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SECTION 1: The John Marshall Law School’s Historical Missions

A. Mission

Honoring its history, The John Marshall Law School upholds through its varied Juris Doctor and graduate degree programs a tradition of diversity, innovation, access and opportunity, and consistently provides an education that combines an understanding of both the theory and the practice of law.

B. The Basic Policies of John Marshall’s Early Years
(as excerpted from the 1974 Self Study)

By (September 1901), certain basic principles and policies had been developed.

1. In a Republic based in its origin on unique principles of legal equality and uniformity in the application of law, the legal profession became the indispensable one for the maintenance of a society so organized, serving not only the function of practicing at the Bar, but also of interpreting to the entire population the significance of "a government of laws, not of men." Necessarily, it became the instrumentality for the ultimate assimilation of thousands of naturalized citizens, who had grown up under different concepts of law and the relationship of individuals in a free society.

2. It followed as a corollary that the study of law should be open to all who possessed the legal requirement for admission to the Bar (already set by the Supreme Court of Illinois), regardless of sex, color, racial background, religion, etc. (By 1901, the student body included both women and blacks.) The school is believed to be the only one in the United States with so long a record of absolutely non-discriminatory admission insofar as such irrelevant factors are concerned.

3. The legal profession itself would be enriched by the addition to its number of individuals who had learned responsibility and had developed some maturity, but who were compelled by circumstances to earn their livings and often to contribute to the support of others. It was deemed that the addition of such persons to the profession gave a greater assurance of a genuine understanding of our legal system, superior to that conventionally acquired either by the apprenticeship method (training in a law office) or by law student bodies composed of persons with little or no experience in any activity or responsibility other than that of "going to school" and whose lives had, by the time they were eligible for admission to the Bar, had lived basically in an environment virtually confined to the domestic and academic. In addition, lawyers from a background
of self-support would ensure a closer rapport with the citizenry, and would enhance popular confidence in the judicial system.

4. The "torch" of the legal profession should be passed on to their successors by teachers whose understanding and comprehension of the significance of our legal systems as a whole had been tempered by the fires of responsible experience in active practice. (It should be noted that, at that time, the faculties of conventional daytime law schools were recruited from the ranks of private practitioners, as was the consistent practice of such deans as Pound and Wigmore. However, since 1940, teachers with extensive experience in practice have become increasingly rare.)

These basic policies have been followed ever since. For the future, the School is not in accord with the contemporary "elitist" attitude. The practice of law is bested with a public interest, not to be measured in terms of intellect alone, but requiring elements of morality, responsibility, diligence, resourcefulness, etc., for which adequate "tests" do not exist. Likewise, the school does not deem that courses dealing with "law and economics," "law and psychology," etc. eliminate the need for a broad foundation in fundamentals, nor for a broad concept of the basics of a legal education, regardless of the type of practice ultimately desired or developed.

C. John Marshall's Historical Mission:
   Dean Edward T. Lee and the ABA's Development of Accreditation Standards

At the 1929 meeting of the Section on Legal Education of the ABA, Section members debated adoption of standards on legal education proposed several years before in a report of an ABA committee chaired by Elihu Root, former ABA president, Secretary of State, and Nobel Peace Prize winner. The Root committee proposals weighed in heavily in favor of established, traditional law schools with competitive admissions, full-time faculties, and no part-time or evening divisions. The Root committee proposals had the strong support both of the young AALS and of former President (and law professor) William Howard Taft.

A sample of the rhetoric in support of the Root committee proposals is the following statement by Henry S. Drinker, Jr., a leading member of the Philadelphia bar:

_The man who has the law school training and the college training, where he has gone wrong--and some of them of course do go wrong--he knows he has gone wrong, he is immoral, he is consciously doing wrong...but these fellows that came up out of the gutter and were catapulted into the law, have done the worst things and did not know they were doing wrong. They were merely following the methods their fathers had been using in selling shoestrings and other_
merchandise, that is the competitive methods they use in business down in the slums...(These people) who come over to this country are all afire with a tremendous ambition that somebody in their family shall make good, and that if they have four or five boys and two or three girls, when the get big enough they pick out the one that is the smartest, and they all make a sacrifice to let that boy get an education, and they put him through school and try to get him to be a professional man, and lots of them become lawyers and doctors. Well, the boy comes on, works in a sweat shop or somewhere in the daytime and he studies law at odd times, mostly--some of them send them through college, but most of them cannot, and he comes to the bar with no environment at all except that out of which he came, and, with the tremendous pressure back of him to succeed, he has to make good; the whole family have been sacrificing themselves so he can. He does not have a chance -- he has not had a chance to absorb the American ideals.

Viewing the proposals as an elitist attempt to limit access to the bar, John Marshall's Dean Edward T. Lee spoke out strongly against them. Dean Lee responded to the proposals and to such rhetoric with comments like the following:

*Is it a contest between low standards and high standards? If it was, I would take my place at once on the side of the higher standards. [It is] a contest between arbitrary quantitative and plutocratic stands and reasonable quantitative and democratic standards... Whether we shall say that a man must have his education in an institution, or he may show that he was able, but struggle and sacrifice and extraordinary application, to get those requirements outside of any educational institution.*

In response to a particular proposal that every law school have three full-time faculty members, Dean Lee stated:

*What are [the professors] going to do? Are they going to sit down and put their heels upon the desk and read the newspapers and wait of the classes to come in the evenings?... Now are you going to close up those schools? There is not an evening law school in the country that is on the approved list of the American Bar Association. Now, I say, do you want to exclude those students that have to study law in the evening while they are working in the day time? That, of course, is within your power, but it is not consonant with the spirit of the American Bar Association nor with its history, because the law has always been more or less of a brotherhood, and if you gentlemen will look back at the time you were admitted to the Bar, and then compare the students that are coming to the Bar today, you would not decide that they were so much inferior to you in those days. Now you have prospered and are well groomed, you have elaborate offices. You are likely*
to forget the humble position from which you started. You might think these fellows don't amount to anything. Give the acorn the chance to grow.

(all quotations appear as quoted in Susan Boyd, The ABA's First Section: Assuring a Qualified Bar, at 33-34 (ABA 1993).

D. The Law School's Objectives
(as excerpted from the 1974 Self Study)

The thoughts expressed by faculty members, students, and alumni manifested remarkable unanimity with respect to the objectives of the school. The leitmotif was always the same; the primary function of the school and its raison d’etre are the preparation of the student for the actual and effective practice of law. Though some students will obviously attend the school to further their careers in business or government, the paramount purposes of the school is the offering of legal education to students in such a manner as to enable them, immediately after graduation and passing of the bar examination, to effectively and conscientiously represent clients in court. This emphasis upon effective court representation is based upon the belief that a lawyer's advice to a client must always be given under the aspect of the possibility of ensuing court of administrative proceedings which might subject the lawyer's opinion to the crucible of contested ideas and conceptions.

The postulate of preparation of the student for the practice of law does, by necessity, have its impact upon the school's curriculum which is presently undergoing a far-reaching revision; strong divergent views have been expressed by various faculty members not only as to those courses which the student should be required to take but also as to the contents of the courses taught. Nevertheless a general consensus prevails that the school must offer a course of studies which will impart to the student the necessary knowledge enabling him, immediately after graduation, to engage in the practice of law as a "general practitioner." Hence it is not considered the aim of the school, at least in its undergraduate division, to provide a student with a legal education preparing him solely for the practice in a specialized field of law, such as taxation, labor relations, and so forth. This rejection of a course of studies leading to legal specialization is also founded upon the faculty's firm conviction that only a person possessed of a sound knowledge of all basic and general legal subjects can truly become and properly function as a legal specialist; in other words, effective practice in a specialized field of law presupposes and requires familiarity with and thorough understanding of the area of general law, however remote the necessity of such knowledge might appear to the legal specialist.
Insistence upon the student's knowledge to enable him to function as an effective general practitioner create the need for an intense study of civil and criminal procedure in all of its facets since a lawyer, despite his possible great knowledge of substantive law, might prove to be indeed a poor advocate if he cannot properly use the procedural means and methods of enforcing his client's rights. Hence the school requires the taking of all procedural courses and places great importance upon them.

Another consequence of the school's emphasis on legal education preparatory to the general practice of law is apparent in the generally held view shared by students and faculty alike that the school's teachers ought to have practical legal experience in order to function in the desired manner. Obviously, selection of such instructors poses great difficulties for it is trite to observe that successful practitioners are very seldom available for full time teaching positions, and, even if available, do not offer a guaranty that they will be good teachers; the best practitioner might be a poor teacher. It must be acknowledged that this is indeed a great problem, which the school has not solved, though forceful efforts toward a solution continue to be made. The existence of the problem is partially the reason why there is presently still a deficiency in the number of full time faculty members, especially when viewed in relation to the number of students. Yet, there is again a faculty consensus that the school should not precipitously rush in to the indiscriminate firing of new teachers but rather persist in its stand of employing only those instructors who combine at least a modicum of practical experience with effective teaching ability, difficult though the task might be. If at all possible, and barring certain exceptions, the hiring of bright young men and women with excellent scholastic background and record, but without any practical experience, must be rejected since it would frustrate the school's principal credo and purpose. Nevertheless, as previously indicated, all constituent members of the school are deeply aware of the problem and in constant search for a solution.

E. John Marshall’s Historic Mission: From Dean Fred Herzog’s Report (as excerpted from the 1981 Self Study)

Each law school fulfills a certain mission. That mission is, to a substantial degree, determined by the schools’ geographical location, the physical and intellectual environment in which it exists, and the demographic constellation of its potential constituency.

The John Marshall Law School is located in the center of a large urban community. When it was founded at the turn of the century, Chicago and its environs began to develop into a sprawling metropolitan area. Vast industrial establishments were built and large businesses started to extend their enterprises from the city into the far reaches of the country. A great labor force, frequently unskilled, was required for the
operation of those industries and businesses. Immigrants from all corners of Europe flocked to the area to supply the needed labor force, followed, during and after the First World War, by an ever-increasing migration of blacks from the South.

Once the immigrants had established themselves, they were frequently in need of legal services. Their sons and, later on, sometimes their daughters, were desirous of satisfying that need; oftentimes they were spurred on in that desire by their parents, who wanted their offspring to enter the professions and, frequently, to study law because they wanted their children to lead a better life than they had led. Yet, when these young men attempted to gain entrance to the established law schools, they found the doors closed to them because they had neither the financial means nor the social or religious background sometimes covertly required to obtain admission to these institutions.

John Marshall gave them that opportunity. Thus, long before most law schools had discovered their “constitutional conscience,” John Marshall opened its doors wide to admit these young men and women as students regardless of race, creed, color, sex or national origin. It has strictly adhered to that policy throughout the years and it is, therefore, not surprising that, for instance, most of the black judges in Cook County have been graduates of John Marshall.

However, admission of these students did not mean that they would routinely receive their law degrees. Rather, rigid standards were imposed which each student had to meet, and the attrition rate was substantial; but those who made it became indeed competent and able lawyers. The principal contributing factor in the attainment of the competence was the excellent instruction received by them, often provided by renowned lawyers, such as Arthur Goldberg, later Justice of the United States Supreme Court. Characteristically, too, Euclid Taylor, a well-known lawyer, now deceased, had joined the faculty in 1934; he was the first black man who had taught at a “white” law school.

F. Mission Statement
(as excerpted from the 1988 Self Study)

In 1981, then Dean Fred F. Herzog stated the mission of The John Marshall Law School well, when he wrote:

Each law school fulfills a certain mission. That mission is, to a substantial degree, determined by the schools’ geographical location, the physical and intellectual environment in which it exists, and the demographic constellation of its potential constituency.
The John Marshall Law School is located in the center of a large urban community. When it was founded at the turn of the century, Chicago and its environs began to develop into a sprawling metropolitan area. Vast industrial establishments were built and large businesses started to extend their enterprises from the city into the far reaches of the country. A great labor force, frequently unskilled, was required for the operation of those industries and businesses. Immigrants from all corners of Europe flocked to the area to supply the needed labor force, followed, during and after the First World War, by an ever-increasing migration of blacks from the South.

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The John Marshall Law School's broad mission is substantially the same today as it was when articulated by Dean Herzog in 1981. Although the admissions criteria are substantially higher and the academic attrition rate drastically lower than during the school’s early years, it is committed to providing access to the legal profession to individuals of all races, colors, creed and social and economic status. It is the mission and commitment of the institution to graduate well trained, skilled competent, ethically-educated practitioners and future judges.

The mission of The John Marshall Law School is carried out through many elements: (1) a balanced diverse, competent faculty, committed to solid classroom teaching; (2) rigorous instruction and examinations; (3) a supportive professional environment; (4) exposure to sole modeling of well-recognized attorneys and judges of reputation through its adjunct faculty and alumni association; and (5) consistent good performances of its students on national bar examinations and upon entry into the profession.
G. Goals  
(as excerpted from the 1988 Self Study)

The first goal of the Dean and administration is to enhance the reputation and quality of the institution within the context of its unique blend of urban setting and independence. This goal entails several sub-parts.

1. The administration will make continuing efforts to reinforce its conviction that the school is a strong community of teachers, scholars, administrators and students who are fully committed to legal education, scholarship, community service, and the creation of well qualified practitioners and judges.

2. The administration will make efforts after the seven-year accreditation review to ensure that the institution exceeds the standards for accreditation through periodic annual reviews and by reconvening the full-time faculty for cumulative “self-study.”

