

*UNIVERSITY OF IDAHO*  
*COLLEGE OF LAW*

*FACULTY*  
*MANUAL*

Fall 2023 Edition



# *WELCOME*

Welcome to the University of Idaho College of Law. Our faculty are central to the College's mission. Your teaching shapes the next generation of lawyers. Your scholarship deepens understanding of the law and shapes its development. And your outreach and service connect the College to a broad array of communities. We are grateful that you have chosen to join this wonderful community.

Thank you for your service to our students and the College of Law.

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# TABLE OF CONTENTS

<b>1.</b>	<b>GENERAL MATTERS.....</b>	<b>5</b>
1.1	KEY DOCUMENTS.....	5
1.2	KEY CONTACT INFORMATION .....	5
1.3	KEY TECHNOLOGY.....	7
1.4	COLLEGE OF LAW MISSION STATEMENT.....	7
1.5	COLLEGE OF LAW DIVERSITY STATEMENT.....	7
1.6	COLLEGE OF LAW LEARNING OUTCOMES.....	8
1.7	CLASS SCHEDULES, COURSE DESCRIPTIONS, AND ACADEMIC CALENDAR.....	9
1.8	ORIENTATION.....	10
1.9	EXPECTATIONS ABOUT LAW FACULTY PRESENCE ON CAMPUS AND ATTENDANCE AT REGULAR COLLEGE OF LAW EVENTS.....	10
1.10	SUMMARY OF RECURRING DATES AND TASKS.....	11
1.11	CAMPUS SECURITY.....	12
1.12	PARKING.....	12
<b>2.</b>	<b>PREPARING TO TEACH.....</b>	<b>12</b>
2.1	TECHNOLOGY AND SUPPLIES.....	12
2.2	TEXTBOOK SELECTION.....	13
2.3	COURSE PACKETS OF SUPPLEMENTARY MATERIALS.....	13
2.4	ELECTRONIC RESERVE/CANVAS.....	13
2.5	COURSE DESCRIPTIONS, PREREQUISITES, AND RELATED MATTERS.....	14
2.6	AUDITING.....	14
2.7	CREDIT HOUR POLICY FOR ALL COURSE CREDIT.....	14
2.8	CREDIT HOUR POLICY FOR DIRECTED STUDY.....	16
2.9	SYLLABUS.....	17
A.	<i>Syllabus Content</i> .....	17
B.	<i>Adherence to Syllabus</i> .....	26
C.	<i>Submittal of Syllabus</i> .....	26
D.	<i>First Assignment</i> .....	26
2.10	TEACHING RESOURCES.....	27
<b>3.</b>	<b>CONDUCTING THE CLASS.....</b>	<b>27</b>
3.1	REQUIRED AND REQUESTED ANNOUNCEMENTS.....	27
3.2	CLASS ROSTER AND SEATING CHART.....	28
3.3	RECORDING OF CLASSES.....	28
3.4	TAKING ATTENDANCE.....	28
3.5	WARNINGS FOR UNSATISFACTORY ACADEMIC PERFORMANCE OR ATTENDANCE.....	29
3.6	THE CLASSROOM EXPERIENCE.....	29
A.	<i>Audiovisual Equipment and Distance Education Courses</i> .....	29
B.	<i>Student Honor Code</i> .....	30
C.	<i>Proscribed Matters</i> .....	30
D.	<i>Ending Class</i> .....	31
E.	<i>Distributing Final Exam Instructions</i> .....	31
F.	<i>Classroom Emergencies</i> .....	32

3.7	SCHEDULING ISSUES.....	32
A.	<i>In General</i> .....	32
B.	<i>Cancelled and Make-up Classes</i> .....	32
C.	<i>Review Sessions</i> .....	33
3.8	COMMUNICATING WITH THE CLASS.....	33
3.9	QUIZZES AND MIDTERMS.....	33
A.	<i>ADA Compliance</i> .....	33
B.	<i>Other Administrative Issues Involving Quizzes and Midterm Exams</i> .....	34
3.10	STUDENT COURSE EVALUATIONS.....	35
3.11	EMERGENCIES IN THE CLASSROOM.....	35
<b>4.</b>	<b>AFTER THE CLASS ENDS – GRADING AND TESTING .....</b>	<b>36</b>
4.1	GRADING SCALE AND GRADE CURVES.....	36
4.2	EXAMINATIONS.....	37
A.	<i>Exam preparation</i> .....	37
B.	<i>Types of Examination and School Rules</i> .....	38
C.	<i>Length of Exam</i> .....	38
D.	<i>Exam Cover Sheet</i> .....	38
E.	<i>ADA Compliance in Exam Process</i> .....	38
F.	<i>Use of Exam Software</i> .....	39
G.	<i>Examination Administration</i> .....	39
4.3	END-OF-SEMESTER PAPERS AND PROJECTS.....	39
4.4	GRADING EXAMS AND OTHER STUDENT WORK.....	40
A.	<i>Anonymous Grading</i> .....	40
B.	<i>Grade Submission Deadlines</i> .....	40
C.	<i>Assigning Points to Course Components</i> .....	40
D.	<i>Procedures for Submitting Grades</i> .....	41
E.	<i>Transmitting Grades to Students</i> .....	41
F.	<i>Recognition of Students Who Earn Top Grades</i> .....	41
G.	<i>Cheating and Plagiarism</i> .....	41
H.	<i>Reusing Exam Questions and Disclosing Exams</i> .....	41
I.	<i>Archiving of All Formative and Summative Assessments</i> .....	42
J.	<i>Exam Review</i> .....	42
K.	<i>Grade Changes and Grade Appeals</i> .....	42
L.	<i>Mandatory Reporting on Students' Achievement of Learning Outcomes</i> .....	43
<b>5.</b>	<b>STUDENT/FACULTY MATTERS .....</b>	<b>43</b>
5.1	NONDISCRIMINATION POLICIES.....	43
5.2	STUDENT PRIVACY RIGHTS.....	45
A.	<i>FERPA Non-Disclosure Rules</i> .....	45
B.	<i>Exceptions to FERPA Non-Disclosure Rules</i> .....	45
C.	<i>FERPA and Recommendation Letters</i> .....	46
D.	<i>Additional Information on FERPA</i> .....	46
5.3	DISABILITY ACCOMMODATIONS.....	46
A.	<i>Governing Law and Its Administration</i> .....	46
B.	<i>Confidentiality Issues</i> .....	47
C.	<i>Classroom and Grading Issues</i> .....	47
5.4	INTERPERSONAL RELATIONSHIPS WITH STUDENTS.....	48

A.	<i>Romantic Relationships</i> .....	48
B.	<i>Sexual Harassment</i> .....	48
C.	<i>Other Socializing with Students</i> .....	48
5.5	STUDENTS IN DISTRESS .....	48
<b>6.</b>	<b>RESEARCH AND SCHOLARSHIP</b> .....	<b>49</b>
6.1	SUPPORT FOR SCHOLARSHIP.....	49
A.	<i>Travel to conferences</i> .....	49
B.	<i>Subscriptions to Law Review Submission Services</i> .....	51
C.	<i>Faculty Colloquia</i> .....	51
D.	<i>First-Year Course Release</i> .....	51
E.	<i>Research Assistants</i> .....	51
F.	<i>Summer Research Stipends</i> .....	52
6.2	SELECTED UNIVERSITY RESEARCH MATTERS.....	52
A.	<i>Human Participant Research</i> .....	52
B.	<i>Grant-Funded Research</i> .....	52
<b>7.</b>	<b>PERFORMANCE REVIEW &amp; EMPLOYMENT MATTERS</b> .....	<b>52</b>
7.1	HIRING OF FULL-TIME, TENURE-TRACK AND CLINICAL FACULTY MEMBERS: PREFERENTIAL VOTING PROCESS	52
7.2	POSITION DESCRIPTION.....	54
7.3	ANNUAL PERFORMANCE EVALUATION.....	54
7.4	THIRD-YEAR REVIEW.....	55
7.5	TENURE AND PROMOTION.....	56

# 1. GENERAL MATTERS

**Preliminary Note on COVID-19:** As of this writing, the university expects to continue normal operations in Spring 2023, but that could change. Please be on the lookout for emails updating the university’s COVID-related policies. These updates could add to or change any number of policies in this manual.

## 1.1 Key Documents

You should carefully review the following governing documents:

- The University of Idaho [Faculty-Staff Handbook](#) (“FSH”)
- The College of Law [Bylaws](#)
- The College of Law [Academic Standards](#)

In addition, the College of Law is accredited by the American Bar Association (“ABA”) and thus complies with the ABA’s standards:

- ABA [Standards for Approval of Law Schools](#)

This manual does not reproduce all the policies and information contained in these documents. Rather, this manual supplements the information provided in the above resources.

This manual gives basic information to faculty about the policies adopted by the College of Law, administrative procedures used in the College of Law, and support services available for faculty. This information should be especially helpful to new faculty, although the manual contains information that is relevant and important for all faculty.

If you have any questions about the information in this manual, please do not hesitate to let us know. Likewise, if any information proves to be inaccurate, please let us know so we can correct it in future editions. Finally, let us know if you think that there are additional topics that should be addressed in future editions.

## 1.2 Key Contact Information

All university business will be conducted using your uidaho.edu email address. Please use this email for all correspondence with students and for all correspondence containing student information. Please check this email account often, as we regularly share important updates and tips. We apologize in advance if the email traffic is sometimes burdensome!

Here are the key members of your support team. If you are ever unsure about whom to contact, please just ask the Associate Dean of Faculty.

College of Law Dean (contact with any questions or concerns that the below team is unable to resolve)

Dean Johanna Kalb, [jkalb@uidaho.edu](mailto:jkalb@uidaho.edu)

Associate Dean of Faculty (contact about course design, curriculum, pedagogy, and assessment):

Aliza Cover, [alizac@uidaho.edu](mailto:alizac@uidaho.edu), 208-364-4585

Deans of Students (contact about student issues and concerns):

Boise: Leon Samuels, [lsamuels@uidaho.edu](mailto:lsamuels@uidaho.edu), 208-364-2252

Moscow: Erin Tomlin, [erintomlin@uidaho.edu](mailto:erintomlin@uidaho.edu), 208-885-4088

Associate Dean of Experiential Learning (contact about experiential courses):

Jessica Long, [jessicalong@uidaho.edu](mailto:jessicalong@uidaho.edu), 208-885-7077

Assistant Registrar–Law (contact about syllabus requirements, cancelling classes, scheduling make-up classes, final exam scheduling, and to submit your final grades):

Sande Schlueter, [sandes@uidaho.edu](mailto:sandes@uidaho.edu), 208-885-4977

Information Technology Staff (contact for IT support generally and for help with UI login/password credentials):

[lawtech@uidaho.edu](mailto:lawtech@uidaho.edu)

Boise: 208-364-4587

Moscow: 208-885-2741

Law Exams Staff (contact with technical/administrative questions about your final exams and to submit your final exams):

[law-exams@uidaho.edu](mailto:law-exams@uidaho.edu)

Faculty Assistants (contact for clerical support):

Moscow: [law-moscowsupport@uidaho.edu](mailto:law-moscowsupport@uidaho.edu)

Boise: [law-boisesupport@uidaho.edu](mailto:law-boisesupport@uidaho.edu)

Textbook Coordinators (contact for textbook orders or review copies):

[law-textbooks@uidaho.edu](mailto:law-textbooks@uidaho.edu)

### 1.3 Key Technology

Vandal Card (UI identification card; needed to access to law buildings):

<https://support.uidaho.edu/TDClient/40/Portal/Requests/ServiceDet?ID=597>

VandalWeb (to access class lists, as well as your employee records):

<https://vandalweb.uidaho.edu/>

Canvas (University of Idaho's course management software): <https://canvas.uidaho.edu/>

OneDrive (to post recordings for your students)

Zoom (University of Idaho's videoconferencing technology): <https://uidaho.zoom.us/>

PeopleAdmin (to access your position description):

<https://uidaho.peopleadmin.com/hr/sessions/new> (sign in using SSO Authentication)

### 1.4 College of Law Mission Statement.

The College of Law faculty has adopted the following mission statement:

The mission of the University of Idaho College of Law is to:

- Provide access across all cultures and ideologies to the highest quality of legal education;
- Lead the region in promoting civil discourse on concerns of policy and law and in providing legal service to underserved populations;
- Contribute to the local, regional, national, and international scholarly dialogue on issues of critical importance in our time.

### 1.5 College of Law Diversity Statement.

The College of Law faculty has adopted the following diversity statement:

At University of Idaho College of Law we embrace diversity within our College community and the legal profession by protecting and fostering an inclusive and respectful learning environment for the discussion of legal principles, concepts, and practical skills. As a preparatory ground for future practitioners of the law, we adhere to the standards of legal professionalism within our classrooms, our offices, our hallways, our student organizations,

our gathering places, and our activities. The calling to law is an important one with significant impacts on society, and as a law school we take that significance to the core of our purpose. By all members of the College being able and willing to listen respectfully to each other's viewpoints and to participate in discussions in a calm, professional, and civil manner, we strive to abolish educational inequity stemming from disparate treatment. We welcome and value law students, staff, and faculty from all cultures, races, ethnicities, genders, physical abilities, lifestyles, opinions, nationalities, philosophies, sexual orientations, religious backgrounds, ages, life experience, and identities. Diversity is an essential component of the College and requires legal professionalism from all sectors of our community to provide an appropriately respectful learning environment.

## 1.6 College of Law Learning Outcomes.

The College of Law faculty has adopted the following five learning outcomes, with associated competencies, for the College's program of legal education:

By the start of their legal careers, all graduates of the University of Idaho College of Law will achieve the following learning outcomes:

### L1: LEARNING OUTCOME 1 – KNOWLEDGE OF LAW AND LEGAL INSTITUTIONS

Graduates will demonstrate knowledge and understanding of substantive and procedural law and legal institutions. Graduates will be able to:

- a. Demonstrate competence in the substance of foundational common law subjects.
- b. Demonstrate competence in the substance of U.S. Constitutional Law and related federal statutes.
- c. Demonstrate foundational competence in the substantive law of the student's chosen area of study, if applicable.
- d. Demonstrate the capacity to engage in sophisticated statutory reading, application, and interpretation.
- e. Demonstrate an understanding of appropriate jurisdiction and choice of applicable law (i.e., state, federal, etc.).
- f. Demonstrate an understanding of the trajectory of a legal dispute or lawsuit from start to finish.

