

PEPPERDINE UNIVERSITY  

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School of Law

# **FACULTY HANDBOOK**

AS OF JANUARY 28, 2016

## SCOPE AND EFFECT OF THE FACULTY HANDBOOK

This handbook is intended to serve as a ready reference for the faculty on important areas of University and Law School policy. The handbook reflects official University policy, but is not a policy making instrument. Because there are several other sources for Law School policy such as accreditation standards, internal procedural statements, the minutes of faculty meetings, and standards of legality, this handbook cannot be considered comprehensive. Academic policies are contained in the Academic Policy Statement of the School of Law found at <http://law.pepperdine.edu/academics/policy/>. Faculty members should read this handbook carefully because it, along with the faculty contract and supplemental policy and procedure statements, will largely determine faculty rights and duties with respect to the University and students. We hope that the definition of policies and procedures will provide guidance and avoid misunderstandings. Acceptance of a faculty appointment constitutes an agreement by the faculty member to abide by the policies and procedures of the University, as revised. The provisions of this handbook are subject to change at any time through the normal University processes.

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## PEPPERDINE UNIVERSITY SCHOOL OF LAW FACULTY HANDBOOK

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#### B. IMMIGRATION REFORM AND CONTROL ACT OF 1986

Please see Pepperdine University Policy Manual, Section 6.1 at, <http://services.pepperdine.edu/hr/resources/policies/>

#### C. FACULTY STATUS

##### 1. Full-Time Professor

A full-time professor is one who holds a full-time faculty rank of Assistant Professor of Law, Assistant Clinical Professor of Law, Assistant Professor of Legal Research and Writing, Associate Professor of Law, Associate Clinical Professor of Law, Associate Professor of Legal Research and Writing, Professor of Law, or Distinguished Professor of Law. Excluding persons with other University responsibilities, a full-time teacher is one who, during the academic year, devotes substantially all working time to teaching, legal scholarship, and service to the profession, the university and the law school, has no outside office or business

activities, and whose outside professional activities, if any, are limited to those which relate to the teacher's major academic interests or enrich the teacher's capacity as scholar and teacher, or are of service to the public generally, and do not unduly interfere with the teacher's responsibilities as a faculty member. From time to time, by mutual agreement of the professor and School of Law administration, an individual may be designated for a reduced teaching load and salary. Such arrangements are made on an individual basis upon terms mutually agreed upon.

2. Visiting Professor

Visiting professors are those holding a full-time faculty position, but who have a temporary non-tenure track appointment. Full-time teachers who are visiting at the School of Law have the rank of Visiting Assistant Professor of Law, Visiting Associate Professor of Law, or Visiting Professor of Law. Visiting professors are expected to devote substantially all working time to teaching and legal scholarship. Visiting faculty have no voting rights.

3. Part-time Professor

Part-time professors have the rank of Adjunct Professor of Law, or in the case of part-time teachers who teach only clinical law courses, Adjunct Professor of Clinical Law. Adjunct professors generally teach only a single course during the semester and are hired on a year-to-year basis. Adjunct faculty have no voting rights.

4. Emeritus Professor

The University may, upon the retirement of a full-time teacher, designate such teacher as Professor of Law, Emeritus. Such designation is honorary only and carries with it none of the privileges accorded faculty rank except the right to use the rank as part of the faculty member's self-description and the right to participate in official University ceremonies on the same basis as other full-time teachers in the School of Law.

5. Distinguished Professor

Occasionally, the University may designate a faculty member who has had a long and distinguished career either in legal education or in the practice of law as Distinguished Visiting Professor of Law or, in the case of such a faculty member who has tenure in the School of Law, as Distinguished Professor of Law.

6. Endowed Chairs and Professorships

The generosity of donors permits the law school to create and name a limited number of endowed chairs and professorships. The honor of holding an endowed chair or professorship is bestowed by the tenured faculty or a subcommittee that the tenured faculty may appoint, composed of those who already hold endowed chairs and professorships. Endowed chairs are named for the donor or someone chosen by the donor. The name of endowed professorships may be chosen by the holder,

unless there is a different arrangement with a donor.

7. Legal Research and Writing Faculty

Persons hired to teach Legal Research and Writing will be hired at the assistant professor level. Appointment to teach Legal Research and Writing includes faculty fringe benefits and requires adherence to all policies concerning faculty in the School of Law. Legal Research and Writing professors have voting rights in accordance with subsection 10 below as well as the right to vote on initial appointments to Legal Research and Writing positions, but are non-tenured. The title for newly hired legal research and writing faculty will be Assistant Professor of Legal Research and Writing. The initial appointment shall be for a one year term. At the end of the initial one year term, the appointment may be renewed for a second one year term, but not, at that time, for a longer period. After the faculty member completes a second year of employment as a teacher in the Legal Research and Writing program, the Tenure and Promotion Committee may recommend that the Dean renew the faculty member's appointment for a period of up to three additional years. Further renewals of the faculty member's appointment may be made in accordance with the preceding sentence for additional terms of up to three years each. A Legal Research and Writing faculty member whose title, as of November, 2015, is Assistant Professor of Law may retain that title until the end of the faculty member's current contract or may elect (by January 1, 2016) to take the title of Assistant Professor of Legal Research and Writing. The faculty member's title under a renewed contract would be Assistant Professor of Legal Research and Writing. Note that a Legal Research and Writing faculty member must hold the title of Assistant Professor of Legal Research and Writing at the time of application, in order to apply for promotion to Associate Professor of Legal Research and Writing.

8. Clinical Law Faculty

Except as provided in subsection 9 below, persons hired to teach as Clinical Law faculty ordinarily will be hired at the assistant professor level. Appointment to Clinical Law faculty positions includes faculty fringe benefits and requires adherence to all policies concerning faculty at the School of Law. Clinical Law professors have voting rights in accordance with subsection 10 below as well as the right to vote on initial appointments to Clinical Law faculty positions, but are non-tenured. The title for newly hired clinical faculty members, other than the Clinical Director, will be Assistant Clinical Professor of Law, except that a clinical faculty candidate with four years or more of clinical teaching experience at another law school (or with substantial practice experience of distinction) may be hired as an Associate Clinical Professor of Law, with concurrence of the Dean, of the faculty members entitled to vote on the hiring of clinical faculty, and of the tenure and promotion committee. The initial appointment shall be for a one year term. At the end of the initial one year term, the appointment may be renewed for a second one year term, but not, at that time, for a longer period. After the faculty member completes a second year of employment as a teacher in the Clinical Law program, the Tenure and Promotion Committee may recommend that the Dean renew the faculty member's appointment for a period of up to three additional years. Further

renewals of the faculty member's appointment may be made in accordance with the preceding sentence for additional terms of up to three years each. A Clinical Law faculty member whose title, as of November, 2015, is Assistant Professor of Law may retain that title until the end of the faculty member's current contract or may elect (by January 1, 2016) to take the title of Assistant Clinical Professor of Law. The faculty member's title under a renewed contract would be Assistant Clinical Professor of Law. Note that a Clinical Law faculty member must hold the title of Assistant Clinical Professor of Law at the time of application, in order to apply for promotion to Associate Clinical Professor of Law.

9. Clinical Director

The clinical director may be appointed as a tenure track or (pursuant to our lateral hiring policy) tenured faculty member with a rank based upon experience, with the same right to seek promotion and the same requirements for teaching, scholarship, and service as other tenure track faculty members. If not appointed as a tenure track faculty member, the clinical director may be appointed with a rank that is based on experience, but without scholarship obligations, to a contract term of up to five years that is presumptively renewable (on recommendation of the Tenure and Promotion Committee to the Dean). A clinical director serving under such a contract term shall have the same voting rights as other faculty holding Clinical Law faculty positions.

10. Voting Rights

a. Faculty Appointments

Faculty appointment decisions shall be made by vote of those holding tenure and tenure track appointments only, except as provided in subsections 7 and 8 above.

b. Other Faculty Decisions

All other decisions made in faculty meetings shall be made only by vote of those faculty who hold tenure, tenure track, legal research and writing, or clinical appointments.

D. APPOINTMENTS AND PROMOTIONS IN RANK

1. Faculty Appointments

- a. The Faculty Appointments Committee together with the administration of the School of Law is charged with the responsibility of seeking qualified prospective faculty members. The Committee will review the qualifications of all prospective faculty appointees and such members of the committee as the Dean may designate will represent the School at appropriate faculty recruiting conferences.

