting the sick and imprisoned, and burying the dead (*id.*);
- f. “caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless” (*ELCA Constitution*, § 4.02); and
- g. “open[ing] your mouth in behalf of the [mute], and for the rights of the destitute; open[ing] your mouth, decree[ing] what is just, defend[ing] the needy and the poor” (Proverbs 31:8).

- 3. Organizational or Administrative services.** In addition to the direct services described above, students may satisfy a portion of their required public service requirement through time spent organizing or administering organizations dedicated to providing direct services to the underserved populations identified above; organizing or administering specific direct service projects on behalf of such populations; or serving on the PSB. A student may claim no more than 10 hours per academic year, up to a total of 25 hours, for such organizational or administrative services.

4. **Determinations of qualifying public service.** The PSB will maintain a list of service projects and opportunities that are presumed to constitute qualifying public service projects. These will be projects or service opportunities that are organized by or coordinated through a member of the law school community. If a student performs service of this type, it will constitute qualifying public service. If a student performs any other type of public service, the PSB will determine whether it meets the Guidelines. The PSB may consult with the advisor and the Dean in making such determinations. If the PSB determines that the service does not qualify under these Guidelines, the student may appeal the decision to the Dean or the Dean's designee. The determination of the Dean or the Dean's designee will be final.
5. **Service performed in conjunction with Law School organizations.** Otherwise qualifying service performed in conjunction with a School of Law organization may qualify as public service, provided that such service consists of time spent providing direct services to the underserved populations identified above. Service performed in conjunction with a School of Law organization may also qualify as "Organizational Service" provided that such service consists of time spent organizing or administering programs or activities dedicated to providing direct services to the underserved populations identified above.

### C. **Fifty Hours**

1. Each student must complete 50 hours of qualifying public service between the beginning of his or her first semester of law school and the end of his or her last semester.
2. Qualifying service may be performed at any time during this period, including, for example, any semester in residence at the School of Law or another School of Law, any semester in residence at another school that is part of a joint degree program, any vacation, and any summer.
3. Students will receive required public service credit for qualifying public service, training necessary to perform such service, and necessary administrative and clerical work ancillary to the student's public service.
4. Time spent commuting to and from the site where the service is to be performed will not qualify for required public service credit absent extraordinary circumstances. The PSB will determine the circumstances that justify awarding credit for commuting time.

### **STANDARD AND PROCEDURE FOR REGISTRATION AND CREDIT**

- A. Upon completion of qualifying public service, a student should submit an on-line Public Service Report Form (Report). In order to qualify, the Report must be submitted within 30 days of the date on which the service was performed. The PSB will review the Report and ascertain whether the service performed meets the Guidelines for qualifying public

service. If the service qualifies, the hours worked will be credited to the student and recorded on his or her transcript.

- B. The PSB will record the hours of qualifying public service in such a manner that the hours can be easily verified by the student. In addition, the number of approved hours will be displayed within the on-line Public Service Report system.
- C. Students who perform qualifying public service in excess of the 50 required public service hours are encouraged to submit Reports for such service as well. Students who perform otherwise qualifying public service of an organizational or administrative nature in excess of the 10 hours per year/25 cumulative hour limit are also encouraged to submit Reports for such service. Student transcripts will record *all* qualifying public service performed by the student. This information may be of interest to employers, fellowship programs, and others. The School of Law honors students who perform qualifying public service in excess of the required 50 hours.

#### **STANDARD REGARDING THE HARDSHIP EXEMPTION**

- A. A student who has a special need for relief from the public service requirement shall petition the Dean no later than the end of the student's fifth semester at the School of Law.
- B. The Dean may accommodate a student's special needs and, in exceptional circumstances, may waive the requirement entirely.

*Adopted by the Law Faculty, May 1, 2002  
Revised, April 23, 2007*

## **III-B. COURSE REGISTRATION AND ELIGIBILITY**

### **III-B-1. Registration**

#### **A. First-Year Students**

First-year students are registered by the administration, at the mandatory fall orientation, for the entire first-semester curriculum. Failure to attend the mandatory fall orientation, without approval from the Dean of Students, will lead to a student being dropped from the entering class.

#### **B. Upper-Division Students**

1. Pre-registration for a semester's classes will occur at the time (during the preceding semester) and in the manner prescribed by the School of Law. Pre-registration will reserve seats in the upcoming semester's classes.
2. Final registration for a semester's classes will also occur at the time and in the manner prescribed by the School of Law. If a student fails to register in a timely manner,
  - a. the student will be assessed a late fee; and
  - b. the student may lose a reserved seat in a closed class to a waiting-list student who has timely registered; and
  - c. a student who, without approval, fails to register by the end of the first five (5) days of classes in a semester will be denied authorization to register for that semester.

## **III-B-2. Adding and Dropping Courses**

### **A. First-Year Students**

A first-year student may alter his or her registration by adding or dropping a course only with the permission of the Associate Dean for Academic Affairs, who will consult with the instructor.

### **B. Upper-Division Students**

Upper-division students may drop or add courses provided that they continue to satisfy the minimum course load, and that they also meet the following requirements:

1. Within the first five (5) days of classes of a semester, students are permitted to add or drop a course without the permission of the instructor, unless notice requiring the instructor's permission has been posted concerning a particular course.
2. After the first five (5) class days of a semester, the student must obtain the permission of the instructor.
3. After the end of the second week of a semester, the student must obtain the permission of the Associate Dean for Academic Affairs, who will consult with the instructor.

### **C. Withdrawal from Course**

If a student drops a course after the eighth week of a semester, the student's permanent record will be marked with Withdraw. The student will receive no credit, and the course will not be considered in computing the student's grade point average.

### **D. Date of Add or Drop**

The date of a course add or drop is the date that the completed official add or drop card is received by the Dean of Students or designee.

### **III-B-3. Auditing**

- A. A student in good standing may audit a course only with the written permission of the instructor. Auditing a course entails adherence by the student to such standards and conditions as the instructor may prescribe, except that the student shall not be required to submit papers or to take a final examination, nor shall he or she be entitled to a grade in the course.
- B. The fact that a student has audited a course shall be indicated in the official records of the Law School.
- C. If a student has audited a course for eight (8) weeks or more, the student may later enroll in that course for credit (a) only with the permission of its instructor and (b) only on a pass/fail basis.
- D. If the combined credit hours for a student's registered courses and a proposed audited course would exceed 16 credit hours, that student must obtain the permission of the Associate Dean for Academic Affairs to audit any course, in addition to the permission of the course's instructor required in paragraph 1 above.

### III-B-4. Supervised Research and Writing

- A. A supervised research and writing project may be either a one- or two-credit course, depending on the scope of the project as determined by the supervising instructor. No student may take more than four credit hours of supervised research and writing toward the J.D. degree; nor may any student register for more than two credits of supervised research and writing in any semester. Although specific requirements fall within the discretion of the individual instructor, and are dependent upon the other requirements of a given course or project, the principal writing requirement for supervised research courses, as in seminars, is typically 15 pages, or 3,750 words, per credit hour. Students may not satisfy required-course obligations through supervised research and writing; they may, however, satisfy the upper-level writing requirement. Any proposals for research supervised by anyone other than members of the full-time law faculty must first be approved by the Associate Dean for Academic Affairs. For purposes of this policy, full-time law faculty members include full-time visiting law faculty and emeritus law faculty.
- B. Before registering for a supervised research project, a student must have the permission of the supervising instructor or, where required, of the Associate Dean for Academic Affairs. No instructor may undertake supervision of more than five (5) student research projects in any semester.
- C. The supervising instructor and the student shall establish a regular schedule of consultation for the entire semester.
- D. The student must submit the following items at the times established by the supervising instructor: (a) a detailed outline of the project; (b) a first draft of the written product; and (c) the final written product. The final written product must be submitted no later than the last day of the regularly scheduled examination period for the semester, unless the supervising instructor sets an earlier deadline. In individual cases, the supervising instructor may grant an extension and permit the student to take a grade of "Incomplete." A final grade will be entered after the student's submission of the final written product. The final written product shall conform to either *ALWD Citation Manual: A Professional System of Citation* or *THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION*.
- E. The individual supervising instructor may impose more stringent requirements prior to the date set for submission of the first draft of the written product.
- F. The supervised research project contemplates original research and writing by the student performed under the supervision of an instructor. It is not to consist substantially of work done for compensation or in other academic programs, or simply be a compilation of work done by others. The project, however, may be carried out and its product submitted for purposes of a student's participation in a legal writing competition.

*Adopted by the Law Faculty, March 2002*

### **III-B-5. Courses in Other UST Academic Units**

- A. With the permission of the Associate Dean for Academic Affairs, non-joint degree UST law students are permitted to apply toward the requirements for the *Juris Doctor* degree as many as but no more than 6 credit-hours from courses of suitable academic rigor offered in other UST Schools or departments. For purposes of interpreting the phrase “suitable academic rigor,” courses offered for credit toward any UST graduate degree shall presumptively be deemed to be suitably rigorous, unless disapproved by the Curriculum Committee. Likewise, courses in foreign languages shall be deemed sufficiently rigorous regardless of their level, subject also to disapproval by the Curriculum Committee. Grades achieved in such courses will not be used in the computation of a law student’s GPA.
  
- B. A candidate for the joint JD/MBA may commence studies in either the Law School or the UST College of Business; however, the candidate must participate in and complete an integral first-year Law School course of studies.
  
- C. A candidate for a joint degree in an approved program may apply 12 hours of credit and one full semester of residency successfully completed in the second discipline toward the requirements of the J.D. degree, provided the student satisfactorily completes the requirements set out for the joint program by the faculty conferring the second degree.

*Adopted by the Law Faculty, 11/7/01 and 1/23/02*

### **III-B-6. Courses at Other ABA-Accredited Law Schools**

Students (other than visiting students discussed below) may take up to 10 credit hours of courses from other ABA-accredited law schools that may be counted toward their 88 credit hours of courses recognized by the University of St. Thomas School of Law required for graduation, subject to the conditions set forth below:

1. Students (other than transfer students) must take all required courses at the University of St. Thomas School of Law.
2. Students must be in residence at the University of St. Thomas as required under the residency requirements set forth above.
3. Students may not be allowed to take up to the full 10 credits to the extent that they are seeking to count up to 6 credits toward their 88 credit hours required for graduation associated with classes from other departments at the University of St. Thomas.
4. Students may seek credit for summer courses from any domestic or international Summer School program sponsored by an ABA-accredited law school.
5. Students also may seek credit for courses from other ABA-accredited law schools taken during the fall or spring semester.
6. UST will accept the credits from the above-described schools and programs as long as the student achieves a grade of “C” or better in each course for which he or she seeks credit.
7. Grades achieved in such courses will appear on the student’s transcript, but will not be used in the computation of a law student’s GPA.

In addition, a student seeking to receive credit under this policy for courses taken at an ABA-accredited law school or pursuant to a Summer School program sponsored by an ABA-accredited law school, must petition the Associate Dean for Academic Affairs, prior to enrolling in such course, for permission to have such course count toward the 88 credit hours of courses recognized by the University of St. Thomas School of Law, which permission the Associate Dean for Academic Affairs may grant for good cause.

With respect to the residency exception for visiting students noted above, a student seeking to receive a J.D. from the University of St. Thomas School of Law who will complete at least four semesters of residence credit at the University of St. Thomas School of Law may petition the Associated Dean for Academic Affairs for permission to receive credit for up to 32 credit hours of courses taken while a visiting student at an ABA-accredited law school.

### **III-B-7. Summer Programs Abroad**

- A. UST will accept credits from a foreign summer program of an ABA-accredited law school, as long as that program has been approved by the ABA and as long as the student achieves a grade of “C” or better in each course for which he or she seeks credit.
- B. No matter how many credits a student earns in an overseas summer program, the student will still have to be in residence on the UST campus for six (6) semesters. A student may not graduate early because of credits earned in overseas programs.
- C. A first year student who has not achieved at least a 2.00 GPA in the first semester may not enroll in an overseas summer program or make a deposit on such a program without the permission of the Associate Dean for Academic Affairs.
- D. A student may not earn credit in an overseas summer program if he or she is not in good academic standing. For example, a first-year student who has not achieved at least a 2.00 GPA in the second semester may not earn credit in an overseas study program during the summer between the first and second years of law school. Students should bear this policy in mind when deciding whether to make a non-refundable deposit on a program.
- E. At this time, UST Law has not agreed to give students credit for semester-abroad or year-abroad foreign programs or for summer programs conducted in the United States.
- F. Grades achieved in such summer courses will appear on the student’s transcript, but will not be used in the computation of a law student’s GPA.

### **III-B-8. Law Review**

Associate Editors earn one (1) pass-fail credit per semester of membership. Members of the Editorial Board of the law review earn two (2) pass-fail credits per semester of membership. Senior Editors earn three (3) credits per year. The additional credit may be applied to either semester at the choice of the Senior Editor.

At the end of each semester, the managing editor shall submit to the faculty advisor a list of all members indicating which students have met their responsibilities for credit. With input from the editor-in-chief and the managing editor, the faculty advisor shall certify the grades.

*Adopted by the Law Faculty, April 16, 2003  
Revised, January 10, 2005*

### **III-B-9. Minnesota Law School Consortium**

The faculty has agreed to participate in the existing consortium arrangement with the University of Minnesota School of Law, William Mitchell College of Law, and Hamline University School of Law. (Attachment)

*Adopted by the Law Faculty, April 16, 2003*

## **Attachment**

To: Ed Butterfoss, Mededith McQuaid, Debbie Nelson, Joyce Traynor

From: Jim Brooks, Cindy Egeness

Re: Consortium Arrangements Update

Date: August 26, 1996

The proposed consortium arrangement among the three Minnesota law schools would allow students to register for certain courses at any of the three law schools. The deans, associate/assistant deans and registrars from each law school have met to discuss the proposal and have agreed on the following points:

1. Courses qualifying for consortium status must not be offered during the academic year at the home school of the enrolling student.
2. Students would be allowed to earn no more than six consortium source credits during their law school career.
3. Students must be in good academic standing to participate in the program.
4. Summer classes are excluded. Students would continue to be eligible to take summer courses as visitors on an individually approved basis.
5. Tuition would remain at the home school and would be charged on the home school's fee schedule.
6. Students would abide by all rules of the visiting school.
7. Clinics, externships, internships, independent studies, and seminars would be excluded from consideration.
8. Each semester the three schools would exchange a list of available courses under these procedures. The lists would be made available in time to be included in the home school's registration packets: mid-March for fall registration, mid-October for spring registration. (The three schools would initially exchange schedules listing courses offered during the academic year to determine which courses would qualify for consortium status. This initial schedule exchange would occur in early March).
9. Students would place their name on consortium course wait lists at their home school during their home institution's registration period.

10. Consortium status must have space available or be under-enrolled after the home school's drop and add procedures have been applied. Once the home school's add/drop period has ended, the registrars would process the consortium course registrations from the wait lists that were created during the home institutions' registration periods.
11. Care should be taken to insure that, subject to demand, an equal number of students from each of the other two law schools register for a consortium course. The home school registrar would be responsible for monitoring this.
12. The visiting institution will assign examination numbers to students from the other law schools that are participating in the consortium arrangement.
13. Students who have an examination conflict would receive a variance from the home institution, and the home institution's examination would be rescheduled. Emergency variances, however, would be handled by the visiting institution.
14. The visiting school would award grades and submit transcripts to the home institution, but the home institution would determine how to accept the transfer credits and how the transfer credits would appear on the home institution's transcript.
15. A review of the exchange program would occur after a two-year pilot period.

If approved by the three law schools, this program would go into effect beginning with the spring 1997 semester.

## **III-B-10. Judicial Externship Program and Seminar**

### **INTRODUCTION**

The purpose of the judicial externship program is to offer students an opportunity to learn about the judicial process, the role of judges and judicial clerks under the direct supervision of a state or federal judge or justice. Judicial externs will have an opportunity to study the process by which judicial decisions are made as well as gain insight into the various legislative and policy considerations that influence judicial decisions. Judicial externs will assist the judge or justice by providing legal research, analysis and individual viewpoints regarding the issues involved in the cases before the court.

The program will be demanding in terms of the time commitment both in the field and classroom components, level of quality of the expected work product and the degree of professionalism required. Judges will expect students to have excellent legal research and analytical skills. Judges will also expect students to be able to express their opinions about the issues under consideration. Students must be certain they are prepared to commit to the work, the challenges, and the hours by organizing their lives in such a manner as to avoid the need to drop the externship course.

Dropping the externship will obviously upset the judge's calendar. Judges in some cases will have planned to count on the extern's assistance in meeting the workflow demands. Therefore, special rules for dropping the course will apply to the judicial externship program. The drop procedures will be different than those described in Rule III (B) (2) of the law school policies.

### **PREREQUISITES**

- The completion of three semesters of law school
- Good Academic Standing
- Successful completion of Evidence, Lawyering Skills I & II, Professional Responsibility and Lawyering Skills III or the Upper Level Writing Requirement
- Enrollment in UST School of Law during the semester preceding the one in which the student expects to enroll in the judicial externship program
- Other prerequisites as required by the judge or justice (Additional prerequisites might include a writing sample(s), employment experience and/or interview with the judge or justice).

### **CREDITS AND GRADING**

Students will receive three (3) law school credits for their work in the judicial extern program. The total time commitment will be 150 hours between the fieldwork and the classroom hours. The course will be graded pass/fail. The grade will be based on attendance, a final paper/presentation, and a final evaluation from the supervising judge or justice. The student who does not complete both the classroom and fieldwork portions of the program will receive a failing credit.

## **JUDICIAL EXTERNSHIP SEMINAR**

The seminar offers students an opportunity to understand the workings of the judicial system as well as the challenge of maintaining the judiciary as a trusted and respected institution of government. As importantly, the seminar affords students another opportunity to work on formation. Formation, in this context means that students will be able to consider the compatibility of their ethics, values, faith, or passion for social justice as it relates to their image of the kind of lawyer or judge they hope to become.

The judicial externship will enhance student learning and growth to the extent that the student engages in self-reflection. The student paper and presentation is designed to provide the student with an opportunity to engage in that reflection and share the results with the rest of the class.

### **GENERAL OUTLINE OF CLASSROOM COMPONENT**

Orientation & Introduction  
The Role of Externs & Clerks  
The Judicial Selection Process  
The Process of Managing the Court's Docket  
Ethical Issues & Extern Code of Conduct  
Ethical Issues for Judges & Judicial Code  
The Racial Bias Task Force & Findings  
Student Presentations  
Wrap Up/Final Interview w/Program Director

In preparation for the presentations and as a means to evaluate the program each student will maintain a daily log of activities with regard to the fieldwork. The log should describe in sufficient detail each assignment given the student by the judge or justice. The log should also describe how much time the student spent on each of the assignments. In addition, the log should describe the student's involvement in conferences with the judge or justices as well as the student's observations of hearings, trials, conferences involving the judge and attorneys, negotiations, settlements etc. Here again, the student should include the amount of time spent observing these various activities.

The student must provide the judicial extern instructor with copies of the activity logs every two weeks. Again, the logs must provide a clear picture of the activities the student has been working on and the amount of time spent. The judge or justice supervising the student must sign each of the activity log reports submitted by the student to the instructor.

### **REGISTRATION AND DROP PROCEDURES**

Enrollment is limited to twelve (12) students per semester. Students may not register for this course. The student must complete an application and be selected from the pool of applicants in order to be registered for the program.

Selection is a two-step process. The first step involves checking each application to determine whether the student meets all prerequisites of the externship course. The second step requires the participating judge to actually select a student from the approved pool of applicants. Students

will not be registered for the externship course unless they satisfy the prerequisites and are selected by a judge. Students may bypass the second step by talking to the program director in advance of identifying and securing their own judicial externship placement and submitting it to the program director for approval.

If a student drops the course for reasons other than a personal, medical, or family crisis after the third week of the semester the student will receive a grade of “F” for the course and the grade will be considered when computing the student’s grade point average.

### **COMPENSATION**

Students shall not receive compensation for the work performed as a part of the judicial externship program. This rule does not preclude reimbursement of incidental out-of-pocket expenses related to the field placement.

*Adopted by the Law Faculty, June 25, 2003 and February 23, 2004*

### **III-B-11. Courses at Other Non-Law, Non-UST Graduate Institutions**

Classes taken at non-law school graduate institutions other than UST are presumed not to count toward satisfaction of the UST law degree requirements. However, with prior approval of the Associate Dean for Academic Affairs, up to six credits taken at such non-UST graduate schools may be counted toward the UST law degree provided that the academic dean determines that 1) a substantially similar course is unavailable at UST Law, other UST graduate programs, or one of the other three law schools in the Twin Cities; 2) the course is of sufficient academic rigor to warrant credit toward the UST Law degree; and 3) there exists a sufficient nexus between the subject matter of the course and the student's professional aspirations for using the UST Law degree.

*Adopted by the Law Faculty, November 29, 2004*

## **III-C. ACADEMIC PERFORMANCE AND GRADING**

### **III-C-1. Good Academic Standing**

#### **A. Basic Rule**

To maintain good academic standing:

1. a first-year student must achieve a minimum GPA of 1.75 for the first semester and a GPA of 2.00 for the second semester;
2. a second or third year student must:
  - a. achieve a minimum GPA of 2.0 each semester and
  - b. maintain a minimum cumulative GPA of 2.0, beginning with the end of the first semester of the second year.

#### **B. Academic Probation**

A student who is not in good academic standing is on academic probation, unless the student has been dismissed. A student on academic probation may not participate in any extracurricular activity of UST Law. A student on academic probation also will forfeit any scholarship that is contingent upon remaining in good academic standing. The determination of continuing scholarship eligibility shall first occur at the end of the second semester of law school and then at the end of each subsequent semester.

#### **C. Dismissal**

Dismissal will result if:

1. a first-year student fails to achieve a GPA of at least 1.25 for the first semester;
2. a first-year student fails to achieve a GPA of at least 1.75 for the second semester, unless that student's cumulative GPA at the end of the second semester is at least 1.75;
3. a second or third-year student fails in two consecutive semesters to achieve a semester GPA of 2.0; or
4. a second or third-year student fails in two consecutive semesters to maintain a cumulative GPA of 2.0.

A student dismissed for academic reasons is not eligible for readmission during either the academic year in which the student was dismissed or the subsequent academic year.

## **III-C-2. Grade Policy**

### **A. Grading Averages**

1. In first-year courses (except Lawyering Skills): faculty should strive for an average GPA of 2.80, and in no case should the average GPA of a course be lower than 2.70 or higher than 2.90. The Dean, or the Associate Dean for Academic Affairs at the Dean's request, may grant authorization to a faculty member to submit grades outside this range, but only in exceptional circumstances, and only if the faculty member requests authorization before submitting grades. This policy is applicable only to final grades, not to every paper or examination.
2. In second and third-year courses in which 45 or more students are enrolled: faculty should strive for an average GPA of 3.0, and in no case should the average GPA of the course be lower than 2.90 or higher than 3.10. The Dean, or the Associate Dean for Academic Affairs at the Dean's request, may grant authorization to a faculty member to submit grades outside of this range, but only in exceptional circumstances, and only if the faculty member requests authorization before submitting grades. This policy is applicable only to final grades, not to every paper or examination.

### **B. Class Rankings**

After each semester's grades are submitted, law students will be ranked, and each student, at his or her request, will be informed of his or her ranking. Rankings will not be published. If a prospective employer seeks verification of ranking, such verification will be given if the student so authorizes.

### **III-C-3. Grade of “Incomplete”**

- A. Normally, students are required to complete all course work within the semester in which the course work is offered. In examination courses, this entails taking the examination at the scheduled time. In courses in which research papers comprise all or part of the course work, such papers must be submitted as required by the instructor but, in no event, later than the last day of the scheduled examination period.
- B. If a student is unable to complete the course work, the student should immediately advise the instructor, who may excuse the deficiency and enter a grade of “Incomplete” (“I”).
- C. It is the student’s responsibility to initiate contact with the instructor and cure the deficiency. If a student does not cure the “Incomplete” deficiency by the end of the next regular semester, whether he or she is enrolled or not, the grade of “I” will be changed permanently to an “F” on the student’s record. In case of extreme hardship, as determined by the Associate Dean for Academic Affairs in consultation with the instructor, the Associate Dean may grant the student one additional regular semester to cure the deficiency.

### III-C-4. Grade Changes

A grade is final when it is filed with the Dean of Students or his/her designee. After a grade is final, it may be changed only in the following circumstances:

- A. A grade may be changed upon the written request of the instructor who assigned the grade and with the approval of the Associate Dean for Academic Affairs to correct a mathematical, computational, or clerical error.
- B. A grade may be changed by majority vote of the faculty when the grade reflects a lack of personal integrity or professional competence on the part of the instructor who assigned the grade. An allegation of a lack of personal integrity or professional competence must first be brought to the Dean, who must refer the allegation to the faculty if he or she finds that the allegation is not frivolous.

#### *(proposed amendment)*

- B. Procedures for Review of Alleged Capricious Grading
  - 1. The following procedures are available only for review of alleged capricious grading. Capricious grading, as that term is used herein, constitutes any of the following: (1) the assignment of a grade to a particular student on some basis other than performance in the course; (2) the assignment of a grade to a particular student by resort to more exacting or demanding standards than were applied to other students registered for the same credit in that course; (3) the assignment of a grade representing a substantial departure from the instructor's previously announced standards, or (4) the assignment of interim grades during a semester without reasonably timely communication of the grade to the student.
  - 2. A student who believes that a semester grade is improper and the result of capricious grading may file a complaint with the associate dean within six working weeks after the final semester grade has been received.
  - 3. The student shall file a complaint by submitting to the Associate Dean for Academic Affairs a written statement particularizing the basis for the allegation of capricious grading and presenting any available supporting evidence. The Associate Dean shall submit a copy of the student's written statement to the instructor of the course with a request that the instructor submit a written response thereto within a week.
  - 4. The Associate Dean shall then submit the complaint and response to the Capricious Grading Committee (hereinafter the Committee), consisting of three faculty members appointed by the Dean. The instructor whose grade has been questioned cannot serve on the Committee. The Committee shall proceed to hold a fact-finding session concerning the allegations set forth in the appeal. Both the student and the instructor shall be entitled to be present throughout this session and to present any evidence relevant to the manner in which the grade was assigned, including testimony by other persons. Both the student and the

instructor shall have an opportunity to question or refute any evidence presented. The confidentiality of all evidence shall be preserved. The session shall not be open to the public.