### L2: LEARNING OUTCOME 2 – LEGAL ANALYSIS AND REASONING

Graduates will demonstrate the capacity to engage in sophisticated legal reasoning and analysis. Graduates will be able to:

- a. Identify the legal rules and principles applicable to a given context
- b. Identify legally relevant facts, both known and unknown, in a given legal context
- c. Identify nature and consequence of ambiguities in the facts in a given context

- d. Identify the legal rules and principles applicable to a given context
- e. Identify legally relevant facts, both known and unknown, in a given legal context
- f. Identify nature and consequence of ambiguities in the facts in a given context
- g. Construct and support an argument grounded in appropriate legal authority and policy considerations, while recognizing and addressing weaknesses thereof.
- h. Understand role of legal research in identifying applicable law and developing analysis and argumentation relevant for a particular dispute.

### L3: LEARNING OUTCOME 3 – ORAL AND WRITTEN COMMUNICATION SKILLS

Graduates will be proficient at communicating complex legal arguments, reasoning, and analysis, both in writing and in oral communication. Graduates will be able to:

- a. Produce written work that is logically organized, clear and concise, free of grammatical, syntactical, and other formal errors, and reflects an understanding of its audience and purpose.
- b. Orally communicate legal arguments effectively and nimbly.

### L4: LEARNING OUTCOME 4 – PROBLEM SOLVING

Graduates will recognize that multiple different potential resolutions to a dispute exist, including avoiding disputes before they begin. Graduates will be able to:

- a. Identify problems and classify them (i.e., legal, business, family, interpersonal, etc.).
- b. Identify possible means of resolving each identified problem, including legal and non-legal means.
- c. Assess the probability that each identified means will resolve the identified problem and quantify the anticipated costs, risks, and benefits associated with each identified means.
- d. Drawing therefrom, make a reasoned recommendation about the best course of action to attempt to resolve the identified problem.

### L5: LEARNING OUTCOME 5 – PROFESSIONALISM, ETHICS, AND VALUES

Graduates will understand their professional and ethical obligations to their clients, the courts and the bar, and the public. Graduates will be able to:

- a. Demonstrate competence in the Rules of Professional Responsibility.

## 1.7 Class Schedules, Course Descriptions, and Academic Calendar.

You can find class schedules, course descriptions, booklists, and more at the College of Law's Academic Administration [webpage](#).

You can find the academic calendar [here](#).

## 1.8 Orientation.

About one week before classes start in the fall, all new UI regular faculty must attend a [new faculty orientation program](#). It is run by the University and typically occurs during two-three days in mid-August. The orientation introduces you to the University and to university rules, policies, and expectations for teaching, scholarship, and service.

In addition, new part-time faculty will be contacted by the Associate Dean of Faculty regarding College-specific orientation and training prior to the start of the relevant semester of teaching.

## 1.9 Expectations about Law Faculty Presence on Campus and Attendance at Regular College of Law Events.

Full-time law faculty generally have 9-month (“academic year”) contracts. The convention for faculty members who have these contracts calls for them to be on campus no later than the day of College of Law’s convocation, which typically occurs the week before classes start, and until at least the day in May when we hold the spring commencement ceremony. They are not expected to be on campus, of course, during the fall, winter, and spring breaks unless requested otherwise.

The College of Law has recurring events that law faculty are generally expected to attend. For some events, the expectation is stronger than for others. The first category includes what you might call “command performances.” You need a good reason to miss them, such as a significant family event or an important conference at which you are presenting. If one of these reasons prevents your attendance, you should advise the Associate Dean of Faculty as soon as you know you won’t be able to attend. The command performances are:

- Convocation (before fall semester classes start)
- Bellwood Lecture (timing varies)
- 3L “Celebrate the Class” reception (mid-May)
- Spring law commencement (mid-May)

The second category of events are ones that you should attend most of the time but can occasionally miss for reasons such as doctors’ appointments and deadlines. The Associate Dean of Faculty appreciates advance notice of when you have to miss these events, but you need not feel obligated to explain your absence. They include:

- Regular law faculty meetings (usually the first Wednesday of every month during the academic year)
- Special law faculty meetings

- Meetings between the law faculty and university officials like the President or Provost, the Idaho State Bar commissioners, or the Law Advisory Council
- Faculty-wide dinners with special visitors, such as the Ninth Circuit, the Idaho Supreme Court, and the Idaho Court of Appeals

You will get advance notice of these events, typically by email or Outlook invitation.

## 1.10 Summary of Recurring Dates and Tasks.

The following is a summary of some important dates and related responsibilities that arise during the academic cycle; they are more fully detailed later in this Handbook:

- Soon after you begin working at UI, and periodically thereafter, you must take a tutorial on the Family Educational Rights and Privacy Act (FERPA).
- You will also be asked, sometime after you begin work, to take a series of online training modules, which include training about discrimination and harassment laws.
- At some point during your first semester at UI, you should create, and thereafter regularly update, your university curriculum vitae, using the university's template ([here](#), under Templates).
- At least 60 days before the semester starts, you must place your book order with the textbook coordinator.
- Before the semester starts, you must submit an electronic copy of your syllabus to the Assistant Registrar-Law. The syllabus must contain certain information, detailed later in this manual.
- At least 7-10 days before the semester starts, deliver your first week's assignments to the faculty assistants so that they can be called to the attention of the students before the course begins.
- Before classes start, you should post your office hours outside your office for the upcoming semester. (Adjunct faculty members are customarily asked to provide this information for posting on the website.)
- Your classes must meet during their regularly assigned times or during designated make-up time slots. If you miss a regularly scheduled class, you must schedule a make-up class.
- Late in the semester, you'll receive instructions from the Assistant Registrar-Law regarding the distribution of course evaluations to your students.
- No later than the next-to-last class of the semester, we ask that you distribute a copy of your final exam instructions to your students, so students can ask questions about them before exam day.

- ❑ At least 5 business days before the first date on which the exam will be administered, you must deliver your final exam to the faculty assistants for processing.
- ❑ During the administration of your exam, you must be available physically in the building or by phone.
- ❑ You must deliver grades to the Assistant Registrar-Law by the due date. Notice of due dates for grades will be sent by the Assistant Registrar-Law each semester.
- ❑ Each January, you will be asked to prepare a summary of your teaching, scholarship, service, and outreach activities for the past year, in connection with your annual faculty performance evaluation with the Dean.

### 1.11 Campus Security.

It is a good idea to review the UI policies and resources for addressing campus security and emergencies ([here](#)).

### 1.12 Parking

*Boise.* New full-time faculty members will get information about parking at the orientation program for new faculty. For adjunct faculty, there is street and garage parking available near the Front St. Building.

*Moscow.* New full-time faculty members will get information about parking at the orientation program for new faculty. Adjunct faculty members can use metered spaces or buy visitor parking permits for \$3/day. <https://www.uidaho.edu/infrastructure/parking/visitors-community/visitors>

## 2. PREPARING TO TEACH

### 2.1 Technology and Supplies.

Most classrooms have:

- a projector and screen or display
- a computer with internet access and USB ports
- a document camera
- if a distance education course, cameras, and ceiling-mounted speakers

Not all classrooms have the same technology and supplies. It's a good idea to visit your classrooms to test out the technology beforehand. Classroom techs are available to assist you with any issues. The faculty assistants can get you any classroom and office supplies you need.

## 2.2 Textbook Selection.

Our administrative staff coordinate textbook orders. Any textbook-related questions can be directed to [law-textbooks@uidaho.edu](mailto:law-textbooks@uidaho.edu). The administrative staff will send out requests for textbook information well in advance of the semester, and it is important to submit your textbook orders on time. A [federal law](#) generally requires universities receiving federal funds to make book lists for the upcoming semester available to students during registration for that semester. The idea behind the law is to give students time to shop around (on the Internet) for the best prices. It is also important to be sure to specify what edition of the required textbook your students must buy—*e.g.*, by specifying the ISBN—because otherwise students might end up buying a used copy of an older edition than is required.

Free review copies of textbooks, statutory supplements, and some treatises can be ordered from each publisher. Please contact [law-textbooks@uidaho.edu](mailto:law-textbooks@uidaho.edu) so they can request them from the publisher's representatives.

## 2.3 Course Packets of Supplementary Materials.

Many professors prepare their own packets of supplementary material for students. At UI, these are called “course packs” or “course packets,” and are sold through the university bookstore, which is called the “VandalStore.”

If you want to use a course pack, you must submit it as a pdf to the College of Law textbook coordinator at least 45 days before classes begin. Your faculty assistant can help you photocopy material and scan it as a pdf. The textbook coordinator then sends a pdf of the material to the VandalStore, which then will attempt to secure copyright waivers or permissions. If you choose this method, note that the VandalStore may not be successful in securing waivers or permissions from all sources. In that case, they will reproduce and sell only those portions for which waivers have been secured.

You are ultimately responsible for ensuring your course packs and all other course materials comply with copyright laws. If you have any questions about copyright compliance, please contact the law library.

## 2.4 Electronic Reserve/Canvas.

Instead of, or in addition to, using a textbook and course pack, you can make course material available to students on an electronic storage system. These systems generally have two advantages

over the course pack option. First, they can be assembled closer to the time of the semester's start or even during the semester. Second, they often enable you to use copyrighted material without the usual permissions (*e.g.*, by posting a link to the material).

You have two storage options. The College of Law Library has an electronic course reserve [system](#), which students get access to using their UI username and password. This is a passive storage site; its main advantage is that at the same site students will find an exam archive, containing old law school exams. The second option is [Canvas](#), a UI-supported Internet-based system for creating web sites for individual courses. Its advantage is that many law students have familiarity with it from undergraduate days and other law courses, and it offers many features besides document storage.

You may be familiar with other Internet-based systems such as Westlaw's The West Education Network (TWEN) and LexisNexis's Blackboard. We are prohibited from using these systems. They store information on servers that are not under university control, and we therefore cannot guarantee protections required by federal privacy laws like the Family Educational Rights and Privacy Act (FERPA).

If you intend to use the law library's electronic course reserve system to post a significant amount of material, you should notify the library's circulation manager at least one month before classes begin. You will also need to provide pdf files of, or links to, the material to be posted.

To use Canvas, you can get [training material](#) on the University's web site as well as assistance from tech support.

## **2.5 Course Descriptions, Prerequisites, and Related Matters.**

The University of Idaho [General Catalog](#) contains the official course description of the courses you're assigned to teach, course prerequisites, enrollment limitations, and other relevant information. You must adhere to the course description in the development of your course objectives and teaching goals.

## **2.6 Auditing.**

Auditing allows students to attend classes without fulfilling course requirements. Students may audit courses at the College of Law only with the permission of the instructor.

## **2.7 Credit Hour Policy for All Course Credit.**

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to require students to work a total of 42.5 hours. The work can include time preparing for class; attending class; studying for, and taking, quizzes and exams; and researching, writing, and having conferences about paper projects. Each faculty member must ensure that their course meets this requirement, and doing so requires conscious effort.

The explanation best begins with the text of ABA Standard 310(b). Standard 310(b) distinguishes between classroom courses and “other academic activities”:

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

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

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

The words “one hour” in (b)(1)’s phrase “*one hour* of classroom or direct faculty instruction” actually means 50 minutes, according to an official ABA interpretation. This interpretation accounts for why our 3-credit courses, for example, ordinarily meet for a total of 150 minutes each week—usually in either three 50-minute class sessions or two 75-minute class sessions.

The complication arises because ABA Standard 310(b)(1) contemplates a *full, 15-week* semester, whereas the College of Law’s fall semesters run only 14 weeks and include a Monday holiday (Labor Day). The College of Law’s spring semesters do run 15 weeks, but have two Monday holidays (MLK Day and Presidents’ Day). This is why you must make conscious efforts to ensure your courses meet Standard 310(b). In planning those efforts, it helps to distinguish between fall-semester courses and spring-semester courses.

Although the fall semester runs only 14 weeks, an ABA Guidance Memo says we can treat a final exam week as a 15th week. Accordingly, a 14-week course will satisfy Standard 310(b)(1)—ignoring for now the complication of the Labor Day holiday—if the professor has students take an exam or do a paper (or presentation) project that “makes up for” the “missing” 15th week. For a 3-credit course, for example, this is satisfied by giving a 3-hour exam for which students are expected to study for 6 hours or a final paper (or presentation) that will students are expected to need 9 hours to prepare. For a 2-credit course, the professor could give a 2-hour exam for which students are expected to student for 4 hours, or a paper project that reasonably requires at least 6 hours to prepare. These expenditures of student time on exams or papers, when independent of the time students take attending and preparing for 14 weeks of classes, enable 14-week classes to meet ABA Standard 310(b).

A further wrinkle occurs, however, if a fall-semester course meets on Mondays. College of Law courses don’t meet on the Monday of Labor Day. That missed class therefore must be made up somehow. Individual professors whose fall-semester courses meet on Mondays have discretion about how to make up the class missed on Labor Day. You can:

- schedule a make-up class during one of the designated make-up time slots built into the schedule; or
- require outside work that you expect will take a total of 3 hours per 50 minutes of cancelled class, such as quizzes that students must take outside of a regularly scheduled class; a take-home assignment; a film viewing; a review session; additional hours of clinic work; or any other assignment

Many faculty members already require students to do outside work of some sort that will make up for missing Labor Day. If you are among them, you needn't make any other adjustment.

Unlike fall-semester courses, spring-semester courses run 15 weeks and therefore don't present the "missing week" problem. Spring-semester courses do present an issue, however, if they meet on Mondays, because of the two Monday holidays in the spring. To make up the two missed Mondays, you must either make up the classes or require students to do outside work totaling 6 hours (assuming the missed class sessions were 50-minutes long). This can be accomplished by having a final exam or other final project that students are expected to need at least 6 hours to complete, or by requiring other outside work such as that already discussed. Most faculty have final exams or projects of some other kind that will make up for the missed Mondays. Again, though, each faculty member should make a conscious effort to ensure compliance with ABA Standard 310(b).