- b. It shall be the responsibility of the Faculty Appointments Committee, in conjunction with the Dean, to decide who shall be interviewed by the faculty. In discharging this duty, the Committee should, within budgetary limitations, make available to the faculty all persons who are serious prospects for the available faculty position in order that the faculty may make a comparative decision. Applicants for tenure track faculty positions who are selected to be interviewed will be expected to give a job talk to the faculty.
- c. After interviews have been completed, the tenured and tenure track faculty (and in some cases legal research and writing faculty or clinical faculty, pursuant to sections III.C.7. and III.C.8.) will vote upon whether to extend an offer to one of more of the candidates. However, the faculty may vote to extend an offer to any candidate(s) at any time after their interviews if the faculty concludes that such an offer is warranted under the circumstances (e.g., a candidate has received an offer from another school). The recommendation of the faculty shall be forwarded directly to the Dean. Before an offer is extended, there must be support by a majority of the faculty members present at a meeting at which there is a quorum. Any recommendation of the faculty shall expire on August 1 following the academic year in which it is made, after which the Dean is no longer authorized to extend an offer to a candidate and all outstanding offers automatically expire.
- d. No offer shall be made without an affirmative recommendation by the Dean. All offers will be made by the Dean who will also determine financial arrangements.

2. Lateral Faculty Appointments

The Lateral Appointments Subcommittee of the Faculty Appointments Committee shall identify promising candidates for lateral appointment to the faculty.

The Lateral Appointments Subcommittee shall make any recommendations it finds appropriate to the full Appointments Committee. The full Appointments Committee may then recommend to the tenured and tenure track faculty that a visiting appointment or, where appropriate, a hire without a visiting appointment, should be considered. If the Appointments Committee does not present an individual to the tenured and tenure track faculty as a formal candidate for a permanent employment, the Dean may still make an appointment as a visiting professor without seeking formal approval from the faculty. In such circumstances, the visiting professor may be considered by the tenured and tenure track faculty as a potential lateral hire, but there shall be no expectation that such visitors will be considered as a potential lateral hire. The Lateral Appointments Subcommittee may recommend a candidate for a formal visit with an option of a tenure offer at the conclusion of the visit (assuming all School of Law and University tenure standards are met), which recommendation shall be submitted for approval to the full Appointments Committee before going to the faculty. Prior to making its recommendation, the Lateral Appointment Subcommittee will both:

- a. Obtain from the candidate:
  - i. The names of five references
  - ii. A list of publications
  - iii. A statement of the candidate's reaction to the Law School's Mission Statement and the University's Mission Statement and Affirmation Statement
  - iv. A statement addressing the candidate's activities within a community of faith; and
- b. Review the candidate's publications and mission statement plus contact references or outside scholars knowledgeable to comment on the candidate's scholarship, teaching, or faith commitment, no more than half of whom may come from the candidate's list.

Based on these findings, the Lateral Appointments Subcommittee shall make its recommendation to the full Appointments Committee, which shall then determine whether to present a recommendation to the faculty to extend an offer to visit with an option of a permanent offer at the conclusion of the visit. Before such an offer is extended, there must be support by a majority of the faculty members present at a meeting at which there is a quorum. If such an offer is extended and accepted, then the faculty must vote on whether to extend a permanent offer to the candidate during the final semester of the candidate's on-campus visit. Prior to voting on a permanent offer to any visiting professor, faculty members should have an opportunity to attend a faculty presentation by the candidate and to visit classes taught by the candidate.

After a qualifying visiting appointment or, where appropriate, without a visiting appointment, the tenured and tenure track faculty may consider a candidate for lateral appointment to the faculty. If a majority of the tenured and tenure track faculty present at a meeting at which there is a quorum vote in favor of the visitor being appointed to the faculty, the recommendation of the faculty shall be forwarded to the Dean. Ordinarily, a visitor holding a tenured faculty position at another nationally accredited law school may be considered for tenure only after teaching in two separate semesters at Pepperdine. If the tenured and tenure track faculty recommend that the lateral candidate be appointed to the faculty, the Tenure and Promotion Committee (consisting of all full-time faculty members holding tenure in the School of Law) will consider whether to recommend that tenure be granted.

### 3. Faculty Rank upon Appointment to Tenured or Tenure Track Positions

- a. Appointment at the rank of Associate Professor of Law will be made for all tenured and tenure track faculty positions (except that persons who meet the requirements specified in subsection c below may be appointed at the rank of Professor of Law, as noted in subsection c).

- b. An initial appointment to the rank of Professor of Law normally requires that the teacher have successfully completed at least six years of full-time law school teaching, be recognized by his or her colleagues as a superior classroom teacher, and have demonstrated a high level of legal scholarship through a sustained record of research and publication or other significant achievement. Appointment of persons who have not had prior law school teaching experience but who have achieved recognized distinction in the practice of law or other law-related occupations may be made at the rank of Professor of Law. Additionally, individuals holding the rank of Professor at another nationally accredited law school may be hired at the rank of Professor of Law.

4. Standards for Promotion in Rank from Associate Professor of Law to Professor of Law

In considering persons for promotion in rank from Associate Professor of Law to Professor of Law, the Tenure and Promotion Committee shall make a determination that:

- a. the faculty member has demonstrated a commitment to the School of Law through active participation in the work of faculty committees and has achieved a high level of effectiveness as a professor and counselor;
- b. that the faculty member has held tenure in the School of Law for a minimum of one academic year and has demonstrated, since attaining tenure, a continuing commitment to excellence in scholarly research and publication;
- c. that the faculty member is dedicated and committed to achieving both the mission of the University as expressed in its University Mission Statement and the programs of the University;
- d. that the faculty member has contributed to the welfare of the University and its students; and
- e. that the faculty member is committed to the institutional purpose and mission of the School of Law.

5. Procedures for Promotion in Rank to Professor of Law

- a. Promotion is made upon the affirmative recommendation of the Committee on Promotion and Tenure (by majority vote of members present at a meeting at which there is a quorum), and with the approval of the Dean of the School of Law, the Provost and the President of the University.
- b. The Chair of the Tenure and Promotion Committee shall set the date by which completed applications for promotion must be delivered to the Chair for such applications to be considered during that academic year and shall communicate that date to each Associate Professor who is eligible to apply

for promotion. Upon receipt of a timely application by such an Associate Professor, the Chair of the Tenure and Promotion Committee shall appoint a subcommittee consisting of not more than three members to evaluate the faculty member being considered for promotion and will set the schedule for completion of the evaluations and the meetings to consider tenure and promotion. The subcommittee shall prepare a report which will evaluate the faculty member in relation to the Standards for Promotion in Rank as defined in this handbook and shall make a recommendation as to what action should be taken by the Committee.

- c. In evaluating candidates for promotion, it shall be within the discretion of the Tenure and Promotion Committee or the evaluation subcommittee to seek the evaluation of other qualified persons as to whether the candidate meets the standards for promotion in rank insofar as those standards may be recognized by the legal profession, by legal educators and by the University community.
- d. Upon receipt of the evaluation by the appointed subcommittee, the Chair shall distribute copies thereof to all committee members. Copies of the faculty member's published writings shall be available for review.

6. Appointments without Tenure

Annual reappointments of faculty without tenure and without multi-year Legal Research and Writing or multi-year Clinical Law appointments will be made by the President of the University pursuant to the recommendation of the Tenure and Promotion Committee of the School of Law, the Dean of the School of Law, and the Provost. Reappointments of faculty holding multi-year Legal Research and Writing or multi-year Clinical Law appointments will be made at the end of such multi-year appointments by the President of the University pursuant to the recommendation of the Tenure and Promotion Committee of the School of Law, the Dean of the School of Law, and the Provost.

7. Standards for Promotion in Rank from Assistant Professor of Legal Research and Writing to Associate Professor of Legal Research and Writing

An Assistant Professor of Legal Research and Writing may apply for promotion to Associate Professor of Legal Research and Writing. Such an application may be made in the spring of the year in which the professor will be considered for a second three-year contract pursuant to this Handbook (or in the spring of any subsequent year of service). In considering persons for promotion in rank from Assistant Professor of Legal Research and Writing to Associate Professor of Legal Research and Writing, the Tenure and Promotion Committee shall make a determination:

- a. that the faculty member has developed a significant level of expertise in legal research and writing;
- b. that the faculty member has developed a high level of competence and skill

in the teaching of legal research and writing and is committed to continued improvement in teaching skills;

- c. that the faculty member has a demonstrated commitment to the counseling of students and to furthering the welfare of the University and School of Law through professional activities, University and School of Law activities, including service on law school and university committees, and/or community service; and
- d. that the faculty member is committed to supporting the mission of the University as expressed in the University Mission Statement and is committed to achieving the philosophical and educational goals of the University and the School of Law.

