Fall 2018 Administrative Calendar

Monday, July 16  
7:00 AM - 2018 Fall Priority Registration Begins

Friday, July 20  
11:59 PM - 2018 Fall Priority Registration Ends

Saturday, July 21  
2018 Fall Registration to All Students

Monday, August 20  
Classes Begin

Monday, August 27  
11:59 PM - Deadline to Add a Class

Tuesday, August 28  
Drop Only Period Begins

Monday, September 3  
Labor Day Holiday Observed - No Classes*

Friday, September 7  
11:59 PM - Deadline to Drop a Class without a "W"

Saturday, September 8  
Withdraw Only Period Begins (With a grade of "W")

Thursday, September 13  
Application Receipt Deadline for November 2017 MPRE Exam

Tuesday, September 18  
Yom Kippur Observed - No Evening Classes

Wednesday, September 19  
Yom Kippur Observed - No Classes

Monday, October 1  
Major Legal Writing Graded I Assignments Due at 10:00 PM (via TWEN)

First day to apply Online for the February 2019 Bar Exam (CBX)

Monday, October 8  
First Year Mid-term Examinations**

Monday & Tuesday, October 8 & 9  
Open Class Days**

TBA  
Timely Filing Deadline for the February 2019 Bar Exam (CBX)

Monday, October 29  
Student Course Evaluations Begin

Saturday, November 3  
2018 MPRE Examination

Tuesday, November 6  
Election Day Observed - No Day or Evening Classes

Sunday, November 18  
Major Legal Writing Graded II Assignments Due at 10:00 PM (via TWEN)

Thursday, November 15  
Last Thursday Class

Friday, November 16  
Last Friday Class

Wednesday, November 21  
Last Wednesday Class

Thursday and Friday, November 22 and 23  
Thanksgiving Holiday Observed - No Classes *

Monday, November 26  
Last Monday Class

Tuesday, November 27  
Tuesday Day Classes Meet, Last Tuesday Day Class

Wednesday, November 28  
Tuesday Evening Classes Meet, Last Tuesday Evening Class

Thursday, November 29  
Flex Day for Day and Evening Classes***

Friday, November 30  
Flex Day for Day and Evening Classes***

Student Course Evaluations End;

11:59 PM - Last day to Withdraw from a Class

Saturday, December 1  
Reading Period Begins

Tuesday, December 4  
Reading Period Ends

Wednesday, December 5  
First Day of Examination Period

Thursday, December 20  
Last Day of Examination Period

*Administrative offices are closed and auxiliary services are not available. For Library hours/schedule, please go to http://library.lls.edu/libhours.html.

**Advanced day and evening students may meet at the faculty member's discretion, and students are required to be available to participate in class-related academic activities, e.g., class session, review, examination. First-year day and evening classes will not meet on open class days as they are designated for first year day and first year evening mid-term examinations.

*** Designated for make-up classes, review sessions, and other such academic activities.
### Spring 2019 Administrative Calendar

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<td>Monday, October 8, 2018</td>
<td>7:00 AM - Spring 2019 Priority Registration Begins</td>
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<tr>
<td>Friday, October 12, 2018</td>
<td>11:59 PM - Spring 2019 Priority Registration Ends</td>
</tr>
<tr>
<td>Saturday, October 13, 2018</td>
<td>12:00 AM Spring 2019 Open Registration for All Students Begins</td>
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<tr>
<td>Monday, January 7, 2019</td>
<td>Intersession Begins</td>
</tr>
<tr>
<td>Thursday, January 10 (Tentative)</td>
<td>Orientation 2 - (Mandatory for all first year day students)</td>
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<tr>
<td>Friday, January 11</td>
<td>Intersession Ends</td>
</tr>
<tr>
<td>Monday, January 14</td>
<td>Classes Begin</td>
</tr>
<tr>
<td>Friday, January 15</td>
<td>Deadline to Submit Online Application for the February 2019 Bar Exam (CBX)</td>
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<tr>
<td>Monday, January 21</td>
<td>Martin Luther King Jr. Holiday Observed - No Classes*</td>
</tr>
<tr>
<td>Tuesday, January 22</td>
<td>11:59 PM - Deadline to Add a Class - End of Open Registration</td>
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<tr>
<td>Wednesday, January 23</td>
<td>Drop Only Period Begins</td>
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<tr>
<td>TBD (Late January 2019)</td>
<td>Application Receipt Deadline for March 2019 MPRE</td>
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<td>Saturday, January 27</td>
<td>11:59 PM - Drop Only Period Ends - Deadline to Drop a Class without a &quot;W&quot;</td>
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<tr>
<td>Monday, January 28</td>
<td>Withdraw Only Period Begins (with a grade of &quot;W&quot;)</td>
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<tr>
<td>Sunday, February 3</td>
<td>Major Legal Writing Graded III Assignments Due at 10:00 PM (via TWEN)</td>
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<tr>
<td>TBD</td>
<td>First Year Day Mid-term Examinations</td>
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<td>Monday, March 4</td>
<td>Open Class Day**</td>
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<tr>
<td>Monday &amp; Tuesday, March 4 &amp; 5</td>
<td>Spring Break -- No Classes</td>
</tr>
<tr>
<td>Wednesday &amp; Thursday, March 6 &amp; 7</td>
<td>Spring Break -- No Classes *</td>
</tr>
<tr>
<td>February 27</td>
<td>LRW Oral Arguments</td>
</tr>
<tr>
<td>TBD</td>
<td>MPRE Examination (March)</td>
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<tr>
<td>Monday, April 1</td>
<td>Cesar Chavez Holiday Observed - No Classes *</td>
</tr>
<tr>
<td>TBD</td>
<td>Timely Filing for the July 2019 California State Bar Exam (CBX)</td>
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<tr>
<td>Tuesday, April 16</td>
<td>Last Tuesday Class</td>
</tr>
<tr>
<td>Wednesday, April 17</td>
<td>Last Wednesday Class</td>
</tr>
<tr>
<td>Thursday, April 18</td>
<td>Last Thursday Class</td>
</tr>
<tr>
<td>Friday, April 19</td>
<td>Good Friday Observed - No Classes *</td>
</tr>
<tr>
<td>Monday, April 23</td>
<td>Last Monday Classes Meet; Last Monday Class</td>
</tr>
<tr>
<td>Tuesday, April 24</td>
<td>Friday Classes Meet; Last Friday Class</td>
</tr>
<tr>
<td>Thursday &amp; Friday, April 25 &amp; 26</td>
<td>Flex Days for Day and Evening Classes ***</td>
</tr>
<tr>
<td>Friday, April 26</td>
<td>11:59 PM - Deadline to Withdraw from a Class</td>
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<td>Saturday, April 27</td>
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<td>Tuesday, April 30</td>
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<tr>
<td>Wednesday, May 1</td>
<td>First Day of Final Examination Period</td>
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<tr>
<td>Thursday, May 16</td>
<td>Last Day of Final Examination Period</td>
</tr>
<tr>
<td>Sunday, May 19</td>
<td>Graduation (Westchester Campus)</td>
</tr>
<tr>
<td>TBD (Mid-June)</td>
<td>Final Filing Deadline for the July 2019 California State Bar Exam (CBX)</td>
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**Advanced day and evening students may meet at the faculty member's discretion, and students are required to be available to participate in class-related academic activities, e.g., class session, review, examination. First-year day and evening classes will not meet on open class days as they are designated for first year day and first year evening mid-term examinations.

*** Designated for make-up classes, review sessions, and other such academic activities.
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1. LAW SCHOOL ADMINISTRATION

1.1 In General

The Law School’s administrative structure is determined by the Dean, who consults with the faculty in appropriate cases. The principal administrative officers of the Law School, and their functions, are summarized immediately below.

1.2 Appointment of Dean and Faculty Voting Procedure

1.2.1 Appointment

The Dean is the chief administrative officer of the Law School. The Dean is appointed by the President of the University upon recommendation of the faculty.

1.2.2 Faculty Voting Procedure for Recommendation of Dean Candidate

The President of the University traditionally appoints a Dean Search Committee (the “Committee”) and charges it with the responsibility of identifying dean candidates. Candidates are presented by the Committee for faculty consideration. The following procedures shall be used for consideration of dean candidates:

1. The Committee shall invite the most promising candidates for call back interviews with the entire Loyola Law School community. The President, at his or her discretion, may meet some or all of these dean candidates (“Candidates”) and arrange Candidate meetings with members of the LMU administration. The Committee shall call a special faculty meeting to determine which of these Candidates will be recommended to the President.

2. At or before this meeting, the Committee shall provide a written report on each Candidate. For all Candidates the report shall include at least the following: (1) a summary or copy of the candidate’s c.v.; (2) other information submitted by the Candidate, such as a statement of interest; and (3) a report on references, which report should include (if feasible) academic references describing the Candidate’s record of teaching, scholarship, and service, and references from each significant employment experience after graduation from law school. The Committee shall use its best efforts to obtain written commentary from students, staff and alumni and include such remarks in its report.

3. At the special faculty meeting, there will be an opportunity to discuss each Candidate. After discussion of all Candidates the faculty will vote, as to each individual Candidate, whether to recommend the Candidate to the President for the Dean’s position. Individual Candidates must each receive

1
a 60% majority of all faculty present and not abstaining, including contract and clinical faculty, to be recommended to the President. The vote as to each individual Candidate shall be by ballot. Each faculty member present at the meeting shall submit a ballot with the vote “recommend” or “not recommend.” The votes shall be tallied and the results announced at the meeting.

4. After deciding which Candidates to recommend, the faculty will discuss ranking the Candidates. After the discussion, the faculty will rank the Candidates in accordance with the ranking procedures specified in Faculty Rule 4.3(3)(c)-(d) as pertains to entry level appointments candidates, except that all full-time faculty members, including contract and clinical faculty, shall participate in the ranking process. The results of the ranking will be provided to the President.

5. A separate meeting of the tenured faculty may be called at a later date, and at the request of the President, to consider whether to grant tenure to the Candidate(s) to whom the President has extended an offer. The grant of tenure shall be conditioned upon appointment as Dean by the President of the University.

1.3 The Associate Dean for Faculty, the Associate Dean for Research, and the Associate Dean for Clinical and Experiential Programs

The Associate Deans for Faculty, Research, and Clinical and Experiential Learning are members of the full-time faculty and are the principal academic officers of the law school. They act as the liaisons between the faculty and other administrators at the law school. The Associate Dean for Faculty is responsible for curriculum development, the course schedule, hiring adjunct faculty, academic support, constituting faculty committees, enforcement of faculty rules and policies, student discipline for academic-related violations, the library, the law reviews, summer programs abroad, and the hiring, retention and promotion of tenure-track faculty. This dean also oversees academic centers and institutes (such as Fidler Institute, the Civil Justice Program and the Center for Law and Genocide) and academic events.

The Associate Dean for Clinical Programs and Experiential Learning is responsible for overseeing and developing clinics, simulation classes, skills classes (such as Legal Research and Writing and Ethical Lawyering), externships, and public interest/pro bono programs. This includes moot court, trial advocacy and appellate advocacy activities, as well as the Advocacy Institute. This Associate Dean also oversees the development of experiential offerings as part of summer abroad and alternative spring break programs. The Associate Dean for Clinical and
Experiential Programs also serves on any faculty committee charged with recommending the appointment or promotion of clinical professors.

*The Associate Dean for Research* is responsible for fostering the scholarly mission of the law school and helping to enhance the school’s scholarly reputation through greater promotion of faculty achievements. This includes overseeing faculty workshops, faculty travel budgets, approval of faculty research assistants, and publicity for faculty scholarship and related academic events.

### 1.4 The V.P. and Associate Dean for Finance & Administration

The V.P. and Associate Dean for Finance & Administration supervises the various support and administrative services that are not directly related to academic affairs or students. These services include all fiscal affairs matters, such as payroll and budget, physical plant maintenance, security, and computer services. The Associate Dean for Finance & Administration also serves on faculty committees involving strategic planning and technology services.

### 1.5 The Associate Dean for Graduate Programs and Strategic Initiatives, the Senior Assistant Dean for Admissions and Enrollment Services, and the Senior Assistant Dean for Student Services and Dean of Students.

The Associate Dean for Graduate Programs and Strategic Initiatives oversees the LLM and MLS programs, with a focus on increasing enrollment, while also building the academic and student support infrastructure of the programs. In addition, the Associate Dean for Graduate Programs and Strategic Initiatives may be involved in initiatives to develop legal education opportunities beyond our current offerings. The Associate Dean for Graduate Programs and Strategic Initiatives serves on faculty committees that relate to graduate programming and strategic planning.

The Associate Dean for Graduate Programs and Strategic Initiatives also supervises the Senior Assistant Dean for Admissions and Enrollment Services, whose departments include Admissions, Financial Aid, and Student Accounts, and the Senior Assistant Dean for Student Services and Dean of Students, whose departments include Career Development, Student Affairs, and the Registrar. In addition to departmental oversight, the Senior Assistant Dean for Admissions and Enrollment Services serves on the faculty admissions committee, and the Senior Assistant Dean for Student Services and Dean of Students serves on faculty committees relating to disability policy and student conduct. These three deans work closely with the Associate Deans for Faculty,
Clinical Programs and Experiential Learning, and Research, in the administration of the rules governing students.

### 1.6 Departments and Functions

All specific departments under the supervision of a particular Associate Dean are headed by a Director or an Assistant Dean. Faculty members with problems in a particular area should approach the department head in the first instance. In some cases, it may be appropriate to seek the assistance of the relevant Associate Dean. Among the departments and their functions are the following:

<table>
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<tr>
<th>Department</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Admissions:</strong></td>
<td>The Admissions Office administers the admissions process, including efforts to recruit applicants.</td>
</tr>
<tr>
<td><strong>Advancement:</strong></td>
<td>The Office of Advancement is comprised of the Alumni Relations, Development and Public Relations Offices. It is responsible for major gift fundraising, the annual giving campaign, the relationship of the Law School with its alumni, media relations, and the production of all major law school publications. Donor related special events are coordinated by this office.</td>
</tr>
<tr>
<td><strong>Career Development:</strong></td>
<td>Career Development provides career planning and job placement and development services to students and alumni, administers on-campus interview programs and coordinates major career programs and events throughout the year.</td>
</tr>
<tr>
<td><strong>Campus Planning:</strong></td>
<td>Campus Planning is the coordinating department for the general daily operations of the Law School, including the physical plant facilities, parking operations, campus security, housekeeping, facility renovations, furniture and equipment acquisitions, shuttle and transportation program, ID cards, and signage and display systems. If you need any special work requests or encounter any problems with the facility please call x1409 or leave a message at the Information Center x1001.</td>
</tr>
<tr>
<td><strong>Conferences and Events:</strong></td>
<td>This department supports faculty with the operational aspects of putting on academic conferences and events. Assistance includes general event planning, formulating and reconciling budgets, securing space, work with the Marketing and Communications department on the creation</td>
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</table>
and mailing of brochures, securing housing for speakers, and updating event web site.

Externships / Pro Bono: This office administers the Law School’s externship and pro bono programs.

Faculty Support Services: This office provides secretarial support, computer training and budgetary coordination to faculty members.

Finance and Auxiliary Services: The Finance office provides a variety of accounting, payroll, cashering and other fiscal services and serves as the liaison between the Law School and the respective counterparts on the Westchester Campus. It is also responsible for overseeing the Auxiliary Services, including the law school’s outside vendors that provide bookstore and, cafeteria services.

Financial Aid: This office administers a variety of financial aid program for students.

Graphics: The Graphics Department provides duplication services (exams, course supplements, etc.) and retains examinations for student pick-up.

Housekeeping: This department provides interior janitorial and other services for Law School buildings.

Human Resources: This office serves as the Law School’s liaison with the Human Resources Office at the Westchester Campus and offers a variety of services relating to hiring, benefits and human resource development and management.

Information & Support Services: The Information/Mail Center consists of mail processing (incoming and outgoing mail), message and reception center. The Center imparts general information regarding academic and class schedules, department and faculty office hours, housing, room locations, telephone questions, notary public services, updating electronic board and questions concerning room reservations, events or campus calendar.

Information Technology: The Information Technology Department is the primary provider for telecommunications and computer and related network-based technology services at the Law School. In addition to setting up and maintaining these services, the department provides hardware, software, training support and technology support in the classroom.
Marketing & Communications: This office provides marketing and communications support to faculty, the administration, and other departments on campus, including Advancement and Admissions. Support for faculty includes facilitating media requests for faculty interviews, helping faculty place op-eds and publicize recent research in news outlets, and developing promotional materials for academic events and programs.

Physical Plant: This office provides a variety of maintenance services. Physical Plant personnel also perform tasks such as moving furniture or hanging pictures; a work order can be found at https://my.lls.edu/webforms/physicalplantworkrequest or arranged by Faculty Support Services. A member of the physical plant staff is on campus from 6:00 a.m. until 10:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. Saturday and Sunday. Hours vary during summer months and scheduled special events.

Registrar: This office provides registration services, administers examinations, and maintains student records.

Scheduling: This office manages the scheduling of all space on campus and performs set up for all events. It also oversees storage on campus and the moving of boxes to and from storage.

Student Accounts: This office processes student fee bills.

Student Affairs: The Office of Student Affairs handles a variety of student issues and concerns, often acting as liaison between students and faculty members/ administrative departments. Faculty members having concerns about a student(s) (e.g., attendance issues) are welcome to raise them with either the Director of Student Affairs or the Senior Assistant Dean for Student Services. Disability accommodation requests, general academic advising, and student organization-related issues are also coordinated through the Office of Student Affairs.

1.7 Faculty Governance

1.7.1 Statement of Policy

Loyola Law School operates on a system of faculty governance under which the faculty has responsibility for and authority over substantial policy decisions regarding academic matters.
The Dean and his or her delegates are charged with the administration and execution of faculty policy decisions and rules and with the issuance of regulations to implement the directives of the faculty.

1.7.2 Faculty Committees

The system of faculty governance is implemented through a series of faculty committees which make recommendations to the faculty to be considered at faculty meetings. The principal permanent faculty committees’ functions are as follows:

Academic Standards and Grading: To make recommendations to the faculty on all matters pertaining to the Law School’s grading system and academic standards.

Admissions: To oversee the process by which students are offered admission to the Law School.

Advocacy Program: To review requests for new competitive teams (i.e., moot courts, trial advocacy, and negotiation and mediation teams).

Appointments (Entry-Level): To recruit entry-level candidates for full-time faculty positions for consideration by the tenured and tenure-track faculty.

Appointments (Lateral): To consider experienced faculty members from other law schools who wish to teach at the Law School.

Appointments (Lawyering Skills) To recruit candidates for full-time faculty positions in the Lawyering Skills Program.

Career Development: To work with CDO staff to coordinate the faculty mentor program, assist CDO staff with job reporting analysis as needed, and act as resource to advise the Senior Assistant Dean for Student Services and the Career Development Office.

Clerkships and Academe: To assist students applying for post-graduate judicial clerkships, as well as to mentor and establish programs for students interested in a career in teaching.

Clinical Faculty Promotion Review: To oversee the Law School’s procedures for granting promotion and contract renewal for clinical professors, and to make recommendations to the dean concerning those procedures.
Clinical Research Fellowships: To make recommendations to the Dean concerning the awarding of clinical research fellowships (per Section 5.3 of the Faculty Handbook), and to make recommendations to the faculty about policies concerning those areas.

Curriculum: To review all major curriculum matters and proposals and make recommendations to the faculty on them. To review petitions to make new courses a permanent part of the curriculum per Section 6.6 of the Faculty Handbook. To work with the Office of the Registrar to do on-going review of published course offerings to remove outdated courses per ABA Standard 509 and Interpretation 509-1.1

Disability: To review the implementation of the Americans with Disabilities Act as it impacts on the academic program, to address policy issues raised by the accommodation of students with disabilities, and to consult on individual student requests for accommodation as needed.

Externships and Clinics: To review the operation of our externship and clinic programs, and recommend policies on these topics.

Faculty Workshops: To schedule workshops by both Loyola faculty and scholars from outside Loyola for the edification of our faculty.

Graduate Programs: To address academic issues raised by the implementation and growth of our Graduate Programs, and to make policy recommendations to the faculty concerning these programs.

Instructional Technology: To analyze how technology can improve our teaching mission, and to assist the information Technology Department in furthering that mission.

JD Learning Assessment: To make recommendations for ensuring that the law school in compliance with ABA Standards 301, 302, 314, 315, which relate to the establishment of learning outcomes and evaluation of assessment methods.

JSD Curriculum & Assessment: To review all curriculum matters relating to the JSD program and make recommendations to the Program Director, Academic Supervisor, and faculty where appropriate. To facilitate on-going program review and curricular

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1 Interpretation 509-1 says “Current curricular offerings, for the purposes of Standard 509(c), are only those courses offered in the current and past two academic years.”
assessment to ensure compliance with WASC accreditation standards.

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<tr>
<th>Committee</th>
<th>Responsibilities</th>
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<tr>
<td>LLM Learning Assessment:</td>
<td>To make recommendations relating to the establishment and measurement of LLM program learning outcomes.</td>
</tr>
<tr>
<td>MLS Learning Assessment:</td>
<td>To make recommendations relating to the establishment and measurement of MLS program learning outcomes.</td>
</tr>
<tr>
<td>Pro Bono &amp; Public Interest:</td>
<td>To review the operation of our Public Interest program, oversee the pro bono requirements, and recommend policies on these topics. To oversee the Law School’s program of public interest grants to students for summer work and to make recommendations to the faculty on that program. To assist students in obtaining post graduate public interest fellowships.</td>
</tr>
<tr>
<td>Rains and Deans Fellowships:</td>
<td>To make recommendations to the Dean concerning the awarding of Rains and Deans Fellowships, and to make recommendations to the faculty about policies concerning those areas.</td>
</tr>
<tr>
<td>Research and Sabbaticals:</td>
<td>To make recommendations to the Dean about the awarding of research grants and sabbaticals, and to make recommendations to the faculty about policies concerning those areas.</td>
</tr>
<tr>
<td>Strategic Planning:</td>
<td>To conduct long-term planning for the Law School.</td>
</tr>
<tr>
<td>Student Conduct:</td>
<td>To conduct hearings and make decisions as provided by §12.4 of the Student Handbook.</td>
</tr>
<tr>
<td>Tax LL.M.</td>
<td>To review the operation of the Tax LL.M. program, and make policy recommendations concerning the program.</td>
</tr>
<tr>
<td>Tenure Review:</td>
<td>To oversee the Law School’s procedures for granting tenure to faculty members, and to make recommendations to the faculty regarding those procedures.</td>
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In addition to these committees, ad hoc or temporary committees may be appointed. A list of faculty committees and their membership for the 2018-2019 academic year appears in this handbook as Appendix A.
1.7.3 Dean’s Advisory Committee

The Dean has established a Dean’s Advisory Committee to advise the Dean on particular issues of importance to the Law School. The Committee is composed of seven members; four are selected by vote of the faculty, and three are appointed by the Dean. The Committee is chaired by a tenured faculty member. The Associate Dean for Faculty, the Associate Dean for Clinical and Experiential Programs, and the Associate Dean for Research and Academic Centers serve as ex-officio members of the Committee, and other administrators work closely with the Committee in its deliberations. No member of the faculty shall be asked to serve for more than two consecutive years on the Committee.

1.7.4 The Notice Rule

A matter may come before the faculty for a dispositive vote only after appropriate notice has been given to each faculty member no less than one week (seven days) before the meeting at which the matter is to be considered and voted upon. The notice required by this rule shall be in writing and shall be accompanied by any pertinent report or recommendation of the administration and/or appropriate faculty committee.

1.7.5 Faculty Meetings

The faculty shall meet regularly during the academic year according to a schedule established by the Dean. No matter may come before the faculty for a dispositive vote unless a quorum is present. A quorum is a majority of the faculty-in-residence (i.e., excluding those on leaves) except as provided in § 3.6.2 and § 3.4.2. Except as otherwise provided in this Handbook, approval of a matter before the faculty requires a favorable vote by a majority of faculty present.

Student representatives may attend all faculty meetings except during the discussion of personnel matters, including but not limited to hiring, retention and promotion. Students are encouraged to participate in the faculty hiring process by interviewing and expressing their opinions about the candidates, and student opinions about faculty candidates will be shared with the faculty.
1.7.6 Voting by E-mail

1.7.6.1 Requirements for an E-mail vote

In the case of matters initially considered by a committee of the law school faculty, a matter may be proposed for E-mail voting by the unanimous recommendation of the voting members of the committee who are in attendance at the meeting at which the recommendation is made.

In the case of matters not initially considered by a committee (for example, a proposal by the Dean or an Associate Dean that is not within the jurisdiction of a faculty committee), the Dean may propose such matters for an E-mail vote.

Any matter may be withdrawn from E-mail consideration by the committee or person who has proposed it. Withdrawal may take place any time prior to the date set for the close of voting.

A matter may be proposed for E-mail voting in lieu of consideration at a faculty meeting only if the proposal, all supporting memoranda, and all other reports and materials needed for proper consideration of the matter are circulated at least seven calendar days before the date upon which matters for faculty consideration must be noticed under the Notice Rule. In the usual case, this will be at least fourteen calendar days before a faculty meeting.

Personnel matters (e.g. hiring, promotion, retention, or tenure decisions) may not be proposed for approval by E-mail vote.

1.7.6.2 Procedures for An E-Mail Vote

If a matter is to be proposed for an E-mail vote, the Dean shall designate a person (for example, the Dean’s or an Associate Dean’s secretary or assistant) to send an E-mail message to each member of the faculty at such member’s current E-mail address. The message shall contain 1) the text of the proposal for adoption by the faculty, 2) all appropriate supporting memoranda, reports or other materials, and 3) instructions for E-mail voting. A paper copy of the message shall also be placed in each faculty member’s mailbox. If the supporting memoranda, reports or other materials are too voluminous for E-mail transmission, it is sufficient to circulate them as part of the paper copy which is to be placed in each faculty member’s mailbox.

No amendments, motions to table, or other procedural motions shall be in order with respect to a proposal placed before the faculty for E-mail voting. A faculty member desiring to move to amend or table the proposal or to make some other procedural motion with respect to the proposal should cast a “No” vote.
Faculty members may vote by responding to the designated person by E-mail, by phone, or in writing.

Voting shall be closed as of 12:00 noon on the final date set for voting. No votes shall thereafter be accepted or changed under any circumstances. The final date set for voting shall be no later than the date upon which matters to come before the next faculty meeting must be noticed under the Notice Rule.

Faculty members shall cast their vote in one of the following forms: 1) “Yes,” signifying that the faculty member votes in favor of the proposal and in favor of its consideration by E-mail ballot; 2) “No,” signifying that the faculty member votes either against the proposal or against its consideration by E-mail ballot, or 3) “Abstain,” signifying that the faculty member expresses no opinion on either the proposal or its consideration by E-mail ballot.

1.7.6.3 Voting Results

The designated person shall tally the ballots as soon as practicable after the close of voting.

If a quorum of the faculty (including abstentions) responds to the E-mail ballot, a majority of those responding (including abstentions) votes “Yes,” and fewer than three faculty members vote “No,” then the proposal shall be adopted. If less than a quorum of the faculty responds, or if less than a majority of those responding votes ‘Yes’ or there are three or more ‘No’ votes, the proposal shall not be adopted and shall be considered at the next regular faculty meeting. A vote of “Abstain” shall not be counted as a vote of “No” for purposes of determining the number of “No” votes.

The faculty shall be notified as to the results of the E-mail vote as soon as practicable. The identity of specific faculty members, if any, who voted “No,” shall not be disclosed, but the tally of the votes shall be announced. In the event the proposal is not adopted, the communication of that fact, together with the prior circulation of the proposal and applicable supporting materials, shall be considered to have fulfilled the Notice Rule.

2. FACULTY OBLIGATIONS

2.1 Faculty Obligations

The minimum obligations of a full-time faculty member follow below. Unless otherwise noted, all references are to “faculty” in Chapter 2 are to full-time faculty.
2.1.1 Devotion of Substantially All Working Time to Teaching and Legal Scholarship

The Law School adheres to Standard 402 of the ABA Rules. That rule states in pertinent part:

(b) A full-time faculty member is one whose primary professional employment is with the law school and who devotes substantially all working time during the academic year to the responsibilities described in Standard 404(a), and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member’s capacity as scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one’s responsibility as a faculty member.

Standard 404(a) states as follows:

A law school shall establish policies with respect to a full-time faculty member’s responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The policies need not seek uniformity among faculty members, but should address:

1. Faculty teaching responsibilities, including carrying a fair share of the law school’s course offerings, preparing for classes, being available for student consultation, participating in academic advising, and creating an atmosphere in which students and faculty may voice opinions and exchange ideas;

2. Research and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgement of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;

3. Obligations to the law school and university community, including participation in the governance of the law school;

4. Obligations to the profession, including working with the practicing bar and judiciary to improve the profession; and

5. Obligations to the public, including participation in pro bono activities.

2.1.2 Faculty Meetings and Service Obligations

Each faculty member is obligated to attend all faculty meetings unless the faculty member has submitted a written notification of absence to the Dean in advance of the meeting. Each faculty
member is obligated to serve on faculty committees, to attend faculty committee meetings regularly, and to perform such reasonable tasks as may be assigned by committee chairs.

Visiting professors are not obliged to attend faculty meetings, nor must they serve on committees. If a visiting professor chooses to attend a faculty meeting, that person may neither attend the discussion of personnel matters nor vote on proposals before the faculty.

2.1.3 Attendance at Commencement

Each faculty member who is not on leave in the spring semester is obligated to attend the graduation ceremony. A faculty member who is unable to attend must submit a written explanation to the Dean for approval prior to the graduation ceremony.

2.1.4 Teaching Obligations, Class Attendance and Office Hours

Each faculty member is obligated to attend each class meeting or to schedule a make-up session as specified in the section on postponement of class meetings in Section 6.3 below. Each faculty member is obligated to prepare for class with diligence and strive for excellence in teaching. Each faculty member is obligated to provide regular office hours, to post those hours, and to notify the Information Center and Faculty Support Services each semester of those hours.

2.1.5 Grading Obligations

Each faculty member is obligated to complete all grading within the deadlines established by the Office of the Registrar.

2.1.6 Scholarship Obligations

Each tenure and tenure-track faculty member is obligated to engage in regular scholarly research and publication. On December 8, 1982, the faculty adopted a Statement of Obligations of a Full-Time Faculty Member (attached hereto as Appendix B), which states that members of the faculty are expected:

- To be involved in at least one area of on-going, original research relating to an area in which the faculty member currently teaches or expects to teach in the near future; and
- To share the product of one’s scholarly efforts through oral or written presentations, or through the publication of books or articles, as well as through regular informal discussions with one’s colleagues.
The AALS Statement of Good Practices by Law Professors in the Discharge of Their Ethical and Professional Responsibilities (November 17, 1989) (attached hereto as Appendix C) makes the following points with respect to obligations of a law-school faculty member to engage in scholarship:

- A basic responsibility of the community of higher education in the United States is to refine, extend, and transmit knowledge. As members of that community, law professors share with their colleagues in the other disciplines the obligation to discharge that responsibility.

- In teaching, as well as in research, writing, and publication, the scholarship of others is indispensable to one’s own. A law professor thus has a responsibility to be informed concerning the relevant scholarship of others in the fields in which the professor writes and teaches. To keep current in any field of law requires continuing study. To this extent the professor, as a scholar, must remain a student.

- As a corollary, law professors have a responsibility to engage in their own research and publish their conclusions. In this way, law professors participate in an intellectual exchange that tests and improves their knowledge of the field, to the ultimate benefit of their students, the profession, and society.

Thus, the obligation to engage in regular scholarly research and publication has been affirmed in standards adopted by the law school faculty and those promulgated by the national community of legal educators.

2.1.7 Regular Communication

Each member of the faculty is obligated to make arrangements for regular communication with the Law School Administration. During the academic year, each member of the faculty is expected to pick up internal mail on a regular basis. In addition, each faculty member is expected to either respond to E-mail messages personally or make arrangements with Faculty Support for the printing and delivery of such messages on a regular basis. At other times or when on leave, each faculty member is either to pick up internal mail and E-mail or to make arrangements with the Information Center and Faculty Support for the periodic forwarding of mail and E-mail. Finally, each faculty member with voice mail is expected to check and respond to voice mail messages on a regular basis.

2.2 Course Assignments

Courses are assigned by the Associate Dean for Faculty. Faculty workloads are assigned in light of the Law School’s statement of obligations of a full-time faculty member. Full-time
faculty generally carry a load of 9-13 hours per academic year (excluding summer session and intersession classes, which are usually taught on a voluntary basis).

Additionally, the number of units assigned may be adjusted to account for the number of student contact hours associated with particular courses. For example, the three-unit course “Ethical Lawyering” involves substantial student contact hours in reviewing and critiquing videotapes of student exercises. Accordingly, faculty who teach this class receive credit for four hours of teaching, although the class meets only three hours per week. Adjustments in teaching load may also be made to adjust for unusually heavy service or scholarship obligations.

If fewer than ten students register for a course, the Dean may cancel the course and require the faculty member to make up the teaching units for that course in a following semester.

2.2.1 Overload Teaching

Faculty members may teach on an overload basis at other law schools with the written permission of the Dean. The request for a faculty member to teach at another law school should be made directly to the Dean from the Dean of the requesting school. A faculty member may not accept an overload teaching assignment at another law school if it will interfere with the faculty member’s teaching obligations at Loyola Law School.

2.3 Academic Freedom

Section 6-8 of the Bylaws of the Association of American Law Schools declares, “A faculty member shall have academic freedom and tenure in accordance with the principles of the American Association of University Professors [AAUP].” Consistent with this principle, Loyola recognizes the AAUP 1940 Statement of Principles on Academic Freedom and Tenure. A copy of the most relevant provisions of the AAUP Statement of Principles is attached to this handbook as Appendix D. Where the accreditation standards of the American Bar Association or the Association of American Law Schools differ from the AAUP 1940 Statement, Loyola Law School adheres to the accreditation standards and not the 1940 Statement.

2.4 Discriminatory Harassment Policy and Complaint Process & Policy for Reporting Sexual Misconduct

Loyola Law School is dedicated to fostering the education of the whole person and strives to provide an environment that encourages the search for truth and freedom of inquiry. Accordingly, the Law School is committed to providing an environment that is free of
discrimination and harassment as defined by federal, state, and local law, and has adopted a
Discriminatory Harassment Policy and Complaint Process. A copy of this document is attached
to this handbook as Appendix E. In addition, the Law School has adopted a Policy on Reporting
Sexual Misconduct, also located at Appendix E of this handbook. In the event of, or allegation of
sexual misconduct, you must consult the policy on Reporting Sexual Misconduct at Appendix E.

These policies apply to all students, faculty and staff, and it is the responsibility of every
faculty member to follow these policies conscientiously. Any violations of these policies will be
treated as serious misconduct and will result in appropriate disciplinary action.

2.5 Faculty-Student Sexual Relations Policy

Relationships of a sexual nature between a faculty member and any student with whom
he/she is in a direct power relationship are prohibited even if consensual. Furthermore, faculty-
student sexual relations are discouraged even when no power relationship exists. Additionally,
faculty members who are closely related to a student by marriage, or who have a preexisting
analogous relationship with a student, should shun roles involving a professional
responsibility for the student. These policies are rooted in the recognition that faculty-student
relationships involve an inherently unequal distribution of power because faculty members have
a professional responsibility for the student in such matters as teaching a course or in otherwise
evaluating, supervising, or advising a student as part of the law school’s educational program.
Moreover, sexual relationships between faculty and students often give rise to the perception by
others of the existence or potential of favoritism or bias in educational decisions affecting
students. These perceptions undermine the spirit of trust and mutual respect that is important to
the Law School’s educational environment. Finally, this policy further bolsters the Law
School’s efforts to provide an environment that is free from sexual harassment.

3. PROMOTION AND TENURE²

3.1 Faculty Rank

Faculty hired on the tenure track are appointed to the rank of Associate Professor of Law. Upon receiving tenure, they are promoted to the rank of Professor of Law.

² The amendments proposed and voted on by the Tenured Faculty on March 21, 2014, will not apply to any Tenure-Track members of the Loyola Faculty as of that date.
Entry-level tenure-track faculty are granted an initial three-year contract, and if reappointed under Paragraph 3.5 they may be granted additional one-year contracts before seeking tenure. The initial contracts of tenure-track faculty hired laterally from another institution should specify whether and when a reappointment vote will be required and when a tenure application may be made.

3.2. **Standard for Achieving Tenure**

Applicants for tenure will be evaluated in the following areas: (1) teaching; (2) scholarship; and (3) service.

3.2.1 **Teaching**

To be tenured, a candidate must demonstrate proficiency in teaching.

In evaluating teaching proficiency, the Tenured Faculty should consider factors such as: effectiveness in the classroom; mastery of the subject matter; careful preparation; accessibility to students outside the classroom; and enthusiasm for teaching and for working with students.

The Tenured Faculty should consider student evaluations and peer evaluations from all years the candidate has taught at Loyola. Improvement in teaching performance over the years will reflect favorably on a candidate.

3.2.2 **Scholarship**

To be tenured, the candidate must have a record of publishing scholarship of high quality indicative of future scholarly potential.

In evaluating the quality of the candidate’s scholarship, the Tenured Faculty should consider factors such as: the importance and originality of the work; its clarity of expression; its scope and depth; the difficulty or complexity of its subject matter; the thoroughness of its research and analysis; and whether the scholarship makes a significant contribution to the law.

All forms of scholarly writing may be considered in evaluating whether a candidate has satisfied the tenure standard, including articles, books, casebooks, treatises, symposia contributions, book reviews, on-line contributions, and co-authored manuscripts.

In evaluating future scholarly potential, the Tenured Faculty should consider the quantity of scholarship produced by the candidate. Typically, members of the Tenured Faculty
will expect the candidate to produce three law review articles or their equivalent that were substantially completed while the candidate was on the tenure track at Loyola or another university.

### 3.2.3 Service

To be tenured, the candidate must demonstrate a commitment to providing valuable service to the law school. The Tenured Faculty also will consider service to the University, the legal profession, and the general public.

Service to the law school and the University may include activities such as: serving on faculty committees; advising student organizations; recruiting prospective students; assisting students in developing their careers; contributing to interdisciplinary studies or activities; participating in workshops and symposia at the law school or elsewhere; and participating in other activities that contribute to the intellectual life of the law school and the University. Service to the legal profession and the general public may include activities such as: *pro bono* legal activities, including representation of parties or *amici curiae*, consultation, or expert witness testimony; acting as an *amicus curiae*; participation in nonprofit legal organizations; consultation or service to courts, legislatures, or government agencies; public legal education through writings or press interviews; and volunteer work reflecting the public service mission of the law school.

### 3.3 Procedures for Promotion to Tenured Faculty

#### 3.3.1 Timing

Tenure-track faculty may apply for tenure as soon as the eighth semester of full-time tenure track teaching at Loyola or any other law school, unless an earlier application date is authorized in writing by the Dean. Tenure-track faculty must apply for tenure no later than the twelfth semester of teaching at Loyola or any other law school, unless a later application is authorized in writing by the Dean.

Tenure applications must be submitted to the Tenure Review Committee (“Committee”) by the end of the second week of the semester in which the applicant seeks tenure consideration. During that semester, the Tenured Faculty should read the candidate’s scholarship and observe the candidate’s classes in person or through a recording. The Tenured Faculty must vote on all applications before the end of the examination period of that semester, unless applications are
deferred pursuant to § 3.3.5, or in extraordinary circumstances. If time does not allow discussion and voting on all applications in the meeting scheduled for that purpose, the Tenured Faculty must schedule subsequent meetings as soon as possible.

3.3.2 The Tenure Application

The candidate shall submit to the Chair of the Tenure Review Committee (“Chair of the Committee”) an application package that must include:

(1) A letter of application that summarizes how the candidate has satisfied the standards for tenure and briefly describes the writings the candidate wishes to be considered.

(2) A list of at least six potential external reviewers, at least three of whom must be law faculty and at least five of whom must be tenured professors of law or another field.

(3) The candidate’s curriculum vitae.

(4) Copies of the writings that the candidate wishes to be considered for tenure purposes.

3.3.3 Procedures for Review of Writing

3.3.3.1 Scope of Review

The Chair of the Committee, in consultation with the candidate, will identify which of the candidate’s writings will be formally reviewed. The Committee will solicit reviews from at least two internal reviewers and at least four external reviewers. The Committee shall attempt to have each writing read by at least one internal and one external reviewer, and to have at least one internal reviewer and one external reviewer read a sufficient number of the writings to opine on the candidate’s overall body of work and growth as a scholar. If reasonable efforts fail to secure external reviews, the Tenured Faculty has the discretion to proceed to a vote without them or to defer a vote until they can be obtained.

Each reviewer will be asked to comment in writing on the quality of the scholarship, with reference to the factors from § 3.2.2 (namely, the importance and originality of the work; its clarity of expression; its scope and depth; the difficulty or complexity of its subject matter; the thoroughness of its research and analysis; and whether the scholarship makes a significant contribution to the law). In addition, where appropriate, each reviewer will be asked to comment on the candidate’s scholarly potential in light of the stage attained in the candidate’s career. Reviewers will be asked to disclose whether they had read or commented upon an earlier draft of
the writing. In addition, external reviewers will be asked to disclose what, if any, relationship they have had with the candidate.

3.3.3.2 Internal Reviewers

In the usual case, internal reviewers will be tenured members of the Loyola faculty, at least one of whom is a scholar in the candidate’s field of study. In appropriate cases, the Committee may solicit reviews from formerly tenured or clinical Loyola faculty.

3.3.3.3 External Reviewers

External reviewers should be leading scholars in the candidate’s fields of study. In the usual case, they will be tenured members of the faculty of another law school, but in appropriate cases, the Committee may solicit reviews from scholars who are not tenured or who are not part of a law faculty.

The Committee shall identify at least two potential external reviewers not proposed by the candidate. Before any external reviews are solicited, the candidate will be given an opportunity to suggest reasons why a reviewer identified by the Committee ought not be selected. After receiving this input, the Committee retains full discretion to select external reviewers, but it must solicit reviews from at least two of the external reviewers proposed by the candidate.

Exeernal reviewers should receive the writings and the candidate’s CV no later than the fifth week of the semester in which the application was received. The Committee will instruct the reviewers to submit their reviews no later than four weeks before the meeting scheduled for the tenure vote.

3.3.3.4 Confidentiality and Candidate Access to Reviews

No member of the Tenured Faculty may disclose the identity or affiliation of reviewers. However, reviewers may choose, in their own discretion, to identify themselves to the candidate.

Before the meeting scheduled for the tenure vote, the candidate will receive a version of all reviews, with identifying information redacted. Candidates may, if they choose, submit to the Tenured Faculty a written response to any criticisms made in the reviews.
3.3.4 Procedures For Voting on Tenure

(1) A vote on a tenure application requires a quorum of three-fourths of Tenured Faculty-in-residence (i.e. excluding those on leaves of absence, sabbaticals, etc.).

(2) After discussion, each member of the Tenured Faculty present at the meeting shall submit a ballot with the vote “grant,” “deny,” or “abstain.” If a faculty member abstains, his or her vote shall be deemed to be a “deny” vote. The ballot shall be signed. When all ballots are collected, the vote and name on each ballot shall be read aloud, the votes recorded, and the results of the vote announced at the meeting.

(3) A candidate’s application for tenure will be recommended to the Dean upon a “grant” vote of at least two-thirds of the Tenured Faculty present.

3.3.5 Deferring the Tenure Vote

At the meeting scheduled for the tenure vote, but before the voting commences, any member of the Tenured Faculty may move to defer a vote on tenure, provided that no vote on tenure may be deferred beyond the fourteenth semester of full-time tenure-track teaching. A motion to defer is debatable and requires the approval of a simple majority of the Tenured Faculty present.

3.3.5.1 Contents of Motion to Defer

A motion to defer must address the following:

A. Teaching:
   1. Whether additional student evaluations are required.
   2. Whether additional peer evaluations are required.

B. Scholarship:
   1. Whether any scholarship previously submitted needs to be revised.
   2. Whether additional scholarship will be required.
   3. Whether any scholarship will be sent for additional external and/or internal review and whether the reviews are to be formal or informal.
   4. A deadline for submission of any new and/or revised scholarship.
C. Service:
Whether additional service is required.

D. Any other terms deemed necessary.

E. The period of deferral.

3.3.5.2 Procedure Upon Approval of Motion.

If the motion to defer is approved, the terms of the deferral must be provided in writing to the candidate. The original shall be kept in the candidate’s tenure file.

3.3.6 Terminal Contract

A candidate denied tenure will be entitled to a one-year terminal contract.

3.4 Year-End Review of Tenure-track Faculty

Each year before achieving tenure, tenure-track faculty members will be evaluated on teaching, scholarship, and service.

At the end of the spring semester, the Tenured Faculty will meet to evaluate the progress of each tenure-track faculty member toward reappointment and, ultimately, tenure. At this meeting, a member of the Committee (known as the Reporter) will make a presentation to the Tenured Faculty about each tenure-track faculty member's achievements in teaching, scholarship and service. After this presentation, the Tenured Faculty will discuss whether the candidate is progressing satisfactorily toward tenure. A written summary of the views of the Tenured Faculty will be given to the tenure-track faculty member, who will be asked to sign the original of this report as an acknowledgment of having received and read it. The original report is then placed in the tenure-track faculty member's file.

3.4.1 Teaching

The Tenured Faculty should consider both peer and student evaluations. For peer evaluation, each semester the Committee will assign two tenured faculty members to visit a class or classes taught by each member of the tenure-track faculty and to submit a written report using the form provided by the Committee. The completed reports are not provided to the tenure-track faculty member, but the peer evaluators may choose, in their own discretion, to provide them.
3.4.2 Scholarship

The Reporter will meet with the tenure-track faculty member to discuss his or her scholarship, including any works in progress, and the candidate’s scholarly agenda.

3.4.3 Service

The Reporter will ask the tenure-track faculty member to identify service activities, and also interview the relevant committee chairs concerning the tenure-track faculty member's service.

