

UNIVERSITY OF KENTUCKY

COLLEGE OF LAW

LAW FACULTY RULES AND POLICIES

Revised March 18, 2010

These rules are intended to be consistent with the Governing Regulations and Administrative Regulations of the University of Kentucky and the laws of the Commonwealth of Kentucky and of the United States of America. In the event that these rules are inconsistent with or contrary to those regulations and laws, then those regulations and laws control.

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Table of Contents

I. Meetings of the Faculty and Faculty Committees	3
II. Dean's Consultation with Faculty and Executive Committee	5
III. Class Scheduling	6
IV. Student Class Performance.....	7
V. Outside Employment	8
VI. Withdrawal by Students	9
VII. Completion of Course Work and I Grade	11
VIIA. Externships	12
VIII. Examinations.....	13
IX. Grades	14
X. Requirements for Graduation.....	17
XI. Part-Time Students	24
XII. Visiting Committee	25
XIII. Faculty Performance Expectations	26
XIV. Procedures for Appointment, Reappointment, Tenure and Promotion.....	34
XV. Kentucky Law Journal	54
XVI. Kentucky Journal of Equine, Agriculture & Natural Resources Law.....	57
XVII. Joint Appointments	59
XVIII. Interdisciplinary Fellows	61
XIX. College of Law Honor Code	62
XX. Distribution of Law Faculty Rules and Policies	67
XXI. Approval and Modification of Law Faculty Rules and Policies	68

I. Meetings of the Faculty and Faculty Committees

A. Scheduling of faculty meetings

The Dean shall schedule regular monthly faculty meetings during the academic year at a time reserved for such meetings on the class schedule. The Dean shall schedule additional faculty meetings as needed.

B. Notices of meetings

The Dean or the Dean's designate shall post notices of all faculty meetings and Chairs of faculty committees shall post notices of committee meetings on the Meetings Bulletin Board outside of the Dean's Office.

C. Quorum for faculty and committee action

A quorum for the transaction of business at a meeting of the faculty or a faculty committee shall be fifty percent of those eligible to vote at the meeting.

D. Rules of order

Those presiding over faculty and committee meetings shall conduct business according to *Robert's Rules of Order*.

E. Procedures

1. minutes

- a.** The secretary of the faculty shall record and report transactions of faculty meetings, including key points made in the deliberations.
- b.** The faculty secretary shall distribute faculty meeting minutes to the faculty by electronic distribution using the college's computer network within a reasonable time after the meeting. In addition, the Dean or the Dean's designate shall maintain a file of printed copies of the minutes.

2. proxies

- a.** Faculty members may vote at faculty and faculty committee meetings only if actually present, with the following exceptions:

- 1.) When less than 24 hours notice is given of a faculty meeting scheduled for the regular weekly faculty meeting period or less than 72 hours notice is given of a faculty meeting at another time, a written proxy may be given to the Dean.
 - 2.) When a faculty meeting is called for a period other than the regular weekly faculty meeting period, and the meeting conflicts with a regularly scheduled class of a faculty member, that member may leave a written proxy with the Dean.
 - 3.) If a faculty committee chairman chooses to allow proxies, and within a reasonably short time after his or her appointment notifies each committee member that proxies will be permitted, and a majority of the committee does not object, a committee member may leave a written proxy for meetings of that committee with the chairman.
 - 4.) The faculty or a faculty committee may accept a written proxy by unanimous consent.
- b. Any proxy must be specific as to the decision to which the proxy shall apply and shall indicate how the proxy shall be voted.
 - c. Nothing in this policy precludes absent faculty members from having their statements read at meetings.
 - d. Nothing in this policy precludes absent faculty members from having minutes amended to indicate how they would have voted.
 - e. This policy does not preclude the tenured faculty or full professoriate from adopting a different rule for proxies for their votes in the tenure and promotion process.

F. Student opinion

1. There is established in the College of Law a Student Advisory Council composed of the following five members:

President of Student Bar Association
Vice President of Student Bar Association

First Year Class Representative
Second Year Class Representative
Third Year Class Representative

2. The Student Advisory Council shall select two of its members (hereinafter called Faculty Representatives) to present student opinion to the Faculty.
3. The Faculty Representatives shall forward to the Faculty any views submitted in writing by students to the Student Advisory Council, which views are within the competence of the Student Advisory Council as defined in subparagraph 6 hereof.
4. The Faculty Representatives shall also be entitled to appear at "regular" (i.e., not "tenured") Faculty Meetings so as to present written or oral information and advice on agenda items which are within the competence of the Student Advisory Council as defined in subparagraph 6 hereof.
5. The Dean's Office, except in extraordinary circumstances, shall make available to members of the Student Advisory Council, an agenda for scheduled Faculty Meetings. The Student Advisory Council will receive notice of the agenda the same time the faculty does.
[Amended by the faculty Aug. 20, 2009]
6. The competence of the Student Advisory Council and its Faculty Representatives shall extend to presenting student opinion with regard to the development of educational policies.

II. Dean's Consultation with Faculty and Executive Committee

A. Faculty performance and salary recommendations

If the Dean is required by the Governing or Administrative Regulations of the University of Kentucky to seek the advice of members of the law faculty, individually or as a group, or an advisory committee of the faculty, on matters of the periodic evaluation of faculty performance or salary recommendations, then the Dean shall obtain the advice of the Faculty Executive Committee on those matters.

B. Budget recommendations

Before submitting the College of Law budget proposal to the University, the Dean shall notify the faculty of the proposal under consideration and provide an opportunity for the faculty to present their recommendations.

III. Class Scheduling

A. Policy

Classes should be scheduled without reference to the convenience or inconvenience of student employment schedules.

B. Capping

Normally, an upper level course will not have more enrolled students than a number equal to half the size of a class. Enrollment in upper level courses may be capped at a lower number at the discretion of the instructor, in consultation with the Associate Dean for Academic Affairs, after consideration of such factors as: (1) room size and availability, (2) course availability, and (3) the distribution of the teaching load. This determination should be made early enough to be noted in the Curriculum Planning Guide.

C. Curriculum Planning Guide

It is the sense of the faculty that the listing of the subjects tested by the Kentucky Bar Examination may be misleading to students considering their course selection in the upper levels and it should be deleted from the Curriculum Planning Guide.

D. Schedules and elective courses

Law courses are either required or elective and are planned to provide a well-rounded curriculum of such content as to give the student a balanced legal education. To this end, term programs are based on groups of courses for each "category" of students. Normally a category is composed of all students who first entered upon law during a given semester. Any student desiring to substitute in a particular term any course not offered to his category must obtain the permission of the Dean or the Dean's designate for approving schedules.

E. SBA Forum hours

No classes will be scheduled during an SBA Forum hour.

F. Make-up classes

No make-up classes will be scheduled on any of the last ten calendar days (i.e., including weekends) preceding the final day of regularly scheduled classes, except where necessary to make up a class missed during those ten days.

IV. Student Class Performance

A. Class attendance

Every student must maintain attendance satisfactory to the instructor in each of his classes. A student may be excluded from any course for excessive absences upon the recommendation of the instructor, with the concurrence of the Dean.

B. Excessive absence rule

Whenever any student has been absent from 25% of the total of any class meetings in any course, in any term, for whatever reason, he shall be disqualified to take the final examination in such course or to receive credit therefor. For the purposes of this rule, the following numbers of absences shall be deemed to constitute 25%: 4 absences in any 1-hour course, 7 absences in any 2-hour course, 11 absences in any 3-hour course, 14 absences in any 4-hour course. Absences in classes that meet for longer than 50 minutes shall count as absences in a number of classes determined by the proportion that the number of minutes the missed class bears to 50 (for example, an absence from a class that meets for 75 minutes shall count as an absence from one and one-half class meetings). Instructors may require special makeup assignments for absences not amounting to 25%, and may take unexcused absences into account in the final grade of the student along with the quality of daily work done, provided that the instructor acts in a manner consistent with a written policy distributed to the student in the first or second class meeting.

C. Procedure on violation of Rule IV.B.

Whenever an instructor determines that a student has exceeded the number of absences permitted by Rule IV.B. above, the faculty member shall notify the Dean or Dean=s designate of the violation and shall request that the Dean or Dean=s designate notify the student that they have been disqualified from taking the final examination in the course and from receiving credit therefor. Such notification shall be by letter to all addresses for the student on file with the University Registrar. In addition, the Dean or Dean=s designate shall make other reasonable efforts to notify the student. Upon notification, the student must initiate withdrawal by

requesting the Dean or the Dean=s designate to permit withdrawal with a grade of AW.@ If the student fails to initiate the withdrawal or cannot be located, the Dean, the Dean=s designate, or the faculty member may initiate withdrawal. If the withdrawal is initiated during the first half of the semester, the student may withdraw with a grade of AW@ without the approval of the Dean or Dean=s designate or faculty member. During the last half of the semester, withdrawal requires the approval of the Dean or Dean=s designate after consultation with the faculty member. If withdrawal is not initiated or approved as provided herein, the student shall remain enrolled in the course and shall earn a grade of AE@ for the course.

D. Class preparation

Effective instruction in the College of Law requires preparation of daily assignments by students. The case and problem method cannot be effectively used when students are not prepared. Therefore, the instructor may exercise wide discretion in taking action deemed necessary to insure that classroom performance will be maintained at a high level.

V. Outside Employment

A. Policy

Employment during the school semester often impairs a student's ability to devote the time needed for full-time law school study. Accordingly, the law faculty strongly urges first-year law students not to undertake any employment, except in extraordinary circumstances and only after consultation with and approval by the Associate Dean for Academic Affairs. The Associate Dean should generally decline to approve the request of a first-year student to work for more than ten hours per week. In no event may the Associate Dean approve employment, nor may a first-year student work, for more than twenty hours per week during the academic year.

Students in second and third year need not seek approval by the Associate Dean before undertaking employment during the school semester. Second- and third-year students are prohibited from working for more than twenty hours per week during the academic year.

This policy applies to employment outside of the law school and to employment by the College of Law.

B. Notice of policy

1. The faculty rule regarding outside employment shall be communicated to students through, *inter alia*, (1) in the College of Law Bulletin; (2) materials provided to entering students; (3) the Curriculum Planning Guide; (4) first-year Orientation; and (5) a notice posted on the bulletin board of the Career Services Office; and (6) the College of Law web site.
2. The Career Services Office shall inform employers who advertise for term-time student workers through Career Services Office about this rule.

C. Enforcement of Policy

1. The Career Services Office shall inform any employer of this rule if the employer seeks to employ a law student for more than twenty hours per week during the term.

[Parts A-C approved by the Faculty on Apr. 4, 2008]

D. Scholarship and grant funds

A concerted effort should be made to increase scholarship and grant funds, as well as other financial aid, for law students; prospective entering students should be apprised of the available aid.

VI. Withdrawal by Students

A. General policy

All students at the College of Law are expected to complete their degree requirements without interruption other than for regularly scheduled vacation periods. It is expected that students will complete all courses or seminars in which they are enrolled. The following rules govern the situations where exceptions to this policy are necessary.

B. Withdrawal from the College and University (Note: The following Rule VI B. was adopted by University Senate 4/12/93 and is codified in the University Senate Rules at Rule 5.3.3.1.B. This Rule VI.B. is reprinted here only for convenience.)

1. First-year students are expected to complete their first year of law study without interruption. If a student withdraws from the College and University during his or her first year of law study, readmission is not

automatic. If a student withdraws during the first semester of law study, applications for readmission will be referred to the Admissions Committee; if a first-year student withdraws during the second-semester, applications for readmission will be referred to the Academic Status Committee; provided that in either of the above withdrawal situations, the Dean or the Dean's designate may grant a special leave of absence for the balance of the academic year for reasons relating to extended illness or equivalent distress.

2. After completion of all required first-year courses, a student who withdraws from the College of Law and the University is subject to the rules stated herein regarding readmission after a leave of absence and grades for students who withdraw. To officially withdraw from the College of Law, a student must report to the University Registrar's Office to obtain a withdrawal card; this card must be signed by the Dean of the College of Law or the Dean's designate. If a student plans to complete a semester, but not reenroll for the subsequent semester, he or she must give the Dean or the Dean's designate written notice of such intention.

