

**Adjunct Faculty Manual**  
**University of Dayton School of Law**  
**(2011)**

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## 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 creation of this manual was done by Dean Richard Perna. His thoughtful drafting was indispensable in its creation.

Professor Tom Hagel, Member  
Faculty Recruitment and  
Development Committee,  
2009-2010

## **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://applications.udayton.edu/Provost/FacultyH.nsf>. 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://law.udayton.edu/NR/exeres/95D10616-06B8-4990-A91F-175F6C4C3F8B.htm>. If you have any questions or concerns about the applicability of any policy, please contact Associate Dean Richard Perna.

## **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, [ballarkk@notes.udayton.edu](mailto:ballarkk@notes.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. Consultation with a reference librarian is available year-round. The reference librarians are: [Susan Elliott](mailto:susan.elliott@notes.udayton.edu), Assistant Professor and Assistant Director for Public Services (229-2313, [susan.elliott@notes.udayton.edu](mailto:susan.elliott@notes.udayton.edu)); Maureen Anderson, Assistant Professor & Public Access Services/Reference Librarian (229-4810,

maureen.anderson@notes.udayton.edu); and Paul Venard, Assistant Professor & Reference Librarian (229-4151, [venardpd@notes.udayton.edu](mailto:venardpd@notes.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 Thomas Hanley, Director of the Law Library (229-2444, [hanley@udayton.edu](mailto:hanley@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 410. There is a telephone in the office (229-3206) as well as 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**

Attached is a phone and office listing for UDSL full time faculty and staff.

#### **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 433.

**WEB SITE –**

<http://law.udayton.edu>

**FOOD SERVICE –**

The Jury Box is located in the lower level of Keller Hall and operates M-F from 8:00 A.M. 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 at 229-3899 or 229-3325. 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 in Room 433, on the fourth floor of Keller Hall and are available to you M-F, between 8:00 A.M and 5:00 P.M.

## **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) for additional information about book orders.

#### **1. 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.

#### **2. 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 Richard Perna.

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.



### **3. UDSL Bookstore**

There is an onsite bookstore in Keller Hall. Call Mary Beth Miller (229-4187) for its hours.

Book orders are all handled through Mary Beth Miller, marybeth.miller@notes.udayton.edu, 229-4187. 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://law.udayton.edu/NR/exeres/A8922347-FD53-4E08-AF61-97E96D5C5832.htm>.

### **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. You should consider including the following in your course syllabus:

#### **1. Course Objectives**

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.

#### **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:

*Students are required to attend classes regularly. Unless otherwise stated at the beginning of the course, a student missing more than fifteen percent of the class sessions for any reason (including participation in law school sponsored events) will be considered to have failed to attend classes regularly. [ABA Standard 304(d); October 2, 1974, and September 12, 1978.]*

*Faculty members are responsible for insuring that students regularly attend his or her classes. [ABA Standard 304(d) and Interpretation 304-6; October 2, 1974.] To this end, a faculty member may disqualify a student from taking the final examination, drop him or her from the class roll, or reduce his or her grade by one or more increments including giving an "F", for failing to attend classes regularly. A faculty member may adopt a more stringent policy by giving oral or written notice of his or her policy to the class at its beginning. [September 12, 1978.] A written warning is required before imposing any penalty. [October 2, 1974.]*

How attendance is recorded is important, and any practice that differs from UDSL's policy norms must be communicated to the student at the outset of the course and be consistent with UDSL policy.

### **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 Perna will be glad to discuss a variety of approaches that have been successfully used to encourage class participation.

### **5. 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.

### **6. 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.

## **7. 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): Kim (229-3325) and Maribeth (229-3899).

## **CONDUCTING YOUR CLASSES**

### **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.

### **Seating Charts**

Blank seating charts are available for most classrooms. To obtain one for your class, please call the faculty secretaries at (937) 229-3899 (Maribeth) or (937) 229-3325 (Kim).

### **Audio Visual Support**

Jaime Beasley is the School of Law's audio visual support technician. 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@notes.udayton.edu](mailto:jbeasley1@notes.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 anytime after 4:30 pm.

