

# **Adjunct Faculty Manual**

**University of Dayton School of Law**

**(2013)**

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## **I. INTRODUCTION**

Since its inception, the University of Dayton School of Law has been fortunate to be able to draw on the local bar for adjunct faculty. The lawyers and judges who serve in this capacity are invaluable sources of insight and experience that broaden our students' perspectives on the practice of law. Their contributions cannot be overstated.

Too often, a school's adjunct faculty is hired and, in essence, told to "sink or swim." Its members are seldom given adequate resources or support from the school. Consequently, each adjunct faculty member is left to prepare and teach his/her assigned class with only his/her experience as a law student to use as a template. The result has been less than satisfactory for both the faculty member and students. It is hoped that this manual will be a step toward remedying this dissatisfaction.

The "heavy lifting" in the original creation of this manual was done by former Associate Dean Richard Perna. His thoughtful drafting was indispensable in its creation.

## II. ACADEMIC SUPPORT

### **The UDSL & UNIVERSITY POLICY MANUAL**

All adjuncts at the School of Law are covered by those policies applicable to part time faculty contained in the University of Dayton Faculty Handbook, including, but not limited to, the University's Policy on Conflicts of Interest in Research and Outside Employment. A copy of the University of Dayton's Faculty Handbook is available for your perusal at

[http://www.udayton.edu/provost/resources/facadminaffairs/documents/UD\\_FacultyHandbook\\_2012\\_0827.pdf](http://www.udayton.edu/provost/resources/facadminaffairs/documents/UD_FacultyHandbook_2012_0827.pdf)

Adjunct faculty at the School of Law are also expected to follow the faculty policies of the School of Law. Those policies can be found at [http://www.udayton.edu/law/students/policy\\_manual.php](http://www.udayton.edu/law/students/policy_manual.php) If you have any questions or concerns about the applicability of any policy, please contact Associate Dean Maria Crist ([mcrist1@udayton.edu](mailto:mcrist1@udayton.edu)) (937)229-3794.

### **KELLER HALL, LAW LIBRARY & PARKING INFORMATION**

#### **THE ZIMMERMAN LAW LIBRARY (229-2314)**

The Zimmerman Law Library is located in Keller Hall, accessible through the main entrance on the second floor. It provides the law school community with ready access to numerous legal and other information databases in addition to more than 318,000 volumes of printed legal materials and microfilms, supporting research in Anglo-American, foreign, comparative, and international law. The Law Library is primarily a research facility and most library materials do not circulate. Adjunct faculty are granted faculty circulation privileges during the semester that they teach; a broader range of materials may be checked out and the circulation period is extended to the end of the semester. If particular material needed for teaching or research is not available in the law library, contact Kimberly Ballard of the circulation staff (229-4190, [kballard1@udayton.edu](mailto:kballard1@udayton.edu)) to try to procure them through OhioLINK or InterLibrary Loan. Reserves in the Reserve Room (Room 212P) do not have to be checked out if they are used exclusively in the Reserve Room. Please contact Ms. Ballard or one of the Reference Librarians listed below for assistance with placing materials on Reserve for your course.

Among the most valuable resources of the Zimmerman Law Library is a staff of librarians available to assist the law school community with effective legal research. In addition to the Director of the Library, Susan Elliott (229- 2313, [selliott1@udayton.edu](mailto:selliott1@udayton.edu)), please feel free to consult with any of our reference librarians: Maureen Anderson (229-4810, [manderson1@udayton.edu](mailto:manderson1@udayton.edu)) and Paul Venard (229-4151, [pvenard1@udayton.edu](mailto:pvenard1@udayton.edu)).

Use of Lexis and Westlaw for purposes related to your teaching and academic research

will require you to secure academic Lexis and Westlaw passwords. To acquire these passwords, contact Susan Elliott, Director of the Law Library (229-4810, [selliott1@udayton.edu](mailto:selliott1@udayton.edu))

### **PARKING**

If you need a parking pass, you will need to complete a parking pass request form, which is available from Peggy Wilson. There is no charge for the parking pass. Parking services will mail the parking pass to your home address. Parking passes are issued on a yearly basis. If you are teaching in only one semester, the parking pass should be returned to Peggy Wilson at the end of the semester in which you are teaching.

### **KELLER HALL ACCESS**

Keller Hall is open from 7:00 A.M. to 9:00 P.M. every day except University Holidays (the University Holiday schedule is available on the University Web site). Your University ID card will provide after-hours access to Keller Hall via the card reader at the front and rear building entrances.

### **ADJUNCT OFFICE**

There is an adjunct faculty office located on the fourth floor of Keller Hall, Room 414, right across from the Technology Support office. The adjunct office is equipped with a desktop computer. You are welcome to use the office whenever you are in Keller Hall. Peggy Wilson can provide an office key if you need after-hours access to the adjunct faculty office.

### **FACULTY AND STAFF CONTACTS**

A phone and office listing for UDSL full time faculty and staff is available in Appendix B and C.

### **BUILDING SECURITY**

For any emergency contact University Public Safety at 229-2121.

### **MAIL**

Any mail you receive at UDSL will be forwarded to you once a week. If you need access to it sooner, you may stop by the Dean's suite, Room 203, and someone can retrieve it for you from the mail room.

### **OFFICE SUPPLIES**

Office supplies can be obtained from the Supervising Faculty Secretary, Room 410.

**WEB SITE** <http://www.udayton.edu/law/index.php>

### **FOOD SERVICE**

The Jury Box is located in the lower level of Keller Hall and operates M-F from 8:00 to 8:00 P.M., when classes are in session. Vending machines are located in the lower level of Keller Hall next to the stairs.