8. Procedures for Promotion in Rank from Assistant Professor of Legal Research and Writing to Associate Professor of Legal Research and Writing

Promotion is made upon the affirmative recommendation of the Tenure and Promotion Committee (by majority vote of members present at a meeting at which there is a quorum), and with the approval of the Dean of the School of Law.

The Chair of the Tenure and Promotion Committee shall set the date by which completed applications for promotion must be delivered to the Chair for such applications to be considered during that academic year and shall communicate that date to each Assistant Professor of Legal Research and Writing who is eligible to apply for promotion. Upon receipt of a timely application by such an Assistant Professor of Legal Research and Writing, the Chair of the Tenure and Promotion Committee shall appoint a subcommittee consisting of not more than three members to evaluate the faculty member being considered for promotion and will set the schedule for completion of the evaluations and the meetings to consider promotion. The subcommittee shall prepare a report which will evaluate the faculty member in relation to the Standards for Promotion in Rank as defined in this handbook and shall make a recommendation as to what action should be taken by the Committee.

In evaluating candidates for promotion, it shall be within the discretion of the Tenure and Promotion Committee or the evaluation subcommittee to seek the evaluation of other qualified persons as to whether the candidate meets the standards for promotion in rank insofar as those standards may be recognized by the legal profession, by legal educators and by the University community.

Upon receipt of the evaluation by the appointed subcommittee, the Chair shall distribute copies thereof to all committee members. Copies of relevant written materials (such as the faculty member's written teaching materials or publications, and any outside review letters) shall be available for review.

9. Standards for Promotion in Rank from Assistant Clinical Professor of Law to Associate Clinical Professor of Law

An Assistant Clinical Professor of Law may apply for promotion to Associate Clinical Professor of Law. Such an application may be made in the spring of the year in which the professor will be considered for a second three-year contract pursuant to this Handbook (or in the spring of any subsequent year of service). In considering persons for promotion in rank from Assistant Clinical Professor of Law to Associate Clinical Professor of Law, the Tenure and Promotion Committee shall make a determination:

- a. that the faculty member has developed a significant level of expertise in clinical law and in the subject areas relevant to the clinic or clinics in which the faculty member serves;
- b. that the faculty member has developed a high level of competence and skill in clinical and classroom teaching and is committed to continued improvement in teaching skills;
- c. that the faculty member has a demonstrated commitment to the counseling of students and to furthering the welfare of the University and School of Law through professional activities, University and School of Law activities, including service on law school and university committees, and/or community service; and
- d. that the faculty member is committed to supporting the mission of the University as expressed in the University Mission Statement and is committed to achieving the philosophical and educational goals of the University and the School of Law.

10. Procedures for Promotion in Rank from Assistant Clinical Professor of Law to Associate Clinical Professor of Law

Promotion is made upon the affirmative recommendation of the Tenure and Promotion Committee (by majority vote of members present at a meeting at which there is a quorum), and with the approval of the Dean of the School of Law.

The Chair of the Tenure and Promotion Committee shall set the date by which completed applications for promotion must be delivered to the Chair for such applications to be considered during that academic year and shall communicate that date to each Assistant Clinical Professor who is eligible to apply for promotion. Upon receipt of a timely application by such an Assistant Clinical Professor, the Chair of the Tenure and Promotion Committee shall appoint a subcommittee consisting of not more than three members to evaluate the faculty member being considered for promotion and will set the schedule for completion of the evaluations and the meetings to consider promotion. The subcommittee shall prepare a report which will evaluate the faculty member in relation to the Standards for Promotion in Rank as defined in this handbook and shall make a recommendation as to what action should be taken by the Committee.

In evaluating candidates for promotion, it shall be within the discretion of the Tenure and Promotion Committee or the evaluation subcommittee to seek the

evaluation of other qualified persons as to whether the candidate meets the standards for promotion in rank insofar as those standards may be recognized by the legal profession, by legal educators and by the University community.

Upon receipt of the evaluation by the appointed subcommittee, the Chair shall distribute copies thereof to all committee members. Copies of relevant written materials (such as the faculty member's written teaching materials or publications, and any outside review letters) shall be available for review.

11. Retirement

- a. There is no mandatory retirement age for faculty members. If the faculty member does retire, then by mutual agreement between the University and faculty member, the faculty member may receive further teaching appointments not to exceed one year at a time. In the event that such further appointments are made, no notice of intention not to make additional appointments shall be required.
- b. For the effect of retirement upon insurance and other University benefits, the faculty member should consult Personnel Services.

12. Appointment of the Dean

- a. Appointment of the person holding the Office of Dean of the School of Law will be made by the President of the University pursuant to recommendations made by majority vote of all full-time School of Law tenured and tenure track faculty present at a meeting at which there is a quorum.
- b. The recommendations by the tenured and tenure track faculty will consist of three candidates acceptable to the majority of the tenured and tenure track faculty present at a meeting at which there is a quorum. While the President shall not be bound to act according to the recommendations of the tenured and tenure track faculty, the President shall not appoint a person to the position of Dean who is unacceptable to a majority of the tenured faculty of the School of Law.

E. TENURE

1. Tenure as a Privilege

- a. Tenure shall not be granted as a right of the faculty member but is granted as a privilege by the University in accordance with the Tenure Policy of the University (available from the Provost's office) and the hereinafter stated policies.
- b. Tenured status is obtained only through affirmative action of the Board of Regents pursuant to approved University policies and procedures. Longevity of service shall not vest in any faculty member the rights or

privileges of tenure. The University does not under any circumstances recognize "unofficial tenure" or "de facto tenure."

- c. Faculty members not holding tenure shall have no right to, nor expectations of, continued employment beyond the terms of their written contracts with the University.

## 2. Length of Service Required for Tenure Consideration

In order to be considered for tenure, one must have completed five years of full-time teaching in the School of Law with the following exceptions:

- a. For an individual who has held a non-tenured faculty position at another nationally accredited law school, up to three of the required five years may have been served in full-time teaching at such other law schools, if such credit is agreed to in writing by the dean and the individual at the time of hiring. By written agreement at the time of hiring, the dean may agree to allow the individual to choose by a date certain how much, if any, credit the individual will take. A minimum of two years of full-time teaching at Pepperdine would then be required for consideration under this exception.
- b. An individual holding or leaving a tenured faculty position at another nationally accredited law school shall normally be considered for tenure only after the equivalent of one year of full-time teaching at Pepperdine. This one year period or equivalent may be spent as a visiting professor at Pepperdine while on leave from the tenured position.
- c. Under unusual circumstances, a tenured faculty member at another nationally accredited law school whose teaching career, achievements, and national reputation are such that the person's addition to the faculty of the School of Law would bring extraordinary distinction to it may be considered for an award of tenure contemporaneously with the initial teaching appointment at the School of Law.
- d. Tenure does not apply to administrative positions, but may apply to academic positions otherwise eligible for tenure that may be held by an administrative officer. Tenure granted in the School of Law is limited to the School of Law and is not transferable to another school or division of the University.

## 3. Rank Required for Tenure Consideration

Except in the case of tenure awarded under paragraph 2.b. or 2.c. above, tenure shall only be granted to faculty members who hold the rank of Associate Professor of Law or Professor of Law at the School of Law.

## 4. Standards for Granting an Award of Tenure

In considering persons for an award of tenure, the Tenure and Promotion

Committee shall make a determination that the faculty member meets the following criteria:

- a. That the faculty member has developed a significant level of expertise in the major subject areas to which the faculty member has been assigned;
- b. That the faculty member has developed a high level of competence and skill in classroom teaching and is committed to continued improvement in teaching skills;
- c. That the faculty member has a demonstrated record of scholarly research and publication and a commitment to furthering such record. Evaluation of faculty scholarship will include use of an outside peer review system. Faculty peers from other accredited law schools will be asked to review a tenure candidate's articles, books, and other scholarly materials, and to write an evaluation of that scholarship for use in the tenure evaluation by the Tenure and Promotion Committee. Each member of the Tenure and Promotion Committee shall be entitled to make his or her own judgment as to whether the faculty member's scholarly record and commitment to scholarship are sufficient to justify an award of tenure and also shall be entitled to consider the views of persons other than the outside peer reviewers;
- d. That the faculty member has a demonstrated commitment to the counseling of students and to furthering the welfare of the University and School of Law through professional activities, University and School of Law activities and/or community service; and
- e. That the faculty member is committed to supporting the mission of the University as expressed in the University Mission Statement and is committed to achieving the philosophical and educational goals of the University and the School of Law.