3.5 Third-year Reappointment Vote

3.5.1 Timing

Absent extraordinary circumstances, as determined by the Dean, a Tenure-Track faculty member must be considered for reappointment during the tenure-track faculty member’s sixth semester on the tenure track at Loyola Law School. A faculty member appointed to the tenure track with credit for teaching at another institution will be considered for reappointment at an appropriate date determined by the Dean, unless the Third Year Review requirement is waived in writing. The reappointment vote is not subject to a motion to defer.

3.5.2 Criteria for Reappointment

3.5.2.1 Standard

A tenure-track faculty member will be reappointed, and become eligible for additional one-year contracts, if the Tenured Faculty vote that the member is making adequate progress toward achieving tenure with respect to teaching, scholarship and service. With respect to scholarship, to be eligible for reappointment, a Tenure-Track faculty member must have completed at least one article or manuscript which was substantially completed while on the tenure track at Loyola or another University. Such manuscript must be submitted or ready for submission to a journal, by the last day of the second week of the semester of the reappointment vote.

3.5.2.2 Materials Considered

The Committee will collect and disseminate information with respect to the teaching, scholarship and service of each candidate for reappointment.
With respect to teaching, both peer and student evaluations should be considered. During the semester before and the semester of the reappointment vote, all Tenured Faculty members will be encouraged to attend one or more of the candidate's classes in person or to view a recording.

Before the reappointment meeting, at least one of the tenure-track faculty member’s scholarship will be formally reviewed by an internal reviewer. If there are multiple writings, the Chair of the Committee, in consultation with the candidate, will decide which writings will be formally reviewed.

The primary evidence for evaluating service to the law school will come from faculty members who have observed or worked with the candidate. The tenure-track faculty member should identify to the Reporter other service activities undertaken.

3.5.3 Procedures for Reappointment Vote

The reappointment vote will use the procedures for tenure votes as described in Paragraph 3.3.4, subject to the following differences:

(a) Each member of the Tenured Faculty present at the meeting shall submit a ballot with the vote “grant,” “grant with reservations,” “deny,” or “abstain.” The Committee will convey to the Tenure Track faculty member the sense of faculty comments, and may, if appropriate, reveal the vote of the faculty.

(b) A recommendation to reappoint will be made to the Dean if a simple majority of the Tenured Faculty present cast votes to “grant” or “grant with reservations.”

3.5.4 Effect of Third-Year Reappointment Vote

3.5.4.1 When Reappointment is Granted

A reappointed tenure-track faculty member will be eligible for additional one-year contracts until a tenure vote. However, at subsequent annual review meetings, the Tenured Faculty may vote to recommend that the Dean offer only a one-year terminal contract. Such a faculty member is not eligible to apply for tenure during the terminal year.

A vote to recommend a one-year terminal contract requires a quorum of three-fourths of Tenured Faculty-in-residence (i.e. excluding those on leaves of absence, sabbaticals, etc.). A motion to recommend a terminal one-year contract will pass on a simple majority vote of Tenured Faculty present.
3.5.4.2 When Reappointment is Denied

A faculty member not reappointed will be eligible for a one-year terminal contract during which the tenure-track faculty member is not eligible to apply for tenure.

3.6 Amendments to Tenure and Reappointment Rules

Only members of the Tenured Faculty may vote on changes to the tenure and reappointment rules. Any proposed changes to these rules must specify whether they will apply to current Tenure-Track faculty members or only to faculty hired in the future.3

3.7 Notice Rule

A matter may come before the Tenured Faculty for a dispositive vote only after notice has been given to each Tenured Faculty member no less than one week (seven days) before the meeting at which the matter is to be considered and voted upon.

4. FACULTY APPOINTMENTS

4.1 Appointment of Full-Time, Tenure Track Faculty

Full-time tenure track faculty appointments are made by the Dean upon the recommendation of the full-time faculty. The relevant faculty Appointments Committee oversees the recommendation process.

4.2 Participation by Non-Tenure Track Faculty

Only full-time tenured and tenure-track faculty may vote on personnel matters, such as the hiring of faculty members. Other members of the full-time faculty who are not tenured or tenure-track are permitted and encouraged to participate in the selection process by interviewing candidates and expressing their opinions about the candidates during faculty meetings at which hiring decisions are made. Faculty members who are visiting Loyola from other institutions shall not participate in personnel meetings.

3 The amendments proposed and voted on by the Tenured Faculty on March 21, 2014, will not apply to any Tenure-Track members of the Loyola Faculty as of that date.
4.3 Voting Procedure for Faculty Candidates

The procedure used by the faculty to determine which candidates should be offered positions on the faculty is as follows: 4

This process shall take place over two meetings. There will be at least three days between the two meetings. The portion of any meeting devoted to appointments matters shall be chaired by the Chair of the Appointments Committee or another member of the Committee designated by the Chair.

1) First-Day Hiring Meeting.
   a) At the beginning of this meeting, the Appointments Committee will present the candidates to the faculty. This pool of candidates will be made up of all the candidates who have come for call back interviews and who have not removed themselves from the pool.

   b) At or before this meeting, the Committee shall provide a report on each candidate. This report shall include at least the following: (1) a summary of the candidate’s CV; (2) a report on references, which report should include (if feasible) academic references and references from each significant employment experience after graduation from law school, and (3) a brief report on writings submitted by the candidate and on any published writings.

   c) At the beginning of this meeting, the Chair or other member of the Committee will make a brief statement as to why the Committee chose each candidate for a call back.

   d) Discussion of each candidate will follow. The meeting will adjourn after the completion of discussion.

2) Adjournment Period

During the adjournment period of at least three days, the Appointments Committee will conduct any additional research necessary to address issues that arose during the course of the discussion.

3) Second-Day Hiring Meeting

   a) The second day will begin with the Committee presenting any additional information discovered by the Committee to the faculty.

4 Rule 4.3 was amended by faculty vote on April 23, 2008.
b) The faculty will then decide whether each candidate should be included in the pool to be ranked. This will be done through candidate-by-candidate motions to rank. Each motion to rank must be approved by 60% of the faculty present. If this motion is not successful for any candidate, that candidate is removed from the pool of candidates to be ranked.

c) After the conclusion of all motions to rank candidates in the pool, the Chair will invite a discussion which will be limited to ranking the candidates in the pool.

d) At the conclusion of this discussion, all those remaining in the pool will be ranked. A ballot is distributed to each faculty member. The ballot contains a list of all candidates who the faculty has voted will be ranked. Each faculty member shall write a number next to the name of each candidate included in the pool of candidates to be ranked. The number next to a candidate indicates that faculty member’s ranking of the remaining candidates as follows: the faculty member’s first-choice candidate receives the number 1, the faculty member’s second-choice candidate receives the number 2, continuing through the entire pool of candidates to be ranked. The candidate with the lowest sum will be ranked number 1; the candidate with the second lowest sum will be ranked number 2, continuing through the entire pool of the candidates to be ranked. In the event of a tie, the faculty will vote between the two tied candidates to determine which candidate will have the lower ranking.

e) Starting from the candidate ranked first and moving through the entire list, there will then be a vote on each ranked candidate to authorize the Dean to make an offer to such candidate. If this motion is successful, the faculty is authorizing the Dean to make an offer to that candidate. Before each motion, the Chair will invite discussion limited to the motion to authorize. The motion to authorize must be approved by 60% of the faculty present. If a motion on any given candidate is not successful, that candidate may not receive an offer. Any remaining candidates shall be adjusted upwards in the ranking.

f) The Dean retains authority to depart from the order of the ranking, or from making offers to candidates who have been approved, for good cause.

4) If the Dean makes offers to all of the ranked candidates and there are still vacant positions for that year, the Dean retains authority to reconstitute the Appointments Committee to consider whether or not there are additional appointments candidates for the faculty to consider. In this instance, these candidates would be brought to the faculty in accordance with the procedures detailed in this Rule.5

4.4 Procedure for Early Consideration

“Early consideration” refers to consideration of a candidate or group of candidates in advance of a meeting at which all or nearly all candidates are scheduled to be considered. In the

5 Rule 4.3 (3) and (4) were amended by faculty vote on April 16, 2010.
usual case, early consideration will be before all call-back candidates from the AALS hiring meeting have been presented to the faculty. If the Appointments Committee brings one or more candidates before the faculty for early consideration, the following procedures shall govern:

(1) After all of the candidates for early consideration have been discussed, the faculty votes whether to proceed or not proceed with respect to each candidate. A 60% majority is required to proceed. This vote is taken in open session by hand vote.

(2) The Chair will then entertain motions to defer consideration of any or all candidates. If a majority of the faculty votes to defer, consideration of the deferred candidate or candidates shall be postponed until the candidate is again brought before the faculty by the Appointments Committee. At a subsequent meeting at which the candidate is again brought before the faculty, a motion to reconsider the vote to proceed shall be in order. The motion may be made by any member of the faculty (irrespective of that member’s prior vote on the candidate) and shall require a second by five members of the faculty. If the motion to reconsider passes, the vote to proceed or not proceed shall be taken again with respect to the deferred candidate.

(3) The faculty then ranks the candidates who received “proceed” votes but have not been deferred for later consideration. Ranking will proceed according to the procedure outlined in rule 4.3.3(c).

4.5 Appointment of Visiting Faculty and Lateral Appointments

The following procedures govern the various classifications of visiting and lateral appointments:

4.5.1 Coverage Visits

The Dean appoints visitors who are appointed with the understanding that the visit is not intended to result in consideration of a candidate for a permanent position by the faculty. When the Dean considers it appropriate, the Dean may consult with the relevant Appointments Committee about such visitors.

4.5.2 Lateral Look-See Visits and Other Lateral Candidate Consideration

(1) Before a faculty member from another institution is offered a visit which is intended to result in consideration for a permanent position (a look-see visit), the relevant Appointments Committee must recommend to the Dean that such an offer be made.

(2) In addition to seeking the recommendation of the relevant Appointments Committee, the Dean may present a candidate for a look-see visit to the full faculty for its recommendation. The faculty will vote whether to recommend or not recommend the look-see candidate to the Dean; a 60% majority is required for an affirmative recommendation.
(3) Candidates on a look-see visit will make a presentation to the faculty prior to their consideration for a tenured or tenure-track appointment. In appropriate circumstances, the relevant Appointments Committee may recommend the appointment of a faculty member at another institution to a tenure-track or tenured position on the faculty of Loyola Law School without first having visited Loyola on a look-see visit. In such cases, the candidate shall make a presentation to the faculty prior to his or her consideration for a tenured or tenure-track position.

(4) For a look-see or other lateral candidate who is applying for a tenured position, the relevant Appointments Committee shall prepare a tenure file, including external and internal reviews of the candidate’s scholarship, and the candidate’s record of teaching and service. For tenure-track candidates, the relevant Appointments committee shall prepare a file concerning the candidate’s record of scholarship, teaching, and service.

A 60% majority is required to authorize the dean to make an offer to a look-see or other lateral candidate. In the case of an appointment to a tenured position, the tenured faculty will meet separately and vote on tenure after the full faculty has voted to offer an appointment; the usual voting rules on tenure shall apply.6

4.5.3 Lateral Appointments Other than Look-See Visits

In appropriate circumstances, the relevant Appointments Committee may recommend the appointment of a faculty member at another institution to a tenure-track or tenured position on the faculty of Loyola Law School. In such cases, the candidate or candidates shall be presented by the Committee as specified in Section 4.3, with the exception that the Committee may give a more comprehensive presentation concerning the candidate’s record of scholarship and teaching. A 60% majority is required to proceed with a lateral candidate. In the case of a lateral appointment to a tenured position, the tenured faculty will meet separately and vote on tenure after the full faculty has voted to offer an appointment; the usual voting rules on tenure shall apply. If the number of candidates for lateral (or other) appointments presented by the Committee exceeds the number of positions available, the faculty will rank the candidates according to the procedures outlined above in Section 4.3.3 (c).

6 This rule was amended by faculty vote on November 14, 2008
4.5.4 Early Consideration for Visitors and Lateral Appointments

In the event a candidate for a look-see visit or lateral appointment to a tenured or tenure-track position is presented to the faculty for early consideration, the procedure for deferral outlined in Step (2) of Section 4.4 shall apply.

4.6 Modification of Voting Procedures

4.6.1 Modification Upon Motion of the Appointments Committee

The relevant Appointments Committee shall notify the faculty of the candidates to be considered at an appointments meeting at least one week in advance of the meeting. If the relevant Appointments Committee determines that a change in voting rules is required by unusual circumstances, the Committee shall circulate to the faculty its proposal for a special voting rule at least one week in advance of the meeting and the faculty shall consider the special voting rule at the beginning of the portion of the meeting devoted to appointments matters. If the proposal for modification passes by majority vote, the meeting shall be conducted in accord with the modified voting procedures.

4.6.2 Advance Proposals for Modification of Voting Procedures

If any member of the faculty wishes to propose a voting rule different than the one provided in this policy or different from one proposed by relevant the Appointments Committee in Section 4.6.1, above, that faculty member must submit the proposal for a different voting rule to the faculty at least two days in advance of the appointments meeting. Such proposals for modification shall be considered at the beginning of the appointments portion of a meeting and shall require a second by five members of the voting faculty. If the proposal for modification passes by majority vote, the meeting shall be conducted in accord with the modified voting procedures.

4.6.3 Proposals for Modification after Votes Are Taken

If the application of either the procedures in this policy or special procedures proposed by the relevant Appointments Committee produces a result that is unsatisfactory to any member of the faculty, that member of the faculty may move for reconsideration of the decision and for the adoption of a different voting procedure. Except for a brief presentation by the faculty member who makes the motion, such a motion shall require a second by five members of the voting faculty.
before discussion begins. If the motion passes by a majority, then the faculty will reconsider the appointments decision using the new voting procedure.

4.6.4 Other Proposals for Modification Shall be Out of Order

A motion to alter the voting procedure at a meeting at which candidates are being considered shall be out-of-order except as provided in sections 4.6.1, 4.6.2, or 4.6.3, of these rules.

4.6.5 Effect of Modifications Made with Less than One Week’s Notice to the Faculty

Changes to the voting procedures made at a faculty meeting without being circulated one week in advance will apply at that meeting only. Changes to the voting procedures made under Section 4.6.1, shall apply only to the meeting for which they are proposed, unless the proposal specifically provides otherwise.

5. SUPPORT FOR PROFESSIONAL AND SCHOLARLY ACTIVITY

5.1 Professional Activities Allowance

Each member of the faculty receives a Professional Activities Allowance. The allowances and the procedures for using them are described fully in Sections 10.4 to below. The allowances are provided in order to enable faculty members to attend professional meetings and to engage in research and scholarship. The amount of the Professional Activities Allowance is set annually by the Dean. Holders of endowed Chairs and Rains and Deans Fellowships receive a supplement to the regular Professional Activities Allowance. Faculty allowances can be used for expenditures in three categories: (1) Travel, (2) Memberships, (3) Research and Instructional Materials.

*Please review the guidelines for faculty travel before planning any trip.* These guidelines can be found in Section 10.5.

5.2 Faculty Research Fellowship Program

5.2.1 Purposes

The Loyola Faculty Research Fellowship Program is designed to promote scholarly activities of individual faculty members and to solidify and enhance Loyola’s reputation as an engaged member of the academic and legal communities. The primary function of an academic
institution is to participate in the quest for knowledge and the advancement of human understanding through teaching and scholarship. As legal academics, we have a duty to participate in this quest, not only in the classroom, but also by engaging in serious scholarship designed to illuminate and improve the rule of law. This duty requires each of us to think about the law and its role in our society, to engage in serious research, and to publish our conclusions regularly. We must also recognize that our school’s reputation as an academic institution rests, in large part, on the quality and consistency of our participation in this process.

5.2.2 Criteria for Receiving a Research Fellowship

To be considered for a Research Fellowship, a proposed project must meet the following criteria, which are intended to promote the stated purposes of the Faculty Research Fellowship Program and are to be interpreted and applied so as best to advance those purposes.

A. Scholarly Criteria

(1) Scope: The project must be original, substantial, of a scholarly nature, and related to the law. It must be designed to achieve one or more of the following: (a) add to the existing body of knowledge in the chosen field; (b) present an analytical interpretation of an existing body of knowledge in the chosen field; (c) advance an original thesis; or (d) analyze, synthesize, and interpret data in the chosen field. The project may involve either doctrinal or non-doctrinal (e.g., empirical) research.

(2) Course materials: Although a project may be designed to culminate in the publication of a book such as a casebook or other teaching tool, it may not consist merely in the preparation of supplemental teaching materials for the applicant's own use.

(3) Other funding: In the evaluation of an application, the Research and Sabbaticals Committee shall consider whether the applicant has received or been promised for the project

• any non-Loyola Law School remuneration (excluding royalties); or

• other Loyola Law School funding, such as a sabbatical or a Dean’s or Rains Fellowship.

(4) Multiple authors: If a faculty member seeks a Research Fellowship for a project having more than one author, the presumption will be that the faculty member will be entitled to a per capita portion of the Research Fellowship amount. The faculty member may rebut this presumption by submitting materials that demonstrate why the faculty member should be granted an amount other than a per capita portion. Such materials may include:

• an explanation of why the project needs more than one author;
• a detailed outline of the entire proposed project that indicates the portion for which the applicant will be responsible;
• a statement about the interdisciplinary nature of the project along with an outline of the proposed project;
• a statement outlining the amount of time the applicant will spend on his or her portion of the project as compared to the entire amount of time to be spent on the project.
(5) Teaching summer school: An applicant may apply for a Fellowship even if he or she also will teach summer school at Loyola Law School.

B. Publication Criteria

Those who receive Research Fellowships assume a responsibility to publish the results of their scholarship in a manner fully accessible to the academy and the legal profession and through a means accepted by those communities as meeting the usual standards of good scholarship. Typically, this requires publication in academic law journals or books. This focus on the usual means of publication does not, however, foreclose other options when those options reflect the same standards of sustained scholarly analysis as would be expected in the more traditional modes of publication.

(1) Traditional publication format: The project must be intended and designed to result either in (a) publication (i) as an article in a law journal, (ii) as a separate monograph, or (iii) as all or part of a book; or (b) production of a work in another tangible medium such as a film or videotape. Publication in a traditional law review or book format will presumptively meet our publication standards.

(2) Alternative media/forms: Any alternative media projects must be supported by scholarly written text. The written text must satisfy the scholarly criteria set forth above. In addition, the publication/dissemination process in alternative media or forms should be similar to that used by traditional law reviews and book publishers and should include:
• editorial review;
• selectivity; and
• permanent post-publication availability.

5.2.3 Procedures

(1) Application: Fellowship applications must be submitted on the form provided by the Research and Sabbaticals Committee.

(2) Submission: Applications must be submitted to the Chair of the Research and Sabbaticals Committee on or before the deadline set by the Committee.
(3) **Review:** The Committee shall evaluate the applications and make recommendations to the Dean, who shall make the final decision. Both the Committee and the Dean shall act expeditiously.

(4) **Project substitution:** If a faculty member plans to make significant changes in either the subject matter or medium of an approved project the Committee strongly recommends that the faculty member submit a substitute application as soon as the faculty member determines that the approved project is not viable. This is particularly important should the faculty member desire to use the completed substituted project as a basis for seeking a subsequent Research Fellowship.

(5) **One Research Fellowship per publication:** There is a presumption that a faculty member may receive only one Research Fellowship for a single project. Therefore, if a faculty member seeks a Research Fellowship for a project that will require several years to complete, it will be presumed that only one Fellowship may be received for that project. This presumption may be overcome in the following ways:

(a) If a faculty member publishes parts or versions of the project separately, any such parts that would satisfy the criteria set forth above will satisfy the requirements of the Fellowship previously awarded and thus qualify the faculty member for a subsequent Fellowship.

Example: *A faculty member plans to write a book. If the book satisfies the substantive requirements for receiving a Research Fellowship, the faculty member may receive one Research Fellowship for the book. If the faculty member publishes chapters of the book as articles before publication of the entire book, any such publications that would satisfy the criteria set forth in this policy may be used as the basis for receiving a further Research Fellowship.*

(b) If the project is for a book that is not amenable to partial publication in other forms, an initial Fellowship may be awarded. Approval of a subsequent Fellowship will be subject to the following requirements: (1) the work completed under any prior Fellowship(s) must be substantially equivalent to a law review article; and (2) the remaining work to be completed under the subsequent grant must satisfy the criteria for a Research Fellowship. The Dean’s office will disburse the funds for the subsequent grant when the faculty member has received a publication commitment from a publisher. The faculty member must notify the Committee of the publication commitment and the Committee will then notify the Dean.

(6) **Review of Committee decision:** The Committee makes recommendations to the Dean based on the applications received. The ultimate decision as to the faculty member’s application rests with the Dean. The Committee will not reconsider the application. A faculty member who is dissatisfied with the resolution of his or her request for a Research Fellowship may petition the Dean for reconsideration.
5.2.4 Standards for Awarding Subsequent Research Fellowships

(1) Satisfaction of prior Fellowship: The award of a subsequent Research Fellowship is conditioned on the most recent previously-approved project satisfying the standards contained in these rules.

(2) Proof of satisfaction: If the previous project has been published, the applicant must submit a copy of the publication with the application. If the applicant has accepted an offer for publication, the applicant must submit a copy of the manuscript, accompanied by a letter of acceptance.

(3) Application prior to acceptance of offer to publish: Except as provided in Rule 5.2.4(4), a faculty member may apply for a subsequent Research Fellowship after he or she has submitted a prior project for publication. If the subsequent application is approved, the Dean’s office will disburse the funds after the faculty member has accepted an offer of publication for the prior project. The faculty member must notify the Committee of his or her acceptance of the offer and the Committee will notify the Dean so that the Dean may disburse the funds.

(4) Application prior to receipt of offer to publish multi-grant project: In the case where (1) an initial grant for a multiple grant project was funded, (2) a subsequent grant for the same project was approved but the funds not disbursed in accordance with Faculty Rule 5.2.3(5)(b) (“non-disbursed funds”) and (3) no offer of publication for the multiple grant project was received, a faculty member may not apply for a subsequent unrelated grant unless and until the faculty member either (1) submits an alternative project for which the faculty member has received an offer of publication or (2) the faculty member agrees to forgo the non-disbursed funds. The alternative project and proof of publication offer or the agreement to forgo the non-disbursed funds must accompany the application for the subsequent unrelated grant.

5.3 Clinical Research Fellowship Program

5.3.1 Purposes

The Loyola Clinical Research Fellowship Program is designed to promote academic activities of individual faculty members, in particular members of the clinical faculty, and to solidify and enhance Loyola’s reputation as an engaged member of the clinical legal and legal writing communities. During an initial pilot program, a limited number of Fellowships will be awarded each year to determine the effectiveness of the program. Thereafter, there will be no limit on the number of Fellowships except as the Dean may determine is necessitated by budgetary constraints.
5.3.2 Criteria for Receiving a Clinical Research Fellowship

To be considered for a Clinical Research Fellowship, a proposed project must meet the following criteria, which are intended to promote the stated purposes of the Clinical Research Fellowship Program and are to be interpreted and applied so as best to advance those purposes.

A. Project Criteria

(1) **Scope:** The project must be original, substantial, and related to clinical or skills instruction and must make a substantial contribution to the field.

(2) **Course materials:** Although a project may be designed to culminate in the publication of a book such as a casebook or the production of other teaching tools such as software, film, videotape, CD or DVD, it may not consist merely of the preparation of supplemental teaching materials for the applicant’s own use.

(3) **Other funding:** In the evaluation of an application, the Professional Skills Committee shall consider whether the applicant has received or been promised for the project.
   - Any non-Loyola Law School remuneration (excluding royalties); or
   - Other Loyola Law School funding, such as a sabbatical or a Dean’s or Rains Fellowship.

(4) **Multiple authors:** If a faculty member seeks a Clinical Research Fellowship for a project having more than one author, the presumption will be that the faculty member will be entitled to a per capita portion of the Research Fellowship amount. The faculty member may rebut this presumption by submitting materials that demonstrate why the faculty member should be granted an amount other than a per capita portion. Such materials may include:
   - An explanation of why the project needs more than one author;
   - A detailed outline of the entire proposed project that indicates the portion for which the applicant will be responsible;
   - A statement about the interdisciplinary nature of the project along with an outline of the proposed project;
   - A statement outlining the amount of time the applicant will spend on his or her portion of the project as compared to the entire amount of time to be spent on the project.

(5) **Teaching summer school:** An applicant may apply for a Clinical Research Fellowship even if he or she also will teach summer school at Loyola Law School.

B. Publication or Dissemination Criteria
Those who receive Clinical Research Fellowships assume a responsibility to publish or disseminate the results of their work in a manner fully accessible to the academy and the legal profession. The requirement of publication or dissemination does not foreclose dissemination in forms such as software, film, videotape, CD, or DVD.

(1) **Publication format:** The project must be intended and designed to result either in (a) publication (i) as an article in a law journal, (ii) as a separate monograph, or (iii) as all or part of a book; or (b) production of a work in another tangible medium such as software, film, videotape, CD, or DVD. Publication in a traditional law review or book format will presumptively meet our publication standards. Production and dissemination of a CD or DVD that could be used in Ethical Lawyering, Legal, Research and Writing, clinics, and other skills course (such as trial advocacy or negotiation), and in similar classes at other law schools and that otherwise satisfies the criteria set forth in these Standards, will presumptively meet our publication standards.  

(2) **Alternative media/forms:** Any project not published in a traditional print form must be supported by a written text. The written text must satisfy the criteria set forth above. In addition, the publication/dissemination process in alternative media or forms should include permanent post-publication availability.

### 5.3.3 Procedures

(1) **Application:** Applications must be submitted on the form provided by the Clinical Research Fellowships Committee (“the Committee”).

(2) **Submission:** Applications must be submitted to the Chair of the Committee on or before the deadline set by the Committee.

(3) **Review:** The Committee shall evaluate the applications and make recommendations to the Dean, who shall make the final decision. Both the Committee and the Dean shall act expeditiously.

(4) **Project substitution:** If a faculty member plans to make significant changes in either the subject matter or medium of an approved project the Committee strongly recommends that the faculty member submit a substitute application as soon as the faculty member determines that the approved project is not viable. This is particularly important should the faculty member desire to use the completed substituted project as a basis for seeking a subsequent Research Fellowship or Clinical Research Fellowship.

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7 For example, Professor Emeritus Michael Wolfson produced two sets of instructional videotapes, one on Ethics and one on Interviewing and Counseling. Both were distributed to law schools throughout the United States. Professors at other law schools have disseminated DVD’s. Larry Dubin of the University of Detroit School of Law, produced a DVD, entitled “From Grace to Redemption: A Tale of Two Lawyers,” containing extensive interviews with two lawyers who had serious disciplinary problems. The Legal Writing Institute maintains an extensive Idea Bank on its webpage that includes teaching materials for first year, upper level and drafting classes.
(5) **One Clinical Research Fellowship per publication or alternative project:**

There is a presumption that a faculty member may receive only one Clinical Research Fellowship for a single project. Therefore, if a faculty member seeks a Clinical Research Fellowship for a project that will require several years to complete it will be presumed that only one Fellowship may be received for that project. This presumption may be overcome in the following ways:

a. If a faculty member publishes, or disseminates as completed works, parts or versions of the project separately, any such parts that would satisfy the criteria set forth above will satisfy the requirements of the Fellowship previously awarded and thus qualify the faculty member for a subsequent Fellowship.

*Example: A faculty member plans to develop an alternative media interactive interviewing and counseling project for use in classes such as Ethical Lawyering. If the project satisfies the substantive requirements for receiving a Clinical Research Fellowship, the faculty member may receive a Clinical Research Fellowship for the project. If the faculty member completes and disseminates usable phases of the project before dissemination of the entire project, any completed and disseminated part of the project that would satisfy the criteria set forth in this policy may be used as the basis for receiving a further Clinical Research Fellowship.*

b. If the project is for a book or alternative media work that is not amenable to partial publication in other forms, an initial Clinical Fellowship may be awarded. Approval of a subsequent Fellowship for the same project will be subject to the following requirements: (1) the work completed under any prior Fellowship(s) must be substantially equivalent to a law review article or completed alternative media work; (2) the remaining work to be completed under the subsequent grant must satisfy the criteria for a Clinical Research Fellowship; and (3) the applicant must have disseminated the project as a completed work or received a commitment from a publisher to publish the work. The Dean’s office will disburse the funds for the subsequent grant when the faculty member has satisfied these requirements. The faculty member must notify the Committee and the Committee will then notify the Dean.

(6) **Review of Committee Decision:** The Committee makes recommendations to the Dean based on the applications received. The ultimate decision as to the faculty member’s application rests with the Dean. The Committee will not reconsider the application. A faculty member who is dissatisfied with the resolution of his or her request for a Clinical Research Fellowship may petition the Dean for reconsideration.

### 5.3.4 Standards for Awarding Subsequent Clinical Research Fellowships

(1) **Satisfaction of prior Fellowship:** The award of a subsequent Clinical Research Fellowship is conditioned on the most recent previously-approved project having satisfied the standards contained in these rules. In the case
of a project for which more than one grant has been approved, a faculty member may not apply for a subsequent unrelated grant until she has disseminated in final form or received an offer to publish the multi-grant project.

(2) **Proof of satisfaction**: If the previous project has been published or disseminated in final form, the applicant must submit a copy of the publication or alternative media project with the application.

(3) **Application prior to acceptance of offer to publish or disseminate**: Except as provided in Rule 5.2.4(4), a faculty member may apply for a subsequent Clinical Research Fellowship after he or she has submitted a prior project for publication or dissemination. If the subsequent application is approved, the Dean’s office will disburse the funds after the faculty member has accepted an offer of publication for the prior project. The faculty member must notify the Committee of his or her acceptance of the offer and the Committee will notify the Dean so that the Dean may disburse the funds.

(4) **Application when prior projects have been approved but not funded**: If an applicant previously received approval for a prior project but has not met the conditions necessary to receiving all or part of the funding for that project, the applicant may not apply for a subsequent Clinical Research Fellowship for an unrelated project unless the applicant agrees in writing to forgo permanently any funding for the prior project. The purpose of this rule is to avoid the need for the Law School to retain multiple contingent obligations on its books.  

5.4 **William M. Rains and Dean’s Fellowships**

5.4.1 **Purposes**

The principal purpose of the Rains and Dean’s Fellowships is to encourage the continued productivity of those tenured faculty members who have previously engaged in substantial service to scholarship, the Law School, or the legal profession. They are three-year faculty fellowships that operate differently from the usual research grants. The fellowship allows a recipient the freedom to pursue academic inquiry over a longer period of time without having to submit a detailed research proposal each year before receiving funding. The fellowship thus constitutes recognition of the fellow’s demonstrated record of past achievement and indicates the Law School’s confidence that the fellow will continue to be productive in the future.

Typically, the fellowships support long-range “traditional” research and writing, such as a book or series of law review articles. But the fellowship also could be used for other pursuits

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8 Rule 5.3 was adopted by faculty vote on April 23, 2008.
9 Rule 5.4 was revised by faculty vote on December 7, 2009.
consistent with the fellowship’s academic purposes, including creation of new or unique teaching materials, participation in extracurricular activities leading to a significant amount of writing in service to the legal profession (such as work for a law revision commission), undertaking empirical research, etc.

### 5.4.2 Procedures for Awarding of Fellowships

A committee made up of faculty who hold permanent chairs recommends the award of Rains and Dean’s Fellowships and renewals. The committee shall inform the dean in writing of the basis for the decision on each application. The Dean makes the final decision regarding awards. An applicant’s fellowship cannot begin (nor fellowship funds disbursed) until the applicant has completed work on any outstanding projects for which the applicant received an earlier Loyola grant (such as a summer grant). Faculty interested in receiving fellowships or renewing such fellowships must apply by February 1 of any year in which a fellowship is available and indicate to the committee why the faculty member should receive a fellowship. The application consists of a *curriculum vitae* reporting past service to scholarship, the Law School, or the profession, and a statement outlining the general areas of inquiry that he or she currently intends to pursue. In deciding who receives a fellowship, the committee examines the applicant’s record of previous achievements, including the applicant’s history of productivity after he or she received summer grants or sabbaticals.

### 5.4.3 Criteria for Rains and Dean’s Fellowships

The Rains and Dean’s Fellowships Committee shall recommend to the Dean that a tenured faculty member receive an initial Rains, Dean’s or equivalent three-year faculty fellowship if the tenured faculty member meets the following criteria:

1. The faculty member is a tenured member of the Loyola faculty. Tenure begins in effect July 1 following the grant of tenure. Faculty members voted tenure but not yet receiving the grant of tenure are ineligible to apply for the fellowship.

2. The faculty member has engaged in a significant amount of scholarship in the five years before his or her application for the fellowship.
   a. A significant amount of scholarship shall consist of either (a) four published law review articles substantial in length and quality or (b) one published book containing a substantial amount of original legal analysis and of substantial length and quality.

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10 Rule 5.4.2 was amended by faculty vote on December 7, 2010.
b. The scholarship may consist of traditional law review articles, treatises or casebooks as well as articles or books directed to practitioners.

c. The faculty member’s scholarship must be of a quality such as to merit the receipt of the fellowship.

d. The applicant should specifically state the five-year period relied upon to meet this rule, and rely either on works published or works completed during a single five-year period.

e. If the applicant relies upon co-authored works to meet the requirement of this rule, the applicant should explain how much of the co-authored work was the work product of the applicant and how the author’s own work product meets the requirement of the rule.11

(3) In addition, the faculty member must, after obtaining tenure, have continued to make a substantial contribution to Loyola Law School in both teaching and service.12

5.4.4 Obligations of Rains and Dean’s Fellowship Holders; Renewal

(1) Recipients are encouraged to make a faculty presentation or workshop concerning a project funded by the fellowship during or immediately after the fellowship period.

(2) Upon a fellow’s application for renewal of the fellowship, the committee shall recommend to the Dean renewal of a faculty member’s Rains, Dean’s or equivalent Fellowship so long as the faculty member:

a. Has completed the project or projects contemplated in previous grants, or equivalent projects, and

b. Continues to engage in scholarship that in amount and quality would satisfy the standards for originally granting a fellowship, and

c. Continues to make a substantial contribution to LLS in both teaching and service.

5.4.5 Use of Fellowships

Rains and Dean’s fellowships are ordinarily given for a three-year period; in appropriate circumstances, the Fellowships may be awarded or renewed for one or two years.

11 Rule 5.4.3 was amended by faculty vote on December 7, 2010.
12 Rule 5.4.3 was revised by faculty vote on December 7, 2009.
5.5 Sabbaticals

5.5.1 Purpose of Sabbatical Leave

Sabbatical leave consists of one semester at full pay, or one academic year at half-pay. The primary purpose of sabbatical leave is to afford faculty members time to enhance their teaching, scholarship, administrative skills, or service to the community. It provides an opportunity for renewal and reflection, a chance to focus on one issue or set of issues without interruption. It is an investment in the future of both the individual and the institution. AAUP standards reflect these purposes:

Leaves of absence are among the most important means by which the teaching effectiveness of faculty members may be enhanced, their scholarly usefulness enlarged, and an institution’s academic program strengthened and developed. A sound program of leaves is therefore of vital importance to a college or university, and it is the obligation of faculty members to makes sure of the available means, including leaves, to promote their professional competence. The major purpose is to provide opportunity for continued professional growth and new, or renewed, intellectual achievement through study, research, writing, and travel.

5.5.2 Qualifying Activities: General Criteria

(1) Because the purposes of sabbatical are so varied, and because each member of the faculty has a different set of goals and ambitions, it is not possible to define exactly what a faculty member should do during sabbatical leave. It is possible, however, to state some general criteria. Unlike work done in connection with a Faculty Research Fellowship, sabbatical leave need not culminate in a tangible product such as an article, book, or publishable teaching materials. However, sabbatical activities must

a. enhance the faculty member’s teaching, scholarly work, service to the Law School or University, or service to the broader community that draws on the faculty member’s professional skills;

b. consist of work that benefits from the concentrated efforts that are difficult to accomplish during the normal academic routine of academic work; and

c. occupy a substantial amount of the faculty member’s working time during the leave.

(2) Sabbatical leave must not be used to engage in substantially paid work such as full-time employment at another academic institution, law firm, or government agency.
5.5.3 Eligibility

(1) **Twelve-semester period:** Full-time tenured or tenure-track faculty members are eligible for sabbatical leave at the beginning of the academic year following the year in which they have accumulated twelve or more semesters as full-time Loyola faculty members. Summer session is not a semester for purposes of sabbatical leave eligibility. The Dean shall determine eligibility for sabbatical leave of full-time faculty members who are not on the tenure track.

(2) **Credit for time spent teaching at another academic institution:** Time spent as a full-time member of another faculty is not counted toward the twelve-semester period unless the Dean has approved such credit in writing at the time the faculty member is hired by Loyola Law School. The Dean shall, upon hiring, inform the faculty member of this policy.

(3) **Breaks in the twelve semester period:** Leaves of absence and sabbatical leaves do not count toward the twelve semester period unless the faculty member has obtained authorization by the Dean in writing prior to the leave. If a faculty member elects to take a one-semester sabbatical at full pay, the non-sabbatical semester during the sabbatical year shall count in the calculation of eligibility toward the faculty member’s next sabbatical.

(4) **Accumulation of semesters:** Eligible semesters in excess of twelve continue to accumulate for subsequent sabbaticals.

(5) **Return following sabbatical:** A faculty member must return to Loyola Law School immediately after the conclusion of sabbatical unless the faculty member obtains written permission from the Dean.

5.5.4 Application Procedure

(1) A faculty member seeking sabbatical leave must submit an application to the Research and Sabbaticals Committee no later than November 15th of the academic year preceding the year of intended sabbatical.

(2) The application form will request the following information:

a. a detailed statement describing how the proposed activities will meet the broad criteria set forth in Rule 5.5.2; and

b. an explanation of how the faculty member has satisfied the twelve-semester requirement, with a specific list of every semester of eligibility upon which the application depends, and, if the faculty member has accumulated more than twelve semesters, a listing of the additional academic years and semesters accumulated.

5.5.5 Research and Sabbaticals Committee Recommendations

(1) Before the end of the Fall Semester or as soon thereafter as practicable, the Research and Sabbaticals Committee shall review each application to determine whether, in the opinion of the Committee, the application
satisfies the criteria set forth in Rule 5.5.2, whether the applicant’s most recent leave, if any, satisfied the criteria of Rule 5.5.2, and whether the applicant has accumulated the required twelve semesters of credit.

(2) As soon as practicable after conducting its review, the Committee shall prepare and forward to the Dean a memorandum summarizing its findings regarding each application. The memorandum shall also recommend whether the Dean should approve or disapprove each application.

5.5.6 Approval by the Dean

(1) The Dean shall review the findings of the Research and Sabbaticals Committee and determine whether each application meets or does not meet the criteria of Rule 5.5.2.

(2) Subject to the provisions of paragraph (3) immediately following, the Dean shall approve all qualifying applications.

(3) If the Dean decides that fiscal, scheduling, or other considerations make it imprudent to grant each application that meets the criteria of Rule 5.5.2, the Dean shall prioritize applications beginning with those applicants who have accumulated the greatest number of semesters of credit toward sabbatical leave and those whose sabbaticals have been deferred.

(4) After the Dean has made final decisions on all applications, the Dean shall notify each applicant of the findings, and shall announce to the full faculty the names and sabbatical plans of each faculty member who will receive sabbatical leave.

5.5.7 Post-Sabbatical Report

Within 90 days after a faculty member’s sabbatical leave has ended, the faculty member must submit to the Research and Sabbaticals Committee a report describing the activities undertaken during the sabbatical. The Research and Sabbaticals Committee shall then forward a copy of each report to the full faculty. The faculty member is also encouraged to discuss the sabbatical activities in a formal or informal workshop during the first semester following the sabbatical.13

5.6 Leaves for Fellowships and Other Educational Programs

5.6.1 Statement of Policy

The Law School follows the following policy instituted administratively by the Dean in 1987. The preamble to the policy states as follows:

13 Rule 5.5 was amended by faculty vote on April 28, 2009.
There are a number of programs nationally and internationally, most prominently the Fulbright program, which provides valuable educational, service and research opportunities. Unfortunately, the stipends and honoraria attached to these programs rarely provide sufficient support for faculty members to undertake them without substantial sacrifice. Since faculty participation may well enrich the quality of the law school’s programs and certainly enhances our standing and prestige, it is reasonable for us to provide meaningful support for faculty who pursue these opportunities.

5.6.2 Granting of Leaves

Upon the recommendation of the Research and Sabbaticals Committee and the concurrence of the Dean, faculty who are selected to participate in academic fellowship, enrichment or research programs may be granted direct support by the law school in accordance with the following guidelines:

1. The program must be full-time during the regular academic year.
2. The program must provide meaningful opportunities to enrich the participating faculty member’s professional, academic, cultural skills and/or provide significant opportunity for public service.
3. Traditional, salaried visiting professorships will not qualify.
4. Faculty members who participate in these programs and receive support must agree to return to Loyola for a two-year period following completion of their participation.
5. Participants agree that their participation shall be in lieu of sabbatical leave, to the extent that the six-year period for accrual of sabbatical credit shall begin upon returning to Loyola.
6. Faculty may participate in this program only once during a five-year period.
7. Support for participation shall be secondary to support for and participation in the regular sabbatical program.

Upon the above conditions being met, Loyola will provide salary support on a dollar for dollar matching basis to the fellowship or program up to a maximum of 40% of salary.

5.7 Research Assistants

Each full-time faculty member is entitled to research assistance from students as follows: (1) up to a maximum of 20 hours per week during the fall and spring semesters for a total of 400 hours during the regular academic year; and (2) up to a maximum of 40 hours per week during the summer, up to a total of 350 hours. If a faculty member concludes that his or her work requires
the use of additional hours of research assistance, he or she must provide a written explanation to
the Associate Dean for Research, who may then approve the additional hours. Faculty members
may choose any upper-division or LL.M. student they wish to serve in this capacity, but the student
must be currently enrolled at Loyola as a full-time or part-time student. First year students are
ineligible for work-study. No full-time student is allowed to work for more than twenty hours per
week except during the summer months. Students hired by the faculty as research assistants should
be eligible for the “work-study” program administered by the Law School; if they are not, the
hiring professor should speak with the Associate Dean for Research before making a hiring
decision.

Faculty members may use their research assistants to perform whatever work is necessary
to fulfill their responsibilities as members of the faculty. A research assistant is available to help
the faculty member with research and class preparation, but a research assistant is not permitted to
grade essay examinations or student papers. If the professor gives quizzes, short exercises or
research projects which can be graded with a simple answer key (i.e. true/false, or multiple choice),
the research assistant may grade those items. The research assistant should not, however, exercise
any judgment in grading.

Once a faculty member has selected a research assistant, he or she should send the student
to the Financial Aid Office to verify the student’s eligibility for work-study. If eligible, the student
will be provided with a contract, which the faculty member and the student will sign and return to
the Financial Aid Office. The student may not begin working prior to submitting a signed contract.
To receive payment for hours worked, the student must complete a time sheet detailing the hours
worked and submit the sheet to the faculty member for his or her signature. Faculty should ensure
that their research assistants submit their time sheets in a timely manner.

The Financial Aid Office establishes deadlines each semester for determining work-study
eligibility. It is important that faculty members observe these deadlines in the process of hiring a
research assistant.

5.8 Faculty Support Services (FSS)

5.8.1 General Statement

Members of the full-time faculty are entitled to adequate faculty support services for the
completion of Law School-related tasks. Faculty Legal Assistant assignments are made at the
discretion of the Assistant Director of Faculty Support Services. Faculty members may not use this assistance to perform personal tasks unrelated to their duties as members of the faculty.

5.8.2 Technology Assistance

Faculty Support Services provides assistance to faculty members in using available technologies and software that the Law School has adopted as standard. The Department is proficient in Microsoft Word and other Microsoft Office software, but does not support non-standard software.

5.8.3 Policies Regarding Use of Faculty Support Services

5.8.3.1 Exams

If a professor wishes to have his or her assistant type an exam, the professor should submit the exam to the assistant no later than two weeks prior to the exam date to allow sufficient time for typing, revisions and duplication. If a professor is not able to submit an exam two weeks prior to its administration date, the professor should make every effort to give a partial draft to his or her assistant by the two-week deadline. If a professor submits an exam to his or her assistant only for duplication, the professor should submit the exam no later than one week prior to the exam date, to allow sufficient time for processing by Graphics and the Registrar’s Office. Toward the end of the Fall and Spring semesters Faculty Support will notify the faculty of the due dates for exam processing.

5.8.3.2 Manuscripts, Articles, and Longer Documents

Faculty Support Services assigns a high priority to the completion of articles and work for publication. When a publisher has given the author a deadline, that project will be given priority over those with no deadline or promised date of completion.

Course Materials: Faculty should endeavor to submit course materials to their assistants as early as possible to comply with Graphics Department deadlines.

5.8.3.3 Course Web Pages

A course web page or TWEN page will be created by your faculty legal assistant for each of your courses. It is an institutional practice for professors to post their first reading assignments and initial syllabi about 2 weeks before classes start. First reading assignments typically identify
the required texts and list the assignment for the first week of classes. It is recommended to post all materials distributed to students throughout the semester so that students have easy access to them.

The law school uses TWEN from Thomson-West for course web page delivery. It provides a secure environment for course material and is accessible only to Loyola Law School students. It consolidates all course materials under one login so it is easier for students to access. You may contact our Thomson-West representative, Scott Wilson, for more information about how to use these features. Scott can be reached at scott.wilson@thomsonreuters.com. General questions regarding TWEN should be directed to the staff of Thomson-West. They are available 24/7 at 1-800-486-4876.

5.9 Library Services

5.9.1 Faculty Study

The library provides a faculty study on the second floor of Rains. The study is equipped with four computers, a printer, large tables and individual carrels. Faculty members are welcome to use the room for large research projects or as a retreat. Faculty can access the study by swiping their Loyola identification cards through the card reader. For any computer and/or printing issues, please contact the CRC Help Desk at x1426, Edwin Majano (Edwin.majano@lls.edu; x1417), Florante Ibanez (Florante.Ibanez@lls.edu; x1431), or David Burch (david.burch@lls.edu; x1115).
5.9.2 Reference services

The reference librarians are available to provide reference and research services to faculty members. The reference librarians specialize in legal information and are familiar with the full range of resources offered by the law library. Services include

- Direct research assistance to you
- Specialized research training for your student research assistants
- Training on Westlaw, Lexis Advance, Bloomberg Law, and other electronic resources
- Guest lectures on research topics in your classes
- Identification and retrieval of library materials
- Subject bibliographies

You are encouraged to contact the reference librarians via email, reference@lls.edu or telephone, x1141.