5. At the close of the session, the Committee shall deliberate privately. If a majority of the Committee finds the allegation of capricious grading is not supported by clear and convincing evidence, it shall dismiss the appeal. If the Committee finds the allegation of capricious grading to be supported by clear and convincing evidence, the Committee shall proceed to determine the most appropriate remedy. The Committee may direct the instructor to grade the student's work anew or to give the student a new examination in the course, or may take such other action as will bring about substantial justice in the individual case. However, except in the most extraordinary circumstances, the Committee should not award the student a new grade in the course. The decision of the Committee shall be reported in writing to the student, the instructor, and the faculty. The Committee's decision is final.
6. The Committee is not authorized to reprimand or otherwise take disciplinary action against the instructor. Evidence put before the Committee shall be admissible in any disciplinary proceedings that may thereafter be undertaken against the instructor, but the disciplinary body shall make an independent determination of whether that evidence and any other information before that body constitutes sufficient proof of the conduct charged.

**[Note: The procedure above does not contemplate that the instructor, upon receipt of the complaint, could recommend a grade change to the Associate Dean for Academic Affairs and thus circumvent the Committee hearing.]**

### **III-C-5. Attendance and Preparation**

#### **A. General**

Students must regularly attend classes punctually, and prepare for classes, in order to satisfy residence and class-hour requirements. This requirement implements the accreditation standards of the ABA.

#### **B. Notice of Course Attendance and Preparation Policy**

At the beginning of each course, the instructor shall give notice of the attendance and preparation policy for the course by publishing it in the course syllabus, on the instructor's web site, or on the bulletin board, or by distributing it in the classroom. The instructor shall take steps to provide this notice to late enrollers.

#### **C. Consideration in Grading**

In assigning a student's grade, the instructor has discretion to consider the student's attendance, punctuality, and participation in class and at required events, (a) provided that notice of such consideration has been provided as in the previous paragraph, and (b) subject to the policy on Grade Changes (Policy III-C-4). Based on such attendance, punctuality, and participation, the instructor has discretion to raise a student's grade, to lower it, to require additional course work from the student, to refuse to allow the student to take the final examination or submit other required course work, or to drop the student from the course without credit.

#### **D. Mentor Program Absences**

Each student is entitled to miss one class session per course per semester in order to attend an activity that is required in connection with the Mentor program. Students must inform instructors in advance of such Mentor Program absences. Notwithstanding Section III-C-5-C above, no instructor may penalize a student for a mentor-excused absence.

#### **E. Unavoidable Absences**

A student who must miss a class because of a family emergency, medical necessity, or other urgent matter beyond the student's control should inform the Dean of Students of the absence and the reason for it. If the Dean of Students determines that the absence was unavoidable, the Dean of Students will inform the student's instructors of that fact. The effect of such notification will be determined by each instructor, in accordance with the instructor's attendance and preparation policy.

*Adopted by the Law Faculty, February 8, 2002, April 16, 2003, and May 6, 2003*

### **III-C-6. Graduation Honors, Dean's List, and Class Rankings**

#### **A. Graduation Honors**

Graduation Honors will be as follows:            Summa: top 2%  
   Magna: top 8% after Summa  
   Cum laude: top 15% after Magna

Graduation honors are to be noted on transcripts, and may be indicated on diplomas and in Commencement literature, with appropriate Latin terminology. They are not, however, to be announced during the conferring of diplomas at the Commencement ceremony, which is to celebrate the graduates' common achievement of the Juris Doctor degree.

#### **B. Dean's List**

The Dean's List will be the top 15 percent in each class for each semester. The Dean's List will be compiled and students will be informed of their distinction. Students will also be invited to contact the Associate Dean for Student Affairs if they do not wish to have their names included on the public version of the Dean's List. After students are given a reasonable opportunity to request that their names be withheld from publication, the Dean's List will be published.

#### **C. Class Rankings**

After each semester's grades are submitted, students will be ranked, and students may, at the individual's request, be informed of their own ranking. However, the Law School will not publish the rankings. Upon receiving a student's permission to do so, the Law School will verify that student's ranking for a third party.

#### **D. Dean's Award**

The Dean's Award in each course will be given to the student with the best academic performance. If two students tie – or if the best performance and the second best performance are close – the instructor may give two Dean's Awards. No more than two Dean's Awards may be given for any course. A list of Dean's Awards will be compiled every semester, and students will be informed of their distinction. Students will also be invited to contact the Associate Dean for Student Affairs if they do not wish to have their names included on the public version of the list of Dean's Awards. After students are given a reasonable opportunity to request that their names be withheld from publication, the list of Dean's Awards will be published.

### **III-C-7. Examination Retention**

Original copies of all examination answers (including all "bluebooks"), papers, and other written materials submitted by a student to an instructor to be graded must be retained by that instructor (or, at the request of the instructor, by the Associate Dean for Academic Affairs) for at least one year. Nothing in this policy prevents an instructor from permitting a student to review written materials that have been graded or from giving a student a photocopy of such materials.

*Adopted by the Law Faculty, January 15, 2003*

### **III-C-8. Scheduling Examinations**

#### **A. Scheduling of Examinations**

The Associate Dean shall prepare and circulate to faculty and students a schedule for final examinations no earlier than the fifth week and no later than the eighth week of the semester in which those examinations are to be given.

#### **B. General Rules on Rescheduling Examinations**

No student may take a final examination in a course other than at the regularly scheduled date and time unless the Dean of Students approves rescheduling of the examination for one of the following reasons:

1. A student becomes seriously ill during the examination.
2. A student cannot take the examination because of a serious illness, injury, or other medical condition, a death or serious illness in the immediate family, or some other serious and unanticipated emergency.
3. A student has two examinations scheduled within a 24-hour period. In such circumstances, the examination to be rescheduled shall be the second examination in the sequence. "Two examinations scheduled within a 24-hour period" means:
  - a. If the first examination is an in-class examination, any examination that begins less than 24 hours after the beginning time of the first examination; and
  - b. If the first examination is a take-home examination, any examination that begins within 24 hours of the ending time of the first examination.
4. A student has three examinations scheduled on three successive days. In such circumstances, the examination to be rescheduled ordinarily shall be the second in the sequence of three examinations.
5. Other extraordinary circumstances are present, provided that the student has taken every reasonable step to avoid a conflict with the examination. "Other extraordinary circumstances" ordinarily do not include travel, recreational events, or work activities.

Examinations that qualify for rescheduling ordinarily shall be rescheduled for the individual student's next examination slot that is available under this rule. No course examination for a required course shall be rescheduled for a time prior to the regularly scheduled examination for that course without the consent of the instructor.

### **C. Procedure for Rescheduling Examinations**

A student who seeks to have an examination rescheduled must contact the Dean of Students as soon as the reason for requesting a rescheduling is apparent. The Dean of Students may require documentation or other support of the conflict or circumstance that necessitates rescheduling. Rescheduling examinations is the exclusive responsibility of the Dean of Students. Individual instructors cannot grant or deny requests to rescheduled examinations.

### **D. Grading of Rescheduled Examinations**

If a student has been excused from taking a final examination in a course at the regularly scheduled time because that student became ill during the examination, the instructor may require the student to take a special final examination or submit a special paper. In such a case, the student shall be graded in the course on a pass/fail basis. If the student takes the regular examination, but it cannot be graded together with the examinations taken by other students in the same course, the instructor shall have the discretion to grade the examination on a pass/fail basis.

If a student has been excused from taking a final examination at the regularly scheduled time, and the examination has not been taken within 28 days after the last regularly scheduled examination for that semester, a mark of incomplete ("I") will be entered on the student's record.

*Adopted by the Law Faculty, February 19, 2003  
Revised May 16, 2005*

## III-D. OTHER ACADEMIC STANDARDS POLICIES

### III-D-1. Academic Misconduct

No student at the University of St. Thomas School of Law shall commit an act or omission constituting academic misconduct. Academic misconduct includes:

1. **Cheating.** Cheating includes giving, receiving, or using any materials, information, or study aids from any source prohibited by the instructor. Cheating also includes other dishonesty or fraud relating to law school work or violating the rules established by the instructor to govern work for that instructor.
2. **Plagiarism.** Plagiarism occurs when students claim or submit as their own original work, the research, ideas, or writings of another without acknowledging and clearly identifying the source, all without regard to the quantity of material used. Examples of plagiarism include copying, summarizing, or paraphrasing another's work without proper attribution. It is not a defense to plagiarism that there was no intent to deceive, to misrepresent, or to gain any unfair advantage.
3. **Misrepresentation.** Misrepresentation includes any material deception or falsification relating to academic or law school matters, or providing information relating to the student's academic or law school record that is false or misleading, or improperly altering or forging any academic or law school document or record, including falsifying attendance records.
4. **Misuse of property or services at the law school.** Misuse of property or services includes stealing, hiding, damaging, defacing, destroying, or impeding access to property or services of the library, of the law school, or of any member of the law school or university community.

### **III-D-2. Limitations on Student Employment**

During any semester for which he or she is enrolled as a full-time student, no upper-class student shall engage in employment for more than 20 hours per week. During any semester for which he or she is enrolled as a full-time student, no first-year student shall engage in employment without permission of the Dean of Students, and in no case shall engage in employment for more than 20 hours per week.

*Adopted by the Law Faculty, April 24, 2002*



## **IV. FACULTY-RELATED POLICIES**

### **IV-1. Faculty Meetings**

#### **A. Eligibility to Attend**

Any full-time employee of the School of Law and any student enrolled at the School of Law may attend and speak at faculty meetings, unless the Dean or a majority of the faculty determine otherwise. No other person may attend a faculty meeting, except with the permission of the Dean or a majority of the faculty.

#### **B. Eligibility to Vote**

All full-time members of the teaching faculty—including teaching faculty who are not tenured or on the tenure-track—may vote at a faculty meeting, except as provided in the paragraph below. Visiting faculty and those who are not full-time members of the teaching faculty may not vote at faculty meetings.

Only tenured or tenure-track members of the faculty may vote on recommending whether a tenured or tenure-track appointment should be extended. (See also IV-3 regarding the three departments and IV-4 regarding the appointments process for tenure-track faculty.) Only tenured members of the faculty in the department may vote on recommending whether tenure should be granted to a prospective or existing member of the faculty. Only members of the faculty who have achieved a particular rank (e.g., associate professor or full professor) in the department may vote on recommending whether that rank should be conferred upon a prospective or existing member of the faculty. (See also IV-5 on promotion, tenure, and evaluation.) Each department shall vote separately on standards and rules for promotion, tenure, and evaluation.

In the Legal Studies Department, only members of the faculty in the department who have been granted tenure by the university (even if that tenure has not yet taken effect) may vote to approve, modify, or reject proposals regarding standards or rules regarding promotion, tenure, and evaluation, after consultation with the dean, untenured faculty members, and faculty members from other departments in the School of Law at a faculty meeting.

## **IV-2. Standing Committees**

### **Executive**

The Executive Committee meets regularly with the Dean and Associate Dean and advises them on various administrative and academic policy issues.

### **Admissions**

The Admissions Committee recommends to the faculty policies relating to the admission of students and the awarding of financial aid. It also oversees the admissions process and makes recommendations to the dean regarding financial aid.

### **Appointments**

The Appointments Committee recruits, screens, and consults with faculty about the hiring of tenure-track, contract, and visiting appointments to the faculty. The Committee may assist the associate dean in hiring adjunct faculty.

### **Curriculum**

The Curriculum Committee advises the faculty with respect to all curricular matters, including course offerings and proposals concerning new academic programs. It reviews all proposals for permanent curricular changes and makes recommendations to the faculty with respect to such proposals.

### **Deans and Directors**

The Deans and Directors meet regularly to discuss matters of common concern and to advise the dean.

### **Mission Advisory**

The Mission Advisory Committee focuses on ways to enrich the mission, plan Mission Roundtable discussions for the community, and runs the process for deciding the annual Mission Awards.

### **Promotion and Tenure**

The Promotion and Tenure Committee of each department implements the provisions of, and may recommend changes to, the promotion and tenure code. It also recommends policies for evaluations of all faculty, including visiting and adjunct faculty.

### **Student Discipline**

The Student Discipline Committee implements the provisions of the Student Discipline Code, including holding student disciplinary hearings when necessary, and recommends changes to the Code.

### **Worship**

The Worship Committee facilitates worship and spirituality within the community.

### **IV-3. Departmental Structure of School of Law Faculty**

- A. The School of Law will be divided into three departments: the Department of Legal Studies, the Department of Clinical Education, and the Department of Lawyering Skills. After consulting with the faculty, the Dean will recommend, and the President will appoint, chairs for each of these departments. The Dean will likely recommend that the Associate Dean be appointed to chair the Department of Legal Studies, the Director of Clinical Education be appointed to chair the Department of Clinical Education, and the Director of Lawyering Skills be appointed to chair the Department of Lawyering Skills.
- B. The fact that the School of Law is organized into departments will be virtually invisible to anyone outside of the law school—or, for that matter, to most people inside of the law school. It will have almost no impact on any of the operations of the School of Law, except in the areas of appointments and promotions. We will not refer to the departments on our website or in any of our publications. The departmental structure is merely a technical, behind-the-scenes means to achieve our goals in a manner that complies with University policies.
- C. *Except as described below or specifically provided otherwise in a University or law school policy*, all faculty working in all departments will have the same rights and responsibilities. The law school faculty will meet as a whole, and all faculty will vote on all matters. All committees will be committees of the entire School of Law (rather than of individual departments), all committees will be appointed by the Dean, and all faculty will be eligible to serve on all committees. All faculty will carry the rank of “Assistant Professor,” “Associate Professor,” or “Professor,” as appropriate. All faculty will receive contracts on the same form, and all faculty who receive tenure will receive the same tenure to the University. All of the policies of the University and School of Law will apply to all faculty in all departments, unless specific exceptions are made in the policies themselves.
- D. As to appointments:
  - 1. Each department will have its own appointments committee, appointed by the head of the department in consultation with the Dean. Each appointments committee may be chaired by the head of the department, although it need not be. The appointments committee of a department may include faculty from other departments in the School of Law (or, for that matter, from other schools or colleges in the University), and in appropriate cases School of Law staff. However, the majority of committee members should be from the department in question, absent unusual circumstances (explained further in Policy IV-4).
  - 2. Each department will develop its own criteria for appointments, in consultation with the Dean and the faculty from the other two departments. For example, the Department of Legal Studies may decide that a record of published scholarship is a necessity and prior practice experience is not, while the Department of Clinical Education may decide precisely the opposite.

3. Each department's appointments committee will screen and interview candidates for faculty positions in that department (the "hiring department"). Candidates invited to interview on campus will interview with all available faculty in the hiring department. Candidates should also interview with at least some faculty from the other two departments, to the extent determined by the hiring department's appointments committee.
  4. Only the votes of faculty in the hiring department will be counted in determining whether a candidate for appointment in that department has sufficient faculty support, under Policy IV-4, Paragraph G-1, to recommend to the Dean that the candidate be appointed. However, before voting on a candidate, the Dean and members of the hiring department should seek input (through discussion and/or votes) on the candidate from faculty in the other two departments who interviewed the candidate or otherwise have knowledge about the candidate. The votes of all departments are merely advisory to the Dean and the University administration. The Dean makes his or her own independent recommendation to the University administration and the final decision is made by the President.
  5. After the President approves an appointment, the Dean, in consultation with the department head, will negotiate with a candidate regarding salary, rank, and other matters.
  6. The processes for appointments are set forth more specifically in Policy IV-4.
- E. Generally speaking, promotions and tenure will be handled similarly to appointments:
1. Each department will have its own promotions and tenure committee, appointed by the head of the department in consultation with the Dean. Each promotions and tenure committee may be chaired by the head of the department, although it need not be.
  2. Each department will develop its own criteria for promotions and tenure, in consultation with the Dean and the faculty from the other two departments. For example, the Department of Legal Studies may decide to give substantially greater weight to published scholarship than the Department of Lawyering Skills. To be tenured, though, all faculty in all departments will have to demonstrate substantial accomplishment in teaching, scholarship, and service, consistent with University standards.
  3. Only eligible faculty in a department will vote on whether a faculty member in that department should be recommended for promotion and/or tenure. However, before voting on a candidate, eligible faculty in a department should seek input regarding the candidate from (i) faculty within the department who are not eligible to vote on the candidate, and (ii) faculty in the other two departments.

- F. The School of Law will pay what is needed to attract strong faculty. If market rates for Legal Studies faculty are higher than those for Clinical Education faculty, or market rates for Clinical Education faculty are higher than those for Lawyering Skills faculty, then the salaries paid by the School of Law will reflect that fact. There is no expectation that an entry-level faculty member in one department will be paid identically to an entry-level faculty member in another department.
- G. Likewise, there may be some differences from department to department in summer research stipends, budgets for student research assistance, and professional development accounts, reflecting the fact that one department may have different expectations for its faculty than another department. In general, the School of Law will strive to provide all faculty with what they need to be successful.
- H. A faculty member in one department may teach a course in another department, with the consent of the Associate Dean and the relevant department heads. However, no faculty member has a right to demand to teach a course in another department, and no faculty member has a right to demand a full-time appointment in another department. For example, a member of the Lawyering Skills faculty cannot plead “burn out” and insist on being appointed to the Legal Studies or Clinical Education faculty. Likewise, if the entire Department of Clinical Education was abolished, the faculty in that department would have no right to be appointed to another department. Of course, faculty in one department can always apply for an opening in another department and be considered through the regular appointments process.
- I. The Director of Clinical Education and the Director of Lawyering Skills will receive joint appointments to the Department of Legal Studies and to their respective departments.

*Adopted by the Law Faculty, July 31, 2002*  
*Amendments Approved by the Law Faculty, August 8, 2002*  
*Placed in catalog, August 12, 2002*  
*Amendments Approved by the Law Faculty, December 5, 2005 and January 23, 2006*  
*Amendments Approved by the Law Faculty, April 30, 2007*

#### IV-4. Appointments Process: Tenure Track Faculty

As indicated in Policy IV-3, new tenured or tenure-track faculty members at the School of Law will be appointed to one of the three departments of the faculty (the “respective department” or “the hiring department”). Each department will have its own appointments committee and pursue the appointments process for its candidates. The following procedures govern the appointments process for each of the three departments: Clinical Education, Lawyering Skills and Legal Studies.

- A. The Faculty Appointments Committee (“Committee”) for the respective department will consist of at least four members of the tenured or tenure-track faculty in the case of the Legal Studies department, and three members of the tenured or tenure-track faculty in the case of the Clinical Education and Lawyering Skills departments.\* The head of the department, in consultation with the Dean, will appoint all members of the Committee and appoint one member to serve as Chair. The Chair may be, but does not need to be, the head of the department. All committee appointments are for one year. If a member is unable to complete his or her term, a replacement will be appointed to serve the balance of that term.

The majority of committee members should be from the respective department absent unusual circumstances. (In the case of the Clinical Education and Lawyering Skills departments, because of their small size, unusual circumstances include when two or more department members are unavailable to serve on the committee). However, the Committee may include faculty from other departments in the School of Law (or, for that matter, from other schools or colleges in the University) and in appropriate cases may include School of Law staff. (Additional members of the Committee—such as an Affirmative Action Representative—may be added by the University.)

- B. The Chair of the Committee will seek suggestions for entry-level and lateral faculty candidates from existing members of the law faculty and will encourage existing members of the law faculty to seek suggestions from the faculties of other law schools, prominent lawyers and judges, and other sources. The Chair will forward any suggestions that he or she receives to the other members of the Committee.
- C. The Committee will decide, by majority vote, which candidates will be invited to interview at the AALS Faculty Recruitment Conference and/or on campus. Members of the Committee will conduct screening interviews at the AALS Faculty Recruitment Conference. Committee meetings are closed to non-members, unless the Committee decides otherwise.
- D. A candidate invited to interview on campus will generally:

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\*[ Note: The alternative is to not require that the 3- or 4-person minimum be met solely through faculty. That may make it somewhat easier to satisfy the departmental-majority requirement in smaller departments (where e.g., it is also desired to have a librarian on the committee), and it may make s-called “unusual circumstances” truly unusual. However, there are also sensible reasons for requiring that the minimums be met entirely through faculty: i.e., recruiting to the faculty should be done substantially by faculty.]

1. Interview with all available members of the Committee, individually or as a group;
  2. Interview with all available full-time members of the teaching faculty, usually in groups of three or four;
  3. Interview privately with the Dean and the Associate Dean for Academic Affairs, if available;
  4. Interview with members of the library staff, as a group;
  5. Interview with the Vice President for Academic Affairs or his or her designee;
  6. Interview with a panel of students appointed by the President of the Student Government; and
  7. Present a “job talk,” to which all administrators, faculty, senior staff, and student panel members will be invited.
- E. All faculty candidates who interview on campus will be discussed at a faculty meeting and voted upon by those eligible to vote. The Appointments Committee may present to the faculty its recommendations concerning whether to appoint a candidate, but there will be no separate vote on candidates by the Appointments Committee as part of the formal appointments process.
1. The faculty will meet in executive session when deliberating about candidates. All tenured and tenure-track faculty, including faculty from outside the hiring department, may attend the executive session during deliberations about the candidate. Those who have interviewed a candidate but who are not able to attend the executive session will be invited to share their views with the Chair (who, in turn, will convey those views at the executive session) or at a faculty meeting (prior to the beginning of the executive session).
  2. Only tenured or tenure-track members of the faculty may vote on recommending whether an appointment to the tenured or tenure-track faculty should be made. Only tenured members of the faculty may vote on whether such an appointment should be tenured. *See* [Policy on “Eligibility to Vote”].
  3. All tenured and tenure-track faculty eligible under paragraph E-2 may cast a vote on recommending whether to appoint a candidate. However, pursuant to paragraph G below, only the votes of members of the hiring department constitute a formal recommendation to the Dean concerning whether to appoint to candidate. Only the votes of members of the hiring department will be considered in determining whether, under paragraph G-1, the candidate has the required support from the faculty to permit a recommendation by the Dean to the University that the candidate be appointed.

4. Voting must be by secret ballot. Proxy ballots are not permitted; only those who have attended the meeting and listened to substantially all of the discussion regarding a candidate will be permitted to vote on that candidate.
  5. The ballots will be counted and the results announced at the faculty meeting. The Dean will announce only (a) the total vote concerning the candidate and (b) whether the candidate has sufficient votes from members of the hiring department, under paragraph G-1, to support a recommendation by the Dean to the University that the candidate be appointed. The results will be kept confidential within the faculty. Except as permitted by this policy or by the Dean, neither the results of any vote nor any comments made about a particular candidate will be disclosed to any person who is not a full-time member of the teaching faculty. The minutes of the meeting will state only that the faculty met in executive session; the minutes will not describe the results of any votes or any comments made about particular candidates.
- F. All votes regarding candidates are advisory only. Such votes represent the recommendation of the respective department's faculty to the Dean and the Executive Vice President regarding whether a candidate should be offered a faculty appointment—and, if so, whether the appointment should be tenured.
- G. The Dean will make an independent recommendation to the Executive Vice President regarding whether a candidate should be offered a faculty appointment—and, if so, whether the appointment should be tenured.
1. In the absence of exceptional circumstances, the Dean will not recommend the appointment of a candidate unless:
    - a. Two-thirds of those tenured and tenure-track faculty members in the hiring department who are present and voting at the meeting vote to recommend the appointment of the candidate; and
    - b. Those tenured and tenure-track faculty members present and voting to recommend the appointment of the candidate represent a majority of all tenured and tenure-track faculty in residence in the hiring department.
  2. In the absence of exceptional circumstances, the Dean will not recommend that a candidate be offered tenure unless:
    - a. Two-thirds of those tenured faculty members in the hiring department who are present and voting at the meeting vote to recommend that the candidate be offered tenure; and
    - b. Those tenured faculty members present and voting to recommend that the candidate be offered tenure represent a majority of all tenured faculty in the hiring department.

- H. After receiving the recommendations of the law faculty and the Dean, the Executive Vice President will make his or her own recommendation to the President, who makes the final decision regarding whether a candidate will be offered an appointment and whether that appointment will be tenured or untenured.

*Adopted by the Law Faculty, July 18, 2002*

*Placed in catalog, August 6, 2002*

*Amendments approved by the Law Faculty, December 5, 2005 and January 23, 2006*

## IV-5. Promotion, Tenure and Evaluation

### POLICY GOVERNING RANK AND TENURE OF TENURE-TRACK AND TENURED FACULTY<sup>†</sup>

The faculty of the University of St. Thomas School of Law (“School of Law”) are generally bound by the University of St. Thomas’s Policies Governing Faculty Rank, Tenure, and Evaluations (“University Policy”). However, the University Policy was adopted before the reopening of the School of Law, and thus the University Policy does not reflect the fact that the rank and tenure policies of most American law schools differ substantially from the rank and tenure policies of other institutions of higher education. In order to attract and retain strong faculty, the School of Law’s policy varies in some respects from the University Policy.

#### A. Timing of Promotion and Tenure Decisions

1. Entry level faculty will typically be hired at the rank of Assistant Professor of Law.
2. Promotion to Associate Professor of Law will occur upon the successful completion of the first triennial review. [*This is a variance from the six-year period for service as an Assistant Professor in Section I.B.1.b. of the University Policy.*]
3. An Associate Professor of Law will be eligible for tenure after a total of six years on the faculty of the School of Law. The tenure decision will coincide with the second triennial review.
4. A tenured faculty member may seek promotion to Professor of Law only if he or she has had two articles or their equivalents published or accepted for publication within any three-year period after being granted tenure. [*This is a variance from the six-year period for service as an Associate Professor in Section I.B.1.a.. It is also a variance from Section IV.A.1.b., which requires at least three pieces of work since the promotion to Associate Professor.*]
5. Consistent with the University Policy, a prospective faculty member may negotiate exceptions to these policies with the Dean of the School of Law, subject to the approval of the Vice President for Academic Affairs.

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<sup>†</sup> This policy applies to faculty in the Legal Studies, Lawyering Skills, and Clinical Education Departments of the Law School. References in this policy to the “respective department” refer to the department to which the faculty member was appointed.