3. The administration plans to pursue such management strategies as: unobtrusive but supportive activities promoting faculty development, demonstration of competence and professionalism in dealing with the students; and projection to the Chicago legal community that the school is well managed, progressive and forward-looking.

4. The administration will work closely with the faculty on educational policy matters. Additionally, once such policy matters have been developed, the administration will work closely with the John Marshall trustees in an effort to provide the necessary financial and other resources continually to improve the quality of the legal education offered by the school.

5. Finally, the administration will annually evaluate its internal organizational structure continually to improve the utilization of institutional resources to support the school’s educational program.

H. John Marshall Mission Statement: From Dean Markey’s Era

The Mission of The John Marshall Law School is “To Create and Share a Superior Professional Learning Experience Within a Caring and Value Centered Community.”

I. John Marshall's Mission  
(as excerpted from the 1995 Self Study)

A) The Mission of The John Marshall Law School
The Mission of The John Marshall Law School grows out of a recognition that its historical strengths continue to be relevant to today’s world. These strengths are its social inclusiveness, its focus on teaching traditional and non-traditional lawyering skills and its willingness to provide specialized training to meet the demands of the practice of law in a rapidly changing world.

Social Inclusiveness

When The John Marshall Law School opened its doors in 1899, no class began before 4:00 p.m. This was to accommodate students who had to finance their education by working during the day. Five years later, the Class of 1904 included a woman, an African-American and many immigrants. When leaders of American legal education sought to abolish part-time legal education, including evening divisions in law schools, the Deans of The John Marshall Law School led the successful battle to keep part-time legal education available as a way for determined but less financially able persons to become lawyers. John Marshall continues this tradition of social inclusiveness today by maintaining its evening division and two special admissions programs. That this long standing tradition has born fruit is confirmed by the fact that the first Illinois Supreme Court Justice of African-American descent, Charles E. Freeman, is a John Marshall graduate, and the fact that the recently appointed United States District Court Judge, Blanche M. Manning, also an African-American, is also a John Marshall graduate.

Teaching Traditional Lawyering Skills and Advocacy

John Marshall has long focused on teaching the skills and basic knowledge necessary to prepare its graduates to practice law, a focus recently emphasized by The American Bar Association in the MacCrate Report. Historically, the school has emphasized skills and advocacy as part of a tradition that has produced many trial lawyers and judges. Although this focus remains today in the moot court and mock trial programs, the advocacy center and the fair housing clinic, the law school has also broadened the curriculum to provide specialized training to meet the demands of a changing practice in a changing world.

Specialized Training

In addition to offering a general legal education and skills training, John Marshall also provides training in specialized areas such as intellectual property, international law, privacy and informatics, fair housing and planning in such areas as real estate law, trusts and estates, and business operation and development.

B) The Mission Statement
The mission of The John Marshall Law School is to teach the substantive legal knowledge and professional skills in both general and specialized areas, necessary to prepare its students to practice law and to participate in the profession, now and in the future in an atmosphere characterized by social inclusiveness and adherence to rigorous academic and professional standards. Particular emphasis is given to the teaching of traditional and non traditional lawyering skills, especially in the areas of legal writing and advocacy.

C) Implementation of the Mission Statement

The School’s commitment to its mission is exemplified by the following:

a. its emphasis on teaching of legal writing, trial and appellate advocacy, traditional and non traditional legal skills, and subject areas necessary for the practice of law, as evidenced by:

   - the innovative legal writing program;
   - the intra- and inter-school moot court and appellate advocacy program;
   - the Advocacy Center;
   - the John Marshall National Moot Court Competition in Privacy;
   - the John Marshall National Criminal Trial Competition (co-sponsored by The American Bar Association Section on Criminal Justice);
   - the intensive week-long trial practice courses;
   - the client counseling and negotiations courses and teams; and
   - the legal extern and judicial extern programs;
   - The John Marshall Fair Housing Clinic;
   - the courses in real estate planning and business planning;
   - the courses in international law;
   - the graduate courses in Intellectual Property and Tax.

b. faculty research and scholarship directed toward both the bench and bar, and the academic community of scholars.

c. faculty involvement in public service; pro bono, and bar association activities, and evidenced by:

   - preparation and presentation of materials and programs for Illinois Judicial Conferences;
   - service on bar association committees and projects;
   - representing disadvantaged parties in pro bono and law reform cases; and
- The John Marshall Legal Ethics Advisory Panel, which provides written answers to lawyers’ requests for guidance on questions of legal ethics and professional conduct.

d. the Conditional Acceptance Program and the Legal Education Access Program (LEAP), which help identify persons qualified to study law who have not scored well on standardized tests.

e. service to the legal and non-legal communities by sponsoring:

- the Braun Lectures;
- the International Law Center;
- the Graduate Program in Intellectual Property;
- the Center for Intellectual Property;
- the Graduate Program in Taxation;
- the Center for Informatics Law;
- the Center for Advocacy;
- The John Marshall Law Review;
- The Computer Law Journal;
- The John Marshall Fair Housing Center;
- the joint degree programs with Roosevelt University and Rosary College;
- courses for Legal Assistants and paralegals in Intellectual Property Law;
- Continuing Legal Education programs; and
- The Law for Community Developers and Social Workers course.

J. John Marshall’s Mission
(as excerpted from the 2008-2009 Faculty Self-Study)

The mission of The John Marshall Law School has remained substantially the same for 110 years: to teach substantive legal knowledge and professional skills to law students to prepare them to practice law.

The language of the current mission statement of The John Marshall Law School was modified during the NCA application process and adopted by the Board of Trustees in 1998:

“Honoring its history, The John Marshall Law School upholds, through its varied juris doctor and graduate degree programs, a tradition of diversity, innovation, access and opportunity, and consistently provides an education that combines the understanding of both the theory and the practice of law.”
SECTION 2: By-Laws of the John Marshall Law School Corporation
(as amended on April 9, 2010 and ratified by the BOT on June 11, 2010)

A. By-Laws of The John Marshall Law School - An Illinois Not-for-Profit Corporation

ARTICLE ONE
Name, Principal Office, Purpose and Powers, Registered Agent and Corporate Seal

1.1 Name. The name of the corporation is The John Marshall Law School (the “Corporation”).

1.2 Location. The location of the principal office of the Corporation shall be at 315 South Plymouth Court in the City of Chicago, County of Cook and State of Illinois. In addition, the Corporation may maintain other offices and facilities either within or without the State of Illinois as determined by the Board of Trustees from time to time. The Board of Trustees may from time to time change the address of the Corporation’s principal office by duly adopted resolution.

1.3 Purpose and Powers. The Corporation as been formed for the purpose of giving instruction in the science and practice of law, and in subjects preparatory or related thereto, and granting such literary honors, degrees and certificates as are usually granted by like institutions, granting suitable diplomas and conferring honorary degrees. The Corporation shall have such powers as are now or may hereafter be granted by the Illinois General Not for Profit Corporation Act of 1986, or any successor legislation.

1.4 Registered Agent and Registered Office. The Registered Agent of the Corporation may be either an individual resident in the State of Illinois or a domestic or foreign corporation authorized to act as such agent. The Corporation shall continuously maintain such an agent in the State of Illinois. A new Registered Agent shall be appointed if the office of such agent becomes vacant for any reason, or such agent becomes disqualified or incapacitated to act, or if the Corporation through the Board of Trustees revokes the appointment of such agent by duly adopted resolution. The new appointment shall be made by duly adopted resolution of the Board of Trustees and submission of the appropriate statement to the office of the Illinois Secretary of State. Such Registered Agent shall be recognized as an agent of the Corporation on whom any process, notice, or demand required or permitted by law to be served on a Corporation may be served.

1.5 Corporate Seal. The Corporation shall have a seal, which shall have inscribed thereon the name of the Corporation and the words “SEAL” and “ILLINOIS”.
ARTICLE TWO
Members

2.1 Members. The Corporation shall have no Members.

ARTICLE THREE
Board of Trustees (names omitted)

3.1 General Powers. The affairs and activities of the Corporation shall be managed by or under the direction of its Board of Trustees (the “Board”).

3.2 Number. The number of Trustees with voting rights shall be not less than twenty (20), nor more than twenty-five (25), as determined by the Board of Trustees from time to time. If practicable, at least five (5) of the Trustees shall be alumni or alumnae of The John Marshall Law School. Each Trustee shall, upon election or re-election to the Board, file with the Corporation or certify the continuation of a Non-Conflict of Interest statement, in a form approved by the Board.

3.3 Trustee Tenure. Each Trustee with voting rights shall hold office for a period of three (3) years and until his or her successor shall have been duly elected and qualified. Approximately one-third of the Trustees shall be elected each year, in keeping with the established staggering of terms.

3.4 Additional Trustees. The Corporation, through its Board of Trustees, may, from time-to-time, bestow the title of Trustee Emeritus or Honorary Trustee.

(a) The title Trustee Emeritus may only be bestowed on such person or persons who have served the Corporation as a Trustee with voting rights and no longer desire to remain a sitting Trustee or seek an additional elective term of office or to whom the Board chooses to offer the position of Trustee Emeritus.

(b) The title Honorary Trustee may be bestowed on such person(s) who have or are expected to contribute support, guidance or philanthropic effort to or on behalf of the Corporation, as determined by the Board.

(c) A Trustee Emeritus or Honorary Trustee may attend all meetings of the Corporation, except that they shall not be entitled to vote nor shall their presence be counted for purposes of establishing a quorum. All Trustees Emeritus and Honorary Trustees shall be entitled to and enjoy all on-campus courtesies and privileges normally extended to Trustees with voting rights and will be provided with a special place of honor and recognition at all Commencement exercises, Convocations and other school activities.
3.4.1 **Board of Trustees Emeritus.** Trustees Emeritus shall by virtue of their emeritus standing be members of the Board of Trustees Emeritus.

(a) The Board of Trustees Emeritus shall have as its titular head a Chairman. The President of the Board of Trustees will make the initial appointment of Chairman with the advice and consent of the Executive Committee. The initial term of the Chairman shall be two (2) years from the date of appointment. Thereafter, the President of the Board of Trustees shall annually appoint, subject to approval by the Executive Committee, a Chairman of the Board of Trustees Emeritus at the next regularly scheduled meeting following the Annual Meeting.

(b) The Board of Trustees Emeritus shall, in general, play an advisory role; and the specific operating agenda, duties and responsibilities of the Board of Trustees Emeritus shall be set by the President of the Board of Trustees, subject to approval by the Executive Committee.

3.5 **Regular Meetings.** The regular meetings of the Board of Trustees shall be held in the months scheduled by the President with the approval of the Board of Trustees. The meetings shall be held in the City of Chicago, or such other venue, on the first Friday of the month or such other day as scheduled by the President and approved by the Board of Trustees. The schedule of regular meeting dates shall be presented by the President at the Board’s last regular meeting of the calendar year. The President, in his or her discretion, may reschedule or cancel any regular meeting, but he or she may not cancel more than three (3) consecutive regular meetings.

3.6 **Special Meetings.** The President, in his or her discretion, or a majority of the Executive Committee, or any seven (7) Trustees with voting rights, may call a special meeting of the Board by giving at least five (5) days advance written notice to each member of the Board, specifying the time, place, and purpose of the meeting.

3.7 **Annual Meeting.** The annual meeting of the Board of Trustees shall be the regular meeting of the Board of Trustees held on the second Wednesday of the month of May, unless the Board determines otherwise.

3.8 **Quorum.** A majority of the Board of Trustees with voting rights, then holding office, shall be necessary to constitute a quorum for the transaction of business at any meeting, except that if less than a majority of the Trustees with voting rights then in office is present at any such meeting, a majority of the Trustees with voting rights present may adjourn the meeting from time to time without further notice. Any action taken or authorized by a vote of a majority of the Trustees present at any meeting duly called and convened, at which a quorum is present, shall be the act of the Board of Trustees. When authorized by the President or the Vice President, Trustees with voting rights may participate in or act at any meeting of the Board through the use of a
conference telephone or other communications equipment by means of which all Trustees participating in the meeting can communicate with each other.

3.9 **Waiver of Notice.** Any Trustee may waive notice of any meeting, and attendance of such Trustee at any meeting shall constitute a waiver of notice of such meeting.

3.10 **Rules of Procedure.** The rules contained in the current edition of “Robert’s Rules of Order - Revised” shall govern the procedural conduct of the Board of Trustees and its committees and advisory bodies in all cases to which they are applicable and in which they are not inconsistent with these by-laws. Additionally, the Board may adopt its own rules of procedure, which shall not be inconsistent with these By-Laws.

3.11 **Executive Committee.** The Board of Trustees may create an Executive Committee which shall consist of six (6) members, including the Executive Officers of the Corporation and two (2) members elected by and from the members of the Board who are Trustees with voting rights.

3.12 **Committees and Advisory Bodies.** The Board of Trustees may establish one or more committees and one or more advisory bodies. A majority of the membership of any committee or advisory body shall be Trustees with voting rights. Non-Trustee members of committees and advisory bodies shall serve at the pleasure of the Board of Trustees.

3.13 **Action Without Meeting.** If a matter shall arise concerning the Corporation and requiring action of the Board and it is impracticable to wait for the convening of a regular meeting or special meeting, the matter may be submitted in writing to each Trustee entitled to vote thereon for consideration. The notice of the proposal shall specify a deadline for voting on the matter submitted not less than ten (10) days from the date of notice. If approved in writing by all the Trustees with voting rights thereon, the action so approved shall be considered valid the same as though approved at a formal meeting of the Board. The use of both electronic and facsimile transmission of written communications shall be deemed acceptable for “submitting in writing” and “approval in writing” such actions.