Compliance can be particularly challenging for courses that don't fit the usual scheduling patterns or that aren't classroom courses. For these courses, the key is that students must be reasonably expected to work a total of 42.5 hours for each academic credit. If you need any help planning your course to ensure this result, don't hesitate to ask the Associate Dean of Faculty.

As discussed below, your syllabus must demonstrate your compliance with this policy. The Associate Dean of Faculty will contact you for more information if your compliance is not apparent on the face of your syllabus.

## **2.8 Credit Hour Policy for Directed Study.**

With respect to directed studies, 1) a directed study that is a continuation of a paper course project is entitled to one credit, and 2) a directed study that is brand-new information is entitled to two credits. By submitting a grade of "pass" in a directed study class, the faculty member certifies that the student complied with the credit hour policy. Faculty members have discretion about how to track students' credit hours in directed study, including by requiring students to submit time tracking sheets to the faculty member.

## 2.9 Syllabus.

### A. Syllabus Content.

If you would like advice and examples of other syllabi, contact the Associate Dean of Faculty or other colleagues. The mandatory and optional components of syllabi are described below. That description is followed by a checklist, which you can use to double-check that your syllabus has the necessary contents and which the law school administration uses to review all syllabi before they are finalized.

Please be on the lookout for emails notifying you of any changes or additions to the syllabus components described below, especially changes or additions required to address the evolving COVID-19 pandemic. At the time of this writing, the university plans to continue normal operations during the Spring 2023 semester. But the situation is fluid and could lead to changes in policies that will need to be included in course syllabi.

#### **Mandatory Components of Course Syllabi**

- **Course Learning Outcomes.** Each course's syllabus must include the course's learning outcomes. They will describe what knowledge, skills, and values a student will learn in the course. These will, of course, vary from one course to another. Please draft your course learning outcomes so they dovetail with the law school's learning outcomes for its graduates. (See § 1.6 above.)
- **Means of Formative Assessment.** Your course must include at least one method of formative assessment. You should determine the formative assessment method(s) appropriate for each course that you teach. Formative assessment methods are measurements used during the course that provide meaningful feedback to improve student learning. Examples include clicker questions, midterm quizzes and exams, practice problems, and midterm written assignments. Each course syllabus must include the method(s) by which you are formatively assessing students' achievement of the course's learning outcomes.
- **Means of Summative Assessment.** Your course must include at least one method of summative assessment. You should determine the summative assessment method(s) appropriate for each course that you teach. Summative assessment methods are measurements at the end of a particular course that measure the degree of student learning. Examples include final exams, final research papers, final oral presentations, and final projects. Each course syllabus must include the method(s) by which you are engaging in summative assessment of students' achievement of the course's learning outcomes.

- **Out-of-Class Student Work.** To the extent possible, your syllabus should include all of the out-of-class student work—*e.g.*, reading assignments—that is required for each class session. If you supplement your syllabus with additional out-of-class student work over the course of the semester, submit this updated syllabus to the Assistant Registrar-Law.

When assigning out-of-class student work, ensure compliance with ABA Standard 310, which requires that one credit be awarded for experiences that are reasonably designed to equate to at least 12.5 total hours of classroom instruction and at least 30 total hours of out-of-class student work. For a classroom course that spans a semester, one credit equates to at least 50 minutes of classroom instruction per week and at least two hours of out-of-class student work per week. Other courses, including externships, clinics, directed study, law review, and intensive or summer classes, must require at least the equivalent amount of academic work per credit hour. See the mandatory statement to be included in the syllabus below.

The law faculty has adopted the following Credit Hour Policy in order to ensure compliance with ABA Standard 310:

Course syllabi shall affirmatively demonstrate—through specified assignments, readings, projects, simulations, and other work—that students’ out-of-class time will meet the requirements of this policy. Readings—*on average*—of at least 15 pages per credit per week shall be presumed to meet this rule. In determining that 15 pages of reading per credit per week presumptively satisfies the out-of-class aspect of the policy, the following credit hour calculator from Rice University was consulted: <http://cte.rice.edu/blogarchive/2016/07/11/workload>. While the stated average minimum page numbers assigned is presumed to meet the rule, assignments may vary when faculty, in their professional judgment, determine the problem, statute, or other material assigned is complex in nature and it is expected that the amount of time it will take students to complete the out of class assignment will meet the rule.

The Associate Dean of Faculty reviews course syllabi each semester to ensure compliance with the Credit Hour Policy. If she has any questions, she will contact you to ensure compliance.

- **Mandatory Credit Hours Statement.** Every course syllabus must contain the following statement:

### **Credit Hours for Coursework**

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgment, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

- **Classroom Policies.** Detail any classroom policies regarding the following matters, especially as they affect grades or potential disenrollment of the student:
  - **Class attendance** (see § 3.4 for the College’s requirements about class attendance)
  - **Punctuality** (*e.g.*, will tardy students be counted as in attendance?)
  - **Class participation** (*e.g.*, will class participation be assessed when assigning students their final grades?)
  
- **Grading.** Detail how each student will be assigned a grade in the course. For example, indicate whether and to what extent each means of formative and summative assessment will be reflected in the final grade. In addition, if other factors, such as class attendance or class participation might affect the grade assigned in the course, indicate how those factors might affect the grade.
  
- **Testing methods.** If there will be one or more exams or quizzes, the syllabus should state clearly whether these are “closed” or “open” book, and whether the exam is an in-class or take-home exam. If a take-home exam, you should describe when they must check out the exam and when they must submit their answers. In the case of open-book tests, the syllabus should state clearly what materials the students can bring with them to the test, and what materials they CANNOT bring. For example, can they bring their assigned course books? Recommended readings? Class handouts? Their class notes? Group outlines? Notes or outlines which they borrowed, copied, or purchased from other students? Even in open-book exams, faculty rarely, if ever, allow students to bring commercial study aids or other published materials that were not part of the assigned readings.
  
- **Office Hours and Contact Information.** The syllabus should tell students where your office is (if you have an assigned office on campus), how to contact you by phone or email

outside of class during business hours, and when you will hold office hours. FSH 1565C-1.c says that “faculty with teaching duties must offer office hours each week. Faculty may meet with students in person or using technology such as videoconferencing.” You must have students contact you at your official UI email address, and you must contact them at their official UI email address.

*Note about office space for faculty members visiting the other location and for adjunct faculty members:* An office is available at each location for use by faculty members who are visiting the other location—e.g., to teach students at the remote location—and by adjunct faculty members. You must reserve space in these offices in advance. To do so, please use the room reservation request form on the website. <https://www.uidaho.edu/law/faculty-staff> (under “Event Support and Room Requests”).

- **Mandatory Accommodations Statement.** Every course syllabus must contain the following statement:

#### **Accommodations**

The University of Idaho is committed to ensuring an accessible learning environment where course or instructional content are usable by all students and faculty. If you believe that you require disability-related academic adjustments for this class (including pregnancy-related disabilities), please contact the Center for Disability Access and Resources (CDAR) to discuss eligibility. A current accommodation letter from CDAR is required before any modifications, above and beyond what is otherwise available for all other students in this class, will be provided. Please be advised that disability-related academic adjustments are not retroactive. CDAR is located at the Bruce Pitman Building, Suite 127. Phone is 208-885-6307 and e-mail is [cdar@uidaho.edu](mailto:cdar@uidaho.edu). For a listing of services and current business hours visit <https://www.uidaho.edu/cdar>.

Professors are notified only of accommodations that require notice, such as preferential seating, access to food/drinks/medication in the classroom, or a flexible attendance or assignment submission schedule. All exam accommodations are provided to you by the Law-Exams team without any notice to your professor. If you have a question about an accommodation or whether it has been provided, please contact your Dean of Students.

- **Mandatory Respectful and Inclusive Learning Environment Statement.** The syllabus must contain the following statement:

## **Respectful and Inclusive Learning Environment**

As described in our College's [Diversity Plan](#), we want to protect and foster an inclusive and respectful learning environment. This requires each of us to listen respectfully to each other's viewpoints and to participate in discussions in a calm, professional, and civil manner. In this course and our professional discussions, we will welcome and value students from all cultures, races, ethnicities, genders, physical abilities, lifestyles, opinions, nationalities, philosophies, sexual orientations, religious backgrounds, ages, life experiences, and identities. When participating in class online, please consider how your physical space appears to your classmates and professor and reflect on whether anything in your space might hinder the open, inclusive, and professional conversations I will encourage in this course.

- **Mandatory Class Recording Statement.** Every course syllabus must contain the following statement:

### **Recording Class Sessions**

Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor's express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR.

- **Mandatory COVID-19 Statements for Fall 2023 semester** (numbered for clarity and subject to revision in accordance with changes in university policy or local public health policies)

[\*\*\*The following syllabus provision is only required for classes that are scheduled as in-person classes in the catalog.]

### **[1] In-Person Attendance**

Under current plans, this class will be held in-person only. Therefore, all students are expected to attend class in the assigned classroom, either in Boise or Moscow. There is the potential, however, that this class may transition to remote delivery, either in response to public health guidance or because of my compliance with College of Law Public Health Policies. Please check your UI email regularly in order to ensure that you are aware of any transition to remote delivery.

### **[2] Excused Absences**

If you are experiencing symptoms of COVID-19 or another contagious disease, if you have tested positive for COVID-19, or if you are following CDC [guidance](#) about quarantining after exposure to COVID-19, please do not attend class. All such

absences will be excused. [*Optional for those imposing the suggested attendance policy below:* However, these absences will still count toward the total number of allowable absences under this course's 20% attendance rule.] As soon as possible, please notify me (without disclosing any personal medical information) that you are missing class pursuant to College of Law Public Health Policies. Upon receipt of that notification, your absence(s) will be excused.

***Instructors may choose between two versions of Statement [3]:***

**[3] Access to Class Recordings**

All class sessions will be recorded and posted for students in this course to access if necessary. You may access the recorded classes through OneDrive [*optional: link to the OneDrive folder you will share with your students*]. As explained by the University's recording [policies](#), when a class is recorded it creates a student educational record protected by the Family Educational Rights and Privacy Act (FERPA). Accordingly, these recordings should only be accessed by students in this course, and you may not share the recordings with anyone outside of our class.

**OR**

**[3] Access to Class Recordings**

All class sessions will be recorded. If you are absent for health reasons, you may email me and request access to the recording of the class(es) you missed. Students may also access these recordings pursuant to a CDAR accommodation. As explained by the University's recording [policies](#), when a class is recorded it creates a student educational record protected by the Family Educational Rights and Privacy Act (FERPA). Accordingly, these recordings should only be accessed by students in this course, and you may not share the recordings with anyone outside of our class.

**[4] Zoom Attendance Not Permitted**

Zoom attendance is not permitted absent a CDAR accommodation. If you are absent from class due to illness, please plan on utilizing a recording of class to stay caught up.

**Optional Components of Course Syllabi**

- **Controversial Topics.** We recommend that you include the following statement:

**Controversial Topics**

Consistent with its educational mission, the College will introduce students to controversial topics with legal dimensions and seek to ensure that students can discuss those topics knowledgeably and civilly. And consistent with its obligation

to prepare students for the legal profession, the College will require students to learn the professional standards of the profession, including its ethical standards, and will ensure that students who graduate will comply with those standards. The College of Law shall not direct or otherwise compel students to personally affirm, adopt, or adhere to any of the tenets enumerated in Idaho Code 33-138 (H.B. 377), entitled “Dignity and Nondiscrimination in Public Education.” Nor will the College direct or compel students to personally engage in speech or other forms of expression when that direction or compulsion would violate U.S. Supreme Court precedent or other binding legal precedent or laws. E.g., *West Virginia State Board of Education v. Barnette* (U.S. Sup. Ct. 1943) (holding that public school students cannot be compelled to salute the flag).

- **Civility Statement.** In your discretion, you may include the following statement:

### **Civility**

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Assistant Deans of Students, Erin Tomlin (erintomlin@uidaho.edu) and Leon Samuels (lsamuels@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

- **Attendance Policy.** In May 2023, the Curriculum Committee approved the following mandatory attendance policy. This proposal will go before the full faculty for a vote in August and is not yet required. However, faculty may elect to incorporate this policy (or a more stringent policy) into their individual syllabi:

### **Attendance Policy**

A student may not miss more than 20% of the scheduled class sessions, for any reason. In this course, which meets [X] times a week for [X] minutes, the maximum number of absences is [X]. A student who misses more than 20% of the class sessions must either withdraw from the course through university processes or receive an F in the course.

Every student has the responsibility to keep track of their own attendance and communicate with the instructor when missing class.

A student who exceeds the 20% limit may petition the College of Law Petitions Committee to waive the mandatory attendance policy. Any student who files a petition must continue to attend classes while awaiting a decision.

- **Late Assignment Policy.** In your discretion, you may include the following suggested policy, or something similar.

#### **Late Assignments**

Assignments submitted late will be penalized 1/3 of a letter grade (i.e., from a B to a B-) for every 24-hour period after the due date. If an assignment is submitted more than 4 days after the due date, it will receive an F.

- **Preparation Policy.** In your discretion, you may include the following suggested policy, or something similar.

#### **Class Preparation**

Preparation is expected daily in all classes. Preparation means sufficient familiarity with the assigned materials to discuss them knowledgeably and intelligently. Daily preparation is essential to the development of the skills and professional attributes of lawyers. It is a prerequisite to understanding the presentations by the professor and other students. Without preparation a student cannot contribute meaningfully to the class.

- **Artificial Intelligence Policy.** Generative AI is a new, important, and constantly evolving technology. The College of Law (with the leadership of the Technology Committee) is in the process of working through how we might limit our students' improper use of generative AI while also teaching them how to utilize generative AI ethically and appropriately to ready them for the practice of law in a changing world. Below are several optional policies that you may choose to adopt for your class, depending on your course structure and pedagogical goals. Please realize that if you choose to prohibit the use of generative AI, we will have few if any ways to police student behavior, aside from the Honor Code. If you want to eliminate any possible use of AI, you should assign in-person, closed-book assignments and exams with students' computers locked down.

### **Use of Generative AI**

Use of ChatGPT or other generative AI tools is considered equivalent to getting assistance from a human being. You are not allowed to use generative AI for any assignment on which you are prohibited from consulting with another person.