## **B. Criteria Applicable to Promotion and Tenure Decisions**

### **1. General Criteria**

- a. A candidate for promotion or tenure must demonstrate commitment to the mission and vision of the School of Law and excellence in teaching, engaging the profession, and service to the University, the legal profession, and the community.
- b. A candidate may demonstrate commitment to the mission and vision of the School of Law in a wide variety of ways, such as by encouraging students to integrate their faith and values into their professional lives, publishing scholarship that integrates faith and ethics into the study of law, or providing service to the disadvantaged. To be promoted or tenured, a candidate must demonstrate that he or she has undertaken ongoing efforts, individually and in concert with others, to advance the mission and vision of the School of Law. Conduct that is inimical to the mission and vision of the School of Law is grounds for denial of promotion or tenure.
- c. Guidelines describing what demonstrates “excellence” in teaching, engaging the profession, and service, together with commitment to the mission and vision of the School of Law, are set forth in the “Standards for Promotion, Review, and Tenure for Faculty at the University of St. Thomas School of Law.”

### **2. Criteria for Promotion to Associate Professor of Law**

#### **a. Teaching**

- i. To be promoted to Associate Professor of Law, a candidate must demonstrate that he or she is making reasonable progress toward becoming an accomplished teacher.
- ii. The faculty candidate’s teaching shall be reviewed by three peer reviewers. This review ordinarily will be conducted in the academic year prior to the academic year in which the faculty member will be a candidate for promotion to Associate Professor, and the faculty candidate may choose whether the review shall take place in the fall or spring semester of that preceding academic year. The faculty candidate may request that this review be conducted in the fall semester of the academic year in which he or she is a candidate, which request shall be liberally granted by the departmental promotion and tenure committee when good cause is shown.

- iii The candidate shall select the first reviewer. If the person selected by the candidate declines to be a reviewer, the candidate shall make another selection. The departmental Promotion and Tenure Committee shall select the second reviewer. The Dean of the School of Law shall select the third reviewer. However, neither the Dean nor the Chair of the department may be a reviewer. In special circumstances, with approval of the Chair of the departmental Promotion and Tenure Committee and the Dean, the faculty candidate may select a faculty member from elsewhere in the University or from outside the University.
- iv In the Legal Studies Department, the reviewer shall be selected from among the members of the faculty in the School of Law who have been granted tenure.
- v. Before visiting a class session, the reviewer should meet with the faculty candidate to discuss the syllabus, text, and general philosophy of what the faculty candidate is trying to accomplish in the course, as well as the goals of the specific class session to be observed. After visiting the class session, the reviewer should meet again with the faculty candidate to briefly discuss the class session. The criteria for the peer review are those set forth in the Standards for Promotion, Review, and Tenure in Section IV-6.I. Based on these criteria, the faculty reviewers shall write a joint report which reflects the observations each of them has made and which becomes part of the candidate's portfolio.
- vi. A copy of the peer review report shall be provided to the faculty candidate, who may file a written response that will be included in the candidate's portfolio. Copies of any response must be sent to the reviewer, the chair of the departmental Promotion and Tenure Committee, and the Dean.

**b. Engaging the Profession.**

- i. To be promoted to Associate Professor of Law, a candidate must demonstrate that, by the spring of his or her third year on the faculty of the School of Law, he or she has published or had accepted for publication at least one article or its equivalent. The candidate must also demonstrate that he or she has made progress toward completing a second article or its equivalent. [*This is a variance from Section IV.A.2.b., which requires at least three pieces of substantive work for promotion to Associate Professor.*]
- ii. The scholarly work of the candidate must provide evidence that the candidate has undertaken an important research agenda and is making reasonable progress on that agenda.

**Section IV-5.B.2.b.iii (on promotion to Associate Professor) will be retained until no faculty member who joined the faculty before 2006-2007 still holds the title of Assistant Professor.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews of the candidate's scholarship from at least two experts in the faculty member's field(s).
  - (a) The external reviewers will be selected by the Dean and the Chair of the Promotion & Tenure Committee of the respective department.
  - (b) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will ask the candidate to identify three experts who would be acceptable to the candidate. If possible, at least one of the external reviewers selected by the Dean and the Chair of the Promotion & Tenure Committee will be one of the three experts identified by the candidate.
  - (c) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will also ask the candidate to identify up to three experts who would not be acceptable to the candidate. The Dean and the Chair of the Promotion & Tenure Committee will not select anyone so identified as an external reviewer.
  - (d) External reviewers will be asked whether the faculty member has addressed an important point in his or her chosen field and has demonstrated the potential to have a substantial impact on that field.

**Applicable to those joining the tenure-track in 2006-2007 or later.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews of the candidate's scholarship from at least four experts in the faculty member's field(s).
  - (a) Two of these external reviewers shall be chosen from a list of at least six names submitted by the candidate.
  - (b) The remaining external reviewers shall be selected by the Chair of the Promotion & Tenure Committee.

- (c) The candidate may also list the names of up to three scholars who should *not* be solicited, due to the candidate's belief that they would not be able to provide an objective evaluation of the candidate's work.
- (d) No external reviewer may hold an appointment at the University of St. Thomas. The external reviewer may not have a direct connection with the candidate, which is typically defined as having ever had a faculty or student relationship with the candidate (which does not include merely having been a student in a large law school section course taught by that person), having ever been a co-author with the candidate, or any other professional or personal relationship of comparable closeness. Faculty who have served on a professional committee or conference panel with the candidate would be appropriate external reviewers. If there is doubt about a given relationship between the candidate and a prospective reviewer, a determination on suitability will be made by the department Promotion & Tenure Committee.
- (e) In Legal Studies, external reviewers shall be tenured faculty at an ABA-accredited law school. For Legal Studies, with prior approval of the Chair of the department Promotion & Tenure Committee and the Dean, the faculty candidate may include on the list of six names a nationally-recognized scholar who is not affiliated with an educational institution or a scholar who holds a tenured faculty position in another discipline with expertise in the field(s) of the candidate's work.
- (f) External reviewers shall be solicited by the Chair of the department Promotion & Tenure Committee. The external reviewer's willingness to provide a letter will be confirmed by a standard letter that is available for candidate review (without the names and addresses of the external reviewers).
- (g) External reviewers will be asked to provide an independent assessment of one or more of the faculty candidate's works and to evaluate whether the faculty member has addressed an important point in his or her chosen field and has demonstrated the potential to have a substantial impact on that field. External peer reviewers will not be asked to make a direct recommendation as to whether promotion to Associate Professor at the University of St. Thomas should be granted. It will instead be the job of the departmental Promotion & Tenure Committee to interpret and place in

context the external letters of evaluation. Evaluations of suitability for promotion are made within the University of St. Thomas, with reference to the external letters and in accordance with the Standards for Promotion, Review, and Tenure in Section IV-6.I. The external reviewers' confidential assessments will be placed in the candidate's file.

- (h) In order to protect the confidentiality of external reviewers to the greatest extent possible, the assessment and recommendations written by the department Promotion & Tenure Committee, by the department Chair, by the Dean, and by the University Promotion & Tenure Committee will make no reference by name to the authors of the external letters of evaluation, though they will refer to the substance of those assessments in coming to their own conclusions.

**c. Service**

- i. To be promoted to Associate Professor of Law, a candidate must demonstrate that he or she provided service to the University, the legal profession, or the community.
- ii. In order to better collect information on the quality of service rendered to the department and to the university by a candidate, the department Committee on Promotion & Tenure may ask committee chairs (or, in the absence of the chair, another member of the committee) on which the candidate has served in the last four years to submit a letter describing the quality of the candidate's service on that committee. Quality shall be judged by impact, which will mean (at a minimum) attending meetings and making a contribution. To document other types of service, including service outside of the university itself (where such service has been agreed as being of relevance to the case for tenure or promotion), letters on the quality of service may be solicited from other individuals named by the candidate or provided directly by the candidate. In the assessment of department chairs, the department Committee on Promotion & Tenure shall ask the Dean or the Chair of the department for comment on the quality of the candidate's service in that role.

**3. Criteria for Granting of Tenure**

**a. Teaching**

- i. To be granted tenure, a candidate must demonstrate that he or she is an accomplished teacher.

- ii. The faculty candidate's teaching shall be reviewed by three peer reviewers. This review ordinarily will be conducted in the academic year prior to the academic year in which the faculty member will be a candidate for tenure, and the faculty candidate may choose whether the review shall take place in the fall or spring semester of that preceding academic year. The faculty candidate may request that this review be conducted in the fall semester of the academic year in which he or she is a candidate, which request shall be liberally granted by the departmental promotion and tenure committee when good cause is shown.
- iii. The candidate shall select the first reviewer. If the person selected by the candidate declines to be a reviewer, the candidate shall make another selection. The departmental Promotion and Tenure Committee shall select the second reviewer. The Dean of the School of Law shall select the third reviewer. However, neither the Dean nor the Chair of the department may be a reviewer. In special circumstances, with approval of the Chair of the departmental Promotion and Tenure Committee and the Dean, the faculty candidate may select a faculty member from elsewhere in the University or from outside the University.
- iv. In the Legal Studies Department, the reviewer shall be selected from among the members of the faculty in the School of Law who have been granted tenure.
- v. Before visiting a class session, the reviewer should meet with the faculty candidate to discuss the syllabus, text, and general philosophy of what the faculty candidate is trying to accomplish in the course, as well as the goals of the specific class session to be observed. After visiting the class session, the reviewer should meet again with the faculty candidate to briefly discuss the class session. The criteria for the peer review are those set forth in the Standards for Promotion, Review, and Tenure in Section IV-6.I. Based on these criteria, the faculty reviewers shall write a joint report which reflects the observations each of them has made and which becomes part of the candidate's portfolio.
- vi. A copy of the peer review report shall be provided to the faculty candidate, who may file a written response that will be included in the candidate's portfolio. Copies of any response must be sent to the reviewer, the chair of the departmental Promotion and Tenure Committee, and the Dean.

b. **Engaging the Profession.**

- i. To be granted tenure, a candidate must demonstrate that, by December 1 of his or her sixth year on the faculty of the School of

Law, he or she has published or had accepted for publication at least three articles or their equivalents. Articles published or accepted for publication prior to the candidate=s promotion to Associate Professor of Law are included in this total. [*This is a variance from Section IV.B.2.b., which requires at least two pieces of substantive work for tenure.*]

- ii. The scholarly work of the candidate must provide evidence of significant and influential scholarly accomplishment and the promise of continued achievement in scholarship.

**Section IV-5.B.3.b.iii (on granting of tenure) will be retained until no faculty member who joined the faculty before 2006-2007 remain untenured.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least three experts in the faculty member=s field(s) of any of the candidate=s scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate=s scholarship that has already been the subject of an external review.
  - (a) The external reviewers will be selected by the Dean and the Chair of the Promotion & Tenure Committee of the respective department.
  - (b) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will ask the candidate to identify three experts who would be acceptable to the candidate. If possible, at least one of the external reviewers selected by the Dean and the Chair of the Promotion & Tenure Committee will be one of the three experts identified by the candidate.
  - (c) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will also ask the candidate to identify up to three experts who would not be acceptable to the candidate. The Dean and the Chair of the Promotion & Tenure Committee will not select anyone so identified as an external reviewer.
  - (d) External reviewers will be asked whether the faculty member has provided evidence of significant and influential scholarly accomplishment and the promise of continued achievement in scholarship.

**Substitute subpart iii below as applicable to those joining the tenure-track in 2006-2007 or later.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least four experts in the faculty member's field(s) of any of the candidate's scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate's scholarship that has already been the subject of an external review.
- (a) Two of these external reviewers shall be chosen from a list of at least six names submitted by the candidate.
  - (b) The remaining external reviewers shall be selected by the Chair of the Promotion & Tenure Committee.
  - (c) The candidate may also list the names of up to three scholars who should *not* be solicited, due to the candidate's belief that they would not be able to provide an objective evaluation of the candidate's work.
  - (d) No external reviewer may hold an appointment at the University of St. Thomas. The external reviewer may not have a direct connection with the candidate, which is typically defined as having ever had a faculty or student relationship with the candidate (which does not include merely having been a student in a large law school section course taught by that person), having ever been a co-author with the candidate, or any other professional or personal relationship of comparable closeness. Faculty who have served on a professional committee or conference panel with the candidate would be appropriate external reviewers. If there is doubt about a given relationship between the candidate and a prospective reviewer, a determination on suitability will be made by the department Promotion & Tenure Committee.
  - (e) In Legal Studies, external reviewers shall be tenured faculty at an ABA-accredited law school. For Legal Studies, with prior approval of the Chair of the department Promotion & Tenure Committee and the Dean, the faculty candidate may include on the list of six names a nationally-recognized scholar who is not affiliated with an educational institution or a scholar who holds a tenured faculty position in another discipline with expertise in the field(s) of the candidate's work.

- (f) External reviewers shall be solicited by the Chair of the department Promotion & Tenure Committee. The external reviewer's willingness to provide a letter will be confirmed by a standard letter that is available for candidate review (without the names and addresses of the external reviewers).
- (g) External reviewers will be asked to provide an independent assessment of one or more of the faculty candidate's works and to evaluate whether the faculty member has provided evidence of significant and influential scholarly accomplishment and the promise of continued achievement in scholarship. External peer reviewers will not be asked to make a direct recommendation as to whether tenure at the University of St. Thomas should be granted. It will instead be the job of the departmental review committee to interpret and place in context the external letters of evaluation. Evaluations of suitability for tenure are made within the University of St. Thomas, with reference to the external letters and in accordance with the Standards for Promotion, Review, and Tenure in Section IV-6.I. The external reviewers' confidential assessments will be placed in the candidate's file.
- (h) In order to protect the confidentiality of external reviewers to the greatest extent possible, the assessment and recommendations written by the department Promotion & Tenure Committee, by the department Chair, by the Dean, and by the University Promotion & Tenure Committee will make no reference by name to the authors of the external letters of evaluation, though they will refer to the substance of those assessments in coming to their own conclusions.

**c. Service**

- i. To be granted tenure, a candidate must demonstrate that he or she provided significant service to the University, the legal profession, or the community
- ii. In order to better collect information on the quality of service rendered to the department and to the university by a candidate, the department Committee on Promotion & Tenure may ask committee chairs (or, in the absence of the chair, another member of the committee) on which the candidate has served in the last four years to submit a letter describing the quality of the candidate's service on that committee. Quality shall be judged by impact, which will mean (at a minimum) attending meetings and making a contribution. To document other types of service,

including service outside of the university itself (where such service has been agreed as being of relevance to the case for tenure or promotion), letters on the quality of service may be solicited from other individuals named by the candidate or provided directly by the candidate. In the assessment of department chairs, the department Committee on Promotion & Tenure shall ask the Dean or the Chair of the department for comment on the quality of the candidate's service in that role.

#### **4. Criteria for Promotion to (Full) Professor of Law**

##### **a. Teaching**

- i. To be promoted to Professor of Law, a candidate must demonstrate that he or she continues to be an accomplished teacher.
- ii. The faculty candidate's teaching shall be reviewed by three peer reviewers. This review ordinarily will be conducted in the academic year prior to the academic year in which the faculty member will be a candidate for promotion to Professor of Law, and the faculty candidate may choose whether the review shall take place in the fall or spring semester of that preceding academic year. The faculty candidate may request that this review be conducted in the fall semester of the academic year in which he or she is a candidate, which request shall be liberally granted by the departmental promotion and tenure committee when good cause is shown.
- iii. The candidate shall select the first reviewer. If the person selected by the candidate declines to be a reviewer, the candidate shall make another selection. The departmental Promotion and Tenure Committee shall select the second reviewer. The Dean of the School of Law shall select the third reviewer. However, neither the Dean nor the Chair of the department may be a reviewer. In special circumstances, with approval of the Chair of the departmental Promotion and Tenure Committee and the Dean, the faculty candidate may select a faculty member from elsewhere in the University or from outside the University.
- iv. In the Legal Studies Department, the reviewer shall be selected from among the members of the faculty in the School of Law who have been granted tenure.
- v. Before visiting a class session, the reviewer should meet with the faculty candidate to discuss the syllabus, text, and general philosophy of what the faculty candidate is trying to accomplish in the course, as well as the goals of the specific class session to be observed. After visiting the class session, the reviewer should meet

again with the faculty candidate to briefly discuss the class session. The criteria for the peer review are those set forth in the Standards for Promotion, Review, and Tenure in Section IV-6.I. Based on these criteria, the faculty reviewers shall write a joint report which reflects the observations each of them has made and which becomes part of the candidate's portfolio.

- vi. A copy of the peer review report shall be provided to the faculty candidate, who may file a written response that will be included in the candidate's portfolio. Copies of any response must be sent to the reviewer, the chair of the departmental Promotion and Tenure Committee, and the Dean.

b. **Engaging the Profession.**

- i. To be promoted to Professor of Law, a candidate must demonstrate that he or she has had two articles or their equivalents published or accepted for publication within any three-year period after December 1 of the academic year in which he or she was considered for tenure (which articles must be in addition to any previously included in the portfolio submitted in support of tenure). If a candidate has produced two additional articles or their equivalents, he or she may elect to be considered for promotion to Professor of Law as early as the succeeding academic year after the academic year in which he or she was considered for tenure. *[This is a variance from Section IV.A.1.b., which requires at least three pieces of substantive work after promotion to Associate Professor.]*
- ii. The scholarly work of the candidate must provide evidence that the candidate has achieved a national reputation in his or her field.

**Section IV-5.B.4.b.iii (on promotion to (Full) Professor of Law) will be retained until no faculty member who joined the faculty before 2006-2007 has not been promoted to full Professor.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least three experts in the faculty member's field(s) of any of the candidate's scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate's scholarship that has already been the subject of an external review.
  - (a) The external reviewers will be selected by the Dean and the Chair of the Promotion & Tenure Committee of the respective department.

- (b) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will ask the candidate to identify three experts who would be acceptable to the candidate. If possible, at least one of the external reviewers selected by the Dean and the Chair of the Promotion & Tenure Committee will be one of the three experts identified by the candidate.
- (c) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will also ask the candidate to identify up to three experts who would not be acceptable to the candidate. The Dean and the Chair of the Promotion & Tenure Committee will not select anyone so identified as an external reviewer.
- (d) External reviewers will be asked whether the faculty member has achieved a national reputation in his or her field.

**Substitute subpart iii below as applicable to those joining the tenure-track in 2006-2007 or later.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least four experts in the faculty member's field(s) of any of the candidate's scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate's scholarship that has already been the subject of an external review.
  - (a) Two of these external reviewers shall be chosen from a list of at least six names submitted by the candidate.
  - (b) The remaining external reviewers shall be selected by the Chair of the Promotion & Tenure Committee.
  - (c) The candidate may also list the names of up to three scholars who should *not* be solicited, due to the candidate's belief that they would not be able to provide an objective evaluation of the candidate's work.
  - (d) No external reviewer may hold an appointment at the University of St. Thomas. The external reviewer may not have a direct connection with the candidate, which is typically defined as having ever had a faculty or student

relationship with the candidate (which does not include merely having been a student in a large law school section course taught by that person), having ever been a co-author with the candidate, or any other professional or personal relationship of comparable closeness. Faculty who have served on a professional committee or conference panel with the candidate would be appropriate external reviewers. If there is doubt about a given relationship between the candidate and a prospective reviewer, a determination on suitability will be made by the department Promotion & Tenure Committee.

- (e) In Legal Studies, external reviewers shall be tenured faculty at an ABA-accredited law school. For Legal Studies, with prior approval of the Chair of the department Promotion & Tenure Committee and the Dean, the faculty candidate may include on the list of six names a nationally-recognized scholar who is not affiliated with an educational institution or a scholar who holds a tenured faculty position in another discipline with expertise in the field(s) of the candidate's work.
- (f) External reviewers shall be solicited by the Chair of the department Promotion & Tenure Committee. The external reviewer's willingness to provide a letter will be confirmed by a standard letter that is available for candidate review (without the names and addresses of the external reviewers).
- (g) External reviewers will be asked to provide an independent assessment of one or more of the faculty candidate's works and to evaluate whether the faculty member has achieved a national reputation in his or her field. External peer reviewers will not be asked to make a direct recommendation as to whether promotion to Professor of Law at the University of St. Thomas should be granted. It will instead be the job of the departmental review committee to interpret and place in context the external letters of evaluation. Evaluations of suitability for promotion are made within the University of St. Thomas, with reference to the external letters and in accordance with the Standards for Promotion, Review, and Tenure in Section IV-6.I. The external reviewers' confidential assessments will be placed in the candidate's file.
- (h) In order to protect the confidentiality of external reviewers to the greatest extent possible, the assessment and recommendations written by the department Promotion &

Tenure Committee, by the department Chair, by the Dean, and by the University Promotion & Tenure Committee will make no reference by name to the authors of the external letters of evaluation, though they will refer to the substance of those assessments in coming to their own conclusions.

**c. Service**

- i. To be promoted to Professor of Law, a candidate must demonstrate that he or she has continued to provide significant service to the University, the legal profession, or the community.
- ii. In order to better collect information on the quality of service rendered to the department and to the university by a candidate, the department Committee on Promotion & Tenure may ask committee chairs (or, in the absence of the chair, another member of the committee) on which the candidate has served in the last four years to submit a letter describing the quality of the candidate's service on that committee. Quality shall be judged by impact, which will mean (at a minimum) attending meetings and making a contribution. To document other types of service, including service outside of the university itself (where such service has been agreed as being of relevance to the case for tenure or promotion), letters on the quality of service may be solicited from other individuals named by the candidate or provided directly by the candidate. In the assessment of department chairs, the department Committee on Promotion & Tenure shall ask the Dean or the Chair of the department for comment on the quality of the candidate's service in that role.

**C. Confidentiality**

External reviews will be made available to the candidate, and the candidate will be given an opportunity to respond to those reviews. However, the reviews will be redacted so that the identity of the reviewer is not disclosed to the candidate. The Dean, the Chair of the Promotion & Tenure Committee of the respective department, and the members of that Promotion & Tenure Committee will not disclose the identity of external reviewers to the candidate or any other person who is not directly involved in deciding whether the candidate will be promoted or tenured.

**D. Use of APh.D. or equivalent doctorate from an accredited institution@**

In the University Policy, the phrase "Ph.D. or equivalent doctorate from an accredited institution" will be defined to include the Juris Doctor when the University Policy is being applied to the faculty of the School of Law.

**E. Third-Year/Triennial Review for Faculty Candidates Not Simultaneously Seeking Promotion**

When a faculty candidate is being evaluated as part of the third-year/triennial review process, but is not simultaneously seeking promotion, the review shall proceed according to the standards and procedures applicable for a faculty candidate seeking promotion to Associate Professor.

*Adopted by the Law Faculty, February 19, 2003  
Amendments Approved by the Law Faculty, May 17, 2004 and April 30, 2007*

## IV-6. Standards for Promotion, Review, and Tenure

Promotion, review, and tenure at the University of St. Thomas School of Law are based upon four broad categories of performance: teaching accomplishment; research and scholarship; service to the institution, to the profession, and to the community; and commitment to the mission and vision of the School of Law. Sections I, II, and III below articulate the standards on teaching, scholarship, and service. With respect to the category of commitment to the mission and vision, the University of St. Thomas School of Law Policy Governing Rank and Tenure emphasizes that “[t]o be promoted or tenured, a candidate must demonstrate that he or she has undertaken ongoing efforts, individually and in concert with others, to advance the mission and vision of the School of Law.” The policy offers the following as examples of demonstrated commitment to the mission and vision: “encouraging students to integrate their faith and values into their professional life, publishing scholarship that integrates faith and ethics into the study of law, or providing service to the disadvantaged.” While not every aspect of instruction, scholarly work, or service need be directly related to the School of Law’s mission and vision, the candidate must demonstrate that commitment through some regular and ongoing element of his or her academic or professional life

The individual statements below setting forth standards on teaching, scholarship, and service - must be interpreted in light of the significance of tenure. Recommendation for tenure is a recognition by the faculty and administration of the University of St. Thomas School of Law that the individual to whom it is awarded has demonstrated qualities and achievements that embody the ideals and mission of the School of Law and that continued excellence in professional performance may be anticipated. For that reason, in making promotion, review, and tenure evaluations, an attempt must be made to judge not only the quality of the candidate’s past teaching, existing scholarly production, history of service, and reported advancement of mission, but also the candidate’s commitment to and capability of achieving sustained teaching excellence, continuing and significant scholarly engagement, ongoing meaningful service, and enduring dedication to the mission, all as essential elements of academic life at this institution. The burden of persuasion remains always upon the candidate.

### I. Teaching

#### A. General Expectations for Teaching

1. **Expectation of Teaching Accomplishment.** The University of St. Thomas School of Law Policy Governing Rank and Tenure provides that a candidate for tenure must demonstrate excellence in teaching. A candidate for associate professor must demonstrate that he or she is making reasonable progress toward becoming an accomplished teacher.
2. **University Expectations for Teaching.** The University of St. Thomas Policy Governing Rank, Tenure and Evaluations provides the following summary of teaching expectations: “Effective teaching presumes currency, breadth, and depth of knowledge. In addition, St. Thomas expects its faculty to communicate information, ideas and values by using teaching methods and techniques that recognize a variety of learning styles, cultural

backgrounds, and instructional settings. Whenever possible, faculty should approach teaching with an intent to demonstrate the interrelatedness of disciplines and of learning. Instructional and curricular innovations that are directed to these goals should be developed. Likewise, faculty should provide ways for students to become actively engaged in the work of the discipline(s). Recognizing that much learning goes on outside of the classroom, faculty should also be effective and skillful formal and informal advisors to students.”

3. **School of Law General Expectations for Teaching.** In the School of Law, instruction should develop students’ knowledge, understanding, and critical appraisal of various substantive areas of law, the legal system as a whole including its institutions and decision-making processes, the interrelationships between the legal system and other social institutions, the ideas and historical events that have shaped the law and legal system, the integration of faith into an understanding of the law and professional life, and the moral obligations and professional responsibilities of lawyers, as well as essential skills in legal analysis, legal research and writing, oral and written advocacy, problem-solving, negotiation, and counseling.

B. **Specific Expectations for Teaching:** Specific expectations concerning teaching excellence in the School of Law for Legal Studies faculty include the following components

1. **Knowledge of the Subject Matter.** The accomplished professor both will have a command of the subject, demonstrating breadth and depth of knowledge, and will remain current on developments in the field.
2. **Integration of Faith and Values.** The accomplished professor will in a manner appropriate to the course integrate faith and values by (1) facilitating discussion of the relevance of faith and values to the questions raised in class, (2) encouraging students’ integration of their faith and deepest ethical principles into their professional character and identity, (3) preparing students to become accomplished servant leaders in the practice of law, in the judiciary, in public and community service, in business, and in education, (4) and enhancing the professional responsibility of students.
3. **Planning and Organization.** The accomplished professor will be effective in organizing the study of the subject, including defining instructional objectives, being well-prepared for each class, preparing appropriate syllabi and materials, covering material consistently so that large amounts of material are not left for the end of the semester, and structuring the classroom discussion in a manner that facilitates learning.
4. **Planning, Organization, and Supervision of Clinical Casework.** The accomplished professor will be effective in acquiring client caseloads that balance the purpose of providing educational opportunities with the need to provide service to the larger community and the necessity of faculty

research and scholarship. The accomplished professor will also be an effective supervisor of certified student work with clients, balancing professional obligation to clients with student responsibility for casework.