5. Procedures for Tenure Consideration

- a. Those faculty members who are in the final year of teaching preceding eligibility for tenure consideration shall be notified of their eligibility for consideration by the Chair of the Tenure and Promotion Committee. The Committee shall consist of all full-time faculty members in the School of Law holding tenure and shall elect its Chair by majority vote of members present at a meeting at which there is a quorum.
- b. The notice to the faculty member shall invite the faculty member to complete the University Promotion and Tenure form and submit it to the committee through its Chair to assist the committee in its evaluation of the faculty member. The completed form and all supporting documentation should be submitted no later than the date specified in the notice given to the faculty member by the committee chair.

- c. All persons who meet the minimum requirements for length of service set forth in Subsection 2 above must be considered for tenure no later than the conclusion of their sixth year of full-time teaching in the School of Law (including any credit received under Subsection 2.a. above), except where a one year extension is granted pursuant to the detailed procedures set forth in the University Tenure Policy for reasons specified in the University Tenure Policy, such as birth or adoption of a child. The grant of such an extension must be sought in the manner specified in the University Tenure policy and is discretionary. In cases where eligible faculty members shall elect not to submit materials as stated in Subsection 5.b., above, they shall be considered upon the standards set forth in Subsection 4 above, insofar as the same may be known to members of the Committee.
- d. Upon receipt of the materials requested from eligible faculty members or after the date on which such materials were to have been submitted, whichever shall first occur, the Chair of the Tenure and Promotion Committee shall appoint not more than three members of the committee to evaluate the faculty member being considered for tenure. Those faculty members asked to complete the faculty evaluation form shall submit it to the Chair on or before the date specified by the Chair.
- e. Upon receipt of the evaluation by the appointed committee members, the Chair shall distribute copies thereof to all committee members together with any materials submitted by the eligible faculty member. Copies of the faculty member's published writings shall be made available for review by the committee members, along with copies of the peer evaluations referred to in 4.c., above.
- f. The Chair shall call a meeting of the committee to consider the matter of tenure. Upon consideration of the matter, the committee may vote to recommend the granting or denial of tenure. The committee may instead vote to recommend deferral of the tenure decision to the seventh year, subject to concurrence of the faculty member and the Chief Academic Officer of the University. In such a case, the seventh year will, in any event, be the terminal year if tenure is not granted.
- g. The committee's recommendation to grant or to deny tenure will be made upon majority vote of the members of the committee present at a meeting at which there is a quorum. The committee's recommendation, together with the separate recommendation of the Dean of the School of Law, will be submitted to the University Tenure Committee for handling pursuant to section VI.B. of the University Tenure Policy. No grant of tenure may be made without the approval of the University administration and the Board of Regents. A decision by the Board of Regents not to grant tenure is not subject to grievance or other appeal within the University.
- h. Except where a one-year extension is granted as noted in subsection c above, faculty members who fail to gain a recommendation for a grant of tenure by the end of their sixth year of full-time teaching in the School of

Law may not receive a contract for more than one additional year of full-time teaching unless tenure is recommended during the seventh year. Where a faculty member obtains a one-year extension, as noted in subsection c above, the faculty member may not receive a contract for more than one additional year after denial of tenure. A faculty member who is considering seeking a one-year extension should seek detailed guidance on these matters from the Dean and the Chief Academic Officer. As noted below, in the event that there is any conflict between the provisions of this Handbook and the provisions of the University Tenure Policy, the University Tenure Policy shall control. This subsection shall not be interpreted so as to prevent the School of Law from entering into a contract of employment beyond the time period stated above where such individual is ineligible for tenure because of any mandatory retirement age that might apply.

- i. The University Tenure Policy is in full force and effect in the School of Law. To the extent, if any, that the University Tenure Policy conflicts with this section III.E., the University Tenure Policy shall be followed.

F. ACADEMIC FREEDOM

A faculty member described in section III.C.1, III.C.7, III.C.8, or III.C.9 shall enjoy, in his or her academic pursuits, the traditional freedom of research and teaching characteristic of the best in higher education as it has developed in Western culture. See Section XI of the Tenure Policy Statement of Pepperdine University for a full statement.

G. DISMISSAL OF FACULTY MEMBERS WITH TENURE OR UNEXPIRED APPOINTMENTS AND NON-RENEWAL OF APPOINTMENTS

1. It should be recognized by all faculty members, whether tenured or not, that the Law School exists for the purpose set forth in the University Mission Statement [Part I of this handbook] and that education of its students must be the highest priority and the daily goal of all members of the faculty and administration.
2. An untenured full-time faculty member in the first year of service at the Law School will be notified no later than March 1 of that academic year if the appointment will not be renewed for the next year. An untenured faculty member in the second or later year of academic service at the Law School (other than a Legal Research and Writing faculty member holding a multi-year appointment or a Clinical Law faculty member holding a multi-year appointment) will be notified no later than December 15 of that academic year if the appointment will not be renewed for the next year. A Legal Research and Writing faculty member holding a multi-year appointment or a Clinical Law faculty member holding a multi-year appointment will be notified no later than December 15 of the final year of the multi-year appointment if the appointment will not be renewed for at least one additional year. No such notice of non-renewal, however, is required for those with Visitor status because their terms of employment automatically expire fully unless both parties take affirmative steps otherwise. No notice of non-renewal is required for adjunct appointments.

3. Other than as provided in Section VIII of the University Tenure Policy, (1) the appointment of faculty members who have attained tenure may be terminated only for adequate cause, and (2) the appointment of other faculty members may be terminated before the end of their term of appointment only for adequate cause. **Adequate cause for a dismissal must be related, directly and substantially, to the fitness of the faculty member in a professional capacity as an educator, to a situation of serious neglect of duty, incompetence, gross misconduct, moral turpitude, or to a clear demonstration of a consistent pattern of disregard for the policies, the Christian values or the mission of the University.**
4. The procedures for dismissal for cause are described in Section VII of the University Tenure Policy.
5. Termination of an appointment with tenure, of a probationary appointment or of a non-tenure track appointment may occur because of a demonstrably bona fide financial exigency, which threatens the economic stability of the institution as a whole. The procedures for such termination are described in Section VIII of the University Tenure Policy.
6. The Board of Regents reserves the right to amend these rules or to add others. Before making any amendment or addition, the Board shall consult the faculty. Any such amendments or additions shall operate prospectively only and shall not serve to divest any faculty member of any rights or status previously acquired hereunder.

#### H. SABBATICAL LEAVE POLICY

1. Definition and Purpose

The Purpose of the sabbatical leave of absence is to aid the recipient in becoming more useful to the University as a teacher, a scholar or as an administrator. Sabbatical leaves of absence, while recognizing previous service to the institution, are not to be considered due solely on the grounds of length of service.

2. Basis for Grant

All sabbatical leaves of absence shall be based upon a written application submitted to the Dean of the Law School. The application shall include a detailed research project or other projected use of leave time. Sabbatical leaves are approved by the Dean upon recommendation of a faculty committee.

3. Eligibility

Sabbatical leaves may be granted only to faculty and professional administrative staff who have completed six full, consecutive years of service to the University with the rank of Assistant Professor or above. While preference will probably be given to applicants with the greatest number of years of service, other considerations may outweigh this factor. Only full-time tenured faculty shall be eligible for such leave.