### **OR**

All work submitted in this course must be your own unless you give proper attribution. Contributions from anyone or anything else – including AI sources – must be properly quoted and cited every time they are used. Failure to do so constitutes a violation of the Honor Code.

### **OR**

All exams and assignments in this class will be closed book and in person. You may not use or consult any outside source during their administration.

- You may use your judgment to include anything else in the syllabus that may aid your students' learning. Some faculty include video links, optional additional readings, etc.

### **Syllabus checklist**

#### *Required elements:*

- Course learning outcomes
- Office Hours and Contact Information
- Means of formative assessment, including testing methods
- Means of summative assessment, including testing methods
- Out-of-class assignments, including reading assignments
- Description of how course grades will be calculated
- Class attendance policy (including potential effect on grade)
- Class punctuality policy (including potential effect on grade)
- Class participation policy (including potential effect on grade)
- “Credit Hours for Coursework” statement
- “Accommodations” statement
- “Respectful and Inclusive Learning Environment” statement
- “Recording Class Sessions” statement (see also optional element)
- 4 Required COVID statements (Fall 2023)

#### *Optional elements:*

- “Controversial Topics” statement (recommended)
- “Civility” statement

- Recommended Attendance Policy
- Recommended Late Assignment Policy
- Recommended Preparation Policy
- Recommended AI Policies (options to choose from)

### **B. Adherence to Syllabus.**

You must adhere to the policies in your syllabus about, for example, class attendance, class participation, and grading. Students rely on the syllabus in deciding whether to stay in the class or drop it during the drop/add period, and they are entitled to plan their semester according to the workload indicated on the syllabus. For example, if the syllabus states that the only written assignment will be an open-book final exam, then you should not decide later in the semester to make it a closed-book exam, or to add a research paper. If you promise a take-home exam, you should adhere to that promise. If you wish to maintain some flexibility about certain matters, make sure that your syllabus reflects that. For example, if you are not sure whether your final exam will be in essay or multiple-choice format, your syllabus should not promise a specific format.

### **C. Submittal of Syllabus.**

Course syllabi must be provided to the Assistant Registrar-Law before the semester begins. The Assistant Registrar-Law will review all course syllabi to ensure compliance with the above-stated requirements. You may submit a portion of your syllabus before the semester begins and later submit updates or supplements. That is appropriate, for example, if you haven't taught a particular course before and therefore aren't able to publish a whole semester's worth of assignments in the initial syllabus.

You should also send the syllabus to your students at least one week before classes start. You can email it to students in your course using course-based email lists from VandalWeb. This email, however, won't reach students who register for your course after you send it. Therefore, you should also give the syllabus to your faculty assistant for posting along with other "first week material" on the College's administrative page on Canvas.

### **D. First Assignment.**

At least 7–10 days before the semester starts, you should ensure your students know the assignment for at least the first day's class, and preferably for the first week (or more). Often, professors provide these assignments as part of the syllabus. In any event, you should email your first assignment(s) to the faculty assistants for posting on the College's administrative page on Canvas, along with other courses' first assignments, and email it to the students.

## 2.10 Teaching Resources.

Just as learning the law is a lifetime process, so is learning how to teach the law effectively. As you may know, you can get good information on teaching law school from many sources:

- books and articles, including ones that focus on strategies for creating an inclusive classroom in which students can discuss difficult topics with civility. Without endorsing each listed publication, we include a link to a list from the University of Minnesota Law School: <https://libguides.law.umn.edu/c.php?g=296857&p=6827596>. A great general book is Michael Hunter Schwartz, Sophie M. Sparrow, and Gerald Hess's book, *Teaching Law by Design* (Carolina Academic Press 2d ed. 2017) (in UI law library call no. K100.S68 2010).
- organizations, such as the Institute for Law Teaching and the Association for American Law Schools
- blogs, such as the Best Practices for Legal Education [blog](#)
- The University of Idaho's [Center for Excellence in Teaching and Learning](#), which hosts workshops and posts videos
- colleagues, through informal conversations and College of Law colloquia

You should also feel free to ask colleagues if you can sit in on their classes. Most College of Law faculty are quite open to this.

## 3. CONDUCTING THE CLASS

### 3.1 Required and Requested Announcements.

Faculty Staff Handbook § 4700B says: “Instructors are expected to take some time in the first or second class session to discuss course objectives and to explain the grading system that is to be used. In particular, the extent to which grades are affected by attendance should be made clear at the beginning of the course.” You can meet this expectation by discussing learning outcomes and grades in your syllabus, and then, at the first or second class meeting, encouraging students to let you know if they have any questions.

Sometimes, the law school administration asks teachers to make announcements in class about, for example, special events. If so, we will let you know, typically by email.

Sometimes, students ask faculty to make announcements at the beginning of class about student organization events or co-curricular activities—e.g., moot court competitions or guest speakers. It is

up to you whether to allow them to do so, to make the requested announcement yourself, or decline to have the announcement made in your course.

### **3.2 Class Roster and Seating Chart.**

*Class rosters.* The faculty assistants will give you initial class rosters before your first class and then give you an updated one after the drop/add and late registration periods end, which typically occurs at the end of the second week of classes during the fall and spring. Please review the [UI Schedule](#) for Fall add/drop deadlines. During the first couple days of classes, please make sure no students are attending your class unless they are either on your roster or you have confirmed that they have added your course. Be sure to also make sure students are registered for the correct location of your course. Moscow students should be registered for the Moscow section; Boise students should be registered for the Boise section. If you find students are registered incorrectly, contact the Assistant Registrar – Law. Soon after the third day of classes end, please make sure that all of the students on your updated roster are regularly attending class. *See* FSH 4700F-3. If any student is not regularly attending class, please notify the Deans of Students.

*Seating charts.* Before classes begin, the faculty assistants will give you a blank, hard copy of the layout for your classroom, showing its seating arrangements. You can use this to create a seating chart. To do so, have your students write their names in the places on the chart showing their seats. Then return the filled-in seating chart to the faculty assistants, who will insert photos of the students, along with their names.

### **3.3 Recording of Classes.**

Faculty Staff Handbook § 4700F-8 says: “Students may electronically record lectures only with the consent of the instructor or as an approved ADA accommodation and with appropriate notification to the instructor.” If a student has an ADA accommodation, you will get word to that effect from the Deans of Students. Under the terms of these accommodations, the accommodated student can record the class only for his or her personal use during the semester. The student can’t share the recordings with other students without your consent.

### **3.4 Taking Attendance.**

Students must attend class regularly and punctually. All faculty must monitor attendance and keep a record of such monitoring. Options for taking attendance include a sign-in sheet, student response systems (“clickers”), or a printed seating chart on which attendance is noted at the beginning of each class.

You can consider a student’s attendance record when you assign final grades. The Faculty Staff Handbook adds that the number of absences “may be considered excessive when it exceeds the number of credits assigned to the course.” FSH 4700E-2. If attendance can affect a student’s grade,

however, you should say so in your syllabus and make sure you keep accurate attendance records. You should also, if possible, warn students when they are in danger of having their grade reduced for poor attendance.

However, you should not hold a student's absences against him or her if they are the result of a disability, which can cause extended absences, or they are allowed by a Dean of Students as an accommodation for military service. In either of these situations, you'll get official notice of some kind, probably in the form of an email from a Dean of Students. Additionally, under the College's health policies, any sickness-related student absences from class should be excused, but they may still count toward the total number of allowable excused absences under the applicable syllabus policy.

Even if you do not generally consider a student's attendance record when you assign final grades, you may set a maximum number of absences that will be permitted before the student will not receive credit in the course. For example, in May 2023, the Curriculum Committee passed a new attendance policy that, if adopted by the full faculty in August 2023, would mean that any student who has missed more than 20% of the regularly scheduled class sessions will not receive credit for the course.

When you notice a student missing more than a couple of classes in a row—or who has many absences within a short period of time—we also encourage you to contact the Dean of Students in the student's location, so that they may take appropriate action.

### **3.5 Warnings for Unsatisfactory Academic Performance or Attendance**

The Faculty Staff Handbook discusses giving students advance notice of inadequate performance, including inadequate attendance. FSH § 4700E. We encourage you to check in with students who seem to be struggling in class or missing a lot of classes and to document the problem to protect your own and the student's interest. This is especially if you think you might reduce a student's grade because of poor attendance or classroom performance. FSH § 4700E requires the heads up to be in writing and to include the words "warn" or "counsel." Our faculty sometimes use more informal methods, but the FSH approach reflects not only university policy but a sensible practice.

### **3.6 The Classroom Experience.**

#### **A. Audiovisual Equipment and Distance Education Courses.**

If you have particular audiovisual needs for a class, please make sure that you are comfortable with the presentation method and that you know how to operate the equipment. Classroom techs are available to assist with audio-visual or other classroom needs, but they will need advance notice as they generally manage a variety of other classrooms.

If you teach a course that is linked to the other campus by videoconference, please contact the classroom tech to get trained on using the distance-education technology.

If you teach by distance education, besides getting technology training, full-time faculty should arrange to hold at least two class sessions during the semester when you will teach students at the remote location in person and hold in-person office hours for students at the remote location. Full-time faculty who cannot meet this travel commitment must notify the Associate Dean of Faculty. Adjunct faculty are also encouraged to teach at least one class in the remote location if possible. Law school funding is available for your travel and lodging to teach at the remote site. We ask, however, that you schedule those sessions, and arrange travel and lodging through the faculty assistants, as far in advance as possible, to keep travel costs down. We encourage you, as well, to consider teaching both class sessions during a single trip. For example, if you teach on Mondays, Wednesdays, and Fridays, please consider arranging one trip when you can teach on Monday and again on Wednesday. This, too, reduces travel costs.

### **B. Student Honor Code.**

The students and faculty of the University of Idaho College of Law have as their essential purpose the study and teaching of law. This includes the development and maintenance of the high sense of honor, integrity, responsibility, self-discipline, and mutual confidence and trust which embody the ethics required of members of the legal profession. Teaching includes evaluation of the academic progress of each student as an individual. The operation of the College of Law is impaired when this essential purpose is thwarted by instances of academic dishonesty. In order to further their essential purpose, the students and faculty have adopted an [Honor Code](#) to define misconduct and to establish hearing procedures and sanctions.

Cheating, dishonesty, plagiarism, and other forms of academic dishonesty or unprofessional behavior may be violations of the Honor Code. Although you are not expected to be familiar with the intricacies of the Code, you should be aware that any disruptive, disrespectful, or dishonest conduct by a student is potentially an Honor Code matter. If such conduct occurs, you should promptly bring it to the attention of one of the Deans of Students, who will help you contact the Honor Court counsel who investigate possible Honor Code violations. Do not hesitate to contact a dean about an incident simply because it seems minor to you. It is important for us to receive full information about the conduct of our students, because we have an obligation to report on the character and fitness of our students when they seek admission to the bar. By reporting an incident you are not automatically triggering an Honor Code proceeding. You are simply giving us an opportunity to evaluate whether an investigation and/or proceeding might be appropriate.

### **C. Proscribed Matters.**

Under the University's charter, "no instruction either sectarian in religion or partisan in politics shall ever be allowed in any department of the university." FSH § 4700C. In addition, pursuant to

law, the College of Law shall not direct or otherwise compel students to personally affirm, adopt, or adhere to any of the tenets enumerated in Idaho Code 33-138 (H.B. 377), entitled “Dignity and Nondiscrimination in Public Education.” Nor will the College direct or compel students to personally engage in speech or other forms of expression when that direction or compulsion would violate U.S. Supreme Court precedent or other binding legal precedent or laws. *E.g., West Virginia State Board of Education v. Barnette* (U.S. Sup. Ct. 1943) (holding that public school students cannot be compelled to salute the flag).

#### **D. Ending Class**

Please make sure to end class on time, to give your students time to get to their next class and to give the teacher and students in the next class to get into your classroom. Please also, at the end of every class:

- erase the whiteboard
- remove all your belongings, including any trash (*e.g.*, scrap paper, post-it notes, disposable soda cans or coffee cups) you generated during class
- restore audiovisual equipment to its original setting (*e.g.*, shut down the document camera, log out of the podium computer, and raise drop-down projection screens)
- restore the original classroom seating and tables.

We mention these things only because it otherwise can be easy to forget them in the rush to vacate your classroom at the end of class time.

#### **E. Distributing Final Exam Instructions.**

We strongly encourage you to distribute your written exam instructions no later than the next-to-last class meeting. This gives students a chance to read them and clarify any ambiguities before the course ends. It also can spare you endless headaches and recriminations.

A recent story illustrates the point. A professor did not give her students the exam instructions in advance. She orally advised students, however, that the exam would have two questions and that their answers to each question could be no longer than 3,000 words. Students saw the written instructions for the first time on the day of the exam. The instruction concerning word-length limits was ambiguous, but was most naturally read to impose an overall limit of 3,000 words on student answers to *both* questions. Some students, however, relied on the professor’s oral instructions, and wrote two exam answers that totaled up to 6,000 words. Other students relied on the written instructions supplied for the first time on exam day, and wrote two exam answers that totaled no more than 3,000 words. Imagine the challenge of grading these exams! Also imagine the students’ stress and dismay!

## F. Classroom Emergencies

Each classroom has instructions for faculty who are teaching class at the time of emergencies. You will find the instructions on the desk at the front of the room. On the first day of class, please locate and review those instructions.

### 3.7 Scheduling Issues.

#### A. In General.

Please start class on time, to reinforce the importance of punctuality, and stop class on time, for the same reason and to allow students enough time to get to their next class and to permit the next class in that room to start on time. In addition, you must adhere to the published course schedule for your class meetings. Adherence to the published schedule is required by university rules and ensures your students receive the amount of classroom instruction required by ABA accreditation standards.

You may not change the time or place when your class regularly meets without the approval of the Associate Dean of Faculty, and approval will be given only in exceptional circumstances. You need the Associate Dean's approval to change the time and place of your class meetings even if you and all of your students would prefer a different time (*e.g.*, to avoid meeting on Friday afternoons). This is a result of simple fairness. Students plan their schedules based upon the schedule published at the time of registration. Later changes based on the preferences of those who ultimately register exclude those who may have registered for a course had the new time been set as part of the schedule.