5. **Creating a Learning Environment.** The accomplished professor will create a classroom or clinical environment that is conducive to learning and motivates students to learn, making effective use of different teaching methods and technology as appropriate.
6. **Fostering Student Development and Engagement.** The accomplished professor will foster student engagement in the classroom, or for clinical legal education faculty in case team meetings and the clinical program as a whole, and stimulate critical analysis by students.
7. **Effective Communication.** The accomplished professor, by being organized and understandable in communication of concepts by lecture, questioning, or moderation of student discussion as appropriate, will effectively and clearly communicate with students.
8. **Developing Student Communication Skills.** The accomplished professor will assist students in developing oral and written communication skills through facilitating classroom participation, preparation of papers, client casework and representation, and other means as appropriate to the course. The accomplished professor will provide meaningful and appropriate critique of students' papers, oral presentations, client casework, and classroom preparation, as pertinent.
9. **Receptivity and Availability to Students.** The accomplished professor will be reasonably available to students, including being receptive to student questions, maintaining regular office hours, offering advice to students on academic and professional matters, and reviewing student examinations and papers. The accomplished clinical legal education professor will be reasonably available to students by scheduling regular meetings for casework review and student evaluation, being receptive to student questions, maintaining availability for appointments with students not currently enrolled in clinical coursework, offering advice to students on academic and professional matters, and reviewing student casework and other clinical responsibilities.
10. **Fairly Evaluating Student Performance.** The accomplished professor will fairly evaluate student performance, including (as pertinent to the course) devising appropriate examinations; developing guidelines for student papers or presentations; impartially grading student examinations, papers, or presentations; or devising and using appropriate tools for reviewing and evaluating such areas of clinical performance as student goal definition and execution, professional responsibility, and case responsibility.

11. **Diligence in Meeting Teaching Obligations.** The accomplished professor will be diligent in meeting teaching obligations, including generally beginning and ending class on time; canceling classes only when necessary due to academic or professional conflicts, religious holidays, illness, or other exigent circumstances; generally scheduling a make-up class or other means of replacing a canceled class; and timely submission of grades.
12. **Educational Innovation.** A professor is encouraged to develop new courses or segments of courses, or prepare innovative teaching materials, such as clinical simulations, problems sets, skills exercises, computer-based materials, and audiovisual materials. Although these activities are not required, they will be considered as favorable evidence of superior teaching ability.

## II. Scholarship

### A. General Expectations for Scholarship

1. **University Expectation for Professional Engagement.** The University of St. Thomas Policy Governing Rank, Tenure and Evaluation includes the following general statement on engaging the profession: “Since the primary professional responsibility of the St. Thomas faculty member is the creation and enrichment of the university’s learning community, it follows that a corollary expectation is engagement with the discipline. The vital center of any university is the expression of the life of the mind that results from engaging the profession. That engagement is the source of the community’s intellectual vitality and connects it with the national and international world of scholarship. That connection means, too, that it is from peers at St. Thomas and at institutions around the world that we receive evaluation of our achievements as teacher/scholars.”
2. **School of Law Expectation for Professional Engagement.** The School of Law expects that its faculty members will engage in research and will disseminate that research through published scholarship. The process of research and scholarship is particularly important to the professional growth and development of untenured faculty members for four reasons. First, as expressed in the Vision Statement of the University of St. Thomas School of Law, scholarly engagement “expand[s] knowledge about law and society and [contributes to] the improvement of legal institutions and other organizations.” Second, research activities and the publication of scholarship contribute to a faculty member’s expertise and can enhance the quality of his or her teaching. Similarly, through the dissemination of his or her scholarship, a faculty member can extend the reach of his or her teaching to a new and larger audience. Third, the quality of scholarship is a significant indication of the quality of the mind that produces it. Therefore, evidence of scholarly ability and continual productivity are indications that a faculty member is capable of, and committed to, a career

of intellectual and professional engagement. Fourth, as stated in the May 13, 1999 Resolution of the University of St. Thomas Board of Trustees which authorized reopening of the School of Law, the University was committed, inter alia, to “establish[ing] a national law school of the highest quality.” No law school can attain national prominence without being comprised of faculty who regularly are producing significant and influential scholarship.

3. **General Quantitative Expectation for Scholarship.** For these reasons, the University of St. Thomas School of Law Policy Governing Rank and Tenure provides that a candidate for tenure must demonstrate accomplishment in engaging the profession. At each stage of the evaluation process, the Law School Policy defines an expected amount of scholarly contribution in terms of “an article or its equivalent.” Thus, a candidate for associate professor “must demonstrate that, by the spring of his or her third year on the faculty of the School of Law, he or she has published or had accepted for publication at least one article or its equivalent. The candidate must also demonstrate that he or she has made progress toward completing a second article or its equivalent.” Further, “[t]o be granted tenure, a candidate must demonstrate that, by December 1 of his or her sixth year on the faculty of the School of Law, he or she has published or had accepted for publication at least three articles or their equivalents.” Finally, to be promoted to full professor of law, the candidate must have “had two articles or their equivalents published or accepted for publication within any three-year period after being granted tenure.”

4. **General Qualitative Expectation for Scholarship.** As general statements for each stage of review, the University of St. Thomas School of Law Policy Governing Rank and Tenure provides that (1) the scholarship of the candidate for promotion to associate professor must “demonstrate[] the potential to have a substantial impact in the field,” (2) the scholarship of the candidate for tenure “must provide evidence of significant and influential scholarship accomplishment and the promise of continued achievement in scholarship, and (3) the scholarship of the candidate for promotion to full professor of law “must provide evidence that the candidate has achieved a national reputation in his or her field.”

The quality of the candidate’s research and scholarship will be evaluated both (1) by external reviewers, whose expertise in the field and lack of direct connection to the School of Law ordinarily assure an independent and informed evaluation of the scholarship and its impact in the field, and (2) by the Committee on Promotion and Tenure of the pertinent department.

5. **Promise of Continued Achievement in Scholarship.** The candidate must demonstrate evidence of a continuing and serious commitment to the scholarly enterprise. The award of tenure is a long-term commitment of

the institution to the faculty member and therefore should be awarded only if there is substantial reason to believe that significant and influential scholarly work will continue. Three factors may be taken into account in making this evaluation. First, the pattern of scholarship during the untenured period is important. A faculty member who works steadily on research and writing during the untenured period is usually considered more likely to continue scholarly activity than the faculty member who is inactive for long periods of time. Second, consideration will be given to the number and scope of completed projects and works in progress. Although the minimum quantitative expectation is three articles or their equivalents during the untenured period, a candidate's submission of additional works or documentation of additional works in progress strengthens the conclusion that the candidate is inclined to future scholarly efforts. Third, concrete evidence of a thoughtful research agenda, in which present and future planned works are tied together within a theme or plan to achieve a national reputation in a field, suggests the faculty member will continue to work on scholarship.

**B. A Statement on Scholarship for Legal Studies Faculty**

1. **Specific Quantitative Expectation for Legal Studies Scholarship.** In terms of the quantitative expectation of scholarship, for faculty in the Legal Studies Department, "an article" means a substantial article in a law review or law journal. A substantial article is one that is approximately 40 published pages or more in length.

In defining what is "equivalent" to a substantial "article" in a law review or law journal, the vehicle for publication must be a university press book, a book in another press (including treatises, text or case books, and monographs), or an article in a peer-reviewed academic journal. Publication in a bar or professional journal, general-circulation journal, or newspaper ordinarily will not be considered of sufficient scholarly standing to qualify as the equivalent of an article. To be equivalent to an article, the work should be of the same total length as a substantial article in a law review or law journal as defined above.

In certain circumstances, depending upon the significance and impact of each such work, publication of multiple smaller works may satisfy the expectation of one article or its equivalent, but the candidate for tenure must present at least two full-length articles or their equivalents. Depending upon length, publication of a book may qualify as the publication of more than one article or its equivalent.

The School of Law encourages tenured faculty when appropriate to collaborate with other scholars here, at other law schools, or in other disciplines in conducting research and co-authoring scholarship. However, given the difficulty of evaluating the separate contributions of each scholar to co-authored works and the importance of being able to determine that

the candidate individually is capable of completing important scholarly work independently, at least two of the articles or their equivalents submitted by the candidate for tenure should be authored solely by the candidate. If the candidate presents a co-authored work to be considered as one of the required articles or its equivalent, the burden is on the candidate to demonstrate clearly his or her contribution and to what degree that contribution is equivalent to an article.

2. **Specific Qualitative Expectation for Legal Studies Scholarship.**

Beyond submitting at least the minimum quantitative expectation for published scholarship, the candidate in the Legal Studies Department must present scholarly work of excellent quality. As stated in the University of St. Thomas School of Law Policy Governing Rank and Tenure, the candidate for promotion to associate professor must demonstrate that he or she “has undertaken an important research agenda and is making reasonable progress on that agenda.” The candidate for tenure must demonstrate that his or her scholarship “is significant and influential.” The candidate for promotion to full professor must demonstrate that his or her scholarship has gained “a national reputation” in the field. The quality of the candidate’s research and scholarship will be evaluated for the following elements.

- a. **Worthiness of the Topic.** Identification of a legal or law-related subject worthy of intellectual exploration.
- b. **Appropriateness of Research.** Indication of careful, accurate, and thorough research in legal and relevant non-legal materials.
- c. **Quality of Analysis.** Thoughtful and comprehensive analysis and synthesis, that is, going beyond mere description or explication of the law to offer new insight on a legal problem or issue such as by identifying and reconciling inconsistencies or apparent inconsistencies in the law; critically evaluating positions, rules, or developments in an area of the law; developing a new organizing principle or frame of reference for a set of legal materials or a field of law; or presenting and defending a solution to a legal problem through a proposed statute, legal rule, or legal theory.
- d. **Nature of Subject.** Difficulty or complexity of the subject matter undertaken.
- e. **Originality.** Originality of the ideas expressed.
- f. **Clarity of Communication.** Clear articulation of the findings and conclusions reached through the candidate’s research and analysis.
- g. **Impact of the Work.** Probable impact or significance of the work, which may be demonstrated by, for example, citations, published reviews, scholarly comment in other publications, documented comments from professionally respected readers, inclusion of the work in solicited symposia, and documented effect on law reform.
- h. **Integrity of Scholarly Activity.** Demonstration of integrity in scholarship, by acknowledging the contributions of others, making

proper attribution to sources, and making appropriate use of research assistants.

Although not required, scholarship that explores the intellectual integration of religious faith into the study of law, professional ethics, public policy, and social justice is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

**C. A Statement on Scholarship for Lawyering Skills Faculty.**

- 1. Specific Quantitative Expectation for Lawyering Skills Scholarship.**  
For tenure, Lawyering Skills faculty are expected to have published or accepted for publication three articles or their equivalents. Of the articles, at least one must be substantial, approximately 40 published pages long. The remaining two articles must be approximately 20 pages long.

In defining what is “equivalent” to an “article” in a law review or law journal, the vehicle for publication must be a university press book, a book in another press (including treatises, text or case books, and monographs), or an article in a peer-reviewed academic journal. Publication in a bar or professional journal, general-circulation journal, or newspaper ordinarily will not be considered of sufficient scholarly standing to qualify as the equivalent of an article. To be equivalent to an article, the work should be of the same total length as one of the three law review or law journal articles described above as required for tenure in Lawyering Skills.

In certain circumstances, depending upon the significance and impact of each such work, publication of multiple smaller works may satisfy the expectation of one article or its equivalent of approximately 20 pages. However, a candidate for tenure in Lawyering Skills must present at least one article or its equivalent of approximately 40 pages and one article or its equivalent of approximately 20 pages. Depending upon length, publication of a book may qualify as the publication of more than one article or its equivalent.

To be promoted to Professor of Law, a candidate must present at least two articles or their equivalents within any three-year period after being granted tenure. One article must be substantial (approximately 40 pages long), and one article must be approximately 20 pages long.

The School of Law encourages tenured faculty when appropriate to collaborate with other scholars here, at other law schools, or in other disciplines in conducting research and co-authoring scholarship. However, given the difficulty of evaluating the separate contributions of each scholar to co-authored works and the importance of being able to determine that the candidate individually is capable of completing important scholarly work independently, at least two the articles or their equivalent submitted by the candidate for tenure should be authored solely by the candidate. If

the candidate presents a co-authored work to be considered as one of the required articles or its equivalent, the burden is on the candidate to demonstrate clearly his or her contribution and to what degree that contribution is equivalent to an article.

2. **Specific Qualitative Expectation for Lawyering Skills Scholarship.**

Beyond submitting at least the minimum quantity of published scholarship, the candidate in the Lawyering Skills Department must present scholarly work of excellent quality. As stated in the University of St. Thomas School of Law Policy Governing Rank and tenure, the candidate for promotion to associate professor must demonstrate that he or she “has undertaken an important research agenda and is making reasonable progress on that agenda.” The candidate for tenure must demonstrate that his or her scholarship “is significant and influential.” The candidate for promotion to full professor must demonstrate that his or her scholarship has gained “a national reputation” in the field.

The quality of the candidate’s research and scholarship will be evaluated for the following elements:

- a. **Worthiness of the Topic.** Identification of a legal or law-related subject worthy of intellectual exploration.
- b. **Appropriateness of Research –** Indication of careful, accurate, and thorough research in legal and relevant non-legal materials.
- c. **Quality of Analysis.** Thoughtful and comprehensive analysis and synthesis, that is, going beyond mere description or explication of the subject to offer new insight on a problem or issue such as by identifying and reconciling inconsistencies or apparent inconsistencies in the area; critically evaluating positions, rules, or developments in the area; developing a new organizing principle or frame of reference for the subject; or presenting and defending a solution to a legal or law-related problem.
- d. **Nature of Subject.** Difficulty or complexity of the subject matter undertaken.
- e. **Originality.** Originality of the ideas expressed.
- f. **Clarity of Communication.** Clear articulation of the findings and conclusions reached through the candidate’s research and analysis.
- g. **Impact of the Work.** Probable impact or significance of the work, which may be demonstrated by, for example, citations, published reviews, scholarly comment in other publications, documented comments from professionally respected readers, inclusion of the work in solicited symposia, and documented effect on law reform.
- h. **Integrity of Scholarly Activity.** Demonstration of integrity in scholarship, by acknowledging the contributions of others, making proper attribution to sources, and making appropriate use of research assistants.

Although not required, scholarship that explores the intellectual integration of religious faith into the study of law, professional ethics, public policy, and social

justice is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

**D. A Statement on Scholarship for Clinical Education Faculty.**

1. In addition to their teaching, Clinical Education faculty should contribute through the scholarship (1) to the development of the law, lawyering or legal education, or (2) to the improvement of legal institutions or procedures. Given the different nature of clinical faculty work and the year-round client responsibilities inherent in teaching in this setting, clinical faculty are expected to publish work of a different type and quantity than non-clinical tenure-track faculty.

Because of the nature of their teaching activities and professional engagement, Clinical Education faculty can find many outlets to pursue their areas of scholarship and research. Interests may range from the highly abstract to eminently practical contributions. Clinical Education faculty may seek to accomplish a wide range of purposes in their scholarship. Excellence in scholarship that contributes to the University of St. Thomas community, the community of legal scholars and professionals, and the wider academic community can be manifested in many forms.

However varied the purposes of scholarship and however diverse the forms in which scholarship is manifested, a work of scholarship must ultimately constitute an “article or its equivalent” – that is, it must appear in writing, be the result of thoughtful labor, and be disseminated to, and warrant recognition by, a significant audience, keeping in mind the special characteristics and purpose of the work. Illustrations of what constitutes an article or its equivalent include the following.

- a. A university press book or book in another press (including treatises, text or case books, and monographs);
- b. An article, essay, or book review in a legal periodical, law or multidisciplinary journal or law review. Contributions of this type can advance either the state of the law or the state of clinical teaching methodology or practice;
- c. A section, chapter, or portion of a legal treatise or encyclopedia (includes a major revision);
- d. A research project report, such as one under the auspices of an institute such as the American Bar Foundation or under research grant or contract;
- e. A publication of a learned society such as ALI-ABA, a national or state bar association, AALS, or a publication contributed as part of a judicial, CLE, or administrative conference;
- f. A manual for use by the judiciary, state or federal agencies, or the practicing bar.

- g. A brief, a technical report, policy recommendation, memorandum, or other document, submitted in conjunction with legal, legislative or administrative proceedings;
- h. A report or white paper stemming from a governmental appointment such as a presidential, gubernatorial or other executive commission, legislative committee, court appointment or administrative agency appointment ;
- i. A draft or enacted version (with written comments or testimony) of new or reforming legislation, rules, regulations or guidelines.

2. **Specific Quantitative Expectation for Clinical Legal Education**

**Scholarship.** For tenure, Clinical Legal Education faculty are expected to publish three articles or their equivalents as defined above. Of the articles, at least one must be approximately 40 pages long. The remaining two articles must be approximately 20 pages long.

In certain circumstances, depending upon the significance and impact of each such work, publication of multiple smaller works may satisfy the expectation of one article or its equivalent of approximately 20 pages. However, a candidate for tenure in Clinical Legal Education must present at least one article or its equivalent of approximately 40 pages and one article or its equivalent of approximately 20 pages. The 40 page work must be drawn from any of categories 1 through 6 above, and no more than one of the 20 page works can be drawn from categories 7 through 9 above.

To be promoted to Professor of Law, a candidate must present at least two articles or their equivalents within any three-year period after being granted tenure. One article must be substantial (i.e. approximately 40 pages long) and be drawn from any of categories 1 through 6, and one article must be approximately 20 pages long.

The School of Law encourages Clinical Legal Education faculty to collaborate with other scholars, practitioners, judges, and policy makers, and members of other disciplines. However, given the difficulty of evaluating the separate contributions of each scholar to co-authored works and the importance of being able to determine that the candidate individually is capable of completing important scholarly work independently, at least two of the articles or their equivalent submitted by the candidate for tenure should be authored solely by the candidate. If the candidate presents a co-authored work to be considered as one of the required articles or its equivalent, the burden is on the candidate to demonstrate clearly his or her contribution and to what degree that contribution is equivalent to an article.

3. **Specific Qualitative Expectation for Clinical Legal Education**

**Scholarship.** Beyond submitting at least the minimum quantity of published scholarship, the candidate in the Clinical Legal Education

Department must present scholarly work of excellent quality. As stated in the University of St. Thomas School of Law Policy Governing Rank and tenure, the candidate for promotion to associate professor must demonstrate that he or she “has undertaken an important research agenda and is making reasonable progress on that agenda.” The candidate for tenure must demonstrate that his or her scholarship “is significant and influential.” The candidate for promotion to full professor must demonstrate that his or her scholarship has gained “a national reputation” in the field. The quality of the candidate’s research and scholarship will be evaluated for the following elements.

- a. **Worthiness of the Topic.** Identification of a legal or law-related subject worthy of intellectual exploration.
- b. **Appropriateness of Research.** Indication of careful, accurate, and thorough research in legal and relevant non-legal materials.
- c. **Quality of Analysis.** Thoughtful and comprehensive analysis and synthesis, that is, going beyond mere description or explication of the subject to offer new insight on a problem or issue such as by identifying and reconciling inconsistencies or apparent inconsistencies in the area; critically evaluating positions, rules, or developments in the area; developing a new organizing principle or frame of reference for the subject; or presenting and defending a solution to a legal or law-related problem.
- d. **Nature of Subject.** Difficulty or complexity of the subject matter undertaken.
- e. **Originality.** Originality of the ideas expressed.
- f. **Clarity of Communication.** Clear articulation of the findings and conclusions reached through the candidate’s research and analysis.
- g. **Impact of the Work.** Probable impact or significance of the work, which may be demonstrated by, for example, citations, published reviews, scholarly comment in other publications, documented comments from professionally respected readers, inclusion of the work in solicited symposia, and documented effect on law reform.
- h. **Integrity of Scholarly Activity.** Demonstration of integrity in scholarship, by acknowledging the contributions of others, making proper attribution to sources, and making appropriate use of research assistants.

Although not required, scholarship that explores the intellectual integration of religious faith into the study of law, professional ethics, public policy, and social justice is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

### III. Service

- A. **University Expectation for Service.** The University of St. Thomas Policy Governing Rank, Tenure and Evaluation includes the following general statement on service: “St. Thomas faculty are members of the university community and of communities beyond the boundaries of the campuses. As members, they have responsibilities to each, responsibilities that result from a particular discipline, but also from the special commitment to people that motivates them as educators. Because the faculty of St. Thomas expects those who are part of it to use their energy, knowledge and values to enrich the quality of life in their communities, it includes evaluation of performance in them among the criteria of professional achievement.”
- B. **School of Law Expectation for Service.** The University of St. Thomas School of Law Policy Governing Rank and Tenure provides that to be promoted to associate professor, the candidate must have provided “service to the University, the legal profession, or the community.” To be granted tenure, the candidate must demonstrate that he or she provided “significant service to the University, the legal profession, or the community.” To be promoted to full professor, the candidate must demonstrate that he or she “has continued to provide significant service to the University, the legal profession, or the community.”
- C. **Basic Expectation of Service to the School of Law.** While recognizing that each faculty member brings his or her own values and understandings to the responsibilities of service, there are basic expectations of faculty involvement, including service on School of Law committees, participation in the processes of School of Law governance, and assistance to the School of Law in creating an environment that promotes academic achievement and professional responsibility. Faculty teaching Lawyering Skills classes are expected to participate in the development and policymaking of the Lawyering Skills program as part of their service to the Law School and to comply with overall program policies and goals. Clinical legal education faculty are expected to participate in the development and policymaking of the Clinical Legal Education program as part of their service to the Law School and to comply with overall program policies and goals.
- D. **Service to the University.** While service to the School of Law is one integral means of providing service to the University, additional service to the University as a whole, such as through university committees, mentoring of faculty outside the School of Law, or membership in bodies of university governance, is encouraged, especially for faculty who have achieved tenure.
- E. **Service to the Profession and the Community.** Faculty members are expected, in a manner consistent with their own values and understanding of the responsibility of service, to participate in the community, professional organizations, or institutions that comprise the legal system, especially when performed in a manner that draws upon the professional expertise of the faculty member. As examples, the faculty member may participate in programs designed to improve the level of knowledge, competence, and ethical behavior within the

legal profession; may participate in efforts to improve the effectiveness or fairness of the law, legal institutions, or the legal system as a whole; may provide educational opportunities for members of the public or for faith-based or other non-profit organizations about the law and legal institutions; or may provide legal services to the poor and disadvantaged or non-profit organizations. Service that integrates faith and the law in the profession and that addresses the needs and improves the condition of the disadvantaged and underserved is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

- F. **Recognition That Teaching and Scholarship are Primary Activities for Untenured Faculty.** The School of Law expects all of its faculty members to be engaged in service to the university, to the community, or to the profession. Because of its value to the academic, professional, and larger community, as well as its potential to enhance one's teaching and scholarship, every faculty member should be engaged in service. At the same time, it is contemplated that a faculty member's principal focus should be on teaching and scholarship during the years preceding consideration for tenure. This statement is not intended to discourage greater service on the part of untenured faculty, but is made in recognition of the tremendous commitment of time and energy required to meet expectations for teaching and scholarship, as well as the expectation that the contribution of each faculty member to service outside the School of Law will increase as he or she progresses in the academic vocation.

*Adopted by Tenured Faculty of Pertinent Department, May 17, 2004*

## **School of Law Promotion and Tenure: Timetable and Operating Guidelines**

To provide further direction to law school faculty members who are anticipating promotion or tenure and to tenured faculty members and deans participating as decision-makers in the promotion and tenure process, as well as triennial/third-year review this document sets forth a timetable and operating guidelines for actions to be taken by the candidate, the Promotion and Tenure Committee, tenured faculty members, the Department Chair, and the Dean. This timetable and operating guidelines are intended for guidance only in the implementation of the approved promotion and tenure policy. Accordingly, the timetable and guidelines set forth below must be interpreted in a manner consistent with the governing “Policy Governing Rank and Tenure of Tenure-Track and Tenured Faculty” approved by the Faculty, Law School, and University, which is included as Part IV-5 of the School of Law Policies.

### **Spring Semester, Academic Year Before Candidacy**

**Peer Review Panel Observes Teaching.** In the Spring Semester of the academic year before the academic year in which a faculty member will be a candidate for promotion, tenure, or third-year review, the candidate’s teaching will be observed by a peer review panel of three faculty. See Sections Sections IV-5.B.2(a), 3(a), and 4(a).

### **Summer**

**Beginning Preparation of Candidate Portfolio.** The candidate for promotion, tenure, or third-year review should begin preparing a portfolio in support of his or her application, with particular attention given to preparing a personal statement or narrative. The appendix to this document provides further guidance on the contents of the portfolio.

**Appointment of Promotion and Tenure Committee.** The Dean shall appoint the Chair and members of the Promotion and Tenure Committees for each Department (Legal Studies, Lawyering Skills, and Clinical Education) after consultation with the pertinent Department Chair. The Committee shall consist of at least three members. In the event that fewer than three members of the Department faculty are tenured, the Dean shall appoint tenured faculty members from other Departments in the School of Law or from allied disciplines elsewhere in the University, again after consultation with the Department Chair.

**Appointment of Faculty Mentors.** Before the beginning of classes for the first semester in August, the Chair of the Promotion and Tenure Committee shall appoint a tenured faculty member as mentor for each untenured faculty member in the Department.

### **October**

**Scholarship for External Review.** By October 1, the candidate for promotion, tenure, or third-year review shall provide copies of scholarship to be submitted to external reviewers for independent evaluation.

**Candidate's List of Acceptable/Unacceptable External Reviewers.** By October 1, the candidate for promotion, tenure, or third-year review shall submit a list of six experts who are acceptable to the candidate, from which two of the external reviewers will be selected. The candidate may also submit a list of up to three experts who would not be acceptable, and no expert on that list will be selected. See Sections IV-5.B.2(b)(iii), 3(b)(iii), and 4(b)(iii).