5.9.3 Accessing Materials

5.9.3.1 Library Catalog

Print and electronic resources held by the William M. Rains Library can be identified by using the library catalog found on the library web page, http://library.lls.edu. Library materials are checked out to faculty for the academic year.

To request delivery of library materials, please contact the Circulation Desk (x1117). Your research assistants can also check out materials in your name.

5.9.3.2 Electronic Resources

The library subscribes to a number of electronic resources. Electronic resources are included in the library catalog. A list of frequently used databases is available on the library web page, http://lls.edu/library/research/databases/.

Most electronic resources are authenticated by IP address; when on campus you simply click the hyperlink. To access IP authenticated resources off-campus, you will automatically be re-routed through the proxy link to log in. You will only be required to login once using your LLS credentials. After initial login you'll be authenticated for off-campus access.
As part of Loyola Marymount University (LMU), faculty, staff, and students have access to the wide range of electronic resources provided by LMU’s William H. Hannon Library. These resources include social science, business, and historical databases. You can access LMU’s electronic databases while on campus by going directly to the Hannon Library’s web site, http://library.lmu.edu. To access LMU’s electronic resources off-campus, you can log in remotely to Hannon library databases using your LLS username and password. This is the same username and password you use for your LLS email. Off-campus access to LMU licensed databases is limited to LLS faculty and staff. LLS students only have on-campus access. For database access issues, please contact Suzie Shatarevyan (suzie.shatarevyan@lls.edu; x1147).

5.9.4 Interlibrary Loan

Material that is not available in the library can be requested through interlibrary loan (ILL). You may contact your library liaison or Denise Kawecki (denise.kawecki@lls.edu; x8126) to request an ILL. ILL forms are also available on the library web page, http://lls.edu/library/services/interlibraryloanill/

Please include as much information as possible in your request. Normal ILL requests take up to two weeks to receive. If you need the material more quickly, be sure to identify your request as a RUSH and include the date by which the material is needed. We will do our best to expedite delivery. ILL items will be sent to your campus mailbox.

5.9.5 Suggest a Book or Journal for Purchase

We welcome suggestions for additions to the library collection. Suggestions for purchases can be made by contacting the reference librarians or Laura Cadra (laura.cadra@lls.edu; x 1141). You may also submit a purchase request at http://lls.edu/library/forfaculty/purchaserequests/.

5.9.6 LexisNexis, Westlaw, and Bloomberg Law

5.9.6.1 Passwords

Contact a reference librarian or David Burch (david.burch@lls.edu; x1115) to request passwords for Lexis Advance, Westlaw, or Bloomberg Law, or for questions about your account.
5.9.6.2 TWEN

Loyola Law School uses Westlaw’s TWEN as its electronic course management system. Assistance with TWEN is usually provided by Faculty Support, but David Burch and the reference librarians can also provide assistance with TWEN.

5.9.7 Current Awareness

The Library maintains subscriptions to SmartCILP, which provides customizable subject access to current articles from over 570 American law reviews, and Bloomberg/BNA, which provides customizable email updates from over 100 newsletters on a variety of legal and business topics. For information about setting up these services, please contact a reference librarian.

5.9.7.1 New Acquisitions

A list of the library’s recently acquired materials can be found on the library web page under the Featured list at http://linus.lmu.edu/search~S3/?ftlist*bib196%2C1%2C0%2C301/mode=2

5.9.7.2 Routing

New issues of journals can be routed to faculty upon request. Please hold a routed issue for no more than two weeks. If you need additional time, the issue will be returned to you when the routing is complete. For assistance, contact your Suzie Shatarevyan at suzie.shatarevyan@lls.edu.

5.9.8 Research Assistance

5.9.8.1 Reference Librarians

The reference librarians hold both J.D. and M.L.I.S. degrees and can assist you with all of your research needs, including research in non-legal areas. The reference librarians can research broad topics or find discrete pieces of information. If you are unsure whether the reference librarians can assist you with an aspect of your research, just ask!

5.9.8.2 Reference Desk

Research assistance is provided to the Loyola Law School community at the Rains Library Reference Desk. The Reference Desk is located on the first floor, behind the Circulation Desk. When classes are in session, the Reference Desk is staffed 1 p.m. - 7:00 p.m. Monday through
Thursday. Reference service is also available by appointment, telephone (x1177), and email (reference@lls.edu).

While faculty members are welcome to visit the Reference Desk, more personalized attention can be provided by contacting a reference librarian directly. Your research assistants are welcome to stop by the Reference Desk or make an appointment with a reference librarian for individualized research consultations.

5.9.9 Course Assistance

5.9.9.1 Course Reserves

Library materials may be placed on Course Reserve at any time. About one month before each semester, the library will send out a Course Reserve Request form by e-mail. You can reply to the email or contact either Ken Seiple (kenneth.seiple@lls.edu; x8125) or the Circulation Desk (circdesk@lls.edu; x1117).

If you wish to put material that the library does not currently own on Course Reserve, we will need to order it from the publisher.

5.9.9.2 Past Exams

The library makes past exams available to students in a password protected portion of the library web page as well as in print at the Circulation Desk. To make your past exams available to your students, send them either in print or by email attachment to either Ken Seiple (ken.seiple@lls.edu; x8125) or the Circulation Desk (circdesk@lls.edu; x1117).

5.9.9.3 Class Presentations

Reference librarians are available to conduct presentations on research-related topics in any of your classes. The content and duration of the presentation can be tailored to your specific needs. Please contact a reference librarian to schedule a presentation.

5.9.9.4 Student Meetings

The Reference librarians can schedule individual or small group meetings with students in your classes. In these meetings, the librarian typically helps students develop research strategies for papers or other class-related projects.
6. CURRICULUM AND ACADEMIC STANDARDS

6.1 Student Attendance

6.1.1 Attendance in General

Standard 308 of the ABA Standards for Approval of Law Schools and Interpretations states in pertinent part:

(a) A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance.

The Law School adheres to Standard 308. With the exception of first-week class meetings, which are discussed below, it is the obligation of individual faculty members to establish policies in their classes which ensure compliance with Standard 308. That policy must be announced to the students in the class. If a student is at risk of violating a faculty member’s attendance policy and being excluded from class attendance, the professor should make every effort to warn the student in writing before the violation occurs. **Faculty should also contact the Director of Student Affairs (and copy the Registrar’s Office) concerning students who are at risk of violating or who violate attendance rules.**

6.1.2 Attendance During First Week of Classes

Professors who teach upper-division (i.e., non-first-year) classes must take roll for each session that the class meets during the first week of the semester. Faculty should get their current class rosters through FWS or Faculty Support. **After each class meeting during the first week, the professor must immediately send to the Office of the Registrar a list of all students who did not attend a class meeting and whom the professor did not excuse from attendance.** A professor may, in his or her discretion, for good cause excuse a student from attending a class meeting during the first week, if the student contacts the professor prior to the time the class meets. Thereafter, the Registrar will drop all students who have unexcused absences during the first-week of class, and a student on the wait-list will be notified that he or she may register for the class.

The policy of dropping students who do not attend during the first week of class does not always apply, however, to required upper-division classes such as Ethical Lawyering and Evidence. Students are sometimes assigned involuntarily to sections of these classes, and a student may not avoid such an involuntary assignment by missing the first week of class. This policy is administered by the Office of the Registrar and faculty members should address questions
regarding the policy to the Registrar. Please remember to also contact the Director of Student Affairs about students who are in danger of violating the attendance rule.

6.1.3 Enrollment in Classes

Enrollment in classes is determined only through the Office of the Registrar. Faculty members may not independently enroll a student in a class.

6.2 Course Changes

Faculty members may not independently change the time or locations of their classes. All such changes must be authorized by the Associate Dean for Faculty and the Registrar.

6.3 Rescheduling of Classes

The Dean has established the following policy on canceled and “make-up” classes.

6.3.1 Notice to Students

6.3.1.1 Notify Faculty Support and the Information Center

If you need to cancel a class for any reason, notify the Associate Dean for Faculty, Faculty Support and the Information Center. Faculty Support will post a notice on the classroom door, the course TWEN page and e-mail the students via TWEN. The Information Center will put a message on the E-board.

Please notify the Associate Dean for Faculty, Faculty Support, and the Information Center every time you reschedule a class. Rescheduling without notification creates a variety of problems, including students who do not get adequate notice.

If you are going to cancel a first year class with one or two days’ notice, please alert your assistant to this fact. Because first year classes meet consistently in the same room, we can get notice to the students, who can then plan accordingly. Students get frustrated when they come in for a class that is canceled and then find out that this information could have been given to them the day before. This is especially true of evening students.

6.3.2 Rescheduling for Professional Reasons

Faculty members may reschedule classes for professional reasons, such as attendance at an academic conference. Each faculty member may reschedule classes meeting on a maximum of
four calendar days during the course of the academic year. No more than three of these days shall occur in any single semester.

For example, a faculty member who had two different classes that met on three days each week could reschedule all three days, for a total of six different class sessions—using the maximum rescheduling allowance for the semester, but saving one day for rescheduling the next semester. The faculty member shall inform the Associate Dean for Faculty of such class cancellations in advance, and shall include information in that notice concerning make-up classes. Rescheduling in addition to the four-day maximum for professional reasons must be approved in writing by the Associate Dean for Faculty in advance.

6.3.3 Cancellations During the First and Last Weeks of Class

Faculty members are urged not to cancel classes during the first or last week of class without very good reasons. Cancellations during the first and last week for reasons other than illness or family emergency should be approved in advance by the Associate Dean for Faculty.

6.3.4 Rescheduling for Reasons of Illness or Family Emergency

Classes canceled because of the faculty member’s illness or family/personal emergencies are not included in this limitation on cancellations. However, written notice of make-up classes should be provided to the Associate Dean for Faculty at the earliest possible time.

6.3.5 Definition of Canceled Class for the Purposes of this Policy

Rearranged or exchanged classes with other professors, and classes in which there are guest lecturers when the professor is not present, are canceled classes for the purposes of the limitations in this policy.

6.3.6 Requests for Waivers

If a professor seeks an exception to this policy to permit the rescheduling of a greater number of classes, a written request must be made in advance to the Associate Dean for Faculty. Permission will be granted only under extraordinary circumstances. Excess unexcused, rescheduled, or missed classes will be taken into consideration in salary determinations and evaluations.
6.3.7 Modifications of Class Schedules for Academic Reasons

This policy does not affect modifications of class schedules when required as a part of the academic process (such as individual student conferences, review of drafts of papers, and the like).

6.4 Directed Research

Faculty members have an obligation to supervise Directed Research projects in their fields of expertise if so requested by a student (see Rule 7.2.4). No faculty member, however, may supervise more than four such projects in one academic year. As part of that supervision, the faculty member must (1) discuss the project with the student, (2) approve the student’s Directed Research Request and supporting documentation (i.e., a statement of the project and citation of at least five sources the student expects to be relevant to the final paper), (3) ensure that the student is completing the project, (4) receive and critique at least one draft of the paper, and (5) certify that the completed project meets appropriate academic standards. Directed Research papers are due no later than 12:00 PM on the last day of that term’s examination period. To ensure timely submission you may wish to consider setting an earlier due date.

6.5 Other Policies on Academic Credit and Student Behavior

The Law School’s policies on academic credit and on student behavior are included in the Student Handbook. A copy of the handbook is distributed to each first-year student and is available online to all students.

The handbook also contains the Law School’s policies on student discipline. If a faculty member believes that a student has violated any of the policies in the handbook, the faculty member must report the matter to the Associate Dean for Faculty.

6.6 Adding A Course To The Permanent Curriculum

The Associate Dean for Faculty may, on a trial basis, approve the teaching of a new course not already listed in the permanent curriculum. Such provisional approval may be granted up to twice for any particular course.

6.6.1 Petition Process

Subject to 6.6.3 below, if a faculty member wishes to teach a new course a third or more times, he or she shall submit a Petition in writing to the Chair of the Curriculum Committee.
It is the responsibility of the professor to submit the Petition in a timely manner. The Chair may, at his or her discretion, accept untimely Petitions.

The Petition should include the following information:

1) A concise course description, suitable for placement in the registration materials
2) A brief description of how the course adds to or complements the existing curriculum, i.e., a brief statement concerning the desirability of adding the course to the permanent curriculum
3) An identification of any current course that substantially covers material addressed in the proposed course
4) An identification of any prerequisite(s)
5) The course’s unit value
6) The frequency with this course will be, or should be, offered
7) Whether the course fulfills the writing requirement
8) A syllabus, with reading assignments

6.6.2 Decision and Appeal

The Committee shall act upon any Petition submitted according to 6.6.1. The Curriculum Committee should not lightly withhold approval of a faculty member’s Petition, and should before reaching a final determination to deny a Petition provide a fair and adequate opportunity for the faculty member to be heard and a chance to revise the original petition to address any concerns raised by the Committee. However, valid reasons may exist for Committee denial, such as significant overlap between a proposed course and other course(s) already in the permanent curriculum, or serious staffing concerns.

If, after due consideration, the Committee denies a faculty member’s Petition to add a course to the permanent curriculum, the faculty member may appeal that decision, as follows: the Committee, upon the faculty member’s request, shall place the matter on the agenda of the next faculty meeting (subject to Rule 1.7.4) and shall circulate to the faculty a copy of the Committee’s report denying the faculty member’s Petition. The faculty may approve the course by simple majority vote.

The Curriculum Committee shall promptly communicate in writing the result of any decision or appeal to the Registrar’s Office, upon which the Registrar shall remove the experimental tag associated with the course.
6.6.3 Exclusions

This section 6.6 shall not apply to intersession courses, clinics, field placements, competition teams, or any course authorized by a faculty vote (such as a course created as part of a new graduate law program or similar program of study, or a new course created as a first year elective, etc.). It shall also not apply to any new course offered by a visitor, adjunct, or other individual who is not a full-time member of the faculty.

7. FINAL EXAMINATIONS AND GRADING

7.1 Examination Policies

7.1.1 General

Each semester the Associate Dean for Faculty, in conjunction with The Office of the Registrar and the Director of Student Affairs, updates the law school’s examination policies. These policies are reflected in a memorandum distributed to all faculty by the Associate Dean for Faculty. The most recent memorandum is attached hereto as Appendix T and is hereby incorporated by reference into this Handbook.

7.1.2 Required Closed-Book Examinations

Final examinations in non-seminar courses identified by the faculty that focus predominantly on subjects regularly tested on the California bar examination or multistate bar examinations must be closed to all materials except for materials provided by the Registrar as part of the exam. The current list of such courses is as follows: Business Associations, California Civil Procedure, Civil Procedure, Constitutional Law, Contracts, Criminal Law, Criminal Procedure, Ethical Lawyering, Evidence, First Amendment Survey, Law of Sales: Domestic & International; Marital Property, Property, Property II, Remedies, Torts, Torts II, and Trusts and Wills.

Closed-book examinations administered by the Registrar, as described above, must constitute the primary means of determining a student's final grade in each of the courses listed. However, the final grade may, at the instructor's discretion, also incorporate evaluative components that do not involve a closed-book examination administered by the Registrar, as long as such components do not amount to more than fifty (50) percent of a student's final grade in the course. If the final grade incorporates evaluative components that do not involve a closed-book examination, the grading of the closed-book examination components must conform to the
scale, mean and standard deviation applicable to the course under Rule 7.2.2 of the Faculty Handbook.

7.1.3 First Year Exams

In first-year courses other than Legal Research and Writing, at least 50% of the mid-year grade and the final exam shall be determined by means of one or more multi-issue essay questions.

7.1.4 Multiple-Choice Examinations

The usual policy for multiple-choice examinations is to require students to mark answers in the examination software or manually using a Scantron form, and not to award credit for answers marked only or differently on the question sheet. If you depart from this usual practice, please include directions as to how the examination will be graded in the event that a student fails to answer the questions in the examination software or the Scantron form if the student is a hand writer.

Examinations are scored by the Office of the Registrar. The Office of the Registrar can provide to the faculty member a spreadsheet with the identification numbers, raw scores and normalized scores for students taking the multiple-choice portion of an examination.

7.1.5 Problems During Examination Administrations

If problems arise during an examination, the student will first inquire of the proctor, who will inform the Office of the Registrar. The Office of the Registrar will then communicate directly with the faculty member. Faculty members shall communicate to the Office of the Registrar where they can be reached during the administration of their examinations, either on campus or by telephone. Faculty members are encouraged to review their examination instructions carefully, and to include instructions addressing how students should handle ambiguities, breaks, and access to materials during breaks for closed book examination.

7.1.6 Examination Rescheduling Policy

An examination may be postponed by student request if the request is for one of the reasons set forth in the Student Handbook. Postponements may not be granted by individual professors but must be approved by the Registrar to ensure that student requests for postponement are treated uniformly. In some cases, the Law School may be required to reschedule an examination as an accommodation to a student with a disability under the Americans with Disabilities Act. In
such cases, the request for an accommodation will be processed by the Office of Student Affairs in coordination with the Disability Committee.

The policy on rescheduling of student examination set forth in the Student Handbook is as follows:

If a student's examination is approved to be rescheduled, it is left to the discretion of the Office of the Registrar to determine the day and time that the examination is to be administered.

An examination may only be rescheduled for one of the following reasons:

a) A time conflict exists between examinations.

A time conflict is defined as two or more examinations scheduled on the same calendar day (not within a 24 hour period). Examinations that do not occur on the same calendar day are not considered in conflict and will not be rescheduled. For example, a morning examination that is directly preceded by an evening examination is not subject to rescheduling.

One of the examinations in conflict will be rescheduled by the Office of the Registrar to the next available examination day. The student will be notified of the rescheduled examination date in writing prior to the beginning of the examination period. If a student does not wish to have his/her examination rescheduled, he/she should notify the Office of the Registrar in writing.

b) Religious observation prevents the student from taking the examination on a particular day.

At least three weeks prior to the beginning of the examination period, the student must submit a petition to the Office of the Registrar with documentation and signed verification an appropriate member of the clergy.

c) The student has a serious documented illness or other medical emergency.

The student must submit a petition to the Office of the Registrar with documentation and signed verification by a licensed medical professional.

d) The student has a death in the immediate family.

The student must submit a petition to the Office of the Registrar with a copy of the death certificate or notice.

e) There are extraordinary and compelling circumstances beyond the student's control.
The student must submit a petition to the Office of the Registrar with any pertinent documentation.

The *Student Handbook* also sets forth the procedures which a student must follow to obtain a rescheduling of an examination.

### 7.1.7 Mid-Semester and Mid-Year Examinations

#### 7.1.7.1 Mid-Year Grades in Year-Long Courses

In all courses taught over two semesters, at least twenty-five percent (25%) of a student’s final grade (exclusive of participation) must be determined during the first semester. Mid-year grades are not reported on a student’s transcript. However, the grades are reported to the Office of the Registrar and made available to students on their individual web accounts. Mid-year grades are used for academic-support assessment and other administrative purposes.

There is no required curve for mid-year examinations, although faculty members are encouraged to give mid-year grades that will not mislead students as to their final grade. Accurate information can be conveyed in several different methods. One method is to normalize mid-year grades on the same scale as final grades.

If this method is chosen, students should be warned that the collapse of standard deviations on multiple components may push out grades at the extremes, i.e. low grades may become even lower and high grades even higher. Another method is to use a slightly higher standard deviation for the midterm, for example 7.00 instead of 6.00 for a first year class. Another method is to give out raw scores and communicate information about the mean and range.

#### 7.1.7.2 Interim (Mid-Semester and Mid-Year) Grades in Five-Unit, First Year Courses

In all required five-unit, first year courses (*i.e.*, Civil Procedure, Contracts, Property and Torts) taught for five credits in one semester, at least twenty-five percent (25%) of a student’s grade (exclusive of participation) must be based on graded evaluation(s) other than the final examination. If the graded evaluation is an in-class exam, the grade shall be determined in part by means of one or more multi-issue essay questions. Beyond the grade(s), students must be provided with feedback on the professor’s evaluation(s). This requirement can be met by, for example, specific comments on individual exams or general feedback such as the providing of a sample or
model answer. In particular, professors are strongly encouraged to review with the individual student exams earning a grade of C or lower.

7.1.7.3 Proctoring Services for Mid-Semester Examinations

The Office of the Registrar cannot guarantee the availability of proctoring services for mid-semester examinations that are not required by Law School rules. If you will need such services, please make your request by the end of the first week of the semester. Although the Office of the Registrar will attempt to accommodate your request, proctors may not be available for such optional mid-semester examination dates.

Proctoring services for first year courses are available for mid-year examinations in year-long courses and for mid-semester examinations in one semester five-unit required courses.

7.1.8 Collection of Final Papers and Take-Home Examinations

Please refer to the Vital Exam Memo attached hereto as Appendix T for the most current policies governing Final Papers and Take-Home Examinations.

7.2 Grading Policies for J.D. Candidates

These policies apply to grading J.D. candidates.

Over the past few years, the law school has diversified its degree offerings. In addition to the JD, the law school now offers the following graduate law degrees: Doctor of Juridical Science (“JSD”), Master of Laws – Taxation (“Tax LLM”), Master of Laws (“LLM”) (formerly known as the Master of Laws – Foreign Students (“LLM – FTA”)), Master of Science in Legal Studies (“MLS”), and Master of Taxation (“MT”). If you teach a course containing any of these graduate law degree candidates, special rules apply as described in Rule 5.6 and in the memo at Appendix L to this Handbook.

7.2.1 Deadlines for Grades

It is the responsibility of each professor to turn in grades in a timely manner. At the direction of the Dean, at the end of classes, the Registrar issues to each professor a deadline for handing in grades for that semester. Generally, grades for objective examinations are due two weeks after the date of the examination; and grades for essay or combination exams are due three weeks after the date of the examination.
There are special deadlines for first-year classes. **Grades for fall first-year classes are due no later than the first Friday of January.** These grades directly affect spring registration for the first-year class. Grades for spring first-year classes are due four weeks after the date of the exam.

Faculty members are expected to adhere to these deadlines. If they cannot adhere to the deadlines, they must notify the Associate Dean for Faculty as soon as they realize this and explain why they cannot meet the deadline.

### 7.2.2 Grading Scale and Normalization Policy

Grades given by faculty members must conform to the grading policy established by the faculty. This policy governs the scale as well as the mean and standard deviation of grades. Grades that are submitted in violation of the policy will not be accepted by the Office of the Registrar. If grades in violation of the policy are submitted, the grades will be returned to the instructor for regrading in accordance with the grading policy. If an instructor fails to submit grades that accord with the policy within a reasonable time, the Registrar in consultation with the Associate Dean for Faculty shall normalize the grades in accordance with the grading policy.

#### 7.2.2.1 Grading Range

The normal grading range is from 55 to 100. The number grades correspond to letter grades as reflected in the chart below. The minimum passing grade is 70 (C). Grades between 55 and 69 (D and F) are considered failing grades for which unit credit is not earned. While unit credit is not earned for a failing grade, point value is assigned for a D and an F for purposes of computing grade point averages.

<table>
<thead>
<tr>
<th>Numerical Score</th>
<th>Letter Grade</th>
<th>GPA Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>55-66</td>
<td>F</td>
<td>.333</td>
</tr>
<tr>
<td>67-69</td>
<td>D</td>
<td>1.333</td>
</tr>
<tr>
<td>70-72</td>
<td>C</td>
<td>2.0</td>
</tr>
<tr>
<td>73-75</td>
<td>C+</td>
<td>2.333</td>
</tr>
<tr>
<td>76-78</td>
<td>B-</td>
<td>2.667</td>
</tr>
<tr>
<td>79-81</td>
<td>B</td>
<td>3.0</td>
</tr>
<tr>
<td>82-84</td>
<td>B+</td>
<td>3.333</td>
</tr>
<tr>
<td>85-87</td>
<td>A-</td>
<td>3.667</td>
</tr>
<tr>
<td>88-90</td>
<td>A</td>
<td>4.0</td>
</tr>
<tr>
<td>91-93</td>
<td>A+</td>
<td>4.333</td>
</tr>
<tr>
<td>94-100</td>
<td>A+*</td>
<td>4.667</td>
</tr>
</tbody>
</table>
Note: Regardless of a student’s cumulative grade point average, a D or F grade is a failing grade and no unit credit is awarded.

7.2.2.2 Normalization and Translation

Final grades are normalized (curved). Normalization may be accomplished via a normalization program that is available on the network, by a spreadsheet, or by manual calculation. If the raw scores for a given course already meet the normalization criteria, they may be submitted as is; there is no need for use of the normalization procedures. A copy of the most recent instructions for the normalization program is provided in Appendix J.

Normalization requirements do not apply to component or partial grades; only final submitted grades must conform to these rules. However, faculty are urged to use compatible normalization criteria in determining component grades to assure consistency in grading.

7.2.2.3 Two-Decimal-Place Rule

The normalization rules apply to two decimal places. Means and standard deviations are expressed to two decimal places for the purposes of the Law School’s normalization rules. The two-decimal-place rule constrains ultimate grades in courses in which a range of means or standard deviations is permitted. In courses for which there is a set mean and standard deviation, e.g., 6.00 and 81.00 in first year courses, the set value shall be used in normalizing grades. If this is done using one of the approved normalization programs, the two-decimal-place rule shall be deemed satisfied.

7.2.2.3.1 Grading Rules for First-Year Courses

All first year courses, with the exception of Legal Research and Writing and the First Year Elective, (i.e., California Civil Procedure, Contracts, Criminal Law, Property, and Torts) will have a mandatory mean of 81.00 and a mandatory standard deviation of 6.00. This rule applies to both the Day and the Evening Divisions, even though, with respect to the latter, some of these courses will be taken in the second year.

The mean for the First-Year Elective, with the exception of Law and Process, will be determined based on the mean grade point average of the students enrolled in the class, as calculated using the final grades from all courses other than the elective course. There will be a mandatory standard deviation of 4.00-6.00 for the First Year Elective.
Legal Research and Writing and Law and Process will have a mandatory mean of 81.00 and a mandatory standard deviation of 4.00-6.00.

7.2.2.3.2 Grading Rules for Advanced Courses

The following represents the grading range for the mandatory mean and the mandatory standard deviation (S.D.) for all upper division courses, except as otherwise noted:

a. Mandatory Mean and Standard Deviation

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Mean</th>
<th>S.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 or more students</td>
<td>82.00</td>
<td>6.00</td>
</tr>
<tr>
<td>8 - 30 students</td>
<td>82.00-85.00</td>
<td>None</td>
</tr>
<tr>
<td>7 or fewer students</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

b. Exceptions to the Mandatory Mean and Standard Deviation

(1) Ethical Lawyering will have a mandatory mean of 85.00 and a mandatory standard deviation of 5.00.

(2) Legal Writing Skills II will have a mandatory mean of 81.00 and no mandatory standard deviation.

(3) Small Classes
If the mean cumulative grade point average for a class with 8 -30 students exceeds 85.00, a professor may use a class mean above 85.00, but no higher than the mean cumulative grade point average. The mean cumulative grade point average shall be computed using only grade point averages of J.D. students enrolled in the class as of the last day for withdrawing from the course. Grades earned at other institutions will not be included in the grade point average calculation. This exception does not apply to Ethical Lawyering or Legal Writing Skills II.

(4) Calculation of the Mean and Standard Deviation in Mixed J.D. and LL.M. Classes
In applying the grading rules to courses in which Juris Doctor and Master of Laws students are enrolled, only Juris Doctor students will be counted in determining the applicable mean and standard deviation, and only Juris Doctor students will be included in the relevant grading curve.

7.2.2.3.3 Non-Scoring

Every JD student who receives a grade at the time grades are submitted to the Office of the Registrar must be included in the class mean and standard deviation for the purposes of determining compliance with the grading policy. Students pursuing the LLM, MLS, MT and JSD programs are exceptions to this rule. (See Appendix L - Grading Graduate Law Students) Non-
scoring of a student (removing a student from the calculation of the class mean and standard
deviation) may only be done for compelling reasons with the express approval of the Associate
Dean for Faculty. A memo from the Associate Dean for Faculty on non-scoring is attached hereto
as Appendix Q.

7.2.2.3.4 The Normalization Formula

Normalization is usually accomplished via one of the normalization programs or with a
spreadsheet. Raw scores are converted to normalized grades using a formula that calculates a
normalized score for each student based on that student’s raw score. The basic formula for
normalization is as follows:

\[ N_i = FM + \left( \frac{R_i - MRS}{SDRS} \right) \times FSD \]

Where:

- \( N_i \) is the Normalized score for student \( i \),
- \( FM \) is the Forced Mean for the class,
- \( R_i \) is Raw score for student \( i \),
- \( MRS \) is the Mean of the Raw Scores,
- \( FSD \) is the Forced Standard Deviation, and
- \( SDRS \) is the Standard Deviation of the Raw Scores.

Application of the normalization formula to a set of raw scores will result in normalized
grades that meet the limits on mean and standard deviation, if the Forced Mean and Forced
Standard Deviation used are within the approved limits. See Normalization Program, Appendix J.

7.2.3 Upper-Division Writing Requirement

This requirement may be fulfilled at any time after completion of the first year day or
evening. In order to fulfill the requirement, the student must complete a 2-unit research paper or
papers, as more specifically set forth below.

The requirement may be satisfied in one of three ways:

a. Completion of a directed research paper, as described in section 7.2.4 (Directed
Research), if the supervising faculty member certifies that the paper satisfies the writing
requirement.

b. Completion of an upper division course in which at least one-third of the grade is based
upon the completion of one or more papers requiring substantial research. The total
length of the paper or papers must be no less than 7,500 words of main body text,
exclusive of footnotes, bibliography, and any appendices. If the professor assigns only one paper in the course, it must be rewritten in response to the professor’s comments on an earlier draft. If the professor assigns multiple papers in the course, at least one of the papers should be no less than 3,750 words of main body text, exclusive of footnotes, bibliography, and any appendices, and it must be rewritten in response to the professor’s comments on an earlier draft. If multiple papers are being used to satisfy the requirement, they cumulatively must satisfy the 7,500 word minimum. Note: Only a course with the designation “U” on the course offerings page (or as “WRITING” in the course catalog descriptions) can be used to satisfy this requirement, and the professor must certify that the student’s paper or papers satisfy the writing requirement.

c. Completion of a substantial writing project comprising one or more notes, case comments, or sections of a multi-author student-written work for one of the Law Reviews (“Law Review Project”), provided that the text in the aggregate meets the length requirements for a directed research paper and the faculty supervision requirements for a directed research paper as described in section 7.2.4 (Directed Research).

Students participating in the Scott Moot Court Honors program may use material prepared in conjunction with a moot court competition as a basis for a directed research paper. However, the final paper must be written by the student alone and must meet all of the requirements listed in Rule 7.2.4.

7.2.4 Directed Research

A student may earn academic credit for a research paper completed under the direct supervision of a full-time faculty member. An adjunct faculty member may not supervise a directed research.

A student normally may receive credit for only one (1) directed research paper. Under extraordinary circumstances and upon the recommendation of the faculty member, the Associate Dean for Faculty may waive this rule.

A directed research paper normally may be approved for two (2) units only. Under extraordinary circumstances and upon the recommendation of the faculty member, the Associate Dean for Faculty may approve a one-unit directed research paper.

Credit will be granted for a directed research paper only upon compliance with the following requirements:

a. The paper must reflect substantial research in areas that do not duplicate the student’s preexisting knowledge.

b. The student must complete a draft, receive the supervising faculty member’s comments thereon, and submit a revised final paper. It is the student’s responsibility to ascertain the due dates for both the draft and the final paper, arrange the method by which the draft and final paper will be submitted to the professor, and ensure --
by confirming actual receipt by the professor -- that the professor receives, in a timely manner, both the draft and the final paper.

c. The total length of the final paper must be no less than 7,500 words of main body text, exclusive of footnotes, bibliography, and any appendices.

A student may not repeat a directed research paper.

Approval of a directed research paper must be obtained according to the following procedure:

a. The student shall submit a Directed Research Request form to a member of the full-time faculty who has agreed to supervise the paper. This form requires a 250-word description of the paper and the citation of at least five (5) sources (which may include cases, law review articles or monographs) the student expects to be relevant to the paper. Under extraordinary circumstances, and upon the recommendation of the faculty member, the Associate Dean for Faculty may permit a student to submit the 250-word description and list of five sources no later than one week after the Associate Dean’s approval of the Directed Research Request.

b. After the student receives the signed proposal from the faculty member, the student must take the form to the Office of the Registrar. The deadline to submit the Directed Research Request to the Office of the Registrar is the last day to add classes as noted in the Office of the Registrar’s Administrative Calendar.

c. The Office of the Registrar will then forward a copy of the signed proposal to the Associate Dean for Faculty for approval. The Associate Dean will ordinarily approve or disapprove the proposal within five working days after the student has submitted it to the Office of the Registrar.

Ordinarily, a faculty member may not supervise more than four directed research papers in any academic year.

7.3 Incompletes

7.3.1 For Paper Courses

7.3.1.1 Criteria for Incompletes

A grade of “Incomplete” may be awarded in paper courses if either of the following two requirements is met:

7.3.1.1.1 Faculty Determination

The faculty member grading the paper determines that the student has not written a satisfactory paper by the last day of the examination period, and the faculty member has determined that the paper should be rewritten rather than graded in its current form. This section does not apply to students in their final semester before graduation.
7.3.1.2 Extraordinary Circumstances

There are very extraordinary circumstances as described below with respect to courses other than paper courses as described in Section 7.3.2

7.3.1.2 Definition of Paper Course

For the purposes of this rule, a paper course is a course in which the grade is determined solely on the basis of a paper. Examples of paper courses include: (1) directed research in which the project is a paper; and (2) seminar courses in which the grade is based solely on a paper with the exception of participation points. Take-home examinations are not papers for the purpose of this rule. A petition to request an “Incomplete” in a paper course should be obtained by the student from the Office of the Registrar and submitted to the faculty member who signs the form, indicates the due date for the paper and files the form with the Office of the Registrar.

7.3.1.3 Deadlines

An “Incomplete” in a paper course must be made up by the end of the next regular semester (fall and spring), except for graduating students. The paper must be submitted to the faculty member grading the paper course by the last regular class day of the next regular semester or by an earlier date to be specified by the faculty member. Failure to make up an “Incomplete” will result in a grade of 55 or Fail being entered for the course on the student’s transcript. Graduating students may not receive an “Incomplete” in a paper course except for very extraordinary reasons as described below.

7.3.1.4 Effect of Incompletes

The effects of “Incompletes” on the computation of grade point average and academic standing are described below (Section 7.3.2.7.) Students should note that academic standing will still be determined for them even if they have an “Incomplete” grade on their record for the academic year. Students concerned about being placed on academic probation or being academically disqualified should carefully consider what effect an “Incomplete” grade might have on their academic standing.
7.3.2 For All Courses Other than Paper Courses

7.3.2.1 Extraordinary Circumstances

Because of very extraordinary circumstances, a student may not be able to complete the course requirements in a timely fashion. For good cause shown, a student may be permitted to receive an “Incomplete.” Granting an “Incomplete” is a rare exception and not the rule. In all cases the burden of justification for not completing the course requirements rests with the student filing the petition.

7.3.2.2 Petition/Procedures

The petition for an “Incomplete” must be filed as soon as possible with the Office of the Registrar after the occurrence of the circumstances on which it is based. Delay in filing the petition, unless otherwise excused, may in itself be grounds for denying the petition.

7.3.2.3 Petition Requirements

No arrangements for fulfilling course requirements can be made by the professor until after a student has filed the petition, and an “Incomplete” has been granted.

7.3.2.4 Make-Up Deadlines for Examination Courses

Students who receive an “Incomplete” in a course requiring an examination must complete the course requirements no later than the next time an examination is regularly given in that course. Failure to do so will result in a grade of 55 in the course.

7.3.2.5 Make-Up Deadlines for Non-Examination Courses

Students who receive an “Incomplete” in a course not requiring an examination must complete the course requirements no later than the last day of classes of the next succeeding semester or by such earlier date as is specified by the instructor. Failure to do so will result in a grade of 55 in the course.

7.3.2.6 Subsequent Offerings

A student who receives an “Incomplete” in a course does not have a right to attend subsequent offerings of that class.
7.3.2.7 Effect on G.P.A.

An “Incomplete” grade will not affect the computation of a student’s term or cumulative grade point average. Academic standing (i.e., academic good standing, academic probation, and academic disqualification) will be determined for a student at the conclusion of the Spring semester of an academic year even if the student has an “Incomplete” grade on his/her record for that year.

When a grade to replace the “Incomplete” is determined, that grade will be recorded for the term during which the “Incomplete” grade was made up. The original “Incomplete” notation remains on the transcript. The final grade (which replaced the “Incomplete” grade) is posted with the notation “Remove “I” grade” followed by the semester in which the Incomplete was posted and will then affect the computation of the student’s term and cumulative grade point averages.

7.4 Post Examination and Grading Policies

7.4.1 Posting Grades

Each instructor may distribute anonymous grade data, such as the class mean or range. This information can be handed back with the examinations, for example, as a handout to accompany each exam, or it can be distributed in another way. The important thing to remember is that individual student grades may not be associated with names or examination numbers.

The Office of the Registrar distributes individual grades to individual students via the student’s Personal Records Online Web Link (PROWL). The Office of the Registrar does not distribute any information about student’s relative performance in individual classes, other than notifying students who are eligible to receive First Honors awards in those classes for which such awards are given.

No class grades will be officially posted until after the examination period is concluded.

7.4.2 Transfer of Exam Materials

Students must return examinations to the proctor with all examination materials sealed in a clear plastic bag. After grading the examination, faculty members should return these envelopes with all material received to Faculty Support where they ready the exam answers/papers to be distributed through the Graphics Department. The faculty member may also retain the examination materials himself or herself. Please take care to ensure that you do not return multiple-choice questions to Faculty Support for distribution to the students, if you intend to reuse
the questions. Each faculty member is responsible for ensuring the confidentiality of past examination questions that may be reused; Faculty Support and Graphics cannot assume this responsibility.

Examination essay and multiple choice answer files that are completed using the Law Schools’ examination software are collected from a secured server. Each examination answer file is encrypted for increased security and integrity and is retrieved and printed (essays) and scored (multiple choice) by the Office of the Registrar. As with the blue books, each examination essay is printed and placed in a clear plastic bag with all examination materials and sealed for delivery to the Faculty Support office for distribution within 48 hours. The reports for multiple choice components are sent to the professor via email.

7.4.3 Grade Challenges and Changes

The Student Handbook contains the following policy with regard to students who wish to challenge a grade:

A student may challenge a recorded grade only on the ground that it was inaccurately recorded due to clerical error, not on the ground that the student feels he/she should have received a higher grade. Where it is believed that a clerical error was made in recording a grade, the student must first contact the professor involved and the Registrar before invoking any challenge procedures.

The Student Handbook contains the following policy with regard to changes of grade:

Once submitted to the Office of the Registrar, grades will not be changed except (1) in case of clerical error or (2) in case the grades submitted for a course do not conform to the standards set forth in the Grading Rules for First Year and Advanced Courses above.

A faculty member who seeks a change of grade for the cause named must present a written petition to the Associate Dean for Faculty. A written petition for a grade change must be rejected by the Associate Dean for Faculty unless the petition itself contains an explanation of the clerical or computational error involved. If the written explanation is sufficient on its face to show a clerical or computational error, the petition must be approved by the Associate Dean. If it does not, the petition will not be approved.

The requested change will become effective only after the petition has been approved by the Associate Dean for Faculty and filed with the Office of the Registrar.
7.4.4 Review of Student Examinations

Students are entitled to reasonable post-examination review of their examination results. Faculty members may provide such review in a variety of ways: individual meetings with students, by preparation of grading sheets handed back with the examination, or by holding a general review of the examination open to all students. If individual students wish to discuss their examination with a professor, the professor has an obligation to meet with those students at mutually agreeable, convenient times and discuss the examination for a reasonable time. With respect to multiple choice examinations for which a faculty member wishes to preserve confidentiality, the faculty member may limit review of questions and answers to the faculty member’s office or another secure or monitored location, but students are entitled to post-examination review for all forms of examination.

7.4.5 Retention of Examination Books

Item 7 of the Council Statements of the American Bar Association Section of Legal Education and Admissions to the Bar states as follows:

Law Schools approved by the American Bar Association should practice the policy of retaining examination booklets for a period of one year. This policy applies only if the examination booklet has not been returned to the student.

Loyola Law School adheres to this policy. Accordingly, if a faculty member retains student answers to exam questions rather than returns them to students through Faculty Support/Graphics Department, he or she must retain them for at least one year.

Accordingly, faculty members should retain all student examinations at least one year from the date that the examination originally was given. Alternatively, the faculty member may send the examinations to Faculty Support, which will make the examinations available to students through the Graphics Department and keep a record of which examinations were returned to students.

7.5 Consideration of Class Participation in Grading

For the purposes of this rule, class participation is defined as a student's daily class work in contrast to papers, presentations, assigned critiques or exercises such as closing arguments and negotiations; a seminar is defined as a small advanced class usually of twenty students or less, in which the student's work, in the form of research papers, class presentation and/or substantial
non-examination oral and written work, in contrast to an examination, constitute a substantial component of the course; seminars shall be identified as such in the registration materials; a practical skills-related course is one which emphasizes the theory and practice of lawyering tasks such as counseling, negotiation, discovery, and trial and appellate advocacy.

A professor may take class participation into account in assigning a final grade. With the exception of seminars and skills-related classes, no more than three points, plus or minus, may be assigned for class participation. A professor who intends to take class participation into account in assigning grades shall make an announcement to that effect at the beginning of the course, and shall submit the class participation points to the Registrar no later than the time he/she submits the final grades for the course. No points will be taken into account once the grades are received by the Office of the Registrar.

In seminars and elective skills-related classes, a professor may count class participation up to one-half of the final grade, provided that:

a. the lowest grade for class participation is 55 on a 100 scale;

b. the professor announces in advance that class participation will be counted in accordance with this provision; and

c. the professor affords all students in the class an equal opportunity to participate and encourages all students in the class to participate.

Nothing in these rules is intended to interfere with or limit a professor's use of graded quizzes, oral presentations, papers or assigned exercises (other than daily class participation) as parts of the educational and evaluative processes in any course; provided that (1) the requirements of Standard 303 of the ABA Standards for the Approval of Law Schools and AALS Executive Committee Regulation 6-7.8 are met; and (2) the general policy favoring grading anonymity is followed to the maximum extent compatible with the academic goals of the class.

### 7.6 Special Grading Rules for Graduate Law Students

Over the past few years, the law school has diversified its degree offerings. In addition to the JD, the law school now offers the following Graduate Law degrees:

- Doctor of Juridical Science (“JSD”)
- Master of Laws – Taxation (“Tax LLM”)
- Master of Laws (“LLM”)
- Master of Science in Legal Studies (“MLS”)
- Master of Taxation (“MT”)


The Office of the Registrar has prepared a memo that introduces you to these programs, explains the special grading rules that apply to Graduate Law students in these programs, and flags issues of which you should be aware in the event Graduate Law students enroll in your course. The memo can be found at Appendix L to this Handbook. In addition, you can access the memo and other documents relating to Graduate Law grading at the following link: https://www.lls.edu/academics/officeoftheregistrar/lfg2435/grading/

If Graduate Law students are enrolled in your course, the Office of the Registrar will contact you to let you know this at the beginning of the semester and to inform you of the special grading rules that apply. If you have questions about the grading rules for Graduate Law students, please contact the Office of the Registrar first. If you have any other questions about the Graduate Law students enrolled in your course, you can contact the Associate Dean for Faculty or one of the following faculty directors:

- For Tax LLM or MT students, contact Professor Jennifer Kowal, Director of the Tax LLM Program, at 213-736-8349 or Jennifer.kowal@lls.edu.
- For JSD or LLM students, contact Professor Aaron Ghirardelli, Director of the LLM & JSD Programs, at 213-736-1483 or aaron.ghirardelli@lls.edu.
- For MLS students, contact Professor Katherine Lyons, Faculty Director of the MLS Program, at 213-736-1094 or Katherine.Lyons@lls.edu.

Finally, information concerning the students and academic rules for each Graduate Law degree program is contained in student handbooks tailored for each program. To request a copy of any Graduate Law degree program handbook, please contact the appropriate faculty director listed above or the Associate Dean for Faculty.

8. CAMPUS COMPUTING

8.1 Policy Statement

It is the policy of the Law School to provide each faculty member with the essential computer support necessary to meet his or her academic needs. Each faculty member will be provided with a computer, standard productivity software (e.g., Microsoft Office), and access to email, university cloud storage services, and the Internet. To assure that faculty computers meet current configuration and performance standards, they will be upgraded or replaced on a scheduled basis. Faculty having unique computing needs should address them to the Associate Dean for Faculty.

8.2 Organizational Structure for Law School Computing

LMU’s Information Technology Services (ITS), in partnership with Law School Technology Services, is responsible for the Law School’s computing and technology needs. The Director of Law School Technology Services reports to the Associate Dean for Finance and
Administration. Westchester’s Chief Information Officer chairs the Law School Technology Advisory Committee (TAC), which is an oversight committee comprised of the Associate Deans, the Director of Law School Technology Services, and the faculty chair of ITC. TAC works in conjunction with ITS in setting technology policy for the Law School, subject to review and approval by the Dean.

The Faculty Instructional Technology Committee (ITC) is a liaison committee of the TAC. It reviews technology needs for the faculty, including teaching technologies, and recommends policy matters to the TAC and Dean on behalf of the faculty. Faculty Support Services (FSS) assists ITS in meeting faculty technology support needs including training in the use of standard application software and services. The Library computing staff works in conjunction with ITS in providing access to and support for library specific computer based services. This includes coordinating support for Lexis-Nexis, Westlaw, and Bloomberg services.

8.3 Information Technology Services

Information Technology Services endeavors to provide support for faculty business computing needs. This includes supporting campus networks, secure cloud storage services, internet access, standard application software; and Law School provided laptop or desktop computers. ITS does not provide purchasing or technical assistance for personally owned equipment used on or off campus, including cell phones. If you have questions about the scope of support provided by ITS please speak with the Associate Dean for Faculty.