C. Withdrawal from individual courses or seminars

A second-year student, a third-year student, or a first-year student with special permission of the Dean or the Dean's designate may withdraw from any course or seminar within the first half of a semester or summer session. To withdraw from a course or seminar within the first half of a semester or summer session, the student must submit a completed course withdrawal card to the Dean or the Dean's designate. A student may withdraw from a course or seminar during the last half of a semester or summer session only on petition certifying reasons relating to extended illness or equivalent distress. This petition must be approved by the instructor and the Dean or the Dean's designate. The instructor must assign a grade of W (withdrew passing) or E (failure) pursuant to paragraph D of this rule if the petition is approved.

D. Readmission after a leave of absence

1. If a student withdraws from the College and University or does not continue enrollment and has complied with paragraph B(2) of this rule, the student will routinely be readmitted to the College provided that the student is in good standing and the absence was not longer than two semesters plus one summer term. No student will be readmitted pursuant to this paragraph more than one time.

2. A student who intends to remain away from the College for more than two semesters plus one summer term must request permission for a Leave of Absence. These requests are not routinely granted and will be referred to the Academic Status Committee for recommendation to the Dean.
3. Readmission for students who are not entitled to readmission pursuant to paragraphs B, D(1), or D(2) of this rule is not automatic. Applications for such readmission will be referred to the Academic Status Committee for a recommendation to the Dean. The Academic Status Committee may consider all relevant facts and circumstances, including the length of time out of the College and reasons for the absence. The Committee and Dean will normally not approve readmission for any student who has been away from the College for six regular semesters. Reasonable conditions, including the repetition of courses for no credit, may be imposed if readmission is approved.

VII. Completion of Course Work and I Grades

A. Completion of course work

Students in all courses, seminars, and other College of Law programs are expected to complete their course work within the semester during which the course is offered. In examination courses, this means taking the exam at the regular scheduled time. In courses where papers comprise all or part of the course work, such papers must be submitted at the times fixed by the instructor but in no event later than the last day of the scheduled exams for the semester. In clinical courses, all work must be completed at the times fixed by the instructor. Failure to complete College of Law work within the limits described in this paragraph shall result in an E grade unless the student withdraws from the course or receives an I grade. An I grade shall be awarded only as provided below.

B. Alternative dates for examinations

Alternative dates for examinations are governed by Rule VIII.B., below.

C. Late papers

A student unable to submit a paper by the scheduled time for submission because of urgent reasons relating to illness or extraordinary circumstances may request permission from the faculty member to submit a paper after the regular scheduled time for submission. Such a request shall be made or confirmed in writing and shall

particularize the reasons for the request. Evidence of the reasons for the student's inability to submit the paper at the scheduled time may be required. The faculty member may:

1. Permit a delay in submission until any date prior to the last day of the examination period for the semester; or
2. Recommend to the Dean a delay in submission until a specified date subsequent to the last day of the examination period; or
3. Deny the request.

D. I Grades for incomplete work

1. Faculty members may submit an I grade for students who fail to complete required course work. Submission of I grades is governed by University Senate Rule 5.1.3.2.
2. **Effect of Incompletes on Academic Status**

The Faculty of the College of Law, the Law Faculty Academic Status Committee, or the Dean may act with regard to a student's status without reference to the presence of one or more I grades on the student's record.

VIIA. Externships

A. Definition; standards

Externships are opportunities for students to obtain legal experience outside of the traditional classroom under the supervision of licensed attorneys. All externship employers must be government or nonprofit entities. A student may not receive compensation for externship work for which the student receives credit, but reasonable out-of-pocket expenses related to the externship may be reimbursed.

B. Credit hours

Academic credit granted shall be commensurate with the time and effort required of and educational benefit received by each student. It is expected that students will devote at least 50 hours of work (excluding travel time) in an externship for each credit hour granted.

C. Approval

An externship must be approved by the faculty through the Curriculum Committee, as with any new course. An externship may be approved on an experimental basis, to be offered no more than twice without permanent approval. Externship proposals must contain: (1) a clear statement of the goals and methods of the program and how the program is structured to achieve those goals and objectives; (2) the name and qualifications of the faculty member (who may be an adjunct faculty member) responsible for the course; (3) provisions for evaluation of the student's academic performance by the faculty member and the field supervisor (where extant); (4) opportunities for student reflection and academic discussion through seminars, tutorials, guided reflection, or other methods.

D. Supervision and Evaluation

All externships shall be supervised by a full-time faculty member or the Associate Dean of Academic Affairs. This supervision will include an on-site evaluation before the externship is approved and periodically thereafter as the Associate Dean determines is necessary and appropriate. Each student shall be given the opportunity to anonymously evaluate the externship course. At the end of each academic year, the Associate Dean shall prepare a written report on and evaluation of each externship, which shall be kept on file at the College of Law and will be shared with the faculty member responsible for the externship instruction.

[Rule VIIA adopted by the Faculty March 11, 2010]

VIII. Examinations

A. Monitoring

Some system of monitoring examinations is highly desirable. The Dean should strongly recommend that individual faculty members monitor their examinations or trade off with other teachers so that all examinations will be monitored by a faculty member. Another option is to hire persons (other than law students) to serve as proctors.

B. Alternative dates

1. The applicable examination rule in the College of Law will be University Senate Rule 5.2.4.6.
2. In order to determine the need for any further faculty action on defining "undue hardship" under the Senate Rule, each faculty member who grants a student request for an alternative examination date shall report such action

to the Dean in writing. Such report shall include the course name, the name of the student whose request is granted, and a clear statement of the grounds for granting each request. These reports shall be distributed to the faculty at the conclusion of the final examination period each semester.

C. Lost examination papers

Loss or theft of a professor's examination books was treated as follows in February, 1975: students whose papers were not recovered were awarded a grade equal to their cumulative average including work through and including the fall semester 1974, and given the option of taking another examination if they wish to try to achieve a higher grade. Those exercising the examination option would make a binding election and would have to abide by the results of the examination rather than choosing the higher of the two grades afterward.

IX. Grades

A. Average grades (amended by the Faculty on April 12, 2007)

The average grade in every course and seminar shall be in the range 2.90-3.10, unless the professor believes that special circumstances require that the average grade in a particular course or seminar be outside these ranges, in which case the professor shall submit a written explanation of these circumstances to the Dean's Office. These written explanations shall be attached to the grade summaries distributed after each semester by the Dean's Office. Special circumstances that may justify exemption of a particular course or seminar from these ranges include, but are not limited to, the fact that the average GPA of the class is outside the range; the size of the class; and the fact that the class grade is being determined at least in part on the basis of a paper that satisfies the writing requirement.

The average grade rule serves the fundamental interest of fairness to students and the secondary interest of encouraging students to use sound bases for selecting courses. It is the sense of the faculty that faculty members should respect these interests by good faith efforts to comply with the average grade rule. In particular, deviations must be justified by explanations that reflect serious consideration of the reasons for the rule.

The Dean may consider faculty explanations for deviations from the average grade range when reviewing faculty teaching.

The Associate Dean shall provide each adjunct faculty member with a copy of this average grade rule. When the Dean decides whether an adjunct faculty member should be offered the opportunity to teach a course at the law school, the Dean shall consider the extent to which that adjunct faculty member has deviated from the average grade rule and the explanation offered for any deviation.

B. Anonymity

For each course the faculty member will designate whether grading of examinations is to be anonymous or non-anonymous and the students will be advised of this prior to taking the exam, and if possible, prior to registration.

C. Deadline for submission of grades

Grades are due in the Dean's Office not later than the beginning of the following session.

D. Exclusion for Poor Scholarship and Readmission. (Note: The following Rule IX.D. was adopted by University Senate 11/8/76 and is codified in the University Senate Rules at Rule 5.3.3.1.A. This Rule IX.D. is reprinted here only for convenience.)

All students in the College of Law must maintain a satisfactory cumulative grade point average, and failure to do so will result in the student being dropped from the College for poor scholarship. Any student who receives a grade point average below 1.5 for his or her first semester of law study may be dropped by the Dean on recommendation of the Law Faculty Academic Status Committee for poor scholarship. Any student who fails to achieve a 2.0 cumulative grade point average at the end of the first two semesters will automatically be dropped for poor scholarship. In addition, any student whose cumulative average falls between [below] a 2.0 at the end of any subsequent semester will also be dropped from the College.

Any student who receives a grade of E in a required course must reregister for the course and complete all requirements therefore. When such a required course is retaken or when a student elects to repeat an elective course in which he has received a failing grade, both the initial and subsequent grade will be reflected on the student's record and counted in the computation of class standing, subject to Readmission standards below.

Any student dropped for poor scholarship may petition the Law Faculty Academic Status Committee for readmission. A recommendation to the Dean for readmission

is within the discretion of the committee; however, in most cases, the following policies will guide the Committee, a student dropped after the first semester will be required to petition the full Faculty for readmission; in the case of students dropped at the end of the second semester, a student with cumulative grade point average of 1.9 and above will normally be readmitted, a student with a cumulative average below 1.7 will normally not be readmitted; any student dropped at the end of the third semester or thereafter will be subject to case-by-case analysis.

Any Student who is readmitted after being dropped at the end of the second semester and who fails to raise his or her cumulative grade point average to 2.0 by the end of the third semester will be readmitted again only at that time if she or he has made material progress toward raising his or her cumulative grade point average to 2.0. Material progress at a minimum shall mean obtaining a 2.0 GPA for the semester. Moreover, such student must raise his or her cumulative average to 2.0 by the end of the fourth semester. In addition to the foregoing academic standards for readmission, the Committee may impose additional academic standards in individual cases, and in any case may impose other reasonable conditions of readmission including, but not limited to, limitation of outside work, specification of schedule of study (including specification of particular courses and limitation of hours, and the limitation of extracurricular activities. The Committee with the approval of the full law faculty may also require the repetition of courses either with or without substitution of the grades awarded in the courses retaken. Failure to comply with the requirements and conditions of readmission will result in the student being dropped again from the College, in which case he or she will not be readmitted without approval of the University Senate Council upon the recommendation of the Dean following action by the full Law Faculty. Any student aggrieved at any time by recommendation of the Academic Status Committee may petition the full Law Faculty for review.

For purposes of the above rules, a student who is required by the Academic Status Committee to repeat fourteen (14) or more hours of the freshman curriculum in his or her third or fourth semester will be considered as enrolled in his or her first or second semesters.

A student who has once been dropped for poor scholarship and who fails to have a 2.0 cumulative average at the end of the semester or summer session in which he or she completes the 90th hour of course work will not be allowed to graduate from the College of Law. Such student will not be allowed to enroll in additional hours of course work in an attempt to achieve a 2.0 cumulative average.

X. Requirements for Graduation

A. Juris Doctor degree

Students admitted to the College of Law are eligible for the degree of Juris Doctor (J.D.) upon completion of a minimum of three academic years (six full-time semesters or equivalent) of residence and 90 semester hours of courses in the College of Law with a grade-point average of at least 2.0.

All courses in the first year of law study are required, as is a course in professional responsibility and an upper division writing course.

B. Upper Division Writing Course

1. requirement and standard

- a.** In order to graduate from the College of Law, a student must successfully complete an upper class course which has an approved writing component.
- b.** Prior to March 25 for courses in the Fall semester, and prior to October 25 for courses in the Spring semester, the Dean will ascertain which courses will satisfy the writing requirement, according to the following standards:

The Faculty Member must require the submission of at least one preliminary draft of each written submission, and make detailed criticisms, suggestions, and/or comments, with a particular view toward improving the forcefulness or effectiveness of the student's expression. During the course of the semester the Faculty Member must have at least one private consultation session to discuss student drafts. During such sessions the Faculty Member will discuss the student's draft and make suggestions on the page by page basis.

- c.** It is contemplated that most seminars will meet these requirements. The Dean should encourage faculty members conducting seminars to have their seminars meet these requirements.

[subsection (d) repealed by the Faculty Oct. 8, 2009]

- e.** The faculty believes that satisfaction of the upperclass writing requirement should require a substantial independent effort by each

student. While precise guidelines for such an effort are difficult to define and will always be subject to exception in individual cases in the interest of achieving quality work, the expectation is that the effort required for gaining two or three hours of credit for written work will be similar to the effort required, respectively, for a two or three-hour course and will in general result in a paper of approximately 25 pages for two hours credit and 40 pages for three hours credit.