**Selection of External Reviewers.** By the end of October, the Dean and the Chair of the Promotion and Tenure Committee will select external reviewers (at least four in cases of promotion to associate professor or full professor and at least five in cases of tenure). As delegated such responsibility by the Chair of the Promotion and Tenure Committee, the Dean will contact the selected external reviewers and arrange for preparation of an evaluation of the candidate's designated scholarship. Within a reasonable time after receipt, the Dean shall provide to the candidate copies of the evaluations by external reviewers, with identifying information redacted. See Sections IV-5.B.2(b)(iii), 3(b)(iii), and 4(b)(iii).

**Submitting of Portfolio by Candidate for Tenure.** By October 15, the candidate for tenure must submit his or her portfolio. (Candidates for promotion and/or third-year review have until December 1 to submit the portfolio.)

## November

**Discussion Meeting and Invitation of Evaluations on Candidate for Tenure.** In cases of tenure, by approximately November 15, the tenured faculty of the pertinent department will meet to discuss the candidate's application for tenure (the Dean shall not attend this meeting). The Committee also will invite untenured faculty and faculty from other departments to share their evaluations of the candidate with the Committee by e-mail, memo, or conversation with Committee members. Unless otherwise agreed, all such contributions shall be confidential. In the interest of fairness, the Committee will not include a negative factor arising from this faculty input process in its final report and recommendation without allowing the candidate to respond, whether or not the source of the negative evaluation is revealed.

## December

**Submitting of Portfolio by Candidate for Promotion/Review.** By December 1, the candidate for promotion and/or third-year review must submit his or her portfolio. If the candidate so notifies the Chair of the Promotion and Tenure Committee, the candidate may have until the first day upon which classes begin in the second semester in January to submit drafts of scholarly works-in-progress.

**Confirmation by Candidate for Tenure of Publications.** By December 1, the candidate for tenure shall confirm to the Chair of the Promotion and Tenure Committee that he or she has published or had accepted for publication at least three articles or their equivalents.

**Committee's Recommendation on Candidate for Tenure.** By approximately December 15, the Promotion and Tenure Committee shall deliberate and complete its report and recommendation on the candidate for tenure, including any minority view. The Committee's deliberations shall be confidential. (The Dean shall not attend deliberation meetings of the

Promotion and Tenure Committee, but may meet with the Committee to further discuss its report and recommendation after it has been submitted.) The report and recommendation shall be given to the candidate, be circulated to all tenured members of the faculty in the pertinent Department, and be submitted to the Department Chair and the Dean.

**Response to Committee Report by Candidate for Tenure.** After receiving the Committee's report and recommendation, the candidate for tenure shall have one week (seven calendar days) to submit to the members of the tenured faculty in the pertinent Department, the Department Chair, and the Dean any response by the candidate to the Committee's report and recommendation.

**Faculty Vote on Candidate for Tenure.** By approximately December 31 (but not earlier than eight days after circulation of the Committee's report and recommendation, unless the candidate waives the right to respond), in cases of tenure, the members of the tenured faculty in the pertinent Department shall meet, deliberate, and vote on whether tenure should be granted to the candidate. Tenured faculty members who have not reviewed the candidate's portfolio shall not vote on that candidate's tenure. The Department tenured faculty's deliberations shall be confidential. (The Dean may attend this meeting as an observer but may not participate in the discussion or vote.) When the Dean subsequently submits his report and recommendation to the Vice President for Academic Affairs, he shall include a report of the Department tenured faculty vote, along with the separate reports and recommendations of the Promotion and Tenure Committee and the Department Chair.

**Discussion Meeting and Invitation of Evaluations on Candidate for Promotion.** By approximately December 15, in cases of promotion and third-year review, those faculty of the pertinent department who hold the rank to which the candidate seeks promotion will meet to discuss the candidate's application for promotion (the Dean shall not attend this meeting). The Committee also will invite faculty not yet having achieved that rank and faculty from other departments to share their evaluations of the candidate with the Committee by e-mail, memo, or conversation with Committee members. Unless otherwise agreed, all such contributions shall be confidential. In the interest of fairness, the Committee will not include a negative factor arising from this faculty input process in its final report and recommendation without allowing the candidate to respond, whether or not the source of the negative evaluation is revealed.

## **January**

**Department Chair Recommendation on Candidate for Tenure.** By approximately January 1, the Department Chair shall submit a report and recommendation to the Dean on the candidate for tenure. In the event that the Department Chair was a member of the Promotion and Tenure Committee, the Department Chair may either prepare a separate report and recommendation or may simply state that he or she endorses the report and recommendation of the Promotion and Tenure Committee. The candidate for tenure shall receive a copy of the Department Chair's report and recommendation.

**Dean's Recommendation on Candidate for Tenure.** By approximately January 15, the Dean shall write a report and recommendation on the candidate for tenure and shall provide a copy to the candidate. The Dean shall forward to the Vice President for Academic Affairs the

following: the candidate's portfolio, the Dean's report and recommendation, the Department Chair's report and recommendation, the Promotion and Tenure Committee's report and recommendation, and the vote of the tenured faculty in the Department.

**Submission of Work-in-Progress by Candidate for Promotion/Review.** By the first day of classes for the second semester, the candidate for promotion and/or third-year-review may provide the Chair of the Committee with the latest draft of any scholarly works-in-progress.

**Committee's Recommendation on Candidate for Promotion/Review.** By approximately January 30, the Promotion and Tenure Committee shall deliberate and complete its report and recommendation on the candidate for promotion and/or third-year-review, including any minority view. The Committee's deliberations shall be confidential. (The Dean shall not attend deliberation meetings of the Promotion and Tenure Committee, but may meet with the Committee to further discuss its report and recommendation after it has been submitted.) The report and recommendation shall be given to the candidate, be circulated to all tenured members of the faculty in the pertinent Department, and be submitted to the Department Chair and the Dean.

## **February**

**Response to Committee Report by Candidate for Promotion/Review.** After receiving the Committee's report and recommendation, the candidate for promotion or review shall have one week (seven calendar days) to submit to the Department Chair and the Dean any response to the report and recommendation of the Promotion and Tenure Committee. In addition, any tenured faculty member in the Department (who was not on the Promotion and Tenure Committee) who disagrees with the report and recommendation of the Promotion and Tenure Committee may submit a comment to the Dean. The candidate shall receive a copy of any comment so submitted by another faculty member.

**Department Chair Recommendation on Candidate for Promotion/Review.** By approximately February 15, the Department Chair shall submit a report and recommendation to the Dean on the candidate for promotion and/or third-year-review. In the event that the Department Chair was a member of the Promotion and Tenure Committee, the Department Chair may either prepare a separate report and recommendation or may simply state that he or she endorses the report and recommendation of the Promotion and Tenure Committee. The candidate for promotion and/or third-year-review shall receive a copy of the Department Chair's report and recommendation.

## **March**

**Dean's Recommendation on Candidate for Promotion/Review.** By approximately March 1, the Dean shall write a report and recommendation on the candidate for promotion and/or third-year-review and shall provide a copy to the candidate. The Dean shall forward to the Vice President for Academic Affairs the following: the candidate's portfolio, the Dean's report and recommendation, the Department Chair's report and recommendation, and the Promotion and Tenure Committee's report and recommendation.

## January-May

**University's Academic Council Recommendation and President's Decision on Candidate for Tenure.** After deliberation in January and February, the University's Academic Council makes a recommendation to the President regarding candidates for tenure, with the final decision being reserved to the President.

**Vice President for Academic Affairs's Evaluation and Meeting with Candidate for Promotion/Review.** By the end of May, the Vice President for Academic Affairs shall meet with the candidate for promotion and/or third-year-review and then prepare an evaluation narrative, which is added to the portfolio and the candidate's personnel file, a copy of which shall be given to the candidate.

**University's Academic Council Recommendation and President's Decision on Candidate for Promotion.** After deliberation in April and May, the University's Academic Council makes a recommendation to the President regarding candidates for promotion, with the final decision being reserved to the President.

## Appendix: Contents of Portfolio for Seeking Promotion and Tenure

Faculty who are anticipating promotion or tenure in the next several years understandably have requested guidance on what items should be included in the "portfolio" that is submitted by the candidate and will eventually be passed along to the central administration. The following is intended as general guidance, and is not exhaustive (that is, the candidate should feel free to submit other documentation of teaching, scholarship, and service beyond that listed here):

1. **Personal Statement.** As perhaps the most important element of the candidate's submission, the central administration expects each candidate to present a narrative case for promotion or tenure. To make the most effective and persuasive case for promotion or tenure, the candidate should forthrightly address difficulties or challenges, along with steps taken toward improvement, as well as strengths. With the substantive standards and expectations in mind (as set out in the law school's standards), this Personal Statement should explain how the candidate has met the expectations in each of the three traditional areas:

Teaching (explaining one's educational philosophy and how it has been implemented in instruction including any innovations),

Engaging the Profession/Scholarship (explaining how one is engaging the profession through scholarship, the intellectual substance and significance of each work, how scholarship has been received by the pertinent professional audience, and the candidate's continuing scholarly agenda),

Service (describing service to the university, law school, profession, and community, including areas of particular interest or emphasis in service), and

Commitment to Mission (describing the candidate's commitment to the mission and vision of the School of Law as set forth in Section V of the School of Law Policies).

Although the Personal Statement need not be unduly lengthy, neither should it be terse and abbreviated. For promotion (or third-year review), the narrative may be relatively brief, only four or five single-spaced pages. For tenure, a more substantial description and argument is appropriate, likely somewhere between 8 and 15 single-spaced pages.

2. **Updated Curriculum Vitae.** This should be included in the portfolio immediately after the Personal Statement.
3. **Copies of Annual Faculty Reports and Reviews.** The Dean's office should be responsible for ensuring that copies of these documents are prepared for submission in the portfolio.
4. **Copy of Triennial Review (for those later seeking tenure or promotion to full professor.** The Dean's office again should be responsible for ensuring that a copy of this document is prepared for submission in the portfolio.
5. **Copy of Initial Appointment Letter (and any later modifications).** The Dean's office again should be responsible for ensuring that a copy of this document is prepared for submission in the portfolio.
6. **Documentation of Teaching.** Copies of syllabi for each course taught (which the Dean's office has been collecting)

Copies of annual mentor written reports of teaching (the Dean's office again should be responsible for ensuring that copies of these documents are prepared for submission in the portfolio)

Copies of student questionnaires for each class taught (the Dean's office again should be responsible for ensuring that copies of these documents are prepared for submission in the portfolio)

Any other materials the candidate may wish to submit that reflect curricular or teaching innovation

7. **Documentation of Engaging the Profession/Scholarship.** Copies of all articles published or accepted for publication

Copies of articles in progress if a completed draft or completed draft section is available

Copies of presentations made at conferences

Copies of other significant presentations or publications (i.e., continuing legal education materials, general periodical articles, opinion-editorial pieces, etc.)

Copies of scholarly commentary on articles, books, or conference/symposia presentations (e.g., citations in other scholar's works, letters regarding an article, comments on an article by commentators at conferences or symposia)

8. **Documentation of University, Law School, Professional, or Community Service.**  
Itemization of all university and law school committees on which candidate served, including brief description of committee's nature and work performed on committee

Letters from chairs of university and law school committees documenting candidate's service

Description of service as advisor to student organizations

Description of other service to university or law school

Description of professional service or leadership, preferably supported by letters from those in a position to evaluate that service or leadership

Description of community service or leadership, preferably supported by letters from those in a position to evaluate that service or leadership

*Adopted by Promotion and Tenure Committee, January 2004  
Revised, January 2007*

## IV-7. Teaching Course Loads

- A. The Associate Dean for Academic Affairs will make teaching assignments for each semester. The Associate Dean may consult with the Dean and with the faculty—individually or as a group—before finalizing teaching assignments.
- B. The benchmark expectation is that each tenured or tenure-track faculty member will teach ten credits per academic year.
- C. In making teaching assignments, the Associate Dean may vary from this benchmark expectation to the extent that he or she deems appropriate. In deciding whether to vary from this benchmark expectation, the Associate Dean may consider, among other things:
  - 1. Whether the faculty member is teaching two sections of the same course during the same semester<sup>‡</sup>;
  - 2. Whether the faculty member is teaching two sections of the same course during the same year;
  - 3. Whether a course will require a Anew prep@ for the faculty member;
  - 4. Whether the death, illness, resignation, or absence of another faculty member makes it unusually difficult to cover a required course or a popular elective course during a particular academic year;
  - 5. Whether an unusually large or small number of students are likely to enroll in a course;
  - 6. Whether a course is in the first-year curriculum;
  - 7. Whether a course requires a faculty member to give intensive one-on-one attention to students;
  - 8. Whether the faculty member is tenured;
  - 9. Whether the faculty member is about to be considered for tenure;
  - 10. Whether the faculty member is an unusually productive or unproductive scholar;
  - 11. Whether the faculty member is serving in an administrative capacity or otherwise has unusually heavy administrative demands;

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<sup>‡</sup>A faculty member who teaches two sections of the same course during the same semester will generally get full credit for the first section and one-half credit for the second section. For example, a faculty member who teaches two sections of the same four-credit course during a particular semester will be deemed to have a six-credit teaching load for purposes of this Policy on Course Loads.

12. Whether the faculty member has a compelling professional reason for a course load reduction, such as a unique scholarly opportunity that would be extraordinarily beneficial for the faculty member and the School of Law; and
  13. Whether the faculty member has a compelling personal reason for a course load reduction.
- D. The Associate Dean may regard the benchmark expectation as an *average* that should be attained over a two- or three-year period, thus allowing the Associate Dean to permit a faculty member to have a Aheavy@ teaching year (e.g., two three-credit courses in the fall and two four-credit courses in the spring) followed by a Alight@ teaching year (e.g., one four-credit course in the fall and one two-credit course in the spring). Such a schedule may permit faculty to be more productive scholars.
- E. To the extent possible, the Associate Dean should schedule courses so that faculty members do not have to teach on every weekday, so as to help faculty maintain scholarly productivity.

*Adopted by the Law Faculty, June 13, 2002  
Placed in catalog, August 6, 2002*

## **IV-8. Unpaid Leaves of Absence**

### **A. General Policy**

Faculty members who have an opportunity to make significant contributions to human welfare or knowledge through professional service away from the Law School that will also result in professional growth in relation to their responsibilities as faculty members may request a leave without compensation to take advantage of the opportunity. Opportunities for such service include, but are not limited to, positions of responsibility in governmental or nonprofit agencies, teaching or research under foundation or government grants or awards, and appointments as visiting members of other faculties.

No faculty member should expect to be granted more than two semesters of leave in any six-year period to teach at another college or university. This rule does not apply to leaves granted for other purposes; however, leaves of absence of more than two years, for whatever professional purpose, are discouraged and will rarely be approved.

Each request for leave without compensation will be considered on its merits in comparison with other requests within the same academic year and with regard to the personnel resources available to the school to maintain the curriculum during the faculty member's absence. The applicant may be required to assist in a search for the personnel to replace him or her during the leave.

### **B. Procedure for Requesting Unpaid Leave**

A faculty member who intends to apply for leave without compensation should notify the Associate Dean for Academic Affairs informally as soon as possible, and should make a formal request by a letter, addressed to the Associate Dean, that includes information concerning the purpose and duration of the leave. The approval of the Associate Dean is required for the grant of leave without compensation.

The formal request should be submitted as early as possible in the academic year preceding that in which the leave is desired. The later a request is received, the more difficult it will be to accommodate the request. At the minimum, the faculty member should comport with the Statement of Good Practices of the Association of American Law Schools, which provides in relevant part that a faculty member should not request a leave after April 1 to accept a visiting position at another law school for the next academic year.

*Adopted by the Law Faculty, June 13, 2002*

## **IV-9. Outside Employment and Consulting by Full-time Faculty (UST)**

### **INTRODUCTION**

This policy was initially developed by the Deans/Directors' Group and then considered by the Task Force on Rank, Tenure, and Promotion. That task force recommended removal of this policy from the Rank, Tenure, and Promotion section and placement in the Operating Policies and Procedure section (January 1995).

The primary responsibility of faculty personnel is to render to the University the most effective service possible, and to devote his/her full working time to the University. At the same time, consulting and other outside activities of a professional nature are encouraged by the University where such activities give faculty members experience and knowledge valuable to professional growth and development.

All "outside professional activities" are subject to this University policy. Conflict between such activities and a faculty member's primary responsibility or the appearance of conflict should be avoided. In recognition that "outside professional activities" can make a valuable contribution to the University, to the community at large and to the individual's professional growth, the following policies and procedures have been developed to guide the community.

#### **A. Outside Employment**

1. Faculty members who engage in outside employment that cannot be considered as "outside professional activities" must obtain prior written permission of the department chair/program director and the Vice President for Academic Affairs before undertaking the employment or outside activity.
2. Faculty who plan to teach a regular course at another institution during the academic year must receive written permission of the department chair/program director and the Vice President for Academic Affairs.

#### **B. Consulting**

1. All consulting work is expected to be conducted in a professional and ethical manner. In addition, the faculty member shall avoid an actual or implied conflict of interest in his/her consulting activity.
2. When the faculty member engages in consulting activity beyond his/her normal duties, the following principles apply:
  - (a) The consulting activity should contribute positively to the work of the faculty member as a teacher at St. Thomas and/or should contribute to the community service function of the University.
  - (b) The faculty member's normal duties should not suffer because of the consulting activity. In particular, classes should not be missed or cancelled because of consulting activity. Normal duties include but are not limited to library support, course development, student counseling, student

recruitment, department and division meetings, representation of St. Thomas in suitable outreach activities, laboratory work, and the maintenance and updating of laboratory equipment (where applicable), appropriate scholarly activities.

- (c) Unless otherwise approved in writing by the appropriate dean, times spent by full-time faculty members on “outside professional activities” must be limited to four weekdays a month during the academic year.
  - (d) An annual listing of all consulting engagements during the academic year should be submitted as an attachment to the faculty member’s annual activity report.
3. Consulting activity should be judged, not simply or primarily on the basis of the financial remuneration involved, but principally on the way that it contributes to the faculty member’s performance as a teacher at St. Thomas.
  4. The University especially recognizes consulting activity for the benefit of non-profit organizations and institutions, where no recompense is received and where the activity is considered as part of the normal workload of the faculty member. In some cases, faculty may receive released time for such activity.
  5. Faculty of the University are encouraged to consider consulting as an integral part of their normal activities in teaching, professional activity, and service since consulting can contribute to effectiveness in each area.

## **IV-10. Outside Employment and Consulting by Full-time Faculty (UST Law)**

### **A. Outside Employment**

1. In addition to adhering to the University of St. Thomas's policy on outside employment, law faculty members will not without the permission of the Dean:
  - a. have an ongoing relationship with a law firm or a business (e.g., an "of counsel" relationship);
  - b. be named on a law firm or business letterhead; or
  - c. have a professional telephone listing.

### **B. Outside Employment Report**

At a time to be designated by the Dean, each faculty member will submit an annual report to the Dean describing the nature and extent of any outside employment or consulting activities undertaken during the previous year.

### **C. Use of University or Law School Letterhead**

A faculty member may use the university or law school letterhead in connection with outside professional activities or consulting that, in the judgment of the faculty member, will reflect well on the law school. However, if using the letterhead, a faculty member will include a brief statement indicating that the work being done and any opinions being expressed are those of the faculty member in his or her personal capacity and do not necessarily reflect the views of the university or law school.

*Adopted by the Law Faculty, February 19, 2003*

## **IV-11. Faculty Office Hours**

### **A. General Expectations**

If UST Law is to create a strong community and succeed in accomplishing its mission, faculty must generally be present in the law building and available to each other and to their students. During the academic year, faculty are generally expected to work in the law building during core business hours, unless the University is closed or the faculty member is on vacation. Although faculty will often need to be away from the law building on law school business, faculty should not routinely work at home or away from their offices more than the equivalent of one weekday per week.

### **B. Office Hours**

Every member of the faculty who is teaching at least one course during a semester is required to designate at least four hours per week as “office hours.” Office hours should be spread over no fewer than two days. The faculty member should be in his or her office and available for students during office hours.

A faculty member should give students notice of his or her office hours. If, during a particular week, a faculty member knows that he or she will not be able to be in his or her office during office hours, the faculty member should attempt to notify students of that fact. Being available by appointment, by phone, or by e-mail is not a substitute for maintaining regular office hours.

*Adopted by the Law Faculty, June 6, 2002  
Placed in catalog, August 6, 2002*

## **IV-12. Adjunct Faculty**

### **A. Summary of University Policy**

Section I.B.2 of the St. Thomas University Policy Governing Rank, Tenure and Evaluation [University Policy] provides that faculty members appointed on a part-time basis are designated as either a Senior Member of the Adjunct Faculty or a Member of the Adjunct Faculty. A Senior Member of the Adjunct Faculty has ten years of teaching experience at the University of St. Thomas or a minimum of twenty courses taught at the University of St. Thomas. The University requires effective teaching for all adjunct faculty.

Section II.G of the University Policy provides that “At least once per year, the department chair should evaluate the adjunct faculty member’s performance. This may be done in person or through technology. Courses taught by new adjunct faculty should be visited by an experienced faculty member at least once during the initial semester of teaching at St. Thomas, and annually thereafter.”

### **B. Hiring Adjunct Faculty**

The Associate Dean for Academic Affairs shall hire adjunct faculty as necessary to meet curricular needs. The Associate Dean may seek the advice and assistance of the Appointments Committee and faculty members in a subject area where an adjunct professor is needed. The Associate Dean will give consideration to diversity and mission-fit in the hiring of the adjunct faculty. The Associate Dean has ultimate authority to dismiss or not to rehire an adjunct faculty member.

### **C. Developing the Teaching Skills of the Adjunct Faculty**

The Administrative Dean (the AD) and the Chairperson of the relevant Promotion and Tenure Committee (the Chair) shall work together to develop the teaching skills of the adjunct faculty.

The Chair will organize an orientation for adjunct professors in August of each academic year and inform the AD of the date and place. The Chair will arrange for the faculty member in charge of speaker programs to invite adjunct faculty to all speaker programs for the law school, and to include the adjunct faculty in all brown bags with the full-time faculty to discuss teaching. The adjunct faculty contract will provide that adjunct faculty will attend orientation and at least one teaching development program or brownbag each academic year.

The Chair will assign a full-time faculty member to serve as a mentor for each adjunct faculty member, and will ensure that the mentor visits one class, reviews the student evaluations and files a brief report.

The Chairs will organize an appreciation lunch for adjunct faculty at the end of each year and inform the AD of date and place.

The AD will be responsible for the logistics of orientation, lunches, notices to adjunct faculty about brown-bag lunches and events, and the management of the adjunct files, ensuring both that the adjunct faculty in fact attend at least orientation and at least one teaching development program each year and that a current resume, syllabus, exams, grades, and a report from a mentor are in each file. The AD will also ensure that each adjunct faculty member has an examination on file at least two days before the examination is given and that the adjunct faculty meet grading deadlines. The AD will organize the distribution and the collection of student evaluations for adjunct faculty.

#### **D. Evaluating Adjunct Faculty Members**

Adjunct faculty members will provide a syllabus to their full-time faculty mentor and to the AD.

The AD will distribute and collect student evaluations of faculty at the end of each course taught by an adjunct professor.

A full-time faculty mentor will visit the adjunct faculty member's course at least once during the semester, and, after reviewing also the course syllabus and materials, the student evaluations, write a brief report.

The written report may address the following criteria (from the UST Tenure Policy Section II.C.1.a.):

1. knowledge, accuracy, appropriateness and command of content;
2. planning and organization;
3. use of teaching strategies that create a learning environment;
4. clarity and effectiveness of communication;
5. appropriateness of syllabus and materials; and
6. strengths and areas for continuing development.

The mentor should review the report with the adjunct faculty member.

If a mentor finds substantial problems with an adjunct professor's teaching, the mentor should inform the Chair, and the Chair should also visit the class. The mentor and the Chair should discuss their findings with the Associate Dean.

#### **E. Most Significant Challenges**

1. Hiring adjunct faculty who support the mission.
2. Assisting adjunct faculty to reflect the mission in the classroom.
3. Creating a community where adjunct faculty feel included and honored.

*Adopted by the Law Faculty, July 31, 2002  
Placed in catalog, August 7, 2002*

### **IV-13. Reimbursing Attorney License Fees, Bar Dues, and CLE Expenses**

Faculty may use funds in their professional development accounts (PDAs) to pay for attorney license fees, bar membership dues, and continuing legal education ("CLE") expenses. However, faculty are strongly discouraged from using PDA funds to pay for CLE courses. Most states (including Minnesota) allow attorneys to earn CLE credit at no cost by preparing to teach and teaching CLE courses. As much as possible, faculty should earn CLE credit in this manner.

The School of Law will not reimburse administrators and staff for attorney license fees, bar membership dues, or CLE expenses. The Dean may make an exception for an employee who cannot perform the essential functions of his or her job without maintaining an active attorney's license. Even in those cases, the law school will not pay CLE expenses, but will expect the administrator or staff member to earn CLE credits by teaching or by attending low-cost CLE courses.

*Adopted by the Law Faculty, October 2, 2002*

## V. OTHER POLICIES

### V-1. Statement on Religious Identity and Mission

#### GENERAL PRINCIPLES

UST Law School has a mission and vision that it seeks to use as guideposts for its range of programs. UST Law rests within and is inspired by the tradition of Catholic higher education, whose objective is “to assure in an institutional manner a Christian presence in the university world confronting the great problems of society and culture.”<sup>1</sup> UST Law seeks to be a Christian presence in the worlds of legal education and the legal profession.

The apostolic constitution on Catholic higher education, *Ex corde Ecclesiae*, describes in general the challenge we take up as a Catholic law school: “to unite...two orders of reality that too frequently tend to be placed in opposition as though they were antithetical: the search for truth, and the certainty of already knowing the fount of truth.”<sup>2</sup> Our Mission Statement shares this emphasis, stating that UST, “as a Catholic law school, is dedicated to integrating faith and reason in the search for truth,” in particular “through a focus on morality and social justice.” The Vision Statement expands upon and repeats the theme of integration—“integration of faith and deepest ethical principles” with the discipline of law—in three major areas, including “professional preparation,” “scholarly engagement,” and “service and community.”