4. Terms of Leave

a. Compensation and Term

The sabbatical leave may be granted at full pay for one semester or half pay for two semesters. Pay in this case is defined as the normal contractual rate to which the recipient would be assigned if working full-time for two semesters in that particular academic year. During the term of a sabbatical leave the University will maintain its share of pay in the retirement program, health and life insurance, social security, or any other specified benefit which may be assigned to the faculty. The recipient will also provide through continued payroll assessments his/her share of funds for those programs.

b. Other Compensation

Sabbatical leave is not intended to augment the recipient's income. Recipients may not use sabbatical leave time for teaching at another institution except in unusual cases specifically approved in advance. If part-time employment is contemplated while the primary purpose of the sabbatical is pursued, such work shall be included in the proposal requesting leave. Receipt of a grant for the purpose of accomplishing the purpose of the sabbatical shall not be considered additional compensation to the extent that it does not provide compensation to the recipient exceeding the difference between the full-time pay which would have been paid by the University for full-time employment and the sabbatical leave pay to be received. To the extent that the grant does exceed such differences, the University sabbatical leave compensation shall be correspondingly reduced. Any waiver of the foregoing policy shall be approved by the Dean based solely upon the benefit to be derived by the University.

c. Return to Service at the University

As a condition to the granting of sabbatical leave, the recipient will be required to return to service at the University for one academic year following the sabbatical period. Recipients of sabbatical leave compensation who fail to complete their contractual obligation of one year of service following such leave shall be required to repay such compensation to the University.

d. Other Terms

All terms of the sabbatical leave policy, to the extent not covered herein, shall be included in the faculty member's regular contract for that period to be executed in advance by the recipient, the Dean of the School of Law, and the Provost of the University. Copies of the contract shall be furnished to all parties signing the contract.

i. Permissible Number of Leaves to be Granted Each Year

The number of leaves granted each year shall normally be for three or more members of the full-time faculty.

ii. New Service Period

When a sabbatical leave has been approved and completed, resumption of service to the University shall begin a completely new service period for the purpose of determining eligibility for further sabbatical leave.

I. OTHER LEAVES OF ABSENCE

Since leaves of absence other than sabbatical leaves also include a guarantee of re-employment at the expiration of the leave, they must be approved in advance by the University. The following terms and procedures shall apply to such leaves of absence:

1. Leaves of absence shall not be limited to tenured faculty but shall be available to all full-time faculty without regard to rank and to professional administrative staff.
2. Leaves of absence shall not normally be approved for more than a one-year period. Additional extensions of the leave can be considered after the first year.
3. The person requesting a leave of absence shall request the same in writing to the Dean stating the purpose of the leave and the period for which the leave is requested. This request, together with the Dean's recommendation thereon, shall be forwarded to the Provost.
4. Provided that the leave of absence is granted, the person requesting the leave will be notified in writing by formal letter from the President of the University.
5. Failure to return to service at the University upon the expiration of the leave of absence shall terminate the University's obligation to re-employ the faculty or staff member.

J. STUDENT RECORDS POLICY

<http://www.pepperdine.edu/registrar/policies/>

1. The Family Educational Rights and Privacy Act of 1974, better known as the Buckley Amendment or FERPA, provides, generally, that (1) students shall have the right of access to their educational records, and (2) educational institutions shall not release educational records to non-school employees without consent of the student.
2. Faculty member's responsibilities under the law and University STUDENT RECORDS POLICY are two-fold:
  - a. The faculty must respect the privacy rights of students by not disclosing personally identifiable information about a student without the student's written consent. For example, if grades are posted, they must be disclosed in a manner which makes the grades known only to the student receiving the grade. Another application of the policy would prohibit use of data from student records in letters of reference without the student's written request for the letter of reference.
  - b. The faculty must honor a student's right of access to University files regarding that student. It is not necessary to grant immediate access upon demand by a student, but such access (including the right to make copies) must be granted within a reasonable period of time not to exceed 45 days from the date of the request. Also, there are several specific exceptions to these rights provided in the law (e.g., specific records for which the student has legally waived the right of access, or private files of the faculty member not available for use by other University personnel).
  - c. The law and policy are complex and this notice is a very limited explanation of student rights. These rights and policies are discussed in the "Legal Notices" section of the University bulletins. The official Pepperdine University STUDENT RECORDS POLICY, which contains detailed information and procedures <http://www.pepperdine.edu/registrar/policies/> may be examined or obtained at the law school's Office of the Dean of Student Life, or the Office of the Dean of the School of Law. If explanation or assistance is needed after consulting the policy, faculty members should contact the University General Counsel.

K. RELOCATION POLICY FOR NEW FACULTY

The University will reimburse reasonable relocation expenses for new faculty as agreed to in writing, within the following guidelines:

1. The University will reimburse faculty for the moving of normal household goods (including washer, dryer, refrigerator, freezer, garden and garage equipment), but will not reimburse for the moving of automobiles, riding tractors, travel trailers, motor homes, ATV's, boats, or animals.

2. The University will reimburse costs for the packing of breakables, such as dishes, glassware, and lamps. It is expected that the employee will pack and unpack clothes, kitchenware, and unbreakable items. Any rare or exceptionally valuable items requiring special handling or packing and not otherwise categorized as "normal household goods" will be the faculty member's responsibility unless previously arranged with the appropriate dean.
3. The University will cover insurance (for full replacement value based on weight) on normal household goods while in transit.
4. Mileage will be reimbursed for one automobile at \$0.51 per mile for travel to Los Angeles using the most direct route.
5. Transit expenses to supplement cross-country travel for the immediate family will be paid at the rate of \$100 per each 400 miles using the most direct route.
6. Storage of household goods upon arrival will be at the employee's expense.

Pepperdine has an agreement with affiliates of Atlas Van Lines and United Van Lines for all moving arrangements. Should the employee wish, the University will make the necessary moving arrangements through the affiliate company (Alexander's Moving and Storage for Atlas, S & M Moving Systems for United). If Atlas or United are not used, three estimates from moving companies must be presented to the Dean for approval before agreement is reached with any moving company. Any variation or exception to the relocation policy will require the approval of the Dean and the Provost.

L. COMPENSATION

<http://services.pepperdine.edu/finance/>

1. Faculty contracts are prepared by the Dean's office. Faculty members are normally paid in twelve equal monthly installments unless specified otherwise and noted on the employment contract. Checks are issued on the 26th of each month. If the 26th falls on a Saturday, checks will be issued on Friday, the 25th. If the 26th falls on a Sunday, checks will be issued on Monday, the 27th. At the discretion of the administration, faculty members may receive their checks earlier than the 26th during the month of December due to the Christmas holidays and during certain other University holidays.
2. Salary is normally paid by electronic transfer directly into an account designated by the faculty member. Confirmation of electronic payments can be viewed by faculty on Wavenet.
3. If an error is found in an electronic payment, the faculty member should inform the Dean's office, which will investigate the problem and report to the Personnel Services.
4. Payroll deductions are made for individual retirement contributions, obligatory taxes, voluntary payroll deductions, insurance premiums, retirement contributions, dependent care, and contributions to the University and School of Law, the United Way, or for other

purposes as announced from time to time by Personnel Service.  
<http://services.pepperdine.edu/hr/benefits/>

M. ETHICS POLICY

Please see <http://services.pepperdine.edu/hr/resources/policies/ethics.htm>

IV. FACULTY RESPONSIBILITIES

A. THE TEACHING RESPONSIBILITY

1. The primary responsibility of the faculty member in the School of Law is to guide the students to a level of intellectual and skill development, within a framework of ethical responsibility, which will merit the confidence of the community in which the student will ultimately serve as lawyer, businessperson, judge, teacher, or in such other vocation as the student shall choose. Because of the trust which the public places in the ability and integrity of its lawyers, faculty members should pledge their own personal commitment to excellence in teaching and should require such excellence in study from students.
2. A normal full-time teaching load is 12 units. This may vary depending upon the type of course taught, the nature and number of faculty committee assignments, research and publication commitments, as well as a number of other factors.

3. General Duties

Faculty members are expected to do the following:

- a. To recognize that the course content as found in the law school catalogue shall determine the focus of the course and to prepare the course in accordance therewith;
- b. To keep abreast of all developments in the area of the law in which the faculty member is assigned to teach;
- c. To prepare thoroughly for each class session;
- d. To conduct oneself in the classroom in a way which will demonstrate professional ethics, a high sense of morality and a strong sense of integrity;
- e. To strive for continued improvement in teaching technique;
- f. To undertake such other and further responsibilities as may reasonably be requested by the administration of the School of Law;
- g. To be available to counsel students and to evaluate their performance on examinations.

#### 4. Other Teaching Responsibilities

##### a. Class Rosters

Faculty members will receive a tentative class roster the first day of school. A second class roster will be distributed one week later, then, following the add-drop period a third class roster will be sent out. These rosters may be used to create sign in sheets for attendance-taking purposes.

##### b. Office Hours

Faculty members are expected to make themselves available to students by posting office hours which are distributed over the Monday through Friday schedule to accommodate student needs. Office hours should be posted prominently at the faculty member's office.