## **PHOTOCOPYING PRIVILEGES**

If you have typing or photocopying that must be done for distribution to your students, there are two ways to handle it. First, we can do it (although we need a little time, please!). To arrange for typing or photocopying, please contact the faculty secretaries. Second, if you prefer to make the arrangements yourself, we will pay the reasonable cost of such typing and duplication. Please remember that it is the school's policy to provide up to 25 pages of supplemental materials to each student without charge. We charge the students the cost of preparation for that portion of the material in excess of 25 pages. If you are here after hours and need to make copies for your class, there is a copy machine in Room 432 which you can use. Your access code for the copier is

### **11.FACULTY SECRETARIES**

The faculty secretaries are located on the fourth floor of Keller Hall and are available to assist you M-F, between 8:00 A.M and 5:00 P.M. Their names and contact information are:

Kim Bertke, Supervising Faculty Secretary

Keller 410

Email: [kbertke1@udayton.edu](mailto:kbertke1@udayton.edu)

Phone: 229-3325

Nan Holler-Potter

Keller 433

Email: [nhollerpotter2@udayton.edu](mailto:nhollerpotter2@udayton.edu)

Phone: 229-4676

Maribeth Mulhern

Keller 433

Email: [mmulhern1@udayton.edu](mailto:mmulhern1@udayton.edu)

Phone: 229-3899

## **II. BEFORE BEGINNING TO TEACH**

### **CASEBOOK SELECTION**

One important aspect of becoming an adjunct is determining what materials are going to be used in your course. You might not know that publishers in your particular area of expertise are eager to send you complimentary copies of materials that can be used in your course. We provide the names of all our adjuncts to the various publishers of legal materials so that you might be included in their mailings of complimentary material. Contact Mary Beth Miller (229-4187, [mmiller2@udayton.edu](mailto:mmiller2@udayton.edu)) for additional information about book orders.

#### **Factors Used in the Casebook Selection Process**

Casebook selection is always one of the most difficult tasks that an adjunct faculty

member needs to tackle. Our full time faculty members teaching in your area of the law are always available to discuss particular casebook choices and are very willing to help you in the selection process. There are a number of factors that you might want to consider in thinking about casebook selection: copyright date (as some books are woefully out of date); availability of a teacher's manual; format of the materials (e.g., primarily case or problem-oriented). All other things being equal, you might take into account the relative cost of two competing texts. You will also have to consider how many texts to require. For code-oriented courses, students are likely to need both a case/problem book and a set of statutory materials. A case-oriented course may require only a casebook. If no casebook (or statutory supplement) is sufficiently up to date, you may need to compile a set of supplemental materials.

### **Supplemental Course Materials**

It is not unusual to supplement required materials with some of your own materials. Please remember that it is the school's policy to provide up to 25 pages of supplemental materials to each student without charge. We charge the students the cost of preparation for that portion of the material in excess of 25 pages.

If you are here after hours and need to make copies for your class, there is a copy machine in Room 432 which you can use. Your access code for the copier is 11. Please remember that we are all subject to Copyright policies and rules. If you have any questions about Copyright applicability in a University setting, please contact Associate Dean Maria Crist.

In addition, supplementary materials may be available in the Library and may be placed on Reserve in the Library. You can arrange for materials to be placed on Library Reserve by contacting the circulation desk in the Zimmerman Law Library.

### **UDSL Bookstore**

There is an onsite bookstore in Keller Hall. Contact Mary Beth Miller (229-4187, [mmiller2@udayton.edu](mailto:mmiller2@udayton.edu)) for its hours.

Mary Beth Miller handles all book orders. Textbooks may also be ordered online: <http://bookstore.udayton.edu> and click on the "Textbooks" icon.

## **COURSE DESCRIPTIONS, SYLLABUS & RELATED MATTERS**

### **Course Descriptions**

A course description for your course can be found at [http://www.udayton.edu/law/registrar/course\\_descriptions.php](http://www.udayton.edu/law/registrar/course_descriptions.php)

### **Syllabus**

Your course requirements should be made clear to students at the outset of the semester and should be in writing. It is important that going into a course the students

know exactly what will be expected in terms of preparation, participation, attendance, and performance, whether it be through skills sessions, scholarly papers, other written assignments, or a final exam. **Under the Policy Manual, your attendance policy and consequences for failure to attend regularly must be included.** Consider the following guidelines and suggestions for including in your course syllabus:

### **1. Course Objectives and Assessments**

What the course will cover (reading assignments and coverage) and objective(s) sought by the end of the semester should be communicated clearly to the students at the outset. This information may include a list of skills the student must demonstrate or concepts the student is expected to master. In addition, your syllabus should include how the final grade will be determined, and its components with relative weights, if any.

### **2. Attendance Policy and Sanctions**

While you might like to think there will be 100% attendance at every class meeting because your particular course is so interesting, that is not reality. Many things compete for class time, not the least of which are job interviews, co-curricular programs and competitions, and other academic burdens. As a result, some students will not attend regularly if given the opportunity. To guard against excessive absenteeism, UDSL has a mandatory attendance policy that has four main features: (1) a requirement that all faculty take attendance; (2) a set limit of the number of classes a student can miss without penalty; (3) a requirement that all faculty submit attendance information to the faculty secretary; and (4) required notices and penalties in the event of excessive absences. The entire policy is included below with key provisions noted.