#### B. Cancelled and Make-up Classes.

If you need to cancel a class, announce it as early as possible—including in your syllabus, if you can anticipate it that early. Please also notify the Assistant Registrar-Law of your class's cancellation so that the classroom is open for other uses and so that the IT staff do not make a wasted trip to check on you. If advance notice is not possible, you can cancel a class by asking the faculty assistants to (a) post a notice on the classroom door and (b) send an email directly to your class list. If you notify students yourself via email, please copy the faculty assistants on your email, so that they are aware of it if asked.

If you miss a class, you have to make it up. You are responsible for contacting the Assistant Registrar-Law to schedule a make-up class, via the room request form: <https://www.uidaho.edu/law/news/upcoming-events/room-calendars/room-request>. (If the class schedule does not permit an in-person makeup class, you may be asked to prerecord the make-up class via Zoom and post it for your students on OneDrive.) You are also responsible for ensuring that students get advance notice of make-up classes and understand that they are expected to attend all make-up classes the same as regularly scheduled classes.

The law school administration sometimes asks teachers to cancel classes so their students can attend important, College-wide events, such as those associated with the Bellwood Lecture. We try to keep these requests at a minimum, and in return appreciate your cooperation when we do make them.

### **C. Review Sessions.**

Review sessions involve many of the same notice and scheduling issues as cancelled and make-up classes. You should also understand that review sessions may be particularly difficult to schedule during the exam period, when rooms are more likely to be in use, and students have other exams on their mind. Contact the Assistant Registrar-Law to schedule a review session, via the room request form: <https://www.uidaho.edu/law/news/upcoming-events/room-calendars/room-request>. Please use this form even if your review session will be virtual via Zoom.

## **3.8 Communicating with the Class.**

You or the faculty assistants can use VandalWeb or Canvas to email every student in your class. Every student gets a UI “VandalMail” email account, and all official emails, including one that you send, must go to the students’ UI email account, rather than their personal email accounts.

If you email multiple students in the same email, list the students’ email addresses in the bcc line, in order to preserve students’ confidentiality.

In addition, all law students have access to the Symplicity system, which is used by the Student Services Office for matters like the announcement of job postings and academic success workshops.

Students are bound by and responsible for all College notices, announcements, and other information presented in mandatory meetings, sent to their Vandal Mail email address, sent to their permanent address, and posted on the Symplicity announcement pages.

## **3.9 Quizzes and Midterms.**

### **A. ADA Compliance.**

We have students who receive accommodations for disabilities. The accommodations often include having extra time to take tests. If you intend to have any timed assignments, including pop quizzes, please contact Law-Exams to ensure that they are administered consistently with any student accommodations. In addition, the Law-Exams staff will contact you at the outset of the semester to gather information on scheduling any midterm exams. Please provide the requested information promptly, so that your midterm is scheduled and administered consistently with any student accommodations.

Although accommodations are determined individually for each student, here are some general guidelines for accommodations connected to graded assessments such as quizzes, midterms, and tests:

- Timed assignments or quizzes with a duration of 15 minutes or more do require accommodations be applied. This includes pop quizzes.
  - In-person assignments/quizzes may require accommodated students to take the assignment/quiz outside of the classroom. If so, our law-exams team may need to proctor the test in class to preserve accommodated students' anonymity.
- Time accommodations do not apply to take-home or online exams/timed assignments with durations of 24 hours or more.
- There is no grade percentage or “weight” used to factor whether or not an assessment will have time extensions applied.

It is essential that professors communicate all upcoming assignments or quizzes that require applying accommodations to the exam team at [law-exams@uidaho.edu](mailto:law-exams@uidaho.edu). That team will work with the CDAR office in Moscow to coordinate accommodations for the Moscow students. As there is no CDAR office in Boise, our administrative assistants in Boise will be working directly with the accommodated students there to coordinate accommodations.

### **B. Other Administrative Issues Involving Quizzes and Midterm Exams.**

Your syllabus should address whether you will give quizzes or any other assignments that count toward students' grades. The syllabus should detail: (a) the nature of the quiz or other assignment (multiple choice, essay, etc.); (b) the percentage of a student's grade attributable to quizzes or other assignments; and (c) whether missed quizzes count as zero grades (or whether a student is allowed to drop a fixed number of quiz grades).

Except for assignments in legal writing courses and research papers which involve interim work product or conferences, most assignments are graded anonymously. To facilitate anonymity, the law school administration randomly generates, for every student every semester, (a) “quiz” numbers, for use on quizzes, midterms, and other projects submitted *during* the semester; and (b) “exam” numbers, for use on final exams and other end-of-semester, anonymously graded projects. The administration emails students their quiz numbers early in the semester, and emails students their exam numbers later in the semester.

We do not require faculty to use anonymous grading, although most faculty do so in order to ensure that assignments are graded fairly.

If you decide to use anonymous grading for quizzes or other assignments during the semester, ask your students to identify themselves using only their assigned quiz numbers. Do not, in other words, devise alternative anonymous identification systems. Also, please ensure that anonymous assignments are submitted to the faculty assistants, rather than receiving them directly.

To take final exams, most students use word processors. Those who do must download and use computer software called Exemplify, which is made by a company called ExamSoft. Exemplify prevents students, during a test, from getting access to the Internet or any document besides the one in which they are writing their exam answers. You can also use ExamSoft to give quizzes and midterms. The Law-Exams team will contact you early in the semester to assess your technology needs.

Starting in spring 2022, we established a midterm period. The Fall 2023 midterm period will be October 16 – 27. We are asking all faculty, to the extent possible, to schedule their midterms to occur during this period so we have enough administrative support for administering them. This administrative support includes building exams in the exam software and managing students' exam accommodations. If you would like to schedule a midterm exam *outside* of the posted midterm period, please contact [law-exams@uidaho.edu](mailto:law-exams@uidaho.edu) ASAP to discuss whether administrative support will be available for your midterm exam. We cannot guarantee that administrative support will be available outside of this midterm period.

### **3.10 Student Course Evaluations.**

Student course evaluations are used to assist the Dean in evaluating your performance as an instructor and to provide you with useful feedback. Note that we do not currently make the reviews (or a summary) available to future students.

The Assistant Registrar-Law coordinates the electronic delivery of course evaluations to your students. In order to increase the response rate, you are strongly encouraged to designate 20 minutes of class time (during the last two weeks of the semester) for students to complete their course evaluations. Once grades have been submitted and the evaluations prepared, the faculty assistant will provide copies of the forms available for the faculty member to review.

### **3.11 Emergencies in the Classroom.**

A student or instructor may be called out of class because of a family emergency. Occasionally, however, an emergency or potential emergency will occur in the classroom itself or elsewhere in the building. Emergencies can include intruders in the classroom, fire alarms, or student or faculty illness or accident. The University has an institution-wide emergency response plan. The plan outlines specific roles for key sectors of the campus in time of emergency response. Key University personnel and departments engage in an annual emergency response exercise. The emergency response plan is activated by a Critical Incident Response Team that calls upon appropriate

resources and takes specific actions to respond to – and communicate to the community about – a given incident. The University’s detailed Emergency Response Plan and contact numbers are available at the University’s [Emergency Procedures page](#).

## 4. AFTER THE CLASS ENDS – GRADING AND TESTING

### 4.1 Grading Scale and Grade Curves.

In most courses, students get letter grades between A and F, which translate to point values between 0 and 4.0 as follows:

A	=	4.0
A –	=	3.67
B+	=	3.33
B	=	3.0
B –	=	2.67
C+	=	2.33
C	=	2.0
C –	=	1.67
D+	=	1.33
D	=	1.0
D –	=	0.67
F	=	0

Any grade above F is a passing grade. But a student generally must maintain a certain cumulative grade point average (GPA) to remain in good standing. For students entering the College of Law in Fall 2020 or thereafter, the requisite cumulative GPA for good standing is 2.3. For students entering the College of Law before Fall 2020, the requisite cumulative GPA for good standing is 2.0. If a student’s cumulative GPA falls below the requisite GPA at the end of any semester, the student goes on probation for the next semester. The student must raise his or her cumulative GPA by the end of that semester, or else the student is academically dismissed.

The following mandatory means shall apply to the following categories of courses at the University of Idaho College of Law:

- First-year doctrinal courses: 2.86–3.06
- First-year Legal Writing and Analysis and Legal Research: 2.96–3.16
- Upper-division courses required for graduation: 2.96–3.16
- Upper-division Advanced Advocacy course: 3.06–3.26

- Upper-division courses in which at least 50% of the enrolled students are drafting a paper with the intent to receive Upper Division Writing Requirement certification: 2.96–3.40 recommended but not required
- Upper-division courses designated as Experiential Learning Requirement courses: 2.96–3.40 recommended but not required
- Clinics: no mandatory mean
- All other upper division courses: 2.96-3.40

Any professor who has bona fide reasons for not complying with the applicable mandatory mean may petition the Associate Dean of Faculty to request a waiver. The Associate Dean must agree that a waiver is appropriate in the given situation. It shall be expected that waiver of the mandatory mean is permitted only in exceptional circumstances.

## 4.2 Examinations.

### A. Exam preparation.

Except for simulation courses, clinics, and seminars, most courses at the College of Law have final exams. Your syllabus should address whether you will give students a final exam, how much it will count toward their course grade, what kinds of questions it will contain, how long they have to take it, what material they can use during the exam, and whether it will be an in-class or take-home exam.

All final exams are taken during a two-week exam period that begins right after the last week of classes. The Assistant Registrar-Law creates and publishes the final exam schedule [here](#).

Most final exams at the College of Law are in-class exams. If you intend to give a take-home exam, be sure to say so in your syllabus. Also be sure to specify when students can check out the exam and how long they have to take it. This information is necessary for students to have—and to have in definitive form—at the very latest no later than one month after the semester starts.

The Law-Exams team will contact you mid-semester to gather information to prepare for the administration of your exam. They will also provide you with a deadline for submitting your exam. Usually, final exams administered during the first week of exam period are due the last Monday of classes, and final exams administered during the second week of the exam period are due the first Monday of the exam period. They will also provide a standardized instruction sheet that serves as a cover page for all exams. You can tweak this cover page to reflect your own exam instructions, the most important of which concern what material, if any, students can use during the exam.

Be aware that you may be requested, in rare circumstances, to have your exam administered before the date generally scheduled for its administration. Students may reschedule their exam in certain situations, and rescheduled exams may be given *before* the regularly scheduled date if no other options are available AND you agree to submit the exam earlier to the admin staff.

If you are new to law teaching, we encourage you to seek advice from your colleagues. We also strongly encourage *all* faculty to have a knowledgeable colleague read their exam closely to identify any typos or ambiguities.

### **B. Types of Examination and School Rules.**

We have not adopted a set requirement for testing type, and you are encouraged to choose from the many options available (such as quizzes, midterms, extra credit projects, papers or other assignments, and finals) as long as your preferred method reasonably assesses student learning and is detailed in the course syllabus.

### **C. Length of Exam.**

If you impose a strict time, word, or character limit on the test, that fact will need to be communicated to the Law-Exams team when submitting the test so that the staff proctoring the exam and the students taking the test are aware of the time limit. Usually, in-class exams last as many hours as the course has credits: *e.g.*, 3-credit courses typically have 3-hour exams.

Some professors mandate that students use the first hour or so of the exam period to read the exam carefully and outline answers. Under this approach, nothing the student writes during the first hour is graded. A student can begin writing answers only after the first hour is up. A faculty assistant enters the exam room and announces when the hour is up. This approach can force students to read carefully and can produce better organized answers.

### **D. Exam Cover Sheet.**

The Law-Exams team will prepare the exam cover sheet in accordance with the information provided by the faculty member and will then obtain the instructor's signature on the cover sheet. As mentioned above, the Law-Exams team will give you a standard set of exam instructions for use of a cover sheet, which you can modify. As also discussed above, we strongly encourage you to distribute the cover sheet of instructions before your class ends so students can ask any questions they may have about exam instructions.

### **E. ADA Compliance in Exam Process.**

As noted previously, some students receive examination accommodations. These include extra time on examinations or taking examinations in a separate room. Because you may be unaware that you have accommodated students in your class, you may not realize that testing methods that vary from that detailed in your syllabus may have deleterious effects on those students' grades. Thus, you must ensure that you have included the prescribed accommodations provisions in your syllabus and not deviate from the testing methods detailed in the syllabus.

## **F. Use of Exam Software.**

Most of our law students use computers to take their exam (though they are not required to). We use Examplify software, made by the ExamSoft company, to administer final exams to students who use computers to take them. The software keeps students from using their computer for any purpose other than word processing their answers.

## **G. Examination Administration.**

The College of Law administers exams as follows:

- The final examination is proctored by the faculty assistants.
- A student who wants to request that his or her exam be rescheduled must fill out an online form available [here](#). The student must submit the request 30 days before the last day of class. The request must be approved by the Deans of Students. Aside from exceptional circumstances and last-minute emergencies, the Deans of Students approve a reschedule only if a student has two exams on the same day or four exams four days in a row.
- Once the students have taken their exams, the Law-Exams team make it a priority to have exams available for faculty to begin grading within 24 hours after the exam was given. If you need it sooner, please let Law-Exams team know, and every effort will be made to accommodate you.
- When you obtain your exams from the Law-Exams team, you can ask for a list of all the exam numbers. You should immediately check your pile of exams against the list to make sure that all the exams are there. (You might be missing an exam because, for example, one student's set of answers was not printed out because of a printer glitch.)

Although faculty do not proctor exams, you should be either in your office or available by phone when your exam is being administered. If you won't be in your office, you should let the Law-Exams team know your phone number where you can be reached. This is because sometimes during an exam, students raise legitimate questions about typos or ambiguities that sometimes warrant correction or clarification on the spot.

### **4.3 End-of-Semester Papers and Projects.**

If your course involves papers and/or projects in addition to or in lieu of examinations, you should be clear with your students regarding applicable deadlines, appropriate methods for turning in assignments, policies on extensions, and penalties for late submission.