**ARTICLE FOUR**

**Election of Trustees, Removal and Resignation**

4.1 **Election Procedure.**

(a) **Nominating Committee.** Sixty (60) days or more prior to the annual meeting of the Board of Trustees, the President shall appoint a Nominating Committee of three (3) members and a chairman from those appointed. Only two
Nominating Committee members need be members of the Board of Trustees, but they shall be Trustees with voting rights. Within twenty-one (21) days after the appointment of the Nominating Committee, the Committee shall file with the Secretary its report that shall specify the name of the nominees selected by the Nominating Committee as candidates for the office of Trustee.

(b) Other Nominations. During a period of ten (10) days next following the filing of the report of the Nominating Committee with the Secretary, other nominations may be made by petition by at least thirty (30) alumni or alumnae of The John Marshall Law School. Within ten (10) days thereafter the Secretary shall prepare a ballot showing the names of all candidates who have been nominated for election to the Board of Trustees.

(c) Election. At the annual meeting of the Board of Trustees, the first order of business shall be the announcement by the Secretary of the names of persons nominated for membership on the Board of Trustees. After such announcement, the Board shall proceed with the election. The Board may establish such election rules and procedures as the Board deems appropriate. After the election process has been completed, the President or Board member presiding over the election shall immediately announce the results of the election and the term for which each Trustee has been elected. The terms of the Trustees whose election has been announced shall begin upon the adjournment of the annual meeting.

4.2 Vacancies. Any vacancy occurring on the Board of Trustees shall be filled by election by the Board of Trustees at the next regular meeting after the vacancy has occurred. The Trustee elected to fill the vacancy shall serve for the unexpired term of the Trustee whose seat on the Board has been vacated.

4.3 Removal and Resignations. Trustees may be removed from office by a vote of two-thirds of all Trustees with voting rights then in office. Such action may be taken at a regular meeting of the Board of Trustees or at a special meeting called for such purpose, provided that notice of the proposed removal shall be sent to all Trustees at least twenty (20) days prior to the special meeting. Any Trustee may resign from the Board at any time by giving written notice to the Board of Trustees, or to the President or Secretary of the Corporation, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective but such resignation shall be effective when notice is delivered.

4.4 Salaries and Compensation. No Trustee shall receive any remuneration for his or her services as Trustee, but may be reimbursed for reasonable and necessary
expenses, if any, incurred in the discharge of duties as such Trustee. No member of the Board shall apply for or be considered for employment in any capacity with the school.

ARTICLE FIVE
Executive Officers

5.1 Executive Officers of the Corporation. The executive officers of the Corporation shall be a President, a Vice President, a Treasurer and a Secretary. All such officers shall be elected from among the members of the Board of Trustees with voting rights and shall be elected at the annual meeting of the Board of Trustees or at the regular meeting immediately following the annual meeting. They shall continue in office for one year and until their successors have been elected and qualified. The Board may also appoint such other officers as may from time to time be deemed desirable.

5.2 The President. The President shall be the principal executive officer of the Corporation and, subject to the control of the Board of Trustees shall, in general, supervise and control all of the business and affairs of the Corporation. He or she shall, when present, preside at all meetings of the Board of Trustees. He or she may sign, with the Secretary or any other proper officers of the Corporation, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Trustees has authorized to be executed, except in cases where the signing and execution thereof has been expressly delegated by the Board of Trustees to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed. The President, in general, shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Trustees from time to time.

5.3 The Vice President. In the absence of the President or in the event of his death, inability or refusal to act, the Vice President (or in the event of his death, inability or refusal to act, the Secretary) shall perform the duties of the President and, when so acting, shall have all the powers of and be subject to all the limitations upon the President’s powers. The Vice President may perform such other duties as from time to time may be assigned to him by the President or the Board of Trustees.

5.4 The Treasurer. The Treasurer shall have general oversight over all funds and securities of the Corporation. He or she shall be authorized to endorse, or cause to be endorsed in his or her name, on behalf of the Corporation, all checks, notes or other obligations and evidence of the payment of money paid by or to the Corporation coming into his or her possession, or into the possession of other officers or employees of the Corporation. The Treasurer shall see that all funds received by or on behalf of the Corporation are promptly deposited in such banks or trust companies as may be
selected as depositories of the Corporation by the Board of Trustees, and shall also see
that all securities are placed in safe-keeping in the manner directed by the Board of
Trustees. The Treasurer shall pass on the system of accounts and reports and provide
for general overseeing and audit thereof. The report of each such audit shall be
submitted to the Board of Trustees. The Treasurer shall perform all duties which are
incident to the office of Treasurer of a not for profit corporation, subject, however, at all
times to the direction and control of the Board of Trustees. If required by the Board, the
Treasurer shall give bond to the Corporation in the amount fixed by the Executive
Committee of the Board. The cost of bond shall be borne by the Corporation.

5.5 The Secretary. The Secretary shall keep the records of the Corporation
under the supervision of the President and the Board of Trustees. He or she shall
prepare minutes of the meetings of the Board of Trustees, and send copies of such
minutes to each of the Trustees. He or she shall keep a register of the name and post
office address of each Trustee of the Corporation. He or she shall have charge of and
safely keep all such additional books and papers as the Board of Trustees may direct.
The Secretary shall have custody of the seal of the Corporation and affix such seal to all
documents, the execution of which, on behalf of the Corporation under its corporate
seal, has been duly authorized in accordance with these By-Laws. He or she shall, in
general, perform all such duties as are incident to the office of a Secretary of a not for
profit corporation under the laws of the State of Illinois.

5.6 Removal. Any executive officer elected by the Board of Trustees may be
removed at any time by the affirmative vote of a majority of the Trustees with voting
rights at any duly constituted meeting whenever, in the judgment of such Trustees, the
best interests of the Corporation will be served thereby.

5.7 Vacancies. Any vacancy in any office arising from any cause shall be filled
for the unexpired portion of the term by action of the Board of Trustees.

ARTICLE SIX
Administrative Officers

6.1 Designation of Administrative Officers. The administrative officers of the
Corporation shall be appointed by the Board of Trustees and shall consist of a Dean, a
Vice Dean, one or more Associate or Assistant Deans and a Controller. The Board may
appoint such other administrative officers, as it shall deem necessary. Such
administrative officers shall not be members of the Board of Trustees and such
appointees shall hold their offices for such term and exercise such powers and perform
such duties as shall be determined from time to time by the Board. Candidates for all
administrative offices, except that of Dean, shall be nominated by the Dean and such nominations shall be submitted to the Board of Trustees for approval or disapproval.

6.2 **Salaries.** The salaries of the administrative officers shall be recommended by the Dean and submitted to the Board of Trustees for approval or disapproval.

6.3 **Removal.** Any administrative officer appointed by the Board of Trustees may be removed at any time by the affirmative vote of a majority of the Board of Trustees, at any duly constituted meeting whenever, in its judgment, the best interests of the Corporation will be served thereby.

6.4 **The Dean.** The Dean shall be the official advisor and executive agent of the Board of Trustees. He or she shall attend all meetings of the Board of Trustees and shall be responsible to the Board of Trustees for the entire operation of The John Marshall Law School and the management of the property of the Corporation. He or she shall formulate and present to the Board of Trustees an annual budget for approval or disapproval and shall exercise general supervision over the operation of the budget. He or she shall submit to the Board of Trustees financial reports and other matters requiring the attention of the Board. The Dean shall select all other administrative officers and members of the faculty and recommend them to the Board for appointment. In case of emergency, he or she may make appointments of such administrative officers and members of the faculty so that the work of the Corporation shall not be interrupted. Such appointments shall be subject to confirmation of the Board. He or she shall arrange courses and the general plan of course schedules and deal chiefly with the general policies and major issues concerning property, students, faculty and staff. He or she shall be responsible for Convocations and Commencements and for public and alumni relations.

6.5 **Vice Dean, Associate and/or Assistant Deans.**

(a) The Vice Dean shall be selected for nomination by the Dean. He or she shall be responsible to and work under the general supervision of the Dean. He or she, at the direction of the Dean, shall be responsible for the day-to-day administrative matters of the school and undertake the general supervision of the Associate and/or Assistant Dean or Deans. He or she shall, in the absence from duty or inability of the Dean to act, have all the powers and shall exercise all the functions of the Dean, unless otherwise directed by the Board of Trustees.

(b) The Associate and/or Assistant Dean or Deans shall be selected for nomination by the Dean. Each Associate and/or Assistant Dean shall be responsible to and work under the general supervision of the Dean. An Associate and/or Assistant Dean shall supervise the admissions program and registration; arrange course schedules; select classrooms; notify faculty members of hours
and location of classes; post notices of meetings and related matters; act as student counselor and advisor to student organizations; supervise the library and aid students in securing employment. An Associate Dean or Assistant Dean approved by the Board of Trustees, may, in the absence from duty or inability of the Dean or Vice Dean to act, exercise all the functions of the Dean, unless otherwise indicated by the Board of Trustees.

6.6 **Controller.** The Controller shall be responsible to the Dean and shall report to the Dean, Vice Dean and the Treasurer. He or she shall keep the financial records of the Corporation, make out all financial statements, engage, under the overall supervision of the Board of Trustees and the Dean, in the management of the financial affairs of the Corporation, supervise and direct his or her staff, act in those instances as determined by the Board of Trustees or the Dean as the purchasing agent of the Corporation, and, in general, perform all duties normally performed by a Controller working in an Illinois not for profit corporation.

6.7 **Duties not Exclusive.** The duties of the administrative officers set forth in this article are intended to be typical and not exclusive. The Dean may make such redistribution of the assignment of functions and responsibilities as may from time to time be necessary in general accord with the principles herein stated and any new functions which may arise shall be allocated by the Dean in general accord with such principles.

**ARTICLE SEVEN**  
Indemnification of Officers, Trustees, Employees and Agents

7.1 **Actions other Than by or in the Right of the Corporation.** The Corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation) by reason of the fact that he or she is or was a Trustee, officer, employee or agent of the Corporation, or who is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys’ fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the Corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order or settlement, conviction or upon a plea of
nolo contenders or its equivalent shall not, of itself, create a presumption that the person
did not act in good faith and in a manner which he or she reasonably believed to be in or
not opposed to the best interests of the Corporation or with respect to any criminal
action or proceeding, that the person had reasonable cause to believe that his or her
conduct was unlawful.

7.2 **Actions by or in the Right of the Corporation.** The Corporation shall have
power to indemnify any person who was or is a party or is threatened to be made a party
to any threatened, pending or completed action or suit by or in the right of the
Corporation to procure a judgment in its favor by reason of the fact that he or she is or
was a Trustee, officer, employee or agent of the Corporation, or is or was serving at the
request of the Corporation, as a director, officer, employee or agent of another
corporation, partnership, joint venture, trust, or other enterprise against expenses
(including attorneys' fees) actually and reasonably incurred by him or her in connection
with the defense or settlement of such action or suit, if he or she acted in good faith and
in a manner he or she reasonably believed to be in or not opposed to the best interests
of the Corporation, except that no indemnification shall be made in respect of any claim,
issue or matter as to which such person shall have been adjudged to be liable for
negligence or misconduct in the performance of his or her duty to the Corporation
unless, and only to the extent that, the court in which such action or suit was brought
shall determine upon application that, despite the adjudication of liability but in view of
all circumstances of the case, such person is fairly and reasonably entitled to indemnity
for such expenses which the court shall deem proper.

7.3 **Expenses.** To the extent that a Trustee, officer, employee or agent of the
Corporation has been successful on the merits or otherwise in defense of any action,
suit or proceeding referred to in Sections 7.1 and 7.2 of this article, or in the defense of
any claim, issue or matter therein, he or she shall be indemnified against expenses
(including attorneys' fees) actually and reasonably incurred by him or her in connection
therewith if that person acted in good faith and in a manner he or she reasonably
believed to be in, or not opposed to, the best interest of the Corporation.

7.4 **Determination by Board of Trustees.** Any indemnification under Sections
7.1 and 7.2 of this Article (unless ordered by a court) shall be made by the Corporation
only as authorized in the specific case upon a determination that indemnification of the
Trustee, officer, employee or agent is proper in the circumstances because he or she
has met the applicable standard of conduct set forth in said Sections 7.1 and 7.2. Such
determination shall be made, with respect to a person who is a Trustee or officer at the
time of the determination, (a) by the Board of Trustees by a majority vote of a quorum
consisting of Trustees with voting rights who were not parties to such action, suit or
proceeding, or if such a quorum is not obtainable, or, (b) even if obtainable, a majority of

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disinterested Trustees with voting rights so directs, by independent legal counsel in a written opinion.

7.5 **This Article not Exclusive.** The indemnification provided by this article shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any contract, agreement or vote of disinterested Trustees with voting rights or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a Trustee, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

7.6 **Insurance.** The Corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a Trustee, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the Corporation would have the power to indemnify him or her against such liability under the provisions of this article.

**ARTICLE EIGHT**

**Contracts, Loans, Checks, Deposits and Gifts**

8.1 **Contracts.** The Board of Trustees may authorize any officer or agent of the Corporation, in addition to the officers so authorized by these By-Laws, to enter into any contract or sign any instrument in the name of the Corporation, and such authority may be general or confined to specific instances.

8.2 **Borrowing.** No loan shall be contracted on behalf of the Corporation and no evidence of indebtedness shall be issued unless authorized by a resolution of the Board of Trustees. Such authority may be general or confined to specific instances.