In the first area, professional preparation, UST Law begins from the premise that there are certain religious, spiritual, and other deep ethical truths that undergird the law as a body of knowledge and a professional calling—but that legal education and law practice are too often dismissive of, and at best disconnected from, those truths. The truths of the Christian gospel of particular relevance to the law include “the meaning of the human person, his or her liberty, dignity, sense of responsibility, and openness to the transcendent.”<sup>3</sup> But we also recognize that such “spiritual values”—such “authentically human contributions”—can be present in many different religions and belief systems,<sup>4</sup> and that many students of varying traditions enter law school with some such set of deep ethical principles that guide them. A crucial aspect of UST’s mission is to assist students, as much as possible, to integrate these religious and deep ethical beliefs with their lives as lawyers, rather than have the two moral worlds remain disconnected or in conflict. We recognize and teach students that lawyers play distinctive moral roles in society and have distinctive duties. But our mission of integration means helping students to see how lawyers’ work can promote the deepest principles of human dignity; equipping them to challenge those aspects of current legal culture that contradict those principles; and preparing them to

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<sup>1</sup>John Paul II, Apostolic Constitution on Catholic Universities *Ex corde Ecclesiae*, art. I, § 13, Aug. 15, 1990, 82 AAS 1475-1509 (1990).

<sup>2</sup>*Id.* § 1.

<sup>3</sup>*Id.* § 45.

<sup>4</sup>*Id.* §§ 43, 47.

respond appropriately to the moral challenges and tensions posed by the lawyer’s role.

In the area of “scholarly engagement”, our particular mission—beyond becoming a place of high-quality scholarship and intellectual life in general—is “to explore the intellectual integration of faith into the study of law” (Vision Statement). This includes both descriptive scholarship, studying the role that traditional religions and other deep ethical systems have played and do play in the development of law; and normative scholarship, advocating various positions or reforms in the light of the social teachings of the Catholic Church, of other religious faiths, or of other deep ethical traditions.

In the area of service and community, UST Law embraces the Pope’s call to universities to manifest a “Christian spirit of service to others for the promotion of social justice”—and to “be particularly attentive to the poorest and to those who suffer economic, social, cultural or religious injustice.”<sup>5</sup> In the field of law this means, as our Vision Statement puts it, “promot[ing] and participat[ing] in service programs designed [for] the disadvantaged and [legally] underserved.”

### **CONSIDERATION OF MISSION IN UST LAW DECISIONS**

Realizing UST Law’s mission and vision also requires building a community of persons committed to the mission and vision. A law school’s mission emphasis cannot be imposed by the dean, or created by instituting programs; the emphasis and priorities must originate from the personalities and priorities of the faculty, students, administrators, and staff themselves. Therefore we give consideration, both in hiring personnel and in admitting students, to “mission fit”—a shorthand for the question whether a prospective employee or student will support and advance UST Law’s mission. And in considering faculty promotion and tenure, we consider whether a candidate has demonstrated “commitment to the mission and vision of the [s]chool” (Promotion and Tenure Policy).

As was emphasized in part I, the religious mission of UST Law contains several facets. There are many different ways in which a member of the faculty, administration, or staff can contribute to the mission, and many ways in which a student can be the sort of lawyer or professional that is consistent with our mission. As explained below, these criteria should leave a good deal of room for diverse contributions by different members of the community. But since UST Law has set particular priorities—has defined certain distinctive contributions that it is trying to make to legal education—it makes perfect sense to seek people who have similar interests and priorities.

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<sup>5</sup>*Id.* §§ 34, 40.

## A. Faculty Hiring and Promotion/Tenure

### 1. Means of Showing Mission Fit

At the stage of faculty hiring, we look for indications in a candidate's background that the candidate will contribute in some way to the distinctive mission of UST Law. We also speak straightforwardly with candidates at interviews, telling them of the school's mission and asking each how he or she would be able to support and advance that mission.<sup>6</sup>

At the stage of promotion or tenure, our policy provides that a candidate "must demonstrate commitment to the mission and vision of the [s]chool." The candidate must show "that he or she has undertaken ongoing efforts, individually and in concert with others, to advance the mission and vision."

The promotion and tenure policy makes clear that a candidate may demonstrate commitment to the mission and vision "in a wide variety of ways." The same wide variety of contributions to the mission applies to our consideration of faculty candidates for initial hiring. Examples of commitment to the mission include:

- a. "encouraging students to integrate their faith and values into their professional lives";
- b. "publishing scholarship that integrates faith and ethics into the study of law"; or
- c. "providing service to the disadvantaged."

### 2. Academic Freedom

UST Law follows the University of St. Thomas's established policy on academic freedom. The University's policy is strong, reflecting the American Association of University Professors' statements on academic freedom. A commitment to "freedom in research and teaching...according to the principles and methods of each individual discipline"<sup>7</sup> is fully consistent with the mission of Catholic higher education: in the words of *Ex corde Ecclesiae*, "[i]t is the honor and responsibility of a Catholic university to consecrate itself without reserve to the cause of truth... It does this without fear but rather with enthusiasm, dedicating itself to every path of knowledge, aware of being preceded by him who is 'the Way, the Truth, and the Life.'"<sup>8</sup>

In particular, we understand UST Law's mission as expanding the scope and

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<sup>6</sup>This section focuses on the relationship between "mission fit" and faculty-related decisions, because many of the relevant issues – promotion and tenure, academic freedom—are unique to faculty. As noted above, mission fit is also a consideration in hiring of administrators and staff, with adjustments appropriate to each context.

<sup>7</sup>*Ex corde Ecclesiae*, General Norms, art. 2, § 4.

<sup>8</sup>*Ex corde Ecclesiae*, art. 1, § 4.

freedom of intellectual inquiry. Our faculty and students will pursue knowledge about the law by means of all the skills and methods common to the legal academy and profession—textual analysis, common-law reasoning from precedent, historical and other interdisciplinary inquiry, appeal to society’s moral standards. But to these skills, we hope and expect, our faculty and students will add a further dimension, a special concern to inquire into and explore the spiritual aspects of the law and of professional calling—the extent to which law rests on and implicates the fullest view of the human person.<sup>9</sup>

A commitment to academic freedom is also fully consistent with the requirement in our promotion and tenure policy that faculty support and advance the mission of UST Law. As we already noted, the policy emphasizes that “[a] candidate may demonstrate commitment to the mission and vision of the School of Law in a wide variety of ways, such as by encouraging students to integrate their faith and values into their professional lives, publishing scholarship that integrates faith and ethics into the study of law, or providing service to the disadvantaged.” There is no requirement of, or favoritism for, any particular theological or ideological perspective in relating faith or ethics to law or in serving the disadvantaged. We hope and expect that different faculty, coming from a variety of faith traditions and philosophical perspectives, will bring to UST a wide range of perspectives on faith, ethics, and law. Only such a diverse faculty can assist our students in integrating their deep beliefs with their professional lives, since we hope and expect that the range of deep beliefs among our students will be similarly wide. We plan to hire faculty who are committed to our broad vision—pursuing the integration of faith and deep beliefs with scholarship and with service to the needy—and then to let those faculty follow their conscience and intellect.

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<sup>9</sup>What one Catholic scholar has written about the Catholic university in general can be applied more specifically to the various aspects of legal study:

We learn something about the meaning of human life and death from Tolstoy. . . . We also learn something about our life and death from courses in human anatomy and physiology, in human genetics and neurophysiology. . . . We learn also about human life and death from political science and economics. . . . Schools of nursing, social work, education, law and business immerse their students in so much of what it is to be human. . . . But we finally understand human life in terms of Christ[. W]e bring all of that human promise and beauty, pathos and sorrows, intricate structures and biological drives, massive disagreements and debates about political interactions and economic forces to a theological inquiry about what it means to hear the great promise of the Gospel: “I have come that they might have life and have it more abundantly.”

### 3. “Conduct Inimical to the Mission”

The promotion and tenure policy also provides that “[c]onduct that is inimical to the mission and vision of the School of Law is grounds for denial of promotion or tenure.” This provision merits elaboration in three respects:

First, it may be helpful to state what the provision does not cover. “Conduct inimical to the mission and vision” does not include good-faith disagreements over priorities within our broadly stated mission and vision; debate over such priorities and directions is essential, not detrimental, to realizing the mission. It is not intended to limit academic freedom, which as noted above is a firm commitment of both UST Law and the University. “Conduct inimical” does not include taking a position at odds with the position of the Catholic Church on some issue, unless the faculty member’s position is independently inimical to UST Law’s mission in some other affirmative way, such as those listed below. “Conduct inimical” does not include personal conduct unless that conduct in some way causes the faculty member to fail in his or her duties of teaching, scholarly engagement, service, and community-building.

Second, a good deal of guidance on the meaning of “conduct inimical to the mission and vision” can be found—as the phrase itself indicates—in the text of UST Law’s mission and vision statements and the specific purposes laid out in them. Thus, although the following list is illustrative and not exhaustive, “conduct inimical to the mission and vision” may include conduct that is a significant impediment to:

- a. “preparing students to become accomplished servant leaders”;
- b. “supporting and encouraging students’ integration of their faith and deepest ethical principles into their professional character and identity”;
- c. “expand[ing] knowledge about law and society and participat[ing] in the improvement of legal institutions”;
- d. “explor[ing] the intellectual integration of religious faith into the study of law”;
- e. “establish[ing] a diverse community...dedicated to supporting each other, the law school’s mission, and [external] communities”; or
- f. “promot[ing] and participat[ing] in service programs, “striv[ing] to enhance social justice,” and “assist[ing] students in integrating their commitments to serve society into the personal and professional lives.”

Third, “conduct inimical to the mission and vision” may include conduct that violates University policies or federal or state law. University policies are found at <http://www.stthomas.edu/facultyhandbook>.

## **B. Student Admissions**

In student admissions, we look for “mission fit” by considering a student’s entire application file and not merely academic numbers such as LSAT score and undergraduate GPA. Prospective mission fit is a consideration both in admitting students and in awarding scholarships.

As with faculty hiring and promotion, an applicant for admission to the student body may evidence mission fit in a wide variety of ways. One applicant may express a desire to ensure that her professional career harmonizes with her strong religious faith. Another may have an academic background in theology or moral philosophy and a desire to explore the intellectual foundations of law and the relationship between faith, or more generally morality, and law. Another applicant, with no religious affiliation, may have a demonstrated record of service to the needy and express an eagerness to use his legal training to continue that service.

## **C. Religious Affiliation and “Mission Fit”**

A distinct and important question is how the religious affiliation of a candidate—whether for a faculty position or a place in the student body—relates to the candidate’s mission fit. We ask prospective faculty, staff, administrators, and students about how they could make a contribution to UST Law’s mission. We do not ask faculty applicants their religious affiliation, and we ask student applicants only an optional question about their religious preference, for informational purposes.<sup>10</sup> This approach is consistent with the University’s nondiscrimination rule, which states that the University “does not discriminate on the basis of [among other things] creed [or] religion...in the employment of faculty or staff, the admission or treatment of students, or in the operation of its educational programs and activities.” The question for us is not simple religious affiliation, but whether a candidate—say, a candidate for a faculty position—is personally interested in the project of integrating religious and other deep moral beliefs into teaching, scholarship, or service. Such an interest is crucial because one aspect of our mission is to help students with religious faith or other deep moral and ethical beliefs to integrate those with their professional lives, and obviously it is important to have faculty who understand the challenge of that first-hand, can therefore sympathize with it, and can serve as models for students.

We emphasize our belief that it is valuable to have a wide range of religious and ethical beliefs in the UST Law community. As a Catholic law school, we are also “catholic” in the sense that we affirm elements of truth and value in many different religious traditions, and we aim to serve students with many different religious commitments and other deep moral and ethical beliefs. We are more likely to learn from the truth and value in various traditions if adherents of those traditions are present among our faculty. And our faculty is more likely to be able to help students of various traditions and beliefs, and to serve as models for those students, if those traditions and beliefs are represented on the faculty. Accordingly, it is a priority of ours to find faculty with a diversity of religious and deep moral beliefs. And to reemphasize, this diversity extends to potential faculty who do not profess traditional religious beliefs, but who nevertheless

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<sup>10</sup>The purpose of the information is to provide some sense of whether our mission is proving attractive to people of particular faiths and whether we are achieving religious diversity. The admissions committee does not consider the willingness or unwillingness of an applicant to answer the question in making a decision about admissions or financial aid.

are themselves committed to integrating deep moral and ethical beliefs with professional life (and helping students to do so), and who are interested in and comfortable with doing so in a Catholic setting.

Finally, although having a significant Catholic presence on the faculty and staff is important in maintaining UST Law's mission, we have not found it necessary to date to make religious affiliation a criterion in order to preserve such a presence. We have found that the substantive content of our mission naturally attracts Catholic candidates—and more broadly candidates with religious faith—who are interested in the connection between faith and professional life. As UST Law becomes (we trust) more prominent and attractive to applicants and the faculty grows in size, the preservation of our mission focus may require us to revisit this approach—to consider religious affiliation more specifically, not as an overriding factor, but as one indicator of “mission fit” among many others.

UST Law's approach is fully consistent with the relevant accreditation standards. ABA Standard 210(e) states that a law school may “hav[e] a religious affiliation or purpose” and may “adop[t] and appl[y] policies of admission of students and employment of faculty and staff which directly relate to this affiliation or purpose”; “[t]hese policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school,” although they may not “preclude admission of applicants or retention of students” based on religion.<sup>11</sup> First, we do not give any preference based on religion (let alone “preclude” admission on that basis); we also consider whether a faculty candidate or student applicant has some other deep conscientious moral belief that he or she is seeking to integrate with his or her professional life. Second, as we have already explained, our consideration of mission fit “directly relate[s]” to our purpose—one of our central purposes—of helping students of varying faiths to integrate those beliefs with their professional lives. Finally, we provide notice of our mission focus both to faculty candidates, at the stage of initial interviews, and to prospective student applicants, through the UST Law website.

*Adopted by the Law Faculty, August 12, 2002*  
*Placed in catalog, August 12, 2002*

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<sup>11</sup>The AALS has an essentially identical provision. See AALS Executive Committee Regulation § 6.17.

## V-2. Nondiscrimination and Affirmative Action

### UNIVERSITY OF ST. THOMAS SCHOOL OF LAW POLICY OF NON-DISCRIMINATION AND AFFIRMATIVE ACTION PLAN

#### A. Preamble

The University of St. Thomas School of Law (AUST Law@) is committed to ensuring that its administrators, faculty, staff, and students fully reflect the great diversity of God=s creation.

UST Law=s commitment to diversity is inseparable from its identity as a Catholic law school. Central to Catholic social teaching is the belief that every human being is made in the image of God and that, reflecting the Trinitarian nature of God, human persons are social beings who thrive in community with others.

These beliefs are reflected in UST Law=s mission. UST Law seeks not merely to convey legal knowledge to its students, but to instill in them a deep respect for the dignity of every human person. UST Law seeks to do this not primarily through lectures or books, but by creating a diverse community of administrators, faculty, staff, and students committed to its mission, and by giving those community members sustained and meaningful contact with one another.

For UST Law, then, diversity is not merely a matter of complying with federal laws or accreditation standards, nor even a matter of providing a quality legal education. Rather, a diverse community is essential to UST Law=s identity—to its very reason for being.

#### B. Policy of Non-Discrimination

UST Law is governed by the non-discrimination policy of its parent university: “the University of St. Thomas does not discriminate on the basis of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age, marital status, or status with regard to public assistance in the employment of faculty or staff, the admission or treatment of students, or in the operation of its educational programs and activities.” UST Law complies with this non-discrimination statement in all of its own activities, and it expects that employers to whom it furnishes assistance of any kind, including facilities for interviewing, do not discriminate on any of these grounds.

The University=s commitment to equality of opportunity dates back to its founder, Archbishop John Ireland, who devoted much of his life to battling racism in the United States and in the Catholic Church. Archbishop Ireland regarded racial prejudice as “a detestable violation of both Christian and American principles@ and as being “unworthy of human reason.@ Joseph B. Connors, *Journey Toward Fulfillment: A History of the College of St. Thomas* 81 (1986). Archbishop Ireland=s views have been embraced by his successor bishops. In the *Pastoral Constitution on the Church in the Modern World (Gaudium et Spes)*, the Catholic bishops affirmed that, since all persons are “created in God=s likeness, since they have the same nature and origin, have been redeemed by Christ and enjoy the same divine calling and destiny, the basic equality of all must receive increasingly greater recognition.” The bishops urged that “every type of discrimination, whether social or cultural, whether based on sex, race, color, social condition, language, or religion, . . . be overcome and eradicated as contrary to God=s intent.”



### **C. Affirmative Action Plan**

UST Law will not accomplish its mission if it simply commits itself to non-discrimination. Rather, UST Law must affirmatively seek to diversify its community by attracting administrators, faculty, staff, and students with a broad range of life experiences.

Efforts to diversify the UST Law community must focus on those who have historically been underrepresented in the legal profession because of their race or ethnicity. Many groups—including Roman Catholics—have felt the sting of discrimination, but discrimination on the basis of race and ethnicity has been particularly pernicious, and its effects have been particularly far-reaching. As the American bishops instructed in *Economic Justice for All*, their Pastoral Letter on Catholic Social Teaching and the U.S. Economy, “[w]here the effects of past discrimination persist, society has the obligation to take positive steps to overcome the legacy of injustice. Judiciously administered affirmative action programs in education and employment can be important expressions of the drive for solidarity and participation that is at the heart of true justice.”

The efforts to diversify UST Law will be many and varied, and will evolve over time as UST Law itself evolves. Central to those efforts will be working to increase the number of members of underrepresented groups who are interested in studying law; recruiting to UST Law members of underrepresented groups and others who would diversify the community; creating an atmosphere at UST Law in which differences among members of the community are not simply tolerated, but celebrated; providing academic, financial, personal, spiritual, and other support so that every member of the UST Law community can flourish; and ensuring that all those who leave UST Law are well prepared to enjoy fulfilling and successful careers.

### **D. Students**

Among the specific steps that UST Law will take to seek a diverse student body are the following:

1. UST Law will seek to increase the number of minority students who are interested in studying law generally and attending UST Law specifically. It will do so by:
  - a. encouraging administrators, faculty, staff, and students to serve as mentors to minority students through such programs as Big Brothers/Big Sisters and the Minnesota Community College Mentor Program;
  - b. building long-term partnerships with at least one K-12 school and at least three undergraduate institutions serving substantial minority populations;
2. UST Law will offer to provide a full slate of services to the students of these institutions, including providing information and advice about careers in the legal profession, preparing for law school, preparing for and taking the LSAT, navigating the law school admissions process, financial planning for law school, and other issues. UST Law will also offer to assist with mock trial programs, present mock law school classes, and consult individually with minority students who may be interested in a legal career.

- a. encouraging administrators, faculty, staff, and students to participate in public service and other activities—such as Street Law programs—that will bring them into contact with minority students; and
  - b. supporting the activities of the Council on Legal Education Opportunity (ACLEO®) and other programs that are intended to increase the number of minority students who are able to attend law school.
3. UST Law will seek to increase the number of minority students who apply for admission to UST Law. It will do so by:
- a. attending minority recruitment fairs locally and nationally;
  - b. sending recruiters to visit institutions with substantial minority populations (such as HBCUs and tribal community colleges);
  - c. where feasible, making an effort to speak to a minority student advisor or a representative of a minority student organization at campuses visited by UST recruiters;
  - d. sending promotional materials to students who identify themselves as belonging to a racial or ethnic minority group when registering for the LSAT;
  - e. hosting open houses for prospective minority applicants;
  - f. working with pre-law advisors to identify promising minority students;
  - g. authorizing pre-law advisors to waive the application fee for minority students; and
  - h. hosting periodic conferences for pre-law advisors who work at institutions with substantial minority populations.
4. UST Law will seek to increase the number of minority students who decide to enroll at UST Law. It will do so by:
- a. giving substantial weight to the benefits of attracting a diverse class of students in making admissions and financial aid decisions;
  - b. attempting to persuade prospective donors to fund endowed scholarships that could be used to attract students who would diversify the student body; and
  - c. making certain that at least one administrator or professor and at least one student contacts every minority admittee and invites the admittee to visit campus, to ask questions, and to express concerns about UST Law.

5. UST Law will seek to assist minority students to achieve academic success. It will do so by:
  - a. hiring a Director of Academic Achievement to work with students, including minority students, who are struggling academically;
  - b. encouraging and supporting student organizations (e.g., the Black Law Students Association and the Multicultural Law Students Association) that specially address the needs of minority students;
  - c. educating faculty on the challenges that minority students confront and on the ways in which faculty can help with those challenges;
  - d. encouraging and enabling faculty to give conscious attention in classrooms to the impact that America=s history of discrimination has had on legal education and the legal profession;
  - e. encouraging contacts and joint endeavors between minority students enrolled at UST Law and minority students enrolled at other law schools (particularly the other law schools located in Minnesota);
  - f. establishing strong ties with minority bar associations, and inviting those associations to assist minority students to succeed in law school and to find employment;
  - g. making special efforts to recruit minority attorneys to serve as mentors in the UST Law mentor program;
  - h. developing programs and other resources to assist minority students in coping with the challenges that they will face inside and outside of the classroom because of their race or ethnicity;
  - i. striving to add to the law school administration and faculty people with personal knowledge of the challenges faced by members of racial and ethnic minorities;
  - j. inviting members of minority groups who are leaders in the worlds of law, business, education, religion, and other endeavors to speak on campus, to judge moot court competitions, and otherwise to interact with students; and
  - k. offering classes such as Employment Discrimination, Immigration Law, Native American Law, and Poverty Law that will likely have special relevance to minority students and that will hopefully inspire UST Law students to do the kind of work that will someday make affirmative action plans unnecessary.

6. UST Law will seek to assist minority students successfully to enter the legal profession. It will do so by:
  - a. hiring a Director of Academic Achievement to put together a program for those students, including those minority students, who may need extra assistance in preparing for the bar examination;
  - b. promoting contacts between minority students and minority lawyers, so that minority students can get advice about the special challenges they may face in finding satisfactory employment;
  - c. giving financial and other assistance to minority students who wish to participate in networking activities, such as paying the cost of attending events sponsored by minority bar associations; and
  - d. participating in job fairs and other programs designed to bring minority law graduates to the attention of prospective employers.

Although, for the reasons stated above, the major focus of these initiatives will be on increasing representation of racial and ethnic minorities, UST Law will also use these and similar initiatives to achieve broader diversity, such as diversity of sex, age, religion, disability, economic status, sexual orientation, and moral and political beliefs.

## **E. Faculty**

Among the specific steps that UST Law will take to seek a diverse faculty are the following:

1. Increasing the number of women and minority faculty members is and will remain one of the highest priorities of the Faculty Appointments Committee.
2. At the beginning of each academic year, all faculty will be asked to identify potential women and minority faculty candidates through networking, reviews of recent scholarly publications, reviews of lists of women and minority professors, and other means.
3. The record of any person identified as a potential woman or minority faculty candidate will be reviewed and, if appropriate, the candidate will be contacted by the dean and/or the chair of the Faculty Appointments Committee.
4. In deciding whom to invite to interview at the AALS Faculty Recruitment Conference and on campus, and in deciding to whom to extend offers of employment, UST Law will apply a broader range of criteria than may customarily be applied and give substantial weight to the benefits of diversifying the faculty. In particular, UST Law will consider, with respect to every open position, whether traditional criteria (such as prestige of law school attended, law school grades, law review membership, and clerkship) are likely to be reliable predictors of success in the position and whether such criteria are acting to exclude women and minority candidates who may hold the position successfully.

## **F. Implementation and Monitoring**

Each year, the Dean will appoint a member of the administration or faculty to serve as the affirmative action coordinator. The affirmative action coordinator will be responsible for monitoring the implementation of this plan, for evaluating the effectiveness of this plan, and for recommending changes to this plan. On or about July 1 of every year, the affirmative action coordinator will ensure that UST Law is in full compliance with Interpretation 211-2 of the ABA=s Standards for Approval of Law Schools.

## **G. Individuals With Disabilities**

Students qualify for services through the Enhancement Program upon self-disclosure and presentation of appropriate documentation of a learning disability, Attention Deficit Disorder (ADD/ADHD), psychiatric disorder, or traumatic brain injury. Qualified students, along with the Enhancement Program staff, work to realize their potential for academic success within the regular university setting. The Enhancement Program staff acknowledges that individuals with documented disabilities have unique learning needs. Reasonable academic accommodations are arranged on an individual basis in accordance with that individual's disability and with the requirements of a particular course. The Enhancement Program represents an institutional commitment to individual guidance for students to develop the skills necessary to become independent life-long learners.

*Adopted by the Law Faculty, June 6, 2002  
Placed in catalog, August 6, 2002*

### **V-3. Postings**

The purpose of this policy is to provide guidelines for postings in the School of Law. Space is provided for postings by faculty and administration as well as students and student organizations.

**Official items posted by School of Law and University administrators** will be posted in the faculty and administration areas on the official, glass-front bulletin boards located in the student lounge in the lower level of the law building. No student group, organization or individual may post anything on the official bulletin board.

**Postings by student groups** must be approved by the Dean of Students. Approval for posting can be obtained in the Student Services suite – MSL 124. The announcement should clearly indicate the name of the sponsoring organization. Individual student and student group postings may be displayed on bulletin boards only. Bulletin boards are located in the student lounge, in the student organization office suite, in the hallway leading to the skyway with the parking ramp and at the far end of the classroom wing on the 3<sup>rd</sup> and 4<sup>th</sup> floors. On the day of an event, an event may be publicized by posting a notice with the magnetic clip provided at the doorway to each classroom. Student postings may not be affixed to walls, doors (including classroom doors), railings or any other location unless specifically approved by the Dean of Students. Student postings may not obstruct official notices.

Postings should be displayed no more than 2 weeks before the event being announced. Postings are to be taken down promptly once an event has taken place. The Dean of Students and the Assistant Dean for Administration or their designees may take down postings that do not meet these requirements or that are for events that have already occurred. At the end of the fall and spring semesters, they will remove all postings by student groups.

#### **Prohibition on Posting Elsewhere in the Building**

Faculty, administrators, staff and students may not affix postings to any doors or walls. Items may be displayed using the magnetic clip provided next to their door for posting notices or other items.

*Adopted by the Law Faculty, August 5, 2003  
Revised May 28, 2004*

## V-4. Loan Repayment Assistance Program (LRAP)

### A. Mission

Consistent with its mission of encouraging faith-based social justice initiatives, the University of St. Thomas School of Law is committed to a substantial loan repayment assistance program. This program will enable UST law graduates to take public service jobs that will promote social justice consistent with the law school's mission and teachings of the Catholic Church.