*Students are required to attend classes regularly. **Each student shall be allowed absences up to, but not exceeding, two times the number of credit hours in a course.** (For example, a student in a three-hour class that meets in two 75-minute sessions each week may miss a total of four such sessions. A student in a three-hour class that meets in three 50-minute sessions may miss a total of six such sessions.) **This policy sets a firm absence limit and does not permit excused absences.***

*In their discretion, a faculty member may require fewer, but may not allow more, absences. If a faculty member intends to impose a more stringent attendance policy, he or she must notify students of the policy in writing during the first week of the semester.*

*For each absence exceeding the limitation imposed in the paragraph above, a faculty member must impose a penalty for violations. The penalty may include, but is not limited to, disqualifying a student from taking the final examination, dropping him or her from the class roll, or reducing his or her grade by one or more increments including giving an "F", for failing to attend classes regularly.*

***During the first week of class, the faculty member must provide written***

*communication to the class describing the penalty that will be imposed for violations. A written warning from the faculty member informing the student and the Associate Dean that the student has one remaining absence before exceeding the number of absences allowed for that class is required before imposing any penalty. If a student exceeds the number of permitted absences for a class, the faculty member must notify the student and the Associate Dean in writing of any penalty imposed as a result of the excessive absence(s). If a student has an extraordinary circumstance that leads to excessive absences, such as a serious illness, the student should address the issue with the Associate Dean. In such extraordinary circumstances, the Associate Dean has the discretion to relieve the student of any penalty imposed by virtue of the excessive absences. The Associate Dean shall promptly notify the appropriate faculty member(s) of any such exercise of his or her discretion.*

*Students who fail to attend classes regularly will be contacted by the Associate Dean or the Assistant Dean of Students to meet for academic advising and/or counseling. Students who fail to comply with the required academic advising and/or counseling session with the Associate Dean or the Assistant Dean of Students will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.*

***Every faculty member shall take attendance each day of class by means of distributing a sign-in sheet consisting of a current class roster, or by some alternative method. If a sign-in sheet is used, each student in attendance must sign the roster next to his or her name. The faculty member, or his or her appointed designee, shall deliver completed attendance sheets, or the results of the alternative method of taking attendance, to the faculty secretary prior to the next class meeting. [adopted February 27, 2013]***

A more consistent attendance policy is part of our commitment to student success. We understand that many adjuncts teach in the evening when dropping off an attendance record might be inconvenient. If you prefer, you may email the Supervising Faculty Secretary, Kim Bertke ([kbertke1@udayton.edu](mailto:kbertke1@udayton.edu)), the names of any students who were not in class after each class.

### **3. Class Preparation**

Class preparation is key to the quality of the classroom experience at UDSL. You may want to adopt policies concerning class participation and the consequences of a failure to adequately prepare for classes. Full time and adjunct faculty use a variety of policies and approaches to encourage class participation. Dean Crist will be glad to discuss a variety of approaches that have been successfully used to encourage class participation.

### **4. Communication with Students**

Your students will want to know how to contact and communicate with you throughout the semester. It is important to let them know how you prefer that they communicate

with you (e-mail, telephone, mailbox, or other means). If you intend to keep office hours, the days and times should be posted and communicated to your students.

### **5. Conveying Expectations to Students**

To reduce anxiety and uncertainty, adjuncts should make clear to the students what is expected of them in the next class or classes throughout the semester. If you have to modify the schedule as the semester progresses, either to add or to subtract various materials or meetings, keeping the students aware of these developments is most important.

If two faculty members (full-time and adjunct or two adjuncts) will collaborate in creating or teaching a course, both parties must have a clear idea of each other's roles. This is particularly important once the class begins, as students will be frustrated if the faculty members provide different answers to administrative questions.

### **6. First Assignment**

While it is important that the syllabus or separate assignment sheet advises the student about the expected assignments throughout the semester, it is critical in advance of the semester that the registrar or academic dean receives the first assignment, if there is one, so that it can be called to the attention of the students before the course begins.

The faculty secretaries will post your first assignment, hand out your syllabus and sell your supplements (if you assign one that is produced in-house).

## **III. CONDUCTING YOUR CLASSES**

### **AUDIO VISUAL SUPPORT**

Jaime Beasley is the School of Law's Information Technology Coordinator. Jaime can assist you with any audio visual needs and is also available to instruct you on the use of the equipment installed in our classrooms. Jaime can be contacted at (937) 229-4783 or via email at [jbeasley1@udayton.edu](mailto:jbeasley1@udayton.edu). Also, we have created network user accounts for all adjuncts which allow you to take advantage of the technology in our classrooms. If you would like to know more about this, or would like computer or Internet training, please contact Jaime Beasley, who will arrange to provide whatever information and/or training you need.

### **CLASSROOM SECURITY**

Please make sure all windows and doors are closed in the classroom when departing any time after 4:30 pm.

### **CLASSROOM NEEDS**

Chalk is kept in the lectern of each large classroom. Erasers should be located in the tray

below the chalk board. Smaller classrooms (201, 222, and 223) have dry erase boards. Please use only the markers and cloth cleaners provided in the room. If you find that classroom supplies are missing, please contact Peggy Wilson in the Dean's suite on the second floor of Keller Hall.

Classroom audiovisual equipment is self-contained in each classroom. If you would like training on the use of this equipment contact Jaime Beasley at 229-4783, [jbeasley1@udayton.edu](mailto:jbeasley1@udayton.edu).

If you use seating charts in your classes, a blank seating chart that reflects the classroom configuration in which you are teaching is available from the faculty secretaries.