8.3 **Checks and Drafts.** All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness (issued in the name of the Corporation) shall be signed by such officers or agents of the Corporation as shall from time to time be determined by the Board of Trustees. In the absence of such determination by the Board, such instruments shall be signed by the Treasurer and countersigned by the President or the Vice President.
8.4 **Deposits.** All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Trustees may select.

8.5 **Gifts.** The Board of Trustees may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the Corporation.

**ARTICLE NINE**

**Fiscal Year, Books and Minutes**

9.1 **Fiscal Year.** The fiscal year and business year of the Corporation shall commence on the first day of September in each year, and terminate on the thirty-first day of August of the following year.

9.2 **Books and Minutes.** The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the meetings of its Board of Trustees.

**ARTICLE TEN**

**Distribution of Assets Upon Dissolution**

If at any time the dissolution of this Corporation is authorized pursuant to the General Not-For-Profit Corporation Act of the State of Illinois, the Board of Trustees then holding office, as such, shall distribute the assets of the Corporation remaining after payment, satisfaction and discharge of all liabilities and obligations of the Corporation or adequate provision therefor, to a domestic or foreign corporation, charity or organization engaged in activities substantially similar to those of this Corporation, pursuant to a plan of distribution as duly adopted by the Board.

**ARTICLE ELEVEN**

**Amendment to Articles of Incorporation**

The Articles of Incorporation of this Corporation may be amended pursuant to the statutes of the State of Illinois. The proposed amendment shall be adopted upon receiving the affirmative vote of at least two-thirds of the votes of the members of the Board of Trustees with voting rights present at a regular or special meeting, provided,
however, that such amendment shall not become effective until a certificate of amendment is issued by the Secretary of State of the State of Illinois.

ARTICLE TWELVE
Amendment to By-Laws

The By-Laws of the Corporation may be repealed, modified, altered or amended at any meeting of the Board of Trustees, by a majority vote of the Board, provided, however, that no repeal, modification, alteration or amendment may be adopted at the regular or special meeting where introduced unless the Secretary, at least thirty (30) days before such meeting, shall have mailed to each Trustee a copy of such proposed amendment. The provisions for thirty-day (30) advanced notification may be waived by receiving the affirmative vote of at least two-thirds of the votes of the members of the Board of Trustees with voting rights present at a regular or special meeting.

ARTICLE THIRTEEN
Retention of Property Interest

All right, title, and interest, both legal and equitable in and to property of the Corporation shall remain in the Corporation. If such property shall be in the possession of a Trustee, Executive Officer, Administrative Officer or such other person so entrusted, it shall be immediately returned to the Corporation in the event of that person’s death, resignation, removal or such other action disassociating that person with the Corporation.

Adopted by an affirmative vote of the Board of Trustees this 9th day of June, 2004, Chicago, Illinois.

In addition to the Board of Trustees, The John Marshall Law School also maintains an advisory board composed of members of the law community and other law schools. This board, The Board of Visitors, meets several times a year and reviews the law school’s activities and makes recommendations.
SECTION 3: Faculty Personnel Policies: Contractual

A. Definition of Full-Time Faculty Members

A full-time faculty member is any person whose principal professional commitment is to the students of The John Marshall Law School, which is evidenced by an availability to teach the maximum number of hours prescribed by the American Bar Association Standards for the Approval of Law Schools, Section 404, at reasonable times as requested by the administration, and who is available to consult with and advise students at appropriate times, maintains regular office hours, has no outside office, performs all duties expected of full-time faculty members and spends the prescribed minimum of 25 hours per week on the premises.

B. Academic Freedom

The personnel policies of The John Marshall Law School, particularly those involving academic freedom, promotions and tenure, are designed to protect the individual faculty members, to provide conditions of security and an atmosphere in which scholarly research can be pursued that will enrich both the individual faculty member and the students he/she teaches.

Faculty members are entitled to freedom in their classrooms and freedom to pursue appropriate academic research, subject to the adequate performance of other academic duties. Controversial topics not related to the subject matter should not be discussed in the classroom.

The faculty member is at the same time a private citizen, a member of a learned profession, and a representative of the Law School. As a private citizen the faculty member retains and should exercise, when appropriate, his/her freedom to speak on issues of the current moment. However, he/she should bear in mind the fact that as a member of a learned profession and as a faculty member his/her behavior will frequently reflect upon the school as well as upon him/her.

When the subject matter necessarily involves discussion or analysis of a controversial issue, the faculty member in expressing his/her opinion thereon should advise the students that the views he/she expresses are his/her own.
C. Contracts

Written offers are issued to faculty members not on tenure-track and statements of salary conditions are issued to those on tenure-track. Such offers and statements are issued in the case of the faculty members already on the staff of the school, no later than April 1st. A reply is required normally within fifteen (15) days.

The non-renewal of a contract of a non-tenured faculty member is not a dismissal; it is the exercise of the option, reserved to either party, not to continue a relationship which either believes would not be mutually beneficial.

D. Unit of Service

The unit of service for full-time faculty members is the normal academic year, August through May inclusive. Attendance at faculty meetings and commencement, service on faculty committees, reasonable availability to students outside of normal class hours, and occasional administrative duties are regarded as part of the normal faculty responsibilities.

E. Retirement Program

All full-time faculty members are eligible to participate in The John Marshall Law School Retirement Program. After one year of continuous full-time service, the School contributes 10% of each full-time faculty member’s annual salary to the CREF-TIAA Retirement Plan which sums are immediately vested.

A full-time faculty member may contribute an additional amount to this plan allowable under federal law.

Further details of the Plan are available upon request. The Law School shall modify the foregoing policy or program whenever necessary to conform to changes in the federal Age Discrimination in Employment Act, or other relevant statutes and ordinances.

F. Summer Compensation

Faculty teaching in the Summer School Program will receive extra compensation. Summer grants may be awarded faculty in return for research culminating in a publishable article or other scholarly activity.
G. Participation in Professional Organizations

Faculty members are automatically members of the American Bar Association (unless the individual requests exclusion) and its Section on Legal Education and Admission to the Bar and The Association of American Law Schools. Membership results from the school's participation in the group membership program. The school will pay for membership in one other bar association or law-related association.

The school will also pay a faculty member's registration or licensing annual fee for one state.

H. Faculty Family and Disability Policies

(1) Eligibility

The following Faculty Family and Disability Policies apply to all persons employed at The John Marshall Law School in tenured or tenurable positions, or having renewable full-time faculty contracts which have been extended beyond the probationary period.

(2) Disability

a. The following policies are to be interpreted in accordance with the terms of The John Marshall Law School Disability Policy*, and practices established thereunder, which provide full pay and full benefits for a maximum of 180 days and a long-term disability policy at reduced benefits after 180 days of disability.

b. Upon request to the school, any faculty member who suffers from a temporary total or partial disability during any part of a semester shall receive appropriate relief from professional responsibilities, including but not limited to, (i) full relief from any duties; (ii) reduction, consolidation, or elimination of teaching load; or (iii) reduction in the number of course preparations.

c. The faculty member shall keep the school informed of the progress of any temporary total or partial disability and shall provide proof of disability upon request.

(3) Family-Related Scheduling Policies

The school recognizes the need of faculty members to attend to the health and well-being of their families.
Accordingly, upon a showing of need by a faculty member, the school shall endeavor to make reasonable, temporary scheduling accommodations described in Section II on account of (i) the birth or adoption of a child; (ii) the illness of a child, spouse or parent; or (iii) any other similar need. Work reduction beyond one semester may result in salary reduction. The school shall treat similar cases of family need consistently.

* The JMLS LTD Income Benefits Policy defines "total disability" as sickness or injury which prevents performance of each of the material duties of regular occupation; "partial disability" is defined as inability to perform all the material duties of regular occupation on a full-time basis but ability to perform at least one such duty on a full or part-time basis (adopted 10/16/89).
SECTION 4: Personnel Policies: Operational

A. Professional Advancement and Study

Pursuing its desire to encourage the professional development of its faculty, the Law School has adopted the following policy, applicable only to full-time members of the faculty:

(1) Short Courses

Faculty members attending short courses, institutes and seminars, normally of a week or two in length, and for which there is no outside reimbursement, will be supported to the extent funds are available. Advance approval by the Dean or the Associate Dean for Academic Affairs is necessary.

(2) Official Representation

In special instances where a faculty member is the official representative of the Law School, prior arrangements made with the Dean or the Associate Dean for Academic Affairs may include full reimbursement for expenses.

B. Research

The Law School recognizes that research by its faculty is vital to the advancement of its educational goals and to the professional development of the individual involved. Therefore, the Law School urges and encourages each member to contribute to his or her area of interest by engaging in research. Special arrangements may be made by the Dean or the Associate Dean for Academic Affairs to enable a particular faculty member to engage in an extended research project.

A faculty member who expects to carry on supported research shall make definite salary arrangements with the Dean or the Associate Dean for Academic Affairs prior to the start of such work.

C. Salary, Retirement, and Benefits

(1) New Faculty

Every faculty member should check with the business office, as soon as possible, in order to complete the necessary financial forms unless this has been done prior to the start of actual employment. No one is considered to be a regular member of the faculty unless he or she has filed with the business office his or her Social Security Number, and state and federal withholding allowance certificate and Employment
Eligibility Verification (I-9).

(2) Salaries

The faculty is paid semi-monthly, ten months a year unless a faculty member expressly requests payment in twelve equal semi-monthly installments. Summer Law School salaries are also paid semi-monthly. Federal and State income tax will be withheld from salaries on the basis of allowance certificates filed with the business office.

(3) Retirement

The Law School has a retirement program for full-time faculty. For details, see the Assistant Dean for Human Resources. The Law School shall modify the foregoing policy or program whenever necessary to conform to changes in the federal Age Discrimination in Employment Act, the Federal Employee Retirement Income Security Act, or other applicable law.

(4) Sick Leave

Sick leave requests will be considered on an individual basis and will comply with all legal requirements for leave when leave is requested due to a serious health condition that makes the employee unable to perform the functions of the employee's job. The Law School will, however, make every effort to provide that an individual's classes are covered by fellow faculty members for the duration of his or her illness. The faculty member should notify the Dean or the Associate Dean for Academic Affairs in case of illness or other necessary absence.

(5) Leave of Absence

A leave-of-absence is permission granted to a faculty member for a specific period of time during which he or she may be legitimately absent from the Law School while continuing to be regarded as a faculty member.

Normally, this period of time will be not less than one semester and will not exceed one academic year. Such leave will not be granted until the faculty member will have served three years at the Law School. It is understood that at the end of the leave of absence the faculty member shall return to the Law School at no less than the rank and salary at the time of his or her leaving and resume the responsibilities in his or her area of competence as determined by the Dean of the Law School.

A faculty member will not be entitled to his or her salary during a leave of absence. Fringe benefits will continue as follows:

a. All items normally withheld from the faculty member's salary to which he or she alone contributes may be continued if he or she so elects by his or her paying the required amount.
b. All benefits to which the Law School contributes in full or in part, in addition to any amount contributed by the faculty member, may be continued by his or her paying the full amount, including that normally contributed by the Law School.

c. Faculty members who are receiving free tuition for a dependent son, daughter, or spouse will continue to receive this benefit.

All faculty on leave of absence will be governed by the policies as set forth in the Faculty Handbook with the exception that time while on leave of absence shall not count as earned time for tenure appointment or sabbatical leave, but neither will it constitute an interruption of continuous service.

(6) Sabbatical Leaves of Absence

The major purpose of sabbatical leaves is to provide opportunities for the faculty's continued professional growth and intellectual achievement through study, research and writing.

Sabbatical leaves will be granted only for clearly defined and well-advanced scholarly projects in the areas of research, writing and publication. The Law School's decision to grant a sabbatical leave will be based primarily on evidence that the faculty member's project will contribute to his or her professional standing and, upon return to the Law School, will enrich that individual's teaching and/or research capabilities.

A faculty member who has completed six or more years of full-time teaching at The John Marshall Law School, who has not had a paid leave of absence during that time, and who currently holds an appointment at the rank of professor, associate professor, or assistant professor, is eligible to apply for a sabbatical leave. In addition, the faculty member must agree to return to the Law School for at least one academic year of full-time service immediately following completion of the leave.

Faculty members granted sabbatical leaves may use such leaves for educational purposes, including work toward a graduate or professional degree. However, faculty members granted sabbatical leaves may not accept full-time teaching assignments at other institutions.

The rate of compensation shall be full base pay for a one-semester leave or half base pay for a one-year leave. All fringe benefits to which a faculty member is entitled shall be continued while the faculty member is on sabbatical leave.

Whenever a grant or a stipend from sources other than the Law School is made to a faculty member who has requested or is on a sabbatical leave, such grant funds will not be deducted from the amount that the faculty member received or will receive from the Law School.

A period of at least six years shall elapse between the end of one sabbatical leave and the beginning of another.
Applications shall be made to the Dean or the Associate Dean for Academic Affairs not later than November 1st for a sabbatical leave to be taken in the following year. Applications shall be promptly reviewed by the Dean. If more than one application is received, the Dean shall appoint an advisory committee to evaluate the applications.

The number of sabbatical leaves granted during a given academic year depends upon the ability of the Law School to maintain its teaching schedule and availability of finances.

After a sabbatical is completed, the professor shall file a detailed report with the Dean indicating what he or she accomplished during this sabbatical. If a person is eligible for sabbatical leave and does not take or receive a sabbatical leave, that person retains the eligibility for a sabbatical leave for the next academic year.