2. Seminars and satisfaction of the Substantial Writing Requirement

A seminar generally is a course with limited enrollment, the primary focus of which is the preparation by the students for substantial research papers and the oral presentation and defense of those papers to the entire class.

a. specific definition

A seminar is (1) any course currently bearing the course number LAW 950 with, as appropriate, a letter suffix, which the College of Law is authorized to offer for credit upon approval by the faculty of the College of Law, without approval by the University Senate, and (2) any course adopted in the future, regardless of course number, that meets the standards for designation as a seminar in paragraph (b) and is specifically approved by the faculty as a seminar.

b. standards for designation

1.) general rule

No course may be approved under the seminar procedures or offered as a seminar unless at least fifty percent of the final grade is based on a substantial paper. A "substantial paper" is a paper of at least twenty pages in length, exclusive of title page, table of contents, and endnotes. Nothing in this rule shall be construed to mean that a course cannot be offered in which more than one-half of the final grade is based on a paper, but it is generally expected that the grade in nonseminar courses will be based primarily on one or more examinations.

2.) exceptions

Exceptions to the standards in paragraph (b)(1) rarely should be approved. However, a proposed seminar in which students will do a substantial amount of writing, but in which no single paper meets the standards for designation as a seminar, may be approved.

c. enrollment limitation

Enrollment in any course bearing a seminar designation (as defined in paragraph (a)) shall not exceed sixteen students in any section. With the approval of the Dean an instructor may impose an enrollment limitation of fewer or greater than sixteen students, but neither the instructor nor the dean, nor the instructor and the dean by agreement, may raise the enrollment limitation above eighteen students.

- d.** Any course defined as a seminar shall be offered in any term after the Spring, 1990 term only if the syllabus course description meets the standards for designation as a seminar in paragraph (b) and shall be subject to the enrollment limitation in paragraph (c).

e. coordination with Substantial Writing Requirement

Except when circumstances do not permit, all students shall satisfy their substantial writing requirement by successfully completing a seminar. In cases where a student enrolls in two or more seminars, either in the same semester or sequentially, the student shall notify the seminar instructor no later than the last day of the add/drop period whether or not the student plans to satisfy the substantial writing requirement through the seminar.

1.) designation of seminar

- a.)** For any seminar which the student designates as his or her writing requirement seminar, the paper must meet the greater of the standards for the seminar paper as otherwise specified by the instructor or the substantial writing requirement standards.
- b.)** For any seminar which the student designates as not being used to satisfy his or her writing requirement

seminar, the paper must meet the standards for the seminar paper as specified by the instructor.

- c.) If a student fails to make a timely designation the student may, with the permission of the instructor, designate the seminar paper as his or her writing requirement paper at any time prior to the submission of the final grades for the seminar to the registrar, provided that the paper meets the substantial writing requirement standards, and the student has not previously designated another seminar paper as his or her substantial writing requirement paper (unless the student has withdrawn from the other seminar in which such designation was made).

2.) exclusivity

Except as provided in subparagraph (3), the substantial writing requirement may not be satisfied by a paper prepared in connection with law journal, moot court, independent study, or any course other than a seminar.

3.) designation of alternatives

For any graduating class the limitation to seminar papers as the sole method of satisfying the substantial writing requirement shall be waived under the following circumstances. In the event that any student is denied admission to all seminars for which the student has met any prerequisites as a result of seminar enrollment limitations, the substantial writing requirement for any affected student may be satisfied through independent study or preparation of a paper in connection with a class other than a seminar. In any event, no instructor shall supervise more than twenty substantial writing requirement papers in classes other than seminars or through independent study. *(Amended by the faculty at its March 10, 2005 meeting.)*

4.) effective date

The coordination of the writing requirement with seminar papers as provided in this paragraph (d) shall be effective as of the Fall term, 1990 for the graduating class of 1992.

C. Professional Skills Requirement

1. A student must successfully complete a “professional skills” course as designated by this rule. To “successfully complete” the course means to receive a final grade other than E or F.

2. Designated “professional skills” courses are:

Alternative Dispute Resolution
Business Planning
Estate Planning Skills
Innocence Project Externship
Intellectual Property Drafting
Intellectual Property Transactions
International Business Transactions
Kentucky Appellate Practice
Law (Judicial) Clerkship
Legal Clinic
Legal Drafting
Legal (Prosecutorial) Internship
Litigation Skills
Negotiating Process
Prison Internship
Real Estate Transactions
U S Attorney’s Office Appellate Section Externship

3. A new course may be added to the list in (C)(2) above by the faculty if the faculty determines that the course meets the requirements of ABA Standard 302(a)(4) and Interpretation 302-3, or any successor Standards or Interpretations. A course may be deleted from the list in (C)(2) above by the faculty if the faculty determines that the course no longer meets these requirements or by the Dean if the course is no longer offered.

[Approved by the Faculty Aug. 15, 2008, University Senate Council Aug. 18, 2008]

D. Pass-fail courses (Note: The following Rule X.D. was adopted by University Senate 4/12/93 and is codified in the University Senate Rules at Rule 5.3.3.1.E. This Rule X.C. is reprinted here only for convenience.)

In determining the number of hours credited toward the requirement for the J.D. degree:

1. No more than 6 hours of graduate courses outside of the law school, graded on a pass-fail basis, shall be counted.
2. No more than 6 hours of courses in the law school that are offered only on a pass-fail basis shall be counted.
3. No more than 9 of the total number of pass-fail credit hours, whether earned for graduate school courses under (1) or for law school courses offered only on a pass-fail basis under (2), shall be counted.
4. No more than one graduate school course outside the law school, graded on a pass-fail basis, may be credited in any one semester.

The 9 hours that joint JD/MBA and JD/MPA students are permitted to count toward the JD take the place of the graduate school courses otherwise limited under (1), (3), and (4), but joint program students are still subject to (2). That is, students in joint degree programs may only take up to six pass-fail course credit hours in law school courses and may take no courses outside the law school for credit otherwise than pursuant to the applicable joint degree program.

E. Evaluation of College of Law Clinic

The Law Clinic will be evaluated on a yearly basis by the Dean and Associate Dean of the College of Law after consultation with the Faculty and other appropriate groups and individuals. A written report based on this evaluation will be made and will be provided to the Faculty and other interested parties. This yearly evaluation and report will include a determination of whether and to what extent the goals of the clinic are being achieved and a review of these goals to determine whether any change is needed in these goals for the upcoming year

F. Credit for Foreign Study

The faculty of the University of Kentucky College of Law (the Law School) believe that the study of international law, as well as the study of the legal systems and cultures of other countries, contributes to and enhances students' legal education. When the Law School has an opportunity to develop a relationship with a foreign law school so that interested students may have an opportunity to study abroad at the foreign law school, the Law School should seek to develop that relationship to permit qualifying students to study abroad. Such foreign study should be approved

only when it is determined that the study will enhance a student's legal education. Any such foreign study is subject to the following requirements:

- (1) Foreign study is available only to students eligible to receive a J.D. degree from the Law School and in good standing at the Law School. Such students are permitted to study abroad only after the completion of their first year of study and may spend no more than two semesters of study at any foreign institution;
- (2) A proposed course of foreign study must be approved in advance by the Associate Dean for Academic Affairs. The course of study must comply with the ABA Criteria for Student Study at a Foreign Institute (the ABA Criteria) (available at <http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Criteria%20for%20Foreign%20Study.pdf> (beginning at page 11));
- (3) Students may earn no more than 35 credit hours toward the J.D. degree outside the Law School. This includes credit hours from foreign institutions (which may not exceed 30 credit hours), other ABA-approved law schools as a visiting student, and graduate-level courses taken outside the Law School;
- (4) In order to count credit hours earned under this rule toward the J.D. degree, students must earn a grade of C or higher (or the equivalent grade) in each course. Credit hours will be applied toward the J.D. degree on a pass-fail basis, and grades earned at the foreign institution will not be reflected in a student's Law School GPA or class rank;
- (5) No more than six students may undertake study at any particular foreign institution(s) within a three-year period that includes the current academic year and the two previous academic years;
- (6) A full-time faculty member at the Law School familiar with the course of study at the foreign institution must act as sponsor of the student's foreign study. This faculty sponsor is responsible for performing the review of the student's course of study in accordance with the ABA Criteria;
- (7) Courses taken at a foreign institution shall not satisfy the senior writing requirement or the Professional Responsibility course requirement;
- (8) Credit will be given only for approved academic coursework at the foreign institution. Credit will not be provided for participation in foreign externships and any other program foreclosed by the terms of the ABA Criteria;

(9) Student study at a foreign institution must comply with all other rules promulgated from time to time by the Law School administration for purposes of compliance with the ABA Criteria.

[Approved by the Faculty on Dec. 10, 2007]

XI. Part-Time Students

A. Full-time study

Because the study of law at the University of Kentucky is a full-time pursuit, all law students are expected to carry a full academic program (15 semester hours) and to devote their full time to the study of law.

B. Policy

There is no part-time curriculum in the College of Law. Otherwise qualified students may be admitted by the Admissions Committee to take less than a full first year course load only in the following circumstances:

1. with appropriate contingent conditions, one of which will require that the first year course of study be completed in a period not to exceed two academic years; and
2. after the committee has considered all factors special to the situation, including but not limited to:
 - a. the policy of the University to provide educational opportunities for U.K. employees;
 - b. any extraordinary personal circumstances;
 - c. the applicant's ability to provide diversity to the student body.

C. Reporting

At the beginning of each semester, the Associate Dean has agreed to supply a listing of any first year students who were not taking the full load and why; and to update

that listing to show first year students who drop more than one course during the semester.

XII. Visiting Committee

A. Purpose and function

The purpose for creating a Visiting Committee is to enlist the interest and support and to gain the insights of a group of distinguished alumni and lawyers who will be asked to serve. The Committee will be asked to visit the College of Law once each year, for 1 1/2 or 2 day period scheduled well in advance. They would during these visits become acquainted with the faculty and representative segments of the student body, and familiarize themselves with the program and goals of the institution, as well as with any problems faced by the institution. At the conclusion of their visit they would be asked to formulate suggestions in the form of recommendations concerning improvements, new directions, and available means for the solution of any existing problems. They would choose to communicate their recommendations to the Dean, the President and/or the Board of Directors of the Alumni Association.

The Visiting Committee would not encroach upon the functions of the Law Alumni Board, even if the latter should decide annually to hold one of its periodic meetings at the College of Law, setting aside a day for that purpose in order to "visit" the school.

The fine law schools in this country have achieved their status in part through an effort to remain flexible, and a willingness to entertain innovative suggestions from a variety of sources among their alumni and "public."

B. Structure

The Visiting Committee will be composed of 15 members appointed to three-year terms by the President of the University. Nominations may be suggested to the President by the Dean, the Law Alumni Board of Directors and the Faculty. In order to create staggered terms which will provide a measure of continuity coupled with a steady inflow of new ideas, an initial Committee of 10 will be appointed, 5 for a 2-year and 5 for a 3-year term. Five additional appointees will be appointed for a 3-year term the next year, and thereafter 5 new members will be appointed each year to replace 5 outgoing members. The Committee will annually elect a Chairman and Vice Chairman, each to serve for a term of one year, renewable for one year.

The President of the Law Alumni Association will serve as a member, ex officio, of the Visiting Committee during his or her term of office.

Committee members will bear their own traveling expenses in attending the annual meeting.

C. Selection Criteria

Each member of the Visiting committee should be a law trained person who has attained a high level of achievement in his or her chosen career, and who enjoys the respect of the legal community. While status as an alumnus of the College of Law would weigh in favor, it would not be a condition of selection. Nominees may be persons who have demonstrated an especial interest in the College, but could also be persons whose involvement and interest the College should seek to cultivate. Some effort would be made to seek diversity among the members which would reflect the diversity of law practice and law-related careers engaged in by the Alumni of the College.

XIII. Faculty Performance Expectations

A. Teaching

The primary mission of this law school is to provide a high quality legal education for its students. Effective teaching, therefore, is the most important element of an individual's performance as a member of the faculty. It takes substantial time to acquire and maintain a thorough understanding of course materials and to plan for an effective presentation of those materials in the classroom. It takes additional time to meet the educational needs of students outside the classroom.

The amount of time necessary for accomplishing effective teaching, however, is in part dependent upon the experience of the individual faculty member. For a year or two after initial appointment to the faculty a conscientious attempt to satisfy this responsibility may take most or all of a faculty member's available time. For a short span of years thereafter, while the individual masters the fields of law in which he or she teaches, the teaching responsibility may continue to make a more substantial demand on time and energy than all other faculty responsibilities combined. At the end of this period of years (which, for most, will be approximately five years depending upon prior experience), and certainly by the time a faculty member has achieved the rank of full professor, the demands on time and energy to meet the teaching responsibility are usually much less severe than before. The teaching of a new course, the use of a novel approach in an old course, or an unusually heavy

course load can alter the situation. In general, however, it must be recognized that a beginning teacher and a moderately experienced one will typically need to invest more of his or her total work effort in the teaching responsibility than will an established teacher.