### B. Program Features

1. General Eligibility: Any UST Law School graduate who is licensed to practice law within the United States, who meets the program requirements, and who graduated within 10 years of application is eligible for loan repayment assistance for a 10-year period.
2. Requirements
  - a. Qualifying Employment: To qualify for loan repayment assistance, the applicant must document full-time employment (at least 35 hours per week) at a qualifying public interest organization, which is: 1) a non-profit organization exempt from federal income taxation under IRC § 501(c)(3); 2) a local, state, or federal governmental entity; 3) a Native American tribal government, court system, or public interest organization; or 4) an international organization (governmental or non-governmental). The employment must be employment as a lawyer: 1) providing legal advice or representation to clients based on financial eligibility, or 2) representing a qualifying public interest organization that in turn provides legal services to clients based on financial eligibility. **A position as a lawyer includes employment in a position that converts into an attorney position upon passage of the bar examination within twelve months of commencement of employment.**
  - b. Exhaustion of Other Sources: Except for funds available from Minnesota-LRAP, applicants who are eligible for loan repayment assistance from other sources must apply to and exhaust those resources before applying for assistance from UST-LRAP. To be eligible for Minnesota-LRAP funds, graduates from the University of St. Thomas School of Law must first exhaust their UST-LRAP eligibility.
  - c. Covered Debt: Only student loan debt incurred to pay for tuition in the JD program at the University of St. Thomas is eligible for the program. For this purposes, the amount of tuition paid equals total tuition reduced by UST law scholarships. Student loan debt allocated to courses pursued in a joint-degree program in another school or college is not covered. The covered debt is calculated by taking the lesser of 1) total tuition reduced by UST law scholarship assistance or 2) student loans incurred while enrolled in law school.

#### Examples

- i. During the three years in law school, a student receives no scholarship, borrows \$30,000 in student loans while in law school, and pays \$66,000 in tuition. The covered debt is \$30,000.

- ii. During the three years in law school, student receives a full tuition scholarship and pays no tuition. The student borrows \$20,000 in student loans while attending law school. The covered debt is 0.
  - iii. During the three years in law school, a student receives a \$20,000 tuition scholarship, borrows \$25,000 in student loans while in law school, and pays \$46,000 in tuition. Total tuition is \$66,000. The covered debt is \$25,000.
  - iv. During the three years in law school, a student receives a \$40,000 tuition scholarship, borrows \$40,000 in student loans while in law school, and pays \$26,000 in tuition. Total tuition is \$66,000. The covered debt is \$26,000.
  - v. A student receives no scholarship, borrows \$80,000 in student loans while in law school, and pays \$66,000 in tuition. The covered debt is \$66,000.
  - vi. A student receives no scholarship, enrolls for and completes a JD/MBA joint degree, borrows \$100,000 while in law school and at the College of Business, and pays \$86,000 in tuition. Of this amount, \$66,000 is allocable to law courses and \$20,000 is allocable to business courses. The covered debt is \$66,000.
  - vii. A student begins law school with student loan debt of \$50,000 incurred as an undergraduate. The student borrows another \$40,000 in student loans while in law school. The student pays \$66,000 in tuition. The covered debt is \$40,000.
- d. Consistency with Mission: The employment undertaken must be consistent with the law school's mission and cannot contradict the teachings of the Catholic Church. Applicants will be required to certify that their employment is consistent with mission and not inconsistent with Church teachings. Applicants will agree to repay UST-LRAP assistance in the event that the certification was false or erroneous.
3. Application Cycle: UST-LRAP will run a twice-a-year grant cycle. Applications for recent graduates who have taken the July bar exam will have a deadline of ~~October 1~~ **in November**. The second grant cycle will have a deadline of ~~April 1~~ **in May**.
  4. Payment of Benefits, Promissory Note, and Taxation: Benefits will be paid in quarterly installments based on the annual award. To provide exclusion of the benefits from the federal gross income of applicants, the applicant must sign promissory notes for each **quarterly** payment and agree to repay the benefits if the applicant does not continue in qualifying employment for ~~at least 24 months following the date of application for each annual grant cycle~~ **the quarter**. This ~~24-month~~ requirement will be treated as met if the applicant's position is terminated and if the applicant cannot find other employment during the award cycle.
  5. Period of Eligibility and Renewal of Benefits: Applicants who continue to meet the employment requirement and also come within the income guidelines and the benefits caps, are eligible to receive benefits under this program for up to ten years from the first year of application. Renewal of benefits will require annual applications.
  6. Income Guidelines and Cap: UST-LRAP is a need-based program. As the adjusted household income of an applicant rises, the benefits decrease. In

addition, the cap on the benefits also declines as adjusted household income increases. Subject to the cap, benefits decline as annual adjusted household income increases above \$27,000. No benefits are available to applicants with adjusted household income above \$52,000. As adjusted household income increases, the applicant is expected to contribute 20% of the excess over \$27,000 towards the covered debt.

The cap on annual benefits begins at \$6,000 per year and declines as adjusted household income increases above \$27,000. The decrease is equal to 20% of the excess over adjusted household income of \$27,000.

After its first year of operation, the income guidelines and benefit caps will be adjusted for inflation in reasonable increments.

This chart shows how these need based calculations work:

<b>AHI</b>	<b>Applicant's Contribution</b>		<b>Cap</b>
20,000	-0-		6,000
27,000	-0-		6,000
28,000	200		5,800
29,000	400		5,600
30,000	600		5,400
31,000	800		5,200
33,000	1,200	4,800	
35,000	1,600	4,400	
37,000	2,000	4,000	
40,000	2,600	3,400	
44,000	3,400	2,600	
47,000	4,000	2,000	
52,000	5,000	1,000	
Above 52,000: no benefits			

### **Calculation of Adjusted Household Income**

$$\text{Adjusted Household Income (AHI)} = \text{BI} - \text{SD} - \text{DA} + \text{AI}$$

#### **BI = Base Income**

Base Income (BI) equals income from all sources minus \$3,000 for each dependent (excluding the applicant and the applicant's spouse). Income used to compute BI will be based upon the applicant's income from Qualifying Employment plus all other sources of income (including alimony, other part-time jobs, rental income, interest, dividends, etc.). In addition, if the applicant has a spouse, Base Income includes any income of the spouse that exceeds \$27,000. A prior year's LRAP award is not included in the calculation of BI. Loan repayment assistance from other sources is not included in BI, but may be subtracted from the total LRAP award.

#### **SD = Spousal Annual Education Debt**

The actual amount of student loan payments that an applicant's spouse must make during the award cycle, supported by adequate documentation, will be deducted from the applicant's Base Income. The spouse's debt will not be included in determining the amount owed by the applicant. In addition, UST-LRAP loans may not be used to make payments toward a spouse's debt.

**DA = Daycare Allowance**

Estimated daycare costs, supported by adequate documentation, will be deducted from the applicant's Base Income up to a maximum amount established by UST-LRAP each year. For this application, the maximum amount is \$10,000.

**AI = Asset Inclusion**

Twenty-five percent (25%) of the applicant's (and spouse's) assets in excess of \$15,000 will be added to the Base Income. Excluded are home, car, farm (if it is applicant's residence), and retirement accounts (such as IRAs, pensions, etc.). Only one home/residence will be excluded, but the applicant is not required to live in the home/residence. Loss and/or gain on includable assets will be applied to income and must be reported by the applicant.

7. Calculation of Annual Benefit: The annual benefit will be based on a 15-year amortization schedule of the covered debt and will assume a reasonable rate of interest determined by UST-LRAP. This amount will be reduced by the applicant's contribution and subject to the cap, which is calculated from the applicant's adjusted household income.

**Examples**

- a. The applicant is eligible and has qualifying employment. The applicant's covered debt is \$30,000, and adjusted household income is \$25,000. The assumed interest rate is 6%. The applicant's deemed annual loan payment is \$3,037.92 (assuming 15-year amortization at 6%). The applicant's contribution is 0. The cap at the applicant's level of adjusted household income is \$6,000. Therefore, the loan repayment assistance is \$3,037.92. The benefits will be paid in four quarterly installments, and the applicant will be issued a promissory note requiring repayment of these amounts unless the applicant continues in the qualifying employment for at least two years from the date of the application.
- b. Same facts as example a above, except that the applicant's adjusted household income is \$37,000. The applicant is expected to make a contribution of \$2,000 toward the annual liability on the covered debt. The cap is \$4,000. Therefore, the loan repayment assistance is \$1,037.92 ( $\$3,037.92 - \$2,000.00 = \$1,037.92$ ).
- c. Same facts as example a above, except that the applicant's adjusted household income is \$47,000. The required applicant's contribution would now be \$4,000. This exceeds the annual obligation on the covered debt, and the applicant receives no loan repayment assistance.
- d. The applicant is eligible and has covered debt of \$66,000. The applicant's adjusted household income is \$27,000. The assumed interest rate is 6%. The applicant's deemed annual loan payment is \$6,683.40 (assuming 15-

year amortization at 6%). The applicant's contribution is 0. The cap is \$6,000. Therefore, the loan repayment assistance is \$6,000.

- e. Same facts as example d above, except that the applicant's adjusted household income is \$37,000. The applicant's contribution is \$2,000 and the cap is \$4,000. Therefore, the loan repayment assistance is \$4,000 ( $\$6,683.40 - \$2,000 = \$4,683.40$ , but subject to a cap of \$4,000).
- f. Same facts as example d above, except that the applicant has \$27,000 in a bank CD. Of this amount, \$3,000 (25% of \$12,000, which is the amount by which \$27,000 exceeds \$15,000) is added to base income. This increases the applicant's household income by \$2,000 to \$39,000. The applicant's contribution is \$2,600 and the cap is \$3,400. Therefore, the loan repayment assistance is \$3,400 ( $\$6,638.40 - \$3,000 = \$3,638.40$ , but subject to a cap of \$3,400).
- g. Same facts as example d above, except that the applicant's adjusted household income is \$52,000. The applicant's contribution is \$5,000 and the cap is \$1,000. Therefore the loan repayment assistance is \$1,000 ( $\$6,683.40 - \$5,000 = \$1,683.40$ , but subject to a cap of \$1,000).

### C. **Eligibility Changes**

Applicants have an affirmative duty to notify UST-LRAP within 30 days of circumstances that change eligibility. Subsequent quarterly payments will be modified to take these changes into account. Examples of eligibility changes are 1) going from full-time to part-time, 2) changing jobs, 3) increase in salary for the applicant or the applicant's spouse, 4) marriage or divorce, but only if this causes a change in the calculation of the applicant's household income.

### D. **Leave of Absence Policy**

Once an applicant has received benefits from the program, periods of non-participation will not count against the ten-year eligibility period so long as the period of absence is on account of good cause. Examples of good cause include an absence to start a family or to recover from a serious illness.

### E. **Parental and Family Leave**

In the case of an applicant or an applicant's spouse having a child during the period of receipt of benefits, the applicant will be treated as engaged in qualifying employment for a period of 180 days following the birth of the child even if the applicant terminates employment within 60 days prior to such birth or at any time 180 days thereafter. ~~In addition, termination of employment due to the birth of a child will be treated as continuation of employment for 24 months for purposes of cancellation of the promissory notes signed by the applicant.~~

For purposes of the full-time employment requirement, an applicant will be treated as working full-time for a cumulative period not to exceed six years if the applicant's employer allows commencement or continuation of employment on a part-time basis to facilitate care of one or more of the applicant's children. Part-time is defined as work for a minimum of 15 hours per week. In determining calculation of AHI, the applicant's salary will be annualized on a fulltime basis. For example, an applicant working 17.5

hours per week so that he can care for his children will be treated as making double his salary (35 hours is fulltime and 17.5 hours is half that).

For purposes of these rules on parental leave, the adoption of a child will be treated the same as the birth of child.

The administrator of this program will provide appropriate accommodations for family medical leave (required to be given to the applicant by federal or state law or provided to the applicant by the employer) so that leaves of absence will not be treated as an interruption or termination of qualifying employment.

#### Examples

1. Applicant is in the third year of receiving UST LRAP benefits. In the middle of the third year, the applicant has a child and terminates her employment one month before the child's birth. The applicant is deemed to have been in qualifying employment for the entire year ~~and is treated as satisfying the 24-month work requirement for the second and the third year, thereby allowing the promissory notes to be cancelled.~~
2. Applicant is in the third year of receiving UST LRAP benefits. In the middle of the third year, the applicant has a child and receives a three-month leave of absence under the employer's family leave policy. When applicant returns to work, she works 20 hours per week under an agreement with her employer that allows her to work part-time and to care for her child part-time. The three-month leave ~~will not be treated~~ will not be treated as a change in eligibility.
3. Applicant secures qualifying employment and works 17.5 hours and works part-time to care for two of the applicant's children. The employer pays the applicant \$20,000 per year. This is treated as qualifying employment. In calculating BI, the applicant is deemed to make 200% of the salary received. Accordingly, the amount added to the applicant's BI is \$40,000 (200% x \$20,000).

#### F. **Special Guidelines for Clinical Fellows**

The UST-LRAP program will be administered to provide assistance to clinical fellows serving in the Interprofessional Clinic at UST School of Law. For the term of their fellowship, clinical fellows will be subject to the following guidelines:

1. Covered debt includes all student loans, undergraduate and graduate, law and non-law. Law scholarships do not affect the amount of covered debt.
2. Fellows will not be required to make a contribution toward their student loan payments, but a cap, described below, will limit benefits.
3. Fellows will be subject to an initial cap of \$8,000 in annual benefits that is reduced by 20% of the amount of adjusted household income in excess of \$37,000.
4. The base income of a clinical fellow will be increased by the amount that the income of the fellow's spouse exceeds \$37,000.
5. The adjusted household income limit for a fellow is \$67,000.
6. At the end of a fellowship, a former clinical fellow may apply for UST-LRAP or Minnesota LRAP benefits based on new qualifying employment and any remaining covered debt.

Examples

- a. The clinical fellow has unpaid student loans of \$80,000, \$30,000 toward the undergraduate degree and \$50,000 toward the law degree. The clinical fellow's salary is \$37,000. The fellow's adjusted household income is \$37,000 (base income of \$37,000 with no adjustments). The fellow's deemed student loan payment is \$7,491.96 (assuming 15-year amortization at 6%). The fellow's contribution is zero because of the "no-contribution" rule. The cap is \$8,000. Therefore, the fellow receives assistance of \$7,491.96. The benefits will be paid in four quarterly installments, and the fellow will be issued a promissory note requiring repayment of these amounts unless the fellow continues in the position for at least one year from the date that employment begins.
- b. Same facts as example a, except that the fellow's student loans are \$120,000 (\$30,000 from undergraduate and \$90,000 from law school). The fellow's deemed loan payment is \$11,238.00 (assuming 15-year amortization at 6%). The fellow receives assistance of \$8,000 because the deemed annual payment on the student loan is in excess of the \$8,000 cap.
- c. The clinical fellow's salary is \$37,000. The fellow's student loan debt is \$80,000. The fellow's deemed loan payment is \$7,491.96 (assuming 15-year amortization at 6%). The fellow is married, and the fellow's spouse earns \$50,000. The spouse owes \$30,000 in student loans and actually pays \$3,000 per year on those loans. Because of the spouse's income, the fellow's base income is increased by \$13,000 (the amount by which the spouse's income of \$50,000 exceeds \$37,000). The spouse's student loan expense reduces household income by \$3,000 because it is spousal student loan debt. The fellow's final adjusted household income is:

BI=\$50,000 (\$37,000 of fellow's salary plus \$13,000 of spouse's salary).

SD=\$3,000

AHI=\$47,000 (\$50,000 less \$3,000=\$47,000)

The cap is \$6,000 (\$8,000 minus 20% of \$10,000, which is the excess of \$47,000 over \$37,000). Therefore, the fellow receives \$6,000 in assistance because that is the cap for that amount of adjusted household income.

- d. Same facts as c above, except that the fellow and the fellow's spouse have two minor children. The fellow has \$5,000 in documented daycare expenses. The fellow's final adjusted household income is:

BI=\$44,000 (\$37,000 of fellow's salary plus \$13,000 of spouse's salary minus \$6,000 for the two children as dependents)

SD=\$3,000 (calculated the same as above)

DA=\$5,000

AHI=\$36,000 (\$44,000 minus \$3,000 minus \$5,000=\$36,000)

The cap is \$8,000 because AHI is below \$37,000. The assistance is \$7,491.96 (the amount of the deemed payment) and is not reduced by the cap.

- e. The facts are the same as d above, except that fellow's student loan debt is \$120,000. The amount of the deemed student loan payment is \$11,238.00 (assuming 15-year amortization at 6%). The cap is \$8,000. Therefore, the assistance is \$8,000.

**G. Funding and Budget**

The program has sufficient funds for the first five years of operation. After this period, funding of the program at the level described in this proposal will require substantial fundraising. The Dean of the School of Law has identified LRAP as one of the three fund-raising priorities. This proposal assumes that UST will have an LRAP endowment of about \$2 million in the sixth year growing to \$12-\$14 million by the fifteenth year of the program's operation. In the event that this fundraising is unsuccessful, the program benefits will have to be reduced.

**H. Program Administration by Minnesota-LRAP**

Minnesota-LRAP is a separate section 501(c)(3) organization organized and operated to provide loan repayment assistance to lawyers working in public service jobs. The eligible recipients of benefits are lawyers who work in qualifying public service jobs and who 1) are graduates of one of the four Minnesota law schools no matter where their jobs may be or graduates from any law school who work in Minnesota and 2) meet the Minnesota-LRAP income guidelines. The current Minnesota-LRAP and the UST-LRAP income guidelines are very similar, except that UST is generally more generous in its benefits and reduces the cap as adjusted household income rises. Minnesota-LRAP, unlike UST-LRAP, covers all student loan debt.

Minnesota-LRAP and UST School of Law have agreed that Minnesota-LRAP will administer the UST-LRAP program. A dean's committee at UST School of Law will screen all UST-LRAP applications for mission consistency. Acceptable applications then will be forwarded to Minnesota-LRAP for full administration, which will include financial eligibility determinations, payments, issuance of promissory notes, cancellation of notes, record keeping, and modification for changed circumstances.

Under this agreement, UST School of Law graduates must first apply to UST-LRAP. If the UST applicant is ineligible or if the UST-LRAP program does not provide assistance for all of the applicant's student loan debt, then those UST School of Law graduates will be eligible to apply for Minnesota-LRAP benefits.

*Adopted by the Law Faculty, April 19, 2004*

## V-5. Code of Student Responsibility

### Part I. Honor Code

Because students in the School of Law are preparing for careers in a profession demanding honesty and integrity, the School of Law requires high standards of conduct. The School operates under an honor system. The School of Law's Code of Student Responsibility, reprinted below, details the grounds on which students may be found in violation of this honor system. The School of Law also imposes additional obligations on students.

### Part II. Rules Governing Conduct

**§1.01 *Academic Misconduct.*** No student at the University of St. Thomas School of Law shall commit an act or omission constituting academic misconduct. Academic misconduct includes:

- A. *Cheating.* Cheating includes giving, receiving, possessing, or using any materials, information, or study aids prohibited by the instructor. Cheating also includes other dishonesty or fraud relating to law school work or violating the rules established by the instructor to govern work for that instructor.
- B. *Plagiarism.* Plagiarism occurs when students claim or submit as their own original work the research, ideas, or writings of another without acknowledging and clearly identifying the source, all without regard to the quantity of materials used. Examples of plagiarism include copying, summarizing, or paraphrasing another's work without proper attribution. It is not a defense to plagiarism that there was no intent to deceive, to misrepresent, or to gain any unfair advantage.
- C. *Misrepresentation.* Misrepresentation includes any material deception or falsification relating to academic or law school matters, or providing information relating to the student's academic or law school record that is false or misleading or improperly altering or forging any academic or law school document or record including falsifying attendance records and time entries for mentor program, externships, clinics, and public service requirements and including admissions applications and materials.
- D. *Misuse of Property or Services at the Law School.* Misuse of property or services includes stealing, hiding, damaging, defacing, destroying, or impeding access to property or services of the library, of the law school, or of any member of the law school or university community.

**§1.02 *Neglect of Professional Duty.*** No student at the University of St. Thomas School of Law shall engage in neglect of professional duty which is defined as conduct that raises a substantial question as to the student's honesty, trustworthiness or fitness to become a lawyer and which is evidenced by the following:

- A. *Failure to Report Wrongdoing of Another Student.* When a student has knowledge that another student has committed a violation of this Code that raises a substantial question

as to that student's honesty, trustworthiness or fitness to become a lawyer in other respects, the student must report that wrongdoing to the Associate Dean.

- B. *Failure to Cooperate with Disciplinary Process.* Except when maintaining the confidence of a protected communication as defined below in § 1.02(D), a student must cooperate with the School of Law Committee on Student Discipline, the Officer to such Committee, or the Respondent with respect to the conduct of any investigation or proceeding held in connection with any alleged violation of the School of Law Code of Student Responsibility.
- C. *Intentionally Aiding or Assisting Violation of the Code.* A student who intentionally aids or assists another student in violating this Code has engaged in neglect of professional duty.
- D. *Failure to Maintain Confidentiality.* Students who become privy to client matters through school sponsored programs, mentor program, externships, and clinics must maintain client confidentiality and shall disclose information that is confidential by reason of a professional duty only when permitted or required by the Rules of Professional Conduct. When a student acting in the professional capacity of a legal, psychological or psychiatric, medical, or religious counseling receives a confidential communication from another a student, the student shall maintain that confidence according to the rules and expectations of that counseling profession.
- E. *Failure to Comply with Professional Rules.* A student engages in neglect of professional duty if he or she fails to comply with the Minnesota Rules of Professional Conduct or the Minnesota Student Practice Rules during school sponsored programs, mentor program, externships, and clinics.
- F. *Affirmative Defense on Failure to Report and Failure to Cooperate.* Any student who possesses a firm, fixed, and sincere objection to providing information regarding another student's behavior or participating as a witness against another under this Code by reason of religious training or belief must provide the Associate Dean with clear and convincing evidence that he or she is opposed to such reporting or participating based upon a sincere religious conviction.
  - 1. Sincerity is determined by an impartial evaluation of each person's thinking and living in totality, past and present. The conduct of persons, in particular their outward manifestation of the religious beliefs asserted, will be carefully examined and given substantial weight in evaluating their application.
  - 2. Relevant factors that should be considered in determining a person's claim of objection to reporting include training in the home and religious community; general demeanor and pattern of conduct; participation in religious activities; whether religious convictions were gained through training, study, contemplation, or other activity comparable in rigor and dedication to the processes by which traditional religious convictions are formulated; credibility of persons supporting the claim.

3. In assessing the sincerity of this belief, the Associate Dean may also consider the timing of such disclosure. Students are encouraged to provide that information upon matriculation or upon forming such an objection. Students may register by submitting an affidavit (see Appendix 1). Failure to provide such notice in advance of any alleged violation of this Code may be considered as an adverse factor in assessing the sincerity of religious belief.

**§1.03 Violating a University Rule.** It is a breach of this Code to fail to obey any promulgated University rule that relates to student conduct and that applies to students in the School of Law when the violation of such a rule raises a substantial question as to the student's honesty, trustworthiness or fitness to become a lawyer.

**§1.04 Commission of a Crime.** It is a breach of this Code to commit an act that constitutes a crime in the state or country where it was committed and which is punishable by incarceration. A student who is charged with such a crime must report it to the Associate Dean immediately. When a criminal charge is pending, disciplinary proceedings ordinarily shall be postponed until completion of the criminal proceedings. If the student is convicted or pleads guilty or no contest to the criminal charge, that disposition shall be regarded as conclusive that the act was committed for purposes of disciplinary proceedings such that the only issue remaining for disposition would be the appropriate sanction, absent a determination by the Associate Dean of egregious unfairness in the substantive criminal law of the state or country involved or in the criminal proceedings. If the student is acquitted, the criminal charge is dismissed, or no criminal charge is filed, the Associate Dean shall direct an investigation pursuant to Part III.D of this Code to determine whether there remains probable cause to believe the act was committed, appreciating that the clear and convincing standard of proof in a disciplinary proceeding is different from that in a criminal proceeding and that the formal rules of evidence do not apply in the disciplinary proceeding.

### **Part III: Rules Governing Disciplinary Proceedings**

#### **A. Application**

**§2.01** These procedures apply only to individual misconduct.

#### **B. Participants in Disciplinary Process**

**§3.01 *Administrative Officer*** means the Dean, an Associate Dean or Assistant Dean of the School of Law, or any Officer of the Campus or University Administration.

**§3.02 *Advisor*** means a person who has agreed to appear with Respondent at any proceeding under these Rules. The Respondent may choose to be accompanied by up to two Advisors. These Advisors may or may not be attorneys, and they may or may not represent the Respondent at the disciplinary hearing.

**§3.03 *Alternate*** means a person appointed as a faculty or student Alternate to the Committee who has not yet been designated by the Chair to replace an excused Member. One (1) faculty Alternate and one (1) student Alternate shall be regularly appointed, and additional appointments

shall be made as necessary to provide a full Committee to conduct the proceedings concerning a particular Respondent. Alternates shall have the same qualifications as and shall be selected in the same manner as Members. A faculty Alternate may only replace an excused faculty Member, and a student Alternate may only replace an excused student Member. Until designated for such replacement by the Chair, an Alternate shall not participate in any hearing, consideration, deliberation, or vote concerning any matter before the Committee.

**§3.04 Associate Dean** means the Associate Dean for Academic Affairs or, when so designated by the Dean or Acting Dean, the Dean or an Assistant Dean.

**§3.05 Chair** means the individual serving as chairperson of the Committee. The Chair shall be appointed by the Dean.

**§3.06 Committee** means the Committee on Student Discipline, consisting of three (3) faculty Members and two (2) student Members. Any hearing before, submission to, or deliberations by the Committee shall include all five (5) Members then serving. Except as otherwise provided in §7.06 regarding the sanction of dismissal, Committee decisions shall be by majority vote.

**§3.07 Dean** means the Dean or Acting Dean of the School of Law or, when so designated by the Dean or Acting Dean, an Associate or Assistant Dean.

**§3.08 Member** means a person appointed as a faculty or student Member of the Committee who has not been excused, and a person appointed as a faculty or student Alternate who has been designated by the Chair to replace an excused Member. Faculty Members shall be appointed by the Dean from among permanent members of the School of Law faculty who are not Administrative Officers. Student Members shall be appointed through procedures established by student government from among full-time students who are J.D. candidates registered at the School of Law. Student members shall be in their second or third year who are in good academic standing and have not been disciplined under this Code.