(7) Medical Insurance

The Law School has a group contract for hospitalization, dental and medical coverage for all full-time employees who wish it. For details, see the Assistant Dean for Human Resources.

(8) Group Life Insurance

The Law School participates in a Group Life Insurance plan as more fully set forth in a handbook available upon request.

(9) Tuition Waiver for Faculty, Staff, and Their Immediate Family

Faculty and Staff employed by the Law School after January 1, 1992 must have been employed for at least three years before they or their immediate family members may receive a tuition waiver based on that employment. Each applicant must meet that semester's requirements for admission to the Law School.

D. Gifts to the Law School Other Than Money

If a benevolent person wishes to make a "gift" or "contribution" to the Law School of a tangible item or things (ex: books, typewriters, etc.) and receive a tax credit, the Dean must approve the acceptance of the gift for the tax credit. Upon the Dean's approval of the gift, the Law School will send the donor an acknowledgement.
SECTION 5: Academic Freedom Policy

(There are three sources for Academic Freedom.)

A. [SECTION 3] Faculty Personnel Policies: Contractual

[B. Academic Freedom] The personnel policies of The John Marshall Law School, particularly those involving academic freedom, promotions and tenure, are designed to protect the individual faculty members, to provide conditions of security and an atmosphere in which scholarly research can be pursued that will enrich both the individual faculty member and the students he/she teaches.

Faculty members are entitled to freedom in their classrooms and freedom to pursue appropriate academic research, subject to the adequate performance of other academic duties. Controversial topics not related to the subject matter should not be discussed in the classroom.

The faculty member is at the same time a private citizen, a member of a learned profession, and a representative of the Law School. As a private citizen the faculty member retains and should exercise, when appropriate, his/her freedom to speak on issues of the current moment. However, he/she should bear in mind the fact that as a member of a learned profession and as a faculty member his/her behavior will frequently reflect upon the school as well as upon him/her.

When the subject matter necessarily involves discussion or analysis of a controversial issue, the faculty member in expressing his/her opinion thereon should advise the students that the views he/she expresses are his/her own.

B. [SECTION 9] Board of Trustees Tenure Policy

[Article One - Academic Freedom] The John Marshall Law School accords the deepest respect and support for the dignity and rights of each person, regardless of race, religion, creed, nationality, ethnic background, sex, age, disability or sexual orientation. Academic freedom is pre-eminent among the rights of persons engaged in learning. In addition, scholarly achievement depends upon the spirit of free inquiry characteristic of the best traditions prevailing in institutions of higher learning. The intellectual and personal maturity and responsibilities of law students is equally dependent upon their participation in this tradition of freedom.

The John Marshall Law School supports academic freedom and strives continually to create an environment conducive to the exercise of this freedom. This environment
encourages open discussion, debate, assent and dissent. It recognizes that independent but disciplined minds may be prepared to follow uncharted paths to knowledge, propound theories, set forth ideas, and gather evidence contrary to accepted thoughts and concepts, challenge the ideas of fellow scholars, and express opinions and beliefs honestly, firmly, and sincerely. In the classroom and in their scholarly pursuits, the members of the faculty are free to introduce controversial issues that are relevant, and each student is free to disagree.

Each faculty member may, as a private citizen, speak or write freely without institutional control, however mindful, at the same time, of the ethics of the legal profession which he or she is duty-bound to observe and of the fact that he or she is a member of a learned institution but not a spokesman for it. In protecting the faculty member's right to seek truth, The John Marshall Law School also protects the right of all to adhere to deeply held personal commitments. At The John Marshall Law School, therefore, responsible academic freedom does not encompass the deliberate abuse or ridicule of individual persons, racial, religious or ethnic groups, or members of a sex.

C. Contract Right to Academic Freedom Reaffirmed (April 16, 2008)

As you know, the faculty has expressed its concern over the litigation position taken by the Law School in a specific matter on the issue of academic freedom. I have been working with the Faculty Executive Committee and the Board of Trustees on this issue. Based on discussions with both groups, I would now like to reaffirm the faculty's right to academic freedom and the school's commitment to it.

The Law School has always supported the principle of academic freedom. That support was formally recognized by the Board of Trustees when it established The Tenure and Promotion Policy and the accompanying Faculty Policies and Procedures which are contained as Appendix I to the Faculty Handbook. Article One of the Policy and Procedures reflects the Law School's commitment to that principle.

The Law School considers Article One to reflect contractual rights and responsibilities of the School and its faculty. At The John Marshall Law School faculty members have a contractual right to academic freedom. As with other rights, this right is subject to ethical duties and other rights enjoyed by faculty, students and other members of the Law School community; for example, academic freedom does not encompass the deliberate abuse or ridicule of individual persons, racial, religious or ethnic groups, or members of a sex.
I am happy therefore to take this opportunity to reaffirm the law school’s support for academic freedom. I thank everyone for their thoughts and comments on this important matter.

Dean John E. Corkery

As of May 2008
SECTION 6: The John Marshall Law School Assembly Constitution

Adopted by the Assembly May 8, 1989


[Formerly the Report of the Committee on Committees, As Amended and Approved by the Faculty at its Special Meeting on August 24, 1983]

The Association of American Law Schools provides in By-Law 6-6(a) that “a member school shall vest in the Faculty primary responsibility for determining institutional policy.” The Faculty and the Administration here set forth the following structure to enable the Faculty to discharge that responsibility.

I. The Assembly

The Assembly shall be constituted of the full-time Faculty and the Deans who have full-time Faculty academic rank (the “Assembly Members”). The full-time Faculty (hereinafter referred to as the Faculty) consists of full-time professors of all ranks, whether or not tenured, clinical professors, and non-tenure track professors. If a full-time visiting professor, who has a term of at least one year, at the inception of the visitorship, informs the Executive Committee chair of the visitor’s desire to participate in Assembly deliberations and serve on an appointive standing committee, the visitor shall have Assembly Member Visitor status during the term of the visitorship. Only members of the Faculty (including Deans with full-time Faculty academic rank), and full-time visiting professors with Assembly Member Visitor status, shall vote in the Assembly on matters committed to the Faculty by ABA or AALS regulations, this Constitution, or other school regulations. However, neither full-time non-tenure track faculty nor full-time visiting professors with Assembly Member Visitor Status shall vote on matters that involve: their status; or any matter affecting their status; or amendments to this Constitution; or the selection of any Dean; or the appointment or promotion or tenure status of full-time professors of any rank; or the appointment of any Center or Library Director. The Assembly shall meet regularly every month except January, June and July (unless a regular meeting is rescheduled or canceled by vote at an earlier meeting or by the Executive Committee) at a time and place determined by Assembly vote. Otherwise the Assembly may be convened for a meeting at a time and place specified by:
(a) The Dean
(b) Majority vote of the Executive Committee
(c) Majority vote of the Committee of the Whole
(d) Majority vote of the Assembly at a regular or special meeting.

Except in instance (d) above, not less than three days’ notice of a special meeting must be given in writing to all members of the Assembly and other persons entitled to attend Assembly meetings. The Dean, or in the Dean’s absence the Chair of the Executive Committee, shall chair all meetings.

Decisions on matters voted upon, other than amendments to the Assembly Constitution, shall be by majority vote of those Assembly members present and voting. For purposes of this Constitution, the phrase “majority vote of those Assembly members present and voting excludes abstentions and failures to vote by absentee ballot. However, if a Faculty Assembly Member with Visitor status is ineligible to vote on a particular issue, such individual shall not be considered in determining quorums or majorities in the results of such voting. No votes may be cast by a proxy. A quorum shall be one-half of the membership including those members on sabbatical or leave of absence who are able to and have notified the Secretary of their intention to participate in Assembly deliberations and are present in person at such meeting. No vote shall be taken in the absence of a quorum present in person at a meeting, and this rule as to quorum may not be suspended by way of motion.

Comment: It is contemplated that it will not be difficult to assemble the necessary quorum. The above provision should not preclude alternate methods of voting, such as secret ballot, written ballot, absentee ballot, and polling of the entire membership with ballots having to be returned by a certain time, if such method of voting is chosen by the Assembly by majority vote of those Assembly members present in person at an Assembly meeting at which the matter of voting procedure on a question before the Assembly is presented.

II. Committee of the Whole

The Committee of the Whole shall consist of all members of the Faculty other than those holding decanal positions. Meetings of the Committee shall be convened at any time pursuant to:

A. majority vote of the Assembly at a regular or special meeting, without notice;
B. majority vote of the Executive Committee; or
C. request of ten or more members of the Faculty to the Chair of the Executive Committee.

If the meeting is convened pursuant to II.B. or II.C. above, not less than three days’ written notice shall be given to the members of the Committee of the Whole.

The Committee of the Whole may discuss any subject it wishes but may take no decision on matters that are subject to Assembly action other than a decision to convene a meeting of the Assembly. The quorum for decisions shall be one-half of the membership of the Committee of the Whole including those members on sabbatical or leave of absence who are able to and have notified the Secretary of their intention to participate in Committee deliberations and are present in person at such meeting, and the decision shall be made by a majority vote of those present and voting. The Dean is to be given not less than three days’ notice of such an Assembly meeting, unless notice is waived.

Meetings of the Committee of the Whole shall be chaired by the Chair of the Executive Committee.

Comment: The above provision on convening the Committee of the Whole is not intended to prevent informal discussion from occurring at Assembly meetings with or without the presence of a quorum.

III. Committee of the Tenured Faculty

The Committee of the Tenured Faculty shall consist of all tenured members of the Faculty including those on sabbatical or leave of absence who are able to and have notified the Secretary of their intention to participate in Committee deliberations and are present in person at such meeting. The Committee shall convene upon not less than three days’ notice given in writing by the Chair of the Tenure Committee, who shall chair its meetings.

This Committee shall meet to act upon the recommendations of the Tenure Committee relating to:

1. The initial grant of tenure to any person;
2. The promotion of any person to the rank of Associate Professor; and
3. The retention on contract of any untenured Faculty member.
This Committee shall not, however, have jurisdiction to approve recommendations for promotion or appointment to the rank of Professor.

A quorum of this Committee is a majority of its qualified members. Recommendations of the Tenure Committee shall be deemed adopted, and shall be the Faculty’s recommendation, unless rejected or amended by a majority of those members of the Committee of Tenured Faculty who are present in person at the time of the vote or by absentee ballot and who are qualified to vote. The Committee’s decisions are not subject to review by the Assembly.

Comment: It is contemplated that recommendations of the Tenure Committee may be divided by the Committee of Tenured Faculty; for example, a recommendation to promote and to grant tenure may be divided into the question of promotion and the question of tenure and decided separately.

IV. Committee of the Tenured Professors

The Committee of the Tenured Professors shall consist of all tenured full professors including those members on sabbatical or leave of absence who are able to and have notified the secretary of their intention to participate in committee deliberations and are present in person at such meeting. The Committee shall convene upon not less than three days’ written notice by the Chair of the Tenure Committee, who shall chair its meetings.

This Committee shall meet to consider the recommendations of the Tenure Committee relating to the promotion or appointment of any person to the rank of Professor, which shall be the limit of its jurisdiction. No person may be recommended for appointment or promotion to the rank of Professor who has not previously been tenured or recommended for tenure by the Committee of the Tenured Faculty. A quorum of this Committee is a majority of its qualified members. Recommendations of the Tenure Committee shall be deemed adopted, and shall be the Faculty’s recommendation, unless rejected or amended by a majority of those members of the Committee of the Tenured Professors who are present in person at the time of the vote or by absentee ballot and who are qualified to vote. The Committee’s decisions are not subject to review by the Assembly.

V. Standing Committees

The following committees are standing committees of the Assembly and shall make regular reports and recommendations at Assembly meetings. Except for the Executive Committee, the Tenure Committee, and any other committee designated by the
Executive Committee, the Student Bar Association shall, for each standing committee of the Assembly, designate a student from the student body to represent the student body as a voting member of the standing committee.

A. The Executive Committee

The Executive Committee, consisting of five members of the full-time faculty who are not Deans, shall be composed of two tenured full professors, one faculty member who is not a tenured full professor, and two faculty members elected at large. The members of the Executive Committee shall serve two-year terms and shall be elected on a staggered basis. The Committee shall be elected by secret ballot of all members of the Faculty. The Committee shall select one of the full professors as its Chair by majority vote. The Committee shall also select one of its members as Secretary of the Committee. The president of the Student Bar Association shall have the right to attend, speak and vote at meetings of the Executive Committee.

The Executive Committee shall have the following duties, rights and responsibilities:

1. To appoint, in consultation with the Dean, the members and the Chair of the other standing committees, except members of the Tenure Committee. In naming committee members the Executive Committee shall give due consideration to the following factors:

   The expressed wishes of the Faculty member;
   Reasonable balance of academic ranks among the members;
   Reasonable introduction of new blood and new ideas from year to year;
   Reasonable continuity of membership from year to year;
   Perceived performance of members in prior committee work; and
   The functions and anticipated workload of the Committee.

   The decision of the Executive Committee as to committee assignments shall be final. The Executive Committee shall not name any of its members chair of any other standing committee.

2. To serve as the Faculty’s general liaison to the Dean. This provision shall not be construed to preclude other Committees or Faculty from direct contact with the Administration.
3. To recommend policies governing the short- and long-term goals of the School and the means by which these may be best attained.

4. To recommend policies respecting alumni relations, public relations and fund raising.

5. To monitor and recommend policies concerning, and suggest means to implement, the development, utilization, and growth of the Law School and its facilities.