8.3.1 Technical Help

Information Technology Services will provide technical support to any malfunction or disruption in faculty computing and related technology services. In the event of equipment failure or technical questions, faculty should contact the ITS Helpdesk either by phone (extension 1097) or by email (helpdesk@lls.edu). The Help Desk will respond to queries during stated business hours:

- Monday-Thursday: 8:00 am to 5:00 pm
- Friday: 8:00 am to 4:30 pm

Faculty Support Services may also be able to provide routine technical assistance on certain software related matters.
8.3.2 Training

The Law School encourages faculty members to become proficient in using available technologies to enhance personal productivity. Faculty are also encouraged to familiarize themselves with the potential instructional value of teaching technologies available in each classroom. To facilitate this, the Instructional Design and Technology Department will periodically offer group training sessions and upon request provide individualized training for faculty in such areas as internet access, use of instructional technologies, and using supported desktop application software. FSS can also provide individualized training on many standard applications. ITS provides supplemental tutorials, manuals and reference material that can be accessed on-line via Lynda.com or school websites (its.lmu.edu and my.lls.edu). Contact the Help Desk (x1197) or Instructional Design and Technology (x1111) for instruction on how to access that resource.

8.4 Standardization

As a rule, computer and other technical configurations not adopted by the Law School or Westchester are unsupported. With the prior written approval of the Associate Dean for Research, faculty may use their professional allowances to purchase non-supported items required to accomplish research initiatives, with the understanding that in many cases ITS may not have the expertise or resources to either install, maintain, or provide training on the respective item.

The Instructional Technology Committee will periodically review faculty computing needs and make recommendations for adoptions of new products and services.

8.5 Access to the Campus Network and the Internet

Faculty computers have access to both the campus network and the internet. Technology systems are designed to facilitate communication among the administration, faculty, and staff through both private email and email lists. To maximize the efficient delivery of helpdesk support, software, and related technologies to network users, the users’ official LLS username and/or email address will be utilized for all support. Other services include network-based printing, and high-speed access to internet services including Westlaw, Lexis-Nexis, Bloomberg, and secure cloud storage services. Some services may be provided through the Library.

The Law School has adopted an Acceptable Use Policy (AUP) that covers the use of computing facilities for internet access, email, and web publishing. The AUP can be found at
8.5.1 Access to the Network

The majority of faculty members use Law School provided laptop computers which can access the network either via cable or wireless connections. Access to the wireless network requires a user account issued at the time of hire. The same user account and password used for email can also be used for wireless access and access to the Banner Student Information System, also known as Faculty Web Services (FWS –lls.edu/fws). The login to a Law School provided laptop will have the same username and password as email. Login to the laptop provides access to network based printers and the internet.

Efforts are made to secure the campus computer network against unauthorized access. In order to preserve security, faculty members are required to use secure login passwords which they do not share and keep secret (except as provided in § 8.5.2.3). Research assistants must not be given faculty member’s user IDs or passwords to gain access to the network. Research assistants are given a separate ID and password and access to needed resources can be requested through the Helpdesk.

8.5.2 Email

Issued email accounts follow a lastname-firstinitial or firstinitial-lastname naming convention with a limit of 7 characters for the last name (e.g., smithj1 or jsmith17). The same format is used to log in to services (e.g. jsmith17 or jsmith17@lls.edu), while the format of Firstname.Lastname@lls.edu is used to look up other users and is what most faculty distribute for electronic correspondence. If you forget your username, you may visit my.lmu.edu to retrieve it.

ITS does not provide support for other available email services (e.g., aol, hotmail, etc.) and cannot be responsible for delivery failures to or from other email services. Where feasible ITS will try to help troubleshoot email problems, but message exchange issues involving other sites may not always be resolvable.

8.5.2.1 Usage Guidelines for Campus Email

Email is the official means of electronic communication among the faculty. Except where otherwise specified in this Handbook (e.g., voting procedures), the use of email is equivalent to
hard copy memos. It is expected that faculty members will regularly read their email by accessing it themselves. To do so otherwise violates adopted security standards related to information privacy and spoofing.

8.5.2.2 Using E-mail

For common issues that may arise, faculty are encouraged to consult available on-line help files relevant to their chosen email client software prior to seeking assistance from FSS or ITS.

The University uses Outlook 365 for email, shared calendaring, and contact storage. For instruction and detailed information about this service, please visit: https://its.lmu.edu/microsoft365/.

8.5.2.3 E-mail and Discussion Groups for Instructional Purposes

Email provides a useful means for communication between instructor and students, and among students. Discussion groups made available through TWEN serve a similar function. Faculty members can establish email lists and discussion groups for their classes (or for other academic purposes) through the use of the course management software (currently TWEN from Thomson West).

8.5.3 Internet Services

The Law School network has a high-speed connection to the internet. ITS endeavors to provide continuous, reliable and efficient Internet access. However, because of growing demands, the Law School must constantly upgrade its equipment and access services. This may result in brief service interruptions from time to time. Scheduled interruptions may take place early in the morning, on weekends and on holidays.

It is the policy of the Law School that individual Internet usage is confidential. Users should be aware; however, that any network access may introduce vulnerabilities which can be used by “hackers” and “malware” to compromise any digitally transmitted or stored information. ITS routinely monitors the Law School network for statistical purposes related to performance and also to prevent large scale network attacks apt to disrupt network services. Individualized or targeted monitoring of faculty usage is not done.
8.5.4 Westlaw/Lexis/Bloomberg

Westlaw, Lexis, and Bloomberg services are available on the network; faculty may also access these services from home over the Internet. Faculty may obtain passwords from the Library by contacting the Computer Resource Center at x1426.

8.5.5 Remote Access

Faculty with personal ISP services (e.g., DSL, cable-modem, etc.), can access certain Law School provided network services from off campus. These include email and various cloud services. ITS does not provide any support for DSL and cable-modem based services. ITS does not support personal cell phones and related services. Faculty are responsible for their home computers, personal remote access services, personal telephone services, and respective configurations.

8.6 Security on the Network

Storage of confidential material on the network can raise concerns about security. The security of files stored on the network depends on two factors: (1) the location where the files are stored, and (2) whether or not the files are encrypted. Examinations pose special security issues.

8.6.1 Security and Drives

Faculty has three options for storing data files. Each provides advantages and disadvantages for security, convenience, and reliability.

The University provides secure, cloud-based document management, collaboration, and file storage through Box (box.lls.edu). This is the most secure way to store files. Once files are uploaded to Box, they are completely encrypted. Box encrypts data while it is in the Box account (encryption at rest). All content in Box is kept in multiple data centers with multiple providers, ensuring redundancy of service and high availability for data. All Box data centers use a variety of secure mechanisms to protect data, including strict access policies plus secure vaults and cages. Please note, that if you delete an item from your account, those files cannot be recovered once the trash has been emptied.

Content stored in Box is encrypted and safe to store FERPA data. Box also provides the administrative, technical and physical safeguards to support HIPAA compliance. However, it is
still important that Faculty protect their LLS account credentials to prevent unauthorized access to their Box account.

Files stored on the local hard drive on an office computer are only as secure as the office itself and the password used to control access to the computer. Moreover, in the event of disk failure, recovery of files is unlikely thus data files should be backed up regularly. Files stored on a local hard drive should not be accessible remotely. Storing sensitive or important files on your C: drive is not recommended.

In certain respects the most accessible place to store a file is on removable portable media such as a thumb drive. However, unless there is a second copy, misplacement or damage to the storage device could result in the loss of the data. Further, unless the portable storage device is protected by an encrypted password the potential security risk can be very high. Sensitive or confidential data such as student data protected under FERPA should not be stored on an un-encrypted thumb drive. While convenient, the use of thumb drives is discouraged.

In performing routine services on campus computers and the network, ITS staff will always respect the confidentiality of computer files. In the extremely unlikely event that ITS must access the content of files kept on a local cloud drive (including email), faculty will be notified of such access, and permission sought where feasible.

### 8.6.2 Security and Passwords

Computer files can generally be password protected to provide a basic level of security adequate to prevent access by a typical computer user. Passwords that include a mixture of upper/lower-case letters, numbers, and special characters are generally the most secure (e.g., \texttt{4udp;Hec}). Pass-phrases are also secure and easier to remember but still hard to guess or hack (e.g. \texttt{Correct98Horse!}). Care needs to be exercised when using Microsoft Office document password protection as it has been known to be hacked and is not recommended. ITS or Faculty Support Services can provide you with guidance if you have concerns in this area.

### 8.6.3 Exams and Security

Please be particularly conscious of security issues when working on examinations and storing them on the shared Box folder designed for Exams (Faculty Support will instruct you where to place your exam). Never store a confidential examination in a location where other non-academic personnel have access (e.g. a shared folder with a Research Assistant). Storing an
examination on your C:\ drive or a Box folder with encryption is probably more secure than storing a hard copy of the examination in your office.

8.7 Printing

8.7.1 In-Office Printers

Upon request, the Law School will provide faculty members with a personal office printer sufficient for small to moderate print jobs. Large print jobs should be routed to one of the high speed network printers or submitted to Graphics.

8.7.2 The Faculty Computer Center Printers

High-Speed network printers, including a color printer, are set up in the Faculty Computer Center, B318, for faculty use. To send a document to these printers, you must first log on to the network. Most applications permit you to print using either letterhead (bottom tray) or plain paper (top tray). At least one Faculty Computer Center printer can be used at any time. During off hours you may need to turn the printer on.

8.7.3 Third and Fourth Floor Printing

In addition to the third floor computer center, there is a printer in the 2nd floor faculty suite and in the utility closet located at the South end of the Fourth Floor.

8.7.4 Special Printing Needs

In addition to the Faculty Support Office printers, a variety of other printers are located on campus. Faculty can direct print jobs to most network printers on the network. Except for the printers in the Faculty Support office, 2nd floor faculty suite and the 4th Floor Print Closet, permission should be sought before sending a document to a printer anywhere else on the network.

8.8 Software License For Home Use

As a rule software licenses owned by the University/Law School do not authorize the making of copies for home use. To see what is available for home use, please visit: http://its.lmu.edu/whatwedo/computingsoftware/ and look for the tab labeled “At-Home Software for Faculty & Staff.” In some cases, faculty members may purchase a copy of other programs at an educational discount.
With advance written approval of the Associate Dean for Faculty, faculty members may also use their Professional Activities Allowance for the purchase of software; if purchased in this way, the license is the property of the Law School and must be returned or purchased in the event that the faculty member terminates his or her relationship with the Law School. All software purchases must be made through ITS, so they can track Law School owned software licenses.

8.9 Instructional Design and Technology Services

The Office of Instructional Design and Technology serves the entire Law School community by providing audio/visual equipment and support for class and special events. In addition, Instructional Design services are available for faculty members who desire to learn more about course design or become more comfortable in different pedagogical contexts (e.g. in-person courses vs. online courses).

8.9.1 Classroom Technology Support

Faculty members are encouraged to contact the Office of Instructional Design and Technology before the start of each semester to schedule a quick overview of their classroom(s). This will allow faculty to both become more familiar with the available technology as well as plan ahead as to which technology will work best for their pedagogical needs or style.

Should any issues arise in a classroom during the course, please contact the Office of Instructional Design and Technology from the in-room phones at ext. 1111 or dial (213) 736-1111 from any other phone.

8.9.2 Audio/Video Recording of Classes

The Office of Instructional Design and Technology audio records all courses listed by the Office of the Registrar. To accommodate, all classrooms and seminar rooms are audio recorded Monday through Friday, 8am-11pm. However, access to course audio recordings is not automatic. Professors have the option of releasing recordings in the following ways:

1. Release all audio recordings (links will be posted on the course page on TWEN)
2. Release audio recordings if requested by the student (student will need to use the Class Recordings Request form to receive a link)
3. Release audio recordings if requested by the student and approved by the professor (student will need to use the Class Recordings Request form and wait for professor approval to receive a link)

If a student experiences a serious illness or family emergency, he/she may contact the professor to request that the class recordings be made available, regardless of the professor’s original policy. If the professor is unavailable, the student may contact the Office of Student Affairs. (In addition, some professors require that a student receive verification and approval from the Office of Student Affairs before the professors will permit recording of a class be released.)

8.9.3 Digital Content Creation

The Office of Instructional Design and Technology staff are available to assist faculty with the creation of digital media for use in classroom settings. This may include the creation of video clips from other media sources (as allowed by Educational Fair Use) or the creation of original content. For more information, please contact the office at instructional.technology@lls.edu or call ext. 1111.

9. CAMPUS FACILITIES AND PHYSICAL PLANT

9.1 Identification Cards: Access to Facilities and Library Materials

Members of the full-time faculty will receive two facilities cards. The first is a Law School identification card allowing them access to all Law School facilities and to the Rains Library. The second, a parking card, is issued upon payment of the parking fee. The parking card allows access to the parking facility only. Office keys may be requested by completing a Physical Plant request form. Replacement identification cards can be obtained through the Office of Campus Operations.

9.2 Parking

All employees of the Law School, including members of the full-time faculty, are charged a parking fee for use of the Law School Parking Facility. Faculty members who choose not to pay the annual fee will be charged for the daily rate of $9.00 for occasional use of the parking facilities. The Law School encourages the use of mass transportation and ride sharing. Details on various incentive programs are available from the Office of Campus Operations.
Faculty members may charge parking for law-school related visitors to their Professional Activities Allowance. Each faculty member has a special fund for parking, and these funds may not be used for travel or other purposes. The amount of the parking fund is set at the beginning of each fiscal year.

9.3 Use of Campus Facilities

9.3.1 Scheduling Campus Events

For small-scale student-related events, such as the scheduling of a lecture or presentation to a group of students, faculty members or student sponsors may directly schedule the event with Conferences & Events (OCE). Large-scale faculty-sponsored events, such as conferences with multiple sessions, are most likely to be successful if planning begins 8-10 months before the date of the event, and approval from the Senior Associate Dean should be sought as soon as planning begins. In no case, however, shall approval be sought later than three months prior to the event. The Senior Associate Dean will work with the faculty member to determine the extent to which the Office of Conferences and Events will support the event, including whether the faculty member shall submit a room request directly to Information and Support Services (ISS) or whether Conferences & Events will do so on behalf of the faculty member. The level of Conference & Event support will vary with the nature of the program. Established annual events will not require approval from the Associate Dean for Academic Programs each year. The room request form is available on the Intranet, at http://intranet.lls.edu/iss/scheduling/form/step1.php.

9.3.2 Use of Law School Facilities by Off-Campus Groups

Faculty may request the use of law school facilities by off-campus groups in connection with educational or scholarly events. Such events would include academic conferences and professional meetings. Approval for use of law school facilities by off-campus groups with the sponsorship of a faculty member should be obtained at least three weeks in advance from the Associate Dean for Faculty. Faculty-sponsored social activities not in connection with such scholarly or educational events may be allowed with the written approval of the Dean.
9.3.3 Scheduling of Classrooms

Except during examination periods, occasional use of classrooms is scheduled by the Information & Support Services (ISS) Department. During examination periods, occasional use of classrooms is scheduled by the Office of the Registrar.

9.4 Campus Hours

Campus hours are regularly posted and are available from the Information Center. Members of the faculty may gain access to the campus outside of regular hours by using their law school identification card. The parking garage is open 24 hours per day, 7 days a week for those with parking passes.

9.5 No-Weapons Policy

No weapons are permitted on campus, even for demonstrative purposes in classes.

10. PAYROLL, BENEFITS, ALLOWANCES, AND REIMBURSEMENT

10.1 Payroll

Checks are distributed on a bi-weekly basis. Electronic deposit of paychecks is available and encouraged. Pay stubs are available electronically through the ADP website. Please contact Rosie Branconier if you need access or forget your password.

10.2 Benefits

Information on the Law School’s benefit programs is available from the Human Resources Office. You may contact Human Resources for information concerning benefits. The Dean urges all members of the faculty to participate in the University’s retirement program; information on the program is available from the Human Resources Office.

10.3 Professional Activities Allowances

10.3.1 Purpose

The Law School provides each member of the full-time faculty with a Professional Activities Allowance for the purpose of enabling faculty members to attend professional meetings and to engage in research and scholarship.
10.3.2 Amount

The amount of the Professional Activities Allowance is set annually by the Dean. Holders of endowed Chairs and Rains and Deans Fellowships receive a supplement to the regular Professional Activities Allowance.

10.3.3 Allowed Expenditures

Faculty allowances can be used for expenditures in four categories: (1) travel, (2) memberships in professional organizations, (3) research and instructional material including software, and (4) parking for Law School related visitors. Unless approved in advance by the Associate Dean of Research, faculty allowances may not be used to pay for other types of expenditures.

10.4 Parking

10.4.1 Faculty Parking

Faculty members are assessed a parking fee for use of the parking garage.

10.4.2 Faculty Parking Budget

Each year, a portion of each faculty member’s Professional Activities Allowance (presently, $120.00) (Parking Allocation) is set aside for situations in which the faculty member wishes to provide validated parking for Law School related visitors such as class speakers, visiting colleagues from other institutions, and media representatives. The Parking Allocation may not be used to pay for parking for personal visitors. The Parking Allocation may not be used to cover other expenses, including travel.

10.4.3 Procedures

Faculty members who wish to use their Parking Allocation to validate guest parking as provided in §10.4.2 may obtain parking validation at the following locations and designated times:

Faculty Support Services:
- Monday to Thursday: 8:00 a.m. to 6:00 p.m.
- Friday: 8:00 a.m. to 4:00 p.m.

Information Center:
- Monday to Thursday: 8:00 a.m. to 6:30 p.m.
Friday 8:00 a.m. to 4:00 p.m.

Parking validations for guest parking for evenings or a weekend must be made in advance with Faculty Support Services.

10.4.4 Parking for On-Campus Events

Generally, guests for on-campus events with multiple attendees will pay for their own parking. If a faculty member believes that the Law School should pay for parking for the attendees at such an event must request parking funds from the appropriate dean or department well in advance of the event. For example, the Associate Dean for Research might fund parking for an academic conference, or the Admissions Office might fund parking for an event for prospective students.

10.5 Travel

The University’s travel policy, which has been adopted by LLS, is available at https://my.lls.edu/system/files/finance/travel_policy_2017.pdf. The policy provides important information about the travel expenses the Law School will reimburse. For example, it states that the Law School will only reimburse for the lowest available airline fare. Faculty members who rent a car while on official school business should not purchase any insurance from the rental company on domestic rentals. All domestic insurance requirements are met by the University’s auto insurance policy. Insurance should be purchased on all rental cars in foreign countries. Faculty members should familiarize themselves with the policy before planning Law School related travel. The following are additional LLS specific policies.

10.5.1 Trip Approval

All requests for travel approval and reimbursement requests must be processed through Concur. Concur is the business travel and expense management system for University employees. The first step when planning law school funded travel is to submit a Request for travel approval through Concur. Links to Concur and instructions for the system, are available online at https://my.lls.edu/finance/concur. A memo providing tips for using Concur is attached as Appendix H. Your travel request must be submitted at least four weeks in advance of the planned travel, and must be approved before any checks are issued or airline tickets are purchased. A travel request should be submitted for any event that is held off-campus, including international
trips/summer programs – no exceptions, and for which Law School funding will be requested. Faculty members should not ask one of the Law School’s travel agents to issue a ticket until after the trip has been approved. Upon return, the Request for travel should be attached to the Expense Report.

10.5.2 Planning for Travel

10.5.2.1 Notice of Domestic Air Travel

Faculty members should plan well in advance for all air travel to be able to take advantage of the lowest air fares. When possible, domestic travel should be arranged at least four weeks prior to departure, and foreign travel should be arranged at least six weeks prior to departure.

10.5.3 Airline and Rail Reservations

Faculty members who plan to travel by airplane or rail and who wish to use a travel agent to obtain tickets must use one of four authorized travel agents. The three agents for domestic travel are: (1) Debbi Folsom, Martin’s Travel & Tours, Inc., 310/390-7685, (2) Ruby Yaboudjian, Montrose Travel, 818/553-3290 x.490 and 800/766-4687, and (3) Brandon Carriger, Santa Barbara Travel, bcarriger@sbcemail.com and 800/350-9333. For international travel, the authorized travel agent is Aeron Wilson at STA Travel, 310/824-1574 (See Appendix U).

10.5.4 Travel Advances

To request a cash advance, the faculty member must submit the Request in Concur three weeks prior to the date on which the funds are needed. Because the University requires the Law School to reconcile cash advances within fourteen working days of completion of travel, faculty members should submit itemized receipts in the Expense module of Concur to reconcile the cash advance within 7 working days of returning from travel. The Request should be attached to the expense report when submitting the item in Concur.

10.5.5 Check Requests

If a faculty member wishes to obtain a check for registration fees and similar items in advance, the faculty member should contact Thelma Wong Terre or the faculty member’s assistant at least three weeks in advance of the date on which the check is needed to obtain the appropriate
forms. The check will be mailed to the sponsoring organization with the appropriate conference form. *Please keep in mind that the school is not responsible for additional (late) fees.*

### 10.5.6 Reimbursement

To request reimbursement, the faculty member must submit an expense report through Concur, including itemized receipts as required by the Travel Policy. Faculty can upload electronic copies and attach these to the expense report. Although faculty are no longer required to submit original receipts with requests, faculty are strongly encouraged to retain the original receipts until the expense report is processed, in case the electronic receipt is unclear. All expenses must be reported by calendar day—i.e., showing meals, hotel, and other expenses on a day-by-day basis. Please note that reimbursement for meals while traveling away from home on business is for the actual amount spent with a maximum average of $70.00 per day. Please refer to the University travel policy for all guidelines and limitations.

### 10.5.7 Major Participation

Faculty travel is ordinarily deducted from the faculty member’s Professional Activities Allowance. Travel for “Major Participation” may be approved by the Associate Dean of Research on a funds-available basis. Major participation includes (1) delivering a paper at a conference, and (2) attending a meeting as an organization or committee officer (for example, as Chair of an AALS section).

### 10.6 Memberships

#### 10.6.1 Means of Payment

Faculty members may use their Professional Activities Allowance to pay for memberships in bar associations or other professional organizations. The preferred method of payment is to request a check from the Law School. Faculty members may also pay the fee and obtain reimbursement from the Law School. Please keep in mind that the Law School is not responsible for payment of contributions/donations or late fees.

#### 10.6.2 Late Penalties

The Law School will not reimburse faculty members for late payment penalties incurred for memberships in professional associations.
10.7 Research and Instructional Materials

10.7.1 Approved Items

The following items may be approved for purchase:

- Books and periodicals for research or instructional use.
- Software for research or instructional use.

10.7.2 Article Reprints

In addition to the research materials listed above, faculty members may purchase article reprints for distribution to judges, lawyers, colleagues, and faculty at other institutions. The funds for purchase of reprints are not deducted from faculty members’ Professional Activities Allowance. Please secure approval from the Associate Dean of Research before purchasing more than 300 reprints of any given article.

10.7.3 Ownership

Faculty members may purchase research and instructional materials through their Professional Activities Allowance. Any such materials are the property of Loyola Law School.

10.7.4 Purchasing Materials

Faculty members may use their Professional Activities Allowance to purchase research and instructional materials by requesting a check from the Law School or by paying for such materials and obtaining reimbursement from the Law School. The method for requesting checks and obtaining reimbursements is the same as that outlined in § 10.6 for Memberships.

10.8 Expense Reimbursements

The Law School adheres to the policies established by Loyola Marymount University regarding travel and other business expense reimbursements. A summary of those policies is attached hereto as Appendix H. A complete copy of the written policy may be obtained from the Law School’s Fiscal Affairs Office. All payments, except for petty cash reimbursements, must be processed through Concur. This includes invoices, travel and mileage, reimbursements, and pcard transactions. Expenses that have not been submitted and properly substantiated within 60 days from the receipt date will require the Dean’s approval or may become non reimbursable. Receipts related to travel – the 60 days commence from the return flight date/last travel date.
10.9 Fiscal Year

The Law School’s Fiscal Year begins on June 1 and ends on May 31. Expenses incurred by a faculty member must be paid out of the budget for the fiscal year to which the expense is allocated. Sometimes a purchase may occur over two fiscal years. In these cases, the general rule is that the expense will be allocated to the fiscal year in which most of the activity occurs. Here are a few examples to help faculty determine the correct fiscal year allocating expenses:

- If you purchase a yearly subscription from April 2019 to April 2020, this expense will be allocated to FY20. This is because only 2 months of the subscription is for FY19, and 10 months is for FY20.
- If you purchase a two-year subscription from April 2019 to April 2021, this expense will be allocated to FY20. This is because the majority of the subscription period falls in FY20.
- If you purchase an online class scheduled to take place from May 2019 to August 2019, this expense will be allocated to FY20. This is because 3 of the 4 months of the class are scheduled to occur in FY20 and it is considered a summer course.
- If you purchase an airline ticket in April 2019 for a conference in June 2019, this expense will be allocated to FY20. All travel purchases belong in the fiscal year that the travel will be taking place.
- When you are purchasing books or other items that will be delivered to the law school, the delivery date is going to determine the fiscal year in which the item is charged. Please pay close attention when ordering items in May.
- For larger items over $1,000 we can split between fiscal years if necessary. If you purchase something for May and June 2019, we can split the cost between FY19 and FY20. We do not do this for smaller items.
- It is very important to pay close attention to purchases made between April-June. This is the time that Fiscal Affairs and the main campus Controller’s Office are looking at every item to determine the correct classification.

It is impossible to predict every possible scenario, so if you are uncertain about how your expense will be allocated, please consult your faculty support assistant as early as possible for assistance. Please also remember that each year a deadline is established for the submission of check and reimbursement requests for the fiscal year. Normally, this deadline falls at the end of the first or second week of the new fiscal year.
10.10 Medical Leave

The Law School adheres to the policies established by Loyola Marymount University regarding medical leaves. A complete copy of the University policy may be found on the University website, www.lmu.edu. (From the site index, click on “Faculty Resources,” then on “Faculty Leave Policy.”)
# APPENDIX A

## 2018-2019 Faculty Assignment by Committee

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# APPENDIX A

## 2018-2019 Faculty Assignment by Committee

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#### 2018-2019 Faculty Assignment by Committee

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**Faculty Advisors to Academic Programs**
# APPENDIX A

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# APPENDIX A
## 2018-2019 Faculty Assignment by Professor

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# APPENDIX A

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### 2018-2019 Faculty Assignments by Professor

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APPENDIX B

STATEMENT OF GOALS AND EXPECTATIONS
OF THE FULL-TIME FACULTY

I. PREAMBLE

The members of the full-time faculty are in a very real sense the trustees of Loyola Law School. Realization of the school’s institutional goals lies primarily in their hands. The activities of the full-time faculty, and the professional goals and expectations which they set for themselves, have a profound and determinative impact upon the quality and well-being of the school as an on-going educational institution.

It is therefore important that there be a mutual understanding of the goals and expectations which define the position of full-time faculty member. It is also important that this understanding be a written one, for while the composition of the faculty and the interests of its individual members change from time to time, there should be a continuity to basic goals and objectives. A written statement of such goals and expectations provides new and prospective members of the faculty with a source of guidance, while giving long-term members a basis for continued inspiration and self-evaluation.

The faculty’s goals and expectations are not necessarily immutable, and creativity is surely a desired trait. However, responsible creativity requires a touchstone for productive direction of its focus. A change in basic goals or expectations should not be the result of ad hoc individual choice, but should instead represent the thoughtful product of discussion and agreement among the fellow members of the full-time faculty.

Membership on the full-time faculty, as its name suggests, is a full-time profession requiring a commitment of substantially all of an individual’s time, talent, energy and loyalty. The role of a full-time-time faculty member is a multi-faceted one, blending the skills and talents of teacher, scholar and lawyer. The primary purpose for the funding and continued existence of Loyola Law School is to provide its students with an excellent legal education. The fulfillment of that purpose should always be the first priority of every faculty member. In addition to teaching, however, there are a variety of scholarly and legal activities through which a full-time faculty member helps to maintain and improve the quality of the law school. The full-time faculty as a whole should present a healthy balance of professional activities. It is both inevitable and desirable that a variety of strengths and interests exist among members. No member of the faculty is expected to be a man or a woman for all seasons.

The statement of goals and expectations is not a complete description of the obligations of a member of the full-time faculty. Such an enumeration would be neither possible nor constructive. What follows is instead a statement of the most basic shared goals and expectations among colleagues. The statement rests upon the assumption that as a full-time professional, each member will act with good faith, good judgment and loyalty.
The statement of goals and expectations of a full-time faculty member should be viewed as defining but part of a mutual relationship existing between the member and the institution, rather than as a one-sided obligation. There is an assumed correlative responsibility of the law school and the university to act with good faith, good judgment and loyalty toward each individual faculty member.

It is expressly recognized that a faculty member’s ability to attain many of the goals and expectations defined in this statement may depend upon the nature and amount of support provided by the law school and the university. Thus, for example, the ability to engage in productive scholarship is, in part, a function of the number of units which a faculty member is expected to teach, the availability of adequate secretarial support and research assistants, and the opportunity to obtain research grants and sabbatical leaves.

The statement of goals and expectations is not adopted as a code or set of rules to be enforced against individual members of the faculty. Rather, it is intended as an affirmative statement of the goals and expectations which colleagues have chosen to establish for the inspiration and guidance of themselves and those who may join the Loyola faculty in the future.

The faculty adopts this statement of goals and expectations with the understanding that an individual’s failure to achieve these aspirational standards does not in and of itself constitute grounds for revocation of tenure or dismissal, and with the further understanding that a tenured faculty member shall enjoy all of the protections contained in the tenure principles of the American Association of University Professors. Nothing contained in this statement of goals and expectations shall be deemed to deprive a faculty member of any right, privilege, freedom or immunity which he or she might otherwise enjoy.

This statement is relevant only to members of the full-time, tenure-track faculty, and is not at this time applicable to other members of the faculty such as Clinical Professors, Instructors in Law or Adjunct Professors. It nevertheless contains principles significant for all law teachers regardless of their status.

The goals and expectations contained in this statement are divided into the three principal areas of faculty endeavor: teaching, scholarship and service. A full-time faculty member is expected during the academic year to devote substantially all of his or her working time to teaching, scholarship and service, and to those limited outside professional activities, if any, which relate to major academic interests or enrich the faculty member’s capacity as scholar and teacher, or which are of service to the public generally, provided that such outside activities do not unduly interfere with one’s responsibilities as a faculty member.
II. GOALS

A. Teaching

A full-time faculty member participates in an academic community whose shared goal is the dissemination and advancement of knowledge. Membership in this community carries with it a special responsibility to protect and foster freedom of inquiry, freedom of instruction, and the free interchange of ideas both within and outside the classroom. Membership also places upon an individual faculty member the duty to practice intellectual honesty in seeking and stating the truth, as he or she perceives it to be.

As a teacher, a faculty member holds before his or her students the very highest standards of the discipline, serving as both an intellectual guide and a counselor. A faculty member demonstrates respect for the student as an individual, and recognizes the sometimes confidential nature of the relationship between student and mentor. A faculty member makes every possible effort to assure that the evaluation of a student’s performance fairly and accurately reflects the student’s true merit.

As a teacher of the law, a faculty member trains students for a profession which has an immeasurable impact upon the lives and fortunes of others. Because of the great trust which the public places in the ability and integrity of our graduates, the margin for error in our teaching is small. A faculty member is expected to teach his or her students in such a way that they not only master a body of technical information, but so that they also acquire skills of analysis, counseling and advocacy. In addition, a faculty member should seek to instill in his or her students the very highest ethical standards, and a commitment to provide clients with the best representation possible. Finally, a faculty member should seek to develop in the law school’s graduates a determination to use the law as a means of bettering society, and to improve its system of justice.

Classroom instruction constitutes a substantial portion of a student’s formal legal education, and Loyola therefore places special emphasis upon a faculty member’s ability to be an effective teacher. Excellence in teaching has been a hallmark of Loyola Law School from its inception, and the faculty is committed to maintaining that reputation in the future. All faculty are expected to exhibit a high degree of competence in teaching, and an abiding fidelity to quality classroom presentation.

In addition to classroom courses, the law school’s academic program embraces a number of co-curricular activities for which students receive academic credit, including participation in various law reviews and moot court programs. These activities cannot attain their desired educational objectives without the willing support and guidance of individual members of the full-time faculty. No one faculty member can be an expert in every area of the law, and it is therefore part of each member’s responsibility to assist students, as well as colleagues, who are pursuing matters which touch upon a faculty member’s areas of interest and expertise.
B. Scholarship

A law professor is, of necessity, a dedicated and unremitting student of the law. Unlike his or her practicing colleagues, one of the special privileges which membership on a full-time faculty affords is the opportunity for study and reflection on complex and important legal and social problems. Students, colleagues, the practicing bar, and the community at large thus look to the law professor as being something more than simply a good lawyer which he or she may well also be. This opportunity for extended study and reflection enables the full-time law professor to acquire a greater depth of knowledge and a greater degree of intellectual objectivity than would otherwise be possible in the day-to-day practice of the law. The natural product of such serious thought and research on specific legal and social problems is scholarship. Most commonly, scholarship manifests itself in some form of writing.

The law is both ubiquitous and ever-changing. Continual research is therefore necessary simply to assure that a faculty member is aware of new developments in his or her teaching fields, and thus prepared to function competently as a classroom instructor. Research should go beyond merely keeping abreast of new developments, however. A full-time faculty member’s unique opportunity for study and reflection carries with it the responsibility to use one’s talents and expertise to increase our understanding of the law and to strive for its improvement.

This responsibility to engage in study and research carries with it the expectation that one will share the fruits of his or her reflection with others. A full-time faculty member who, for a significant length of time, has been engaged in teaching law to graduate professional students is normally expected to have gained some important insights which warrant their communication to others. There are many who would benefit from such scholarship, including students (through classroom presentation and the development of new teaching materials); colleagues (through informal discussion and the presentation of papers); legal practitioners (through continuing legal education lectures and course materials, and articles in bar association journals); the general public (through a professor’s involvement in litigation dealing with novel and far-reaching issues, and participation in the framing of new legislation); and the community of legal scholars (through the publication of books, and articles in scholarly journals). All of these forms of sharing knowledge are inherently valuable, though each may be designed for the benefit of a different audience.

C. Service

The full-time faculty bears the principal responsibility for maintaining the health and well-being of the law school community. This responsibility manifests itself in faculty participation in the governance of the law school, and in those activities, both internal and external, which form a critical part of the life of the school.

The full-time faculty’s responsibility to share in governance is reflective of the strong belief that collegial judgments and decisions are usually more acceptable and often better than those made solely by administrators. The faculty fulfills this function through active and committed participation in the work of various law school committees.
While a full-time faculty member’s paramount responsibilities are those of teacher and scholar, it is vital that the law school create an atmosphere which fosters the communication and growth of knowledge. By participating in those affairs of the school which are conducted by the student body, and by the school itself for the benefit of its alumni and friends, a faculty member helps to develop a sense of community among those who live and work in the law school environment. Without such a sense of community, the academic atmosphere may become barren and rarefied, severely inhibiting the law school’s primary educational mission.

A full-time faculty member has a further responsibility to participate in activities external to the law school that are of immediate benefit to the legal, educational and general community. Participation by a faculty member in such activities may serve any of a number of important goals. First, a faculty member may enhance his or her own competence as a professional educator. Second, involvement in such affairs may be a means of sharing the individual’s skills and knowledge for the benefit of others. Third, by taking part in these activities, a faculty member may enhance and spread the reputation of Loyola, thus helping the law school to attract the students, faculty, and financial support which are critical to its on-going existence. Finally, full-time faculty participation in activities external to the school may help to develop contacts and employment opportunities for the placement of Loyola’s students and graduates.

III. EXPECTATIONS

A. Teaching

In order to accomplish his or her goals as a teacher, a faculty member strives to maintain orderly classroom processes which contribute to freedom of inquiry and effective instruction, and to avoid any substantial disruption or interference with the educational purposes and normal activities of the law school.

In particular, each member of the full-time faculty is expected:

1. To make one’s best effort to conduct each course which he or she has been employed to teach in general conformity with the content, format, and official description of such course as established by the faculty;

2. To remain current in one’s field, and to master the historical and theoretical underpinnings of that field;

3. To prepare thoroughly for each class session;

4. To provide the students with suitable teaching materials and to continually evaluate the materials which one is using;

5. To modify one’s existing course materials from time to time, to reflect new directions and developments, and to strive to create new course materials, whether published or not, when one’s existing materials can no longer be classified as suitable;
6. To participate conscientiously in the law school’s established procedures for the evaluation of teachers by students;

7. To be open to and encourage classroom visitations by one’s colleagues, and to offer to attend one’s colleagues’ classes, in order to share insights into teaching;

8. To offer to comment upon one’s colleagues’ course materials, in fields of mutual interest;

9. To meet punctually, and personally conduct classes at all regularly scheduled times and places, except for good cause or when in the best interest of the students or the law school;

10. To notify the students as promptly as possible, and by the most reliable means available, whenever one is prevented from meeting a scheduled class on time;

11. To make up any missed classes or class time, and to schedule such make-up classes well in advance, and at a time and place which causes the least inconvenience to the largest number of students in the class; to avoid, where possible, the scheduling of make-up classes towards the end of a school term when demands on students tend to be the heaviest;

12. To make class assignments and exercises reasonable, and to take into account the interest of other teachers in also having well-prepared students;

13. To be available and willing to discuss with students problems which may arise from the content or methods in a course;

14. To prepare examinations which fairly and thoroughly test student mastery of course subject matter, and to be willing to discuss with students their performance on examinations;

15. To be physically present at the law school a substantial amount of time;

16. To maintain a generous number of announced weekly office hours;

17. To make one’s very best efforts to submit course grades by established deadlines.

In addition to the foregoing expectations of each member of the full-time faculty, the ideal faculty member is also expected:

18. Within the limits of time and resource availability, and within the limits of one’s expertise, to supervise and assist student research and writing projects, undertaken in connection with Directed Research, seminars, law school-sponsored journals, and moot court programs;
19. To be flexible and responsive with respect to one’s willingness to teach in new areas which may lie outside one’s fields of existing expertise and interest, recognizing that the instructional needs of the law school may not permit everyone always to teach courses solely in his or her established fields.

B. Scholarship

In order to accomplish his or her goals as a scholar, each member of the full-time faculty is expected:

1. To be involved in at least one area of on-going, original research relating to an area in which the faculty member currently teaches or expects to teach in the near future;

2. To share the product of one’s scholarly efforts through oral or written presentations, or through the publication of books or articles, as well as through regular informal discussions with one’s colleagues;

3. To demonstrate intellectual honesty in all of one’s scholarly efforts;

4. To disclose any sources of funding which may have provided support to a particular scholarly effort, and to reveal any role which one may have played (or which one intends to play) as an advocate with respect to the subject matter of a particular piece of scholarship;

5. To acknowledge the contributions which others have made to one’s own scholarly efforts;

6. To help maintain and improve the adequacy of the library by reviewing the library’s holdings in one’s fields of expertise or interest, and by making appropriate suggestions to the library staff for the acquisition of new materials.
C. Service

In order to accomplish his or her goals of service to the law school and to the community beyond its walls, each member of the full-time faculty is expected:

1. To serve on law school committees and to perform committee work in a diligent and responsible manner;

2. To make one’s best efforts to attend faculty meetings regularly and punctually, and to have read, in advance of the meeting, all material which is to be discussed there;

3. To bring to the prompt attention of the faculty or the administration, in a spirit of cooperation, those matters which a faculty member believes require attention or improvement, thereby participating constructively in the betterment of the law school;

4. To feel free to challenge, through appropriate channels, decisions made by those in authority within and outside the law school, when it is believed that those decisions are incorrect and not in the best interests of the law school, even though such disagreement may at times be displeasing to others;

5. To interview those candidates for faculty employment who are invited to visit the law school;

6. To attend the law school commencement exercises, except where good cause prevents such attendance;

7. To participate in the recruitment of prospective members of the faculty;

8. To cooperate with student groups and student organizations, if requested, in the planning and conduct of their law school-related activities;

9. To attend student functions when invited;

10. To attend or participate in functions sponsored by the law school, including those for the benefit of the faculty itself, the student body, the law school’s alumni, or the community at large;

11. To assist in Loyola’s Continuing Legal Education program, to the extent that one’s expertise lends itself to specialized courses for the practicing bar;

12. To participate actively in professional or community organizations or activities;

13. To seek to develop opportunities for the placement of the law school’s students and graduates by maintaining contacts with those engaged in the public and private practice of law;
14. To assist in the recruitment of qualified applicants for study at the law school;

15. To participate in programs sponsored by other institutions for the continuing education of judges and members of the bar, and for the education of members of the public;

16. To contribute to the development of significant new principles of law through participation in the legislative or judicial process or through work with administrative agencies;

17. To participate in the activities of the university of which the law school is a component part;

18. To disguise the fact that life is a serious but miserable business by occasionally sporting a cheerful demeanor.

Loyola Law School
December 8, 1982
APPENDIX C

Association of American Law Schools: Statement Of Good Practices By Law Professors In The Discharge Of Their Ethical And Professional Responsibilities

American law professors typically are members of two professions and thus should comply with the requirements and standards of each. Law professors who are lawyers are subject to the law of professional ethics in force in the relevant jurisdictions. Non-lawyers, in turn, should be guided by the norms associated with their disciplines. In addition, as members of the teaching profession, all law faculty members are subject to the regulations of the institutions at which they teach and to guidelines that are more generally applicable, such as the Statement of Professional Ethics of the America Association of University Professors.

This statement does not diminish the commands of other sources of ethic and professional conduct. Instead, it is intended to provide general guidance to law professors concerning ethical and professional standards both because of the intrinsic importance of those standards and because law professors serve as important role models for law students. In the words of the American Bar Association’s Commission on Professionalism, since “the law school experience provides the student’s first exposure to the profession and . . . professors inevitably serve as important role models for students, . . . the highest standards of ethics and professionalism should be adhered to within law schools.”

Law professors’ responsibilities extend beyond the classroom to include out of class associations with students and other professional activities. Members of the law teaching profession should have a strong sense of the special obligations that attach to their calling. They should recognize their responsibility to serve others and not be limited to pursuit of self interest. This general aspiration cannot be achieved by edict, for moral integrity and dedication to the welfare of others cannot be legislated. Nevertheless, a public statement of good practice concerning ethical and professional responsibility can enlighten newcomers and remind experienced teachers about the basic ethical and professional tenets—the ethos-of their profession.

Although the norms of conduct set forth in this Statement may be relevant when questions concerning propriety of conduct arise in a particular institutional context, the statement is not promulgated as a disciplinary code. Rather, the primary purpose of the Statement-couched for the most part in general aspirational terms-is to provide guidance to law professors concerning the responsibilities (1) to students, (2) as scholars, (3) to colleagues, (4) to the law school and university at which they teach, and (5) to the bar and the general public.

I. RESPONSIBILITIES TO STUDENTS

As teachers, scholars, counselors, mentors, and friends, law professors can profoundly influence students’ attitudes concerning professional competence and responsibility. Professors should assist students to recognize the responsibility of lawyers to advance individual and social justice.

Because of their inevitable function as role models, professors should be guided by the most sensitive ethical and professional standards.

Law professors should aspire to excellence in teaching and to mastery of the doctrines and theories of their subjects. They should prepare conscientiously for class and employ teaching methods appropriate for the subject matters and objectives of their courses. The objectives and requirements of their courses, including applicable attendance and grading rules, should be clearly stated. Classes should be met as scheduled or, when this is impracticable, classes should be rescheduled at a time reasonably convenient for students, or alternative means of instruction should be provided.

Law professors have an obligation to treat students with civility and respect and to foster a stimulating and productive learning environment in which the pros and cons of debatable issues are fairly acknowledged. Teachers should nurture and protect intellectual freedom for their students and colleagues. If a professor expresses views in class that were espoused in representing a client or in consulting, the professor should make appropriate disclosure.

Evaluation of student work is one of the fundamental obligations of law professors. Examinations and assignments should be conscientiously designed and all student work should be evaluated with impartiality. Grading should be done in a timely fashion and should be consistent with standards recognized as legitimate within the university and the profession. A student who so requests should be given an explanation of the grade assigned.

Law professors should be reasonably available to counsel students about academic matters, career choices, and professional interests. In performing this function, professors should make every reasonable effort to ensure that the information they transmit is timely and accurate. When in the course of counseling a law professor receives information that the student may reasonably expect to be confidential, the professor should not disclose that information unless required to do so by university rule or applicable law. Professors should inform students concerning the possibility of such disclosure.

Professors should be as fair and complete as possible when communicating evaluative recommendations for students and should not permit invidious or irrelevant considerations to infect these recommendations. If information disclosed in confidence by the student to the professor makes it impossible for the professor to write a fair and complete recommendation without revealing the information, the professor should so inform the student and refuse to provide the recommendation unless the student consents to full disclosure.

Discriminatory conduct based on such factors as race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs is unacceptable in the law school community. Law professors should seek to make the law school a hospitable community.
for all students and should be sensitive to the harmful consequences of professorial or student conduct or comments in classroom discussions or elsewhere that perpetuate stereotypes or prejudices involving such factors. Law professors should not sexually harass students and should not use their role or position to induce a student to enter into a sexual relationship, or to subject a student to a hostile academic environment based on any form of sexual harassment.

Sexual relationships between a professor and a student who are not married to each other or who do not have a preexisting analogous relationship are inappropriate whenever the professor has a professional responsibility for the student in such matters as teaching a course or in otherwise evaluating, supervising, or advising a student as part of a school program. Even when a professor has no professional responsibility for a student, the professor should be sensitive to the perceptions of other students that a student who has a sexual relationship with a professor may receive preferential treatment from the professor or the professor’s colleagues. A professor who is closely related to a student by blood or marriage, or who has a preexisting analogous relationship with a student, normally should eschew roles involving a professional responsibility for the student.

II. RESPONSIBILITIES AS SCHOLARS

A basic responsibility of the community of higher education in the United States is to refine, extend, and transmit knowledge. As members of that community, law professors share with their colleagues in the other disciplines the obligation to discharge that responsibility. Law schools are required by accreditation standards to limit the burden of teaching so that professors will have the time to do research and to share its results with others. Law schools also have a responsibility to maintain an atmosphere of freedom and tolerance in which knowledge can be sought and shared without hindrance. Law professors are obligated, in turn, to make the best and fullest use of that freedom to fulfill their scholarly responsibilities.