## **SCHEDULING ISSUES**

### **1. In General**

Courses at UDSL must meet for a predetermined minimum number of minutes to comply with ABA guidelines. Our classes are scheduled in 50 minute blocks – so that a two credit course meets for a total of 1300 minutes in our thirteen (13) week semester (50 x 2 x 13). It is important that each class actually meets for the entire 50 minute period for the scheduled number of classes throughout the entire semester to ensure overall compliance with ABA standards. For example, a three-credit course must meet for 150 minutes each week, and a two-credit course must meet 100 minutes each week. If your class meets in larger blocks of time than fifty minutes, and you choose to take a break, the break time is not included in the required number of instructional minutes.

### **2. Cancelled Classes**

Although class cancellations are not desirable, they may be unavoidable. Cancelled classes should be re-scheduled at a time that does not conflict with other scheduled courses in which your students are enrolled. Room availability and class schedule conflicts can be determined by checking with Mary Beth Miller, [mmiller2@udayton.edu](mailto:mmiller2@udayton.edu) or 229-4187.

### **3. Review Sessions**

Review sessions involve many of the same issues as make-up classes. Review sessions cannot be scheduled during the exam period. Again, you may check room availability and class conflicts with Mary Beth Miller, [mmiller2@udayton.edu](mailto:mmiller2@udayton.edu) or 229-4187.

## **COMMUNICATING WITH THE CLASS**

Many law students expect that they will be able to communicate with you outside of class. Because you will not be in the law school on a full-time basis, you will have fewer opportunities to interact with students outside of class. It is very helpful and calming to students to know that you can be reached outside of class, if necessary. Encouraging e-

mail questions and communication might be a good method of staying in touch with students, when necessary. There are other online resources that many faculty members find useful as an alternative to face-to-face communication (e.g., TWEN). If you would like information on how to set up and use a TWEN website, please contact our Westlaw representative. Jaime Beasley, [jbeasley1@udayton.edu](mailto:jbeasley1@udayton.edu), can put you in contact with the representative.

### **EMERGENCIES IN THE CLASSROOM**

A student or instructor may be called out of class because of a family emergency. Occasionally, however, an emergency or potential emergency will occur in the classroom itself or elsewhere in the building. Emergencies can include intruders in the classroom, fire alarms, or student or faculty illness or accident. Attached is a copy of the University Emergency Procedures brochure that addresses how and to whom you should report an emergency.

### **STUDENT EVALUATIONS**

UDSL provides its students the opportunity to critique and comment on the quality of each course through the use of student evaluation forms. Students complete these forms at the end of the semester, usually during a few minutes at the beginning or end of one of the final classes. If your class is scheduled before 4:30 p.m., one of the faculty secretaries will deliver and administer the evaluations. If your class begins after this time, you will receive an evaluation packet containing the evaluations. We ask that you administer the evaluations by reserving approximately ten minutes at the beginning or end of one of your classes for your students to complete the evaluation. It is the policy of the UDSL that a faculty member not be present in the room while students are completing the evaluations. When completed, the evaluations should be returned to one of the faculty secretaries.

## **IV. AFTER CLASSES END: EXAMINATIONS**

### **EXAMINATIONS – GENERALLY**

Most law professors rely heavily on end of semester essay examinations as the primary method of assigning grades in courses. Increasingly however, many are using a variety of testing formats that include multi-state bar format multiple choice questions, short essays or short question formats. In addition, some faculty use a combination of testing methods, e.g., quizzes, midterms, extra credit projects, papers or other assignments to evaluate student performance. If you would like to discuss various assessment formats contact Associate Dean Crist.

### **EXAMINATION SCHEDULING**

The registrar schedules all law school exams. The exam schedule is posted at the time students register for classes, and is available on the law school website at:

<http://www.udayton.edu/law/registrar/exams.php>.

## **ADA ISSUES IN EXAM PROCESS**

The ADA requires all educational institutions to make appropriate accommodations for students who have a disability that might affect their ability to take a test under the same conditions as other students. Accommodations can include extra time, use of special equipment, use of a scribe, etc. At UDSL, the law school administration and the university student disability center approves and implements these accommodations without involving the professor. In fact, these students' disabilities and accommodations are usually kept confidential, so that a student receiving accommodations will be treated identically to other students by the faculty grading their exams. If any questions are addressed directly to you about course or examination accommodations, the student should be referred to Associate Dean Maria Crist. You should not attempt to address issue relating to disabilities or accommodations.

## **USE OF EXAM SOFTWARE**

In the digital age, more and more students come to law school with laptop or tablet computers. Indeed, many are so accustomed to the keyboard that they are not particularly skilled in the art of handwriting. Thus, there is a tremendous demand by students to be allowed to type their essay exams on their laptop computers.

The University of Dayton School of Law offers students the ability to take an exam using their laptop computer. **SofTest** is a high stakes assessment program developed and licensed by **ExamSoft** that enables exam takers to securely take examinations downloaded to their own laptop computers. ExamSoft Worldwide, Inc., through its SofTest product, provides students the ability to take an examination on a computer by providing the ability to lock down all other Windows applications thereby reducing the risk of violations of the student honor code. SofTest serves as a simplified word processor similar to Microsoft Word or Corel WordPerfect for essay responses

## **EXAMINATION ADMINISTRATION**

### **1. When Your Exams Are Due**

The Registrar's office copies and processes all exams and makes them ready for the exam period. Due to possible exam deferrals and accommodations, if you give a final exam in your class, **the Registrar's office must have your exam no later than one week prior to the beginning of the exam period.** See, Appendix A: Academic Calendar, and send to Ms. Shannon Penn, Registrar, 229-3285 ([spenn1@udayton.edu](mailto:spenn1@udayton.edu)). You will receive an email reminder from the Registrar when your final exam is due.