The burden of satisfying the teaching responsibility can never be spread among the faculty with total uniformity. Some courses and teachers will consistently attract more students than will others. Some courses will always experience more dramatic and frequent change in content than will others. Some courses will require a more time-consuming approach than others. In varying degrees these differences affect the kind of work effort needed to satisfy the teaching responsibility. Nevertheless, the faculty expects each of its members to shoulder a fair share of the institution's obligation to provide quality teaching.

B. Research

The existence of an obligation to teach effectively and conscientiously a full load of courses is a matter which is taken for granted by the faculty. The same should be true with respect to the existence of an obligation to engage in productive research and creative scholarship. The advancement of legal knowledge broadly defined is an obligation of every good law school. Scholarship provides insights and new knowledge which enhance teaching effectiveness. Furthermore, the quality and quantity of a faculty's published research are frequently the only public measure of a law school's worth and reputation. Every member of the faculty of every rank, therefore, has a responsibility to engage in activity directed toward scholarship and research. This responsibility is second in importance only to teaching as an element of an individual's performance as a member of the faculty. And it should be regarded as a very close second.

Research and scholarly activity of the faculty as a whole take many forms. The most common manifestation of such activity is the law review article. Contributions may be made in many other ways (for example, the publication of casebooks and textbooks, papers and speeches, legal development surveys, book reviews, law reform proposals, etc.). No faculty member should feel pressured to engage in a particular kind of research activity or to seek any particular kind of outlet for his or her scholarly effort. No faculty member, however, should feel free to ignore the obligation to engage in serious and continuous scholarly activity and to reduce the results of that activity to writing so that others may benefit from it.

It is difficult to describe with accuracy the magnitude of an adequate research effort by a member of the faculty. In 1966 the faculty adopted a statement of policy concerning the criteria for promotion and tenure. Several observations in that

statement of policy speak to the matter of faculty research expectations. The following ones seem to offer the most specific guidance on the issue:

The law teaching profession expects that an Associate Professor of Law will have conducted serious scholarly research. After the first few years in teaching, the traditional expectation, as was noted by the late Dean Roscoe Pound, is for a law teacher to publish one article every other year. (Pound, *Law Teachers and Law Teaching*, 3 *J. of Legal Ed.* 519, 532 (1951)) He may have in print any number of speeches, panel remarks or publicly delivered papers, but these are considered embellishments to his research efforts and not the primary manifestation of his work. Absent publication of serious and worthwhile law review articles, no quantity of these lesser quality publications suffice to evidence mature research capability

However, there are many forms of research activity deemed functionally equivalent to such a stream of law review articles. Long-term research in the form of work on a scholarly book, delivery of a series of exceptional lectures, or papers or speeches, preparation of casebooks or other types of law teaching materials may involve several years of work, and are deemed "functionally equivalent" to short-term research culminating in law review articles Continuous work compiling legal materials for publication in a purely commercial context to be sold to practitioners may be deemed functionally equivalent to the above-stated norm, if it embodies new ideas, concepts, organizational principles or research data.

(P)romotion to full Professor is a determination that the individual's meritorious attainments during his associateship demonstrate clearly his mature research and professional potential in the field of legal education. Full professorship in law teaching is not so much a reward for past achievements as it is recognition of the mature research potential thereby evidenced in a manner designed to spur incentive for developing that potential.

High quality scholarship is only slightly less important to the overall mission of the law school than high quality teaching. The faculty expects each of its individual members to shoulder a fair share of the institutional obligation to engage in quality research. It expects each member of the faculty to have a continuous program of research and to produce creative scholarship on a regular basis.

C. Service

Service to the law school, the University, and the public is the third component of faculty performance. While not constituting as significant a portion of a faculty member's responsibility as teaching and research, such service is nonetheless a substantial element of each faculty member's obligation to the institution.

Each member of the faculty is expected to participate regularly and responsibly in the processes through which institutional policy is formulated and implemented. In addition each member is expected to share in the demands on time and energy that result from the routine operation of the school. At a minimum a faculty member should regularly attend faculty meetings, perform committee assignments responsibly, attend law school functions appropriate for faculty (such as student banquets, graduation, etc.), help with the supervision of student groups and organizations (such as the law journal staff, the moot court board, etc.), and bear part of the burden of informal advising of students on their professional and educational problems.

Service to the institution includes service to the University. The faculty recognizes its obligation to participate fully as an important component of the larger institution. A faculty member should bear a reasonable share of the duties inherent in the law school's full participation in the operation of the University. Such service is valuable to the University and the law school and is to be encouraged.

Service to the profession and public is also a part of this third component of faculty performance. Members of the faculty should seek opportunities for involvement in professional and public affairs that relate to their work at the University. Such activities should not be permitted to impinge on the capacity of the faculty member to perform the principal responsibilities of teaching and research at a high level. But distinguished professional and public service, particularly continuing legal education, pro bono legal representation, and law reform efforts, is highly valuable to the school and to the faculty members who provide it.

D. Full-time effort

The law school is and should continue to be staffed with faculty members who are full-time teachers and scholars. Indeed the accreditation policies of the Association of American Law Schools provide that a "faculty composed largely of full-time teachers is the very heart of a successful program of legal education." Part-time instruction in certain specialty areas, such as bankruptcy, litigation skills, and legal writing is a valuable part of the school's overall program. Additionally, part-time instruction may be necessary on a temporary basis to fill a program need created by the absence of regular faculty. In general, however, the faculty is fully committed to the AALS policy regarding full-time faculty members.

The AALS provides the following guidelines as to the meaning of full-time faculty status:

Full-time teachers are those who devote substantially their entire time to their responsibilities as teachers, scholars, and educators. This does not preclude professional activities outside the law school if so limited as not to divert the faculty member from his primary interest and duty as a legal educator.

The faculty expects that each of its members, in accordance with the AALS guideline, will devote substantially all of his or her efforts during the contract period of employment to the performance of his or her responsibilities to the institution.

Professional activities outside the law school, in the form of consultation or professional practice, can be valuable to the institution and compatible with the demands of full-time faculty status. Such activities frequently enable faculty members to perform their teaching and research responsibilities at a higher level and enhance the reputation of the institution and of the individual faculty members involved. On the other hand such activities have an almost limitless potential to undermine the performance and competence of the faculty as a whole. If not properly limited, they can adversely affect the quality of teaching and attention given law students as individuals, the scholarly interest and performance of the faculty, the participation of faculty in important law school functions, and much more. Consequently both the Dean and the faculty are obligated to do whatever is necessary to keep such activities within proper limits.

University regulations place at least two significant limitations on outside professional activities of faculty members: (1) such activities may not be undertaken without prior approval of the Dean and Chancellor; and (2) such activities may not exceed 39 days during the academic year of August 15 through May 15. Additional limitations on outside professional activities result from the institution's obligations under the following AALS policy:

In determining whether outside professional activities are properly limited, the following factors, among others, are of great importance:

- i. The extent to which the field of outside activity coincides with the full-time teacher's major fields of interest as a scholar and teacher;

- ii. The character of the professional activity as a source of novel and enriching experience that can be directly utilized in his capacity as an educator;
- iii. The degree to which the demands of the outside activity interfere with the teacher's regular presence in the law school and with his availability for consultation and interchange with students and colleagues;
- iv. The extent to which the outside activity may properly be characterized as public service, as distinct from the pursuit of private purposes.

The foundation underlying these limitations is the fundamental notion that full-time teachers should not engage in professional activities outside the law school that divert them from their primary interests and duties as legal educators. The faculty of this college is wholeheartedly committed to this notion. Consequently it expects each of its members to abide by the above-stated limitations carefully and completely.

E. Work Effort Distribution Model

This model is applicable to all faculty members in their fifth or subsequent year of law teaching. The below ranges are not intended to define or restrict the amount of time to be devoted to the various areas of performance. For purposes of performance evaluations, each such faculty member may designate the weighting factor to be used in evaluating performance in each of the three following categories:

1. TEACHING: Minimum 40% - Maximum 55%.

This area of performance includes classroom teaching, preparation (including research) for classroom teaching, clinical supervision, and student advising.

2. RESEARCH: Minimum 35% - Maximum 50%.

This area of performance includes research for publication and for public presentations (speeches, law reform work, and so on) of a substantial scholarly nature.

3. SERVICE: Minimum 5% - Maximum 25%.

This area of performance includes service to the law school, university, and profession, as well as uncompensated public service of a legal nature.

Those faculty members with less than five years of law teaching experience and other faculty members for whom the above model is unrealistic due to extraordinary circumstances, shall determine their work effort distribution by agreement with the Dean. Similarly, those faculty members who find their actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of their work effort distribution by agreement with the Dean.

DISTRIBUTION OF EFFORT FORM

Name _____

In accordance with the faculty's action of April 29, 1985, I would like my performance in each of the following areas to be weighted as indicated for my merit evaluation for calendar year _____.

- I. TEACHING: (Minimum 40% - Maximum 55%) _____
- II. RESEARCH: (Minimum 35% - Maximum 50%) _____
- III. SERVICE: (Minimum 5% - Maximum 25%) _____

Other values for those faculty members with less than five years of law teaching experience and other faculty members for whom the above model is unrealistic due to extraordinary circumstances, must be determined by agreement with the Dean. Similarly, those faculty members who find their actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of their work effort distribution by agreement with the Dean.

Signature - Faculty Member

Signature - Dean

XIV. Procedures for Appointment, Reappointment, Tenure and Promotion

A. Introduction

The University of Kentucky Administrative Regulations ("Administrative Regulations") provide policies and procedures concerning faculty appointments, promotions, grants of tenure, and related matters. The College of Law's procedures for Appointment, Reappointment, Tenure and Promotion contained herein ("College of Law Procedures") describe the manner in which the College complies with the Administrative Regulations. Within the College's committee structure, the Retention, Promotion and Tenure Committee ("RPT Committee") is the committee charged with the general responsibility for implementing the College of Law Procedures. The Dean of the College or Chair of the RPT Committee shall provide each new faculty member with a copy of the College of Law Procedures during their first semester of service. A set of the current Administrative Regulations shall be accessible in the Dean's Office to all faculty. All faculty should familiarize themselves with the College of Law Procedures and Administrative Regulations and should feel free to seek guidance concerning them from the Dean of the College or the Chair of the RPT Committee.

B. Faculty appointments

The Administrative Regulations provide policies and procedures concerning the appointment of faculty at various levels and ranks. The Appointments Committee is a part of the College's committee structure and is the advisory committee concerned with initial Regular faculty appointments. It is this committee's function to search for and screen candidates for initial appointment to the Regular faculty at the rank of Assistant Professor or higher, and to make recommendations concerning such appointments to the Regular faculty. In the College of Law all initial appointments to the rank of Assistant Professor or higher are made after the Regular faculty has been consulted and collectively made a recommendation to the Dean. Normally the RPT Committee is not concerned with initial appointments. However, the terms of an initial appointment may be relevant to matters within the scope of the RPT Committee. For example, an initial appointment might be made with tenure. The search for and screening of candidates for initial appointment to the Law Library and Clinical faculty shall be done by ad hoc search committees appointed as necessary when vacancies occur. Faculty in all title series shall be invited to be present at the research and other presentations by candidates for positions in other faculty title series and shall be allowed an opportunity to offer comments on the candidates to the relevant search committee.

[Amended by the faculty on January 21, 2010]

C. Progress towards tenure and reappointments

The Administrative Regulations provide policies and procedures concerning progress towards tenure and reappointment of faculty. In the College of Law the tenured members of the faculty will meet during the course of each academic year to consider the performance of all non-tenured faculty members. The tenured faculty will consider the progress of each non-tenured faculty member based on information supplied by that faculty member to the Dean's Office including the Performance Information Forms provided pursuant to the Annual Merit Review and such other information as is developed by the Dean and the RPT Committee. The RPT Committee shall report to the tenured faculty concerning the progress towards tenure of each non-tenured faculty member and may further make a recommendation that the individual be offered reappointment for the following academic year or years, given notice of termination, or offered a terminal reappointment. After due deliberation the tenured faculty shall report to the Dean regarding the progress of each non-tenured faculty member and may further recommend that the individual be offered reappointment for the following academic year or years, given notice of termination, or offered a terminal reappointment. After the tenured faculty has made a report or recommendation concerning a non-tenured faculty member and a decision has been reached, the Dean will advise the latter of his or her status. If a decision not to reappoint or to offer a terminal reappointment is made, the Dean will, at the affected faculty member's request, discuss the circumstances surrounding the decision.