In teaching, as well as in research, writing, and publication, the scholarship of others is indispensable to one’s own. A law professor thus has a responsibility to be informed concerning the relevant scholarship of others in the fields in which the professor writes and teaches. To keep current in any field of law requires continuing study. To this extent the professor, as a scholar, must remain a student. As a corollary, law professors have a responsibility to engage in their own research and publish their conclusions. In this way, law professors participate in an intellectual exchange that tests and improves their knowledge of the field, to the ultimate benefit of their students, the profession, and society.

The scholar’s commitment to truth requires intellectual honesty and open-mindedness. Although a law professor should feel free to criticize another’s work, distortion or misrepresentation is always unacceptable. Relevant evidence and arguments should be addressed. Conclusions should be frankly stated, even if unpopular.

When another’s scholarship is used—whether that of another professor or that of a student—it should be fairly summarized and candidly acknowledged. Significant contributions require acknowledgment in every context in which ideas are exchanged. Publication permits at least three ways of doing this: shared authorship, attribution by footnote or endnote, and discussion of another’s contribution within the main text. Which of these will suffice to acknowledge scholarly contributions by others will, of course, depend on the extent of the contribution.
A law professor has a responsibility to preserve the integrity and independence of legal scholarship. Sponsored or remunerated research should always be acknowledged with full disclosure of the interests of the parties. If views expressed in an article were also espoused in the course of representation of a client or in consulting, this should be acknowledged.

III. RESPONSIBILITIES TO COLLEAGUES

Law professors should treat colleagues and staff members with civility and respect. Senior law professors should be particularly sensitive to the terms of any debate involving their junior colleagues and should so conduct themselves that junior colleagues will understand that no adverse professional consequences would follow from expression of, or action based upon, beliefs or opinions contrary to those held by the senior professor.

Matters of law school governance deserve the exercise of independent judgment by each voting member of the faculty. It is therefore inappropriate for a law professor to apply any sort of pressure other than persuasion on the merits in an effort to influence the vote of another member of the faculty.

Law professors should comply with institutional rules or policies requiring confidentiality concerning oral or written communications. Such rules or policies frequently will exist with respect to personnel matters and evaluations of student performance. If there is doubt whether such a rule or policy is in effect, a law professor should seek clarification.

An evaluation made of any colleague for purposes of promotion or tenure should be based exclusively upon appropriate academic and service criteria fairly weighted in accordance with standards understood by the faculty and communicated to the subject of the evaluation.

Law professors should make themselves reasonably available to colleagues for purposes of discussing teaching methods, content of courses, possible topics of scholarship, scholarly work in progress, and related matters. Except in rare cases and for compelling reasons, professors should always honor requests from their own law schools for evaluation of scholarship in connection with promotion or tenure decisions. Law professors should also give sympathetic consideration to similar requests from other law schools.

As is the case with respect to students (Part I), sexual harassment, or discriminatory conduct involving colleagues or staff members on the basis of race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs is unacceptable.

IV. RESPONSIBILITIES TO THE LAW SCHOOL AND UNIVERSITY

Law professors have a responsibility to participate in the governance of their university and particularly the law school itself. Although many duties within modern universities are assumed by professional administrators, the faculty retains substantial collective responsibility to provide institutional leadership. Individual professors have a responsibility to assume a fair share of that leadership, including the duty to serve on faculty committees and to participate in faculty deliberations.
Law professors are frequently in demand to participate in activities outside the law school. Such involvement may help bring fresh insights to the professor’s classes and writing. Excessive involvement in outside activities, however, tends to reduce the time that the professor has to meet obligations to students, colleagues, and the law school. A professor thus has a responsibility both to adhere to a university’s specific limitations on outside activity and to assure that outside activities do not significantly diminish the professor’s availability to meet institutional obligations. Professors should comply with applicable laws and university regulations and policies concerning the use of university funds, personnel, and property in connection with such activities.

When a law professor resigns from the university to assume another position, or seeks a leave of absence to teach at another institution, or assumes a temporary position in practice or government, the professor should provide reasonable advance notice. Absent unusual circumstances, a professor should adhere to the dates established in the Statement of Good Practices for the Recruitment of and Resignation by Full-Time Faculty Members of the Association of American Law Schools.

Although all law professors have the right as citizens to take positions on public questions, each professor has a duty not to imply that he or she speaks on behalf of the law school or university. Thus, a professor should take steps to assure that any designation of the professor’s institution in connection with the professor’s name is for identification only.

V. RESPONSIBILITIES TO THE BAR AND GENERAL PUBLIC

A law professor occupies a unique role as a bridge between the bar and students preparing to become members of the bar. It is important that professors accept the responsibilities of professional status. At a minimum, a law professor should adhere to the Code or Rules of Professional Conduct of the state bars to which the law professor may belong. A law professor may responsibly test the limits of professional rules in an effort to determine their constitutionality or proper application. Other conduct warranting discipline as a lawyer should be a matter of serious concern to the professor’s law school and university.

One of the traditional obligations of members of the bar is to engage in uncompensated public service or pro bono legal activities. As role models for students and as members of the legal profession, law professors share this responsibility. This responsibility can be met in a variety of ways, including direct client contact through legal aid or public defender offices (whether or not through the law school), participating in the legal work of public interest organizations, lecturing in continuing legal education programs, educating public school pupils or other groups concerning the legal system, advising local, state and national government officials on legal issues, engaging in legislative drafting, or other law reform activities.

The fact that a law professor’s income does not depend on serving the interests of private clients permits a law professor to take positions on issues as to which practicing lawyers may be more inhibited. With that freedom from economic pressure goes an enhanced obligation to pursue individual and social justice.

Adopted by the Executive Committee,
November 17, 1989
American Association of University Professors: Statement of Principles On Academic Freedom And Tenure

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights. [1] [6]

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in its obligations to its students and to society.

ACADEMIC FREEDOM

(a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. [2] Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment. [3]

(c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. [4]

15 The word “teacher” as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

16 Boldface numbers in brackets refer to Interpretive Comments which follow.
ACADEMIC TENURE

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

2. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that the new appointment is for a probationary period of not more than four years, even though thereby the person’s total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the teacher’s own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

5. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

1940 INTERPRETATIONS

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 Statement of Principles on Academic Freedom and Tenure were agreed upon:
1. That its operation should not be retroactive.

2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.

3. If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher’s fitness for his or her position, it may proceed to file charges under paragraph (a)(4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

1970 INTERPRETIVE COMMENTS

Following extensive discussions on the 1940 Statement of Principles on Academic Freedom and Tenure with leading educational associations and with individual faculty members and administrators, a joint committee of the AAUP and the Association of American Colleges met during 1969 to reevaluate this key policy statement. On the basis of the comments received, and the discussions that ensued, the joint committee felt the preferable approach was to formulate interpretations of the Statement in terms of the experience gained in implementing and applying the Statement for over thirty years and of adapting it to current needs.

The committee submitted to the two associations for their consideration the following “Interpretive Comments. “These interpretations were adopted by the Council of the American Association of University Professors in April 1970 and endorsed by the Fifty-sixth Annual Meeting as Association policy.

In the thirty years since their promulgation, the principles of the 1940 Statement of Principles on Academic Freedom and Tenure have undergone a substantial amount of refinement. This has evolved through a variety of processes, including customary acceptance, understandings mutually arrived at between institutions and professors or their representatives, investigations and reports by the American Association of University Professors, and formulations of statements by that association either alone or in conjunction with the Association of American Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 Statement, to formulate the most important of these refinements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 Statement is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.

Also, there have been relevant developments in the law itself reflecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 Statement; particularly relevant is the identification by the Supreme Court of academic freedom as a right protected by the First Amendment. As the Supreme Court said in Keyishian v. Board of Regents 385 U.S. 589 (1967), “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us
and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

The numbers refer to the designated portion of the 1940 Statement on which interpretive comment is made.

1. The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to students, and in their conduct when resigning from their institution or when undertaking government sponsored research. Of particular relevance is the Statement on Professional Ethics, adopted in 1966 as Association policy. (A revision, adopted in 1987, was published in Academe: Bulletin of the AAUP 73 [July August 1987]: 49.)

2. The intent of this statement is not to discourage what is “controversial.” Controversy at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.

3. Most church related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 Statement, and we do not now endorse such a departure.

4. This paragraph is the subject of an Interpretation adopted by the sponsors of the 1940 Statement immediately following its endorsement which reads as follows:

If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher’s fitness for his or her position, it may proceed to file charges under paragraph (a)(4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

Paragraph (c) of the 1940 Statement should also be interpreted in keeping with the 1964 “Committee A Statement on Extramural Utterances” (AAUP Bulletin 51 [1965]: 29), which states inter alia: “The controlling principle is that a faculty member’s expression of opinion as a citizen can not constitute grounds for dismissal unless it clearly demonstrates the faculty member’s unfitness for his or her position. Extramural utterances rarely bear upon the faculty member’s fitness for the position. Moreover, a final decision should take into account the faculty member’s entire record as a teacher and scholar.”

Paragraph V of the Statement on Professional Ethics also deals with the nature of the “special obligations” of the teacher. The paragraph reads as follows:
As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of other obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary as well as to the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.

5. The concept of “rank of full-time instructor or a higher rank” is intended to include any person who teaches a full-time load regardless of the teacher’s specific title.*

6. In calling for an agreement “in writing” on the amount of credit for a faculty member’s prior service at other institutions, the Statement furthers the general policy of full understanding by the professor of the terms and conditions of the appointment. It does not necessarily follow that a professor’s tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual and the institution.**

7. The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is affirmative, the provisions in the 1940 Statement with respect to the termination of services of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

The general principle of notice contained in this paragraph is developed with greater specificity in the Standards for Notice of Nonreappointment, endorsed by the Fiftieth Annual Meeting of the American Association of University Professors (1964). These standards are:

Notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

(1) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.


** For a more detailed statement on this question, see “On Crediting Prior Service Elsewhere as Part of the Probationary Period,” AAUP Bulletin 64 (1978): 274-75.
(2) Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

(3) At least twelve months before the expiration of an appointment after two or more years in the institution.

Other obligations, both of institutions and of individuals, are described in the Statement on Recruitment and Resignation of Faculty Members, as endorsed by the Association of American Colleges and the American Association of University Professors in 1961.

8. The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher’s academic performance during probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary teachers that their academic freedom has been violated. One suggested procedure to serve these purposes is contained in the Recommended Institutional Regulations on Academic Freedom and Tenure, prepared by the American Association of University Professors.

9. A further specification of the academic due process to which the teacher is entitled under this paragraph is contained in the Statement on Procedural Standards in Faculty Dismissal Proceedings, jointly approved by the American Association of University Professors and the Association of American Colleges in 1958. This interpretive document deals with the issue of suspension, about which the 1940 Statement is silent.

The 1958 Statement provides: “Suspension of the faculty member during the proceedings is justified only if immediate harm to the faculty member or others is threatened by the faculty member’s continuance. Unless legal considerations forbid, any such suspension should be with pay. “A suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

The concept of “moral turpitude” identifies the exceptional case in which the professor may be denied a year’s teaching or pay in whole or in part. The statement applies to that kind of behavior which goes beyond simply warranting discharge and is so utterly blameworthy as to require the offering of a year’s teaching or pay. The standard is not of persons in the particular community have been affronted. The behavior would evoke condemnation by the academic community generally.

ENDORСERS

Association of American Law Schools 1946
Other endorsers are omitted.
APPENDIX E

- Discriminatory Harassment and Complaint Process

- Reporting Sexual Misconduct
1. STATEMENT OF POLICY:

Loyola Marymount University is dedicated to fostering the education of the whole person and strives to provide an environment that encourages the search for truth and freedom of inquiry. The University recognizes the important contribution a diverse community of students, faculty and staff makes towards the advancement of its goals and ideals. The University is committed to providing an environment that is free of discrimination and harassment as defined by federal, state and local law, as well as under this policy. Any violations of this policy will be treated as serious misconduct and result in appropriate disciplinary action up to and including dismissal from the University.

This policy applies to all students, faculty, and staff including, but not limited to: trainees, unpaid interns, volunteers, non-supervisory staff, supervisors, managers, directors and leadership. It is also the policy of the University to protect its students, faculty and staff from unlawful harassment by vendors, guests and other visitors to the University. It is the responsibility of every student, faculty and staff member to follow this policy conscientiously.

Nothing in this policy should be construed to infringe on the academic freedom of members of the University community and their right to use the academic forum provided by the University either to discuss controversial subjects or to express ideas with which some or most members of the University community strongly disagree.

2. DEFINITIONS:

"Harassment" is unwelcome verbal, non-verbal, physical or visual conduct based on any legally protected characteristic, outlined below in Section 3 that has the purpose or effect of unreasonably interfering with academic or work performance or creating an intimidating, hostile or offensive, living, academic or work environment.
“Sexual Harassment” is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, physical or visual conduct by a person of either the same or opposite sex where:

1. submission to or rejection of the conduct is made either an explicit or implicit condition of academic achievement and/or employment;
2. submission to or rejection of the conduct is used as the basis for an academic and/or employment decision; or
3. the conduct has the purpose or effect of unreasonably interfering with academic, or work performance or creating an intimidating, hostile, or offensive, living, academic, or work environment.

“Hostile Environment” is defined as any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it limits, interferes with or denies educational or employment benefits or opportunities from both a subjective (the complainant) and objective (reasonable person’s) viewpoint.

“Consent” is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other(s) to engage in the sexual activity. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation, or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean consent, nor does silence mean consent. Prior sexual history between the complainant and respondent, by itself, does not constitute consent.

Consent is not freely given if:

- It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power positions over another (such as employment status or position within an organization) or by kidnap; or

- A reasonable person in the position of the alleged perpetrator at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
  - The individual is unable to make an informed decision as a result of the use of alcohol, drugs or other substances (including but not limited to predatory drugs or prescribed medications);
  - The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock;
  - The individual is under the age of eighteen and therefore legally incapable of giving consent; or
  - The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to consent.

- The individual has acted or spoken in a manner that expresses a lack of consent or a refusal to consent.

The following are invalid excuses for failing to obtain affirmative consent from the Complainant:
1. The responding party’s belief in affirmative consent arose from the intoxication or recklessness of the responding party; or
2. The responding party did not take reasonable steps, in the circumstances known to the responding party at the time, to ascertain whether the complaining party affirmatively consented.

“Sexual Misconduct” is defined as Sexual Assault, Sexual Exploitation, Interpersonal Misconduct, or the act of making sexual contact with the intimate body part of another person without that person’s consent including as the result of sexual coercion. Intimate body parts include the sexual organs, the anus, the groin or buttocks of any person, and/or the breasts.

“Sexual Assault” is defined as engaging in sexual intercourse or any of the sexual activities listed below with another person without that person’s consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part or object in a sexual manner.

“Sexual exploitation” is sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her benefit or for the benefit of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, audio or video recording or photographing of any type (webcam, camera, Internet exposure, etc.) without knowledge and consent of all persons; going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, exposing one’s genitals in non-consensual circumstances; coercing another against their will to expose their genitals or breasts, and prostituting another person.

“Interpersonal Misconduct” includes Dating Violence, Domestic Violence and Stalking, as defined below.

“Dating Violence” is defined in accordance with the reauthorization of the Violence Against Women Act, as violence committed by a person:
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on the complaining party’s statement with consideration of the following factors:
   • The length of the relationship
   • The type of the relationship
   • The frequency of interaction between the persons involved in the relationship.
3. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered by the definition of domestic violence.

“Domestic Violence” is defined in accordance with the reauthorization of the Violence Against Women Act as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law, or by any other person against an adult or youth victim who is protected from that person’s acts under California law.

“Stalking” is defined in accordance with the reauthorization of the Violence Against Women Act as engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.
For the purposes of this definition “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property.

For the purposes of this definition “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

“Retaliation” means adverse, non-permitted action taken against a person who reports a violation of this policy, assists someone with a report of a violation of this policy, or participates in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation can include but is not limited to: threats, intimidation, coercion, harassment, reprisals, spreading negative information about an individual, exclusions from academic and non-academic programs, and/or adverse actions related to employment.

"Hate Crimes" are acts of physical force, threats, or intimidation that are willfully or knowingly committed because of the victim’s actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).

"Bias-Motivated Incidents" are acts, including but not limited to disseminating racist flyers or defacing a student organization flyer, which do not violate the State Penal Code, but originate in bias against someone's actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation.

These policy definitions are not intended to and do not limit the University's ability to discipline or otherwise respond to conduct which does not necessarily violate the law, but which the University determines is a violation of this policy.

3. POLICIES/PROCEDURES:

The University seeks to ensure a positive living, learning and working environment for all LMU community members. Specifically, this policy prohibits unwelcome, harassing conduct on the basis of race, religious creed (including religious dress and grooming practices), color, national origin (including language and language use restrictions), ancestry, disability (mental and physical) including HIV and AIDS, legally protected medical condition (cancer-related or genetic characteristic), denial of Family and Medical Care Leave, marital status, sex (including pregnancy, childbirth, breastfeeding, and related medical condition), gender, gender identity, gender expression, age 40 or over, military or veteran status, sexual orientation, genetic information or any other bases protected by federal (including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), state or local law. Students, faculty and staff should be aware of and avoid actions that others may construe as unwelcome and/or harassing. [click here for Student Conduct Code] [click here for Human Resources Policies & Procedures] [click here for the Faculty Handbook].

Approved by Cabinet May 2006 Rev. 06/01/18
Processes for Enforcing this Policy

Complaints of Student-on-Student Sexual Misconduct and/or Discriminatory Harassment

Complaints of Sexual Misconduct

Complaints of student-on-student sexual misconduct, including student-on-student sexual harassment, are handled through the Student Conduct Code. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code up to, and including, dismissal from the University. Violation of this policy may also be subject the offender to criminal prosecution or third party civil litigation.

Complaints of Discriminatory Harassment

Complaints of student-on-student discriminatory harassment are handled through the Student Conduct Code. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code up to, and including, dismissal from the University.

Other Complaints of Sexual Misconduct and/or Discriminatory Harassment

Complaints of Sexual Misconduct

Complaints of sexual misconduct made by or against a student, faculty or staff member are subject to the processes described in “Step 1: Intake” and “Step 3: Formal Resolution” set forth in this policy, below. For complaints of sexual misconduct, DPS is charged with the “Intake” procedures set forth below.

A faculty or staff member found to have violated this policy will be subject to disciplinary action up to, and including, dismissal from the University, regarding allegations involving current students, faculty or staff irrespective of the length of time since the alleged misconduct occurred. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code. Violation of this policy by a student, faculty or staff member may also subject the offender to criminal prosecution or third party civil litigation.

Complaints of sexual misconduct made against an individual who is not a student, faculty or staff member are subject to this policy, but will not proceed through the Formal Resolution processes.

Complaints of Discriminatory Harassment

Complaints of discriminatory harassment made by or against a student, faculty or staff member are subject to the processes described in “Step 1: Intake,” “Step 2: Informal Process,” and “Step 3: Formal Resolution” set forth in this policy, below. A faculty or staff member found to have violated this policy will be subject to disciplinary action up to, and including, dismissal from the University. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code.

Complaints of discriminatory harassment made against an individual who is not a student, faculty or staff member are subject to this policy, but will not proceed through the Formal Resolution processes.
**Reporting Allegations of Discriminatory or Harassing Conduct**

The objective of this policy is to prevent an environment from developing which unreasonably interferes with a student's academic endeavors, student work and/or a faculty/staff member's work or has the effect of creating an intimidating, hostile or offensive environment because of such prohibited conduct. It is essential that students, faculty and staff immediately report conduct that is believed to be in violation of this policy. Prompt reporting is necessary in order that timely fact-finding can be conducted about complaints, a problem can be remedied before the situation escalates, and the potential for the spread of harmful rumors can be reduced. Unless the law requires a longer period of limitation, a complaint must be filed within one calendar year of the conduct alleged to be a violation. [Click here for Complaint of Allegation of Discriminatory Harassment Form.] Prompt reporting will enable the University to investigate the facts, determine the issues and provide an appropriate remedy for any violation of University policies.

All supervisory faculty, administrators and staff are required to report inappropriate conduct against another faculty, administrator or staff member in violation of the University's policies against discrimination and harassment.

All members of the University community, including students, faculty and staff, are encouraged, when appropriate and desirable, to try to resolve issues relating to conduct they believe to be discriminatory or harassing by directly addressing any person(s) engaged(ing) in inappropriate or unwelcome behavior and requesting that the behavior stop or be modified in some mutually satisfactory way.

However, we recognize that not everyone will feel comfortable engaging in such direct conflict resolution and/or that a direct approach will not always result in an acceptable resolution to all persons involved. In those instances where direct resolution is either not desirable or inadequate to resolve the inappropriate or unwelcome discriminatory or harassing behavior, any member of the University community is strongly encouraged to file a complaint of discrimination or harassment with any of the persons or departments listed below.

**Reporting Complaints of Sexual Misconduct**

Pursuant to the University's “Reporting Sexual Misconduct” policy, all reports of sexual misconduct, as defined above, should be made to the Department of Public Safety at 310.338.2893 [x82893 on campus]/(Westchester)/Campus Safety & Security at 213.736.1121 (Law School).

**Reporting Complaints of Discriminatory Harassment**

**Students**

**Westchester**

Students may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

1. Student Affairs at 310.338.2885 [x82885 on campus];
2. Associate Vice President Student Affairs at 310.338.7745 [x87745 on campus];
3. University Title IX Coordinator/EEO Specialist at 310.568.6105 [x86105 on campus];
4. Deputy Title IX Coordinator (Human Resources) 310.338.5345 [x85345 on campus];

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Faculty

Westchester

Faculty may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

1. Academic Affairs at 310.338.2733 [x82733 on campus];
2. Human Resources at 310.338.2723 [x82723 on campus];
3. Vice President for Intercultural Affairs at 310.338.7598 [x87598 on campus];
4. University Title IX Coordinator/EEO Specialist at 310.568.6105 [x86105 on campus]; or
5. Deputy Title IX Coordinator (Human Resources) at 310.338.5345 [x85345 on campus.]

Law School

6. Associate Dean for Faculty at 213.726.1038 [x1038 on campus]
7. University Title IX Coordinator/EEO Specialist at 310.568.6105.

Staff

Westchester

Staff may report discriminatory or harassing conduct, as defined in this policy, to any of the following:

1. Appropriate University Senior Vice President
2. Human Resources at 310.338.2723 [x82723 on campus];
3. University Title IX Coordinator/EEO Specialist 310.568.6105 [x86105 on campus] or
4. Deputy Title IX Coordinator (Human Resources) 310.338.5345 [x85345 on campus.]

Law School

5. Appropriate Associate Dean at 213.726.1038 [x1038 on campus]
6. University Title IX Coordinator/EEO Specialist at 310.568.6105.

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External Reporting Options

In addition to internal reporting options, students, faculty and staff may file reports with external agencies.

Students may contact the U.S. Department of Education Office for Civil Rights to file a complaint of discrimination or harassment or sexual misconduct:

1. In person: via telephone (800) 421-3481
Faculty and staff may file a complaint of discrimination or harassment with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing.

Faculty and staff may also file complaints related to Title VI of the Civil Rights Act of 1964 (race, color, and national origin), Title IX of the Education Amendments of 1972 (sex discrimination); Section 504 of the Rehabilitation Act of 1973 (discrimination on the basis of disability); the Age Discrimination Act of 1975 (age discrimination), and/or Title II of the Americans with Disabilities Act of 1990 (discrimination on the basis of disability) with the Office for Civil Rights, as described above.

A complaint filed with any outside government agency will not suspend the investigation or resolution of a complaint filed pursuant to the University's internal Discriminatory Harassment Complaint Process.

Confidentiality & Non-Retaliation

Confidentiality will be maintained to the greatest extent possible in view of the method of complaint resolution chosen.

All persons are prohibited from taking any retaliatory action against any other member of the University Community, including the complainant, respondent, or witnesses involved in the complaint. Retaliation may be subject to a separate complaint under this policy and/or appropriate disciplinary action up to and including dismissal from the University. Any person who believes that retaliation for having filed or participated in the investigation of a complaint of discrimination or harassment has occurred should immediately notify the EEO Specialist or designee of the retaliatory conduct.

False or Harassing Complaints Prohibited

It is a violation of this policy to file a false complaint against anyone for the purpose of injuring the reputation of or harassing another. Any person found to have filed a false complaint against another in bad faith or for the purpose of injuring the reputation of or harassing another will be subject to appropriate discipline. This proscription is in no way intended to discourage the filing of good faith complaints of discrimination or harassment, even if those complaints do not result in a finding of misconduct or sanction under the University's policies.
**Interim/Remedial Measures**

The University may take interim/remedial measures, including, but not limited to, no contact orders, or academic, residential, transportation and/or employment accommodations, intended to ensure the well-being of the complainant, the respondent, the investigatory process and/or the University community while the complaint is being investigated and prior to the determination on the complaint. Any such interim measures shall not be referred to or offered as evidence at a hearing on the underlying charge. Any such interim measures shall be designed and implemented in a manner intended to achieve their purpose while at the same time limiting, to the extent practicable, any adverse effect to the complainant’s and/or respondent’s educational program or employment. Any such interim measures shall remain confidential, to the extent possible, to achieve the measure. Both the complainant and respondent will receive written notification of their access to interim measures.

The University reserves the right to deny access to campus to former students, alumni, and/or visitors alleged to have engaged in, or who have been found to have engaged in discriminatory harassment, regardless of their status at the time of the alleged misconduct. The University reserves the right to continue interim/remedial measures following determination on the complaint.

**Advisors**

*Complaints of Sexual Misconduct*

All persons involved in a complaint of sexual misconduct may, at any time in the process, request the assistance of an advisor to be appointed by the University or select an advisor of their choice. The advisor may accompany the complainant and/or respondent during the complaint process. The advisor may assist in the presentation of the case to the EEO Hearing Panel (during any Formal Resolution.)

*Complaints of Discriminatory Harassment*

All persons involved in a complaint of discriminatory harassment may, at any time during the process, request the assistance of an advisor selected from the University community. An advisor is defined as any current student, faculty or staff or religious community member. Off-campus individuals, parents, family members, alumni/ae, and those persons who have no affiliation with the University are expressly excluded from the definition of “Advisor” and cannot serve as Advisors. Current faculty or staff cannot act as an Advisor to their own family members.

The advisor may accompany either the complainant and/or respondent during the complaint process. The advisor may provide support to the complainant or respondent throughout the process. The use of an advisor is not intended as legal representation, and no one acting in the capacity of an attorney will be present during the grievance procedures, except as may be permitted pursuant to the Faculty Grievance Process on appeal.

**Resources for Complainants and Respondents – Complaint of Sexual Misconduct**

When an allegation of sexual misconduct has been brought to the attention of the University, the University will provide resources to separately assist complainants and respondents in identifying University and external resources that are available to them in the context of alleged sexual misconduct. For student-on-student complaints, the parties are assigned Student Affairs Resource Administrator’s (SARA) pursuant to the Student-on-Student Sexual & Interpersonal Misconduct Policy and Protocol.
For all other complaints of sexual misconduct, the EEO Specialist, or designee, assists the parties. The EEO Specialist or designee is trained to assist the parties in identifying University and external resources and explaining the University’s investigation, complaint and appeal process; however, the EEO Specialist, or designee, is not an advocate. The EEO Specialist, or designee, will provide the parties written notification of their rights and options in regards to the formal resolution process set forth in the University’s Discriminatory Harassment and Complaint Process policy. The EEO Specialist, or designee, will provide written notification of available on and off campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid (where applicable) and other services offered by the University and other local organizations.

The EEO Specialist or designee will:

1. Provide information, as applicable, regarding on and off campus resources, such as: Student Psychological Services (SPS), Student Health Services (SHS), Judicial Affairs, Employee Assistance Program, Human Resources, Department of Public Safety / Campus Safety & Security (Law School), Los Angeles Police Department, Rape Treatment Center at Santa Monica-UCLA Medical Center, and Campus Ministry.
2. Explain all stages of the applicable complaint process, including the right to present material witness(es) to the incident, potential outcomes for complainants and respondents, and the right to be informed in writing of the outcome of the complaint process.
3. Provide information, explanation and review so that the parties can make an informed decision about the options available to them, including reporting to law enforcement, filing a complaint with the Department of Public Safety / Campus Safety & Security (Law School), filing and responding to complaints of sexual misconduct, taking legal action separate and apart from and/or in addition to filing a complaint with the University of sexual misconduct seeking disciplinary action, and documenting their decisions.
4. Explain that the complaining/responding party can refuse any/all of the above.
5. Follow up with the complainant and respondent throughout the formal resolution process and thereafter to ensure that no retaliation is taking place and to continue to provide the complainant and respondent access to resources the complainant or respondent require.

Complaining/Responding Party Rights – Complaint of Sexual Misconduct

The complaining and responding parties involved in a complaint of sexual misconduct have the right to:

1. Receive a written notification of available on and off campus existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid (where applicable), and other services available as well as notification of the procedures for institutional disciplinary action and their rights and options as defined in sexual misconduct cases.
2. Make a complaint to the Department of Public Safety / Campus Safety & Security (Law School).
3. File a police report and take legal action separate from and/or in addition to filing a Student Conduct Code complaint seeking disciplinary action.
4. Be informed of the disciplinary finding (responsible or not responsible) in writing.
5. Present material witnesses to the alleged incident.
6. Refuse any/all of the above.

Discrimination and Harassment Complaint Process

For those persons who believe they have been the victim of, or have witnessed, discrimination, harassment, or sexual misconduct by or against any member of the University community, including sexual harassment, this Complaint Process is the exclusive means by which complaints of discrimination
and harassment may be investigated and resolved, unless the complaint involves student-on-student discrimination, harassment, or sexual misconduct conduct. This Complaint Process is not intended to, and does not, preclude any member of the University community from addressing and resolving issues of inappropriate or unwelcome conduct directly with any other member of the University community.

Step 1: Intake

All complaints of discrimination or harassment, regardless of how reported, if not resolved directly, will be referred by the person receiving the complaint to the EEO Specialist or designee for Intake and Resolution pursuant to this Complaint Process.

All complaints of sexual misconduct will be made or referred to the Department of Public Safety / Campus Safety & Security (Law School.) In such cases, the Department of Public Safety / Campus Safety & Security (Law School) will perform “Intake” processes, as set forth below.

The EEO Specialist or designee/Department of Public Safety / Campus Safety & Security (Law School) will first meet with the complainant (i.e. the person making the complaint) to either make a complaint, if not already made, or, if a written complaint has been made, to verify the accuracy of the allegations contained in the written complaint. The complaint will include, but not be limited to:

1. The name of the complainant;
2. the name(s) of the respondent(s) (i.e. the person(s) accused of violating the University's policies against discrimination or harassment or sexual misconduct);
3. the date(s) and nature of all alleged discriminatory or harassing conduct or sexual misconduct;
4. the name(s) of any witness(es) to the alleged discriminatory or harassing conduct or sexual misconduct or person(s) that might otherwise have information relevant to the alleged discriminatory or harassing conduct or sexual misconduct by the respondent; and
5. if appropriate, whether the complainant is amenable to informal resolution of the complaint.

The EEO Specialist or designee/Department of Public Safety / Campus Safety & Security (Law School) will meet with the respondent to notify the respondent of the complaint and the allegations against her/him. During this meeting, the EEO Specialist or designee/Department of Public Safety / Campus Safety & Security (Law School) will also document the response to the allegations of the complaint, including but not limited to:

1. the respondent's version of each of the event(s) of alleged discriminatory or harassing conduct or sexual misconduct identified by the complainant;
2. the name(s) of any witness(es) to the alleged discriminatory or harassing conduct or sexual misconduct or person(s) that might otherwise have information relevant to the alleged discriminatory or harassing conduct or sexual misconduct by the respondent;
3. any additional information that the respondent believes is relevant to a determination of the complaint; and
4. if appropriate, whether the respondent is amenable to informal resolution of the complaint.
Complaints of Discrimination or Harassment

The EEO Specialist or designee will evaluate the allegations of the complaint and the response to determine the following:

1. whether the allegations constitute a claim of discrimination or harassment subject to the University's Complaint Process;

2. whether the claim and the parties are amenable to informal resolution. [Note: Claims that may not be suitable for informal resolution include but are not limited to those that may involve the interests of persons other than the claimant, claims of physical assault or violence or claims that involve other potentially criminal conduct]; and

3. whether there are any immediate actions that should be taken to redress the alleged inappropriate conduct pending further resolution of the complaint.

If the EEO Specialist or designee determines that the complaint does not constitute a claim of discrimination or harassment subject to the Complaint Process, the matter will be referred to the appropriate University personnel or University department for resolution.

If the EEO Specialist or designee determines that the complaint does constitute a claim of discrimination or harassment subject to the Complaint Process, then:

1. If the claims and parties are amenable to informal resolution, the matter will proceed as set forth below in Step 2: Informal Resolution. [Note: Both parties must consent to informal resolution, otherwise the matter must proceed to Step 3: Formal Resolution.]

2. If the claims and/or parties are not amenable to informal resolution, the matter will proceed as set forth below in Step 3: Formal Resolution.

Complaints of Sexual Misconduct

In complaints of sexual misconduct, the Department of Public Safety / Campus Safety & Security (Law School), in consultation with the Title IX Coordinator/EEO Specialist, will evaluate the allegations of the complaint and the response to determine whether there are any immediate actions that should be taken to redress the alleged inappropriate conduct pending further resolution of the complaint.

The Department of Public Safety will provide its reports to the Office of Student Conduct & Responsibility / Campus Safety & Security (Law School) will provide its reports to Student Affairs (Law School), in cases involving complaints of student-on-student sexual misconduct, or will provide its report to the Title IX Coordinator/EEO Specialist or designee, for all other claims of sexual misconduct.

1. If the claims involve student-on-student sexual misconduct, the matter will proceed as set forth in the Student-on-Student Sexual Misconduct Policy and Protocol / Student-on-Student Sexual Misconduct Policy & Protocol (Law School).

2. All other claims of sexual misconduct against a student, faculty or staff member will proceed as set forth below in the “Step 3: Formal Resolution” process. A Formal Resolution process initiated in response to an allegation of sexual misconduct is independent from criminal or civil proceedings and will normally proceed without regard to the pendency or potential pendency of criminal or civil proceedings.
Step 2: Informal Resolution

Informal Resolution is a process whereby the University attempts to resolve complaints quickly and effectively to the satisfaction of all parties without engaging in a formal fact-finding process or issuing any formal findings, while also providing the greatest protection of confidentiality possible to the parties. At any time during the informal resolution process, either party may elect to terminate the process and proceed with a formal resolution pursuant to Step 3 below.

Informal Resolution may take the form of an interactive resolution by the EEO Specialist or designee. The EEO Specialist or designee will meet with both the complainant and respondent, and any other persons or witnesses determined to be necessary to a full resolution of the complaint, to review the allegations and any response, and assist the parties in reaching a mutually satisfactory resolution.

If resolution is reached by these informal means, the resolution will be documented by the EEO Specialist or designee and the matter will be closed. If resolution is not reached by these informal means, and the EEO Specialist or designee determines that the complaint remains subject and amenable to resolution under the Complaint Process, the complaint will be referred to Step 3 below for Formal Resolution. The University reserves the right to terminate the informal resolution process and to deny formal processing of a complaint if at any time during the informal resolution it is determined that the allegations of the complaint are not subject or amenable to resolution under the Complaint Process.

If resolution is not reached by these informal means, the complainant or respondent may request that the matter be referred to Step 3 below for Formal Resolution. Requests to proceed with Formal Resolution by a complainant or respondent must be submitted in writing to the EEO Specialist within thirty (30) calendar days from the conclusion of the informal process.

Step 3: Formal Resolution

If a complaint is not suitable for informal resolution (the complainant, respondent or both do not agree to resolution of the complaint by informal means, or if informal resolution is not successful in resolving the matter, or if the complaint involves allegations of sexual misconduct) an EEO Hearing Panel will be constituted to hear and resolve the complaint.

The University reserves the right to initiate an EEO Hearing if a complainant in a sexual misconduct matter chooses not to participate in the Formal Resolution process.

Hearing Panel Composition

Each EEO Hearing Panel will consist of 4 EEO Hearing Panel members and one EEO Hearing Panel Chair who will preside over the hearing and – on the Panel’s behalf – issue findings and a recommended remedy, if any, on each EEO complaint. The EEO Hearing Panel will be constituted as follows:

The complaining party and responding party will each nominate four panelists from an approved list of trained EEO Hearing Panelists. EEO Hearing Panelists receive training regarding the adjudication of complaints made under this policy.

Each individual nominated by the complaining and responding parties must:

- Have satisfactorily completed University required training,
- Not be acting in the capacity of an attorney,
- Not have a personal interest in the EEO complaint or its resolution, and
If a staff member, have completed his/her introductory period.

The Associate Dean for Faculty (Law School) will make the final selection of the panel members from the nominees by selecting two of the complaining party’s nominees and two of the responding party’s nominees.

The fifth panel member will be an HR Representative who will preside over the hearing as the EEO Hearing Panel Chair. The Vice President of Human Resources will designate the HR Representative who will act as the EEO Hearing Panel Chair. The HR Representative will only act as a voting panelist if there is a split decision between the EEO Hearing Panel members.

**Notice of Hearing**

Once selected, the EEO Hearing Panel Chair will provide at least ten (10) business days’ notice to the complaining and responding parties of the date of the hearing. All EEO Hearing Panel members will receive training on the University's anti-discrimination/harassment and sexual misconduct policies and on the administration of this Complaint Process prior to the hearing.

**Formal EEO Hearing Process**

The function of the EEO Hearing Panel will be to: (1) determine whether any University policy against discrimination, harassment or sexual misconduct has been violated, including any lesser offense than that charged in the complaint; and (2) if so, recommend an appropriate remedy to redress the violation. At the EEO Hearing Panel proceedings, each party will have the right to present testimony and evidence in support of his/her claims or defenses. The EEO Hearing Panel will be empowered to hear and receive evidence and testimony relating to the complaint, including compelling either party to produce a witness or evidence deemed relevant to the determination of the complaint, and question any witnesses, including the complainant or respondent.

The EEO Hearing Panel Chair will be responsible for presiding over the EEO Hearing Panel proceedings and ensuring the orderly presentation of the evidence and testimony, as well as ensuring that the parties are accorded a fair and full opportunity to present their claims and defenses. The EEO Hearing Panel proceedings will not be governed in accordance with any rules of evidence or procedure, but will be administered in the sole discretion of the EEO Hearing Panel, under the direction of the EEO Hearing Panel Chair. All EEO Hearing Panel proceedings will be closed to general members of the University community. Attendance at EEO Hearing Panel proceedings will be limited to the complainant, respondent, an advisor to either party, witnesses called to testify by either party, and the designated EEO Hearing Panel members.

After the presentation of all testimony and evidence by both parties, the EEO Hearing Panel will convene privately to deliberate on the facts and evidence. Within fifteen (15) calendar days from the adjournment of the hearing, the EEO Hearing Panel will issue a written decision reflecting the panel's finding of whether any of the University's policies against discrimination, harassment or sexual misconduct have been violated, the factual basis for such finding, and the recommended remedy for any violation. The written decision will be made using the preponderance of evidence standard. The findings and recommendation will be based solely on the presentation of evidence and testimony during the hearing and will include sufficient detail in support of the decision to allow adequate review on appeal.

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If additional time is needed to prepare the written decision, the fifteen (15) calendar day deadline may be extended by the University. If additional time is needed, the EEO Specialist, or designee, will inform the parties of the deadline extension.
If the decision contains a recommended remedy, the EEO Hearing Panel will forward its written decision to the EEO Specialist or designee and the appropriate University Senior Vice President responsible for enforcing any remedy for review and approval. If the recommended remedy is not approved, the written decision must be supplemented to reflect the reasons for any modification. [Note: A recommended remedy may be modified, for example, on the basis of prior disciplinary action against the respondent to which the EEO Hearing Panel is not privy.] Within five (5) business days from the date of the written decision the EEO Specialist or designee will issue written notice to both the complainant and respondent of the findings of the EEO Hearing Panel, including the determination of whether any University policy against discrimination or harassment has been violated, the factual basis for the finding, and any remedy. In the case where the remedy involves discipline against the respondent, the complainant will be notified only that the respondent will be appropriately disciplined for the violation, but will not receive notice of the specific nature of any discipline, unless required by law. Notice to the respondent will include specific reference to the discipline to be enforced against her/him. The decision of the EEO Hearing Panel is final unless appealed, pursuant to Step 4 below, within ten (10) business days from the date of the written notice to the parties.

Step 4: Appeal

Either party may appeal the decision of the EEO Hearing Panel by providing written notice of appeal as follows:

**University Campuses (Not Including the Law School Campus)**

**Appeal by Complainant**

The complainant may appeal the decision of the EEO Hearing Panel to the University Executive Vice President and Provost. A written notice of appeal must be filed in writing with the Office of the University Executive Vice President and Provost. Upon receipt of the written notice of appeal, the Office of the University Executive Vice President and Provost will provide notice of the appeal in writing to the EEO Specialist, the appropriate University Senior Vice President, if any, and the respondent. The University Executive Vice President and Provost will review the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file, to determine whether the decision, including the findings and recommended remedy, if any, of the EEO Hearing Panel should be affirmed, reversed, or modified. Within ten (10) business days from the date of the written notice of appeal, the University Executive Vice President and Provost will notify the parties in writing of the decision on appeal.18

In the event the decision of the EEO Hearing Panel is reversed or modified, the notice by the University Executive Vice President and Provost will include an explanation of the grounds on which the decision has been reversed or modified. The decision of the University Executive Vice President and Provost will be final.

**Appeal by Respondent**

The respondent may appeal the decision of the EEO Hearing Panel as follows:

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18 If additional time is needed to prepare the written decision on appeal, the ten (10) business day deadline may be extended by the University. If additional time is needed, the EEO Specialist, or designee, will inform the parties of the deadline extension.
1. A student respondent may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to Judicial Affairs within ten (10) business days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedures for appeal found in the Student Conduct Code.

2. A faculty respondent may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to the Faculty Grievance Committee within ten (10) business days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedures for review of a faculty grievance of "dismissal or other severe sanction" found in the Faculty Handbook.

3. A staff member may appeal the decision of the EEO Hearing Panel by sending written notice of appeal to the University Executive Vice President and Provost within ten (10) business days from the date of the notice of the decision. The appeal of the decision of the EEO Hearing Panel will proceed in accordance with the procedure set forth above for appeals by complainants.

**Scope of Review on Appeal**

All appeals will be based on a review of the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file. The scope of review on appeal will be solely to determine if the findings and recommended remedy, if any, are supported by a preponderance of the evidence in the record of the case. No appealing party will be permitted to offer new evidence for consideration on appeal unless the party can demonstrate that the evidence did not exist or the party was reasonably unaware of the evidence at the time of the EEO Hearing. If new evidence is permitted for consideration on appeal, the reviewer will only be permitted to determine whether the additional evidence might reasonably have resulted in a different finding or remedy. If the reviewer determines that the additional evidence might reasonably have resulted in a different finding or remedy, the case will be remanded to the EEO Hearing Panel for reconsideration of the case in light of the new evidence.

**Decision on Appeal**

Within ten (10) business days from the date of the written notice of appeal, the reviewer will issue a written decision on appeal to both the complainant and respondent, which will state whether the decision of the EEO Hearing Panel, including the findings and remedy, if any, are affirmed, reversed, modified, or in the case of new evidence remanded. In the event the decision or remedy of the EEO Hearing Panel is reversed or modified, the notice will include an explanation of the grounds for reversal or modification. Notice to the complainant will not include reference to the specific nature of any discipline to be enforced against the respondent, unless required by law. Copy of the written notice will also be forwarded to the EEO Specialist and the appropriate University Senior Vice President, if any. All appeal decisions are final.

**Law School Campus**

The complainant and/or respondent may appeal the decision of the EEO Hearing Panel to the Law School Dean. A formal notice of appeal must be filed in writing with the Office of the Dean within thirty (30) days from the date of the decision of the EEO Hearing Panel. Upon receipt of the written notice of appeal, the Law School Dean will provide notice of the appeal in writing to the EEO Specialist, the appropriate Associate Dean, if any, and the respondent. The Law School Dean will review the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file, to determine whether the decision, including the findings and recommended remedy, if any, of the EEO Hearing Panel should be affirmed, reversed, or modified.
Scope of Review on Appeal

All appeals will be based on a review of the record of the case, including but not limited to the written decision of the EEO Hearing Panel and any evidence or other documentation contained in the case file. The scope of review on appeal will be solely to determine if the findings and recommended remedy, if any, are supported by a preponderance of the evidence in the record of the case. No appealing party will be permitted to offer new evidence for consideration on appeal unless the party can demonstrate that the evidence did not exist or the party was reasonably unaware of the evidence at the time of the EEO Hearing. If new evidence is permitted for consideration on appeal, the reviewer will only be permitted to determine whether the additional evidence might reasonably have resulted in a different finding or remedy. If the reviewer determines that the additional evidence might reasonably have resulted in a different finding or remedy, the case will be remanded to the EEO Hearing Panel for reconsideration of the case in light of the new evidence.

Decision on Appeal

Within ten (10) business days from the date of the written notice of appeal, the Law School Dean will issue a written decision on appeal to both the complainant and respondent, which will state whether the decision of the EEO Hearing Panel, including the findings and remedy, if any, are affirmed, reversed, modified, or in the case of new evidence remanded. In the event the decision or remedy of the EEO Hearing Panel is reversed or modified, the notice will include an explanation of the grounds for reversal or modification. Notice to the complainant will not include reference to the specific nature of any discipline to be enforced against the respondent, unless required by law. Copy of the written notice will also be forwarded to the EEO Specialist and the appropriate Associate Dean, if any. All appeal decisions are final.