## **Classroom Needs**

Chalk is kept in the lectern of each classroom. Erasers should be located in the tray below each classroom chalk board. If you find that there is no chalk in a classroom or that erasers 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 Margaret Thomas, Director of Computing Services at 229-4189, [Margaret.thomas@notes.udayton.edu](mailto:Margaret.thomas@notes.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 (Kim at 229-3325 and Maribeth at 229-3899).

## **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.

### **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, [marybeth.miller@notes.udayton.edu](mailto:marybeth.miller@notes.udayton.edu) or 229-4187.

### **3. Review Sessions**

Review sessions involve many of the same issues as make-up classes. You might find that review sessions may be particularly difficult to schedule during the exam period, when rooms are more likely to be in use and students have other exams on their mind. Again, you may check room availability and class conflicts with Shannon Penn, the Assistant Registrar.

## **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 Margaret Thomas at 229-4189 or [Margaret.Thomas@notes.udayton.edu](mailto:Margaret.Thomas@notes.udayton.edu).

## **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.

## **AFTER CLASSES END**

### **Examinations**

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 questions formats contact Associate Dean Perna.

### **Examination Scheduling**

Please note that all upper-level law school exams are scheduled on an arranged basis. Students may choose the order in which to take their exams and on what days. Therefore, 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; Ms. Shannon Penn, Registrar, 229-3285.

### **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 Richard Perna. 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 notebook 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. **SoftTest** 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 instructor 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**

### **Exams Due**

Fall exams are due to the Registrar's Office one week prior to the beginning of the exam period. See, Appendix A: Academic Calendar.

### **Exam Period**

Upper-level exams are self-scheduled by the student and must be completed within the exam period. Upper-level exams begin at 1:30 PM each day of the exam period. Exams will not be proctored.

### **Grades Due**

See Appendix A: Academic Calendar for date when grades are due.

## **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 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 period 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**

### **In General**

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. Here are a few suggestions:

**Your instructions should be easy to follow, as clearly and briefly stated as possible.**

**You must 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.

**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 will 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.

**All exams are taken anonymously by the student by the assignment of an identifying number. 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 notebook 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.

We would like to preview your instructions before they are released to your students in sufficient time to suggest changes if necessary.

Please release your exam instructions to your class in sufficient time before the exam period begins, allowing your students can ask you procedural questions specific to your exam before the Quiet Period begins.

### **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.**

For example...

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. (Harry Gerla)

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.

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).

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 students handwriting their answers on number of bluebooks or bluebook pages; for typists: the number of words or characters, and to answer each question under a separate number in SofTest. If you impose limits, this information **must be clearly stated** in your exam instructions.

## **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, Deferrals and Laptops**

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.

The only time a student would need to defer an exam would be in the case of illness or emergency at the very end of the exam period.

## **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 229-4189 or 229-4924.

## **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), if you would like to pick up your exams daily or every other day. 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 FedEx 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. [October 16, 1974.]

### **Grading and the UDSL Mandatory Grading Norms**

In courses of Credit Type A (grading option A), 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 by the sum of the equivalents by the number of grades included. 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 occur after grades are assigned and the course section mean has been calculated.

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

If one instructor teaches more than one section of the same course in a semester, and at least one of those sections has 25 students or more, paragraphs 1 and 2 shall be applied on a section-by-section basis; provided, however, at the option of the instructor, the requirements of paragraphs 1 and 2 be applied as if all such sections had been combined into one.

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. **Official University Grades Sheets will be mailed to adjuncts** and placed the School of Law mailboxes for full-time faculty during the last weeks of class. You will be receiving the following information for each class according to type of class, as follows:

### **Exam Courses**

You will be provided two versions of the grade submission Excel spreadsheet 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 spreadsheets will include the curve explanation in brief and target means. On the "Grades Only" version of the spreadsheet, 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, the spreadsheet will do the rest. By reviewing the "Mean as Reported" on the gradesheet, you will see immediately if you need to make any adjustments. The more advanced spreadsheet allows you to set score ranges. You will simply enter your name and course title, the mandatory norm, as above, set your range in the score range key, and enter the student's exam number and score. The spreadsheet will calculate and enter the grade based on your preset range key and calculate the mean. Any necessary adjustments can be made to the key to alter the grades and meet the mean. If you need assistance with the spreadsheet, please ask. It is very simple to use and quite a time saver for all of us!