D. Promotion and tenure

1. Responsibility for evaluation

The Administrative Regulations provide policies and procedures concerning promotion and tenure. They require, inter alia, that a recommendation to promote and/or grant tenure originate with the Dean of the College of Law and that in preparing a recommendation the Dean consult with appropriate faculty.

In the College of Law the members of the faculty who will be consulted and who collectively shall make a recommendation to the Dean concerning a promotion will be those members of the faculty holding a rank equivalent to or higher than the rank for which the individual is being considered. In the case of a tenure decision the tenured members of the faculty will be consulted and collectively shall make a recommendation to the Dean. For each recommendation to promote and/or grant tenure the Administrative Regulations require, inter alia, the written judgment of each faculty member consulted.

The Retention, Promotion and Tenure (RPT) Committee is the college advisory committee on

promotion and tenure referred to in the Administrative Regulations. It is the RPT Committee's function to develop and administer procedures to assist in the evaluation of non-tenured faculty and of candidates for promotion and/or tenure. The committee will advise the Dean with or without a recommendation for promotion and/or tenure as it deems appropriate.

2. Promotion and tenure file

The RPT Committee will maintain in the Dean's office a "promotion and tenure" file on each non-tenured faculty member and on each associate professor. The following materials should be included in the promotion and tenure file, and should be updated annually by the faculty member, in cooperation with the Dean. Unless otherwise indicated, the file should include all relevant items since the faculty member's initial appointment or most recent promotion, whichever is later.

- (1) Notices of Academic Appointment and Assignment
- (2) A *curriculum vitae* as of the beginning of the most recent academic year
- (3) Performance information forms and distribution of effort forms
- (4) The most recent teaching portfolio
- (5) Student evaluations: a compilation of all numeric score averages for the professor and for the faculty as a whole for each semester. Narrative comments need not be provided.
- (6) Reports of peer classroom visits
- (7) Publications
- (8) Any other material the faculty member wishes the Committee, the faculty, and the Dean to consider.

3. Teaching ability and potential

In developing information regarding the teaching ability and potential of a faculty member the RPT Committee will employ one or more of the following methods.

(a) Periodic formal student evaluation normally occurring at the conclusion of a particular course. Normally faculty before the rank of full professor with tenure will be evaluated in at least one course per semester. Normally a course shall be evaluated not later than the third time that it is taught. In each semester faculty members have the option of being evaluated in a seminar instead of a course.

(b) Evaluation by randomly selected recent graduates. This evaluation will not relate to particular course(s) or seminar(s) and will be developed through the use of a questionnaire containing two or three questions designed principally to obtain a narrative description of teaching performance and perhaps a judgment relating the individual's teaching performance to the performance of law teachers in general.

(c) Class visitation by other faculty members. Normally such visitations will not be scheduled during a non-tenured faculty member's first and second semesters of teaching. Thereafter, visits shall be scheduled during each semester until a decision not to retain or to recommend tenure has been reached. All of the non-tenured faculty members' courses shall be visited, but normally visits will be limited to one course per semester. The committee will select "visitors" from among the faculty, and all faculty members have an obligation to make reasonable efforts to serve as a visitor when called upon. Every effort shall be made to include among the visitors all faculty members with expertise in the subject areas of the non-tenured faculty member's courses. Any faculty member whose class is to be visited shall have an opportunity to object to the choice of a particular visitor and have the objection and reasons therefore considered by the committee in selecting visitors. The objection to the visitor and reasons therefore shall be noted in the faculty member's promotion and tenure file at his or her request. After the visitors have been selected they will consult with the teacher to be visited to obtain course assignments and to reach an understanding concerning the times of visitation. Normally two visitors will observe a particular course for two class hours during a semester. The visitors will file individual written evaluations with their names thereon in the Dean's office for submission to the committee. The committee will make copies of the evaluations without the name of the visitor available to the visited teacher upon request. In each semester faculty members may request to be evaluated in a seminar instead of a course, and the RPT Committee shall consider that request in selecting the course or seminar to be evaluated.

4. Scholarly productivity

The RPT Committee will employ the following methods to evaluate and to assist others in evaluating the scholarly productivity of a faculty member who is a candidate for promotion and/or tenure. Normally the process of evaluation will commence prior to the academic year in which the candidate is recommended for promotion and/or tenure.

(a) The members of the committee, within the limits of their own competence, will study and evaluate the candidate's scholarship.

(b) The committee will give other members of the faculty, especially those who have special competence in the candidate's field, the opportunity to submit a written evaluation of the candidate's scholarship. Any faculty member may submit to the committee a written evaluation of the candidate's work.

(c) In consultation with the Dean and the candidate the committee may solicit letters of evaluation from persons outside the College of Law who are familiar with the candidate's area(s) of scholarship. Prior to any solicitation the Dean and the committee shall determine whether the letters will be included in a dossier relative to a recommendation to promote and/or grant tenure required by the Administrative Regulations in the event that such a recommendation

is made in the current or any subsequent academic year. If the determination is affirmative the solicitation shall comply with the requirements of the Administrative Regulations for letters solicited by the Dean from qualified persons outside the University and the letters shall be included in the dossier in the event that one is prepared.

(d) While the committee recognizes that it is impossible to compile an exhaustive list of criteria by which another's scholarly effort should be measured, it believes that the following are among the more important indications of a substantial research effort:

(1) The work delineates the problem area.

(2) The work apprises the reader, when appropriate, of the current state of inquiry with respect to the problem.

(3) The work demonstrates a mastery of knowledge considered relevant to the particular problem.

(4) The work demonstrates a high level of analytical proficiency.

(5) The work reveals a capacity to synthesize ideas and data from diverse sources and disciplines.

(6) The work demonstrates that the author commands the research tools appropriate to the task.

(7) The work demonstrates the skillful use of analogy, factual and theoretical.

(8) The work reflects a well-developed critical capacity.

(9) The work reflects ability to develop new models or make additions to previously developed models.

(10) The work reflects a capacity to be creative, imaginative, and original.

(As amended by the faculty meeting on September 15, 2005.)

E. Provisions Governing the Position of the Director of the Legal Clinic

1. Appointment in Clinical Title Series.

The Director shall be appointed in the clinical title series under the University of Kentucky's Administrative Regulations (AR II- 1.0-1, Page IX-1). All appointments and promotions under the clinical title series are without tenure.

2. Criteria for Appointment, Retention, Promotion, and Performance Evaluation

Three areas of activity are important in the evaluation for individuals for initial appointment to the position of, and in retention, promotion, and annual performance reviews of the Director. These areas of activity are: (a) administration, teaching, and legal representation relative to the Legal Clinic's operation and program, which area of activity shall constitute the majority of the

Director=s responsibilities; (b) professional status and activity; and (c) College of Law, University, and public service. The criteria for evaluation in performance in these areas of activity include:

- (a) **Administration and teaching:** Demonstrated ability and competence in the administration of the Legal Clinic (including securing external funding), in teaching of the Legal Clinic course (Law 959) and related skills courses (including classroom instruction, individual instruction, advising, and informal influence on students= academic and professional growth), and in providing high quality legal representation to clients of the Legal Clinic.
- (b) **Professional status and activity:** Demonstrated interest and achievement in participating in and attaining recognition outside the University for law-related activities involving legal educational organizations and bar, professional, civic and other associations, including participation in continuing legal education programs and speaking and writing on topics related to clinical legal education.
- (c) **College of Law, University, and public service:** Demonstrated interest and achievement in service to the College of Law, University, and the public. Such service includes participation in faculty activities and meeting, committee work, and other activities related to the operation of the College of law, in University committee work as assigned, and in law reform and other law-related activities on behalf of the public interest.

3. Procedures for Evaluation of Performance

As a non-tenured faculty member, the Director shall be evaluated annually in writing by the Dean using the Faculty Performance Information Form and Distribution of Effort Form and applying the criteria provided in Paragraph II.

4. Ranks and Their Criteria Within the Clinical Title Series

The academic ranks applicable to the Director shall be: (a) assistant clinical professor of law; (b) associate clinical professor of law; and (c) clinical professor of law. The criteria for these ranks are as follows:

- (a) **Assistant Clinical Professor of Law:** Initial appointment to the position of Director shall generally be made at the rank of assistant clinical professor of law and require at a minimum a

degree in law, substantial practice experience in the range of legal problems of the needy, proven administrative abilities and experience, capacity for success in securing external funding, and potential for productivity, service, and professional growth.

- (b) Associate Clinical Professor of Law:** Appointment to the rank of associate clinical professor of law shall be made upon demonstration that the individual under consideration, in addition to possessing the minimum requirements for initial appointment at the rank of assistant clinical professor of law, has shown continuous productivity and achievement in the areas of activity of the Director sufficient to have attained regional recognition for excellence.
- (c) Clinical Professor of Law:** Appointment to the rank of clinical professor of law shall be made upon the demonstration that the individual under consideration, in addition to possessing the minimum requirements for appointment as associate clinical professor of law, has shown continuous outstanding productivity and achievement in the areas of activity of the Director sufficient to have attained national recognition for excellence.

5. Limitation

Appointment, retention, and promotion within the clinical title series create no entitlement to any claim or justifiable expectation regarding temporary or permanent appointment to the Faculty of the College of Law in the regular or special title series.

6. Participation in Faculty Governance

The Director may participate fully on issues of faculty governance and College of Law policy, including voting at faculty meetings, with the exception of decisions on appointment, retention, promotion, tenure, and termination of faculty in the regular or special title series.

7. Non-Compensatory Perquisites

The Director shall be provided the same non-compensatory perquisites as provided for tenure-track faculty, including administrative assistance, support for professional activities, library and technology support, and travel funds, but not including sabbatical leaves.

8. Period of Appointment

Appointment of the Director shall be on a twelve-month basis.

9. Term of the Contract

The initial appointment of the Director shall be for a term not to exceed three years, which shall serve as a probationary period. The appointment may thereafter annually be renewed for one more or additional terms each not to exceed five years.

10. Termination of Employment

After the initial appointment, the employment of the Director shall be terminable during the term of an appointment only for good cause. Good cause for termination includes the discontinuation or material modification of the Legal Clinic. Notice of termination of employment at the end of a term of appointment, other than for good cause, shall be given to the Director at least one year prior to that termination.

11. Modification

The provisions contained in this Section XIV.E. shall only be subject to modification by the Dean upon recommendation of the Faculty of the College of Law.

F. Provisions Governing the Position of Director of the Law Library

1. Appointment

a. Nature of Appointment

The Director of the Law Library holds a joint appointment as a Professor of Law (Assistant, Associate, or full Professor) and as a Librarian in the Librarian Series (Librarian III, II or I), with the appointment as Professor of Law being the primary appointment. The ranks of Librarian III, II and I are analogous to the academic titles of Assistant Professor, Associate Professor, and Full Professor respectively. AR II-1.0-1, Section X(A). The rules in this subpart F apply only to the Director=s evaluation by the Dean and faculty of the College of Law.

b. Appointment Procedures

When a vacancy occurs in the position of Director of the Law Library, the Dean shall appoint an ad hoc committee to search for and screen candidates for the position and to make recommendations to the Regular and Law Library faculties. After receipt of the committee's recommendation, the Regular faculty and the Law Library faculty shall make separate collective recommendations to the Dean regarding the appointment. Appointment of the Director of the Law Library shall be made by the Dean after consideration of these recommendations.

[Former subpart 1 was redesignated 1(a) and subpart 1(b) was added by the faculty on January 21, 2010.]

2. Criteria for Reappointment

Administrative Regulations II-1.0-1 Section X(E) provide that Non-tenured appointments at the ranks of Librarian ... III and Librarian II shall be made on a year-to-year basis, subject to annual review and that the processes are generally parallel to those applicable to regular title series faculty members of equivalent academic rank. The Dean and faculty of the College of Law will evaluate the Director of the Law Library for reappointment according to the procedures in subpart C of this Part XIV and the standards in subpart F(4) below.

3. Criteria for Promotion and Tenure

Promotion and tenure within the Librarian ranks are governed by the Administrative Regulations II-1.0-1 Section X. In addition, Section X(A) provides that parts of Section III [relating to promotion and tenure in the Regular Title Series] are applicable to librarians.

Areas of consideration for promotion in the Librarian Series include the librarian's assigned duties, as well as professional activities and general professional development. AR II-1.0-1 Section X(D). Areas of consideration for promotion in the Regular Title Series include teaching, advising, research, and service. AR II-1.0-1 Section III(C).

