

UNIVERSITY OF DAYTON SCHOOL OF LAW

POLICY ON COURSES INVOLVING SUPERVISED INDIVIDUAL STUDY AND INSTRUCTION

The curriculum of the School of Law permits a student to earn academic credit through participation in certain courses (Directed Reading, Clinic Practicum, and Independent Study) that are characterized by faculty-supervised individual study and instruction. The course descriptions for these courses require that a course plan for each student be approved by the Associate Dean prior to registration for the course. This policy is intended to provide guidance to faculty who supervise individual-instruction programs, to students enrolled in them, and to the Associate Dean in the exercise of the authority to approve or disapprove particular course plans.

The policy is in two parts: first, a description of the place of individual-instruction courses in the curriculum, and second, a statement of particular standards that apply to the planning, approval, and conduct of particular individual-instruction efforts.

I. The place of individual study in the curriculum.

The educational program of the School of Law incorporates a diverse array of courses and other opportunities for a student to earn academic credit. Thus, the curriculum includes a range of basic, core, or survey courses, which are designed to introduce the student to a broad spectrum of doctrines and analytic skills across a range of legal subjects. The curriculum also incorporates a number of courses that are addressed to more specialized subjects or skills and that permit a more intensive or focused study of particular subjects. In addition, the curriculum provides credit for certain forms of clinical study, such as through the School's clinical program or through externships.

The character of the curriculum reflects a number of underlying assumptions about the educational program offered by the School of Law.

First, the structure and evolution of the curriculum reflect a considered and on-going effort to accomplish various curricular goals, some of which may at times be in competition with one another.

Thus, the number and identity of required courses reflect an accommodation between, on the one hand, a desire to provide students flexibility in tailoring their educational programs and, on the other hand, a view that certain forms of skill and knowledge are of central importance both to the successful completion of the School's educational program and ultimately to the practice of law. Similarly, the curricular balance between introductory or survey courses and courses devoted to the in-depth study of specialized areas of law provides students with multiple opportunities for intensive and focused exploration of legal issues, while at the same time encouraging (indeed, effectively requiring) exposure to and familiarity with a broad range of different subjects. Likewise, the establishment of prerequisites for specific courses reflects an accommodation between affording students a wide range of curricular choices and affording them with an opportunity for study in the greater depth that is possible when all students in a course already have a background in the course's foundation knowledge.

The accommodation of competing objectives such as these is not, of course, ever finally or definitely achieved in the curriculum. It is, rather, a matter of on-going reconsideration and redefinition through regular revisions in the curriculum. The curriculum, that is, is always a “work-in-progress.”

Second, the on-going design and development of the curriculum, and hence the resolution of conflicts between or among various curricular goals, is a matter for the entire faculty acting as a collegial body, rather than a matter left to individual faculty, to a committee, or to the School’s administration. The faculty’s role necessarily and appropriately extends both to the overall structure of the curriculum and to the character and subject of specific courses.

This principle is reflected most obviously in the requirement of faculty approval for any new course offering or for any change in the course description of an existing course. But it is reflected as well in the School’s conventional practices regarding proposed new courses. New course proposals, for example, ordinarily provide not only a course description but also a detailed statement of the proposed course’s subject matter, methodology, and the relationship to the remainder of the curriculum. Likewise, faculty consideration of course proposals usually addresses such considerations as the appropriateness of the course, the character and quality of the educational opportunity that it will afford to students, and its relation to and impact on the curriculum taken as a whole.

Third, the design of the curriculum and its administration reflect concerns for the allocation of teaching resources in a manner that is fair to faculty and students, efficient, and effective in assuring the quality of the educational experience afforded to the student. Fairness to students includes processes of course selection that give all eligible students equivalent opportunities to learn of course offerings and to register for them.

Fourth, the educational program of the School of Law consists primarily of courses that follow a traditional model of legal education through classroom instruction. The great bulk of curricular offerings, whether survey or in-depth, consists of classroom courses, involving both large and small instructional groups. Even in courses in which the development of practice skills is a central objective (such as clinical programs, trial practice, and externships), a substantial classroom component is the exception, rather than the rule, both in the curriculum and in each student’s course of study. As to courses of that kind, the chief assurance of quality in the student’s educational experience is the faculty member’s substantial direct role in the student’s individual instruction and supervision.

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Within any curriculum, courses involving individual instruction might serve a variety of purposes. At the School of Law, the primary function of such courses is to provide the student an opportunity for in-depth study of a particular subject specifically tailored to the student’s individual professional interests or plans. As a part of that function, the courses permit a student to develop a body of knowledge or skills through a direct and close interaction with a faculty member having expertise in the subject of the individual study.

Thus, the individual-instruction courses are offered as a supplement to a participating student’s educational program. In that role they are characterized by close, one-on-one interaction between the student and the supervising faculty member. The courses are not designed, and they are not appropriately used, as a substitute for other courses in the curriculum. Nor are they intended to serve as a vehicle for the development of new courses. Any course regularly offered for academic credit and consistently covering

the same subject from term to term has a curricular impact in terms of faculty teaching resources, availability of the course to students, the balance of available course offerings, and concerns for the quality of the educational experience involved. These are matters that are within the domain of the faculty as a whole and that are within the domain of the faculty as a whole and that are dealt with through the ordinary processes for the approval of new courses. The offering of the functional equivalent of a new or regularly offered course under the rubric of the existing individual-instruction courses would undermine the processes of faculty review and at the same time impair the effectiveness of the School's systems for fairly allocating course opportunities among students.