6. To coordinate and to monitor the activities of the other standing committees (except the Tenure Committee, as to which it shall have no jurisdiction). To this end, and without limitation, the Committee may delegate one or more of its members to attend meetings of other standing committees, convene joint meetings with one or more Chairpersons or the membership of other standing committees, assign responsibilities and problems to a committee where jurisdiction is doubtful, and resolve jurisdictional disputes between committees. Such actions shall be reported to the Assembly.

7. To coordinate Assembly meetings by:
   (a) Preparing the agenda in consultation with the Dean;
   (b) Prescribing the order of business; and
   (c) Ensuring that committee proposals and reports are carefully prepared, are submitted in writing to Assembly members in advance of the meeting, and otherwise conform with procedures and provisions in Article VII of this Constitution.

8. To monitor the functioning of the committee system and organizational structure herein provided and to propose to the Assembly changes and improvements.

9. To interpret and construe the provisions of this Assembly Constitution.

10. To propose amendments to the Assembly Constitution for consideration pursuant to Article VIII of this Constitution, without prejudice to the right of any other Committee or Faculty also to propose such amendments.
11. To appoint an *ad hoc* Faculty discipline committee, the members of which shall be randomly selected at the commencement of each academic year.

12. To act, or authorize another standing committee to act, on behalf of the Assembly or the Faculty when necessary or appropriate due to unusual or exigent circumstances. If such authority is exercised, the Executive Committee shall report its action to the Assembly or Faculty as soon as practicable but in no event beyond 10 days. The committee may not under this authority amend the Assembly Constitution or make any tenure or promotion recommendations.

13. To recommend and apply rules relating to standards for the conferring of honorary degrees.

14. To establish further guidelines and procedures as may be appropriate, not in conflict with provisions of the Assembly Constitution.

15. To appoint, in consultation with the Dean, the Secretary of the Assembly.

**B. The Tenure Committee**

The Tenure Committee, consisting of seven members of the full-time faculty who are not Deans (including those with the rank of Associate Dean or higher), shall consist of five full professors and two tenured associate professors who shall serve two-year staggered terms. The Committee shall be elected by secret ballot of all members of the Faculty. Elections of the Committee shall take place after elections to the Executive Committee, whose members shall not be eligible for election to the Committee. The Committee shall elect a Professor to serve as its Chairperson.

The Committee is responsible for making recommendations concerning the following matters:

(a) Appointment at or promotion to the ranks of Professor and Associate Professor;

(b) Granting of academic tenure to any person;

(c) Retention on contract of any member of the untenured Faculty.

The recommendations of the Committee relating to appointment at or promotion to the rank of Professor shall be made to the Committee of the Tenured Professors; and
recommendations regarding granting of academic tenure shall be made to the Committee of the Tenured Faculty. If the Tenure Committee recommends the appointment of an untenured person to the rank of Professor with tenure, the recommendation as to the grant of tenure shall be made to the Committee of the Tenured Faculty and the recommendation as to promotion to the rank of Professor shall be made to the Committee of the Tenured Professors. Notwithstanding any other provisions herein to the contrary, no person shall acquire tenure except by recommendation to the Committee of the Tenured Faculty.

Recommendations of the Committee regarding retention on contract of non-tenure-track Faculty shall be made to all tenured and tenure-track Faculty. Recommendations of the Committee regarding retention on contract of non-tenure-track Faculty shall be deemed adopted and shall be the Faculty’s recommendations, unless rejected or amended by a majority of those tenured and tenure-track Faculty who are present in person at the time of the vote or by absentee ballot and who are qualified to vote.

The Committee shall adopt and follow such procedures as it deems appropriate, with the concurrence of the Assembly, and shall follow such other directions as the Assembly may give. The Committee shall not maintain minutes of its discussions and decisions on matters of tenure, promotion, and retention, but shall prepare confidential written reports on such matters in lieu of minutes.

C. The Appointed Standing Committees

The Executive Committee, in concert with the Dean, shall appoint the following standing committees and shall designate their chairs. Each faculty member shall be appointed to at least one standing committee.

1. The Selection and Appointments Committee

This Committee shall have the following duties:

(a) After the Committee is appointed, it shall meet with the Dean to discuss hiring priorities for the coming year.

(b) Tenure-track, tenured, full-time clinical faculty, and full-time non-tenure track faculty positions: The following provisions shall apply to both all new faculty (persons not tenured or tenure-tracked at another law school) and lateral hires (persons tenured or tenure-tracked at another law school).
1. The committee shall conduct interviews with potential faculty members, and based on those interviews, invite candidates to meet with other faculty and administrators and to make presentations to the full-time faculty on an academic subject.

2. At a meeting of the full-time faculty called with reasonable notice, the committee members shall report on the references of the candidates. If the candidate is tenured at another institution, the committee shall also report on whether the tenure standards used to grant the candidate tenure are substantially similar to those at JMLS. The faculty shall discuss the qualifications of the candidates. The full-time faculty members shall:

   a. by majority of the votes cast, decide whether to recommend hiring of each candidate; and

   b. rank each of the recommended candidates.

3. The criteria the faculty shall consider in deciding whether to recommend hiring under the previous section shall include:

   a. A candidate's potential to fulfill the teaching, scholarship and service criteria set forth in the Tenure Standards;

   b. The extent to which the candidate meets other special hiring needs of the institution;

   c. For candidates with tenure at another institution, the faculty shall consider:

      i. Whether the tenure standards used to grant the candidate tenure at that institution are substantially similar to those at JMLS; and

      ii. Whether the candidate would appear to satisfy the minimum requirements under the JMLS Tenure Standards; and

   d. In the case of full-time clinical faculty and full-time non-tenure track faculty, a candidate's potential teaching ability shall be the primary factor in deciding whether to recommend appointment.

4. Absentee ballots will be allowed on the question of whether to recommend hiring. It is expected that faculty voting by absentee ballot will familiarize themselves with the candidates' qualifications.

5. The committee shall transmit the names of recommended candidates and their ranking to the Dean.
(c) Visitors

1. Visitors shall be classified in one of the three categories:
   
a. Look-see Visitors: These visitors are hired under the assumption that they will be evaluated during the period of their visitorship for a tenured or tenure track position.

   b. One Year Visitors: These visitors are hired under the assumption that they will not be offered a tenured or tenure track position at year end. This will not prevent the visitor from applying for a tenured track position if one becomes available during the year.

   c. Short-term Visitors: These visitors are hired for a period of less than one year.

2. The committee's responsibility for each type of visitor shall be as follows:
   
a. Look-see Visitors: The committee shall follow all the procedures in 1.b. above which are required for tenured and tenure track positions.

   b. One Year Visitors: The committee shall interview candidates and make recommendations to the Dean. At the request of the Dean, the committee shall vote on whether to extend this visitorship for an additional year.

   c. Short-term Visitors: The committee shall assess the candidates' qualifications and make recommendations to the Dean.

   d. Rank

      i. For tenure track faculty without teaching experience: the faculty shall recommend the rank of faculty member to the Dean. New faculty without substantial teaching experience shall ordinarily be offered the rank of assistant professor.

      ii. For lateral hires: Rank shall be governed by the Tenure Standards.

      iii. For Visitors: Visitors shall hold the rank that they hold at their home institutions unless the committee recommends a different rank.
e. The granting of tenure for candidates considered under 1.b. above shall be governed by the Tenure Standards and Procedures committee.

f. Dean's role: The Dean shall negotiate with and hire faculty and visitors recommended by the faculty. The Dean shall give the ranking substantial deference among the recommended candidates.

2. The Academic Affairs Committee

This Committee shall have the following duties:

(a) To recommend standards and policies for dismissal of students for poor scholarship, and to recommend and apply standards and policies for readmission under appropriate circumstances.

(b) To evaluate Faculty grading practices and make recommendations and reports concerning grading.

(c) To develop, recommend and apply rules relating to academic standards, degree requirements, standards for honors degrees, and similar matters, and for J.D. and LL.M. degrees.

3. The Curriculum Committee

The Committee shall have the following responsibilities:

(a) To evaluate and monitor the curriculum and to recommend changes and improvements.

(b) To formulate and recommend policies respecting non-J.D. and non-LL.M. programs, continuing legal education programs, community out-reach programs and joint degree programs.

4. The Library and Computer Policy Committee

This Committee shall be charged with evaluating the educational aspects of the library and making appropriate reports and recommendations. This Committee shall also be charged with evaluating educational aspects of the Law School’s policies regarding computers, the internet, and related technologies and software, and making appropriate reports and recommendations. The Director
of the Library and the Head of Computer Services shall be ex officio members of this Committee.

5. The Admission and Financial Aid Committee

This Committee shall formulate, recommend, and monitor the implementation of policies and standards for admissions, pre-admissions programs, financial aid, and efforts to attract students who most fully meet the admissions goals of the School.

6. The Faculty Affairs Committee

The Committee shall have the following duties:

(a) To provide suitable orientation for new members of the full-time and adjunct Faculty. Such new members are to be fully apprised of the policies of the School, of its examination and grading policies, of its history, and in general of all information that will fully integrate them into the Faculty. Appropriate means of introduction to other members of the Faculty are to be developed and applied.

(b) To recommend programs and policies that promote the professional development of the Faculty, including teaching effectiveness, such as Faculty exchanges, seminars, sabbaticals, etc.

(c) To develop appropriate standards, in conjunction with the Dean, for Faculty support services, such as secretarial assistance, word processing, telephone service, paid student assistants, etc.

(d) To advise the Dean of Faculty opinion regarding salaries and fringe benefits.

(e) To recommend programs and policies dealing with, and suggestions for implementation of, other matters of Faculty concern, such as working conditions, conducive teaching environment, scheduling, class loads, administrative responsibilities, interim and summer teaching, and supervision of programs, divisions, centers, institutes, conferences and projects.
7. **The Student Orientation Committee**

This Committee shall recommend policies for, and monitor and conduct, orientation programs for entering students, and such additional programs of orientation or guidance as may seem desirable.

8. **The Placement and Career Services Committee**

This Committee shall formulate, recommend and monitor policies to assist in the promotion of placement and career development activities for students.

9. **The Committee on Student Honors Programs**

This Committee shall recommend policies and supervise the performance of the student run Honors Programs: Law Review, the John Marshall Journal of Computer and Information Law and Moot Court, and any similar programs added in the future.

10. **The Committee on Adjunct Faculty**

This Committee shall recommend to the Dean the appointment of all adjunct faculty members, including adjunct clinical faculty and also those who teach in LL.M. and M.S. programs. This Committee shall also monitor the performance of adjunct faculty, and recommend to the Dean the retention or non-retention of such faculty. The Committee shall also conduct programs, as it deems appropriate, for the development of teaching skills by adjunct faculty, and for the integration of adjunct faculty into the law school community.

11. **Student Affairs Committee**

This committee shall have the following duties:

(a) To develop and monitor the performance of programs for providing students with faculty advisors.

(b) To serve as faculty liaison with student organizations, other than Honors Programs.

(c) To recommend programs and policies to promote positive student-faculty relations.
12. Self-Study Committee

This Committee shall undertake the continuing duties of seeing to it that the faculty engages in an ongoing review of its performance in all areas, with particular attention given to developing the necessary material for submission in the sabbatical inspections conducted by the ABA and AALS.

13. The Discipline Committee

This Committee shall administer discipline proceedings in conformity with the Rules for Discipline Proceedings and/or any other applicable law school rules governing student discipline. The Committee may consist of student members and faculty members according to prevailing rules and procedures. Faculty members of the Committee may be appointed by the Executive Committee, in consultation with the Dean, or may be drawn from rotating panels appointed by the Executive Committee, in consultation with the Dean.

D. Ad Hoc Committees

The Executive Committee, in consultation with the Dean, shall have the authority to appoint ad hoc committees, in addition to the standing committees, to consider issues and address matters that do not fall within the jurisdiction of a standing committee.

VI. Assembly Procedures

The Assembly shall adopt rules of procedure for Assembly meetings, upon recommendation of the Executive Committee and majority vote of those present and voting, as soon as practicable. Upon adoption, those procedures shall replace this paragraph as Article VI of the Assembly Constitution. Subsequent changes to this Article may only be made in accordance with Article VIII, dealing with amendments to the Constitution.

RULES OF PROCEDURE OF THE JOHN MARSHALL LAW SCHOOL ASSEMBLY

[Approved by the Assembly October 8, 1990]

SECTION ONE: AGENDA.

A written agenda of an Assembly meeting shall be prepared and distributed to all members of the Assembly within a reasonable period prior to the meeting, but in no
event less than twenty-four hours. The agenda shall state the substance of any business that is to be brought before the meeting.

SECTION TWO: RECOGNITION.

No member may address the Assembly for any reason until recognized by the Chair. After obtaining recognition, the member may not be interrupted or otherwise prevented from speaking, but may yield the floor to another member or yield to a question, or unless a point of order may be raised by another member.

SECTION THREE: MOTIONS.

All decisions taken by the Assembly shall be pursuant to a motion made by a member or a request for Assembly action made by a standing committee and affirmatively adopted by the Assembly in accordance with these rules.

SECTION FOUR: MOTION TO ADJOURN.

A motion to adjourn or to fix the time for adjournment is neither debatable nor amendable. This motion takes precedence over all other motions and requires a majority to pass.

SECTION FIVE: MOTION TO APPEAL THE DECISION OF THE CHAIR.

This motion challenges any ruling by the Chair on any procedural matter that may come before the Assembly. It is neither debatable nor amendable, and requires a majority to pass. It takes precedence over all other motions except a motion to adjourn.

SECTION SIX: MOTION TO TABLE.