##### c. Meeting Classes; Make-up Sessions

Faculty members must meet classes faithfully at the time when they are scheduled and must refrain from postponing classes for personal convenience. Missed classes must be made up and scheduled well in advance, and at a time and place which cause the least inconvenience to the students in the class.

##### d. Testing and Grading; Feedback; Specially Scheduled Examinations

Policies regarding the preparation, content and grading of examinations are found in the Academic Policy

<http://law.pepperdine.edu/academics/content/academicpolicystatement-post-8.1.09.pdf> (See Section 6.00), and the Statements of Good Practice (see Section IV.D below.)

Faculty members are to prepare original examinations, including mid-term examinations which may affect students' grades. The examinations are to fairly and thoroughly test students' mastery of the course content. Faculty members must refrain from using examination questions to which students may already have public or private access. It is expected that faculty members will complete grading of examinations within the four week time period agreed by faculty except where a shorter period is called for in the case of Spring semester classes where third year students are graduating. Feedback on examinations is required (see Statements of Good Practice, Section IV.D below). A final examination is required in all courses, except those designated as seminars, unless the course is specifically exempted by the Dean. Students must take their examinations at the time specified in the schedule of classes, and exceptions may be granted only in accordance with the Academic Policy (see Section 6.13). Faculty may not give a student permission to take a final examination at any time other than the time scheduled.

e. Academic Advisement and Counseling: Advisor/Advisee Program

At the School of Law, academic advisement is considered to be a faculty responsibility of high priority. It is expected that the faculty member shall be available and willing to discuss with students problems which may arise from the content or methodology of the course and counsel students and evaluate their performance on examinations. It is also believed that faculty can make an important contribution by counseling in non-academic matters if the situation should arise. Professors teaching first year courses are expected to participate in the Faculty Advisor/Advisee program by meeting with advisees preferably more than once and by being available for counseling.

f. Regent Entertainment Fund - Policies and procedures regarding this fund are as follows:

- i. The Regent Entertainment Fund is available to all full-time faculty; to full-time University employees who are, at the time they use the fund, serving as adjunct faculty members; and to full-time employees at the director level or higher.
- ii. The intent of the fund is for faculty and staff members to entertain students in their homes or at some gathering place on campus. Reimbursement for entertaining at locations other than in the individual's home or on campus will not be considered. The primary purpose of the fund is to foster social interaction between faculty and staff members and students. This fund is not available for reimbursement for food costs associated with class activity.
- iii. Individuals will be reimbursed for actual food expenditures up to a maximum of \$5 per student. Due to past confusion, there is a need for a clear understanding that the reimbursement is only for each student present. The reimbursement rate is considered reasonable to cover the additional cost for family members and other faculty and staff that may be present.
- iv. Following the event, employees should submit a memorandum to the office of the Director, Administrative Services. This notification should include a list of students in attendance, the location, and the amount of money that was expended (attaching all appropriate original receipts). This memorandum must be submitted within ten days of the event. Requests that fail to meet this deadline may not be honored.
- v. The office of the Seaver Dean of Students will audit and process the requests. A cash voucher will be prepared for all requests of less than \$50. Reimbursements for more than \$50 will be processed through General Accounting, with a check mailed directly to the employee.

g. School of Law Faculty Retreat, University Faculty Retreat, Orientation, and Faculty Meeting Attendance

All faculty are expected to attend the School of Law Faculty Retreat, faculty meetings, meetings of committees of which they are a part, and the School of Law Orientation for incoming first year students. It is also expected that the University-wide faculty meetings will be attended. During the course of the year there are many events the success of which is dependent upon faculty attendance.

h. Independent Study

It is the responsibility of the supervising faculty member to make sure that students requesting an independent study with that faculty member obtain and complete a petition for Independent Study. The petition must be signed by both the supervising faculty member and the Vice Dean. Copies of the petition can be obtained from the Vice Dean's office and must be filed with the Vice Dean once the form is completed. Standards and requirements relating to two unit independent studies must be followed

B. THE SCHOLARSHIP RESPONSIBILITY

1. The faculty member as a scholar has a particular responsibility to the profession to contribute to the ongoing discussion of the law and to push legal thought forward to the end that the law may be responsive to the ever changing needs of society and that the administration of justice may be enhanced.
2. Specifically, the faculty member is expected to do the following:
  - a. To approach the study of the law with intellectual honesty;
  - b. To regularly and consistently expand one's knowledge of the area of the law in which one is assigned to teach and those areas which are fundamental to a complete understanding of one's assigned area of law;
  - c. To participate in discussion of the law with colleagues on the faculty, judges, practitioners, other teachers, students and other interested persons both in formal and informal settings; and
  - d. To regularly engage in legal research for the purpose of contributing to legal thought through books, articles, oral presentations, or other scholarly activities.

C. THE PUBLIC SERVICE RESPONSIBILITY

1. The faculty member has responsibilities to a number of communities including students, the Law School, the University, the community in which one lives, the teaching profession, the political communities to which one is subject and the legal

profession as a whole in addition to family and community of faith. This multi-faceted responsibility is both encouraged and supported wherever possible by the University.

2. Specifically, the School of Law expects the following:
  - a. That the faculty member will regularly attend meetings of the faculty and will participate in the work of law school committees;
  - b. That the faculty member will participate in, and carry out, responsibilities assigned by the Law School and University administration;
  - c. That the faculty member will bring to the attention of the faculty or administration of the Law School, in a cooperative spirit, those matters which a faculty member believes require attention or improvement in order to enhance the educational program of the school;
  - d. That the faculty member will support and assist student organizations whenever possible to the end that the extracurricular program of the Law School may be enhanced; and
  - e. That the faculty member will participate actively in professional or community organizations and activities.

D. STATEMENTS OF GOOD PRACTICE

1. There will be no proctoring of final examinations by the professor because of student concern about anonymity. Faculty must not communicate with students or proctors during the examination.
2. All final examinations and all interim examinations that count for more than the discretionary modification of the course grade under section 6.31.B. of the Academic Policy Statement must be reviewed by the Academic Standards Committee before being given.
3. Final examinations should be submitted to the Academic Standards Committee at least two weeks before the examination is scheduled to be given. Professors are encouraged to begin work on examinations in time to be able to proofread them several times over the course of several days. In many cases, it is not possible for the members of the review committee to know the substantive issues in specialized courses. Faculty members should carefully assess whether the issue is fairly raised by the facts and are encouraged to have their exams reviewed by colleagues who teach in similar substantive areas.

4. While it is recognized that professors will sometimes not wish to release objective questions because of the intent to re-use them, it is strongly recommended that a student who wishes to review an examination of the multi-state type at least be permitted to read the examination questions and be informed of the correct answers in the faculty member's office or in the Faculty Support office.

Further, the re-use many times over of multi-state type questions can lead to a test being out of date and inappropriate for a course since the status of legal subjects naturally undergoes some change. In addition, such questions gradually become known even if students are not allowed to keep the questions. It is important to rotate questions so that no student has an unfair advantage. Therefore, a general policy is adopted that (1) the examinations of the multi-state type should be revised periodically with some new questions added and some old questions deleted, (2) the deleted questions should be released to the students or used in practice examinations which the students can keep, and (3) the giving of representative practice examinations of the multi-state type is to be encouraged.

5. Ordinarily, performance types of examinations should be limited to courses with strong practical skills components. Professors seeking to develop such an examination for other courses should seek prior consultation with the Academic Standards Committee.
6. It is strongly recommended that faculty members give students more effective feedback on essay examinations by providing sample answers, by providing check-off type tally sheets indicating the strengths and weaknesses of the paper, by filing appropriate student answers in the library, or by other effective means. It is also strongly recommended that faculty members give students effective feedback on papers submitted in a course.
7. A major purpose of interim examinations is to provide feedback to students as to their substantive understanding and examination-taking skills. Thus, feedback should be provided in a timely way. Typically, feedback given more than two weeks after an interim examination would not be timely. In addition, feedback given later than the end of the 11<sup>th</sup> week of the semester would not seem to be timely (unless more than one interim examination is given and feedback on a prior interim examination is given before the end of the 11<sup>th</sup> week.).
8. Questions used for examination purposes should be original and not extracted from other sources.
9. Professors shall give students written notice before the end of the late registration period of the requirements concerning all examinations. Such things as whether the examination will count toward the final course grade, whether the student can receive credit for the course if the student does not take the examination, how the different sections of the exam (e.g., essay section and multiple choice section, if any) will be weighted, whether students will be permitted to refer to notes or other materials, etc. should be spelled out in the written notice.