If any non-exam, graded project is meant to be anonymous, be sure to have students submit the project to the faculty assistants, rather than directly to you. This gives the faculty assistants a chance to ensure that students have recorded their anonymous numbers correctly. You would be surprised by how often students forget their assigned number and make up one on the spot, or transpose digits, or even use an anonymous number that they were assigned in a previous semester! Filtering the submissions through the faculty assistants allows these errors to be corrected without compromising student anonymity and causing you headaches.

#### **4.4 Grading Exams and Other Student Work.**

##### **A. Anonymous Grading.**

In most situations, we use an anonymous grading system at the College of Law. As discussed above, the law school administration emails students quiz numbers and exam numbers during the semester. It is a violation of the Honor Code for a student to compromise the anonymous grading system by, for example, including in a written answer information that identifies the student to the faculty doing the grading.

##### **B. Grade Submission Deadlines.**

The Assistant Registrar-Law will notify you of your grade submission deadline, which is mandated by the university's grade deadlines. Generally, 1L grades are due earlier than 2L and 3L grades.

Submitting your grades in a timely fashion is one of the most significant responsibilities you have undertaken by agreeing to teach. Your failure to meet the grading deadline has consequences: we cannot award financial aid; we cannot certify graduates to bar examining authorities; we cannot prepare class ranks; students cannot prepare resumes for their job searches; and transcripts cannot be prepared and sent.

##### **C. Assigning Points to Course Components.**

You should know that students place significant focus on knowing what it will take to get a good grade. Thinking about the points assigned for each graded aspect of the course (such as quizzes, projects, participation, performance, mid-terms, and final exams) can help you decide how important each graded event will be to the overall learning outcomes of the course. Telling the students in advance about point allocations helps them understand the rules and expectations for your course.

Whether and how grades will be raised or reduced based on attendance or participation should be addressed in the syllabus and explained at the beginning of the course. If you wish to make some adjustment for either of these, you must carefully track attendance and participation starting on day one. Students will be troubled if they think you are adjusting grades based on some overall

subjective (and therefore biased) impression of attendance and participation rather than on a systematic evaluation put in place from the outset of the course.

#### **D. Procedures for Submitting Grades.**

Every semester, you will get notice of the deadline for submitting grades in an email from the Assistant Registrar-Law. At the same time, the Assistant Registrar-Law will provide you with an Excel spreadsheet to return your grades to her. This Excel spreadsheet automatically calculates your mean GPA, for purposes of ensuring compliance with the mandatory grading policy. You must submit your grades to the Assistant Registrar-Law using this Excel spreadsheet; do not submit your grades yourself in VandalWeb.

#### **E. Transmitting Grades to Students.**

Students use VandalWeb to see their grades. Thus, faculty don't transmit the grades directly to their students. After submitting grades, however, you might consider sending your students information about how you graded the exam or other end-of-semester projects, how you calculated grades for the course, and whether you will be available for exam conferences.

#### **F. Recognition of Students Who Earn Top Grades.**

We encourage you to send the Assistant Registrar-Law the name of the student who earned the top grade—e.g., the highest exam score or total number of points for all graded assignments—in each of your courses. Those students will get a CALI Excellence for the Future [award](#), which earns them a certificate and a useful resume credential. These CALI awards effectively replace the old “Am Jur” awards with which some of you may be familiar.

#### **G. Cheating and Plagiarism.**

Regrettably, cheating and plagiarism problems occasionally arise at the College of Law. We have instituted rules and procedures to deal with these matters, and we ask you to report any suspected incidence of cheating or plagiarism to the Deans of Students for referral to the Honor Court counsel.

#### **H. Reusing Exam Questions and Disclosing Exams.**

You may choose to re-use exam questions, but be aware of the advantages and disadvantages of doing so. As a practical matter, if you have a good exam question and wish to reuse it, you can complete it sooner, and our front office can process it sooner. Nonetheless, be aware that skipping a year—or, better, two years—before reuse of the exam questions may minimize sharing of questions between classes.

If you are not going to reuse an exam question, it can be helpful to students to make past exams available for them to use in preparing to take the current exam. You should work with the law

library to make these available in its [exam archive](#). If you browse the archive, you will see that some professors make available packets of material that include not only an old exam, but also the professor's analysis of the exam questions, a model student answer, and the grading sheet used to score the exam. Students benefit from studying this material. Of course, you shouldn't post an old exam on the exam archive if you intend to re-use any questions from it.

### **I. Archiving of All Formative and Summative Assessments.**

We are required to archive all formative and summative assessment for our accreditor, the ABA. At the end of the semester, the Law-Exams team will contact you to obtain hard or electronic copies of the following materials:

#### **Formative Assessments**

- Copies of all mid-semester graded assignments (like midterm exams or mid-semester assignments)
- Copies of all student answers to those mid-semester graded assignments
- Copies of all completed rubrics/grading sheets used to grade those mid-semester graded assignments
- Copies of all interim feedback provided to students on papers

#### **Summative Assessments**

- Copies of all end-of-semester graded assignments (like final exams or final papers)
- Copies of all student answers to those end-of-semester graded assignments
- Copies of all completed rubrics/grading sheets used to grade those end-of-semester graded assignments

### **J. Exam Review.**

We allow students to review their exams after grades are submitted. The Law-Exams team will coordinate with you regarding your preferred means of providing your students with access to their exams.

After reviewing their exams, students might have questions about how it was graded. You have an obligation to help the student understand the evaluation of the work submitted. We encourage you to view any discussion of exams or any other component of a final grade as an additional teaching opportunity.

### **K. Grade Changes and Grade Appeals.**

In many cases, the student will not dispute the grade in a post-exam discussion, but in some circumstances, students will lobby you for a grade change. All grades except I and IP are considered final when assigned by an instructor at the end of a term. Faculty may only request a grade change when a computational or procedural error occurred in the original assignment of the grade. No final

grade may be revised as a result of reexamination or the submission of additional work after the close of the semester. All requests for a grade change, after grades have been submitted to the Registrar's Office, shall be submitted to the Dean or the Dean's designee. The request shall include an explanation for why the change is warranted. Grades may only be changed after approval of the Dean or the Dean's designee. See [The University of Idaho General Catalog](#) for additional information on grades.

A student can appeal the course grade. Grades appeals are described in the [College of Law Academic Standards](#) and the [Law Student Handbook](#).

#### **L. Mandatory Reporting on Students' Achievement of Learning Outcomes.**

The College of Law has adopted five learning outcomes (see § 1.4). In compliance with ABA Standard 315, the College of Law conducts ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods and uses the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

The College of Law is implementing this ongoing evaluation by using rubrics tied to each learning outcome, and each learning outcome is assessed via this rubric in select courses throughout students' legal education. The Assistant to the Dean will contact you at the start of any semester in which you are teaching a course that requires the completion of a learning outcome rubric to provide a copy of the rubric, as well as details about how to complete and submit it. We recommend that, when drafting your summative assessment in such a course, you consider how the student's performance on the assessment will inform your completion of a rubric about the student's achievement of the assessed learning outcome.

Whether or not you have to fill in a rubric for your course, you will also have to submit assessment material for each course at the end of each semester. Assessment material includes, for example, quizzes, midterm exams, and final exams. If, for example, you use a scoring sheet to score each student's midterm exam, you'll have to turn in the scoring sheet. If you assign formative or summative assessment in the form of a short research paper and give the student written feedback on the paper, you will have to keep a copy of the feedback. The same is true if you assign grades based on a final paper. Save all feedback. If you have questions about exactly what you should save, ask the Associate Dean of Faculty.

## **5. STUDENT/FACULTY MATTERS**

### **5.1 Nondiscrimination Policies.**

The University of Idaho College of Law has a [policy of nondiscrimination](#) on the basis of race, color, religion, ethnicity, national origin, sex, sexual orientation, gender identity/expression, age, disability, military status, or status as a Vietnam era veteran. This policy applies to all programs,

services, and facilities, and includes, but is not limited to, applications, admissions, access to programs and services, and employment.

The University of Idaho also has the following [Nondiscrimination Policy](#):

The University of Idaho has a policy of nondiscrimination on the basis of race, color, religion, national origin, sex, age, sexual orientation, gender identity/expression, disability, genetic information, or protected veteran or military status. This policy applies to all programs, services, and facilities. It includes—but is not limited to—applications, admissions, access to programs and services, employment, and advancement.

Such discrimination is prohibited by titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, sections 503 and 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 and requires affirmative action to employ and advance in employment disabled veterans, the Age Discrimination Act of 1975, the Pregnancy Act of 1978, the Age Discrimination in Employment Act Amendments of 1978, the Americans With Disabilities Act of 1990, the Civil Rights Act of 1991, the Rehabilitation Act Reauthorization of 1992, federal GINA Act of 2008, and other state and federal laws and regulations and university commitments.

Sexual harassment violates state and federal law and policies of the Board of Regents. It is prohibited (see [FSH 3220](#)). The University of Idaho also prohibits discrimination on the basis of sexual orientation and gender identity/expression (see [FSH 3215](#)). The entire *Faculty Staff Handbook* can be accessed online at <http://www.webpages.uidaho.edu/fsh/>.

Questions or concerns about the content and application of these laws, regulations, or University policy may be directed to the Director of the Office of Civil Rights and Investigations (208-885-4285); Director of the Center for Disability Access and Resources (208-885-6307); the Idaho Human Rights Commission (208-334-2873); Regional Office for Civil Rights, U.S. Department of Education in Seattle (206-220-7900); Equal Employment Opportunity Commission, Seattle District Office (206-220-6883); or Seattle Regional Office of Federal Contract Compliance Programs, U.S. Department of Labor (206-398-8000).

University of Idaho employees have a responsibility to report cases of discrimination and harassment (see [FSH 3170](#)). Retaliation for bringing forward a complaint is prohibited (see [FSH 3810](#)). All complaints will be investigated impartially and resolved promptly. Complaints about discrimination or harassment should be brought to the attention of the Director of the Office of Civil Rights & Investigations, Erin Agidius

(Title IX and 504 Coordinator), at 875 Perimeter Dr., MS 3160, Moscow, ID 83844-3160 or through her telephone at 208-885-4285 or email [ocri@uidaho.edu](mailto:ocri@uidaho.edu). For more information, visit <http://www.uidaho.edu/ocri>.

## 5.2 Student Privacy Rights.

### A. FERPA Non-Disclosure Rules.

The Family Educational Rights and Privacy Act of 1974, as amended, also known as FERPA or the Buckley Amendment, is a federal law that governs the confidentiality of student records. Generally, the law requires that educational institutions maintain the confidentiality of what are termed “education records,” ensures that each student has access to his or her education records, and provides students with a limited opportunity to correct erroneous education records.

The general rule of FERPA is that you may not have access to an “education record” unless you have a legitimate educational interest for getting access to it, and you may not release education records to third parties without the student's written consent.

A type of education record is “personally identifiable information”—information contained in any record that makes a student's identity easily traceable. A student’s ID number, for example, is personally identifiable information. Personally identifiable information cannot be released to third parties without the student’s written consent except under very narrow circumstances.

Personally identifiable information is not the only information contained in education records for which disclosure is restricted by FERPA. Other restricted information includes grades. Student grades cannot be posted in any public place.

Any time you are dealing with “personally identifiable information,” you must take care to protect it from third parties outside the University, and you must work within the confines of legitimate educational interest within the institution.

Students do not have a right of immediate access to their education records. Similarly, members of the public do not have a right of immediate access to the education records of students. Thus, you should refer students to the Deans of Students if there is a request to view a student file.

### B. Exceptions to FERPA Non-Disclosure Rules.

Students may choose to disclose confidential information to a faculty member. In addition, there are three exceptions to FERPA’s non-disclosure requirements that may affect your receipt or dissemination of student educational information.

- First, you may disclose information to a school official with a legitimate educational interest. Typically, the school official is a dean or director of student services or the faculty

or administration member who is your primary contact. “Legitimate educational interests” means interests that are directly related to an educational purpose and that (a) have a direct relationship to the student, (b) are pertinent to the receiving school official’s business, and (c) which have no purpose extraneous to the official’s responsibility.

- Second, you may disclose information to a school official, or may receive information from a school official, if the student has signed a written FERPA waiver. The student should work with the Assistant Registrar-Law to obtain a FERPA waiver.
- Third, FERPA contains an emergency exception. If you learn that a student’s health or safety is at risk, you may immediately make such disclosures as are necessary to address the situation. An obvious example would be a student who voices suicidal thoughts. In such situations you should immediately contact the Deans of Students and the appropriate medical, emergency, or police authority or emergency services (911).

### **C. FERPA and Recommendation Letters.**

If you discuss a student’s grades, academic standing, or other sorts of academic information in a recommendation letter, FERPA requires you to get the student’s written consent first. The student should fill in a [Student Reference Request & FERPA Release](#) and submit it to you.

### **D. Additional Information on FERPA.**

More information on FERPA is available from the Registrar's Office’s [FERPA page](#). If you are ever in a situation where FERPA applies and you are not sure what to do, contact the Registrar's Office. You may also review the FERPA Tutorial in VandalWeb to apply your knowledge.

## **5.3 Disability Accommodations.**

You may have students in your class with disabilities that can be both physical and cognitive. The below provides a general outline, but if you have any questions, please contact the Deans of Students. If you’re required to do anything to accommodate a student with a disability, you will get an official email telling you so.

### **A. Governing Law and Its Administration.**

Appropriate treatment of students with disabilities is governed by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Accommodations must in all cases be reasonable and must not interfere with the school’s essential educational mission. Thus, not all accommodation requests are granted.

Note that the University of Idaho [Center for Disability Access and Resources](#), and not individual faculty members, assesses individual requests for accommodations and makes the necessary determinations.

### **B. Confidentiality Issues.**

In some cases (*e.g.*, a student who is blind or deaf), you will inevitably be aware of the disability. In other cases (*e.g.*, students with ADD or ADHD), professors will not be aware that students with a disability are enrolled. Students with non-obvious disabilities are entitled to confidentiality, and many of them are very concerned about maintaining confidentiality. Other students may voluntarily disclose their disability to you. Students who do disclose should be aware that they should not do so in a way that would compromise the anonymous grading system, if applicable.