This motion postpones consideration of a matter indefinitely unless otherwise specified. It is neither debatable nor amendable. This motion takes precedence over all other motions, except for a motion to adjourn and a motion to appeal the decision of the Chair, and requires a majority.

SECTION SEVEN: MOTION TO TAKE FROM THE TABLE.

This motion seeks to recall for consideration a motion or a number of related motions previously laid on the table. The motion is not in order until some business has been transacted since the subject of the motion was laid on the table. The motion must be
seconded, and is neither debatable nor amendable. If moved and rejected, the motion is renewable only after some further business has been transacted.

SECTION EIGHT: MOTION TO MOVE THE PREVIOUS QUESTION.

This motion calls for the immediate closing of debate on a subject and the taking of a vote on such subject. It is neither debatable nor amendable. The motion requires a two-thirds vote to be passed and takes precedence over every other motion, except for a motion to adjourn, a motion to appeal the decision of the Chair, or a motion to table.

SECTION NINE: MOTION TO SUSPEND THE RULES.

This motion is neither debatable nor amendable. It requires a two-thirds vote to be passed and takes precedence over every other motion, except for a motion to adjourn, a motion to appeal the decision of the Chair, a motion to table, or a motion to move the previous question. A motion to suspend a rule or rules must be for a specified period of time and may not be used to suspend a rule or rules indefinitely. Rules that cannot be suspended are: rules contained in Articles I and VIII of the Assembly Constitution; and rules protecting absentees or a basic right of the individual member. No rule protecting a minority of a particular size can be suspended in the face of a negative vote as large as the minority protected by the rule.

SECTION TEN: MOTION TO AMEND.

This motion takes precedence only over the original motion it is proposed to amend. A motion to amend may itself be amended only once, although the original motion may be amended as many times as the Assembly deems appropriate. If the proponent of any motion may agree to accept a proposed amendment, the amendment automatically becomes part of the original motion without any further action required by the Assembly. An amendment may be inconsistent with the original motion, but must relate to the original motion. A motion to amend is debatable and requires a majority.

SECTION ELEVEN: POINTS OF ORDER AND INFORMATION.

A point of order calls the attention of the Chair to an alleged procedural irregularity and a point of information is a request for further information from the Chair. These two points are decided by the Chair and require no action by the Assembly. However, rulings on both of these points are subject to an appeal from the decision of the Chair. Unless an appeal is taken these points and the rulings thereon are not debatable and are not amendable.
SECTION TWELVE: SECONING.

All motions, other than requests for Assembly action by a standing committee, require a second in order to be considered by the Assembly. Points of order and points of information are not considered motions.

SECTION THIRTEEN: QUORUM.

A quorum for the purpose of an Assembly meeting shall consist of at least one-half of the membership of the Assembly, including those members on sabbatical or leave of absence who have notified the Secretary of their intention to participate in Assembly deliberations and are present in person at such meeting. No Assembly decisions may be made without the presence of a quorum at the time of such decision.

SECTION FOURTEEN: “MAJORITY” AND “TWO-THIRDS” VOTE.

A majority vote of the Assembly is defined as being the vote of a majority of those present and voting on the question. A two-thirds vote of the Assembly is defined as being the vote of two-thirds of those present and voting on the question.

SECTION FIFTEEN: NO PROXY VOTING.

There shall be no voting by proxy in the Assembly.

SECTION SIXTEEN: CHAIRPERSON TO PRESIDE FOR ALL BUSINESS.

The person designated in Article I of the Assembly Constitution to preside at the meeting of the Assembly shall preside as to all business at the meeting. If it is necessary for the presiding officer to vacate the chair during a meeting, the chair may be occupied temporarily by whatever other person shall have been designated in Article I of the Assembly Constitution, or in turn by a chairperson pro tem appointed by the officer vacating the chair, subject to the approval of the Assembly. If no person designated as Chair in Article I of the Assembly Constitution is present, the Assembly shall immediately elect a chairman pro tem to preside during the meeting or until a person designated as Chair by Article I of the Assembly Constitution enters the meeting.

SECTION SEVENTEEN: GENERAL PROVISION.

The Chair and the Assembly shall have the authority to adopt and apply any other rule of procedure not substantially inconsistent with the foregoing expressed rules.
VII. Committee Procedures

A. Provisions

The provisions of this Article shall apply to all Faculty committees, whether standing, ad hoc or otherwise created, but not to the tenure and promotion responsibilities of the Tenure, Selection and Appointments Committee.

B. Meetings, Agenda and Minutes

1. Meetings

(a) Committee meetings shall be open to all interested Faculty: All meetings shall be open to any full-time Faculty member who wishes to attend.

No committee selected by the Faculty or claiming to act on behalf of the Faculty, except the Tenure, Selection and Appointments Committee, the Committee of the Tenured Faculty, and the Committee of the Tenured Professors, shall prevent committee information from being disseminated to Faculty members under any claim of confidentiality. The Assembly may provide for other exceptions to this policy.

(b) Notice of meetings shall be posted: All committees shall post notice of any scheduled meeting. The notice shall be posted in the faculty lounge at least three business days in advance of the meeting.

2. Agenda

If available, all committees shall post agenda for each of its meetings. The agenda shall be posted in the faculty lounge at least three business days in advance of the meeting.

3. Minutes

All committees shall post minutes for each of its meetings. The minutes shall be posted in the faculty lounge as soon as possible after their approval by the committee.

This requirement shall not apply to any matters that a committee decides, in accordance with authority given by the Assembly, to be confidential.
C. Committee Action, Decision and Report to Faculty

1. Procedures prior to committee decision and report:

Prior to distributing a final report to the Faculty on a matter the committee intends to present at an Assembly meeting, the committee shall take whatever action, in its discretion, it deems necessary to render a decision and provide a report as described in C.2.b. below.

It is strongly recommended that before any such final report is distributed to the Faculty, a committee consider input from all full-time Faculty. Such input may be sought by one or more of various methods, such as soliciting written comment, holding a special open meeting, or proceeding in any other manner that the committee deems appropriate to the particular matter at issue. If input is sought by open meeting, notice shall be given in accordance with B.1.b. above.

It is also strongly recommended that the committee obtain whatever information may be appropriate regarding the administrative impact of a proposed decision.

2. Reporting

(a) Notice: A report regarding committee action and decision shall be distributed to the Faculty and Deans not less than five business days prior to the Assembly meeting at which the report is intended to be presented.

(b) Content: A report shall include

i. the committee’s decision(s);

ii. the factual bases for the decision(s); and,

iii. a concise summation of the arguments in favor of and against the decision(s).

D. Additional Guidelines and Procedures

The Executive Committee, pursuant to authority granted in this Constitution, may from time to time establish such guidelines and procedures as in its discretion may be necessary or appropriate to effectuate and implement other provisions of this Article.
Nothing in this Article shall be construed to preclude the Executive Committee from establishing and applying guidelines and procedures, as in its discretion may be necessary or appropriate, for expedited handling of particular matters or for the suspension or waiver in particular circumstances of a procedure set forth in this Article. Each application of such exceptional guidelines and procedures shall be communicated to the Assembly or Faculty as soon as practicable.

VIII. Amendments

This Assembly Constitution may only be amended at a properly-called Assembly meeting, prior to which the proposed amendment has been distributed to all members of the Assembly and other persons entitled to attend Assembly meetings, and listed as an agenda item. The proposed amendment may be placed on the agenda in either of two ways:

A. By prior vote of the Executive Committee, or

B. By a motion, properly seconded, and the affirmative vote of a majority of those members of the Assembly present in person and voting at a properly-called Assembly meeting, to place the amendment on the agenda of the next properly-called Assembly meeting.

At the Assembly meeting at which the amendment is considered for adoption, an affirmative vote of at least two-thirds (2/3) of those members of the Assembly present in person and voting (but not less than a majority of Assembly members eligible to vote) shall amend the Constitution.
SECTION 7: Statement of Good Practices by Law Professors in the Discharge of Their Ethical and Professional Responsibilities

(adopted 11/89 by the AALS Executive Committee)
(adopted by JMLS Assembly 2/12/91)
(amended statement adopted 5/2003 by the AALS Executive Committee)
(adopted as amended by the JMLS Assembly 4/2/12)

American law professors typically are members of two professions and thus should comply with the requirements and standards of each. Law professors who are lawyers are subject to the law of professional ethics in force in the relevant jurisdictions. Non-lawyers, in turn, should be guided by the norms associated with their disciplines. In addition, as members of the teaching profession, all law faculty members are subject to the regulations of the institutions at which they teach and to guidelines that are more generally applicable, such as the Statement of Professional Ethics of the American Association of University Professors (see Appendix I).

This statement does not diminish the commands of other sources of ethical and professional conduct. Instead, it is intended to provide general guidance to law professors concerning ethical and professional standards both because of the intrinsic importance of those standards and because law professors serve as important role models for law students. In the words of the American Bar Association’s Commission on Professionalism, since “the law school experience provides the student’s first exposure to the profession and . . . professors inevitably serve as important role models for students, . . . the highest standards of ethics and professionalism should be adhered to within law schools.”¹

Law professors’ responsibilities extend beyond the classroom to include out of class associations with students and other professional activities. Members of the law teaching profession should have a strong sense of the special obligations that attach to their calling. They should recognize their responsibility to serve others and not be limited to pursuit of self interest. This general aspiration cannot be achieved by edict, for moral integrity and dedication to the welfare of others cannot be legislated. Nevertheless, a public statement of good practices concerning ethical and professional responsibility can enlighten newcomers and remind experienced teachers about the basic ethical and professional tenets—the ethos—of their profession.

Although the norms of conduct set forth in this Statement may be relevant when questions concerning propriety of conduct arise in a particular institutional context, the statement is not promulgated as a disciplinary code. Rather, the primary purpose of the

Statement-couched for the most part in general aspirational terms-is to provide
guidance to law professors concerning their responsibilities (1) to students, (2) as
scholars, (3) to colleagues, (4) to the law school and university at which they teach, and
(5) to the bar and the general public.

I. RESPONSIBILITIES TO STUDENTS

As teachers, scholars, counselors, mentors, and friends, law professors can profoundly
influence students’ attitudes concerning professional competence and responsibility.
Professors should assist students to recognize the responsibility of lawyers to advance
individual and social justice.

Because of their inevitable function as role models, professors should be guided by the
most sensitive ethical and professional standards.

Law professors should aspire to excellence in teaching and to mastery of the doctrines
and theories of their subjects. They should prepare conscientiously for class and employ
teaching methods appropriate for the subject matters and objectives of their courses.
The objectives and requirements of their courses, including applicable attendance and
grading rules, should be clearly stated. Classes should be met as scheduled or, when
this is impracticable, classes should be rescheduled at a time reasonably convenient for
students, or alternative means of instruction should be provided.

Law professors have an obligation to treat students with civility and respect and to foster
a stimulating and productive learning environment in which the pros and cons of
debatable issues are fairly acknowledged. Teachers should nurture and protect
intellectual freedom for their students and colleagues. If a professor expresses views in
class that were espoused in representing a client or in consulting, the professor should
make appropriate disclosure.

Evaluation of student work is one of the fundamental obligations of law professors.
Examinations and assignments should be conscientiously designed and all student work
should be evaluated with impartiality. Grading should be done in a timely fashion and
should be consistent with standards recognized as legitimate within the university and
the profession. A student who so requests should be given an explanation of the grade
assigned.

Law professors should be reasonably available to counsel students about academic
matters, career choices, and professional interests. In performing this function,
professors should make every reasonable effort to ensure that the information they
transmit is timely and accurate. When in the course of counseling a law professor
receives information that the student may reasonably expect to be confidential, the
professor should not disclose that information unless required to do so by university rule or applicable law. Professors should inform students concerning the possibility of such disclosure.

Professors should be as fair and complete as possible when communicating evaluative recommendations for students and should not permit invidious or irrelevant considerations to infect these recommendations. If information disclosed in confidence by the student to the professor makes it impossible for the professor to write a fair and complete recommendation without revealing the information, the professor should so inform the student and refuse to provide the recommendation unless the student consents to full disclosure.

Discriminatory conduct based on such factors as race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs is unacceptable in the law school community. Law professors should seek to make the law school a hospitable community for all students and should be sensitive to the harmful consequences of professorial or student conduct or comments in classroom discussions or elsewhere that perpetuate stereotypes or prejudices involving such factors. Law professors should not sexually harass students and should not use their role or position to induce a student to enter into a sexual relationship, or to subject a student to a hostile academic environment based on any form of sexual harassment.

Sexual relationships between a professor and a student who are not married to each other or who do not have a preexisting analogous relationship are inappropriate whenever the professor has a professional responsibility for the student in such matters as teaching a course or in otherwise evaluating, supervising, or advising a student as part of a school program. Even when a professor has no professional responsibility for a student, the professor should be sensitive to the perceptions of other students that a student who has a sexual relationship with a professor may receive preferential treatment from the professor or the professor’s colleagues. A professor who is closely related to a student by blood or marriage, or who has a preexisting analogous relationship with a student, normally should eschew roles involving a professional responsibility for the student.

II. RESPONSIBILITIES AS SCHOLARS

A basic responsibility of the community of higher education in the United States is to refine, extend, and transmit knowledge. As members of that community, law professors share with their colleagues in the other disciplines the obligation to discharge that responsibility. Law schools are required by accreditation standards to limit the burden of teaching so that professors will have the time to do research and to share its results with others. Law schools also have a responsibility to maintain an atmosphere of freedom
and tolerance in which knowledge can be sought and shared without hindrance. Law professors are obligated, in turn, to make the best and fullest use of that freedom to fulfill their scholarly responsibilities.