Record Keeping

The University will maintain records of all complaints of discrimination, harassment and sexual misconduct filed pursuant to the Discrimination and Harassment Complaint Process for a period of not less than four (4) years. All records will be maintained by the EEO Specialist. Complaint records will not be maintained with the academic or employment records of any student, faculty, or staff, except that some notation of disciplinary action taken against any student, faculty, or staff pursuant to the Complaint Process may be made in the academic or employment record(s) of that individual if required as a condition of the discipline itself or pursuant to administrative record-keeping requirements.

Annually, the University will publish a record of the number of complaints filed pursuant to the Discrimination and Harassment Complaint Process and the basis of each complaint. No information will be published about the identity of persons involved in or the specific nature of any discriminatory harassment complaint.

Training

Pursuant to California law, all supervisory faculty and staff personnel will receive two (2) hours of training on sexual harassment, including specifically the University's policy against discriminatory harassment, once every two years. This training will be coordinated and administered by the University Title IX Coordinator/EEO Specialist in conjunction with the Department of Human Resources. Any individual who has a question regarding this training should contact the Title IX Coordinator/EEO Specialist at the Human Resources Office, x86105.

19 If additional time is needed to prepare the written decision, the ten (10) business day deadline may be extended by the University. If additional time is needed, the EEO Specialist, or designee, will inform the parties of the deadline extension.
Questions about this Policy

Students, faculty and staff who have questions regarding the University's Discriminatory Harassment and Complaint Process policy or Title IX should contact the University EEO Specialist, who is the designated Title IX Coordinator for the University, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105. [Click here for Complaint of Discriminatory Harassment Form.]
LOYOLA MARYMOUNT UNIVERSITY
HUMAN RESOURCES POLICIES AND PROCEDURES

DIVISION: Administration/Human Resources

SUBJECT: Reporting Sexual Misconduct

Policy Number: Supersedes: N/A

Effective Date: 08/15/17
Previously Issued: 08/15/16

1. STATEMENT OF POLICY:

Title IX of the Education Amendments of 1972 ("Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, discrimination on the basis of sex can include sexual assault, sexual exploitation or sexual harassment.

The University does not tolerate sexual misconduct in any form. Sexual misconduct violates the sanctity of the human body and spirit and will not be tolerated within the University community. This policy applies regardless of sexual orientation or gender identity. Any violations of this policy will be treated as serious misconduct and result in appropriate disciplinary action. The University also does not tolerate sexual harassment in any form. For more information regarding reporting sexual harassment, see Discriminatory Harassment & Complaint Process policy.

It is important for all members of the community to know that anyone can be a victim or perpetrator of sexual misconduct. It is the policy of the University to protect its students, faculty, staff, vendors, guests and other visitors to the University from sexual misconduct. It is the responsibility of every faculty and staff member to report all sexual misconduct. It is possible that, as a student, faculty or staff member, you may be the first person to whom a victim reports sexual misconduct, or you may witness or become aware of an incident of sexual misconduct. The purpose of this policy is to inform you how to report sexual misconduct. This policy applies to all reports of sexual misconduct except those involving child abuse or student-on-student sexual misconduct. Reports of child abuse are subject to the University’s Reporting Child Abuse policy. Student-on-student sexual misconduct reports are subject to the University’s Student-on-Student Sexual Misconduct Policy and Protocol and the Student Conduct Code.
2. DEFINITIONS:

“Consent” is defined as the unambiguous and willing participation or cooperation in act, behavior or attitude that is commonly understood to be consistent with the exercise of free will. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other(s) to engage in the sexual activity. Consent requires participants who are lawful adults, fully conscious, equally free and legally competent to act, have clearly communicated their willingness, cooperation, or permission to participate in the specific sexual activity engaged in, are positive and clear about their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with clear gestures, body language or attitude. Lack of protest or resistance does not mean consent, nor does silence mean consent. Prior sexual history between the complainant and respondent, by itself, does not constitute consent, nor does consenting to sexual activity with one person imply consent to sexual activity with another person.

Consent is not freely given if:

3. It is obtained through the use of force, through the fear of or the threat of force, through the abuse of a power positions over another (such as employment status or position within an organization) or by kidnap; or
4. A reasonable person in the position of the alleged perpetrator at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
   a. The individual is unable to make an informed decision as a result of the use of alcohol, drugs or other substances (including but not limited to predatory drugs or prescribed medications);
   b. The individual is unable to consciously respond for whatever reason including lack of consciousness, sleep, illness or shock;
   c. The individual is under the age of eighteen and therefore legally incapable of giving consent; or
   d. The individual is known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to consent.
5. The individual has acted or spoken in a manner which expresses a lack of consent or a refusal to consent.

The following are invalid excuses for failing to obtain affirmative consent from the Complainant:

4. The responding party’s belief in affirmative consent arose from the intoxication or recklessness of the responding party; or
5. The responding party did not take reasonable steps, in the circumstances known to the responding party at the time, to ascertain whether the complaining party affirmatively consented.

“Sexual Misconduct” is defined as Sexual Assault, Sexual Exploitation, Interpersonal Misconduct, or the act of making sexual contact with the intimate body part of another person without that person’s consent including as the result of sexual coercion. Intimate body parts include the sexual organs, the anus, the groin or buttocks, and the breasts of any person. Student-on-student sexual misconduct also includes sexual harassment.

“Sexual Assault” is defined to include engaging in sexual intercourse or any of the sexual activities listed below with another person without that person’s consent. Sexual Assault includes, but is not limited to, rape, sexual battery, anal intercourse, oral copulation or penetration of a body cavity by a
foreign object. Sexual intercourse includes the penetration, however slight, of the vagina or anus with any object or body part and of the mouth with a body part or any object in a sexual manner.

“Sexual exploitation” is sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her benefit or for the benefit of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy, audio or video recording or photographing of any type (webcam, camera, Internet exposure, etc.) without knowledge and consent of all persons; going beyond the boundaries of consent (such as letting another person hide and watch you have consensual sex without the knowledge of the other party), engaging in unconsented voyeurism, exposing one’s genitals in non-consensual circumstances; coercing another against their will to expose their genitals or breasts, and prostituting another person.

“Interpersonal Misconduct” includes Dating Violence, Domestic Violence and Stalking, as defined below.

“Dating Violence” is defined in accordance with the reauthorization of the Violence Against Women Act, as violence committed by a person:

3. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

4. Where the existence of such a relationship shall be determined based on the complaining party’s statement with consideration of the following factors:
   a. The length of the relationship
   b. The type of the relationship
   c. The frequency of interaction between the persons involved in the relationship.

5. Dating Violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

“Domestic Violence” is defined in accordance with the reauthorization of the Violence Against Women Act as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under California law, or by any other person against an adult or youth victim who is protected from that person’s acts under California law.

“Stalking” is defined in accordance with the reauthorization of the Violence Against Women Act as engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property.
For the purposes of this definition “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

"Sexual Harassment" for the purposes of this policy is defined as unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, physical or visual conduct by a person of either the same or opposite sex where:

4. submission to or rejection of the conduct is made either an explicit or implicit condition of academic achievement and/or employment;
5. submission to or rejection of the conduct is used as the basis for an academic and/or employment decision; or

6. the conduct has the purpose or effect of unreasonably interfering with academic, or work performance or creating an intimidating, hostile, or offensive, living, academic, or work environment.

“Hostile Environment” is defined as any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it limits, interferes with or denies educational or employment benefits or opportunities from both a subjective (the complainant) and objective (reasonable person’s) viewpoint.

“Retaliation” means adverse, non-permitted action taken against a person who reports a violation of this policy, assists someone with a report of a violation of this policy, or participates in any manner in an investigation or resolution of a report of a violation of this policy. Retaliation can include but is not limited to: threats, intimidation, coercion, harassment, reprisals, spreading negative information about an individual, exclusions from academic and non-academic programs, and/or adverse actions related to employment.

3. POLICIES/PROCEDURES:

A member of the University community who has been sexually assaulted or has been exposed to any form of sexual misconduct is strongly encouraged to make a report to activate the appropriate response and support, as soon as possible, by following the reporting steps below, regardless of the amount of time that has passed since the alleged misconduct occurred. The University will promptly investigate and take appropriate action to eliminate the sexual misconduct, prevent its recurrence and address its effects.

All forms of sexual misconduct are unacceptable and will not be tolerated. A student found to have violated this policy will be subject to the sanctions set forth in the Student Conduct Code up to, and including, dismissal from the University. A faculty or staff member found to have violated this policy will be subject to disciplinary action up to, and including, dismissal from the University. The University reserves the right to take disciplinary action regarding allegations involving current students, faculty or staff without regard to the length of time since the alleged misconduct occurred. Violation of this policy may also subject the offender to criminal prosecution or third party civil litigation.

Title IX and Sexual Misconduct

Under Title IX, the University has a responsibility to respond promptly and equitably to address sexual harassment, sexual violence, and interpersonal misconduct. If the University knows or reasonably should know about sexual harassment, sexual violence, or interpersonal misconduct that creates a hostile environment, the University must take action to eliminate the sexual harassment, sexual violence, or interpersonal misconduct, prevent its recurrence, and address its effects.
The University encourages prompt reporting of crime to the Department Of Public Safety and/or law enforcement. Even if a student, faculty or staff member does not want to file a complaint or does not request that the University take any action on his/her behalf or is unable to make a report to the University or law enforcement, if the University knows or reasonably should know about possible sexual harassment, sexual violence, or interpersonal misconduct, it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. In appropriate circumstances, the University may report crimes to law enforcement when a victim decides not to report or cannot report the crime.

A criminal investigation into allegations of sexual misconduct does not relieve the University of its duty under Title IX to resolve complaints promptly and equitably.

Questions about Title IX or this policy may be directed to Sara Trivedi, Title IX Coordinator/EEO Specialist in the Human Resources Department, who can be reached at (310) 568-6105 or strivedi@lmu.edu. The Title IX Coordinator is notified of reported incidents of sexual and interpersonal misconduct and monitors the University’s response to such misconduct. Deputy Title IX Coordinators include:

5. Janet Lindsay, HR Specialist – Investigations (Janet.Lindsay@lmu.edu), phone: 310.338.1821
6. Francesca Piumetti, Associate Dean of Students (Francesca.Piumetti@lmu.edu), phone: 310.338.1821
7. Maria Behm, Senior Associate Athletics Director/Business Affairs (Maria.Behm@lmu.edu), phone: 310.338.7645

Duty to Report

Faculty and staff are required to report information received about an incident of sexual misconduct where either a student, faculty or staff member has experienced sexual or interpersonal misconduct, or where the incident of sexual misconduct occurred on campus or at a University controlled premises.

Faculty and staff with questions about their reporting requirements may contact Sara Trivedi, Title IX Coordinator/EEO Specialist in the Human Resources Department, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105 [x86105 from campus, email: strivedi@lmu.edu.]

How to Report Sexual Harassment

Student-on-student sexual harassment is handled through the University’s Student-on-Student Sexual Misconduct Policy and Protocol and the Student Conduct Code and may be reported to the Department of Public Safety at 310.338.2893 [x82893 on campus].

All other complaints of sexual harassment are subject to the University’s Discriminatory Harassment & Complaint Process policy.

How to Report Sexual Misconduct

If you witness sexual misconduct in progress or an imminent threat of sexual misconduct where it appears that sexual misconduct is likely to take place, emergency assistance should be obtained immediately by contacting the Department of Public Safety at x222, and the situation should be immediately reported concurrently to the LAPD by dialing 9-911.
If You Learn that a Student Experienced Sexual or Interpersonal Misconduct

Faculty and staff who learn that a student has experienced sexual or interpersonal misconduct must report all information they have about the misconduct to the Department of Public Safety at 310.338.2893 [x82893 on campus]. The Department of Public Safety is charged with initial intake of information.

If You Learn that a Non-Student Affiliated with the University Experienced Sexual or Interpersonal Misconduct

Faculty and staff who learn that a non-student affiliated with the University (faculty, staff or visitor) has experienced sexual or interpersonal misconduct, or who learn that sexual or interpersonal misconduct occurred on campus or on University controlled premises must report information they have about the misconduct to the Title IX Coordinator. Faculty and staff are not obligated to report identifying information of the complainant unless the Title IX Coordinator, in consultation with the appropriate Senior Vice President or designee determines that one or more of the following factors exists:

  e) The respondent has known prior allegations of sexual misconduct and a potential for a campus safety risk exists;
  f) The location in which the alleged incident occurred is a location where previous complaints of sexual misconduct occurred creating the potential for an unsafe environment for the University community;
  g) A threat to the campus community at large has been identified;
  h) A frequency or pattern is detected that suggests an unsafe environment exists for the University community or a University community member;
  i) The sexual misconduct was perpetrated with a weapon;
  j) The victim is a minor; or
  k) Some combination of the above factors exists.

If the decision is made that one or more of the above factors exists, then the reporting faculty or staff member must disclose the name of the complainant to the Title IX Coordinator. The University will only inform the necessary individuals and entities on campus required to perform a thorough investigation and adjudication of the complaint.

If You Are Unsure of What You Witnessed/What Has Been Reported to You

A faculty or staff member who is unsure whether what he/she has witnessed or what has been reported to him/her constitutes sexual misconduct should contact Sara Trivedi, Title IX Coordinator/EEO Specialist in the Human Resources Department, at Human Resources, 1 LMU Drive, Suite 1900, Los Angeles, CA 90045, phone: 310.568.6105 [x86105 from campus, email: strivedi@lmu.edu] or the Department of Public Safety (Westchester) at 310.338.2893 [x82893 on campus] / Campus Safety and Security (Law School) at 213.736.1121 (x1121 on campus) and report the incident. Responsive action will be taken based on the information provided.

Responsible Employees

Title IX requires all universities to identify “responsible employees” as those who are obligated to report all details of an incident as set forth above.

Responsible employees include faculty, administrative staff and some student staff. Responsible employees do not include the following:
Professional, licensed counselors, such as the psychologists at Student Psychological Services, (310) 338-2868, are not required to report any information regarding alleged sexual misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body, without consent from the complainant.

Pastoral counselors, such as Catholic priests and women religious, are not required to report any information regarding alleged sexual misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body, without consent from the complainant provided they receive the information in performance of their pastoral duties.

Student Health Center Staff, such as doctors and nurse practitioners at Student Health Services (310) 338-2881, are not required to report any information regarding alleged sexual misconduct, to the Department of Public Safety, the Title IX Coordinator or any other reporting body on campus, without consent from the complainant. The Student Health Center Staff will be required to report signs of physical or sexual abuse to local law enforcement.

Community Resource Advisors, their names can be found on the LMU CARES website, may speak with students regarding incidents of sexual and interpersonal misconduct without automatically triggering a University investigation into the matter. These individuals do have time and place reporting responsibilities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), but are not obligated to report identifying information of the complainant. If the respondent’s name is presented to a Community Resource Advisor, they will be obligated to report that information to the Title IX Coordinator. Reports by the Community Resource Advisors will not trigger a University investigation unless the Title IX Coordinator in consultation with the Senior Vice President for Student Affairs or designee (for cases involving students) or with the Executive Vice President and Chief Administrative Officer or designee (for cases involving faculty or staff), or the Senior Vice President and Chief Finance Officer or designee (for cases involving a respondent who is not a student, faculty or staff member) determines that an investigation is necessary because of the existence of one or more of the factors described above.

Sharing of information related to a complaint of sexual misconduct

When the Department of Public Safety receives a report of sexual misconduct, the Department of Public Safety will notify governmental agencies, as appropriate. The Department of Public Safety will notify the Title IX Coordinator. Confidentiality will be maintained to the extent possible. The University reserves the right to share information regarding a report of sexual misconduct on a need-to-know basis, as determined in the University’s sole discretion.

Retaliation

All persons are prohibited from taking any retaliatory action against any other member of the University Community, including the complainant, respondent, or witnesses involved in a complaint of sexual misconduct. Retaliation may be subject to a separate complaint under this policy and/or appropriate disciplinary action up to and including dismissal from the University. The University will respond to any accusations of retaliation against the complainant, respondent or witnesses brought upon by the investigation or adjudication of the misconduct. Any person who believes that she/he has been retaliated against for having filed or participated in the investigation of a complaint of sexual misconduct should immediately notify the Department of Public Safety at (310) 338-2893 (x82893 from campus phone.)
**False or Harassing Complaints Prohibited**

It is a violation of this policy to file a false complaint in bad faith against anyone for the purpose of injuring the reputation of or harassing another. Any person found to have filed a false complaint in bad faith against another or for the purpose of injuring the reputation of or harassing another will be subject to appropriate discipline. This proscription is in no way intended to discourage the filing of good faith complaints of Sexual Misconduct, even if those complaints do not result in a finding of misconduct or sanction under the University's policies.

**Chart: Reporting Sexual Misconduct Procedures**

<table>
<thead>
<tr>
<th>TYPE OF REPORT</th>
<th>REPORTING PROCEDURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-progress or imminent sexual misconduct</td>
<td>Immediately report concurrently to the LAPD by dialing 9-911 and the Department of Public Safety at x222 or 310.338.2893 (x82893 on campus).</td>
</tr>
<tr>
<td>If you learn that a student experienced sexual misconduct</td>
<td>Call the Department of Public Safety at 310.338.2893 (x82893 on campus).</td>
</tr>
<tr>
<td>If you learn that a non-student affiliated with the University (faculty, staff</td>
<td>Call the Title IX Coordinator at 310.568.6105 (x86105 on campus).</td>
</tr>
<tr>
<td>or visitor) experienced sexual misconduct or that sexual misconduct has occurred</td>
<td></td>
</tr>
<tr>
<td>on campus or on University controlled premises</td>
<td></td>
</tr>
<tr>
<td>All other complaints of sexual harassment</td>
<td>Follow reporting procedures in the Discriminatory Harassment and Complaint Process policy.</td>
</tr>
</tbody>
</table>

**Additional Information regarding State Law and Sexual Misconduct**

For additional information regarding California law regarding sexual misconduct, please see Appendix “A” - *California Law regarding Sexual Misconduct*, below.

**APPENDIX “A” - California Law regarding Sexual Misconduct**

The following excerpts are only intended to be partially explanatory of certain California laws pertaining to sexual misconduct. These excerpts are not intended to be an exhaustive description or list of California laws pertaining to sexual misconduct or inappropriate or criminal sexual behavior.

Excerpts from the California Penal Code, §§11165.1 and 261:

Sexual assault includes rape, statutory rape, rape in concert, incest, sodomy, oral copulation, sexual penetration, lewd or lascivious acts upon a child, child molestation and the following:

8. Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is emission of semen.
9. Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
10. Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.

11. The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs and buttocks, or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
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5. The intentional masturbation of the perpetrator's genitals in the presence of a child.

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator under any of the following circumstances:

7. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent and this is known or reasonably should be known to the person committing the act;
8. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another;
9. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused;
10. Where a person is at the time unconscious of the nature of the act, and this is known to the accused;

As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:
   a. Was unconscious or asleep.
   b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
   c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
   d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

11. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief;
12. Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.

As used in this paragraph, “threatening to retaliate,” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

California law also states that, “the essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime” (Code 263). California law further defines both marital rape (Code 262) and “statutory rape” (Code 261.5). Though laws vary from state to state, intercourse in which consent was not obtained or was obtained under coercive conditions will usually be considered rape.
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Excerpt from Section 67386 of the California Education Code:

University policies concerning sexual assault, domestic violence, dating violence and stalking shall include an affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Excerpts from Section 261.6 and 261.7 of the California Penal Code:

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent. In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

Excerpts from Section 646.9 of the California Penal Code:

Any person who willfully, maliciously and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by:

1. Imprisonment in a county jail for not more than one year, or
2. By a fine of not more than $1,000, or
3. By both that fine and imprisonment, or by imprisonment in the state prison.

For purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms,annoys, torments or terrorizes the person, and that serves no legitimate purpose.

Excerpts from Section 13700 of the California Penal Code and 6211 of the California Family Code
APPENDIX E

REPORTING SEXUAL MISCONDUCT

“Domestic Violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, person with whom the suspect has had a child or is having, has had a dating or engagement relationship, a child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected, or any other person related by consanguinity or affinity within the second degree.

For the purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

1. Sexual relations between the parties while sharing the same living quarters;
2. Sharing of income or expenses;
3. Joint use or ownership of property;
4. Whether the parties hold themselves out as husband and wife;
5. The continuity of the relationship;
6. The length of the relationship.

Rev. 08/15/17
APPENDIX F

COPYING POLICY STATEMENTS

AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS, Report of the Special Committee on Copyright

These guidelines were developed by three organizations: the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revision; the Authors League of America, Inc.; and the Association of American Publishers, Inc.

With Respect to Books and Periodicals

The purpose of the following guidelines is to state the minimum standards of education fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

A. A chapter from a book;
B. An article from a periodical or newspaper;
C. A short story, short essay or short poem, whether or not from a collective work;
D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper;

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

A. The copying meets the test of brevity and spontaneity as defined below; and,
B. Meets the cumulative effect test as defined below; and,
C. Each copy includes a notice of copyright

Definitions
Brevity

(i) Poetry:
   (a) A complete poem if less than 250 words and if printed on not more than two pages or,
   (b) from a longer poem, an excerpt of not more than 250 words.

(ii) Prose:
   (a) Either a complete article, story or essay of less than 2,500 words, or
   (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.

(iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

Spontaneity

(i) The copying is at the instance and inspiration of the individual teacher, and

(ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

(i) The copying of the material is for only one course in the school in which the copies are made.

(ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

III. Prohibitions as to I and II Above
Notwithstanding any of the above, the following shall be prohibited:

A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

C. Copying shall not:
   1. substitute for the purchase of books, publishers' reprints or periodicals;
   2. be directed by higher authority;
   3. be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

WEST PUBLISHING COMPANY PHOTOCOPYING PERMISSIONS POLICY, ISSUED NOVEMBER 1, 1991:

You are authorized to reproduce as many cases as you wish from the West National Reporter System and material from West Annotated Statutes for use in your law school courses. This blanket permission is given on condition that:

1. The reproduced materials will contain one of the following credit lines:
   “Court opinions have been reproduced from the National Reporter System with permission of Thomson Reuters.”
   “Statutory material has been reproduced from (USCA or state name Annotated Statute Set) with permission of Thomson Reuters.”

2. That either a single copy of the reproduced material or a list of the materials that have been reproduced is sent to Thomson Reuters within 30 days after the copies have been made. Copies of the reproduced material or the list of reproduced materials should be mailed to:

3. Permission to download materials or permission to post material on their website need to submit a written request stating:
   Specific material they wish to use
   Approximate number of copies being distributed
   Purpose and format of use
This request may be submitted via one of the following methods
Fax: (651) 687-7551
The foregoing arrangement will permit the unrestricted copying of National Reporter System opinions and West Annotated Statutes for classroom use. Also, our company will be informed with regard to the nature and extent of the use of our copyrighted material.
MEMORANDUM

September 19, 2017

To: File
From: Debra Martin
    Associate Dean for Business
Re: Expense Reimbursement Policies

The following summarizes the Law School’s basic expense reimbursement policies. It is not possible, of course, to cover every situation, and questions will undoubtedly arise on occasion as to whether certain expenditures are reimbursable. Direct payment by the Law School to vendors is preferred and would certainly minimize the need for expense reimbursements.

The general rule is that the Law School will reimburse employees for expenses directly connected with the performance of their duties. The intention of the rule is to protect employees from having to bear additional personal expenses by reason of special job requirements. There is no intention, however, of using expense reimbursements as a means of providing additional compensation.

Requests for expense reimbursement must be prepared in sufficient detail to describe adequately the items for which reimbursement is being sought. The expense reimbursement request must be submitted through Concur. Supporting documents must be attached to substantiate expenses; the nature and business purpose of the expenditure must be detailed in Concur.

On those occasions when local meal charges are incurred in the conduct of Law School business, the actual cost is reimbursable. Requests for such reimbursement must be substantiated, in Concur, with the itemized receipt, credit card receipt, and must detail the place, the names of those present, and the business purpose for the expense.

All expense reimbursements payable to the same individual making the request (the submitter in Concur) will be reviewed and approved by the immediate supervisor of the requester and the cost object approver (budget manager) of the account designated in Concur.
APPENDIX H

Using Concur: Expense Reimbursement & Travel Approval

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Concur Basics

- **How do I access Concur**
  
  You can easily access Concur three ways:
  
  - By clicking/typing in the URL link: [concur.lmu.edu](concur.lmu.edu)
  - At our Loyola Law School website: My LLS > Faculty > Services and Resources > Concur
  - By downloading the Concur Mobile App (Please note that the company code for the mobile app is **ELKA2**. You’ll need to type in this code after downloading the Concur mobile app).

  - Your login credentials are the same as the Law School email or Mytime.

- **Which module should I use**
  
  - The **Request** module is for cash advances and travel requests. The Request module is for your own travel only. Any student or guest travel requests should be submitted outside of Concur. The Associate Dean of Research approves all travel requests in Concur.
  - The **Expense** module is for out of pocket expenses and reimbursements.
  - The **Invoice** module is for invoices and requests for payment (RFP). RFP’s are all other payments where an invoice is not provided, such as student reimbursements, honorariums, or payments to an independent contractor.

- **User Guides/Concur Resources**
  
  - When submitting items in Concur, please use the step by step Quick User Guides located here: [https://my.lls.edu/finance/concur](https://my.lls.edu/finance/concur)

- **Awards/Prizes Form for the Invoice Module**
  
  - If you are submitting an invoice or reimbursement for an award or prize, you will need to attach the following:
    
    **Awards and Prizes Request Form**
    
    - Additional information regarding awards is located here:
      
      [Description of Awards](Description of Awards)
How to Delegate

Login to Concur. On the top right hand corner click on Profile and then click on Profile Settings (see below). Once there, you’ll have the ability to view each module’s settings. You do not need to update any of your personal information. Please note any changes made to one module do not carry over to the other modules. Each module requires a separate setting change.

Under Expense Settings, on the left hand side, select Expense Delegates. Here you’ll be able to add a staff/faculty to prepare and submit expense reports/invoices on your behalf. To add a delegate:

1. Click on Add. Once selected the search field will appear.
2. Type in the delegate’s full name or email address (ex. Thelma Terre). If they have a Concur account their name should appear in the search field.

3. Select the following criteria to delegate as seen below:
   - Can prepare
   - Can submit reports
   - Can submit requests
   - Can view receipts
   - Receives emails

   Delegates are employees who are allowed to perform work on behalf of other employees.

   Expense and Request share delegates. By assigning permissions to a delegate, you are assigning permissions for Expense and Request.

```
<table>
<thead>
<tr>
<th>Name</th>
<th>Can Prepare</th>
<th>Can Submit Reports</th>
<th>Can Submit Requests</th>
<th>Can View Receipts</th>
<th>Can Use Reporting</th>
<th>Receives Emails</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terre, Thelma</td>
<td>✔</td>
<td>✔</td>
<td></td>
<td>✔</td>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>
```

4. Select Save and you’re done!

5. Repeat for Request and Invoice Settings if applicable. Each module requires a separate delegation set up.

6. **Approvers:** Please delegate a back-up approver for when you are out of the office or on vacation. Follow the instructions above, and then click the “Can Approve” button.
You have the option of giving temporary approving rights to a delegate by selecting Can Approve Temporary and setting parameters for when you are out of the office or on vacation.

How to Create a Travel Request or Request a Cash Advance

1. You’ll begin by placing your mouse over the + New and selecting Start a Request or by clicking onto the Request and then clicking New Request. (Please note these instructions are also provided on the Request Quick User Guide).

2. In the request header, enter any information about your planned trip. For example, name of conference and dates. Fields with red bars are required fields. Your default account will display on report, but you can change the account number if necessary.

3. If requesting a Cash Advance, please complete the required fields in the Cash Advance section. Please indicate how or why you’ll be using this cash in the Purpose field. For example, food, taxi or tips. Cash advances are generally restricted for the Byrne Team/Moot Court travel. Please place the
amount you would like to advance in the Cash Advance Amount field. Once completed, click Save (located at the top). If you are not requesting a Cash Advance, this step can be skipped.

4. You’ll be required to enter at least one segment or expense type prior to submitting the request. If selecting **Segments**, please select the desired segment icon. Please note these are estimates. If selecting **Expenses**, please select at least one expense type. Please select from the list provided or you can type in the expense type for a quick search.
5. Once all fields have been entered, please click **Submit Request** located at the top right hand corner in orange (see above image) and you’re done!

**Expense Reports**

- **Expense Purpose**: It’s important to select the appropriate category based on the purpose of the expense report. This will determine the four digit object code. Please note all travel related expenses belong in the Conference/Training/Business Travel expense purpose.
- **Business purpose**: Please enter the purpose of the trip (i.e. conference name). This will populate for each out-of-pocket expense created.
- Reimbursement method of payment: our default method of payment is TPC (check mail/ACH). If necessary, you’ll also have the option of selecting Check pick up (LLS) or Wire. Please do not select the other options.

- **Adding a Travel Request**

  1. If you have a pre-travel request approval, on the report header is where you’ll link your request by clicking on **Add** (see below).

     ![Available Requests](image)

     A window called **Available Requests** will appear (see below), select the appropriate request and click Add. Once added, click Next!
• Adding Out of Pocket Expenses

2. You’ll begin by clicking New Expense.

3. In the New Expenses tab: you can either type in the expense type or select the expense type from the list. Once selected, you’ll enter all required fields (with red bars). Here you’ll have access to the following:

   o Save: To add the expense to report
   o Itemize: To itemize between expense types or enter the amount you don’t want to be reimbursed.
   o Allocate: To allocate between budget accounts
   o Attach Receipts: To upload and attach receipt images. Only upload receipts corresponding to that line item. Do not upload multiple receipts.
   o Cancel: To exit without saving this expense
How to Itemize a Hotel/Lodging Receipt

1. You’ll begin by selecting Hotel as the expense type. Once selected, you’ll fill in all required criteria. Please note that for all travel related expenses the expense purpose must be Conference/Training/Business Travel. Once all areas have been filled in, click Itemize.

2. The Nightly Lodging Expenses tab will appear. Here you’ll enter check in/out dates and the number of nights will self-populate. You’ll enter the room rate and room tax per night. If you have additional charges like valet parking per night, you’ll enter amount in the Additional charges section. Once all areas have been entered, click on Save Itemizations.
3. The itemization breakdown will self-populate. The **Amount** and **Requested** numbers should equal if done correctly.

4. If charged different room rates per night (Ex. Second night room rate is $105 and taxes is $12.50), you’ll start by entering the first room rate as shown above. Once itemization breakdown self-populates, you’ll be able to go to one of the hotel line items and on the expense tab (see below) you can manually change amount. Click Save once done!

---

**Additional Charges (each night)**

<table>
<thead>
<tr>
<th>Expense Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offsite Parking</td>
<td>15.00</td>
</tr>
<tr>
<td>Choose an expense type</td>
<td></td>
</tr>
</tbody>
</table>

**Enter expenses per night!**

---

**Expenses**

<table>
<thead>
<tr>
<th>Date</th>
<th>Expense Type</th>
<th>Amount</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/11/2016</td>
<td>Hotel Hilton Hotels, Phoenix, Arizona</td>
<td>$265.00</td>
<td>$265.00</td>
</tr>
<tr>
<td>07/11/2016</td>
<td>Hotel</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>07/11/2016</td>
<td>Hotel Tax</td>
<td>17.50</td>
<td>17.50</td>
</tr>
<tr>
<td>07/11/2016</td>
<td>Offsite Parking</td>
<td>15.00</td>
<td>15.00</td>
</tr>
<tr>
<td>07/12/2016</td>
<td>Hotel</td>
<td>100.00</td>
<td>100.00</td>
</tr>
<tr>
<td>07/12/2016</td>
<td>Hotel Tax</td>
<td>17.50</td>
<td>17.50</td>
</tr>
<tr>
<td>07/12/2016</td>
<td>Offsite Parking</td>
<td>15.00</td>
<td>15.00</td>
</tr>
</tbody>
</table>

---

Click on Line item!
5. If the hotel receipt includes meal expense(s), you’ll add the expense by going to the main hotel line item (prior to itemization breakdown) and clicking **Add Itemization**.
6. Once new itemization window appears, you’ll select individual meals as the expense type. You’ll enter all required fields (in red bars). Click Save to add to itemization breakdown.

7. If any of the hotel expenses is a personal charge, you’ll click on the Personal Expense box and that specific personal charge will not be reimbursed. For example, a movie charge:
How to Attach a Receipt

To upload an image to a specific line item, you’ll need to click on Attach Receipt. In the Attach Receipt Window, you’ll select Browse or select from Available Receipts. Once image has been selected, click Attach and Done! Only upload receipts corresponding to that line item. Please do not upload multiple receipts.
How to enter Group Expenses

If you traveled with a group of faculty, staff or students and paid for the following:

1. All of their hotel/lodging expenses, you can group together all the lodging expenses into one. You’ll select Group Lodging as the expense type. You’ll enter the nightly rate (including
taxes), number of nights, and number of rooms. Once all required fields have been entered, the amount will self-populate.

2. All of their meal expenses please select **Business Meals** as the expense type. You’ll enter all required field (in red bars). Enter each faculty, staff, student or guest name in the Attendees section. You’ll select **New Attendee** for any guest or student name. Once the Add Attendee Window appears, enter their name and click **Save** or **Save & Add Another**. Names will appear in the Attendees section.
3. If any of the attendees is a current faculty/staff member, please use the advance search so they do not appear as guests. In Search attendees, you’ll enter either first or last name and click Search. Select appropriate name and click Add to Expense.
4. If you previously created a group list of favorite attendees, you’ll add them by clicking on **Favorites**. In Search Attendees Window, you’ll go to Attendee Groups and select the group you would like to add for this business meal. Once there, you’ll select Add to Expense and Close. Everyone listed on group list will be added.
Meal Type Definitions

There are several options when selecting an expense type for food and meals. Please consider the following:

- If it’s just internal faculty/staff, please use Business Meals (internal attendees) and include everyone’s names using the advance search so they do not appear as guests. In Search attendees, you’ll enter either first or last name and click Search. Select the appropriate name and click Add to Expense.
- If it involves a client or guests, please use Business Meals (external attendees) and include everyone’s names including the client(s)/guest(s).
- If you are ordering catering for an event, like a workshop, then you should use Catering. When you choose catering, you do not need to put the names since it’s for a group.

Gifts, Awards, Prizes

- When you choose gifts & hospitality or awards/prizes as the expense type, please fill out the Recipient portion. It is not sufficient to write the name of the employee/student in the comment section. Please use Advanced Search for staff and faculty. Staff and faculty should not show up as ‘guests.’

- The name of the recipient is required for tax purposes.
Mileage

- Please use the Mileage Calculator, do not type in the from and to locations. The Mileage Calculator will add the from and to locations and a map.

- Once there, you’ll enter each destination in point A, B, and C. Please keep in mind you should only be reimbursed for the amount in addition to your normal commute. For example, if you drive from your home to LMU and back to Law School. You’ll need to click on deduct commute.

Click Deduct Round Trip if you’re starting/ending points are not the Law School.
• To add mileage to an expense report, click Add Mileage to Expense. Information will self-populate into the report.
Allocating expenses to a different account number or splitting between two account numbers

1. Click on the allocate tab (bottom right)

2. On the “Allocations for Report” Window you can change the budget account.

3. To split between two budget accounts: Click on the “Add New Allocation”: The allocation can be viewed either by amount or percentage.
How to itemize an expense (change/add object codes)

1. Click on the itemize tab (bottom right)

2. Select the 1st expense type: Review all areas in red bar and select save!

Click itemize to split between expense types
Ex. Supplies/snacks
3. Select the 2nd expense type: Review all areas in red and select save!

4. To view if done correctly, amount remaining should read zero
Submitting Your Report

Once your report is complete, you can submit for reimbursement by clicking Submit Report (top right hand corner)

Following Up After Submission

- If you feel you made a mistake, you can Recall your report. Please note if the report has been extracted, you will NOT be able to recall.

- If you want to know the status of your report, you can view via two ways: 1) Manage Expenses or 2) by opening the expense report. Once the report has been opened, you can select approval flow or audit trail. Audit Trail gives you a step by step view (with dates) from submission/approval to payment confirmation. Approval flow will show you who is approving your expense report and when it was approved.

- If your Report is Returned (see above in red), please review it and make any changes noted in the Comments. You will not be reimbursed until the report has been resubmitted and approved.

- To view prior approved Expense reports, you’ll need to go to Report Library:
1. STATEMENT OF POLICY:

This policy outlines the scope, definitions, and rules for complying with the Loyola Marymount University Conflict of Interest (COI) Policy.

It is the policy of Loyola Marymount University that the highest standards of conduct and honesty are expected of all employees of the University. It is the obligation of those employed to avoid involvement in activities that might conflict -- or might appear to conflict -- with their institutional responsibilities. Decision making in matters in which a conflict of interest may exist may create an appearance of impropriety. The University believes that it is useful to attempt to reduce to written form some basic rules to which staff and faculty members with administrative responsibilities (“designated faculty”) can refer in evaluating potential conflict situations. The University publishes these rules mindful of the fact that the good judgment of its staff and designated faculty is essential, and that no list of rules can provide direction for all the varied circumstances as they arise.

A mechanism shall be provided for disclosing and ethically resolving conflicts of interest, which may occur in the performance of employees' assigned duties. Further, a mechanism shall be provided for reporting a conflict of interest observed; that report may be made anonymously. If an employee believes he or she has knowledge of a potential conflict of interest, he or she should speak with his or her departmental manager or chair, Internal Audit
or anonymously report the matter by accessing the Ethics Reporting tool at http://resources.lmu.edu/internalaudit/conflictofinterest/ or calling 866-294-6139.

2. SCOPE:

This policy applies to personnel within the University who might commit or cause to be committed the resources of the University. See separate policies relating to all Faculty, and to the Trustees of the Board. In connection with the completion of the university's IRS Form 990 certain designated employees will receive an additional request for information on business or personal relationships that require disclosure in the return.

3. DEFINITION:

A conflict of interest is considered to exist in any instance where an individual's actions or activities on behalf of the University also involve the obtaining of an improper gain or advantage to the individual or the individual's family or business associates or cause an adverse effect on the University's interests. It can also result when the conflict of interest prevents the employee from exercising due care, skill, and judgment on behalf of the University in the performance of the individual's assigned duties.

4. RULES:

4.1 Each staff or designated faculty member has a duty to act in the best interests of the University.

4.2 Staff and designated faculty members who have, directly or through family or business connections; an interest in suppliers of goods or services or in contractors or potential contractors with the University, must not undertake to act for the University in any transaction involving that interest. No staff or faculty member shall participate in the selection, award or administration of a contract with any party with whom s/he is negotiating respecting potential employment or has any arrangement concerning potential employment.

4.3 Staff and designated faculty members shall avoid outside employment or business activity involving obligations, which may in any way conflict, or appear to conflict, with the University's interests, including its interest in the full- or part-time services of its staff and faculty members. A conflict of time commitment is considered to exist if outside activities impact the employee's abilities to fulfill his or her responsibilities. Directorships or consultation arrangements for which the staff or
faculty member will receive compensation must be cleared with the responsible
divisional Senior Vice President, Dean of the Law School, Provost or President
(“University Officers”) of the University or his or her designee. Written approval
must be obtained.

4.4 Each staff or designated faculty member shall provide full written disclosure of any
business or financial enterprise or activity which might influence, or appear to have
the capacity to influence, his or her official decisions or actions on University
matters. Revised disclosure shall be made whenever a significant change in interest
occurs. Employees who have the authority to spend or commit University funds
shall make disclosure a matter of record through the annual completion of the
attached disclosure statement. The annual statement will be maintained in a
confidential file in the Internal Audit department after its review by the appropriate
University Officer.

Staff and designated faculty members are encouraged to seek advance consultation from
the appropriate University Officer, or his or her designee, on matters which might
involve a conflict of interest or appear to involve one. Further, the staff or faculty
member must refrain from participating in any way in the matter until and unless
the person to whom the situation was disclosed has determined that no conflict
exists or has authorized participation. That determination shall be written and be
made promptly

4.5 Staff and designated faculty members shall refrain from personal activities,
including but not limited to the purchase or sale of securities, real property or other
goods or services in which they could use, or might appear to have the opportunity
to use, for personal gain confidential information or special knowledge obtained as
a result of their relationship with the University.

4.6 Each staff or designated faculty member shall refrain from unauthorized disclosure
of non-public information concerning the University's intentions, its investments,
its property development, sale or acquisition, its purchasing or its contracting
activities.

4.7 No staff or designated faculty member shall make unauthorized use of University
resources for his or her personal benefit or for the benefit of any other person.

4.8 It is sound practice to discourage personal gifts and favors from people with whom
the University has a business relationship. Personal gifts of more than nominal
value must be tactfully declined or returned to avoid any appearance or suggestion
of improper influence. Those staff and designated faculty members involved in the
awarding or administration of contracts using federal or other government funds
must keep in mind that they are prohibited by law from soliciting or accepting
gratuities, favors or anything of monetary value from contractors or potential contractors. See separate policy for Sponsored Research Investigators.

4.9 No staff or designated faculty member shall act in any University matter involving a member of his or her immediate family, including but not limited to matters affecting such family member's employment, evaluation or advancement in the University, without first making full disclosure. Such disclosure shall be in writing and include the nature of the familial relationship and the impact or potential impact of the staff or designated faculty member's action on such family member. The disclosure shall be made to the appropriate University Officer and shall be in advance of any action taken relevant to the family member.

<table>
<thead>
<tr>
<th>Last reviewed by:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved by:</td>
<td>Date:</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>1993</td>
</tr>
<tr>
<td>of the Board of</td>
<td></td>
</tr>
<tr>
<td>Trustees</td>
<td></td>
</tr>
<tr>
<td>Denied/Postpone:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

Notes: Revised: 9/7/99  09/28/12

10/07/04
10/24/05
08/16/06
09/20/06
09/29/11
LOYOLA MARYMOUNT UNIVERSITY
CONFLICT OF INTEREST POLICY
ANNUAL DISCLOSURE

I have read and agree to comply with the Loyola Marymount University Conflict of Interest policy for Staff Personnel and Designated Faculty Members. To the best of my knowledge (except as disclosed below) I am currently in compliance with the policy.

(List here any exceptions to the statements above.)

______________________________________    ___________________
Signature              Date

______________________________________
Print or Type Name

______________________________________    ______________________________
Department Name            Title
I. Overview

- The Grading Committee and the Office of the Registrar have developed an easy-to-use normalization program (called EASYNORM) that simplifies the entire process, from data entry to submission of final grades.
- This is a self-contained program. It converts raw grades into normalized grades and organizes your data in useful ways (lists and charts). In most cases, it provides all the information you need to calculate interim and final grades.
- The automated program can also be used to print out class rosters and grade reports that you can give to students.
- The spreadsheet is “protected” in several ways. First, every precaution has been made to keep data confidential. No one (not even the Registrar) can access your spreadsheet unless you give them a copy. Second, you cannot harm the program no matter what you do. So don’t worry about making mistakes. Third, the program is designed to preserve grading anonymity.
- Use of the automated normalization program is optional. Faculty are still free to do either of the following: submit raw grades to the Registrar’s Office or normalize by hand.
- Adjunct Faculty can also use the program. However, they will need to download it online since they do not have access to the network.

II. Starting the Program

- The program is named EASYNORM. It is located on the BOX, which is Loyola’s cloud sharing service, in a subdirectory called CLASSES or on the Office of the
Registrar’s website. To download it from BOX, using a browser go to http://box.lmu.edu and find EASYNORM in the CLASSES subdirectory. To download it from the website, go to: https://www.lls.edu/academics/officeoftheregistrar/lfg2435/grading/ and click on the appropriate link under EASYNORM FILES.

- Double click on EASYNORM. This will automatically start the Excel spreadsheet program and open EASYNORM.
- If Excel does not start properly on your computer, it is probably because it has never been installed. To install Excel, call the Computer Center.
- Once started, the spreadsheet will look like this:

![Main Page in EASYNORM](image)

### III. Customizing the File for Your Class

- Once the spreadsheet is open, you will want to customize it for your class. To do this, locate the field for Course. Just to the right, you will see an empty window and a down arrow (The notation says "click to start") Click on the down arrow and the window will open up revealing a list of classes.
- Highlight your class and name with the cursor and click the left mouse button.
- If you downloaded the file from Loyola’s website, the program will prompt you for your Faculty ID number. This is your seven digit ID number assigned to you (located on your Loyola Law School ID card).
- If you assign grades by ID# (most classes do this), then click on the button that reads: Get ID Numbers. If you assign grades by name (e.g., seminars), then click on the button that reads: Get Names. You cannot do both. If you assign some component grades by numbers and
others by name (e.g., Ethical Lawyering), you will need to do two separate spreadsheets. See Part XII - Special Instructions For Combined Name / Number Grading below.

- Student numbers or names will automatically appear in the first column.

IV. Setting up Your Components

- The program will accommodate up to 6 grading components. If you have more than six, you will need to get a custom spreadsheet from the Registrar. If you have less than 6, simply leave the extra columns blank.

- You will be entering grade data on the left side of the spreadsheet (raw grade area). You can only enter data in cells with a yellow background. All other cells are “write protected” and are used for calculations.

- You will need to assign weights to your various components. If you only have a single component, you can enter any “weight” you want for Grade 1. If you have multiple components, then enter their respective weights. You can enter weights in cardinal numbers (e.g., 5, 12, 25) or as percentages (e.g., 25, 25, 50). You might do the former if you assign “point values” to various components; you would do the latter if you designate components as a percentage of the overall grade. No matter what you enter, the program calculates "relative weights;" i.e., a grade with weight of "10" will be worth twice that of a grade with weight of "5."

- Your component values do not have to add up to 100. The program will automatically adjust their relative weights.

- You can set up all the components at the same time, even if you are only ready to enter raw grades for some of them. Or, you can set up just the components you want to work with now. You can always come back to the spreadsheet at a later time and add new components or adjust existing components.

You might want to have separate components for mid-term and final, or for the various sections of a final exam. Each component will be internally normalized, and then the normalized scores will be added and renormalized for final grades.