After you have completed the grading process, you will submit your curve compliant grades **electronically** to [spenn1@notes.udayton.edu](mailto:spenn1@notes.udayton.edu), attaching the completed grade spreadsheet to the email. **NO HARD COPIES PLEASE.** If you cannot use the spreadsheet, submit your grades by exam number in a text file, Word or WordPerfect document. You will have to manually calculate your curve. When your grades are received the Registrar will prepare the University grade sheet, converting exam numbers to names. Before the grades can be finalized and posted, you must sign the University grade sheet (or you will be able to grant permission to do so as part of the "signature" process in the grading spreadsheet).

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

The grading spreadsheet is 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. Assign grades on the University grade sheet you will receive in your mailbox or mailed to you if you are an adjunct faculty person, sign, and submit the completed University grade sheet and you are done!

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

You have only the University grade sheet. As above, just assign grades, sign and submit the sheet, and you're done! Grades 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.

#### **Independent Studies, Directed Readings, Practicums**

Those of you advising individual students in projects will receive an email from me. You have only to reply to the email with the assignment of a grade of CR (credit) or NC (no credit).

*Please note: Adjuncts will be mailed the official University grade sheets for non-exam courses and skills courses as applicable.*

#### **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. However, we will not post/release grades until you have signed your University grade sheet **or** you have given the Registrar permission to release grades without your signature. Some of you may find it more convenient to ask the Registrar to sign your University grade sheet for you in your absence, if so, please indicate on the grade spreadsheet or via email.

Copies of your completed and signed University grade sheets will be returned to you.

### **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 in the UDSL Policy Manual. **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 Richard Perna for instructions how to proceed.**

### **Highest Grade and Other Awards**

CALI awards are given in most courses at UDSL for the highest grade 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 grade (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 2 years.

## **VII. STUDENT-FACULTY ISSUES**

### **Nondiscrimination Policies**

The law school's nondiscrimination is in the UDSL Policy Manual ---

### **Student Privacy Rights**

#### **FERPA Nondisclosure Rules**

Student privacy rights are governed by the Family Educational Rights and Privacy Act of 1976 (FERPA) or, as it is also commonly known, the Buckley Amendment. 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 generally allows 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, Appendix J: University of Dayton Sexual Harassment Policy.

### **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

- Appendix A**                      Academic Calendar on UDSL Website:  
[http://community.udayton.edu/law/academics/calendars/academic\\_calendars.php](http://community.udayton.edu/law/academics/calendars/academic_calendars.php)  
[http://community.udayton.edu/law/academics/course\\_schedule\\_and\\_booklist.php](http://community.udayton.edu/law/academics/course_schedule_and_booklist.php)
- Appendix B**                      School of Law Directory
- Appendix C**                      UDSL Department Staff Directory
- Appendix D**                      The Art of Teaching: A Bibliography and Article:  
“Teaching Law: Advice for the New Professor”, 43  
Ohio St. L.J. 125 (1982).  
(Electronic copy not available, please contact Mary Boston at 229-3794 to  
review or obtain a hard copy of Appendix D)
- Appendix E**                      Sample Syllabi  
(Real Property II and Torts II)
- Appendix F**                      Sample Course Evaluation
- Appendix G**                      Exam Writing: A Bibliography  
(Electronic copy not available, please contact Mary Boston at 229-3794 to  
review or obtain a hard copy of Appendix G)
- Appendix H**                      Archive of Past Exams (Law Library)
- Appendix I**                      Sample Grade Submission Form and Directions  
Grades Only Final  
Grades with Score
- Appendix J**                      University of Dayton Sexual Harassment Policy  
Section F-2  
[http://community.udayton.edu/law/student\\_life/policy\\_manual.php](http://community.udayton.edu/law/student_life/policy_manual.php)