### **C. Classroom and Grading Issues.**

The presence of students with disabilities requires awareness in at least three areas: (1) the classroom teaching environment; (2) unscheduled quizzes; and (3) final exams. Classroom accommodations may include the use of note-takers, the use of a recording device (whether or not you normally allow recording of classes), and special accommodations for deaf or blind students.

First, you should also be aware that your teaching style not only affects disabled students' ability to learn but has an impact on *all* students' learning. You should teach in a way that engages visual and aural learners. If you choose to use PowerPoint presentations, you are encouraged to provide your students with copies of the presentations.

Second, many students who receive examination accommodations receive extra time on examinations (often time and a half) or are allowed to take examinations in a separate room in order to provide a "minimally distracting environment." Because you may be unaware that you have accommodated students in your classes, you may not realize that unscheduled "pop" quizzes may have deleterious effects on those students' grades. As such, you must indicate in your syllabus if you may give unscheduled pop quizzes, as well as notify the Deans of Students, so that the Center for Disability Access and Resources may devise methods to preserve the students' ADA rights without publicizing that they receive accommodations.

Third, and most importantly, students may receive accommodations for their final exams. This phase of the accommodation process should not greatly concern you because, as noted above, the appropriate accommodations will be determined by the Center for Disability Access and Resources.

## 5.4 Interpersonal Relationships with Students.

### A. Romantic Relationships.

Romantic relationships with students generally are strongly discouraged, and it is prohibited to enter into or continue a romantic or sexual relationship with a student over whom you exercise academic, administrative, supervisory, evaluative, counseling, or other authority. FSH 3205. This prohibition includes, but is not limited to, students currently in your class.

### B. Sexual Harassment.

Sexual harassment of a student is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of the student's grade, receipt of a grade, or status as a student; (b) the student's submission to or rejection of such conduct is used as a basis for a decision affecting that student; or (c) such conduct has the purpose or effect of substantially interfering with the student's learning or learning performance, or creating an intimidating, hostile, or offensive learning environment. In addition, it includes behavior that overtly or covertly uses the power inherent in the status of a professor, teacher, or other officer to affect a student's educational experience or career opportunities by intimidating, threatening, or coercing the student to accept sexual advances or risk reprisal in terms of a grade, a recommendation, an opportunity for professional growth, or a job. Moreover, a student is deemed to be a victim of sexual harassment if they are denied educational benefit because someone else has received preferential treatment in return for sexual favors.

Claims of sexual harassment will be handled in accordance with the provisions outlined in the [Faculty Staff Handbook](#).

### C. Other Socializing with Students.

There is a qualitative difference between attending an occasional off-campus event, such as an end-of-semester party, and regularly socializing with students after class. Although the bond between faculty members and students may be strengthened through out-of-class interaction, there are also many risks, so we counsel caution and common sense. Students who don't participate in these events may fear that students who do will earn higher grades or have an edge in obtaining employment. The effect on their morale may carry over into the classroom experience.

## 5.5 Students in Distress.

If you encounter a law student who is having academic or personal problems, please refer the matter to the Deans of Students. We offer counseling to students in Moscow and Boise – see [UI Counseling and Testing Center](#).

## 6. RESEARCH AND SCHOLARSHIP

### 6.1 Support for Scholarship.

#### A. Travel to conferences.

Here is the law school's current travel policy:

#### **Policy for Funding of Faculty Professional Development Travel**

Preamble: The College funds travel by faculty members to ensure they can fully develop their scholarship, teaching, and service. The College aims to provide funding sufficient to fully support each faculty member's professional development. The requisite level of funding inevitably varies among faculty members, depending, e.g., on whether a faculty member's scholarship focuses on Idaho law or international law. For that and other practical reasons, the College does not allocate a travel allowance to each faculty member. Instead, it sets a total budget for all faculty members' professional development travel based on historical expenditures.

Policy: All full-time faculty are eligible for professional development travel funding. This includes faculty on sabbatical leave and temporary full-time faculty; it does not include faculty on personal leave. Eligible faculty members will have administrative support to ensure they can make timely request using the required process. (That process will be described in separate documents, and instruction in the process will be made readily available.) Requests for professional development travel funding will be reviewed by the Associate Dean of Faculty using these principles:

- a. Whether the faculty member is seeking, or has sought, funding for the proposed travel from other sources.
- b. The extent to which the travel will support the faculty member's progress in the tenure and promotion process.
- c. The extent to which the travel will benefit the College through, for example, presentation of paper or participation in high-profile conferences.
- d. The connection between the proposed travel and the focus of the faculty member's scholarship, teaching, and service.
- e. The extent to which the faculty member has self-funded other professional development travel during the fiscal year.
- f. The availability of funds for travel when the request is made.
- g. Whether the travel is to present an article for the first time in a place/way that is likely to help move toward publication. There is thus a presumption that travel will not be

approved if travel has already occurred with College funds to present the paper elsewhere.

Note: This policy covers only professional development travel funding. It does not cover funding for travel that is required by the faculty member's job duties—such as teaching at the other location—or requested by the College administration—such as to participate in orientation. A faculty member's receipt of funding for such required/requested “service travel” is not, of course, considered in reviewing the faculty member's request for professional development travel funding.

\* \* \*

We ask that all faculty help make funds allocated for travel as broadly available, and are used as efficiently, as possible. For example, please book travel and lodging, and arrange for payment of any conference registration fees, as far in advance as possible. Keep in mind that UI is eligible for government rates on cars and hotels. Do not rent a car if travel by other, less expensive means (*e.g.*, hotel shuttles and cabs) is available. When more than one faculty member is attending a conference, we encourage sharing a ride to the airport. Collective efforts at even small-scale savings cumulatively make a big difference.

Now a word about the *process* for requesting professional development travel funding. To help with planning, the Associate Dean of Faculty will ask that, if you are eligible for funding you provide this information at the beginning of each semester:

1. Do you currently plan any professional development travel during the upcoming academic year for which you will request College of Law funding?
2. If so, please give us as much information as you can, including estimates of the amount of funding.

By learning about your requests as far in advance as possible, the law school hopes to make the process easier for everyone concerned and minimize expenses. We realize, though, that it's impossible to anticipate all travel and so the Associate Dean will also be happy to review funding requests made in the course of the semester.

After the Associate Dean approves a request, you'll next go to the online form called “Scholarship/Professional Development Travel Requests,” <https://www.uidaho.edu/law/faculty-staff>.

You will then work with administrative staff to get university approval for the travel. The process is a bit cumbersome, as typical of publicly funded institutions. But we are committed to making it as easy as possible from the faculty perspective. The process involves use of a system called “Chrome River.” To get administrative assistance using Chrome River, you will need to go into this system and designate the relevant administrative assistants as your “delegates.” Instructions for

doing this are included as an appendix to this manual (with thanks to Jackie Flores for creating them!).

### **B. Subscriptions to Law Review Submission Services.**

The law school has a subscription to Scholastica, a law review submission service. Please contact the law library for information about how to use this service.

### **C. Faculty Colloquia.**

The Associate Dean of Faculty organizes regular colloquia for law school faculty to present works in progress or discuss law school teaching. These colloquia are informal, low-pressure supportive events. Junior faculty members, in particular, are encouraged to present article ideas at any stage of development. In addition, law school faculty who have gotten a summer research stipend are expected to present a colloquium during the academic year that follows the summer in which they got the stipend.

### **D. First-Year Course Release.**

New tenure-track faculty members hired for an entry-level position usually get a “course release” during their first academic year, to provide additional time for scholarship. The course release generally consists of being assigned to teach only one course, instead of two, during the first fall or spring semester. The timing of the course release (fall or spring semester) is a matter of discussion between the faculty member and the Associate Dean of Faculty.

### **E. Research Assistants.**

Every full-time faculty member can hire a research assistant for up to 60 hours per semester. RAs earn \$16 an hour. The College’s Director of Administration & Financial Operations will provide information about how to request a research assistant at the start of each semester. It’s important to emphasize that an RA cannot start working for a faculty member until the RA has satisfied administrative requirements such as completing an I-9 form, being entered on the UI payroll, and taking university-mandated online training modules. Violations of these requirements by a faculty member are taken so seriously—because they might involve violations of state and federal law—that they can be the basis for disciplinary action against the faculty member. It can take a week or more for an RA to complete the administrative requirements, so if you anticipate needing an RA, you should make your request as soon as possible.

There is no set system for hiring an RA. It’s fair to say, though, that most faculty members do not issue open invitations to the student body to apply for these positions. Instead, it is more likely for the hiring to be done through word of mouth, advice of colleagues, or through prior interaction between the faculty member and the student to be hired. Thus, a faculty member might invite a

student who has done well in one of the faculty member's courses to be an RA for that faculty member.

#### **F. Summer Research Stipends.**

To the extent possible within budgetary constraints, the College of Law makes summer research stipends available for non-temporary, full-time, academic-year faculty to engage in scholarship during the summer. You apply for these stipends by responding to the invitation that comes out every spring from the Associate Dean of Faculty. To the extent funds are available, you can get a summer research stipend by describing the discrete scholarship project for which you seek funding; showing that prior stipends or other recent funding support (such as a sabbatical) have produced the published or soon-to-be published scholarship for which funding was awarded; and demonstrating that you have presented a faculty colloquium since you were last awarded funding.

### **6.2 Selected University Research Matters.**

#### **A. Human Participant Research.**

If your research involves human subjects, including surveying or otherwise collecting data about people, you must get approval from the Institutional Review Board, which is part of the University's [Office of Research Assurances](#).

#### **B. Grant-Funded Research.**

Several law school faculty members have successfully applied for grants to support their research projects. To identify grant opportunities and apply for them, you work through the University's [Office of Sponsored Programs](#).

## **7. PERFORMANCE REVIEW & EMPLOYMENT MATTERS**

### **7.1 Hiring of Full-Time, Tenure-Track and Clinical Faculty Members: Preferential Voting Process**

The College of Law Bylaws currently provide (in § 9.1.2):

Selection of an individual to be recommended by the College of Law to the University Administration and to the Regents for full-time, tenure-track and clinical faculty appointment shall be made upon a two-thirds favorable vote of all faculty members, including the Dean, in attendance (in person, telephonically, or by other means permitting simultaneous communication) and voting at the meeting where the selection occurs. If there be more than one individual whom the Faculty deems acceptable by this text, the individuals shall be recommended to the Dean for

appointment in the order determined in preferential balloting. The dean will follow the recommended order except in compelling circumstances that the dean cannot otherwise share with the faculty; in that case, the dean will report such circumstances to the provost. Two-thirds of the voting faculty members on active duty shall constitute a quorum for the selection meeting.

“Preferential balloting” is not defined in the Bylaws. On December 1, 2021, the faculty approved the following procedure for preferential voting and provided for it to be incorporated into this Faculty Manual:

Preferential balloting shall proceed as follows.

1. The faculty shall vote on the top candidate among those deemed acceptable.
  - a. If one candidate receives a majority of votes cast, that candidate shall be recommended to the dean as the candidate who should receive the first offer of appointment.
  - b. If no candidate receives a majority of votes cast, a re-vote shall be held, excluding the candidate who received the fewest votes. During the re-vote, each voting faculty member may vote for any remaining candidate, regardless of how that faculty member voted previously. This process shall be repeated until one candidate receives a majority of the votes.
    - i. Example: Candidates A, B, C, and D are deemed acceptable. The faculty then begins preferential voting to select the top candidate, with 30 votes cast. Candidate A receives 12 votes, Candidate B receives 10 votes, Candidate C receives 5 votes, and Candidate D receives 3 votes. Because no candidate has received a majority (at least 16 votes), the faculty must re- vote between Candidates A, B, and C (excluding D, who received the fewest votes). In this re-vote, Candidate A receives 12 votes, Candidate B receives 10 votes, and Candidate C receives 8 votes. Because no candidate has received a majority, the faculty must re-vote between Candidates A and B. In this second re-vote, Candidate A receives 20 votes and Candidate B receives 10 votes. Candidate A is selected as the top-ranked candidate.
  - c. If the vote is tied between two top candidates, with only two candidates remaining on the ballot, both candidates shall be ranked first, and the dean shall have discretion to decide the order in which an offer of appointment is made to them.
    - i. Example: In the second re-vote, Candidate A receives 15 votes and Candidate B receives 15 votes. Both candidates are tied for first, and the dean shall have discretion to decide which of the two receives the first offer of appointment.
  - d. If there is a tie between the two candidates who receive the fewest votes, the members of the search committee shall vote to break the tie. If the search committee has an even number of members, the chair of the search committee shall not vote. (The search committee may elect to request a faculty straw poll to inform this decision.)

- i. Example: In the first re-vote, Candidate A receives 12 votes, and Candidates B and C each receive 9 votes. The search committee shall determine whether Candidate B or Candidate C will proceed to the second re-vote with Candidate A.
2. The process described above shall be repeated as many times as necessary to rank all other candidates deemed acceptable, each time excluding the candidate(s) already ranked.
3. All ballots shall be cast anonymously to the extent possible.

## 7.2 Position Description.

Every UI employee has a position description (“PD”). *See generally* FSH 3050. The PDs for full-time permanent faculty members allocate their time by percentage among four categories: (1) Teaching and Advising; (2) Scholarship and Creative Activities; (3) Outreach and Extension; and (4) University Service and Leadership. The PD is revised only if a faculty members’ duties change significantly. For example, if a faculty member takes on a major administrative role, like becoming an associate dean, that reduces the teaching load, which necessitates a revision of the PD. A faculty member also should revise the PD for the period covering a sabbatical. It’s important for the PD to stay accurate because yearly performance evaluations are based on the allocation of efforts in the PD. If you have any questions or concerns about your PD, including whether a revision is necessary, please contact the Associate Dean of Faculty.