II. Specific policies regarding individual study courses.

Based on the foregoing considerations, the School of Law has adopted the following specific policies governing the planning, decanal approval, and conduct of specific individual-instruction courses.

A. General policies.

- (1) Prior to registration for an individual-instruction course, the student must complete and the faculty member must approve a course plan describing the subject of the course and the approach to be taken by the student and the faculty member in completing the course. A student may not register for the course unless a completed plan has been approved by the Associate Dean for Academic Affairs.
- (2) In designing, approving, and carrying out a course plan, the student, the faculty member, and the Associate Dean must take into account the considerations established by part I of this policy, and no course plan may be approved unless it is consistent with those considerations.
- (3) Except in extraordinary circumstances, no individual instruction courses may be approved unless the supervising faculty member is a member of the full-time instructional staff of the School of Law.

B. Subject matter and coverage.

- (1) The course plan completed by a student prior to registration must specifically identify the subject matter of the individual-instruction program to be carried out. The plan for an Independent Study must set forth a statement of the specific topic of the scholarly paper that the student will produce. The plan for a Directed Reading must identify the specific subject of the readings and the specific materials that the student will read to carry out the plan. The plan for a Clinic Practicum must describe the nature of the project in which the student will be engaged, specifying both the subject matter and the activities that the student will undertake for course credit.
- (2) The subject matter of each individual-instruction course must bear a direct relation to the study of law.
- (3) Individual-instruction courses are intended to provide an opportunity for in-depth study of a particular subject. While there can be no mechanical measures of what constitutes appropriate depth, there are available benchmarks.

- (a) Directed Readings: An individual Directed Readings course should involve readings that are at least roughly equivalent in volume and difficulty to the reading that would be required of a student in a classroom course having the same number of credit hours. The faculty member must be personally familiar with the materials to be read, either by having read them prior to the course or by reading them contemporaneously with the student's reading.
- (b) Independent Study: The final scholarly paper of a student in an Independent Study should be equivalent in substance and size to the final written product of a student in a classroom writing course designated as satisfying the School's writing requirement. A paper of at least 35 pages in length, including notes, should ordinarily be required as the final product in a two-credit Independent Study. A paper of at least 20 pages should ordinarily be required as the final product in a one-credit Independent Study.
- (c) Clinic Practicum: The activities of the student in a Clinic Practicum may vary widely depending on the character of the project. In any case, however, the student's project must consist of activities constituting a specifically legal clinical experience. The complexity and intensity of the tasks performed by the student should be equivalent of those expected of students enrolled in an ordinary clinical course for an equivalent number of credit hours. The activity must not be in the nature of pure research or scholarship or be a clinical enterprise within the capacity of the School of Law clinical program.

C. Student-instructor contact and interaction.

- (1) The degree, character, and frequency of individual contact between the student and the faculty member will vary according to the course and according to the specifics of the particular course plan. In general, however, it is expected that such a course will involve a level of individual contact between the student and the faculty member that is equivalent to the level of contact between an instructor and a class in an ordinary classroom course.
 - (a) Directed Readings: In a Directed Readings course, the faculty member should meet with the student on a regular basis throughout the semester. At a minimum, each student and faculty member should meet for at least an hour each week during the semester. The course plan completed prior to the student's registration must include a schedule of meetings between the student and the faculty member.
 - (b) Independent Study: In an Independent Study, the frequency of contact between the student and instructor may appropriately be lower due to the character of the course as focused on the student's own research and writing of the substantial scholarly paper that is required as the product of

the course. Individual instruction remains, however, a central point of the course. For that reason, the faculty member should meet with the student frequently during the semester to review the student's progress and to provide guidance for the student's efforts in research, analysis, and writing. In general, during the course of the semester the faculty member should: engage in ongoing review of the student's research; require, review, and critique a written outline of the student's paper; and require, review, and critique at least one pre-final draft of the paper.

(c) *Clinic Practicum:* A Clinic Practicum must involve the direct supervision of the student's activities by the faculty member, and the faculty member may not rely on third-parties outside the School of supervision. The faculty member's supervisory and evaluative responsibilities must be carried out by frequent and regular direct contacts between the faculty member and the student. At a minimum, the faculty member and the student should meet weekly, although more frequent contact may well be required by the character of the project on which the student is working.

- (2) The demands of properly supervised individual study are such that a faculty member should ordinarily supervise no more than a total of five students in individual-instruction courses during the course of a single semester. Under ordinary circumstances, an individual-instruction course should involve work by the student in an area within the faculty member's established expertise. To the extent that a subject of an individual-instruction course is one outside the subjects of the faculty member's usual teaching, scholarship, or service activities, the demands of proper supervision are even greater, and the faculty member should supervise correspondingly fewer students.
- (3) The study provided for in each course plan must consist primarily of in-depth study of a particular subject, and the study must be conducted primarily through the student's independent study under the individual instruction or supervision of the faculty member. As a supplement to individual instruction, a course plan may provide for the student's participation in a class or similar form of group instruction. That form of instruction may be used only as a supplement, however, and may not displace the required regular individual interaction between the student and the faculty member.