10. The median grade for first year courses shall be a B. It is recommended that first year grades assigned for each course be within the following expected grade ranges:

15-25%	A (A+, A, A-) – no more than 5% A+
45-60%	B (B+, B, B-)
10-25%	C (C+, C, C-)
2-10%	D or F (D+, D, D-, or F)

11. The median grade for upper division required and elective courses shall be a B+. For classes with enrollment exceeding ten students, it is recommended that grades assigned for each required and elective upper division course be within the following expected grade ranges:

20-35%	A (A+, A, A-) – no more than 5% A+
40-60%	B (B+, B, B-)
5-20%	C (C+, C, C-)
0-5%	D or F (D+, D, D-, or F)

For upper division required and elective courses with enrollment of ten or fewer students, the upper division curve shall not apply. However, a median of B+ will still be enforced unless, upon application by the professor, the vice dean determines that the median GPA of class members is at least A-.

12. The median for courses graded on a High Pass/Pass/Credit/Fail basis shall be a Pass. A High Pass shall be awarded for a grade of A- or above, a Pass shall be awarded for a grade of C to B+, a Credit shall be awarded for a grade of D- to C-, and grades of F shall receive a Fail.
13. It is strongly recommended that all professors include the following language or substantially similar language in the course syllabus to discourage inappropriate computer usage during class.

a. Classroom Computer Usage

You may use your portable computer during class for the purpose of taking notes or other purposes that are directly related to and supportive of your participation in class. However, the use of computers is a privilege and not a right and it may be withdrawn if you do not use it responsibly. Use of a computer in class for activities or purposes unrelated to the course causes a significant distraction for other students and severely disrupts the ability of those students to participate fully in class. Therefore, any improper usage of a computer during class is prohibited, including but not limited to, composing, reading, or sending e-mails; instant messaging; searching or browsing the Internet; playing games; or viewing movies.

14. It is recommended that professors and law reviews encourage submissions of all student papers to Turnitin.com, an online plagiarism detection service. The course

syllabus or other timely written notice must inform the students that Turnitin will be used by the instructor or law review. The following language is recommended for the course syllabus or other notice:

- a. This [course/law review] requires either the electronic submission of essays, papers, or other written projects through the plagiarism detection service Turnitin (<http://www.turnitin.com>) or compliance with the alternative procedure described below. Turnitin is an online plagiarism detection service that conducts textual similarity reviews of submitted papers. When papers are submitted to Turnitin, the service will retain a copy of the submitted work for the sole purpose of detecting plagiarism in future submitted work. The use of Turnitin is subject to the Terms of Use agreement posted on the Turnitin.com website.
  - b. If you do not wish to use Turnitin, you may use the alternative procedure, which requires you to turn in to your [professor/law review] a paper copy of all sources cited in footnotes. If the source exceeds 15 pages you are permitted to submit the title page of the document, the page of each source you are quoting, and the preceding five pages and following five pages from that source, rather than the entire source, to help the [professor/law review] assess the originality of your work.
15. Each faculty member shall be present on campus during the administration of his or her final examination, unless that is impractical, in which case the faculty member shall be readily available by telephone. Faculty members also must be on campus between the last day of classes and the dates of their final examinations for an ample amount of time to meet the students' needs.

## E. OTHER RESPONSIBILITIES AND POLICIES

### 1. Committee Assignments

- a. Pepperdine University encourages wide participation of the faculty in all of its educational processes. In order to expedite this wide participation, a number of standing, and from time-to-time temporary, faculty committees operate at the School of Law. Effective committee work is an important part of a faculty member's responsibilities. Committee assignments are made by the Committee on Committees, composed of the Dean, Vice Dean, and a faculty member elected by the faculty. In addition, the Tenure and Promotion Committee is composed of all tenured faculty.
- b. The Committee on Committees solicits comments from faculty members covering committee assignment preferences and decides committee assignments and committee chairs based on consensus. In addition to the Tenure and Promotion Committee the standing committees are: Academic Standards; Admissions and Financial Aid; Curriculum; Cost Impact Evaluation; Faculty Appointments; Faculty Resources; Global Programs; and Student Life.

- c. The Academic Standards Committee reviews concerns about academic policy and enforces that policy as it applies to exams and grading. Each law school exam is read by the committee for clarity and to ensure that it conforms to the academic policy. Either the Vice Dean or the Chair of the Academic Standards Committee shall review all grades before they are officially entered to ensure that both medians and distributions conform to the academic policy.
- d. The Admissions and Financial Aid Committee works with the Dean and the Directors of Admissions and Financial Aid to set policies, to discuss practices in those areas, and in some instances to review applicants' files.
- e. The Cost Impact Evaluation Committee examines and assesses the cost impact of any programmatic proposal – or other similar matter referred to the committee by the Dean, the full faculty, or another standing committee – before such proposal is presented to the faculty. Cost impact includes budgetary impact, such as additional expenditures or new revenue, as well as faculty or staff time involved in the programmatic proposal. It will also address indirect costs or benefits that arise from such proposals.
- f. The Curriculum Committee oversees the law school curriculum, including matters which affect the library and the Legal Research and Writing classes.
- g. The Faculty Appointments Committee coordinates the evaluation and initial selection of prospective faculty candidates, as well as arranging for on-campus interviews of serious candidates.
- h. The Faculty Resources Committee oversees policies related to resources available for faculty teaching and scholarship, and assists the Vice Dean, in the hiring and evaluation of adjunct faculty members.
- i. The Global Programs Committee oversees policies related to the development and operation of international programs.
- j. The Student Life Committee deals with policy related matters concerning non classroom activities for which credit is awarded. Those activities include student journals, interschool competitions, clinics and externships and similar activities.
- k. The Tenure and Promotion Committee evaluates and votes on applications for tenure and for promotion pursuant to sections III.D.4., III.D.5., and III.E., above. The Tenure and Promotion Committee also performs the functions described below in section IV.E.10. and the functions described above in sections III.C.6., III.C.7., III.C.8., III.D.2., III.D.6., and III.D.8.b. The Tenure and Promotion Committee, in conjunction with the Dean and the University administration, considers amendments to this Faculty Handbook. In addition, the Tenure and Promotion Committee considers and makes recommendations with respect to other issues of law school policy.

All tenured faculty members are members of the Tenure and Promotion Committee.

2. Outside Employment

- a. A full-time contract at the School of Law requires most of the faculty members' working time for teaching, counseling, committee work, administrative duties, and scholarly research and writing. Salary increments and promotions are dependent on the fulfilling of these responsibilities.
- b. Limited outside employment, counseling, professional private practice, etc., are sometimes possible. However, academic responsibilities to the School of Law must receive priority in time management. Furthermore, all outside employment must be reported and approved in advance by the Dean. This includes teaching assignments undertaken in other schools within the University.

3. Use of Name and Letterhead

Faculty, either individually or collectively, shall not, without the written consent of the University administration, use any name or logo of the University in connection with any activity of any kind outside of the regular work of the University.

4. Photocopying Policy

All copying of materials for classroom use or for research must conform to federal guidelines concerning copyrights. It shall be the responsibility of the faculty member to see that no infringement occurs. A faculty member may furnish, free of charge, ten (10) pages of copied materials to each student in each course. Any copied material in excess of this amount must be sold through the bookstore so that reimbursement to the Law School budget can be assured. Please see the University Policy on Photocopying Guidelines for Classroom and Research Use (available from the Provost's Office).

5. Law School Educational Technology Services

LCD Projectors/Displays in every classroom; VHS/DVD players in all rooms (except Seminar Rooms 2, 3, and 4); Portable Document Camera; Sound Reinforcement; Overhead Projector; Video Recording Services; Digital Audio Recorder; Audience Response System assistance; Learning Management System assistance (online syllabi, etc.), Video and Audio Conference service; and many other services as needed upon consultation. Please notify Information Services (ext. 7425) at least one week in advance to reserve portable equipment or to arrange any special service. Operator services are not always available.

6. Academic Regalia

The Dean's Office can provide services to the School of Law faculty who may desire to rent academic regalia for use at such events as commencement

ceremonies, University convocation, etc. It is a University policy that these rentals are paid for by each faculty member desiring to rent the regalia. Faculty who have rented academic regalia may pick it up approximately three days prior to graduation or be able to pick it up the day of graduation. Academic regalia must be returned and checked in after the ceremony in the robing room. For more information, please contact the Dean's Office. It is strongly recommended that the faculty buy their regalia in order to avoid the recurring inconvenience and cost of rentals.