### **2. Exam Period**

The Registrar schedules all exams during the exam period. The exam schedule is available here: <http://www.udayton.edu/law/registrar/exams.php>. Full-time faculty

proctor all exams, (not their own). If you are available to help proctor exams, please let the registrar, Shannon Penn, know ([spenn1@udayton.edu](mailto:spenn1@udayton.edu)).

## **EXAMINATION PREPARATION**

The School of Law Registrar will contact you in October regarding general details for your final exam. The details requested at that time will be: Is your exam open or closed book? If open, what materials will your students be permitted to have with them during the exam? Is your exam essay or multiple choice, or a combination? How long will students have to complete your exam, e.g., 3 hours? (The final exam length should not exceed the number of credits for the course.)

The final draft of your exam must be delivered to the faculty secretaries for duplicating, allowing sufficient time to meet the deadline for the beginning of the exam period. The exams will be duplicated, delivered to the Registrar's Office, placed in envelopes, sealed and labeled ready for pick-up by your students when the exam begins. **Careful proofreading of your exam before it is released is very important as corrections cannot be made after the exam is delivered to the Registrar.**

## **YOUR EXAM INSTRUCTIONS**

We have encountered a number of problems regarding exam process terminology used in the exam instructions which appear simple on the surface, but have caused confusion for the students. **Your instructions should be easy to follow, as clearly and briefly stated as possible.** Here are a few suggestions:

**Clearly state on the cover page of the exam the amount of time the student has to complete the exam**, e.g., "You have three hours to complete this exam." We ask that you **not** include odd minutes to the exam time (e.g., 3 hours and 15 minutes). Please keep your time to 30 or 60 minute intervals. Do not try to control how long a student spends on a particular segment of the exam by stating that the student must turn in a part of the exam before the exam time expires. The entire exam will be picked up by the student from the Exam Distribution Table before the beginning of the exam and turned in at Exam Distribution Table at the end of the exam. You are encouraged; however, to offer suggestions, recommending the length of time a student should spend answering each question or providing the point value for each section of the exam.

**All exams are taken anonymously by the student. The Registrar assigns each student an identifying number and communicates that number to the student. The number that is assigned to each student to use as identification on all final exams is called the Exam Number (not Student ID Number, Identification Number, PIN, etc.).** Please provide a space on the exam instruction page of your exam questions for the student to write their exam number and instruct the student to write their exam number in the space provided. This helps to ensure that all exams are accounted for when materials are turned in at the end of the exam.

**It is very important that you include in your exam instructions, any limitations on supplies and materials the students are permitted to bring and use as reference during the exam.** If the exam is closed book, you need only state: "This is a closed book exam." If the exam is open book, or limited open book, please list the materials students are permitted to use. You should also be aware that most students take their exams on a laptop computer (see below) and questions concerning hard drive and internet access must be specifically addressed by each professor well in advance of the examination period

**If you plan to impose page/word limitations on each question or section of the exam-**keep in mind that you will have both students writing in bluebooks and students using their laptops to type their exam answers. You must be very clear in your instructions what your limitations are and what sanctions will be imposed if the student goes beyond your established limits. (See below for more information regarding students using handwriting vs. laptops and how to determine limits).

If you would like to see what the instruction page should look like, we are more than happy to supply you with a sampling of what we think are the better instructions faculty have created over the years.

**Preview your instructions before releasing the instructions to students.** We are happy to preview your instructions before they are released to your students in sufficient time to suggest changes if necessary. Exam instructions can be sent to the Registrar for review ([spenn1@udayton.edu](mailto:spenn1@udayton.edu)).

**You may hand out your instructions only to students before the exam period begins.** Please consider releasing your exam instructions to your class in sufficient time before the exam period begins; this allows your students to ask you procedural questions specific to your exam before the Quiet Period begins.

**If your exam includes a multiple-choice component,** the form a student uses to provide answers to multiple choice questions is the **Scantron Answer Sheet** (not computer card, computer form, bubble sheet etc.). While we prefer that you use the scantron form, you may, if *you* prefer, ask your students to list their responses to the multiple choice questions in their bluebooks, on the exam copy, or in the SofTest exam template. If you decide **not** to use the scantron form, you must hand score the multiple choice answers. The scantron forms are machine scored—which is a tremendous time saver. Whatever method you use, please be sure your instructions state clearly how you want your students to record their answers.

### **About Laptops vs. Bluebooks, open book exams vs. closed book exams**

Most students will use their laptop computers for all applicable essay exams. They are required to use ExamSoft software, SofTest, for all on-site, essay exams.

If you opt for an open book exam, students using their laptops to take the exam will not

have access to their hard drives or the internet. All laptop exams are taken in secured format. **The software used for laptop exams will block access to anything beyond the exam answer template.** Any materials you permit the student to bring to your exam **must be in hard copy only.** Please note: we discourage access to the Internet on a final exam because of the possibility of intentional or even accidental communication during the exam. See the example that follows for an open book exam instruction:

*This is an open book examination. Students may consult any written materials they have brought with them to the examination. However, "written materials" includes only handwritten, typed or printed materials. It DOES NOT include any materials which must be displayed on a computer screen or any similar electronic device.*

Whatever your instructions are going to be, make sure your students understand what will be permitted and what will not be permitted well BEFORE the exam period begins.

A standard exam format has been established for all students who will be using their laptops for exams. The format allows for up to 25 essay responses.