The standards for promotion in the Librarian Series provide a reasonable basis for evaluating the performance of the Director for purposes of promotion and tenure. The Dean and faculty of the College of Law will evaluate the Director of the Law Library for promotion and tenure according to the procedures in subpart D of this Part XIV and the standards in subpart F(4) below.

4. Standards for Reappointment, Promotion and Tenure

The performance of the Director shall be evaluated by reference to the following standards.

(1) Library Administration and Teaching. This means: administrative, professional and intellectual competence. Competent library administration and classroom teaching are the principal components of this standard. Other standards include: creativity and initiative in the performance of professional responsibilities; effectiveness in applying subject knowledge and bibliographic techniques in organizing library collections; professional skill in pursuing user needs and in stimulating faculty and student utilization of library services and resources through individual and formal instruction; and a willingness to consider and to accept new ideas and alternative approaches to library services.

(2) Professional Growth and Development. This means: awareness of current developments in the law library profession and appropriate subject fields; continuing scholarly growth as exemplified by research and publication; and active participation in improving the law library profession.

(3) University or Community Service. This means: effectiveness with which the service is performed, its relation to the general welfare of the University or community, and its effect on the development of the individual.

[Part XIV(F) added by the faculty meeting on September 15, 2005.]

G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

1. Appointment

a. Nature of Appointment

Law library faculty hold Librarian faculty appointments in the Librarian Series (i.e., Librarian IV, III, II or I), with such ranks being analogous to the academic titles of Instructor, Assistant Professor, Associate Professor, and Full Professor, respectively. AR 2:7. Effective July 1, 2010, the rules in this subpart G apply to all law library faculty except the Director of the Law Library.

b. Appointment Procedures

When a vacancy occurs in the Law Library faculty, the Director of the Law Library shall appoint an ad hoc search committee after consultation with the Dean. It is this committee's function to search for and screen candidates for the position and to make recommendations to the Law Library faculty. After receipt of the committee's recommendation, the Law Library faculty shall make a collective recommendation to the Director of the Law Library regarding the appointment. Appointment to a position on the Law Library faculty shall be made by the Dean after consideration of this recommendation and consultation with the

Director of the Law Library.

2. Criteria for Reappointment

Initial tenure-eligible appointments at the ranks of Librarian IV, III, and II shall be made on a two year basis. Subsequent renewal appointments for non-tenured law library faculty will normally be made on a two year basis, subject to annual review, and the processes will be generally parallel to those applicable to regular title series faculty members of equivalent academic rank. The Dean of the College of Law, in consultation with the Director and the Law Library Faculty Retention, Promotion and Tenure (LLFRPT) Committee, will evaluate the law library faculty for reappointment according to the procedures in subpart C of this Part XIV, and the expectations, criteria and standards in subparts G(3)-(5) below.

3. Faculty Performance Expectations

The Law Library serves the broad educational mission of the University of Kentucky College of Law, supporting the curriculum and research needs of the College's students, faculty, and staff. As a primary source of legal information in Kentucky, the Law Library also supports the state judiciary, legal practitioners, and citizens of the Commonwealth.

Law Library faculty are expected to perform in their primary roles, as well as to conduct their professional development and service activities, in ways that support the Library's and the College's overall mission and operations.

a. Primary Librarianship Responsibilities

Law library faculty should, as applies to individual positions, competently and creatively perform their professional responsibilities; effectively apply subject knowledge and bibliographic techniques to building, organizing, and maintaining library collections; skillfully meet user needs; facilitate and encourage use of library resources; or, develop, sustain, and grow any applicable administrative skills necessary to competently perform their responsibilities.

b. Professional Growth and Development

An obligation to maintain and sustain a level of professional growth and development, including scholarly activity, informs the core activities and principles that comprise librarianship. Law library faculty members

have a role to play in the advancement, use, and implementation of legal information. That role can take many paths, such as exploring techniques of and models of research, furthering the study of the organization and selection of resources, or providing insights into how future technologies will have an impact upon legal information and its role in the legal profession.

Activities in this area can take many forms, including scholarly research, professional engagement, or continuing education. Law library faculty should, as applies to individual positions, contribute to the advancement of the law librarianship profession by actively participating in professional organizations at the state level or higher, and demonstrating an interest in current developments and trends in the profession.

c. University or Community Service

Service to the College, to the institution, or to the community is an obligation of each law library faculty member. Conscientious participation in institutional governance and policy-making not only informs librarianship but benefits the Law Library and the College. As such, institutional service is a foundational requirement that should only be augmented by community service; it should not be replaced by it.

Service and institutional activities include participating in institutional governance, contributions to the College's educational curriculum, or university or community service in the interest of law librarianship or information science, studies, or technology.

d. Work Effort Distribution Model

This model is applicable to law library faculty (excluding the Law Library Director). Percentage ranges are intended as guidelines for the amount of time to be devoted to the various areas of performance. For purposes of performance evaluations, law library faculty members, in consultation with the Law Library Director, may designate the weighting factor to be used in evaluating performance in the following categories:

- 1) Primary Librarianship Responsibilities**
(Minimum 65% - Maximum 80%)

This area of performance includes competent performance of regular library duties, including Reference/Information Service; Library Instruction; Technical Services; Information Technology; Collection Management; Administration; Other Primary Activities.

2) Professional Growth & Development
(Minimum 15% - Maximum 35%)

This area of performance includes research for publication and for public presentations, and participation in professional organizations.

3) Service
(Minimum 5% - Maximum 25%)

This area of performance includes service to the law school, university, and law library professions, as well as uncompensated library- or information-related nature.

Other values for those faculty members for whom the above model is unrealistic due to extraordinary circumstances, must be determined by agreement with the Law Library Director.

DISTRIBUTION OF EFFORT FORM – LAW LIBRARY FACULTY

Name

In accordance with the College of Law faculty rules, I would like my performance in each of the following areas to be weighted as indicated for my merit evaluation for calendar year _____.

- I. PRIMARY LIBRARIANSHIP RESPONSIBILITIES: (Min. 65% - Max. 80%) _____
- II. PROFESSIONAL GROWTH & DEVELOPMENT: (Min. 15% - Max. 35%) _____
- III. SERVICE: (Min. 5% - Max. 25%) _____

Other values for those faculty members for whom the above model is unrealistic due to extraordinary circumstances, must be determined by agreement with the Law Library Director. Similarly, those faculty members who find their actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of their work effort distribution by agreement with the Law Library Director.

Signature - Faculty Member

Signature – Law Library Director

Signature – Dean

e. Promotion and tenure file.

The requirement of a promotion and tenure file as specified in Section XIV, part D, subpart 2 shall also apply to law library faculty. The following materials should be included in the file and should be updated annually. Unless otherwise indicated, the file should include all relevant items since the faculty member's initial appointment or most recent promotion – whichever is later – related to the following:

- 1) Notices of Academic Appointment and Assignment
- 2) A curriculum vitae as of the beginning of the most recent academic year
- 3) Performance information forms and distribution of effort forms
- 4) Research
- 5) Publications
- 6) Presentations
- 7) Library Service
- 8) Public & University Service
- 9) Professional Activity & Service
- 10) Professional Development
- 11) Awards or other recognition
- 12) In the case of promotion with tenure, peer review letters from tenured law library faculty of higher rank. In the case of promotion without tenure, peer review letters from law library faculty of higher rank
- 13) Any other material, such as a personal statement, that the faculty member wishes the Committee, the law library faculty, and the Dean to consider

4. Criteria for Promotion and Tenure

Areas of consideration for promotion in the Librarian Series include the librarian's assigned duties, as well as professional activities and general professional development)AR 2:7(IV)(A) and(B))

5. Standards for Appointment, Reappointment, Promotion and Tenure

Law library faculty performance shall be evaluated by referencing the following standards:

a. Primary Librarianship Responsibilities.

For law library faculty without administrative responsibilities, this means professional and intellectual competence. Law library faculty with administrative responsibilities will also be evaluated for administrative competence. Competent performance of regular library duties is the principal component of this standard. Library duties include providing public and reference service; collection cataloging; collection management; materials acquisition, maintenance, and processing; or other activities related to participation in the operation of the library.

Evidence of excellence in this area includes but is not limited to:

- 1) developing library resources through the selection and acquisition of library materials;
- 2) formal and informal instruction of library users on effective use of library resources;
- 3) extending access to library resources through bibliographic control;
- 4) using bibliographic tools to assist users in information acquisition, use, or analysis;
- 5) organizing bibliographic information;
- 6) developing programs which facilitate the delivery or use of information or library services or resources;
- 7) extending access to library resources through technological devices or means (e.g., web pages, networks);
- 8) and, improving unit performance or effectiveness through initiative and creative problem-solving.

b. Professional Growth and Development.

This means: awareness of current developments in the law library profession and appropriate subject fields; continuing scholarly growth as exemplified by research and publication; or active participation in improving the law library profession.

Evidence of excellence in the profession includes but is not limited to:

- 1) serving as an officer of a professional organization;
- 2) serving upon or chairing a committee of a professional organization;

- 3) receiving recognition or honors related to professional activities;
- 4) creating programming for a workshop or professional meeting or conference;
- 5) pursuing continuing education or professional development in information science or other relevant fields through course work, seminars, or workshops;
- 6) and, participating in continuing education or professional development activities as a presenter or speaker.

Evidence of excellence in scholarly productivity includes but is not limited to:

- 1) publication in professional scholarly journals dedicated to the areas of information science, study or technology, law librarianship, librarianship, or legal education, theory, or practice;
- 2) publication in law reviews and other scholarly journals concerned with legal or policy issues.
- 3) contributions as an author, editor, or indexer in any format; and
- 4) preparation of substantial bibliographies, guides, or other resources designed to enhance access or widen use of library resources, or legal information resources, generally.

Additionally, the following are among the more important indicators of excellence in research activity in the area of information science, study or technologies, or law librarianship:

- 1) The work delineates the research area.
- 2) The work appraises the reader, when appropriate, of the current state of inquiry with respect to the research area.
- 3) The work demonstrates a mastery of knowledge considered relevant to the particular research area.
- 4) The work demonstrates a high level of analytical or bibliographic proficiency.
- 5) The work reveals a capacity to synthesize ideas and data from diverse sources and disciplines.
- 6) The work, if non-bibliographic, demonstrates the skillful use of analogy, factual and theoretical.
- 7) The work, if bibliographic, demonstrates that the author commands expertise and skill in employing and analyzing

- the research tools appropriate to the task.
- 8) The work reflects a well-developed critical capacity.
 - 9) The work reflects ability to develop new models or make additions to previously developed models.
 - 10) The work reflects a capacity to be creative, imaginative, and original.

c. Service

This means: excellence as judged by the effectiveness with which the service is performed, its relation to the general welfare of the University or community, or its effect on the development of the individual.

Evidence of excellence in performance in this area includes but is not limited to:

- 1) participating in or assuming a leadership role in a library committees or working groups;
- 2) participating in or assuming a leadership role in university governance, including a committee, an advisory board, a working group, a commission, or a task force;
- 3) participating in or assuming a leadership role in a College- or university-sponsored community project;
- 4) guest teaching or presenting in a classroom setting;
- 5) pursuing continuing education or professional development in information science or other relevant fields through course work, seminars, or workshops; and
- 6) participating in continuing education or professional development activities as a presenter or speaker.

6. Structure and procedure of the Law Library Faculty Retention, Promotion and Tenure Committee (LLFRPT)

- a. The LLFRPT Committee consists of all academic librarians in the Law Library, regardless of rank. The Committee will consider and discuss the qualifications of candidates for contract renewal, promotion, and tenure, or a combination of these. The Dean of the College of Law, in consultation with the Law Library Director, shall appoint a chair at the beginning of each academic year. The chair will ensure that required procedures are followed, and will conduct review meetings, except the chair's own review.

- b. The LLFRPT Committee must have at least five members of the tenured law library faculty present in order to vote on promotion or tenure decisions. If at least five members of the tenured law library faculty are not eligible or available to vote on a particular renewal, tenure or promotion matter, the Dean of the College of Law may appoint one or more tenured faculty members from the College of Law to participate in the tenure or promotion decision.
- c. All reviews will be conducted at a meeting of the LLFRPT Committee and will be based on the criteria set forth in The University of Kentucky Guide to Policies and Procedures for Contract Renewal, Promotion, and Tenure of Academic Law Librarians... Each LLFRPT Committee meeting requires a two-thirds majority of its library's faculty to achieve a quorum. Librarians on sabbatical or approved university leave are not counted when determining quorum if they are not present at the meeting.
- d. The meeting of the LLFRPT Committee shall discuss evidence in the candidate's file as well as considerations presented by members of the committee. All law library faculty (with the exception of the candidate currently under consideration, and any member of that candidate's immediate family) along with the Director shall participate in review meetings.
- e. A report summarizing the committee's decision will be made to each librarian being considered within one week of any review meeting. The report may be made orally, at the discretion of the committee.