7. Business Cards

Business cards will be printed and issued to full-time faculty members upon request. The cards must be ordered by requisition and approved by the Dean's office. These cards may refer only to functions affiliated with Pepperdine University.

8. Time Off

The full-time faculty of the School of Law is divided into three basic groups:

- a. Those with two-semester contracts;
- b. Those with two-semester and summer school contracts; and
- c. Those with twelve month teaching and administrative contracts.

Those persons holding two-semester contracts and two-semester plus summer school contracts are responsible to the University at all times during the period of their contracts and for such other times as an effective fulfillment of their responsibilities may require. Such times shall include, but are not limited to, the following: grading of examinations, general or special faculty and committee meetings, faculty retreat, student orientation and graduation. Generally speaking, however, these faculty members are free when school is not actually in session.

Those on twelve month teaching and administrative contracts are allowed two weeks vacation with pay during the summer and such other times as the University may be officially closed. After five years of service to the University, the vacation period is three weeks. After twenty years of service to the University, the vacation period is four weeks.

9. Jury Duty

- a. Although the University encourages all faculty to fulfill their civic duties, members of the faculty are expected to make every reasonable effort to perform jury duty at times when it will not interfere with their teaching responsibilities. Faculty members called to serve will be excused to serve on jury duty for up to five (5) work days and shall be paid at their regular base salary. If assigned to a case, faculty members may be paid up to an additional five (5) work days.
- b. For a faculty member serving on a jury in which the trial extends beyond

the maximum ten (10) paid work days, his or her continued absence will be excused without pay until the trial is completed. A faculty member called for jury duty must notify the Dean's office so that appropriate plans can be made in the event of assignment to a protracted case.

10. Faculty Evaluations; Peer and Student

- a. Faculty members, who are non-tenured but hold tenure track positions, are evaluated each year by designated members of the tenured faculty. These peer evaluations are reviewed by members of the Tenure and Promotion Committee. Further, tenured faculty are evaluated every five years. The Chair of the Tenure and Promotion Committee will appoint not more than three members of the tenured faculty to conduct each five year review, which will consider the teaching effectiveness, scholarship, service, and support for the University mission of the faculty member under review. Clinical and Legal Research & Writing faculty on one-year or long-term contracts are reviewed as their contracts come up for renewal.
- b. There are also student evaluations of faculty. A few weeks prior to the end of each semester students will be advised to complete on-line course and teaching evaluation forms for each course in which the student is currently enrolled. The period for completing the course evaluations will be established by the Dean, but will close before the examination period begins. The student evaluations will be made available to the instructor of each course evaluated after the grades for that course have been posted and will also be reviewed by the Dean and Vice Dean. Faculty evaluations are also reviewed by faculty members assigned to evaluate another professor under peer review procedures or for promotion and tenure or contract renewal purposes.

11. Reimbursement for Fee-Generating Outside Work

No member of the Law School faculty may utilize the services of the faculty support staff for fee-generating projects unless, pursuant to a non-working hours private voluntary arrangement, the professor compensates the staff. The requirement of compensation shall not apply to law school and related materials for publication or lecture, which enhance the status and standing of the Law School as well as the professional stature of the faculty member.

12. Parking

The parking lot in front of the Law Center is set aside for faculty, staff and visitors. Parking permits are required and are issued for all vehicles owned by faculty members. Faculty members needing parking permits should contact the Public Safety Office on the Malibu campus.

13. Faculty Offices and Classroom Assignments

Faculty office assignments are made by the Dean. Classroom assignments are

made by the Vice Dean. Inquiries regarding classroom use other than scheduled classes should be made to the Deans' Suite.

14. Instructional and Office Supplies

The Director of Administrative Services is in charge of office supplies and such expenses are authorized by the Dean's office. Any supplies for instructional purposes must be ordered through the bookstore and should be discussed with the bookstore manager.

15. Repairs and Maintenance

Faculty should report the need for repairs or maintenance of furniture or fixtures to the Director of Administrative Services office who will inform the appropriate office to schedule repairs. The replacement of existing equipment or fixtures comes under budgetary allocations for each year, and should be discussed with the Director of Administrative Services. Computer replacement/repairs should be reported to the Director of Information Services.

16. Vans

The University maintains several vans which may be scheduled for official business, field trips, excursions by student groups, or other travel by classes or University organizations. A valid California Class II license is required of the driver. Contact the Dean's office to see about reserving a van. Only designated individuals in each area are authorized to reserve vans with the Campus Life Office. Academic divisions or student organizations are charged a per mile fee for use of the vans. Vans should be reserved at least one week in advance to insure availability.

17. Flowers and Other Memorials

Because of the necessity of conserving financial resources, and because of the difficulty in following equitable policies with reference to sending flowers in case of illness or bereavement, it has long been the policy of the University that University funds are not approved for these purposes. It is suggested that in all instances where it seems appropriate to send flowers, individuals or groups make appropriate donations for such purposes as they deem desirable.

18. Purchasing

All purchasing for the Law School must be handled by the office of the Director of Administrative Services in order to assure adequate budget control. Full details concerning the quantity, quality, description of item, price and other relevant information should be furnished. No agreement to purchase on behalf of the University will be recognized unless authorized by the University in advance.

19. Keys

The campus is keyed to provide maximum security. Original keys are issued by the Coordinator of Administrative Services upon authorization by the Dean. Lost keys should be reported immediately to that office. No key should ever be loaned to someone else, nor should a key ever be duplicated

20. Convictions

All faculty, staff members and students of the University owe a continuing duty to report in writing any conviction, guilty plea, or plea of nolo contendere (except for minor traffic offenses) within 14 days of the conviction or plea. The report should be forwarded to Personnel Services in the case of staff members and to the Dean of the appropriate school in the case of faculty and students.

21. Travel and Reimbursement

All faculty travel must be approved in advance by the Dean. Reimbursement for travel and entertainment expenditures is limited as provided by University Employee Expense Reimbursement Policy. See <http://services.pepperdine.edu/finance/policies.htm#Section14>.

V. UNIVERSITY-FACULTY BENEFIT PROGRAMS

Please see <http://www.pepperdine.edu/hr/why-work/benefits/>

VI. SERVICES AND FACILITIES AVAILABLE TO FACULTY

- A. Academic Computing  
<http://lawtech.pepperdine.edu>
- B. Computer Store  
<http://services.pepperdine.edu/it/policies/usagepolicy.htm>
- C. Administrative Computing  
<http://lawtech.pepperdine.edu>
- D. Copy Services and Copyright Policies  
<http://law.pepperdine.edu/library/about/faculty/default.htm>
- E. Telephone, FAX, Etc., Services  
<http://community.pepperdine.edu/it/faculty/>
- F. Print Services  
<http://www.pepperdine.edu/businessservices/printing>
- G. Mail Services  
<http://www.pepperdine.edu/businessservices/mail>
- H. Bookstore  
<http://shop.efollett.com/htmlroot/storehome/pepperdineuniversity856.html>

- I. The Educational Media Center  
<http://community.pepperdine.edu/it/faculty>
- J. University Libraries  
<http://library.pepperdine.edu/faculty/>
- K. School of Law Library  
<http://law.pepperdine.edu/library/>
- L. Athletic Facilities  
<http://www.pepperdine.edu/campusrecreation/facilities/policiesandprocedures.htm>
- M. Smothers Theater and The Center for The Arts  
<http://arts.pepperdine.edu/>
- N. Public Safety & Parking  
<http://www.pepperdine.edu/publicsafety/>
- O. Campus Dining  
<http://services.pepperdine.edu/dining/>
- P. Travel Agency  
<http://www.corniche.com/>
- Q. Employee Expense Reimbursement Policy and Procedures  
<http://community.pepperdine.edu/finance/accountspayable/employee-reimbursements/>
- R. Check Cashing  
<http://community.pepperdine.edu/finance/cashier/>
- S. ID Cards  
<http://community.pepperdine.edu/it/services/idcard/>

VIII. ADMINISTRATIVE AND MISCELLANEOUS POLICIES

- A. Please see Pepperdine University Personnel Policies at  
<http://www.pepperdine.edu/provost/policies/>
  - 1. Smoking - Section 11.3
  - 2. Conflict of Interest - Section 11.6
  - 3. Computer and Network Usage - Section 38
  - 4. Substance Abuse Policy - Section 33
  - 5. Sexual Harassment Policy - Section 11.5