**Estimated** equivalencies for bluebook vs. typed exams follow – these are rough estimates. Remember, you must decide what sanctions or penalties to impose if the student ignores your limits.

#### *Character Counts*

One handwritten bluebook page equals **approximately** 1,200 characters.

*Approximately* 19,200 characters equal one bluebook (16 pages, no skipped lines, both sides of the page).

#### *Word Counts*

ExamSoft's SofTest software will provide the student with an actual word count for each question if you would like to limit responses to a certain number of words – this will be difficult to translate into bluebook language; however, one hand written bluebook page, no skipped lines, is *approximately* 175 words.

**Please do not request that the student limit the answer to a certain number of "typed" pages.** They have no way of calculating this!

In short, using the guidelines above, if you impose length limits, please base your limitations for both those students that are handwriting the exam and those that are taking the exam on their laptops. For students that are handwriting, provide a limit in terms of the number of bluebooks or bluebook pages. For typists, provide the number of words or characters, and instruct typing students to answer each question under a separate number in SofTest. If you impose limits, this information **must be clearly stated** in your exam instructions. If you wish to avoid the potential problems with stating length limits, it is perfectly

acceptable to merely provide the percentage value or points out of the total for each section of the exam. Students will then judge for themselves how much time and explanation to provide for each part of your exam. If you provide percentages, make sure the percentages total 100%, and if providing point values, make sure the section point values total the all points available on the exam.

## **PROFESSOR AVAILABILITY & EXAM DISCUSSION**

### **UDSL Quiet Period Policy**

**BEFORE** a student takes an exam, he or she may feel free to discuss legal concepts relating to the course with any classmate who has NOT taken the exam. Professors may or may not choose to accept questions during the exam period. (Traditionally, many professors have opted not to do so). Whether and by what means a professor will respond to any questions is left to the sound discretion of that professor.

**AFTER** a student takes an exam, he or she may not discuss the exam OR any legal concepts relating to the course with any member of the UDSL community, including classmates and professors, until three days after the exam period ends. For example, the student may NOT comment on what exam he or she has taken, how difficult the exam was, what concepts the exam covered, etc. If a discussion of a completed exam arises, the student is to immediately remove himself or herself from the discussion. While students may discuss a completed exam with persons outside the UDSL community, the student must not do so when there is any danger of being overheard by a member of the UDSL community.

Prior to the beginning of the exam period your students will be permitted to seek information or advice from you.

## **ACCOMMODATIONS AND DEFERRALS**

Students requesting accommodations or deferrals must make the request to the Associate Dean for Academic Affairs, who will approve the request for good cause or deny the request. Please remind the student that having all exam accommodation circumstances handled by the Administrative Office preserves their anonymity.

### *Accommodations*

Students must make any requests for exam accommodations at least one month before exam begins. If a student asks you directly about accommodations, direct the student to Associate Dean Crist ([mcrist1@udyton.edu](mailto:mcrist1@udyton.edu)).

### *Deferrals*

Examinations are rescheduled in only two circumstances:

(a) When a student has two or more exams scheduled to begin during a twenty-four hour period (a 1:30 PM examination followed by an 8:30 AM examination the next day presents a conflict; however, an 8:30 AM examination followed by an 8:30 AM examination the next day does not); or

(b) When extraordinary and unavoidable circumstances intervene (such as a serious health problem of a student or a close family member).

Overlapping deadlines for papers or projects do not present a justification for rescheduling exams.

Again, if a student approaches you for an exam deferral, please direct the student to Associate Dean Crist.

### **PAPERS AND PROJECTS**

Many courses involve papers and/or projects in addition to or in lieu of examinations. If you plan on using this form of evaluation, be sure that your grading is consistent with UDSL policy. Also, it is important that you are clear about applicable deadlines, appropriate methods for turning in assignments, policies on extensions, and penalties for late submission. If you are considering e-filing of papers or exams, contact the law school's Technology Office at 229-4783 for options.

## **V. AFTER THE EXAM - GRADING**

### **PICK-UP OF EXAMS**

If you prefer to begin grading your exams before the end of the exam period, please feel free to check with the Registrar's Office (229-4187 or 229-3285); however, remember that due to possible accommodations and deferrals, all your exams may not be available until the end of the exam period. At the end of the exam period your completed exams can be held in the Registrar's Office for you to pick up, or we can Fed Ex the exams to you. Just let us know which you prefer.

### **ANONYMOUS GRADING**

All examinations, including midterm examinations, will be administered anonymously to insure the integrity and fairness of the grading process. Whenever practicable, other graded exercises that contribute toward the course grade should be submitted anonymously as well. The Registrar will assign an examination number to each student, which will not be disclosed to the course instructor until after he or she has submitted at least a Preliminary Grade Sheet reflecting the grades by examination number.

### **GRADING AND THE UDSL MANDATORY GRADING NORMS**

In courses of Credit Type A (grading option A, which uses the following letter grades: A+, A, A-, B+, B, B-, C+, C, C-, D+, D, F), the grades in each course section must meet the applicable mandatory mean:

For first-year courses - 2.80 +/- .05 (between 2.75 and 2.85)

For upper-level courses - 3.00 +/- .05 (between 2.95 and 3.05)

A section mean is determined by converting each letter grade to its numerical equivalent (A+ = 4.3, A=4.0, A-=3.7, etc.); then adding the equivalents for all grades

awarded, and then dividing the sum of the equivalents by the number of grades included. The Registrar will provide you with an Excel spreadsheet that will automatically calculate the grade mean.