## 7.3 Annual Performance Evaluation.

Annual performance reviews of full-time, permanent faculty are governed primarily by FSH 3320. Basically, the process goes like this:

- In late fall, you will draft a performance evaluation, using the form at the end of the online version of FSH [3320](#). Leave the following parts of the form blank, as they will be completed by the Dean: (1) the column indicating whether you “met or exceeded the expectations defined in the position description”; and (2) the box soliciting “commentary/recommendations on progress toward tenure, promotion, and/or continued satisfactory performance.” The first time you do one of these draft evaluations, you should discuss the process in more detail with the Associate Dean of Faculty.
- When completing your draft faculty annual performance evaluation, be sure to include the following specific information. Within the “Teaching and Advising” section of your evaluation, discuss the formative and summative assessment methods, if any, that you used in each of your courses, as well as any curricular innovations that you implemented. Within the “Scholarship and Creative Activities” section, discuss all scholarly works published or accepted for publication during the year, identifying them by type (*e.g.*, law review article,

book chapter, etc.) and providing a brief abstract. Within the “Outreach and Extension” section, include descriptions of your service to the profession and to the public, including pro bono activities. Within the “University Service and Leadership” section, include a description of your service on law school and university committees, as well as other institutional responsibilities.

- You will send the draft performance evaluation to the Assistant to the Dean, who will provide the draft to the Associate Dean of Faculty. The Associate Dean of Faculty will review your evaluation for compliance with formatting and content conventions and prepare a summary of your student course evaluations. Then those items will be made available to the Dean for review. In addition, if your course syllabi failed to meet the requirements stated above in § 2.9 and were not corrected promptly, the Associate Dean of Faculty will so notify the Dean for consideration when conducting your annual evaluation.
- Soon after you submit your draft performance evaluation, you will meet with the Dean, who will discuss her evaluation of your performance. The Dean will also complete the above-indicated parts of the evaluation form.
- You get a chance to review the Dean’s additions to the evaluation form and to respond to them with written objections or other comments before you sign the form. The Dean signs the form too and the Assistants to the Dean submit it to the Provost’s Office by late February.

Your annual PDs and performance evaluations are included in material considered during third-year review, tenure, and promotion.

#### **7.4 Third-Year Review.**

The third-year review of full-time, permanent faculty members is governed by FSH 3510 and the College of Law Bylaws. Its purpose, to quote the Bylaws, is “to provide the faculty member with an assessment of their strengths and weaknesses and with recommendations on their progress toward meeting the College's tenure and/or promotion expectations.”

At the May 6, 2022 faculty meeting, the faculty delegated selection of third-year review committees to the Associate Dean of Faculty as follows:

Effective on May 6, 2022, the College of Law faculty delegate selection of third-year review committee members to the Associate Dean(s) of Faculty Development. The Associate Dean(s) of Faculty Development shall select each committee’s members in consultation with the candidate under review and under the supervision of the Dean. This delegation shall continue until such time that it is revoked by the faculty.

Basically, the process goes like this:

- The Associate Dean of Faculty appoints a third-year review committee after consulting with you about whom you'd recommend for the committee. This usually happens in the spring before the fall semester of the faculty member's third year.
- You and the Associate Dean of Faculty assemble the materials that the committee is supposed to review. You can find a sample third-year review packet on the Provost's [website](#).
- The committee prepares a written report, and you have the opportunity to respond.
- The Dean receives the committee report and your response, then prepares her own written assessment. You have the opportunity to provide a written response.
- The Assistants to the Deans sends the third-year review material to the Provost's office by late February or early March.

## 7.5 Tenure and Promotion.

Tenure and promotion are governed by FSH 3500 and the College of Law Bylaws. Full-time, permanent faculty should reach out to the Associate Dean of Faculty, their assigned faculty mentors, and their other colleagues for ongoing mentorship about building their tenure or promotion portfolios.

At the March 2, 2022 faculty meeting, the faculty delegated selection of tenure and promotion committees to the Associate Dean of Faculty, pursuant to the following process:

**Introduction.** As allowed by Faculty Staff Handbook 3500 E1.a, the College of Law faculty have delegated to the Associate Deans for Faculty Development (ADFs) the task of assembling a committee for each candidate for tenure or promotion. Below are the conditions and processes carrying out that task.

**Pool.** The pool of College of Law faculty from which committees will be drawn will consist of:

1. Tenured faculty: 3 regular members and 3 substitutes.
2. Untenured, tenure-track: 3 regular members, as well as 2 substitutes, from the area—*i.e.*, doctrinal, library, or legal clinic—in which the candidate is assigned.
3. Clinical: 3 regular members, as well as 2 substitutes, from the area—*i.e.*, legal writing, legal clinics/externships, or academic/bar success—in which the candidate is assigned.

The latter two groups are referred to below as non-tenured faculty members.

Table depicting composition of pool

Regular/ substitute	Tenured	Untenured, tenure- track— doctrinal	Untenured , tenure- track— library	Untenured, tenure- track— legal clinic	Clinical —legal writing	Clinical— legal clinics/ externships	Clinical— academic/ bar success
regular							
regular							
regular							
substitute							
substitute							
substitute							

**Committees in general.** A committee will be composed for each candidate for tenure or promotion. The committee will serve until its work on the candidate’s application for tenure or promotion is finished. Every committee will have five members: three tenured College of Law faculty; one tenured faculty from outside the College of Law; and one non-tenured College of Law faculty member.

The committee for a candidate seeking promotion to full professor must include at least one tenured full professor. If none of the three “regular, tenured” members of the committee is a full professor, one of the three will be chosen by lot to be replaced by a substitute. In that circumstance, the third tenured member of the committee will be a “substitute, tenured” member of the committee who is a full professor; if multiple “substitute, tenured” members of the committee are full professors, the ADFs will select which one will serve by lot. In the event that none of the “regular, tenured” and “substitute, tenured” members of the committee is a full professor, additional names will be drawn from among the tenured faculty until a full professor is identified.

The Dean may not serve on a committee. Anyone serving as an ADF at the time of the drawing, or at the time that the candidate’s application will be considered, may not serve on a committee. A candidate cannot serve on his or her own committee.

**Non-tenured member of committees.** The non-tenured College of Law faculty member on a committee is determined as follows.

- When the candidate is seeking tenure, the non-tenured College of Law faculty member on the committee will be an untenured, tenure-track faculty member in the College of Law from the area—*i.e.*, library, legal clinics, or doctrinal—in which the candidate is assigned. If no such person exists, the non-tenured College of Law faculty member on the committee will be an untenured, tenure-track faculty member from another area that the ADFs deem most similar to the area in which the candidate is assigned.
- Likewise, when the candidate is a tenured College of Law faculty member seeking promotion to full professor, the non-tenured College of law faculty member on the

committee will be an untenured, tenure-track faculty member in the College of Law from the area—*i.e.*, library, legal clinics, or doctrinal—in which the candidate is assigned. If no such person exists, the non-tenured College of Law faculty member on the committee will be an untenured, tenure-track faculty member from another area that the ADFs deem most similar to the area in which the candidate is assigned.

- When the candidate is a clinical assistant professor seeking promotion to clinical associate professor, the non-tenured College of Law faculty member on the committee will be a clinical associate or clinical full professor from the area—*i.e.*, legal writing, legal clinics/field placements, or academic/bar success—in which the candidate is assigned. If no such person exists, the non-tenured College of Law faculty member on the committee will be a clinical associate or clinical full professor from another area that the ADFs deem most similar to the area in which the candidate is assigned.
- When the candidate is a clinical associate professor seeking promotion to clinical full professor, the non-tenured College of Law faculty member on the committee will be a clinical full professor if possible and if that is not possible will be a clinical associate professor. In either event, this non-tenured College of Law faculty member will be from the area in which the candidate is assigned—*i.e.*, legal writing, legal clinics/field placements, or academic/bar success. If no such person exists, the non-tenured College of Law faculty member on the committee will be a clinical associate or clinical full professor from another area that the ADFs deem most similar to the area in which the candidate is assigned.

**Populating the pool.** Every year by March 31, the ADFs will select by lot the number and type of College of Law faculty members needed to staff the pool described above from which the committees will be formed. If a College of Law faculty member becomes unavailable before the committee of which he or she is a part finishes its work, he or she will be replaced by a substitute in that member's category if available. If there is more than one available substitute, the ADFs will select which one will serve by lot. The ADFs will promptly notify the candidate of the substitution.

**Committee members from outside the College of Law.** The ADFs must locate tenured faculty members outside the College of Law to serve on tenure and promotion committees. The process of locating these outside committee members is expected to begin in March of each year. As part of this process, the ADFs will seek recommendations from each candidate who is eligible to apply for tenure or promotion the following fall.

**Candidate challenges to committee members.** Every year by April 30, the ADFs will notify each candidate in writing of the names of the people proposed for the candidate's committee. The candidate must promptly notify the ADFs in writing of the date on which the candidate received the notice. The candidate has the right to challenge up to two College of Law members of the committee. Within seven days after receiving notice of the members of the committee, the candidate must notify the ADFs in writing of the member or members whom the candidate wishes to challenge. A member of the committee who is challenged will be replaced by a substitute in that member's category if available. If there is more than one available substitute, the ADFs will

select which one will serve by lot. The ADFs will promptly notify the candidate of the substitution. (These internal preemptory challenges are in addition to any “conflict of interest” challenges that may be available, as provided in the FSH.)

## APPENDIX: Instructions for Designating a Delegate in Chrome River (with many thanks to Jackie Flores!)

Go [to this site](#) and click on Chrome River

### Enterprise Applications

[banner](#) • [sitecore](#) • [famis](#) • [vandalweb](#) • [argos](#)

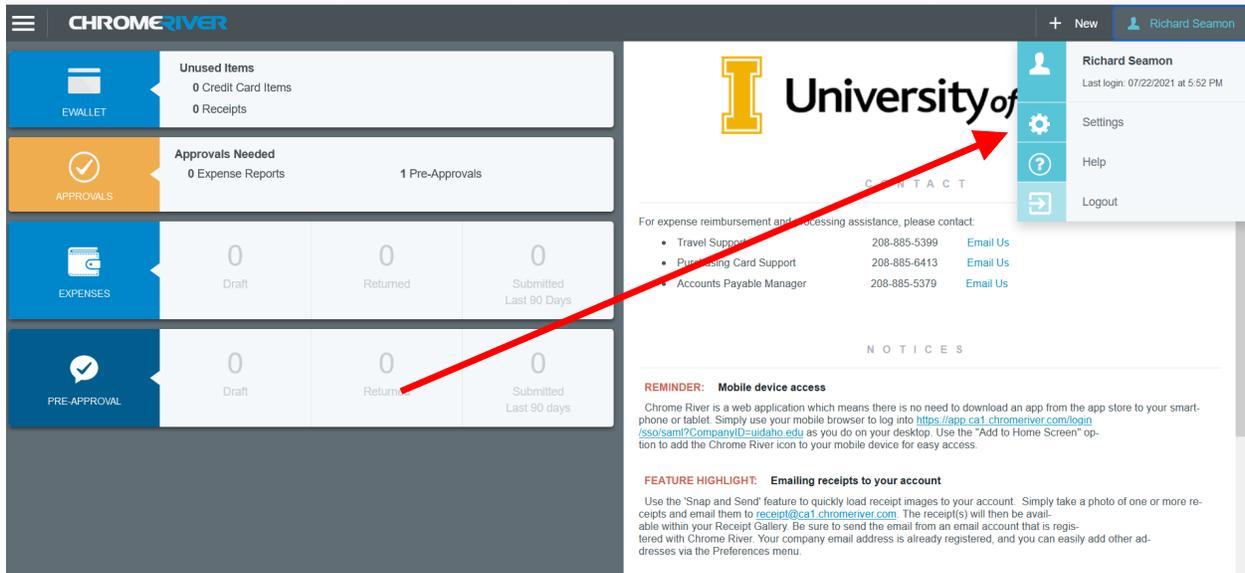
Banner Applications

 <b>Banner 9</b> Supplemental Forms	 <b>VandalWeb</b> Student & Staff Portal	 <b>Evisions</b> Argos, Form Fusion, Intellecheck	 <b>Workflow</b> Banner Workflow Client
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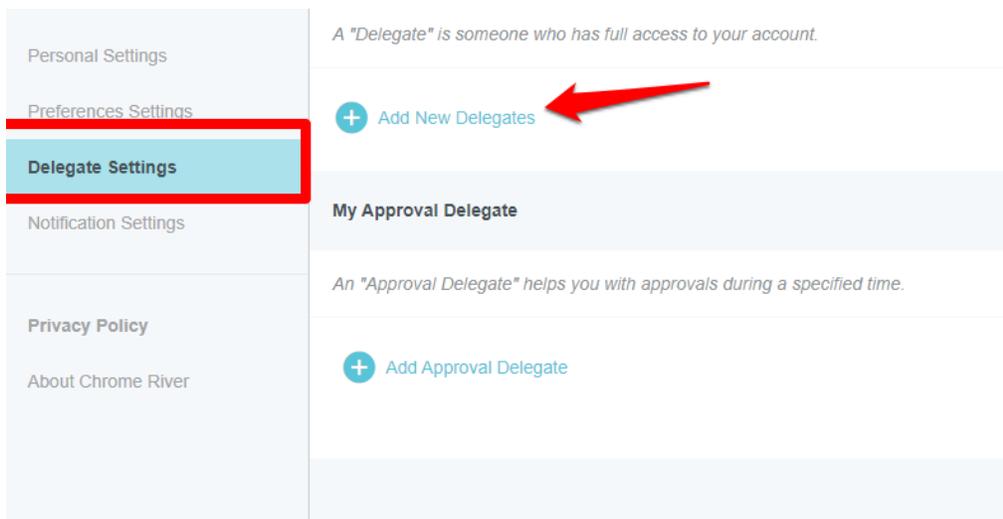
Enterprise Administrative Applications

 <b>CS Gold</b> VandalCard Admin Web	 <b>Doc Imaging</b> Stellent, Capture	 <b>PeopleAdmin</b> Job Applicant Review	 <b>Sitecore</b> Content Management System
 <b>TouchNet</b> Marketplace Admin	 <b>Chrome River</b> Travel System	 <b>25Live</b> Conference Room Scheduling	 <b>iVandal</b> International Programs

Then Click on your name in the top corner and click on Settings



Then Click on Delegate Settings and “+ Add New Delegates”



Then add the names of the administrative assistants assigned to help you (the example below uses two of our current administrative staff, who may or may not be the ones assigned to you):

- Jacqueline Flores
- Celiannie Rivera

And save.

That's it!!

Here is a [Quick Guide for Travel Expenses](#) from the website – for those who wish to delve into further detail!