**§3.09 Officer** means an Administrative Officer or permanent member of the School of Law faculty who is not a Member or Alternate of the Committee and who is appointed by the Associate Dean to investigate the allegations in a Formal Charge or instead or in addition to assist in drafting a Revised Formal Charge and to present evidence regarding the charge to the Committee. The Officer should obtain and present all available relevant information that, in the Officer's judgment, will assure an informed and fair administrative review and Committee hearing. The same person or different persons may serve as Officer at various stages, as determined by the Associate Dean pursuant to §5.04.

**§3.10 Respondent** means a law student upon whom a Formal Charge has been served.

**§3.11 Witness** means a person called upon to provide information at a Committee hearing or in an Officer's investigation. All law students and University employees shall cooperate fully when called upon to be Witnesses, and any refusal to be interviewed or to produce evidence may be a matter for disciplinary or employment action. The refusal of a Witness – including the Respondent – to testify is itself a violation of this Code and may be held against the Witness by the Committee.

## C. General Definitions and Guidelines

**§4.01 Formal Charge** means a statement of the Violation(s) charged with reference to the relevant University Regulations and School of Law Disciplinary Rules, and a summary statement of the alleged facts that constitute the specification of the Violation(s) charged.

**§4.02 Informal Resolution** means a process whereby the matter is resolved informally by counseling or by permitting Respondent to accept a specified Sanction without further proceedings. A Sanction may be so imposed by the Associate Dean only with Respondent's consent. Before proposing a Sanction to the Respondent, the Associate Dean should consult with the School of Law's Executive Committee. If Respondent accepts a proposed Sanction, it will be imposed forthwith and without opportunity for appeal. The Associate Dean shall prepare and publish for the information of the School of Law community a public notice regarding the action taken. This notice shall not identify the Respondent by name, but shall specify (1) the nature of each Violation committed by Respondent; and (2) the Sanction imposed. If a proposed sanction is refused, the Associate Dean may proceed with the next step in the administrative process. The fact a Sanction was offered and refused and the nature of the proposed Sanction shall not limit or otherwise affect any further action.

**§4.03 Report** is the written submission of the Officer to the Associate Dean upon conclusion of an investigation. It shall contain (i) a summary of the relevant facts and (ii) conclusions as to whether there is a factual basis for the Formal Charge. The Report shall not suggest or propose a Sanction.

**§4.04 Sanctions** that may be imposed following informal resolution or upon a finding of a Violation by the Committee include, but are not limited to, the following: (1) reprimand not of official record; (2) reprimand of official record; (3) conduct probation; (4) suspension for a specified period of time; or (5) dismissal. "Conduct probation" means that any additional violation of the Code ordinarily will result in dismissal. A reprimand not of official record does not appear on the student's official record, but may have to be reported by the Dean and the student to appropriate authorities regarding a candidate's character and fitness for admission to the bar. The fact Respondent has been or may be subject to other sanctions for the same conduct, whether such sanctions have been or may be imposed by civil authorities or by academic officials, shall not bar the initiation of the disciplinary proceedings or the imposition of Sanctions for Violations. The fact a student has been or may be subject to Sanctions under this Code shall in no way affect the power of any academic official to grade or otherwise evaluate such student's performance for academic purposes.

**§4.05 Service** of papers upon Respondent shall be accomplished by delivery to Respondent personally or by regular mail or e-mail to Respondent's current local address or e-mail address specified in School of Law records. If mailed at a time when regular semester classes are not in session, a copy shall be mailed to any permanent address specified in School of Law records. If Respondent has notified the Associate Dean of the Advisor's name and address, a copy shall be mailed to the Advisor at the specified address.

**§4.06 Violation** means conduct proscribed by University Regulation relating to student conduct or by the School of Law Code of Student Responsibility.

## D. **Administrative Procedures**

**§5.01 *Complaint.*** Any student, faculty member, or staff member may submit a written complaint of misconduct to the Associate Dean. A student, faculty member, or staff member may also submit a complaint based upon information reported to that person. The complaint should be submitted in writing as soon as possible after the incident. The written complaint should include the following: (1) the date, time, and location of the incident; (2) the name(s) of the individual(s) involved; and (3) specific factual details of the incident.

**§5.02 *Preliminary Determination.*** Upon receipt of a written complaint regarding a possible Violation by a law student, the Associate Dean may informally gather such additional information as will facilitate a preliminary determination of how to proceed. If the Associate Dean determines that a possible Violation has occurred, the Associate Dean shall issue a Formal Charge.

**§5.03 *Notice to Respondent; Reply and Action.*** The Associate Dean shall arrange for Service of the Formal Charge upon Respondent, together with copies of relevant University Regulations and School of Law Disciplinary Rules, and shall call particular attention to Respondent's right to two Advisors and right to reply. Upon a request for an opportunity to reply, submitted to the Associate Dean in person or by telephone or letter within three (3) business days of the date upon which the Formal Charge was personally delivered or five (5) business days of the date upon which the Formal Charge was mailed, the Associate Dean shall set a date for the reply and the manner in which it shall be received and shall so notify Respondent. In the reply, Respondent may present evidence in rebuttal of the summary of facts contained in the Formal Charge and instead or in addition may provide information bearing upon the propriety of Informal Resolution. If no reply is made, the Associate Dean shall designate an Officer and refer the Formal Charge to the Officer. If a reply is made, the Associate Dean upon consideration of it may withdraw the preliminary determination of a possible Violation, attempt Informal Resolution or designate an Officer and refer the Formal Charge to the Officer. If a Formal Charge is referred to the Officer, the Associate Dean shall arrange for Service upon Respondent of notification of this referral and of the Officer's name, address, and telephone number.

**§5.04 *Investigation.*** The Officer shall identify and interview available Witnesses and shall identify and obtain relevant and available real or documentary evidence. Statements of Witnesses or summaries of interviews shall be prepared or obtained and preserved. Respondent shall have the right to submit statements or real or documentary evidence to the Officer and to suggest persons whom the Officer should interview. Upon completion of the investigation, the Officer shall prepare and submit a Report to the Associate Dean accompanied by all statements, summaries, and real and documentary evidence obtained or prepared by the Officer.

**§5.05 *Charge or Other Disposition.*** Upon review of the Report, the Associate Dean should determine whether there is probable cause to believe a Violation has occurred. If there is no probable cause, the Associate Dean should withdraw the Formal Charge or refer the matter back to an Officer for further investigation. If there is probable cause, the Associate Dean may attempt Informal Resolution or refer the Formal Charge to the Committee. If Informal Resolution is sought, the Associate Dean shall first provide Respondent with a copy of the Report and an opportunity to inspect all evidence submitted to the Associate Dean by the Officer. If the Associate Dean determines that further prosecution of the Formal Charge is appropriate, the

Associate Dean shall designate the Officer or a successor to revise the Formal Charge based upon the investigation and to present evidence to the Committee. The Associate Dean shall arrange for service of the Revised Formal Charge upon Respondent together with a copy of the Report, notice of Respondent's right to inspect and copy all evidence submitted to the Associate Dean by the Officer, a list of the name of all Committee Members and Alternates, and the name, mailing address and telephone number of the Chair. Once referred to the Committee, a Revised Formal Charge may be withdrawn only upon recommendation of the Associate Dean and approval of the Committee.

**§5.06 *Interim Suspension.*** Interim suspension is an executive decision made by the Associate Dean and may be appealed only to the Dean. Interim suspensions are reserved for rare and unusual cases where, in the Associate Dean's sole discretion, circumstances dictate an immediate change in a student's status that denies a student access to the Law School and University pending a hearing on the incident for which the student has been placed on interim suspension. Interim suspension may be imposed: a) In situations involving the safety and well-being of members of the Law School or University community or preservation of Law School or University property; b) to ensure the student's own physical or emotional safety and well-being; c) if the student poses a definite threat of disruption of normal operations of the Law School or University; or d) contemptuous disregard for Law School or University authority. Such an interim suspension is a procedural safety measure and does not constitute discipline and shall not be recorded in the student's file.

#### **E. Pre-Hearing Determinations; Preparation for Hearing**

**§6.01 *Recusal.*** The Chair shall provide copies of the Revised Formal Charge to Committee Members and Alternates. Any Member or Alternate who believes he or she would be unable properly to participate because of serious illness, special interest or prior knowledge that has resulted in prejudgment shall notify the Chair and shall be excused.

**§6.02 *Motions, Challenges, and Requests.*** All motions, challenges, and requests shall be delivered in writing to the Chair within five (5) business days of the date on which the Revised Formal Charge was personally served upon Respondent or within seven (7) business days of the date on which the Revised Formal Charge was mailed to Respondent. Except in extraordinary circumstances, no motion, challenge, or request will be considered unless timely made. Challenges shall be considered before motions and requests. The Committee shall grant a challenge for cause, dismiss all or part of a Revised Formal Charge, or otherwise grant a motion or request (except for Respondent's request for an open hearing or to transcribe or record the hearing proceedings) only upon the basis of information formally presented to the Committee and only after affording the opposing party sufficient opportunity to contest the factual and legal bases for such action.

**§6.03 *Challenge for Cause.*** Respondent and the Officer may challenge any Committee Member or Alternate for cause. A Committee member shall be disqualified if the participation of the Committee Member in the proceedings may give rise to the fact or appearance of unfairness. Such challenge shall state the special interest, prior knowledge, or other cause for the challenge and sufficient facts to support the cause asserted. The person challenged shall not participate in the Committee's actions regarding the challenge, but may be called upon by the Committee to

comment on the facts alleged to support the challenge. Each challenge shall be considered and decided separately. If the challenge is granted, the person challenged shall be excused.

**§6.04 *Motions.*** Normally, the only motion allowable at the pre-hearing stage of the proceedings is a motion to dismiss on the ground that the facts alleged in the Revised Formal Charge, presumed to be true for purposes of the motion, do not, or legally may not constitute a Violation.

**§6.05 *Requests.*** Normally, only these types of requests are allowable: (1) a request by Respondent that the hearing be open, which shall be granted as a matter of right; or (2) a request for an extension of the time to file a challenge, motion or request, which shall be ruled upon by the Committee.

**§6.06 *Pre-hearing Conference.*** The Officer and Respondent shall confer promptly after the Revised Formal Charge has been served to consider and seek agreement on such matters as may facilitate a timely and fair disposition. They shall agree upon no fewer than three (3) possible hearing days and so notify the Chair. If they agree to a two-stage hearing procedure, they shall so notify the Chair, in which case the presentation of evidence principally related to an appropriate Sanction and related deliberations shall be deferred to a second stage following presentation of evidence, deliberations, and findings on whether Respondent committed the Violation charged. They shall review together the evidence that will be presented and shall stipulate to all evidence as to which there is no dispute as to fact.

**§6.07 *Notice of Hearing; Responsibility of Participants.*** The Chair shall take account of the dates agreed to by the Officer and Respondent and of the availability of the Committee in setting a date for the hearing at least ten (10) business days following the date of the Revised Formal Charge. By Service upon Respondent and like communication to the Officer, the Chair shall give written notice of the date, time, and place set for the hearing. For good cause shown the Chair may grant a continuance requested by Respondent, the Officer, or a Member, subject to the request by a Member that the question be put to a vote of the Committee. It is the responsibility of the parties to notify and secure the presence of witnesses; and of the Chair to secure the presence of all Members of the Committee and required recording equipment.

## F. **Hearing and Deliberations**

**§7.01 *Role of Chair.*** The Chair shall be primarily responsible for the conduct of the hearing, including the determination of whether there is good cause for a recess; provided, however, that any Member may request that a ruling by the Chair be submitted for a vote of the Committee. Deviation from any procedures specified herein is permissible only upon vote of the Committee and in the interest of fairness and for good cause shown.

**§7.02 *Spectators; Presence of Witnesses.*** Unless Respondent timely requested that the hearing be open, it shall be closed to all but the necessary parties. Witnesses may be present only while presenting evidence or testimony.

**§7.03 *Order and Nature of Hearing.*** The hearing should proceed in the following order: (1) determination by the Chair that the parties are present and ready to proceed, except that the Committee may proceed in Respondent's absence upon a determination that Respondent has forfeited the right to be present by his or her willful absence; (2) a brief and non-argumentative

opening statement by the Officer; (3) a like opening statement by Respondent, unless deferred until completion of the Officer's presentation; (4) presentation in any logical order by the Officer of testimony, real or documentary evidence, and stipulations; (5) like presentation by Respondent; (6) closing argument by the Officer, which may include argument concerning appropriate findings and Sanction; (7) like closing statement by Respondent. The Officer and Respondent shall be permitted, at appropriate occasions during the hearing, to contest the veracity, reliability, and relevance of any information, evidence, or testimony presented and to suggest alternative conclusions that may be drawn from information presented. Upon conclusion of Respondent's presentation, the Officer or Respondent may request an opportunity to present additional evidence. The Committee shall grant such requests only if the regular presentations have revealed an unanticipated need for such additional evidence. In the same circumstances, the Committee may request the submission of additional evidence.

**§7.04 Evidence.** The formal rules of evidence shall not apply; the Committee may consider all relevant testimony or real or documentary evidence. Objection to the presentation of any evidence or testimony as irrelevant shall be made at the time such evidence or testimony is proposed to be presented to the Committee.

**§7.05 Questioning of Witnesses.** Subject to the direction of the Chair, the Officer and Respondent and any Committee member may question any Witness. The Chair shall assure that no Witness is abused or harassed.

**§7.06 Deliberations.** Upon completion of the hearing, the Committee shall promptly meet for closed and unrecorded deliberations. The Committee shall first determine whether the conduct and Violation(s) charged were established by clear and convincing evidence. Upon an affirmative finding, it shall then (or, if the two-stage hearing procedure is utilized, after further hearing) consider the imposition of an appropriate Sanction, taking into account aggravating and mitigating factors. The Committee shall consider not only the seriousness of the Violation within the University and School of Law communities but also its seriousness in light of the professional requirements and responsibilities of lawyers. An affirmative vote of four (4) Members shall be necessary for imposition of the Sanction of dismissal.

## G. Reports and Records

**§8.01 Limited Record Where No Formal Charge.** If a Formal Charge is not made or is withdrawn, no record of the alleged violation will be made or preserved in the student's official record, but a record may be made or preserved solely for the purposes of the School of Law.

**§8.02 Record of Committee Proceedings.** A record of any preliminary review and of the Committee's deliberations will be made and preserved. A verbatim transcript or tape recording of the formal hearing shall be made and preserved. Upon request, a Respondent may at his or her own expense obtain a copy of the verbatim transcript or recording.

**§8.03 Confidentiality.** Access to the record of a closed hearing or of submissions and any record made in connection with a pre-hearing determination shall normally be limited to the Officer, Respondent, the Committee, and Administrative Officers. This shall not limit in any way the Dean's authority and responsibility to provide information to appropriate authorities regarding a candidate's character and fitness for admission to the bar.

**§8.04 Report of Dismissal.** Upon a determination to dismiss all or part of the Revised Formal Charge, the Committee shall adopt a written statement explaining the basis for such action. All members of the Committee subscribing thereto shall sign the statement; concurring or dissenting views may but need not be included. The Chair shall transmit a copy of this statement to Dean, the Associate Dean, and the Officer, and shall arrange for Service of a copy upon Respondent.

**§8.05 Report of Findings.** After a hearing and deliberations, the Committee shall adopt written findings that shall include a summary of the facts found by the Committee, a statement specifying which Violation(s) charged the Committee finds to have been committed by Respondent, and a statement specifying the Sanction imposed. Any special aggravating, mitigating, or extenuating circumstances found by the Committee may also be stated. All Members of the Committee subscribing thereto shall sign the findings; concurring or dissenting views may but need not be included. The Chair shall transmit a copy of the findings to the Dean, the Associate Dean, and the Officer, and shall arrange for Service of a copy upon Respondent.

**§8.06 Public Notice.** After Respondent has been served with a copy of the findings or dismissal statement and, in the event of findings adverse to Respondent, after all School of Law appeal procedures have been completed, the Committee shall prepare and publish for the information of the School of Law community a public notice regarding the action taken. This notice shall not identify the Respondent by name, but shall specify; (1) the nature of each charged Violation disposed of; (2) whether the disposition was (a) dismissal, (b) a finding that the Violation was proved, or (c) a finding that the Violation was not proved; and (3) any Sanction imposed. This notice may also summarize the specifications of each charged Violation disposed of, explain the basis of any dismissal, and summarize findings regarding whether the charged Violation(s) were proved.

## H. Appeals

**§9.01** Respondent or the Officer may appeal to the Dean any finding by the Committee and any sanction imposed by the Committee. An appeal must be in writing and must specify the grounds. The appeal must be received in the Dean's office within five working days of the receipt of the Committee's report. The Dean will issue a decision within fourteen days of receipt of the appeal. The Dean's decision is final. The Dean shall affirm the decision of the Committee unless: (1) the Dean finds that the Committee violated the procedures set forth in this Code and that the violation prejudiced the party that has appealed; or (2) the Dean finds that the Committee abused its discretion by making a decision that was so unreasonable that it must have reflected bias, prejudice, or improper motive.

**Appendix 1**  
**AFFIDAVIT**  
**REQUEST FOR EXEMPT STATUS**

State of Minnesota    )  
                                  ) SS  
County of Hennepin    )

1. Statement of Beliefs: Please provide a clear and complete statement explaining your firm, fixed and sincere objection to providing information as required by §1.01, par. A, or cooperating in an investigation as required by §1.01, par. B, based on your religious beliefs. (Use additional pages if necessary).

2. Basis of Beliefs: Please explain the religious basis for your beliefs described in no. 1 above. Please provide an explanation as to how your religious beliefs changed or developed, to include an explanation as to what factors (how, when, and from whom or from what source training received and belief acquired) caused the change in or development of your religious beliefs set forth under no. 1 above. (Use additional pages, if necessary).

3. Any other comments regarding the depth and sincerity of your religious beliefs set forth above. (Use additional pages if necessary).

4. If available, please attach copies of the following documents to support your affidavit:
- A. Copies of letters from teachers, religious leaders or advisors, or others who can attest to the strength of your religious beliefs set forth under no. 1 above.
  - B. Copies of letters, emails or other communications from you to family, friends, colleagues, teachers, ministers, religious advisors, or others discussing your religious beliefs set forth under no. 1 above.
  - C. A list of the books, magazines, newspapers, films, television programs or other sources that helped form your religious beliefs set forth under no. 1 above.
  - D. A record of the events in which you have participated that show your lifestyle is compatible with your religious beliefs set forth under no. 1 above.
  - E. Any other documents that you would like the School of Law to consider when evaluating your request for an exemption from the requirements of the Code of Student Responsibility.

I certify that all statements made above and in any supplemental documents provided in connection with this affidavit are accurate and complete to the best of my knowledge. I understand that providing false or misleading information in connection with this affidavit will constitute a violation of the Code of Student Responsibility and will subject me to the appropriate penalties under the Code.

\_\_\_\_\_  
[Full Name]

Sworn or Affirmed to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
Notary Public

## **V-6 Approval of New Courses**

The Curriculum Committee is charged with screening all new course and seminar offerings at the law school and with making recommendations to the faculty concerning new offerings. Unless a course is among those listed on the Permanent Curriculum of the University of St. Thomas School of Law, faculty members proposing to teach a course or seminar should submit the following information, as well as a course description of suitable length for the law school's course list, to the Curriculum Committee.

### **A. Experimental Courses**

Whenever possible, proposals for experimental courses for the entire academic year should be submitted by February 15 of the preceding academic year to give the Curriculum Committee enough time to properly consider the addition of the new course. If the February 15 date cannot be met, the "deadlines" for submission are March 1 for fall semester courses and September 15 for spring semester courses.

Experimental courses ordinarily may be scheduled in the curriculum one time upon the approval of the Curriculum committee and the Associate Dean of Academic Affairs. In exceptional cases, and for good cause, the Curriculum Committee and the Associate Dean for Academic Affairs may approve an experimental course to be offered a second time before requiring the course to be submitted for full faculty approval as a permanent addition to the curriculum. The Curriculum Committee shall report all approved experimental offerings during the faculty meeting immediately following the Committee's action. Full faculty approval is required for any permanent addition to the curriculum.

### **B. Title, Description, and Justification**

Along with the title of the course, the proposal to offer an experimental course must provide an overall description of the course, including its general subject matter, its objectives, and the major issues to be examined or themes to be explored. The proposal should provide a justification for adding the course to the curriculum. For example, the proposal should address how the course relates to other courses offered at the law school, to the law school's mission, to developments in the legal profession, to fields of intellectual inquiry in the academy, or to courses offered at other law schools. If there is apparent overlap with another course presently offered, the proposal should explain how the new course differs from the existing course, and if there is indeed a significant overlap, whether students should be allowed to receive credit for both courses.

### **C. Course Content**

The proposal should include materials that detail the subject matter to be covered as well as the structure of the course. If an established textbook will be used, a photocopied table of contents with indications of the parts to be covered will generally be sufficient. Where new materials are being assembled from a number of sources, such as law review articles, or where a test is being created by the professor, a detailed thematic description of the materials should be provide along with a representative sample of the materials. The goal

of the Curriculum Committee under this section is to receive some minimal guarantee of the intellectual content and academic rigor of the course materials.

**D. Conduct of the Classes**

The proposal should describe the method of instruction and grading and should include a syllabus of the course if it is available. Otherwise, the proposal should describe generally the way the classes will be conducted. For example, will the course principally involve lectures, with grading done on the basis of an examination, or will the class be conducted as a seminar, with a combination of lectures and student presentations of their research projects?

**E. Credit Hours**

The proposal should indicate how many credit hours should be allotted to the course and explain why the material will require the number of credits requested.

**F. Restrictions on Enrollment**

The proposal should list any prerequisites and justify any restrictions on enrollment (e.g., in the number of students or any special selection criteria to be used instead of open registration).

**G. Permanent Additions to the Curriculum**

1. **Report:** Once a course has been taught on an experimental basis, the instructor must report back to the Curriculum Committee on the success of the experiment no later than the sixth week of the following semester. The instructor should submit this report whether or not the instructor intends to propose that the course be permanently added to the curriculum. After grades have been posted for the course, the instructor must submit the following items to the Curriculum Committee: (1) the syllabus; (2) the text and any supplementary materials; (3) the final examination, if applicable, or if seminar projects or papers formed the basis of the grades, a list of the titles of those papers; (4) the instructor's narrative evaluation of the desirability of the course.
2. **Faculty Action:** Based on the information provided by the instructor after an experimental course offering, the Curriculum Committee will recommend to the full faculty whether to adopt or reject the experimental course as a permanent addition to the curriculum. Full faculty approval is required for a course to become a permanent offering.

*Adopted by the Law Faculty, November 21, 2003*

Permanent Curriculum  
of the  
University of St. Thomas School of Law  
December 18, 2003

Approved List of Courses  
(*required*)

Accounting for Lawyers	Critical Perspectives on Law: Selected Topics
Administrative Law	Current Topics in Law and Social Policy
Advanced Legal Research	Disability Law
Advanced Trial Advocacy	Education Law
Advanced Torts: Selected Topics	Elder Law
Alternative Dispute Resolution	Emergency Powers and the Law of Terrorism
Antitrust Law	Employment Discrimination
Appellate Procedure	Employment Law
Banking Law	Entertainment Law
Bankruptcy	Environmental Law
Bioethics	Estate Planning
<b><i>Business Associations</i></b>	Ethical Leadership in Corporate Practice
Business Planning	Ethics: Work of the Lawyer
Canon Law of Marriage	European Union Law
Canon Law: Basic Principles	<b><i>Evidence</i></b>
Canon Law: History	Family Law
Capital Punishment	Federal Courts
<b><i>Civil Procedure I: Pleading and Practice</i></b>	Federal Criminal Law
Civil Procedure II: Jurisdiction and Erie	Feminist Jurisprudence
Client Interviewing and Counseling	First Amendment: Free Expression
Clinic: Elder Law Practice Group	First Amendment: Religious Liberty
Clinic: Elder Law Practice Group (Adv)	Food and Drug Law
Clinic: Family Law Practice Group	Health Law
Clinic: Family Law Practice Group (Adv)	Immigration Law
Clinic: Immigration Law Practice Group	Insurance Law
Clinic: Immigration Law Practice Group (Adv)	Intellectual Property
Comparative Law	International Business Transactions
Complex Litigation	Intentional Environmental Law
Computer and Internet Law	International Human Rights
Conflict of Laws	International Law
<b><i>Constitutional Law</i></b>	International Organizations
Consumer Law	Islamic Law
<b><i>Contracts</i></b>	Jewish Law
Copyright Law	Judicial Externship Program
Corporate Finance	<b><i>Jurisprudence</i></b>
Credit and Payment Devices	Juvenile Law
<b><i>Criminal Law</i></b>	Labor Law
Criminal Procedure I: Investigation and Pre-Trial	Land Use Planning
Criminal Procedure II: Trial and Post-Trial	Law and Economics

Law and Religion: Selected Topics  
Law in Literature  
Law of Nonprofit Organizations  
**Lawyering Skills I: Legal Reasoning, Research and Writing**  
**Lawyering Skills II: Lawyering and Dispute Resolution**  
**Lawyering Skills III: Appellate Brief Writing and Advocacy**  
Legal History  
Litigation with the Federal Government  
Media Law  
Mediation  
Mentor Externship Program  
Mergers and Acquisitions Law  
MJF Seminar: Legal Scholarship for Equal Justice  
Native American Law  
Negotiation  
Patent Law  
Poverty Law I  
Poverty Law II  
Pre-Trial Litigation  
**Professional Responsibility**  
**Property**  
Race and the Law  
Race, Health Care and the Law  
Real Estate Transactions  
Refugee and Asylum Law  
Remedies  
Sales  
Secured Transactions  
Securities Regulation  
Small Firm Practice  
Special Education Law  
Sports Law  
State and Local Government  
Supervised Research and Writing  
Taxation: Taxation of Business Enterprises  
**Taxation; Federal Income Taxation**  
Taxation: International Tax Planning  
Taxation: Taxation of Estates, Gifts and Trusts  
**Torts**  
Trial Advocacy  
War, National Security and the Constitution  
White Collar Crime  
Wills, Estates and Trusts I  
Wills, Estates and Trusts II  
Workers' Compensation