Incompletes, withdrawals, and grades other than Credit Type A (grading option A) will not be used in the calculation. If a grade is lowered for disciplinary reasons (i.e., excessive absences), the grade reduction will not be included in the calculation of the course section mean but will be imposed after grades are assigned and the course section mean has been calculated. Before imposing a grade penalty, the Associate Dean must be copied on the notice you provided the student. You will not know which student has a grade penalty until AFTER grades are submitted.

Sections with fewer than 25 students eligible for final grades are exempted from the mandatory mean requirement. However, the applicable mandatory mean normally should be used as a guide when assigning grades.

When a mandated mean applies, the instructor may deviate from the mean only with faculty approval upon a showing of exceptional circumstances.

### **GRADE SUBMISSION DEADLINES**

Submitting your grades in a timely fashion is one of the most significant responsibilities you have undertaken by agreeing to teach. Your failure to meet the grading deadline has consequences: we cannot award financial aid; we cannot certify graduates to bar examining authorities; we cannot prepare class ranks; students cannot prepare resumes for their job searches; and transcripts cannot be prepared and sent. See, Appendix A: Academic Calendar, for date when grades are due. Early submission of your grades will be appreciated.

### **GRADING MATERIALS**

Excel spreadsheets for grade submission by exam number will be emailed to all faculty. In addition, official University Grades Sheets will be e-mailed to adjuncts. You will be receiving the following information for each class according to type of class:

#### **Exam Courses**

You will receive a grade submission Excel spreadsheet (“gradesheet”) that will calculate the mean GPA for your course and detail the number of grades in each grading category (A+, A, A-, B+, etc.). The gradesheet will include the curve explanation in brief and the target means. To complete the gradesheet, you will simply enter your course information (your name and course title), enter the "mandatory norm" (2.80 for first year or 3.00 for upper-level) in the appropriate cell on the spreadsheet, and the student's exam number and grade where indicated; the gradesheet will do the rest. By reviewing the "Mean as Reported" on the top of the gradesheet, you will see immediately if you need to make any adjustments in the grades awarded.

When you have completed inputting your grades and you are within the correct

variance, you may include in the space provided on the gradesheet the exam number of the student in your class who will receive a CALI award. The CALI award is awarded to the highest scoring student in your course. Put the exam number of the student awarded the CALI where it has "The best exam:" More than one CALI can be awarded in the course only if more than one student has the same final score/points.

After you have completed the grading process, you will put an 'X' in the area of the gradesheet next to the word 'Final.'" Finally, email your completed gradesheet as an attachment to the Registrar at [spenn1@udayton.edu](mailto:spenn1@udayton.edu). **NO HARD COPIES PLEASE.** The Registrar will match the names to the exam numbers, and, once course grades are posted, the Registrar will email you back the gradesheet with the student's names included for your records. If you need assistance with the gradesheet, please ask. It is very simple to use and quite a time saver for all of us!

If you cannot use the Excel spreadsheet for grade submissions, submit your grades by exam number in a text file, Word or WordPerfect document. You will have to manually calculate your course mean as described above. Again, please email your grades to the Registrar as an attachment, or within the email message. This method is actually more difficult, and we encourage you to use the Excel grade submission spreadsheet if at all possible.

#### **Non-Exam, Graded Courses (Grading Option/Credit Type A)**

If your course has a final paper instead of a final exam, the grading spreadsheet is still available to you if you are required to meet the mandatory mean based on your class size, or if you wish to use the course section mean as a guide. Follow the instructions above, and submit your final grades to the Registrar.

#### **Skills, or Credit Type B and C Courses (Grading Option B or C)**

If your course is graded on a pass/fail basis, you will receive a University grade sheet. Your evaluation should be entered in the brackets on the University grade sheet in the "Final Grade" column. To the extent possible, instructional grading information is printed in the top margin. When complete, please email the grade sheet as an attachment to the Registrar.

### **POSTING AND RELEASE OF GRADES**

All grades will be posted electronically and can be accessed by students via the University of Dayton Registrar home page. While students may ask you about the grade in your course AFTER it is posted, you should not answer any questions about grades BEFORE the Registrar has posted the grades.

### **CHEATING AND PLAGIARISM**

Regrettably, cheating and plagiarism problems occasionally arise at every law school. At UDSL, students are subject to an Honor Code which can be found here:

[http://www.udayton.edu/law/students/honor\\_code.php](http://www.udayton.edu/law/students/honor_code.php). If you have a reasonable basis to

believe that a student has engaged in cheating, plagiarism or any other academically dishonest conduct you should contact Associate Dean Maria Crist for instructions how to proceed.

### **HIGHEST GRADE AND OTHER AWARDS**

CALI awards are given in most courses at UDSL for the highest score or for excellent student performance. As the person responsible for the grading in your course, in most cases you will be asked to identify the student with the highest score (best performance) at the time you turn in your final grades.

### **REVIEWING EXAMS WITH STUDENTS**

Often students have questions about their grades or their performance on exams, and adjuncts are sometimes caught unaware by a student's request for an exam review session. All UDSL faculty members have an obligation to help the student understand the evaluation of the work submitted for a grade. Often, post examination discussions are a vital part of the learning/teaching experience and we hope that you will accommodate a student's request to meet and discuss examination performance.

### **GRADE CHANGES AND GRADE APPEALS**

In the vast majority of cases, a student will not dispute the grade in a post-exam discussion. However, in some circumstances, students will lobby the adjunct for a grade change. Grade changes at UDSL are extremely rare and can only be made for very limited reasons. See, UDSL Policy Manual, Section C(11)(g).