7. Voting

- a. Except as otherwise provided, a vote can be taken by voice, by rising, by show of hands, or by unanimous consent. A vote by ballot can be ordered by a majority vote. In all cases, votes must be tallied and added to the Committee's report. Neither the Director, immediate family members of the candidate, nor the candidate may vote on the candidate's contract renewal, promotion, or tenure.
- b. Voting is restricted as described below:

Contract Renewal and Promotion: Tenured library faculty and untenured library faculty of higher rank than the candidate being

reviewed are eligible to vote on recommendations for contract renewal and promotion,

Tenure: Tenured library faculty of equal or higher rank than the candidate being considered are eligible to vote on recommendations of tenure.

Before a vote is taken, those members of the LLFRPT Committee not eligible to participate in the vote will be excused from the meeting.

- c. Votes will be counted and recommendations made according to the majority vote.
- d. The chair shall appoint a reporter for the proceeding who shall prepare a report. The report shall be reviewed by all members of the LLFRPT Committee before the final version is approved by the Chair.

8. Procedure of the Law Library Director

The candidate's file and the report of the LLFRPT Committee shall be submitted to the Law Library Director. The Director shall thereafter make an independent assessment of the librarian being reviewed, and submit a recommendation separate from the report of the Committee to the Dean of the College of Law,

9. Procedure of the Dean of the College of Law

- a. The report of the Committee and the recommendation of the Director shall be forwarded, along with the file, to the Dean of the College of Law.
- b. The Dean of the College of Law shall make an independent determination and prepare an evaluative letter and recommendation on the granting of tenure and/or promotion. The Dean may refer the file back to the Committee for further proceedings.
- c. The Dean shall forward the Committee's report and the candidate's file, along with his or her evaluative letter, to the Provost.

[Part XIV(G) was added by the faculty on January 21, 2010]

XV. Kentucky Law Journal

Many recent changes to Journal policy resulted from recommendations made by the Journal Committee, which issued a report on April 19, 1989. The Journal Committee was comprised of several faculty members and the then current Editor-in-Chief to look for ways of improving the Journal's operations.

A. Eligibility for membership

The Journal accepts members through a writing competition open to all students who have completed their first year of full-time study at the University of Kentucky College of Law and to students who transfer to the University of Kentucky College of Law after completing their first year at another school.

The Editorial Board shall issue membership invitations to those students who complete their first year of full-time study at the University of Kentucky College of Law in the top fifteen percent of their class and whose writing competition evidences a good faith effort pursuant to standards set by the Board. In addition, the Editorial Board shall issue membership invitations to those students who submit writing exercises that meet the standards of Journal membership.

The Editorial Board may offer an alternate writing competition to accommodate students on a non-traditional law school schedule.

A student offered membership on the *Journal* may request deferral for one year upon written application to the Editor-in-Chief. The Editor-in-Chief may grant the request if the student will spend the ensuing year out of the College of Law or for other extraordinary reasons.

[Part A approved by the Faculty on Apr. 12, 2007]

B. Loss of journal membership

- 1.** A student may lose Journal membership for the following reasons:
 - a.** Failure to perform administrative duties adequately.
 - b.** Failure to meet writing or editorial requirements.
 - c.** Failure to remain in the top one-third (1/3) of the class if the student graded-on and has not written a publishable Note.

2. removal

- a. Editor-in-Chief exercises discretion as to the initiation of removal procedures.
- b. Editor-in-Chief makes a recommendation to the Faculty Advisor.
- c. A joint decision of the Editor-in-Chief and the Faculty Advisor is final.
- d. The Faculty Advisor and Dean have authority to remove an editor that is not fulfilling his duties.

Previously, removal from the Journal required a recommendation by the Editor-in-Chief to the Faculty Advisor, agreement as to removal and the convening of a faculty committee to consider the matter. In 1989 the Journal Committee found this process cumbersome and recommended an expedited approach.

C. Duties of membership

1. writing

Each second-year staff member is required to write a Note. Each Note must reach the "publishable" standard.

Prior to the Journal Committee's report in 1989, second-year staff members would write a Note, while third-year staff members would prepare a Comment. The committee recommended that staff members be required to write only one piece in their second year. The purpose for the recommendation was to encourage staff members to produce papers of publishable quality during their second year. In the third year, staff members are assigned as Associate Editors for the second-year Notes.

2. editing

All staff members are expected to do source & cite edits for the Journal. Third-year staff members edit Notes written by second-year staff members.

3. administrative work

Each staff member must schedule two 2 1/2 hour time blocks per week to be available for administrative work. Members are subject to further administrative assignments as needed during the summer, vacations, weekends and nights.

Each staff member will be responsible for as many as seventy-five hours of administrative work per semester.

D. Academic credit

All Journal staff members receive three (3) hours of pass/fail credit upon the successful completion of Journal duties. Journal members may apply for academic credit during the last semester of study at the University.

The 1989 committee report recommended the change from awarding letter grades to Journal members to a pass/fail system. The committee reported that letter grades are not necessary for effective evaluation of staff member work. Instead, feedback from editors concerning the quality of work was viewed as likely to induce more efforts from staff members than grades.

E. Editorial Board

1. general

The Editorial Board is responsible for planning and directing all Journal operations for one year and for publishing one volume of the Journal, comprised of four issues. All editors are expected to work full-time for at least one week at the beginning of the summer and to contribute substantial amounts of time throughout the summer. The Editor-in-Chief and Managing Editor are required to work substantially full-time for one-half of the summer or half-time for the full summer. Outside employment is allowed for the Editorial Board during the summer but not during the school year. Each editor receives a stipend of \$800 for the year of editorship.

The 1989 committee report recommends that the \$800 per year stipend to the Editorial Board be raised to a full-tuition scholarship. In that regard, the Kentucky Law Journal Alumni Association was established to solicit funds for this and other Journal matters privately. The Law School currently provides funds for the \$800 stipends.

2. selection of Editorial Board

The Editorial Board is selected in the spring term by the preceding Board with the consent of the faculty on the basis of the following factors:

- a. total Journal performance.

- b. interest and willingness to make sacrifices for the Journal.
- c. demonstrated editing and writing abilities.
- d. law school grades.
- e. suitability for particular Board responsibilities.

To assist in the selection of a new Editorial Board, the new Editor-in-Chief is selected shortly after the spring semester begins. The new Editor-in-Chief has one (1) vote on any ballot taken by the preceding Board in selecting the balance of the new Board.

XVI. Kentucky Journal of Equine, Agriculture & Natural Resources Law

[On March 26, 2009, the Faculty approved the change to the current name from "The Journal of Natural Resources and Environmental Law." The title of the journal and the abbreviations used herein have been changed to conform.]

- A. The Mineral Law Center, University of Kentucky, College of Law sponsored periodical dealing with mineral law is established and is entitled "The Kentucky Journal of Equine, Agriculture & Natural Resources Law " (hereinafter referred to as KJEANRL).
- B. The KJEANRL would be organized along similar lines as the Kentucky Law Journal and would demand similar high quality for publication.
- C. The KJEANRL staff will consist of an Editor-in-Chief, an Executive Editor, a Managing Editor, an Articles and Notes Editor, and a Comments Editor, with total student staff of up to 20 students. Five of the students will be designated to serve as support staff for the "Kentucky Mineral Law Handbook" and the remaining fifteen students will perform staff duties for the KJEANRL. In the start-up phase the Editor-in-Chief will use discretion and select students only when it appears there is a need and opportunity to do meaningful activities.
- D. The Editor-in-Chief/ KJEANRL Faculty Advisor will be the Director of the Mineral Law Center in order to provide faculty support and direction. The other four editorial positions would be student positions.
- E. A statement of editorial policy will be written before the Journal begins publication.

- F.** The staffing of the Journal would be left "flexible" so that the Editor-in-Chief and the Mineral Law Advisory Committee could start with a smaller staff than allowed by the proposal and then enlarge it as the workload of the Journal increased.
- G.** The timing of the "write on" competition should parallel that of the Kentucky Law Journal.
- H.** The Journal ultimately would be refereed by an Editorial Advisory Board consisting of a panel of experts from both inside and outside academia.
- I.** The mix of articles for the Journal generally would follow that of the KLJ.
- J.** The editorial staff should consist of: a) students from the top 25% of the class invited to join on the basis of their grades, and b) candidates who submit a "Publishable" comment. There should be two write-on programs, one starting in January on the second day of the regularly scheduled classes, and the other starting in June on the first day of summer session classes, each to run exactly 5 weeks. A student would have one chance to write on.
- K.** Students would not be eligible to serve on both KLJ and KJEANRL. However, the Faculty Advisor/Editor-in-Chief would have the discretion to approve a transfer from the KLJ and in this event the student grade would be based upon the concurrence of the KJEANRL Faculty Advisor/Editor-in-Chief and KLJ Faculty Advisor.
- L.** Academic credit for staff members should also follow the former Kentucky Law Journal model in that all staff members shall receive three (3) hours of credit upon the successful completion of their KJEANRL duties. KJEANRL members may apply for credit only during the last semester of study at the University of Kentucky College of Law. Each staff member, regardless of the number of hours needed for graduation, must apply for his or her KJEANRL credit hours. This requirement cannot be waived except with the written permission of the KJEANRL Faculty Advisor/Editor-in-Chief. Grading for the KJEANRL should deviate from the former one of the KLJ in that the Faculty Advisor/Editor-in-Chief will be responsible for any grading of subjective matters. The student Editorial Board will be responsible for grading strictly on objective criteria such as meeting attendance and time requirements.
- M.** The duties of the various editorial positions should initially parallel those set out in the KLJ Organizational Manual. A KJEANRL Manual was developed during the

first year of operation and has been updated periodically.

XVII. Joint Appointments

A. The law faculty supports creation of a category of "jointly appointed" law faculty members. One or more members of the faculty of other UK departments would thereby become law faculty members as well. The advantage to the law school would be the addition of an enriching course to the regular law school curriculum, as well as the increased interaction between local experts from other disciplines and law school students and faculty. The advantage to the joint appointee would be his or her ability to use the joint law school appointment as a credential.

B. Functions and duration.

1. The joint appointee's salary (as well as secretarial support unrelated to the law school class) would be funded entirely by his or her original department.
2. The joint appointee would not vote or take part in law school committees or faculty governance.
3. The joint appointee would teach or team-teach at least one law school class every other year in the law school.
4. The joint appointment would only be for so long as the joint appointee continues to teach one law school class every other year (except that sabbatical leaves and comparable absences would not discontinue the appointment).
5. Joint appointments would be reviewed at regular periods of not less than two years. Joint appointments hereunder are not tenured appointments to the faculty of the College of Law.

C. Criteria

1. The law school personnel committee would consider applicants for such a joint appointment, and make recommendations for faculty approval.
2. Inasmuch as a joint appointee would be teaching a course for which law school graded credit will be awarded (which a law student could take in

addition to the 6 units of non-law-school pass-fail credit which now can be used toward the law degree), the personnel committee should evaluate joint appointment applicants with scrutiny comparable to that used for regular law school funded appointments.

3. The personnel committee will normally not consider for a joint appointment an applicant whose most recent academic degree is a J.D.
4. A joint appointee would normally hold the rank of full professor in the home department.
5. A joint appointee should have a distinguished published research record in an area of close relevance to the law school curriculum.
6. Joint appointees normally should also have previously established a record of working with law school faculty members in common endeavors. This would enable such law faculty members to evaluate first-hand the suitability of the joint appointee to teach a class for which law school credit is awarded.

D. Procedures

1. The joint appointee would normally either teach a course not currently in the curriculum, or team-teach a course with a regular member of the faculty.
2. The personnel committee should refer to the curriculum committee any proposed new course, to be considered by the curriculum committee under its existing standards, prior to the personnel committee making a recommendation to the faculty regarding the joint appointment.
3. The faculty would normally consider the curriculum committee's recommendation regarding a new course at the same time that it considers the personnel committee's recommendation.
4. Apart from the case of team-teaching, the personnel committee would normally not consider having a joint appointee teach a course already in the curriculum, unless it is otherwise not feasible to fill the need to have the course taught through the normal appointment process.