V. Entering Raw Grades

<table>
<thead>
<tr>
<th>RAW GRADES</th>
<th>NORMALIZED GRADES</th>
<th>FINAL GRADE</th>
<th>LETTER GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 1</td>
<td>Grade 2</td>
<td>Grade 3</td>
<td>Grade 4</td>
</tr>
<tr>
<td>100</td>
<td>81.00</td>
<td>81.00</td>
<td>81.00</td>
</tr>
<tr>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Raw Mean</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>5.00</td>
<td>6.00</td>
<td>6.00</td>
<td>6.00</td>
</tr>
<tr>
<td>EXAM NO</td>
<td>Grade 1</td>
<td>Grade 2</td>
<td>Grade 3</td>
</tr>
</tbody>
</table>

-
• Enter raw grades in the yellow cells for your various components. As you do this, the program will automatically calculate and display normalized scores for each component.

• You can change raw grades at any time, either during this session or later on.

• What happens if a student is missing a raw grade? Component grades will automatically normalize even though some entries are blank. Blank entries are disregarded. But, if a student has any raw grades entered, a final grade will be calculated for that student. Before submitting grades for students with missing grades, make sure s/he has not dropped the class. Grades should not be submitted for withdrawn students, since they affect the grades of other students.

VI. Selecting Component Means & Standard Deviations

• By default, the normalized means of each component is set to 81, and the normalized standard deviation for each component is set to 6.0. You can override these default settings.

• If you change the normalized mean or SD for Grade 1, all the other components will also change automatically. It is advised that you use the same normalized mean and SD for all components, but you don’t have to do so. You can set the normalized mean and SD for the various components to different values.

• Remember, if you have multiple components, the standard deviations of normalized component grades tend to “collapse” when added together to yield the final grade. The program automatically takes care of this by re-normalizing final grades. But if you give component grades out to students, you should advise them that they are only tentative grades.

• The grading rules allow you to use any mean and standard deviation for component grades; only final grades must conform to the rules. A copy of the Rules are attached as an Appendix.

VII. Class Participation Points (CPP)

Important: Read this entire section before proceeding

• Grading rules allow teachers to add (or subtract) up to 3 class participation points to a student's final grade. There is no limit in seminars. To assign class participation points in amounts greater than ±3, follow the procedures described in Part XII - Special Instructions For Combined Name / Number Grading.

• If you are assigning component or final grades by student name, instead of by student ID number, then this section does not apply to you. If you grade by name, you should simply treat Class Participation Points as one of the grading components, instead of using the separate procedure described here.
Click on the button labeled **Enter Participation Points** (this button is enabled only if you are grading by ID #). A new window will open up containing the names of all students in the class. Enter the points you want to assign. You can enter 0 or leave cells blank for students receiving no class points. The program will accept entries in ½ point increments between -3 and +3. If you want to assign points using more refined values; *e.g.*, 1.21 points, you can only do this through the Registrar’s Office. The program will not do it for you.

Before you enter class participation points in this program, please remember that you can **ENTER CLASS PARTICIPATION POINTS ONLY ONCE** for each class. This is the only grading component that cannot be changed within the automated program. To change CPPs after they have been submitted, you must contact the Registrar’s Office. So, be extra careful in assigning CPPs in this program.

There are two large buttons on the Class Participation Points page. If you press **Clear Data and Return to Grades**, all class participation point information on this page will be lost, but you can re-start the process at any time.

If you press the button labeled **Assign Participation Points**, the data will be automatically converted from student name to student number and will appear on the main page. Once you press this button, you cannot change the CPP values (except by contacting the Registrar’s Office). This feature is necessary to preserve anonymity in grading.

Before pressing the **Assign Participation Points** button, you may want to get a print-out of your point assignments. While this page is open, click on the printer icon (near top of screen) for a print-out. If you don’t get a print-out at this time, the main spreadsheet can be printed out later (actually, at any time). This will contain CPPs, but only by student number, not by name. If you want a print out of CPPs by student name after you’ve pressed the **Assign Participation Points** button, you’ll need to contact the Registrar’s Office.

**VIII. Finishing the Normalization Process**

After you have entered all component raw scores and submitted class participation points, you are ready for final normalization.
Using the right arrow on the scroll bar near the bottom of the screen, scroll the spreadsheet to the right. The last columns are entitled **FINAL GRADE** and **LETTER GRADE**.

Select the forced mean and standard deviation for your final grades. The default values are 81 and 6.0, but these can be overridden. Different numbers will already appear in these cells if you manually changed the mean or SD for component grades. Consult the grading rules to see if you must assign a particular mean or SD, or whether you can select from a range, or select your own values. Remember, **YOU MUST ENTER A MEAN AND SD**, even if no pre-set value is required. The program will not work unless a mean and SD are specified.

You should print out a copy of the spreadsheet for your own records. Click on the printer icon at the top of the page.

You should also save your spreadsheet. You **cannot** save it using its original name **EASYNORM**. You must select some other name, preferably one that will remind you what course it is for. We recommend using the official Course ID Number, *e.g.*, **LAWB1001 D1**. It is also advised that you save the spreadsheet to your local hard drive (**C:**) or one of your secure network drives.

To save the spreadsheet, click on **File**, then on **Save As**.

After your spreadsheet is saved you should e-mail a copy to grades@lls.edu. Submitting a copy of the completed spreadsheet is equivalent to submitting final grades on paper. After this time, you will need to go through the grade change process if you want to make any corrections.

**IX. Suspending Normalization Without Submitting Grades**

You can suspend the data entry / grade normalization process at any time without submitting final grades to the Registrar.

Simply save your incomplete spreadsheet to disk (click on **File**, then on **Save As**). (Make sure to give it a name you won't forget -- we recommend you use the Course Number as the file name, *e.g.*, **LAWB1001 D1**). You can open this file later and resume working on it. This way, the spreadsheet can be used to record, calculate, and print out interim component grades.
• You can change any grades previously entered, except Class Participation Points. Simply clear the cells containing grades to be changed. Or highlight a number of cells and click on Edit, then Clear, then Values.

• You can save and print out multiple versions of your spreadsheet. If you make changes, you might want to save the edited spreadsheet under a different name. Just remember which spreadsheet contains the most current information when you resume working on it.

XI. Miscellany

• There are 3 tabs at the bottom of the screen, representing the different pages in the program: Normalize (this is the page you’ve been working on); Table (this shows grade distribution and frequency); and Chart. Click on these tabs to show the desired page. You can print out the Analysis table and Graphs.

• You can use EASYNORM to print out individual grade reports for each of your students. Click the Print Each Student button, and a separate sheet will be printed for each student containing her raw and normalized grades. See below.

Keep your spreadsheet in a safe place. It contains sensitive grade data. It should never be saved to a network drive that others can access. Drives H:\ and P:\ are secure, although Faculty Support Services has access to P:\ (but not to H:\). Your local hard drive (C:\) is probably the most secure.

XII. Special Instructions for Combined Name / Number Grading

• If you grade some components by name and some by number, you will need to follow the procedure here. If you grade by ID number but award class participation points more than ±3 points, you will also need to follow this procedure.

• Start EASYNORM using the regular steps. Click on the Get Names button. This will insert the names of enrolled students in the first column.

• Enter raw grades for those components you are grading by name. One of the components (perhaps component #6) can be used for class participation points.

• After you are finished (for the semester) entering raw grades by name, save the spreadsheet using your preferred name (click on File, then Save As). Send a copy of this file (by E-mail...
or otherwise) to the Registrar’s Office. Make sure you specify that these are incomplete grades submitted for conversion only. The Registrar will convert the grades entered by student name into grades entered by student ID, and return the spreadsheet to you.

- When you get the converted spreadsheet back, the first column will now contain student ID #s, rather than names. You can now enter scores for the remaining components (those graded by ID#), and complete the normalization process.

- Alternatively, you can keep and work on 2 spreadsheets for the course; one by name and the other by student ID. Make sure you use two different names (e.g., LAW4017DIX and LAW4017DIY.) Submit both spreadsheets to the Registrar’s Office, and they will combine them for final grades. Make sure you specify the weights of the respective components (including class participation points).

XIII. Posting Grades

- You may post grade data (e.g., on your door) after you’ve submitted final grades to the Registrar. Postings may not contain student names or ID numbers, but can give general statistical information or show charts. Use the Charts tab on EASYNORM to print out frequency charts.

If you have any questions, need additional assistance, or experience any problems while using this normalization program, please contact the Office of the Registrar at (213) 736-1130 or via email at registrar@lls.edu.
APPENDIX K

FACULTY GUIDE TO COMPUTING SUPPORT

Where To Seek Help For Computer Training And Technical Support

Training

<table>
<thead>
<tr>
<th>Help needed</th>
<th>Where to obtain self-help</th>
<th>Hands-on training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email Outlook Web Access</td>
<td>Access: mail.lls.edu</td>
<td>ITS Helpdesk</td>
</tr>
<tr>
<td></td>
<td>Self-Help Guides: <a href="https://support.office.com/">https://support.office.com/</a></td>
<td></td>
</tr>
<tr>
<td>T4 Web publishing</td>
<td>Please contact Marketing &amp; Communications to schedule a training session.</td>
<td>Marketing &amp; Communications</td>
</tr>
<tr>
<td>Classroom Technology</td>
<td>Contact <a href="mailto:instructional.technology@lls.edu">instructional.technology@lls.edu</a> or ext. 1111 for training</td>
<td>Instructional Design &amp; Technology</td>
</tr>
<tr>
<td>FWS access</td>
<td><a href="http://www.lls.edu/fws">http://www.lls.edu/fws</a></td>
<td>ITS Helpdesk</td>
</tr>
<tr>
<td>TWEN access</td>
<td><a href="http://lawschool.westlaw.com/twen/">http://lawschool.westlaw.com/twen/</a></td>
<td>Faculty Support</td>
</tr>
</tbody>
</table>

Technical Support

All computing problems and requests, including the ones listed in the table below, should be directed to the ITS helpdesk (x1097 or helpdesk@lls.edu). Each problem or request will then be forwarded to the appropriate I.T. staff member if necessary.

<table>
<thead>
<tr>
<th>Type of Problem</th>
<th>How to tell if you have this problem</th>
<th>Who to contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer hardware malfunction</td>
<td>computer or component is not working right</td>
<td>ITS Helpdesk</td>
</tr>
<tr>
<td>Computer software</td>
<td>a program is not working right</td>
<td>ITS Helpdesk</td>
</tr>
<tr>
<td>Problem with E-mail or network access</td>
<td>E-mail or other network services unavailable for single faculty member</td>
<td>ITS Helpdesk</td>
</tr>
</tbody>
</table>
APPENDIX L

Faculty, Fulltime and Adjunct

From: Office of the Registrar

Date: September 5, 2018

Re: Grading Graduate Law Students

Introduction

Over the past few years, the law school has diversified its degree offerings. In addition to the JD, the law school offers the following graduate law degrees:

1. Doctor of Juridical Science ("JSD")
2. Master of Laws – Taxation ("Tax LLM")
3. Master of Laws – Foreign Students ("LLM – FTA")
4. Master of Science in Legal Studies ("MLS")
5. Master of Taxation ("MT")

This memo will introduce you to these programs and flag some issues of which you should be aware in the event they enroll in your course.

Doctor of Juridical Sciences (JSD) Students

Who are they?

The JSD is equivalent to a U.S. PhD, hence these students are doctoral students. Generally, they are students who have earned their law degrees from non U.S. institutions and need the JSD to pursue an academic career in their home countries. Some have practiced law in their home countries.

How will I know if a JSD student is enrolled in my course?

The Office of the Registrar (OTR) will notify you via email following the last day to drop a course without a 'W' (Approximately the fourth week of the semester/term).

Do I have to create a different assessment mechanism for them?

Faculty are not required to administer a different assessment mechanism (e.g. exam or paper) for JSD students. You may evaluate them using the same form of assessment you use for JD students.
**What grading rules apply to JSD students?**

JSD students are not subject to the grading scale, standard deviations or means that govern the grading of JD students. The grading scale for JSD students is based on a 15 scale, with 5 being the highest grade:

- 5 = Excellent
- 4 = Very Good
- 3 = Good
- 2 = Fair
- 0 = No Pass

Grades for JSD students need not be normalized. They constitute their own cohort, and their performance should be compared to one another rather than being compared to the performance of JD students.

**How should JSD grades be computed?**

There is no mandatory curve for JSD students; grades for these students are not subject to the JD rules governing means and standard deviation. However, the JD scale should act as a point of reference when assigning grades to these students. To that end the administration strongly recommends that JSD grades be computed by employing the following steps:

1. Professors should enter the raw scores for just the JD students using the regular EasyNorm provided by OTR. These scores should then be normalized according to the JD normalization rules.

2. Once the grades for JD students have been calculated, the professor should enter the raw scores of all students, including the JSD students, into a new spreadsheet, called EasyNorm Lite. (Instructions and EasyNorm Lite can be found here: [https://www.lls.edu/academics/officeoftheregistrar/lfg2435/grading/](https://www.lls.edu/academics/officeoftheregistrar/lfg2435/grading/) )

3. Initially, the professor should use the same mean and standard deviation used to calculate the grades for JD students. This will produce the grade the JSD students would have received had they been graded on the same curve as the JD students.

4. Once the grade has been determined by EasyNorm Lite, the professor has the discretion to assign a final grade that is the same as the JD grade or a grade that is higher or lower.
5. The professor will then need to convert the grade to one of the following:

Excellent

Very Good

Good

Fair

No Pass

A conversion table is attached to this memo.

6. Upon completion, the Final Grades are to reported to OTR at grades@lls.edu.

**Should the inclusion of JSD students have an impact on the grades earned by JD students?**

No. When determining the appropriate mean and standard deviation to use for JD students, graduate law students should not be included as members of the course. Thus, in an upper division course with 30 JD students and 4 graduate law students, the mean and standard deviation for computing JD grades should be based on 30 students, not 34.

**Master of Laws in Taxation (Tax LLM) Students**

**Who are they?**

Tax LLM students have earned their JD degree, and most have passed a bar exam. Many are part-time students.

**How will I know if there are TaxLLMs enrolled in my course?**

The Office of the Registrar (OTR) will notify you via email following the last day to drop a course without a ‘W’ (Approximately the fourth week of the semester/term).

**Do I have to create a different assessment mechanism for TaxLLMs?**

Faculty are not required to administer a different assessment mechanism for Tax LLM students. You may evaluate them using the same form of assessment you use for JD students.

**What grading rules apply to Tax LLM students?**
Tax LLM students are not subject to the grading scale, standard deviations or means that govern the grading of JD students. The grading scale for Tax LLM students is based on a 15 scale, with 5 being the highest grade:

5 = Excellent
4 = Very Good
3 = Good
2 = Fair
0 = No Pass

Grades for Tax LLM students need not be normalized. They constitute their own cohort, and their performance should be compared to one another rather than being compared to the performance of JD students.

How should Tax LLM grades be computed?

While the Tax LLM grading scale has no mandatory distribution, we recommend that 40-45% of the LLM grades should be Very Good, 40-45% should be Good, 0-10% should be Excellent, and 0-10% should be Fair. This is merely a suggestion. A good guideline is for the grades to be roughly divided between Very Good and Good, with Excellent for high outliers and Fair for low outliers. With small numbers of Tax LLM students, their grades may not adhere to this guideline, and a greater or smaller number of Excellent or Fair may be warranted. Prospective Tax LLM grades are reviewed by Jennifer Kowal, Director of the Graduate Tax Program, for consistency with the grading scale.

Should the inclusion of Tax LLM students have an impact on the grades earned by JD students?

No. When determining the appropriate mean and standard deviation to use for JD students, graduate law students should not be included as members of the course. Thus, in an upper division course with 30 JD students and 4 graduate law students, the mean and standard deviation for computing JD grades should be based on 30 students, not 34.

Master of Laws (LLM) (Formerly the Master of Laws for Foreign Trained Attorneys (LLM–FTA)) Students

Who are they?

Initially, students in the LLM FTA program were comprised exclusively of students who have completed their first law degree outside of the U.S. Many are planning on sitting for a U.S. bar exam. Some will have practiced law in their home countries. Currently, students that have earned their JD at a domestic institution are
also eligible to pursue the degree, which is now known as the Master of Laws (LLM) degree.

**How will I know if there are any Master of Laws (LLM) students enrolled in my course?**

The Office of the Registrar (OTR) will notify you via email following the last day to drop a course without a ‘W’ (Approximately the fourth week of the semester/term).

**Do I have to create a different assessment mechanism for LLMs?**

Faculty are not required to administer a different assessment mechanism for LLM–FTA students. You may evaluate them using the same form of assessment you use for JD students.

**What grading rules apply to LLMs?**

Unlike other graduate law students, LLM–FTA students are subject to the grading scale, mean and standard deviation rules applicable to JD students. They are, however, their own cohort within each course. Thus, the mean and standard deviation for these students is based on the number of these types of students within a course. Their performance is compared to other LLMFTA students, not to JD students. In accordance with the JD rules, if there are fewer than seven LLM–FTAs in a course, their grades are not subject to any mean or standard deviation, even if they are in a course with more than seven students enrolled.

**How should LLM grades be computed?**

If there are 8 or more LLMFTA students enrolled in your course, they are subject to the rules governing grading for JD students. However, these students form their own cohort, separate and distinct from the JD students. Thus, OTR will provide you with a separate EasyNorm to grade the LLMFTA students as their own cohort; only LLMFTA students will be included in the relevant grading curve. For courses in which there are 8 or more LLMFTA students the mean is between 8285 with no mandatory standard deviation.

If there are 7 or fewer, LLMFTA students enrolled in your course, there is no mandatory curve, meaning that you are not bound by any particular mean or standard deviation. However, the JD scale should act as a point of reference when assigning grades to these students. To that end the administration strongly recommends that LLMFTA grades be computed by employing the following steps:

1. Professors should enter the raw scores for just the JD students using the regular EasyNorm provided by OTR. These scores should then be normalized according to the JD normalization rules.

2. Once the grades for JD students have been calculated, the professor should enter the raw scores of all students, including the LLM students, into a
new spreadsheet, called EasyNorm Lite. (Instructions and EasyNorm Lite can be found here: https://www.lls.edu/academics/officeoftheregistrar/lfg2435/grading/)

3. Initially, the professor should use the same mean and standard deviation used to calculate the grades for JD students. This will produce the grade the LLMFTA students would have received had the LLM students been graded on the same curve as the JD students.

4. Once the grade has been determined by EasyNorm Lite, the professor has the discretion to assign a final grade that is the same as the JD grade or a grade that is higher or lower.

**Should the inclusion of LLM students have an impact on the grades earned by JD students?**

No. When determining the appropriate mean and standard deviation to use for JD students, graduate law students should not be included as members of the course. Thus, in an upper division course with 30 JD students and 4 graduate law students, the mean and standard deviation for computing JD grades should be based on 30 students, not 34.

**Master of Science in Legal Studies (MLS) Students**

**Who are they?**

MLS students have earned a BA or BS. They do not have any prior degree in law or legal studies. They are in fields or positions closely related to the law, such as contract administration and law enforcement.

**How will I know if there are MLS students enrolled in my course?**

The Office of the Registrar (OTR) will notify you via email following the last day to drop a course without a 'W' (Approximately the fourth week of the semester/term).

**Do I have to create a different assessment mechanism for MLS students?**

Faculty are not required to administer a different assessment mechanism for MLS students. You may evaluate them using the same form of assessment you use for JD students. However, you may wish to consider crafting a different mechanism, as these students are not lawyers, and generally will not be required to draft legal documents. As a general rule, MLS students are allotted additional time to complete exams.

**What grading rules apply to MLS students?**
MLS students are not subject to the grading scale, standard deviations or means that govern the grading of JD students. The grading scale for MLS students is based on a 15 scale, with 5 being the highest grade:

5 = Excellent
4 = Very Good
3 = Good
2 = Fair
0 = No Pass

Grades for MLS students need not be normalized. They constitute their own cohort, and their performance should be compared to one another rather than being compared to the performance of JD students.

**How should MLS grades be computed?**

There is no mandatory curve for MLS students; grades for these students are not subject to the JD rules governing means and standard deviation. However, the JD scale should act as a point of reference when assigning grades to these students. To that end the administration strongly recommends that MLS grades be computed by employing the following steps:

1. Professors should enter the raw scores for just the JD students using the regular EasyNorm provided by OTR. These scores should then be normalized according to the JD normalization rules.
2. Once the grades for JD students have been calculated, the professor should enter the raw scores of all students, including the MLS students, into a new spreadsheet, called EasyNorm Lite.(Instructions and EasyNorm Lite can be found here: [https://www.lls.edu/academics/officeoftheregistrar/lfg2435/grading/](https://www.lls.edu/academics/officeoftheregistrar/lfg2435/grading/))
3. Initially, the professor should use the same mean and standard deviation used to calculate the grades for JD students. This will produce the grade the MLS students would have received had they been graded on the same curve as the JD students.
4. Once the grade has been determined by EasyNorm Lite, the professor has the discretion to assign a final grade that is the same as the JD grade or a grade that is higher or lower.
5. The professor will then need to convert the grade to one of the following:
   - Excellent
   - Very Good
   - Good
Fair

No Pass

A conversion table is attached to this memo.

**Should the inclusion of MLS students have an impact on the grades earned by JD students?**

No. When determining the appropriate mean and standard deviation to use for JD students, graduate law students should not be included as members of the course. Thus, in an upper division course with 30 JD students and 4 graduate law students, the mean and standard deviation for computing JD grades should be based on 30 students, not 34.

**Master of Tax (MT) Students**

**Who are they?**

MT students have earned a BA or BS. They do not have any prior degree in law or legal studies, but plan careers in taxation and want to study tax at a law school rather than a business school.

**How will I know if there are MT students enrolled in my course?**

The Office of the Registrar (OTR) will notify you via email following the last day to drop a course without a ‘W’ (Approximately the fourth week of the semester/term).

**Do I have to create a different assessment mechanism for MTs?**

Faculty are not required to administer a different assessment mechanism for JSD students. You may evaluate them using the same form of assessment you use for JD students.

**What grading rules apply to MT students?**

MT students are not subject to the grading scale, standard deviations or means that govern the grading of JD students. The grading scale for MT students is based on a 15 scale, with 5 being the highest grade:

5 = Excellent

4 = Very Good

3 = Good
2 = Fair
0 = No Pass

Grades for MT students need not be normalized. They constitute their own cohort, and their performance should be compared to one another and to Tax LLM students rather than being compared to the performance of JD students.

**How should MT grades be computed?**

While the MT grading scale has no mandatory distribution, we recommend that 40% of the grades (including Tax LLM students) should be Very Good, 40% should be Good, 10% should be Excellent, and 10% should be Fair. This is merely a suggestion. A good guideline is for the grades to be roughly divided between Very Good and Good, with Excellent for high outliers and Fair for low outliers. With small numbers of MT students, their grades may not adhere to this guideline, and a greater or smaller number of grades of Excellent or Fair may be warranted. Before grades are posted, prospective MT grades are reviewed by Jennifer Kowal, Graduate Tax Program director, for consistency with the grading scale.

**Should the inclusion of MT students have an impact on the grades earned by JD students?**

No. When determining the appropriate mean and standard deviation to use for JD students, graduate law students should not be included as members of the course. Thus, in an upper division course with 30 JD students and 4 graduate law students, the mean and standard deviation for computing JD grades should be based on 30 students, not 34.
Acceptable Use Policy

Introduction
Loyola Marymount University (LMU) provides a variety of computing and networking resources to members of the university community. All users of these resources must comply with specific policies and guidelines governing their use, and act responsibly while using shared computing and network resources. The purpose of this policy is to promote the efficient, ethical and lawful use of Loyola Marymount University's computer and network resources on all campuses.

Scope
This Acceptable Use Policy applies to all users of University information technology resources. This includes the resources under the management of Information Technology Services (ITS), including LMU Westchester Campus, Loyola Law School and any off-site centers. This policy also applies to any user of University information technology resources regardless of technology device used to access such resources (i.e. wireless network, University email, etc.).

A "user" is defined as any individual who uses, logs into, or attempts to use or log into, a system; or who connects to, or attempts to connect to or traverse a network, whether by hardware or software or both, whether on campus or from remote locations. The term "user" thus includes faculty, staff, students, and others such as alumni, contractors, employees of business affiliates, guests, and conference attendees. "Information technology resources" are those facilities, technologies, and information resources required to accomplish information processing, storage, and communication, whether individually controlled or shared, stand-alone or networked. Included in this definition are all information technology centers (e.g., departmental labs, conference rooms, classroom technologies, and electronic communication devices and services, such as, but not limited to, computers, mobile devices, kiosks, printers, email, fax transmissions, video, multimedia, instructional materials, and administrative systems). Personal devices connected to the University network or information systems are also subject to this policy.

Individual Responsibility
Users of information resources are responsible for protecting (i) their online identity from use by another individual, (ii) the integrity of information resources they use, and (iii) the privacy of electronic information they have access to. Additionally, users should refrain from seeking to gain unauthorized access, honor all copyrights and licenses and respect the rights of other users of information technology resources. Furthermore, all users are expected to abide by all applicable state and federal laws that pertain to accessing electronic resources and data privacy.

Respect for Intended Use of Resources
Incidental personal use is permissible to the extent that it does not violate other provisions of this policy, interfere with the performance of employee's duties, or interfere with the education of students at LMU. Use of a computer account or the network for commercial activities that are not approved by appropriate University personnel consistent with applicable policy, or for personal financial gain (except as permitted under applicable policies and/or Loyola Marymount University (LMU) Faculty Handbook and Handbook Addenda or Loyola Law School Faculty Handbook, hereinafter referred to as “LMU Faculty Handbooks) is prohibited. Examples of prohibited uses include using computer accounts for engaging in unauthorized consulting services, software development, advertising, and/or other private commercial activity. Resources assigned or issued to faculty are exempt to any personal or commercial use restrictions as allowed by the LMU Faculty Handbooks.

Respect for Privacy of Others
Authorized university personnel (e.g. system, network and database administrators, among others) may have access to data beyond what is generally available. Privileged access to data may only be used in a way consistent with applicable laws, University policies, and accepted standards of professional conduct. Those who have access to databases that include personal information shall respect individual privacy and confidentiality, consistent with applicable laws and University policies regarding the collection, use and disclosure of personal information.

*Respect for Shared Nature of Resources*

Information resources at Loyola Marymount University (LMU) are finite and must be shared among all users. LMU retains the right to set priorities on use of information technology resources, and to limit recreational or personal use when such use could reasonably be expected to cause, directly or indirectly, strain on any computing facilities, or to interfere with research, instructional or administrative computing requirements, or to violate applicable policies or laws. Priority of information technology resources are given to instructional and administrative computing needs. Examples of inappropriate use include engaging in unauthorized peer-to-peer file sharing, participating in bandwidth-consuming activities that are not academic or instructional in nature; or sending marketing or spam email messages that are not consistent with the University’s mission.

*Respect for Rights of Others*

Use of information technology systems (including the use of computer and network resources) to harass, intimidate or commit unlawful acts is prohibited. (Also refer to Loyola Marymount University’s Discriminatory Harassment and Complaint Process policy). Additionally, the use of computer systems to send, post, or display slanderous or defamatory messages, text, graphics, or images constitutes a violation of this policy as well as the LMU Discriminatory Harassment and Complaint Process policy. By using the University's computer and network services, each user accepts the responsibility to become informed about, and to comply with, all applicable LMU policies and state and federal laws.

*Respect for Intellectual Property*

Users must adhere to all U.S. copyright laws, the terms and conditions of any and all software and database licensing agreements as well as licensed library resources. Any form of original expression fixed in a tangible medium as outlined by U.S. copyright laws (U.S. Title 17) is subject to copyright, even if there is no copyright notice. Examples include music, movies, graphics, text, photographs, artwork and software, distributed in any media including online. The use of a copyrighted work (such as copying, downloading, file sharing, distribution, public performance, etc.) requires either (A) the copyright owner's permission, or (B) an exemption under the Copyright Act.

*Respect for Integrity of System or Network*

Users must respect the integrity of LMU’s information technology resources including but not limited to computers, laptops, mobile devices, network infrastructure, and electronic services. Misuse of university property includes, but is not limited to, theft or damage of equipment or software, knowingly running or installing computer viruses or password cracking programs, installation of unauthorized network devices, attempting to circumvent installed data protection methods that are designed and constructed to provide secure data and information, or in any way attempting to interfere with the physical computer network/hardware, or attempting to degrade the performance or integrity of any campus network or computer system.

*University Responsibility*

No part of this policy shall infringe upon any faculty rights or principles of Academic Freedom as outlined in the Loyola Marymount University (LMU) Faculty Handbooks. In the event of a conflict between this policy and the LMU Faculty Handbooks, any resolution will be determined in consultation with the Faculty Senate or Loyola Law School Academic Deans where appropriate.

*Logging and Auditing*

The University employs various measures to protect the security of its computing resources and user accounts. Users should also be aware that their use of University information technology resources are not completely private. While the University does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of the University's computing resources require the backup of data and communication records, the logging of activity, the monitoring of general usage patterns, and other such activities.
Monitoring
The University may inspect files or monitor usage for a limited time when there is probable cause to believe a user has violated this policy. Inspections or monitoring related to violations of this policy must be authorized in advance by the VP of Human Resources, or University Counsel for a defined time period not to exceed the duration of the investigation.

In addition, users should be aware that their right to privacy in electronic records may be subject to the University’s obligation to respond to subpoenas or other court orders, as well as reasonable discovery requests guided by LMU’s General Counsel.

Content filtering
LMU does not make decisions about filtering content except in cases where the content is deemed to be a threat to the electronic resources of the University. Categories of content that are filtered include phishing; malware; botnets, spyware/adware; and spam sites.

Reporting Violations
Users should report violations of this policy to the Information Technology Services department at (310) 338-7777 or helpdesk@lmu.edu and immediately report concerns with system security or suspected unlawful or improper system activities to the Information Security team at (310) 338-5720 or secureit@lmu.edu.

Users who misuse University computing and network resources or who fail to comply with this Acceptable Use Policy are subject to one or more of the following consequences:
- Temporary deactivation of computer/network access
- Permanent deactivation of computer/network access
- Disciplinary actions taken by Human Resources or Dean of Students Office which may include and is not limited to expulsion from school or termination of employment
- Faculty disciplinary action as outlined by LMU or LLS Faculty Handbooks
- Legal prosecution under applicable Federal and State laws

All disciplinary actions beyond temporary deactivation of computer/network access shall follow disciplinary procedures outlined by Human Resources for faculty and staff. All referrals for disciplinary action for students will be referred to the Dean of Students Office.

These policies may be amended from time to time. All amendments will be announced through normal distribution channels.

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APPENDIX N

Appendix N - Faculty and Staff Departmental Directory

Admissions and Enrollment Management
Jannell Lundy Roberts, Senior Assistant Dean of Admissions and Enrollment Management
Irene Carbalaj Perez, Admissions Counselor and Data Specialist
America Bonilla, Student Financial Services Manager
Eleanor Gomez, Student Financial Services Coordinator
Kelly Greer, Director of Admissions
Stephanie Palencia, Assistant Director
Elle Lynn Quimpo, Admissions Assistant
Oscar Sanchez, Assistant Director

Advanced Degree Programs
Advanced Degrees for Foreign Lawyers
Aaron Ghiradelli, Visiting Associate
Clinical Professor of Law and Director of LLM and JSD Programs
Maura Boden, Assistant Director of Graduate Admissions
Graduate Admissions Assistant (vacant)

Master of Science in Legal Studies (MLS)
Katherine Lyons, Associate Clinical Professor and Director of MLS Programs

Tax Programs
Jennifer Kowal, Clinical Professor and Director of Tax Programs (LLM and MLS)

Advancement
Thanh Hoang, Associate Dean for Advancement
Kayla Baudoin, Development Coordinator
Ursula Byrne, Advancement Coordinator
Grant Hoover, Director of Annual Giving
Carmen Ramirez, Executive Director (vacant)
Senior Director of Development and Stewardship (vacant)
Eloise Teklu, Advancement Associate
Zulma Vitalich, Advancement Records Coordinator

Alumni Relations
Dana Brandsey, Associate Director of Alumni Engagement
Alicia Mejia, Alumni Relations Coordinator

Conferences and Events
Lindsey Hinojosa, Associate Director
Jamison Namba, Event Coordinator

Business and Finance

Fiscal Affairs
Heather Gates, Director of Finance
Emily Mack, Budget Manager - Academic/Clinical and Other Programs
Rosie Brancion, Senior Payroll Coordinator/Cashier
Kristina Carrasco, Accounting Coordinator
Johanna Hernandez, Budget Analyst

Information Support Services
Paul Augustine, ISS Assistant
Stan Borup, ISS Assistant
Shwamons Broom-Smith, ISS Assistant
John Masen, ISS Assistant
Thomas Tolley, ISS Assistant
Lance Williams, ISS Assistant

Campus Planning
Joseph Archie, Director
Joyce Hawkins, Campus Planning Assistant
Lisa Martinez, Campus Planning Assistant

Housekeeping
Eric Avila, Supervisor
Beneranda Alvarez, Housekeeper
Luis Cabral, Housekeeper
Camerina Lopez, Housekeeper
Gloria Melendez, Lead Housekeeper

Physical Plant
Auggie Gonzalez, Supervisor
Pedro Cabrera, Maintenance Mechanic I
Joe Hamilton, Assistant Supervisor
Pablo Robles, Maintenance Mechanic I
Bruce Watts, Maintenance Mechanic II

Safety and Security
Al Taylor, Manager

Clinic Programs

The Center for Conflict Resolution
Mary Culbert, Director
Philip Adler, Conflict Resolution Associate/Conciliator
Robert Antunez, Conflict Resolution Associate/Conciliator
Sara Campos, Associate Director/Mediator
Janet Grundfest, Conflict Resolution Associate/Mediator
Lucia Johnson, Conflict Resolution Associate/Mediator
Dolores Martin, Conflict Resolution Associate/Mediator
Senior Conflict Resolution/Associate/Mediator (vacant)
Mercedes Smith, Coordinating Secretary
Douglas Spoors, Conflict Resolution
Associate/Conciliator
Douglas Spoors, Outreach and Mediator In-Residence Coordinator
Therese White, Conflict Resolution Trainer/Mediator

**Consolidated Clinics:**

**Administration**
Leilani Riehle, Director of Clinical Operations
Leasly Salazar, Administrative Coordinator for Clinical Programs
Shawn Tracy, Legal Assistant/Clinical Case Coordinator

**Center for Juvenile Law and Policy**
Sean Kennedy, Executive Director and Associate Clinical Professor
Vanessa Alvarez, Social Worker
Samantha Buckingham, Director and Clinical Professor
Eva Grenier, Post-Graduate Fellow
Susan Harbert, Staff Attorney
Brooke Harris, Staff Attorney and Clinic Supervisor
Chris Hawthorne, Director and Clinical Professor
Jeanette Lomeli, EIELAP Social Worker
Eleanor Miller, Supervising Attorney
Marisa Sacks, Post-Graduate Fellow
Michael Smith, Director and Associate Clinical Professor
Megan Stanton-Trehan, Education Supervising Attorney

**Immigrant Justice Clinic**
Kathleen Kim, Professor of Law and Faculty Advisor
Helena (Marissa) Montes, Co-Director
Emily Robinson, Co-Director
Daisy Chavez-Mendez, Legal Assistant/Clinical Case Coordinator
Alejandro Barajas, Staff Attorney
Kayleen Hartman, LAJF Clinical Teaching Fellow
Yanira Lemus, Supervising Attorney
Helena (Marissa) Montes, Co-Director
Emily Robinson, Co-Director
Sandra Ruiz, Staff Attorney

**Project for the Innocent**
Laurie Levenson, Professor of Law and Faculty Advisor
Paula Mitchell, Executive Director
Adam Grant, Program Director
Seth Hancock, Staff Attorney
Arianna Price, Public-Graduate Fellow

**Office of the Dean**
Michael Waterstone, Fritz B. Burns Dean, Loyola Law School; Senior Vice President, Loyola Marymount University
Cindy Archer, Associate Dean for Clinical and Experiential Programs
Diana Barbadiilo, Assistant to the Dean
Marianne Carlton, Associate Dean for Finance and Administration
Brietta Clark, Associate Dean for Faculty
Justin Levitt, Associate Dean for Research
Byllie Richardson, Administrative Assistant
Priya Sridharan, Associate Dean for Graduate Programs and Strategic Initiatives

**Executive Legal Education**
Hamilton Chan, Director of Executive Legal Education

**Coelho Center for Disability Law, Policy, and Innovation**
Katherine Perez, Director of Coelho Center for Disability Law, Policy, and Innovation

**Externship Program**
Rebecca Delfino, Director and Clinical Professor
Grace Nguyen, Program Director of Private Field Placements and Adjunct Professor
Camille Toomer, Assistant to the Director

**Faculty Support Services**
Marina Castaneda, Assistant Director
Ashley Fernandez, Faculty Legal Assistant
Maritza Jimenez, Administrative Coordinator
Bridget Klink, Law Review/Academic Forums Coordinator
Elizabeth Luk, FSS Coordinator
Souania Moua, Faculty Legal Assistant
Thelma Wong Terre, FSS Coordinator
Colin Washington-Goward, Office Coordinator
Linda Wysocky, Faculty Legal Assistant

**Genocide Project**
Stan Goldman, Professor of Law
Rajika Shah, Deputy Director/Staff Attorney

**Human Resources**
Mickie Okamoto-Tsudama, Senior Human Resources Coordinator

**Information Technology Services**
Corinne St. Claire, Director of Law School Technology
Arnold Diaz, Instructional Media Specialist
Gabe Estrada, Senior Web Developer
Kurt Gruber, Instructional Design and Technology Specialist

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Stuart Miller, Senior Instructional Media Specialist
Earl Morgan, Assistant Director of Administrative Computing

**International Human Rights Clinic**
Cesare Romano, Director and Professor of Law
Hannah Robinson, Student Clinic Project Coordinator
Rajika Shah, Deputy Director/Staff Attorney

**Library**
Daniel Martin, Director
Carlos Agreda, Senior Public Services Assistant
Frederic Bloomquist, Technical Services/Bindery Assistant
David Burch, Head of Library Computing Services
Laura Cadra, Head of Reference/Foreign and International Law Librarian
Stephanie Der, Reference Librarian
Rachel Galindo, Public Services Assistant
Bob Greenwald, Stack Supervisor
Alejandra Hernandez Perez, Administrative Coordinator
Caitlin Hunter, International and Foreign Law Librarian
Florante Ibanez, Manager of Library Computer Services
Denise Kawecki, Public Service and Interlibrary Loan Coordinator
Beth Liebert, Bookkeeper/Secretary
Tobe Liebert, Reference Librarian
Amber Madole, Reference Librarian
Edwin Majano, Computer Lab Assistant
Carolyn Nunez, Senior Serials Assistant
Public Service Assistant (vacant)
Ken Seiple, Senior Public Services Assistant
Suzanna Shatareneyan, Head of Public Services
Sofia Vazquez-Duran, Catalog Librarian
Acquisitions Librarian (vacant)
Tiffani Willis, Reference Librarian

**Marketing and Communications**
Melissa Abraham, Director
Brian Costello, Assistant Director
Nicole Gebriel, Marketing Coordinator

**Public Interest Law**
Sande Buhai, Director and Clinical Professor
Christine Zeimantz, Assistant to the Director

**Student Services**
Linda Whitfield, Senior Assistant Dean for Student Services

**Career Development Center**
Megumi Horinouchi, Director of Data and Operations
Katrina Denny, Assistant Director

Jolene Horn, Associate Director
Jill Myers, Associate Director
Katelyn Mori, Recruiting Coordinator
Marla Najbergier, Associate Director
Amanda Perez, Administrative Assistant
Graham Sherr, Assistant Dean for Employer Engagement

**Registrar's Office**
Wesley Holland, Registrar
Patrick Harris, Academic Records Coordinator
Academic Records Coordinator (vacant)
Alfonso Macias, Senior Academic Records Coordinator – Data Control
Justin Melchor, Assistant Registrar

**Student Affairs**
Matthew Riojas, Director
Rocio Cabrera, Student Affairs Coordinator
Arion Rogers, Student Services Coordinator
Loyola Law School Policy on Visiting Scholars

[Updated 9/10/2012]

Loyola Law School in Los Angeles (LLS) periodically receives requests from scholars in the United States and abroad who wish to come to LLS as visiting scholars. Alternatively, LLS faculty members sometimes wish to invite scholars to visit the law school. The following policy is meant to provide guidelines both to potential visiting scholars as well as to LLS faculty members who wish to invite them.

General Principles

1. A visiting scholar must have an LLB, or JD, or PhD, or the foreign equivalent.
2. The purpose of the visit should be scholarly, including conducting research, attending seminars, workshops, and classes, and collaborating with LLS faculty on research and writing projects.
3. The visiting scholar must have a LLS faculty sponsor. The sponsor will be expected to function as the academic host of the scholar, orienting the scholar to life at Loyola Law School. International programs staff will function as the non-academic host of the scholar, helping to arrange logistical matters like transportation and housing, and if necessary, a visa.
4. Visiting scholars must provide their own funding for transportation, housing, living expenses and program fees. Visiting scholars will be charged a $5,000 fee per semester. This amount can be prorated for the period of the visit if the visit does not approximately match LLS semester dates. The fee can be waived for visiting scholars who are invited guests of LLS professors. Visiting scholars who apply to the program on their own initiative will be required to pay the visiting scholar fee.
5. Visiting scholars will receive the following benefits:
   a. Attendance at faculty workshops, special lectures, and similar events.
   b. Use of the law library, including the use of the faculty library room (permanent shelf space, but no permanent desk use).
   c. Attendance in one or two courses per semester as an auditor, subject to space being available and approval of the professor teaching the class.
   d. A LLS email account and Internet access.
e. Identification as a LLS visiting scholar both during and after the visiting period.

f. A certificate upon program completion.

6. Visiting scholars can enrich the educational experience at LLS and are encouraged to make faculty presentations and speak to students, both in class and out.

7. Foreign scholars must obtain appropriate visas. LLS will issue documentation that the scholar has been invited as an educational exchange visitor, but it is the applicant’s responsibility to take care of all other paperwork and to apply for the visa and pay for it.

8. LLS does not provide individual office space to visiting scholars. The sponsoring faculty member is welcome to share his or her office with the visitor, however, and the visiting scholar can use the faculty library room to store books and other materials.

Procedure

There are two separate pathways for becoming a visiting scholar at LLS: (A) by LLS professor invitation, or (B) by an application initiated by the candidate.

(A) Invitation

A LLS faculty member who wishes to sponsor a visiting scholar as an invited guest must forward a written request to the Associate Dean for Faculty. The request need not be long or formal, but it should include the proposed visitor’s name, affiliation, academic qualifications (or in the alternative a resume), as well as a brief statement regarding the purpose of the visit. It is up to the Associate Dean for Faculty to decide whether to grant the request. Requests can only be made by current LLS faculty members.

(B) Application

Individuals who wish to be considered for the Visiting Scholars Program may send the following application materials to staff at amlaw@lls.edu: (1) a resume, (2) a two-page research proposal, and (3) a letter of request which includes proposed start and finish dates for the visiting period. Applicants may request a specific LLS faculty sponsor or leave sponsorship open to any interested LLS faculty member.
Hi all-

In my short tenure as Associate Dean, I have received a number of faculty requests to “nonscore” students. I wanted to tell you where I stand on this issue.

As I read the language in the faculty handbook, nonscoring a student is a remedy often used when a student's score is an outlier: the raw score is so high or so low that it causes an undue distortion in the grades for an entire class. The process we follow is then to normalize the grades, assign that one student the grade attributed by normalization, then to take that student out of the pool and renormalize. The remainder of the class gets the grades calculated without the outlier. The process does not change the grade of the outlier, only the others in the class.

The requests I receive from faculty often are actually requests to override the normalization system. Frequently, these requests are made because the student involved has earned an "F" in the course. The request is that I assign a grade of 70, a "C-", rather than the grade assigned by our normalization program. The consequence of earning a failing grade is that the student does not receive unit credit for the course. This, in turn, can mean that in the Spring semester particularly, a student scheduled to graduate may not do so because she lacks the necessary 87 units. Students must complete the requisite number of units by the end of the Spring semester to sit for the July bar and thus no longer may do a Directed Research or take summer school classes and still sit for the July bar exam. Faculty have asked me to override the normalized score to avoid the consequence of a student failing to graduate or disqualifying.

I know that prior Associate Deans have granted these requests when a student is one or two points away from the passing grade of 70, particularly when the exam is an essay exam. I have done this as well, provided that the faculty member makes the request prior to the grades being posted by the Registrar. It is credible to argue to anyone challenging the change that upon re-reading the exam, the professor could justify adding one or two points to the exam. This argument becomes less credible when the point spread exceeds one or two normalized points or when the exam is multiple choice. I am uncomfortable granting faculty requests to override the normalization system under the best of circumstances. When either of the forgoing exists it is even more troubling to me. To change an "F" to a "C-" to enable the student to earn unit credit feels arbitrary on my part and really inconsistent with our normalization system. When responding to faculty requests of any kind, I need to be able to reconcile the exercise of my discretion with the policies the faculty has adopted as well as with my own inner sense of fairness and integrity. I am finding this particularly difficult to do with requests to override the normalization system under the circumstances I have described.

It is not my goal to have a full blown discussion of this issue via email, nor am I announcing a new, rigid policy; I only wanted to alert you to my interpretation of our faculty rules and my increasing discomfort with granting faculty requests for waivers. Please contact me directly if you would like to speak to me further about my interpretation of our faculty rules. If you think the faculty as a whole should address the issue of whether we should continue to withhold unit credit for those students who earn less than a 70 under our normalization system, I ask you to contact Dan Lazaroff, as a chair of the Academic Standards and Grading Committee. I think this is an issue best addressed by this committee.

Sean M. Scott  
Associate Dean for Faculty and Professor of Law  
Loyola Law School  
919 Albany Street  
Los Angeles, CA  90015  
213.736.1054  
sean.scott@lls.edu
APPENDIX Q

UNIVERSAL RELIGIOUS HOLIDAY OBSERVANCE POLICY

CONFIDENTIAL
Faculty only

MEMORANDUM

To: Faculty
From: Strategic Planning Committee
Date: September 30, 2010
Re: Academic Calendar Proposal

Proposal

At the October 8, 2010, faculty meeting, the Strategic Planning Committee will propose that (1) the standard academic semester be reduced from 14 to 13 weeks of instruction and (2) our current policy of canceling classes on a school-wide basis for selected religious holidays be replaced by the following universal religious holiday observance policy:

Universal religious holiday observance policy

Students

The Law School respects the right of all students to observe holidays as their respective religions require. Any student who plans to miss a regularly scheduled class session for religious reasons may request that that class session be audio-recorded and that the recording be made available to him or her on a streaming basis. A student who notifies the professor in advance that he or she will be unable to attend a particular regularly scheduled class session for religious reasons will not be marked absent for that session. This policy is intended to permit students of all faiths to reconcile their attendance obligations with the bona fide requirements of their respective faiths. Individual faculty members have the discretion to respond to students who abuse this policy.