### **EXAM RETENTION PERIOD/STORAGE**

It is UDSL's policy to retain past student examinations for a period of two years.

## **VI. STUDENT-FACULTY ISSUES**

### **NONDISCRIMINATION POLICIES**

The law school's nondiscrimination is in the UDSL Policy Manual available at: [http://www.udayton.edu/law/resources/documents/policy\\_manual/policy\\_manual\\_appendix\\_d1.pdf](http://www.udayton.edu/law/resources/documents/policy_manual/policy_manual_appendix_d1.pdf)

The University's policy is located here:

[http://www.udayton.edu/non\\_discrimination\\_policy.php#2](http://www.udayton.edu/non_discrimination_policy.php#2)

### **STUDENT PRIVACY RIGHTS**

#### **FERPA Nondisclosure Rules**

Student privacy rights are governed by the Family Educational Rights and Privacy Act of 1976 (FERPA). FERPA rules are wide-ranging, affecting both what may be disclosed to faculty members and what faculty members may say to others about their students.

Although FERPA allows some disclosures to the parents of undergraduates, graduate students such as law students are presumed to be independent of their parents. Thus, a faculty member faced with a call from a student's parent must assume that disclosure to the parent is prohibited. This may be difficult if a concerned parent is asking whether a student has stopped attending classes or is in danger of failing a course. Whenever you receive a request for any information about a student you should refer the matter to the Associate Dean for Academic Affairs.

## **PERSONAL RELATIONSHIPS WITH STUDENTS**

Faculty-student interaction may extend beyond the classroom. Faculty members may have pre-existing relationships with students, or they may form such relationships during the semester. Such relationships may affect not only the students involved but also others in the class who worry about favoritism.

### **1. Romantic Relationships**

Although law students are adults, the student-faculty relationship is still a power-dependency relationship. At the University of Dayton, romantic relationships between faculty members and students are discouraged.

### **2. Sexual Harassment**

Students may consider a faculty member's attempt to enter into a romantic relationship as sexual harassment. Even if faculty members do not attempt to date students, remarks they make in class or in conversation with students can also lead to complaints. Comments about attire or grooming that a faculty member considers innocuous may be perceived as creating a hostile environment. This is particularly true if the faculty member addresses them only to males or only to females. See more information at: [http://www.udayton.edu/non\\_discrimination\\_policy.php#3](http://www.udayton.edu/non_discrimination_policy.php#3)

### **3. Other Socializing with Students**

There is a qualitative difference between attending an occasional off-campus event, such as an end-of semester party, and regularly socializing with students after class. Although the bond between faculty members and students may be strengthened through out-of-class interaction, there are also many risks. Students who don't participate in these events may fear that students who do will earn higher grades or have an edge in obtaining employment. The effect on their morale may carry over into the classroom experience. If excessive drinking or other risky behavior occurs, students may view the adjunct's presence as school approval of their conduct.

### **4. Non-Social, Non-Classroom Interaction**

Because a significant number of adjunct faculty members are practicing attorneys or judges, they may consider hiring a student in a law clerk capacity or using a law student

as an unpaid intern. Alternatively, a student who is already serving in that capacity may want to register for the faculty member's class. These situations raise issues similar to those involved when there is a romantic relationship between a faculty member and a student. Other students feel disadvantaged vis-à-vis the student involved in the relationship and even vis-à-vis classmates who are that student's friends.

## APPENDICES

Most appendices listed below can also be accessed as links at the following URL:  
[http://www.udayton.edu/law/students/adjunct\\_faculty\\_manual.php](http://www.udayton.edu/law/students/adjunct_faculty_manual.php)

- Appendix A** Academic Calendar on UDSL Website:  
[http://www.udayton.edu/law/registrar/academic\\_calendars.php](http://www.udayton.edu/law/registrar/academic_calendars.php)
- Appendix B** List of Frequently Called Numbers
- Appendix C** Faculty/Staff Directory
- Appendix D** Law Teaching Resources:<sup>1</sup>  
Institute for Law Teaching & Learning <http://lawteaching.org/>  
Gerald Hess, *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F.L.Rev. 941 (1997).  
B. Glessner Fines, *The Impact of Expectations on Teaching and Learning*, 38 Gonz. L. Rev. 89 (2002-2003)  
Joan Catherine Bohl, *Generation X and Y in Law School: Practical Strategies for Teaching the “MTV/Google” Generation*, 54 Loy. L. Rev. 775 (2008)
- Appendix E** Sample Syllabi
- Appendix F** Sample Course Evaluation
- Appendix G** Assessment Resources:  
Institute for Law Teaching & Learning <http://lawteaching.org/>  
Philip Kissam, *Law School Examinations*, 42 Vand. L. Rev. 433 (1989)
- Appendix H** Archive of Past Exams (Law Library)  
[http://www.udayton.edu/law/library/past\\_exams.php](http://www.udayton.edu/law/library/past_exams.php)
- Appendix I** Sample Grade Submission Form and Directions:  
[http://www.udayton.edu/law/students/adjunct\\_faculty\\_manual.php](http://www.udayton.edu/law/students/adjunct_faculty_manual.php)
- Appendix J** University of Dayton Sexual Harassment Policy:  
[http://www.udayton.edu/studev/civility/sexual\\_harassment\\_misconduct.php](http://www.udayton.edu/studev/civility/sexual_harassment_misconduct.php)

<sup>1</sup> The articles listed are available in hard copy from the Associate Dean’s office. Please contact Mary Beth Miller for a copy.