XVIII. Interdisciplinary Fellows.

A. The law faculty supports the creation of a position whereby one or more members of the faculty of other UK departments, or faculty members of other Kentucky Colleges and Universities, or other local experts, would become "interdisciplinary fellows." The advantage to the law school would be the addition of enriching expertise to the curriculum, as well as increased interaction between local experts from other disciplines and law school students and faculty. The advantage to the "interdisciplinary fellow" would be his or her ability to use the appointment as a credential.

B. Functions and duration.

1. The "interdisciplinary fellow's" salary (as well as secretarial support unrelated to the law school class) would be funded entirely by his or her original department.
2. The "interdisciplinary fellow" would not vote or take part in law school committees or faculty governance.
3. The "interdisciplinary fellow" would participate in law school teaching by providing a lecture or lectures, or other teaching contribution, in at least one law school class during each two-year period of appointment.
4. Any appointment will only continue for so long as the "interdisciplinary fellow" continues to participate in the manner set forth in paragraph 3. above.
5. An appointment to the position of "interdisciplinary fellow is not a "joint appointment" or a tenure-track appointment to the faculty of the College of Law. Any appointment will be reviewed by the sponsoring faculty member (see Section **XVIII.C.2**) at least once during the period of appointment.

C. Procedures

1. The law school personnel committee would consider applicants for appointment to the position of "interdisciplinary fellow," and make recommendations for faculty approval.
2. Nominations for the appointment of an interdisciplinary fellow may be made to the personnel committee by a sponsoring faculty member, a

sponsoring faculty member being a regular faculty member interested in having the appointee participate in the teaching of the regular faculty member's course or seminar.

3. Any committee recommendation regarding the appointment of an "interdisciplinary fellow" will be subject to faculty approval. The name of any "interdisciplinary fellow" may be included in appropriate law school literature, including the masthead of the Kentucky Law Journal.

XIX. Honor Code

Note: The following Honor Code was approved by the University Senate on February 10, 2003.

Preamble

The faculty and the students of the University of Kentucky College of Law establish this Honor Code in order to foster integrity and honor within the legal profession, to encourage an atmosphere of mutual trust and confidence within the College of Law, and to promote respect for the College of Law among those who work and study there and among the public generally.

Article I - The Honor Code

A law student shall not lie, cheat, steal, interfere with another student's academic pursuits, falsify or misuse academic records, or fail to report another student's breach of these rules.

Article II - Violations

The conduct specified in the following six paragraphs is a violation of the Honor Code only if (1) the conduct is intentional, and (2) it relates to any work intended to result in or lead to completion of work for academic credit from the College of Law, while using the placement resources and facilities, or on or in connection with an application for admission to the College.

(A) Lying. Lying is deliberate misrepresentation of a fact, or deliberate omission of facts making an otherwise true statement a misrepresentation.

(B) Cheating. Cheating is giving or receiving unpermitted aid in any course or assignment. Law students should assume that no aid is permitted, from other persons or materials of any kind, unless specifically authorized by the professor. Cheating specifically includes plagiarism as defined in the University Senate Rules.

(C) Stealing. Stealing is taking without permission any property belonging to another in order to obtain an academic advantage.

(D) Interference with academic pursuits. Interference with academic pursuits is any conduct which makes it difficult or impossible for other law students to perform academic work. It must be done with the intention of hindering other students' academic success.

(E) Falsification or misuse of academic records. An "academic record" is any paper or electronic version, official or unofficial, of the student's academic record, transcripts, application documents, admission credentials, and academic record transaction documents. "Falsification or misuse" is unauthorized access, use, disclosure, or alteration.

(F) Failure to report a breach of the Honor Code. Failure to report a breach of the Honor Code is (1) failure to report, pursuant to Article IV(A), actual knowledge that another student has committed a violation of the Honor Code or (2) failure to appear and testify truthfully as a witness in any Informal Hearing conducted under Article IV(C).

(G) Exception for good faith reporting of alleged offenses. The good faith reporting of an Honor Code violation, whether or not the alleged violator is later charged or convicted with any offense under the Honor Code, may not itself be punished as a violation of the Honor Code.

Article III - Administration

The students and faculty of the College of Law shall be jointly responsible for implementing the Honor Code. An Honor Council shall be responsible for administering the Honor Code in accordance with its purpose, scope and procedures.

A. Honor Council Composition

1. Student Members - The Student Bar Association of the College of Law each year shall invite all interested students to submit their names as candidates for Honor Council positions. Each year during the month of March the Dean shall choose from the among these candidates 12 students who shall serve as Honor Council members. The Honor Council shall include at least four members of the prospective third-year class and four members of the prospective second-year class. If for any reason there is an insufficient number of candidates, the Dean shall select sufficient members from among those in the student body willing to serve on the Honor Council. Student members shall serve one-year terms from April 1 through March 31, and are eligible for re-appointment. If a student Honor Council member is unable to complete his or her one-year term, the Dean shall appoint a replacement to serve until the end of the term. If for any reason a student Honor Council member is not available for a session,

B. Preliminary Determination

Upon receipt of a complaint, the Chair of the Honor Council shall consult with the Associate Dean for Academic Affairs and then shall determine whether the complaint alleges a violation within Article II of the Honor Code. The Chair shall inform the complainant in writing of this decision and the rationale for it and shall provide the Dean with a copy of the complaint and of the written response to the complainant. If the Chair believes the reported act falls within Article II of the Honor Code, he or she shall inform the accused person (the "Respondent") of the complaint and furnish him or her with a copy of the Honor Code. A determination by the Chair that the complaint fails to state a violation within Article II of the Honor Code does not preclude a contrary conclusion upon a subsequent complaint based on new evidence.

C. Informal Hearing

Within a reasonable time after the Chair's notice to the Dean that the complaint alleges a violation within Article II of the Honor Code, the Dean shall convene an Informal Hearing on the matter before the Dean and a Hearing Committee.

1. Hearing Committee - The Hearing Committee shall consist of two student members and two faculty members of the Honor Council. The student members shall be selected by the Honor Council Chair.

2. Notice to Respondent - The Dean shall inform the Respondent of the time and place of the Informal Hearing.

3. Objectives - The purpose of the Informal Hearing is to inform and advise the Dean in reaching a conclusion on the issue of guilt and on the appropriate penalty for the offense, if any. The Informal Hearing shall be conducted to permit the Dean and the Hearing Committee to hear the facts underlying the complaint, the Respondent's defense to the allegations, and any aggravating or mitigating factors that may affect the penalty.

4. Procedures - The proceeding shall be conducted informally. In addition to the Dean and the Hearing Committee, only the Honor Council Chair, the Respondent and his or her legal representative, if any, and, while they are testifying, any necessary witnesses may be present at the hearing. All matters discussed at the hearing are to be held confidential by those present. The Informal Hearing shall be recorded on tape by the Dean, and only the Dean and the Respondent and his or her legal representative, if any, shall have access to the tape recording without appropriate legal process. The Dean shall be responsible for the security of all taped records and shall make a proper disposition of them when they are no longer needed. The Dean will preside over the proceeding to elicit a complete record of the incident and may adjourn the proceeding to obtain further evidence relevant to the matter if necessary. The

Dean and the Hearing Committee may question the complainant, the Respondent, and any other witnesses present. The Respondent shall have the opportunity to present evidence and to question witnesses. The formal rules of evidence shall not apply.

5. Decision - At the conclusion of the Informal Hearing, the Hearing Committee shall deliberate on the issue of guilt and, if guilt is found, the appropriate penalty. In deciding the question of guilt, the preponderance of the evidence standard shall be applied by the Hearing Committee. A decision by a vote of at least three Hearing Committee members on the issue of guilt and/or on the appropriate penalty shall be considered a recommendation to the Dean and shall be overridden by the Dean only if he or she considers the recommendation to be clearly erroneous based on the evidence adduced at the Informal Hearing. If the Hearing Committee splits evenly on the issue of guilt or the appropriate penalty, the Dean shall decide the question(s) based on his or her own view of the preponderance of the evidence adduced at the Informal Hearing.

6. Penalties - In determining the penalty to be recommended and applied, the Dean and the Hearing Committee shall include in their consideration the seriousness of the violation, the degree of willfulness and premeditation, and the truthfulness of the Respondent throughout the Informal Hearing. If the penalty is suspension, a student may be suspended for a reasonable amount of time, which may include the time required for treatment or rehabilitation. Possible penalties for each of the categories of Honor Code violations are as follows:

a. Lying - Penalties may include a failing grade in the course and also may include a written reprimand from the Dean, the loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

b. Cheating - Penalties shall include a failing grade in the course, and may also include a written reprimand from the Dean, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

c. Stealing - Penalties may include a written reprimand from the Dean, a failing grade in the course, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

d. Interference with Academic Pursuits - Penalties may include a written reprimand from the Dean, a failing grade in the course, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

e. Falsification or Misuse of An Academic Record
Penalties may include a written reprimand from the Dean, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

f. Failure to Report a Breach of the Honor Code - Penalties may include a written reprimand from the Dean, a failing grade in the course, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

D. Final Action

At the conclusion of the Informal Hearing, the Dean shall reach his or her determination on the issue of guilt and, if guilt is found, on the appropriate penalty. Within a reasonable time, the Dean shall inform the Respondent, the complainant, the Academic Ombud, and, if the penalty involves a failing grade, the University Registrar of this determination. If the penalty imposed includes suspension or expulsion from the College of Law, the matter shall be forwarded to the Chancellor for further action.

E. Appeals

A Respondent found guilty of a violation of the Honor Code may appeal the finding of guilt and/or the penalty imposed by filing a written notice of appeal with the Academic Ombud within 10 working days of receiving notice of the Dean's determination in the matter. Appeals will proceed before the Academic Ombud and University Appeals Board under University Senate Rules 6.4.7 and 6.4.8. The student will have the right of class participation and attendance during the consideration of any appeal.

F. Confidentiality

In all matters arising under this Honor Code, faculty members and students are expected to show due consideration for legitimate concerns regarding confidentiality. Faculty members and students are generally expected to refrain from disclosing the identities of students who have alleged, reported, or been charged with violations of the Honor Code. Disclosure of the identity of such a student should only be made with the student's consent, in response to legal process, in seeking advice from legal counsel, or when necessary to further the policies underlying this Honor Code.

XX. Distribution of Law Faculty Rules and Policies

The Dean or the Dean's designate shall distribute faculty rules of procedure by electronic distribution using the college's computer network at least annually. In addition, the Dean or the Dean's designate shall maintain a printed copy of the rules of procedure.

XXI. Approval and Modification of Law Faculty Rules and Policies

These rules have been created and approved by the faculty of this college pursuant to the authority granted by the Administrative and Governing Regulations of the University of Kentucky. These rules do not become effective until and unless approved by the Dean and Provost as indicated by their signatures below. Any modifications to these rules must also be approved by the Dean and Provost before the modifications take effect. A current copy of the approved rules for this college is available in the office of the Dean of the College and in the Provost's Office.

Dean, College of Law

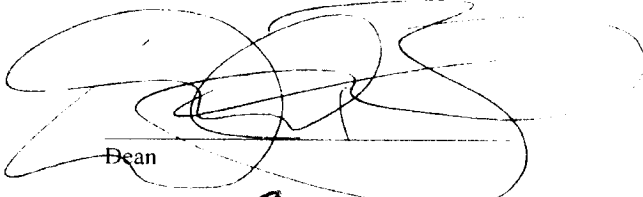
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Provost

Date

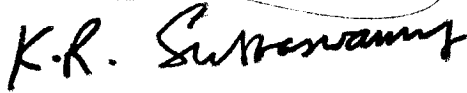
Signature Page

These rules have been created and approved by the faculty of the College of Law, pursuant to the authority granted by the *Administrative and Governing Regulations* of the University of Kentucky. These rules are effective on the date when approved by the Dean and Provost as indicated by their signatures below. Any modifications to these rules must also be approved by the Dean and Provost before the modifications take effect. A current copy of the approved rules for the College of Law is available in the office of the educational unit chair/director (if applicable), the Dean of the College, and the Provost. A copy of these approved rules will be posted online at the University Senate website.

A large, stylized handwritten signature in black ink, appearing to be 'K.R. Subramanyam', written over a horizontal line.

Dean

September 2010
Date

A handwritten signature in black ink, 'K.R. Subramanyam', written over a horizontal line.

Provost, University of Kentucky