Faculty

The Law School respects the right of all faculty members to observe holidays as their respective religions require. A faculty member who elects not to teach a regularly scheduled class on a day of observance may (1) prerecord the class session, which recording will be shown at the time regularly scheduled for that class session and may otherwise be made available to students, as requested by the faculty member, (2) cancel the class session and make it up, or (3) if failing to hold the class session will not reduce the total number of contact hours for the class below 780 minutes per unit, cancel the class session and
not make it up. Any faculty member who anticipates that he or she will not be able to teach a substantial number of regularly scheduled class sessions for religious reasons should notify the Associate Dean for Faculty in advance, preferably before teaching assignments are made for the semester in question. To the extent possible, teaching assignments will be made so as to minimize such conflicts. This policy is intended to permit faculty members of all faiths to reconcile their teaching obligations with the bona fide requirements of their respective faiths.

The proposal does not address what should be done with the time thus freed up. It is the Committee’s view that the Administration should continue to have the flexibility to respond to the various competing needs implicated by the calendar. We understand that many faculty members would strongly prefer that classes not begin in the spring until after the AALS annual meeting has concluded. We understand that the Dean may propose to institute a one-week mini-term during the week of the AALS Annual Meeting in which visiting professors could teach one-unit courses. We understand that our academic support program would benefit greatly if more time were available for the grading of fall exams before the beginning of the spring semester. We understand that the Administration proposes to add two flex days at the end of each semester to accommodate make-up classes. In the Committee’s view, all of these questions should remain within the Administration’s purview. In the past, the Administration has been very responsive to faculty concerns with regard to the calendar; we have no reason to believe this will cease to be true.

If the proposal is adopted, the following number of days will be freed over the course of each academic year.

Days freed:

| 14 to 13 weeks | 10 |
| Flex days added | -2 |
| Net days freed | 6 |
| Religious holidays | +2 |
| Net days freed | 10 |

Procedural background

Last year, the deans requested that we bring this proposal to the faculty in time to allow the Administration to solve this year’s calendaring problems. At the last minute (less than an hour before the faculty meeting at which the proposal was scheduled to be considered), it was requested that consideration of the proposal be deferred for one year. The Committee and the Deans’ Office acceded to the deferral request.
In connection with last year's proposal, the Curriculum Committee considered and acceded to the portion of the Strategic Planning Committee's proposal relating to the reduction in the length of the standard academic semester - the portion believed to fall within its jurisdiction. The Curriculum Committee has not reconsidered the question this year.

Last year, the Committee noted that it had been its intention to bring a comprehensive calendaring proposal to the faculty, including (1) a proposal for standard slotting of classes (e.g., 9-10, 10:10-11:10, etc.) to make room usage more efficient and minimize timing conflicts and (2) a proposal for favoring shorter class meeting times (e.g., in scheduling a 4-unit course, giving preference to meeting in four 1-hour sessions rather than in a smaller number of longer sessions). Development of concrete proposals along these lines has proved extraordinarily difficult. The Committee has therefore tabled consideration of such other calendaring questions and has no plans to resume consideration of such questions in the foreseeable future.

Problems to which the proposal is addressed

Strategic problems. - For many decades, the core of our school's educational strategy has been to require students to attend more hours of classroom instruction - 26 percent more - than required by the ABA or offered by most other law schools. In effect, Loyola requires students to undertake almost a full additional year of instruction, compressed into the standard three years for day students, four years for evening students. We are not aware of any other law school in the United States that requires more hours of instruction as a condition of graduation.

Notwithstanding our use of this "4-years-instruction-in-3-years" strategy for many decades, our bar passage results have not exceeded what would be predicted purely on the basis of our students' incoming median LSATs. In other words, the strategy does not appear to have been educationally effective, at least as measured by bar passage rates.

Karl Manheim has explored the relationship between hours of classroom instruction and bar passage among California schools more generally, controlling for incoming LSATs and academic disqualification rates, and finds no statistically significant relationship between the two. In other words, students at California schools with more required hours of classroom instruction do not perform any better on the bar, after controlling for LSATs and DQ rates, than students at other schools.

Unfortunately, our "4-years-instruction-in-3-years" strategy has also had the effect of crowding out other strategies for helping our students succeed. For example, as will be detailed below, the calendar required to maintain the strategy significantly interferes with our
academic support efforts. The strategy is also extremely expensive of faculty time. For any given student-faculty ratio, the strategy requires 26 percent more faculty classroom hours than most other law schools require. (This additional time is not captured in units-per-year comparisons of faculty teaching loads.) This additional classroom load, in turn, reduces faculty time and energy available to develop and implement new educational programs and strategies. The strategy also effectively prohibits creation of a mini-term in early January during which visiting faculty can teach one-unit courses - an offering many schools have found advantageous.

The Committee is persuaded that the "4-years-instruction-in-3-years" strategy is no longer part of the solution - that it has become a significant part of the problem. In addition, in the course of exploring the impact of that strategy on the academic calendar, the Committee has discovered that the school’s school-wide cancellation of classes for selected religious holidays often interferes with pedagogically sound calendaring. If religious holidays followed the solar calendar, we might be able to structure an academic calendar that predictably accommodates them. They generally do not. The result is to create different, and sometimes quite acute, calendaring problems each year. In the past, the Administration has received requests that one or more Islamic holidays be added to the list of days on which classes are cancelled school-wide. Thus far, it has concluded that doing so would substantially aggravate our existing calendaring problems and has therefore declined to do so.

Immediate problems. Among the specific calendaring problems the school has faced in the recent past and/or will face in the next several years in the absence of faculty action are the following:

(1) Fall grading: As a practical matter, many faculty members have roughly two weeks to complete their fall exam grading prior to the first day of spring classes, during a period in which many have extensive conflicting family and social obligations. Under such a schedule, it is unrealistic to expect that all grades will be in by the time spring classes begin. The short period available for fall grading has had and will continue to have at least two adverse consequences:

(a) Academic support: First year students in need of academic support generally cannot be identified until well into the spring semester. This, in turn, means that the very substantial resources we spend on academic support are spent less effectively. Other schools’ academic support programs concentrate on the spring semester of first year; we are unable to do so as effectively as we would like. This inability, in turn, is likely to have a continuing and serious impact on the education we provide to those in the lower half of our class - many of whom are part of the core mission of this school.
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(b) Graduation and bar passage: Students in their final
year often do not know whether they have passed their fall courses
until after their last semester is well under way and the add/drop
period has closed. If they fail a fall course, they are generally not
allowed to sit for the July bar, which has serious adverse financial
consequences for affected students (and adversely affects our
employment statistics).

(2) AALS: Many faculty members attending the AALS annual meeting
are regularly forced to cancel their first week of spring semester
classes. This is problematic for several reasons:

(a) Grading deadlines: The fact that classes begin during
the week of the AALS conference rather than the following week
significantly exacerbates the grading deadline problem discussed
above.

(b) Setting of spring rosters: Cancellation of the first
class or classes makes it difficult for students to fix their spring
schedules before the add/drop deadline. Delays in add/drop decisions
have ripple effects across the curriculum as wait-listed students take
the newly available slots and drop other courses. As a result, the
AALS conflict affects all courses, not just those of faculty members
who cancel classes. A calendar that causes significant numbers of
students to miss the first week of the spring classes they will
ultimately take is not pedagogically sound.

(c) Make-ups: If the cancelled classes are made up (and
many are), the resulting make-ups further strain the calendar and room
scheduling problems. If they are not, the effect is that some spring
courses effectively become 13-week courses anyway. Currently, our
calendar has no room for reserved make-up days. If the proposal is
adopted, it likely would.

(d) Value of scholarship and conference participation: By
forcing faculty members to choose between teaching and attending AALS,
the school sends an institutional message that conference
participation - and perhaps scholarship itself - is not valued. The
annual meeting of the AALS is effectively the annual meeting of the
nation’s legal academic community. One of our school’s persistent
problems has been its isolation from that community. Our current
calendar reinforces that isolation.

(3) Spring break: Because of the pressures created by our
compacted calendar, we are often forced to schedule spring break
whenever Holy Thursday and Good Friday happen to fall. This year,
because of the alignment of the planets (literally), the bulk of
spring break will take place at the very end of the semester, after
all regularly scheduled classes have concluded. If the purpose of
Spring Break is to allow students to regroup for a final academic
effort, this almost certainly frustrates that purpose.
(4) Other scheduling problems:

(a) Two- and three-week breaks: Because the lunar calendar, which determines religious holidays, moves unpredictably against the solar calendar, religious holidays sometimes create three-week breaks in classes that meet once a week. This happens whenever a civil holiday and a religious holiday are one week apart. Such breaks are very disruptive. Even two-week breaks are problematic; for classes that meet once a week, however, they result inevitably from school-wide class cancellations.

(b) Unusable class sessions: A 14-week semester generally requires an odd fourteenth week, sometimes statutorily placing two class sessions adjacent to one another. For courses requiring significant preparation between sessions, this makes the second such session largely unusable.

(c) Friday evening classes: Some years, our calendar has been forced to include a Friday evening class session. Students, regardless of faith, are unlikely to find this optimal.

(d) Saturday make-up classes: Some years, make-up classes (if held at all) must be held on Saturdays. Again, students and faculty, regardless of faith, are unlikely to find this optimal.

(e) Unexpected disruptions: We lack flexibility to deal with unexpected problems - pandemics, earthquakes, civil unrest, or the end of the Mayan calendar. We have no flex days. There is no wiggle room left.

(5) A calendar not calculated to allow students to succeed: When each of us structures a course, we pace the work we assign so as to make it reasonably possible for students to do everything we expect of them. One of the principal purposes of the Committee’s proposal is to allow the calendar to be set so as to accomplish the same for the school’s offerings in the aggregate.

Under our current tightly-packed schedule, many weeks are effectively double-booked. As a result, students triage. Faced with major Legal Research and Writing assignments, students stop preparing for doctrinal courses; given the pressures on the calendar, we have no way to deal institutionally with this problem. Faced with midsemester examinations, they stop preparing for their other courses; again, we have no way to deal institutionally with this problem other than to eliminate midsemester examinations altogether. Entering students who find adjustment to law school difficult might well benefit from a fall break in which to seek help and get back on their feet. We do not give them any such break; they must make such adjustments while trying desperately to keep up with the demands of an inflexible and unforgiving calendar. Some succeed. Some do not. Students who
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participate in the spring law journal Write-on Competition (over 300 students each year) begin the competition the day after spring exams end, are often unable to prepare for their summer classes, and get no break whatever before the summer term begins.

We can criticize students for not doing everything and doing it well. At some point, however, we need to accept responsibility for the role an over-packed calendar plays in making both their studying and our teaching less effective.

Explanation of Proposed Solution

The Committee’s proposed solution has two parts: (1) reduction of the standard academic semester from 14 to 13 weeks of instruction and (2) replacement of our current policy of cancelling classes on a school-wide basis for selected religious holidays by a more flexible universal religious holiday observance policy.

Reduction of the standard academic semester to 13 weeks.—Currently, for every unit of credit, standard classes meet for 14 hours over the course of a semester – typically over 14 academic weeks. These 14 academic weeks are then spread over more than 14 calendar weeks to accommodate civil and religious holidays and, in the spring, spring break. The Committee proposes that the standard academic semester be reduced from 14 to 13 weeks of instruction. In consequence, for every unit of credit, standard classes would meet for 13 hours over the course of a semester – typically over 13 academic weeks. This would have the effect of reducing required class hours from 26 percent in excess of ABA requirements to 17 percent in excess of ABA requirements. It would also allow the Administration to address some of the most important calendaring problems we currently face.

We share concerns as to whether reducing required class hours is educationally prudent. At some point, however, adding more class hours to an already-compressed schedule reduces, rather than increases, educational effectiveness. We believe the school has already reached this point. Other schools routinely manage to prepare their students for the bar using 13-week semesters and/or 50-minute hours - many of them more successfully than we do. As has been noted, Karl Manheim has found no statistically significant relationship between classroom hours and California bar passage, controlling for incoming LSATs and DQ rates. The Committee concludes that our current 14 week semester does not use faculty resources or students’ time effectively.

Our “4-years-instruction-in-3-years” strategy has received an extended trial. During its reign our bar passage rate has been stuck at or near the state average. During its reign we have fallen in U.S. News’ rankings within the Los Angeles area. We know that the strategy already crowds out academic support. There are reasons to believe that it asks more of students and faculty than students and faculty have historically been able to provide.
It is tempting to continue muddling along as we have. The Committee believes, however, that it is time to clear the decks to make room for new initiatives. The Committee is not proposing to drop to the ABA minimum; indeed, even with the proposed change we will still use a “3-1/2-years-instruction-in-3-years” strategy. But we will have more breathing room. Students will have the time and energy to do better what we already ask them to do, faculty members will have the time and energy to do better what we are already supposed to do, and the school will have more flexibility to develop new strategies to meet the challenges it faces.

Observance of religious holidays.—Currently, the school cancels classes school-wide for Holy Thursday, Good Friday, and the first evening and following day/evening of Pesach, Rosh Hashanah, and Yom Kippur. It does not formally accommodate the other major activity-restricted Jewish holidays – Purim, the second and last two days of Pesach, Shavuot, the first two and last two days of Sukkot – or the holidays of any non-Judeo-Christian faith. Even so, Loyola is currently an extreme outlier in the number of religious holidays for which classes are cancelled school-wide.

School-wide cancellation of classes for such holidays has at least two adverse effects on the academic calendar. First, each semester must be extended further into the calendar year to make up the cancelled classes. This means that a 14-week (or 13-week) academic semester must necessarily extend over a larger number of calendar weeks. Thus, fall religious holidays necessarily push exams back later into December, reducing the amount of time available for fall grading before spring classes begin. Because spring examinations are constrained by the bar preparation course schedule, spring religious holidays push the spring start date forward or force the scheduling of spring break to coincide with such holidays, or both.

Second, because the holidays in question follow the lunar calendar, they move each year against the solar calendar in unpredictable ways that preclude creation of a standard academic calendar on which programs can rely from year to year. Their movement often effectively dictates the placement of spring break. In addition, they produce extended breaks between meetings of classes that only meet once a week.

When our current holiday observance practices were adopted, technological solutions to these problems did not exist. Today, observant faculty members can prerecord class sessions, and observant students can make up missed sessions by listening to recordings of those sessions. Indeed, technological solutions now allow us to extend the school’s formal accommodation of religious holidays beyond the limited number currently subject to school-wide class cancellation.
The Committee therefore proposes that school-wide class cancellations for Holy Thursday, the first day of Pesach, Rosh Hashanah, and Yom Kippur be replaced by a universal religious holiday observance policy that formally recognizes and preserves the rights of students and faculty members to observe holidays as their respective religions require and extends those rights beyond the holidays for which classes are currently cancelled, as set forth above. The Committee is not proposing to eliminate cancellation of classes for religious holidays; it proposes instead that only those class sessions taught by faculty members observing the holiday in question be cancelled - and then only if the faculty member chooses not to prerecord that session.

The Admissions Office has confirmed that it does not expect the proposed change to have any effect on admissions. The Dean and the Developments Office have confirmed that they do not expect the proposed change to have any material effect on donations. Because universal religious holiday observance policies already exist for staff, the proposed change does not apply to staff.

Conclusion

For the foregoing reasons, at the October 8 faculty meeting the Strategic Planning Committee will offer the proposal set forth above.
To: File

From: Sean Scott

Date: June 20, 2011

Re: Amendment of Universal Religious Holiday Policy

At the faculty meeting held on April 8, 2011, the faculty amended the Religious Holiday Policy adopted on October 8, 2010 as part of the Motion to Change the Calendar. The Universal Religious Holiday Observance Policy is amended to provide that Yom Kippur is to be recognized as a school holiday when it falls on a day that would otherwise be scheduled for classes.
MEMORANDUM

DATE: April 18, 2018

TO: Full Time Faculty, Adjunct Faculty, Information Center, Office of the Registrar, Faculty Support Services, Office of Student Affairs

FROM: Brietta Clark, Associate Dean for Faculty

SUBJECT: Vital Examination Matters

We expect students to be ready for exams. In turn, our students depend on us to make the exam process fair and efficient. Errors in the planning or administration of an exam create huge headaches for you and the Law School, not to mention our students; and last minute changes to the exam format increase the risk of error. Procedural mishaps can be avoided with care and planning so please allow for plenty of time in designing and reviewing your exam. Please also adhere to all deadlines.

Even if you’re an experienced teacher, please read this memo as there are some updates.

Questions about exam procedures and deadlines should be directed to the Office of the Registrar (OTR) at registrar@lls.edu or 213-736-1130.

COMMON PROBLEMS AND QUESTIONS

• **Timeliness** - Turn in your exams on time. Your Faculty Support Services (FSS) assistant will notify you of the date your exam is due. Errors are common when you rush to finish an exam before it is due.

• **Ambiguities or errors in exam** – We will assume that you do not wish to answer questions about alleged ambiguities or errors during the exam unless you give the Office of the Registrar (OTR) specific instructions to the contrary. Please tell OTR if you wish to respond to questions during the exam.

• **Availability During Exams** – Even if you do not want to answer student questions during your exam, be sure you are available to us by phone or on campus at the time of your exam. Each Monday during the exam period, you will receive a schedule of pending administrations of your exam with the contact telephone number OTR has for you. If your contact number needs to be updated, please contact OTR before the administration of your exam.

• **Anonymity** – We have a strict policy of anonymous grading. We make exceptions only for situations where there is no practical way to grade anonymously, as in the case where the professor observes the
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performance of a student in a skills course or must meet with a student to discuss drafts of a paper. Anonymity, or the perception thereof, can be breached in seemingly innocuous ways, so please be cautious.

If a student contacts you before, during or after an exam (before your grades are posted) to raise an issue regarding the exam or his/her performance on it, please forward that communication immediately to OTR who will contact the student. **Do not reply to the student and avoid reading the message’s content where possible.**

- **OTR Location** – The Office of the Registrar is located on the northeast side of campus in Founders Hall, Room 105.

- **Papers and Take Homes** – If you tell students to submit their work directly to you, you must use a method of submission consistent with our policy of anonymous grading. Student term papers and take home exams can be administered with the examination software, Examplify, which allows for electronic submission of such documents. Please refer to the section below on Take Home Exams and Final Paper Assignments, pages 5-7. **Note: Take Home Exams should not be released to students before the first day of day of the exam period as it may interfere with the Reading Period.**

- **Accommodations, Conflicts, Delays** – Please refer to OTR all student questions regarding disability accommodations, exam conflicts, illness, or any other reason to reschedule an exam or alter the manner of an exam’s administration. Professors should not attempt to resolve these issues but should permit them to be addressed by the administration.

- **Rescheduling Exams** – Please refer to OTR all students who wish to reschedule. Do not give a student permission to reschedule an exam. Please do not tell the student it is “O.K. with me” to reschedule an exam. All communication with students about rescheduling should be through OTR: Wesley Holland at 213-736-1013 or Justin Melchor at 213-736-1014. If you are unable to reach either Wes or Justin, please call the main office number for OTR, 213-736-1130.

- **Old Exams Not on File** – Be careful about using old exam questions, copies of which may be in the possession of some students. It is a good idea to make sure that all of your old questions are on file with the Library or on your course webpage if you intend to use a similar question on a current exam. If not, some students may have access to a copy while others do not. Be sure to contemplate exams you’ve given at other institutions, summer programs, or as a visiting professor. Exams on file in the Library are available online at [http://library.ills.edu/pastexams.html](http://library.ills.edu/pastexams.html). Note that converting an old in-class question or exercise into an exam question carries the same risk as if you simply reused old exam questions.

- **Instructions Regarding Allowed Materials** – Before you decide what materials can be used during an exam, read the section on Important Tips for Open Book Exams on the next page. It explains some of the serious problems that can result without proper instructions. **Remember that exams in some courses must be closed book. Refer to your faculty handbook for a listing of courses to which this rule applies (Adjunct Faculty Handbook Section 5.1.2; Full-Time Faculty Handbook Section 7.1.2.)**
• **Student Examination Numbers** – To preserve anonymity in grading, students use their 7-digit LLS identification numbers on exams and other graded work. Do not instruct students to use another number or ask students to make-up a special code for individual assignments.

• **Posting of Grades** – Carefully review our posting policy discussed below.

• **Grade Deadlines** – Meet your deadlines for turning in final grades. Late grades can adversely affect our students and graduates in several ways, as described further below. Nothing generates more complaints about the level of faculty professionalism than late grades. Grading deadlines are provided below.

• **Plagiarism** – Remind your students of the Law School’s policy against plagiarism. If you need a copy of that policy, contact Faculty Support (213-736-1080). Watch for evidence of plagiarism on papers. A good way to check for plagiarism in a paper is to take an unusual phrase from the paper and do a search in the Lexis or Westlaw law journal database. Googling unusual text may also be helpful. *If you suspect plagiarism, please bring the matter to my attention immediately.*

• **Pick up exams** – As soon as you receive your exams, you are responsible for verifying whether you have the number of exams that OTR and/or Faculty Support indicates you are receiving. Exams will be distributed to faculty as explained below:

• **Full-time faculty** – Exams will be delivered to FSS for delivery to each faculty member.

• **Adjunct faculty** – You **must** pick up your exams in OTR (FH 105) even if you receive exam results electronically. OTR does not have the space to securely store hard copies of your exams.

**EXAMINATION INSTRUCTIONS**

It is very important to make your instructions, including those regarding what materials are allowed on exams, as simple and precise as possible. The checklist is the first page of your exam and will include general instructions such as length and type of exam. If you include an additional instruction sheet with more specific instructions, please do not duplicate the general instructions provided on the checklist as this runs the risk of confusing students.

Take the same care in preparing exam instructions as you would in writing a legal instrument like a contract. It is also important that in advance of the exam you give these instructions to the students in writing so they have a chance to ask questions and identify ambiguities. *Even if certain instructions seem obvious – such as an instruction not to collaborate on a take home exam – err on the side of including the instruction.* If you’re concerned that the instructions will be so detailed as to distract students, consider going over the instructions on the last day of class.

**Proctors will enforce your instructions literally.** They are not lawyers and are not members of the full-time staff, and cannot make nuanced judgment calls.
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Outlining Period

You must notify your FSS assistant if your examination will include a period for outlining prior to the examination. Your instructions should clearly state when the outlining period should begin (typically at the beginning) and its duration (in minutes). Bluebooks will no longer be available for outlining; students will be provided with scratch paper to use. Please remove any reference to the use of bluebooks for outlining purposes.

Important Tips for Open Book Examinations

Open book exams are an acceptable option for some upper division courses and there are sound pedagogical reasons for using open book exams. My intent in this section is not to discourage open book exams, but to make you aware of potential pitfalls and offer suggestions for ensuring a fair and stress-free exam process. Please review this section carefully.

(1) Instructions Attempting to Limit Materials Students Can Consult (Not Recommended)

The main problem we have encountered with open book exams occurs when professors try to limit the type of materials a student can bring into the exam. For example, if a professor instructs students that they can only consult their case book, but limits students’ ability to use notes, this is very difficult to enforce. Some students may paste the prohibited notes into their permitted books or materials, and such violations are difficult to detect. The violations may also be difficult to remedy during the exam, especially if it requires trying to sever prohibited material from authorized materials. A related problem is caused if a professor allows some notes but restricts the kind of notes that students can use, as for example a restriction on commercial outlines. It is very difficult for our proctors to distinguish between a photocopy of a commercial outline and a student prepared outline, and students may transcribe commercial outlines into their own notes. Finally, proctors cannot enforce a rule limiting the number of pages of notes that a student can use, because it would take far too long to count the number of pages of notes each student brings into the exam.

We discourage these kinds of limits on open book exams because there is a very good chance that any of the above rules could be violated without detection. As you can imagine, word of such violation spreads among the students and the result is a perception of unfairness and demoralization of those who followed the rules.

Recommendation: If you plan to give an open book exam, I strongly recommend that you not put restrictions on the type or quantity of materials students are allowed to bring with them. If you want students to be able to consult a particular statute, case, or other document during the exam, the best approach is to give a closed book exam but provide as an appendix to the exam copies the statutes, cases, or other materials you want students to access.

(2) Student Access to Electronic Materials (Not Allowed for Proctored Exams)
Increasingly faculty members are using electronic materials in lieu of hard copies for class assignments. Again, there are sound pedagogical reasons for this and we do not want to discourage greater reliance on electronic sources or materials. A problem arises, however, if a faculty member instructs students that they will be allowed to access electronically stored materials during a proctored exam. **Students are not allowed to use their computers to access any materials during exams other than those provided by the professor as part of the exam questions.** This is done to prevent students from electronically consulting with one another during exams and to prevent them from accessing materials electronically that may have been prohibited by the faculty member. **Please do not inform students that they may have access to their hard drives or other electronic sources during exams.**

**Recommendation:** If you want students to have access to electronic material for an exam, I strongly recommend you give students a take home exam rather than an in-class (proctored) exam. Take home exams can also be very effective assessment tools.

**Important Note for Multiple Choice Exams:**

Students who download and register the exam software on their computers agree to use the software to compose their essay and/or short answer responses, as well as for multiple choice responses. **Please do not instruct your students to use a Scantron form to complete the multiple choice portion of the exam,** as this will create confusion and additional stress for the students in the exam room.

**Posting of Grades after Examinations**

The faculty has adopted the following policy regarding the posting of grade information: OTR posts grades; faculty do not. Each instructor may post anonymous data, such as the class mean and grade distributions. This information can be handed back with the exams, for example, as a handout inserted in each bluebook, or it can be distributed in another way. The important thing to remember is that you may not post individual student grades with names or identification numbers. You may, for your own information, ask OTR to match grades in your course with student names after your grades are finalized or print a grade roster from your FWS account.

Each instructor is free to establish her/his own policy regarding the distribution of anonymous data regarding grades. You may choose to provide no data, to provide only the class mean, to provide only the distribution, or to provide other anonymous (no names or student identification numbers) information of your choosing.

OTR only distributes individual grades to individual students via the student portal “PROWL.” OTR does not distribute any information about students’ relative performance in individual classes, other than notifying students who are eligible to receive First Honors awards in those classes for which such awards are given.

**DEADLINES**

**Faculty Support Services (FSS) Deadlines**
Please try to assist Faculty Support by observing established deadlines for production of final exams. When exams are finished at the last minute, it significantly increases the chance that an error will be made in duplication. We will try to assist you by providing helpful reminders for overdue exams.

**Grading Deadlines**

“Professors are late grading examinations” is a common student complaint. Late grades cost our students jobs because they compete against students from other schools whose records are complete. Late grades make it impossible to award class-wide honors, even if only one relevant set of grades is missing; in the past, this uncertainty has encouraged students to consider transferring. Late grades can also prevent the Law School from certifying a graduating student from taking the bar exam. If you give an upper division essay exam, you have three weeks from the date of the exam to turn in your grades. You also have three weeks to submit grades based on papers, take home exams, directed research, externships, and courses with no final exams. If you give a multiple choice (i.e., objective) only exam, you have two weeks from the date of the exam.

There are special deadlines for first-year classes. Grades for spring first-year classes are due four weeks after the date of the exam.

**TAKE HOME EXAMS OR FINAL PAPER ASSIGNMENTS**

Do not tell students to turn in papers or take home exams to Faculty Support Services (FSS), the Library, or the Information Center. We have the following policy for end-of-the-semester collection of final papers (or other writing assignments) and take home exams. This policy does not apply to Legal Writing papers.

1. **Scope.** This policy governs the distribution and collection of final papers (or other writing assignments) and take home exams. It does not apply to Legal Writing papers or other papers that are not due at the end of the semester.

2. **Deadlines for Papers and Take Home Examinations.** The latest date for turning in final papers or take home exams for all students is the last day of the examination period by 6 P.M. For Spring 2018, Thursday, May 17 is the last day of the examination period.

3. **Deadline for Submission of Directed Research.** The latest date for students to submit their directed research paper is 6:00 P.M., Thursday, May 17, the last day students can submit their papers.

4. **Acceptable Methods for Distribution and Collection of Final Assignments.** There are three methods by which end-of-term papers and take home exams may be distributed and for how they may be collected. Faculty members can arrange for end-of-the-semester distribution and collection of papers and take home exams as follows:

   **DISTRIBUTION - Select only one option:**

   **Option 1:** Faculty themselves may distribute hard copies of final written assignments and take home exams, either at a class meeting or in their office. (Please make sure to do this in a manner that both appears to maintain student anonymity and, in fact, does so.)
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Option 2: Faculty may have OTR distribute hard copies of final written assignments and take home exams. Faculty may either give hard copies directly to OTR for distribution or have their FSS assistant arrange for copies to be delivered to OTR. Please note that OTR will distribute the materials only during regularly scheduled office hours, Monday through Friday 10:00 a.m. until 6:00 p.m. (If materials for final papers are distributed prior to the examination period, OTR closes at 4:00 p.m. on Fridays.)

Option 3: Faculty may distribute final written assignments and take home exams electronically via TWEN. To use this option, faculty must provide their FSS assistant with an electronic copy of the final assignment or take home exam, along with all applicable instructions. FSS will forward it to OTR. OTR must receive your examination and the examination instructions by 5:00 p.m. Tuesday, April 24, 2018. OTR will upload the testing materials and incorporate any limitations specified by the faculty member. All take home examinations will be released no sooner than 9:00 AM on the first day of the examination period.

Students are able to view and print your take home exam materials, including the exam or assignment itself, from the TWEN environment. Therefore, faculty should submit their exam as a .pdf file, which will be attached the exam answer file. If you have a time limit for your students to complete and upload their take home exam responses, the clock will begin when they open the exam in TWEN.

IMPORTANT NOTE re OPTION 3: The method for option 3 is different from prior years. For the 2018 Spring semester only, Examplify is not available for take home final examinations or final papers. OTR will coordinate and assist you with the administration of take home exams and papers via TWEN. Contact OTR at 213-736-1130 or registrar@lls.edu for more information.

In all instances, faculty members should comply with the established exam submission deadlines.

ESTABLISHING EXAMINATION PARAMETERS

You may also impose a time limitation on how long students have to complete an exam/paper and upload it. The deadline can be set based on some number of hours after the student begins the exam/paper or you can set a fixed date and time by which the completed exam/paper must be uploaded. If you do not indicate a time by which the exam/paper should be uploaded, OTR will assume students can upload their papers/exams up to 11:59 p.m. of the day that the paper/exam is due (except in the case of the last day of the exam period, in which case the latest time a paper or exam can be accepted is Noon).

The following information needs to be given to your students, your Faculty Support Services assistant and OTR:

• Start date and time that students can access (download) the exam or paper.
• End date and time that students can access (download) the exam or paper. (This date and time cannot occur after the due date and time.)
• Due date and time for submission of the exam or paper that cannot be later than 12:00 p.m. on the last day of exams.
• Time limit in hours/minutes permitted to complete the exam or paper.
• Line spacing, page limitation or character count limitations you may require.
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- To facilitate blind grading, your instructions must state that the student’s LLS ID Number (and NOT his/her name) must be reflected on all documents submitted for evaluation.

**COLLECTION – Select only one option**

There are three options for the collection of final written assignments and take home exams:

**Option 1:** Faculty should direct students to deliver hard copies of their final assignments or answers to take home exams to **OTR in Founders Hall, Room 105.** Please note that exam response collections will only occur during regularly scheduled office hours, Monday through Friday, 10:00 a.m. until 6:00 p.m. If you schedule students to return materials on the final day of the exam period, note that OTR will accept materials only until **6 PM** of that day.

Again, **do not** instruct students to send their final assignments or take home exam answers to FSS or the Information Center. They will not accept them.

**Option 2:** Faculty may direct students to send their responses to OTR electronically via TWEN. It permits the electronic submission exam responses to be collected 24 hours a day. **OTR will not accept take home exams or papers submitted via email.**

For full-time faculty, OTR will print and deliver hard copies of all student exam submissions to Faculty Support Services (FSS). Adjunct faculty must make arrangements to pick up student submissions from OTR in FH105. Also, if you prefer, OTR will e-mail the paper/exam to you as a .pdf document.* If your wish to receive your paper or examination electronically, you must notify OTR 48 hours prior to the start of your examination. In the interest of conservation, OTR will not print paper copies of the examination for faculty who elect to receive their exams via email until after the examination period has ended.

*Faculty can request printed and electronic examinations, however they must declare which of the two is preferred. OTR will produce the second choice as time permits.

**Option 3:** The third method of collection exists **ONLY** when grading is NOT anonymous, the third option is to have the students send the paper directly to the professor as instructed by the professor. This is a common method used for directed research papers or research papers in seminars where students write a paper based on an individualized research topic that makes anonymous grading impossible.

**EXAMINATION ADMINISTRATION AND INSTRUCTION POLICIES**

Issues arise each year in connection with the instructions that accompany exams and practices during exam administration.

1. **Announcements During Examinations.** Please notify OTR if you want an announcement made during an exam. This is very important because OTR must ensure that the same announcement is made in all exam rooms, special administrations, and make-up administrations of your exam. In many cases, you will not know where and when all administrations of your exam will take place.
APPENDIX S

Please do not make announcements regarding the time and location of an exam yourself without first discussing the announcement with OTR.

2. **Faculty in the Examination Room.** Faculty members should be aware that problems are created if faculty members are present in the exam room and answer individual student questions one-on-one during exams. This leads to vociferous student complaints and students consider it to be highly disruptive.

3. **Student Questions After Examinations.** I strongly recommend that faculty members not discuss an exam with individual students who have completed the exam until after grades have been posted. In some cases, a professor discussing the answer to a question has been overheard by other students still taking the exam, but on a restroom break. In addition, students taking a make-up exam may learn of the professor’s comments.

4. **Questions During Examinations.** Please be absolutely clear in your communications with OTR regarding your availability to answer student questions forwarded by the proctors during an exam. We will assume you do not wish to answer student questions during the exam unless you give OTR specific instructions to the contrary. I believe that it is unwise for faculty to answer student questions during an exam. Unless you tell Faculty Support Services otherwise, the following will be included in the written instructions for your exam: “If an ambiguity arises during an essay examination, describe it in your answer. If an ambiguity arises during a multiple choice exam, address it on the Examination Checklist, and submit it directly to the proctor at the end of the exam.”

   However, please be available during your exam so that OTR can get its questions answered, if it has any. Please make sure that OTR knows how to contact you during your exam.

5. **Collecting Materials After Examinations.** OTR collects all materials (e.g., examinations, scratch paper, ambiguities/outlining sheets/supplements) after each exam.

6. **Food and Drink During Examinations.** Please do not tell students that they may bring food and drink to exams. The proctors will be instructed not to allow them to do this, and if you give contrary instructions, it may cause a disruption in the exam room.

7. **Other Possessions/Electronic Devices During Examinations.** Only examination and writing materials will be allowed at student desks for closed book exams. Students must place all other personal items at the front of the room or as directed by the proctor. No electronic devices are allowed during an exam except a laptop used in connection with Examplify (the exam software used by LLS) or other device provided by OTR (such as a calculator). This includes cell phones, PDAs, pagers, and watches with data storage capability. There are official examination clocks in all exam rooms. These restrictions on what students can have at their desks are in line with current bar examination procedures.

8. **Reminder about Multiple Choice Examinations.** Students who download and register the exam software on their computers agree to use the software to compose their essay and/or short answer responses, as well as for multiple choice responses. **Please do not instruct your students to use a Scantron form to complete the multiple choice portion of the exam,** as this will create confusion and additional stress for the students in the exam room.
9. **Printing Examination in Duplex.** In an effort to reduce cost and be eco-friendly, the Law School will begin duplex printing of all examination materials.

**LIMITS ON ANSWER LENGTH AND SEPARATELY TIMED EXAMINATION COMPONENTS**

1. **Limits on Answer Length**

If you choose to place limits on the length of answers to essay questions, because some students handwrite their answers in bluebooks and others type on a computer, it is necessary to state any limit in two ways: permitted length of answer in bluebooks (or bluebook pages) and permitted length of answer on pages printed from computer exams.

The Law School has adopted a standard for equating the length of student answers using **character counts with spaces** (not word counts) in these different formats. Students will be instructed to use the on-screen character count tool to track the length of an answer. While the standard cannot be precise (handwriting varies from one student to the next), the following charts are based on a survey of practices at other schools and data collected by OTR. If you limit the length of student answers, you should refer to the charts or ask your Faculty Support Services assistant to refer to them in preparing the instructions for your exam.

**Bluebooks vs. Computer Exams – Character Count**

<table>
<thead>
<tr>
<th>Computer Exams</th>
<th>Characters Per Page (With Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 page double spaced with 1” margins, Times New Roman 12 pt font</td>
<td>1,980</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bluebooks</th>
<th>Characters Per Page (With Spaces)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bluebook - writing on every line, front and back of each page</td>
<td>19,800</td>
</tr>
<tr>
<td>1 bluebook- writing on every other line, front and back of each page</td>
<td>9,900</td>
</tr>
<tr>
<td>1 bluebook- writing on every other line, front of each page</td>
<td>4,950</td>
</tr>
</tbody>
</table>

Slight variations in character count per page may occur based on user formatting (outlining, hard returns, etc.)

**Important Note:** Examplify will not prevent a student from exceeding the number of characters permitted. Professors may review the examination answer coversheet to determine whether a student has in fact exceeded the character limit established.
APPENDIX S

If your exam has multiple questions, and you wish to set separate character limits for each question, please clearly indicate the character limit for each separate response.

Examplify does not display page breaks. While Examplify has a feature (from the Tools menu bar) that can provide more detailed information (e.g., word count), students are instructed to use only the on-screen character count tool which permits students to track the length of an answer as they type.

2. Separately Timed Examination Components and Questions

If you wish to give separately timed examination components and/or questions, you must notify your FSS Assistant and OTR 2 weeks before the examination period begins (i.e., by April 23) and indicate this on the examination checklist and instructions that will be handed out to the students. For examinations timed separately, the requisite number of exam files will be created based on the type of examination you have made. Contact your FSS Assistant and OTR if you intend to have more than 2 separately timed examination components or if a component of your examination has more than 10 essay/short answer questions or 100 multiple choice questions.

Students will receive the following instructions regarding the examination answer file:

Examplify automatically creates all headers, page numbers, and margins and double spaces essay responses when printed by the school. Examplify automatically backs-up and saves to your hard drive every minute. By default, your Examplify answer file has 100 Multiple Choice (1 – 100) and 10 Essay (101 -110) questions.

a. For multiple choice answers, use only the corresponding question screens numbered 1 to 100. To proceed to the next answer screen click the blue forward arrow at the top of the screen. To review previous answers click the blue back arrow.

b. For essay responses, answer each question in the corresponding question screens numbered 101 to 110. For example, to type your answer to essay question 1, use Question screen number 101 (on navigation bar on right) or click on the button marked ‘Last’ and navigate back to question number 101. For essay question 2, use question screen 102 and so on and so forth.

To proceed to the next answer screen click the blue forward arrow at the top of the screen. To review previous answers click the blue back arrow.

For combined examinations that are not timed separately, 1 examination answer file is created that is defaulted to allow 100 multiple choice question responses and 10 essay questions. The multiple choice answer sheet appears first, followed by the answer sheet for essays. Contact your FSS Assistant and OTR at registrar@lls.edu if you wish to increase the number of essay or multiple choice question responses by April 23, 2018.
Greetings all,

Please read the message below and be guided accordingly. We are required to use this new travel agency for law school-related international travel.

Vlasta

As you may know, the interest in international travel among our faculty, staff, and students has risen dramatically in recent years. Each year Study Abroad sends 500+ students to study around the world. In addition, we have hundreds of faculty, staff, and students who travel internationally for university business and community service-related activities and experiences, independent of Study Abroad. We also have many students who travel abroad on their own to engage in research.

As the issues of health, safety, and financial responsibility have increased (particularly for the faculty and staff), the need for a preferred travel agency to serve our university’s population has become apparent.

To this end, LMU has secured STA Travel, a global travel specialist with decades of experience working with colleges and universities. As such, they are well acquainted with faculty-led course immersions, community-service programs, students travelling independently and other types of university-related international travel. They have 400 branches worldwide in 90 countries.

The benefits of using STA Travel include discounted airfare, international student ID cards, and travel experts who will help you put together all of the logistical aspects of your trip, including flights, accommodations, study tours, and itineraries. Importantly, they have an airfare deposit program for students on financial aid. These students pay a $300 deposit to lock in their trip but do not need to pay the full amount of the costs until one week before departure. This allows you the opportunity to secure the lowest fare by booking in advance. Simultaneously, it gives students time to work with financial aid and student accounts without losing their spot on the trip.

Through STA Travel, you will have access to a 24-hour call center to answer your questions while abroad. Please note that all students, faculty, and staff are covered under LMU’s ACE International Insurance Policy. Well before departure, we would like everyone to go through Study Abroad's pre-departure health and safety workshop at which time you will receive information about how the ACE insurance coverage works. Should you wish, STA can provide additional insurance to cover trip disruption, lost luggage reimbursement, and the like.

I would appreciate it if you would forward this information to any appropriate faculty who may be planning international courses, students, and staff who may be planning international travel experiences. Our contact person at STA Travel (Westwood Office) is Aeron Wilson at the e-mail address and phone number below. Also provided for your reference is their website link.

Aeron Wilson
STA Travel
Branch Manager
920 Westwood Blvd
Los Angeles, CA 90024
awilson@statravel.com
310-824-1574
http://www.statravel.com/about-us.htm
<table>
<thead>
<tr>
<th><strong>Faculty “F.A.Q.’s” (Frequently Asked Questions)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>How can I hire a research assistant?</strong></td>
</tr>
<tr>
<td>Ask your assistant (or someone else in faculty support) to advertise the position. All research assistants must apply for financial aid. You are entitled to one full-time research assistant in the summer and one half-time research assistant during the fall or spring semester. Section 5.7, page 46.</td>
</tr>
<tr>
<td><strong>What if I lose my ID card, office or mailbox key?</strong></td>
</tr>
<tr>
<td>Call Lisa Martinez, extension 1409. Office keys and Mailbox keys - Call Information &amp; Support Services, extension 1001.</td>
</tr>
<tr>
<td><strong>How can I arrange for travel to attend a conference or meeting?</strong></td>
</tr>
<tr>
<td>The first step when planning law school funded travel is to complete a “Travel Request Form” for approval by the Associate Dean for Research. The form is available online at <a href="https://my.lls.edu/finance/concur">https://my.lls.edu/finance/concur</a>. Section 10.5.1. Please review our travel policy when planning any trip. Please submit your Travel Approval Form at least three weeks in advance of any trip, and six weeks in advance of foreign travel or any trip for which you will require a cash advance or check request.</td>
</tr>
<tr>
<td><strong>What else can I use my Professional Activities Allowance for?</strong></td>
</tr>
<tr>
<td>Professional travel, memberships in professional or scholarly organizations, research materials (including books, periodical subscriptions, and software), and parking for professional visitors. Section 5.2.1. Page 32</td>
</tr>
<tr>
<td><strong>How can I schedule a make-up class?</strong></td>
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<tr>
<td>You may reschedule up to 4 days per year and up to 3 days per semester for professional reasons. Please observe the guidelines in Section 6.3, Page 55</td>
</tr>
<tr>
<td><strong>How do I reserve a room?</strong></td>
</tr>
<tr>
<td>You may submit an online room request by using the Event/Meeting Room Request Form <a href="http://intranet.lls.edu/iss/scheduling/form/step1.php">http://intranet.lls.edu/iss/scheduling/form/step1.php</a>. If you need help your Faculty Support assistant can assist you.</td>
</tr>
<tr>
<td><strong>What do I do if a student is not coming to class?</strong></td>
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<tr>
<td>Please inform Matthew Riojas, extension 8152, in the Student Affairs Office as soon as you perceive a problem. Your policy on attendance should be distributed in writing at the first class meeting. Students who are in jeopardy of being excluded from the final examination should be given written notice before they reach the absence limit.</td>
</tr>
<tr>
<td><strong>How can I communicate with my students before the semester begins or between class meetings?</strong></td>
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<tr>
<td>Before the semester begins, assignments and other information are to be posted on the Law School’s intranet website. Announcements can also be posted on the E-board (television monitors), in the In Brief electronic newsletter, and on classroom doors. All students have a law school E-mail account.</td>
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<tr>
<td><strong>How do I arrange parking for visitors?</strong></td>
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<td>Faculty Support or the Information Center (when Faculty Support is closed) can provide you with parking validation stickers. You may also give the names of your guests to FSS in advance of their arrival and they will notify Security. You may use your Professional Activities Allowance to pay for law-school related visitors and for meetings that you host on campus. Section 10.4.2, Page 88.</td>
</tr>
<tr>
<td><strong>What if I need something for my office, e.g. a nail for a picture, a bookshelf, etc.?</strong></td>
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<tr>
<td>Physical Plant will assist you with routine office needs. Call extension 1107 to reach Physical Plant or 1001 for the Information Center. You may also submit an online work request at <a href="https://my.lls.edu/webforms/physicalplantworkrequest">https://my.lls.edu/webforms/physicalplantworkrequest</a>.</td>
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<tr>
<td><strong>What if I have questions regarding my computer?</strong></td>
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<td>Contact the Information Technology Department (ITD) help desk at extension 1097, or anyone in Faculty Support. Alternatively, you may email the Helpdesk at <a href="mailto:helpdesk@lls.edu">helpdesk@lls.edu</a>.</td>
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<tr>
<td><strong>How do I enter campus after hours or on holidays?</strong></td>
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<td>Your photo identification card will allow you access to the Burns building. Just swipe your card and you will be given access. If you do not have your I.D. card, please see Security, show them a form of identification and they will admit you.</td>
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<td>ITEM</td>
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<td>Calendars</td>
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<td>Tenure</td>
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<td>Travel Policies</td>
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