In teaching, as well as in research, writing, and publication, the scholarship of others is indispensable to one’s own. A law professor thus has a responsibility to be informed concerning the relevant scholarship of others in the fields in which the professor writes and teaches. To keep current in any field of law requires continuing study. To this extent the professor, as a scholar, must remain a student. As a corollary, law professors have a responsibility to engage in their own research and publish their conclusions. In this way, law professors participate in an intellectual exchange that tests and improves their knowledge of the field, to the ultimate benefit of their students, the profession, and society.

The scholar’s commitment to truth requires intellectual honesty and open-mindedness. Although a law professor should feel free to criticize another’s work, distortion or misrepresentation is always unacceptable. Relevant evidence and arguments should be addressed. Conclusions should be frankly stated, even if unpopular.

When another’s scholarship is used - whether that of another professor or that of a student - it should be fairly summarized and candidly acknowledged. Significant contributions require acknowledgement in every context in which ideas are exchanged. Publication permits at least three ways of doing this: shared authorship, attribution by footnote or endnote, and discussion of another's contribution within the main text. Which of these will suffice to acknowledge scholarly contributions by others will, of course, depend on the extent of the contribution.

A law professor shall disclose the material facts relating to receipt of direct or indirect payment for, or any personal economic interest in, any covered activity that the professor undertakes in a professorial capacity. A professor is deemed to possess an economic interest if the professor or an immediate family member may receive a financial benefit from participation in the covered activity. Disclosure is not required for normal academic compensation, such as salary, internal research grants, and honoraria and compensation for travel expenses from academic institutions, or for book royalties. Disclosure is not required for funding or an economic interest that is sufficiently modest or remote in time that a reasonable person would not expect it to be disclosed. Disclosure of material facts should include: (1) the conditions imposed or expected by the funding source on views expressed in any future covered activity; and (2) the identity of any funding source, except where the professor has provided legal representation to a client in a matter external to legal scholarship under circumstances that require the identity to remain privileged under applicable law. If such a privilege prohibits disclosure the professor shall generally describe the interest represented.
A law professor shall also disclose the fact that views or analysis expressed in any covered activity were espoused or developed in the course of either paid or unpaid representation of or consultation with a client when a reasonable person would be likely to see that fact as having influenced the position taken by the professor. Disclosure is not required for representation or consultation that is sufficiently remote in time that a reasonable person would not expect it to be disclosed. Disclosure should include the identity of any client, where practicable and where not prohibited by the governing Code or Rules of Professional Conduct. If such Code or the Rules prohibit a professor from revealing the identity of the client, then the professor shall generally describe the client or interest represented or both. Covered activities include any published work, oral or written presentation to conferences, drafting committees, legislatures, law reform bodies and the like, and any expert testimony submitted in legal proceedings. A law professor should make, to the extent possible, all disclosures discussed in this policy at the earliest possible time. The earliest possible time should be when the professor is invited to produce the written work for publication or to make a presentation or when the professor submits the written work for publication or delivers the presentation.

III. RESPONSIBILITIES TO COLLEAGUES

Law professors should treat colleagues and staff members with civility and respect. Senior law professors should be particularly sensitive to the terms of any debate involving their junior colleagues and should so conduct themselves that junior colleagues will understand that no adverse professional consequences would follow from expression of, or action based upon, beliefs or opinions contrary to those held by the senior professor.

Matters of law school governance deserve the exercise of independent judgment by each voting member of the faculty. It is therefore inappropriate for a law professor to apply any sort of pressure other than persuasion on the merits in an effort to influence the vote of another member of the faculty.

Law professors should comply with institutional rules or policies requiring confidentiality concerning oral or written communications. Such rules or policies frequently will exist with respect to personnel matters and evaluations of student performance. If there is doubt whether such a rule or policy is in effect, a law professor should seek clarification. An evaluation made of any colleague for purposes of promotion or tenure should be based exclusively upon appropriate academic and service criteria fairly weighted in accordance with standards understood by the faculty and communicated to the subject of the evaluation.

Law professors should make themselves reasonably available to colleagues for purposes of discussing teaching methods, content of courses, possible topics of
scholarship, scholarly work in progress, and related matters. Except in rare cases and for compelling reasons, professors should always honor requests from their own law schools for evaluation of scholarship in connection with promotion or tenure decisions. Law professors should also give sympathetic consideration to similar requests from other law schools.

As is the case with respect to students (Part I), sexual harassment, or discriminatory conduct involving colleagues or staff members on the basis of race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs is unacceptable.

IV. RESPONSIBILITIES TO THE LAW SCHOOL AND UNIVERSITY

Law professors have a responsibility to participate in the governance of their university and particularly the law school itself. Although many duties within modern universities are assumed by professional administrators, the faculty retains substantial collective responsibility to provide institutional leadership. Individual professors have a responsibility to assume a fair share of that leadership, including the duty to serve on faculty committees and to participate in faculty deliberations.

Law professors are frequently in demand to participate in activities outside the law school. Such involvement may help bring fresh insights to the professor’s classes and writing. Excessive involvement in outside activities, however, tends to reduce the time that the professor has to meet obligations to students, colleagues, and the law school. A professor thus has a responsibility both to adhere to a university’s specific limitations on outside activity and to assure that outside activities do not significantly diminish the professor’s availability to meet institutional obligations. Professors should comply with applicable laws and university regulations and policies concerning the use of university funds, personnel, and property in connection with such activities.

When a law professor resigns from the university to assume another position, or seeks a leave of absence to teach at another institution, or assumes a temporary position in practice or government, the professor should provide reasonable advance notice. Absent unusual circumstances, a professor should adhere to the dates established in the Statement of Good Practices for the Recruitment of and Resignation by Full-Time Faculty Members of the Association of American Law Schools (see Appendix II).

Although all law professors have the right as citizens to take positions on public questions, each professor has a duty not to imply that he or she speaks on behalf of the law school or university. Thus, a professor should take steps to assure that any designation of the professor’s institution in connection with the professor’s name is for identification only.
V. RESPONSIBILITIES TO THE BAR AND GENERAL PUBLIC

A law professor occupies a unique role as a bridge between the bar and students preparing to become members of the bar. It is important that professors accept the responsibilities of professional status. At a minimum, a law professor should adhere to the Code or Rules of Professional Conduct of the state bars to which the law professor may belong. A law professor may responsibly test the limits of professional rules in an effort to determine their constitutionality or proper application. Other conduct warranting discipline as a lawyer should be a matter of serious concern to the professor’s law school and university.

One of the traditional obligations of members of the bar is to engage in uncompensated public service or pro bono legal activities. As role models for students and as members of the legal profession, law professors share this responsibility. This responsibility can be met in a variety of ways, including direct client contact through legal aid or public defender offices (whether or not through the law school), participating in the legal work of public interest organizations, lecturing in continuing legal education programs, educating public school pupils or other groups concerning the legal system, advising local, state and national government officials on legal issues, engaging in legislative drafting, or other law reform activities.

The fact that a law professor’s income does not depend on serving the interests of private clients permits a law professor to take positions on issues as to which practicing lawyers may be more inhibited. With that freedom from economic pressure goes an enhanced obligation to pursue individual and social justice.
Appendix I: AAUP Statement on Professional Ethics (referenced in 2003 AALS Statement of Good Practices by Law Professors in the Discharge of their Ethical and Professional Responsibilities)

The statement that follows was originally adopted in 1966. Revisions were made and approved by the Association's Council in 1987 and 2009.

Introduction

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. The Statement on Professional Ethics that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and the Committee on Professional Ethics, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 Statement of Principles on Academic Freedom and Tenure, the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, or the applicable provisions of the Association's Recommended Institutional Regulations on Academic Freedom and Tenure.

The Statement

1. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise
critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

2. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

3. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

4. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

5. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.
Appendix II: AALS Statement of Good Practices for the Recruitment of and Resignation by Full-Time Faculty Members (referenced in 2003 AALS Statement of Good Practices by Law Professors in the Discharge of their Ethical and Professional Responsibilities)

The Association of American Law Schools recognizes that the mobility of law teachers among law schools and other professional positions is both inevitable and desirable. Yet the departure of a full-time law teacher always requires changes at the law school. Unless the school is given sufficient time to make the necessary arrangements to find another to offer the instruction given by the departing teacher, the reasonable expectations of students will be frustrated and the school's educational program otherwise disrupted. To serve the best interests of the program of legal education from which the teacher is departing and that to which she or he may be going, the Association urges that law schools and law faculty members follow these suggested practices.

It is recognized that the basic principles announced in the Statement on Recruitment and Resignation of Faculty Members, issued in 1961 by the American Association of University Professors and the Association of American Colleges, remain sound. However, the present environment in legal education, and to a large extent that throughout colleges and universities, requires a substantially greater lead time in making faculty appointments and other administrative decisions. These specific statements are, therefore, no longer useful guides to present action by deans, appointment committees, and faculty who wish to proceed appropriately in recruiting law teachers from the full-time faculty of other law schools or who wish to resign to accept positions elsewhere or request a leave of absence. This statement of good practices is designed to address the current condition in legal education and to provide those who wish to proceed responsibly a guide to appropriate conduct.

Faculty Appointments Within the Statement. This statement applies to the recruitment of the full-time law teacher who is in active service at or on leave from a law school and is not on terminal appointment and applies whether the appointment offered is with or without tenure or to a position not eligible for tenure and whether the faculty member has tenure.
**Importance of Early Recruitment.** Negotiations looking toward the appointment for the following academic year of a person who is a full-time member of the faculty of another law school should be begun and completed as early as practicable in the academic year.

**Offer of Appointment.** To permit a full-time faculty member to give due consideration to an offer and timely notice of resignation or request for leave of absence to his or her law school, a law school should make an offer of an indefinite appointment as a teacher during the following academic year no later than March 1 and of a visiting appointment no later than March 15.

**Resignation or Request for Leave of Absence.** A full-time faculty member should not resign to accept an indefinite appointment as a teacher at another law school during the next academic year later than March 15 nor request leave of absence to accept a visiting appointment as a teacher later than April 1. A law school should not offer an indefinite appointment or visiting position that contemplates that the faculty member resign or request leave of absence at a later date.

**Consent of the Dean of the Law School.** Even if the dean of the law school on whose faculty the person serves has acquiesced, a law school should not make an offer of an appointment as a teacher to a full-time member of the faculty of a law school more than two months later than the dates stated above and the faculty member should not resign or request leave of absence two months later than the dates stated above.

**Recruitment of the Dean or Director of the Library.** An offer of appointment for the following academic year as dean should be made to a full-time law teacher or dean as early as practicable in the academic year. As the impact on a school's program is significantly different in having to defer the appointment of a dean a year from that of having to defer appointment of a full-time teacher, the appointment of a dean may appropriately follow a later schedule than that suggested for the appointment of a full-time faculty member. All affected parties should, however, cooperate in making these appointments to the end that the interests of legal education at both law schools are served. This standard also applies to the director of the law school library.

Adopted by the Executive Committee,
August 12, 1979

Amended,
November 16, 1984

Amended,
May 15, 1986
SECTION 8: Faculty Standards and Development & Improvement Programs

(adopted by the Assembly March 1, 2004 and amended April 2, 2012)

The John Marshall Law School Assembly recognizes its responsibility to pursue excellence in legal education. The Faculty commits itself to work with the Deans, the Board of Trustees, alumni, students, judiciary, bar and other professional groups to implement programs designed to enhance the delivery of legal educational services to our students, the profession and the wider community.

We as a Faculty strive to provide value-based legal educational services. In a professional school, our students are entitled to class sessions conducted within broad limits of professionalism. To this end, our Faculty aspires to be the best teachers, scholars and public servants possible. Accordingly, we adopt the standards set forth in Part One.

To assist and support Faculty members in their pursuit of excellence in teaching, scholarship and public service as set forth in Part One, the Assembly urges the Dean and Faculty to introduce and support the programs set forth in Part Two.

PART ONE
FACULTY STANDARDS

The Assembly recommends that the Dean of the Law School consider the following teaching, scholarship and public service standards when reviewing faculty performance, preparing annual faculty contracts, determining faculty compensation, grants and stipends, and teaching assignments:

SPECIFIC TEACHING STANDARDS:

All Faculty members (full- and part-time, tenured, untenured, tenure-track, non-tenure track) should maintain the following minimum standards as members of The John Marshall Law School Faculty:

1. Meet assigned classes on the scheduled dates and at the designated times with a minimum number of class cancellations for good cause only.

2. Begin classes at the designated times and keep classes in session for the scheduled times unless there is good cause not to do so. Notify the Assistant Dean for Academic Services in a timely manner any class cancellations or schedule change, provide a statement of reasons for such change, and
provide a make-up class that accounts for the total hours cancelled or rescheduled.

3. Publish a syllabus or course assignment sheet, and e-mail a copy to the Assistant Dean for Academic Services, that informs students of the material covered in the course and the order in which that material will be covered.

4. Ensure that the material on the syllabus or assignment sheet conforms to the description of the course in the Law School course catalog.

5. Adhere to the published syllabus or assignment sheet and cover substantially the areas described in the course catalog and on the syllabus or course assignment sheet.

6. At the beginning of the course, distribute any special class rules governing student participation, preparation and credit for classroom performance.

7. Post and keep a minimum number of office hours, one office hour per credit hour taught, per week, convenient to students and be available to students at other times upon appointment.

8. Ensure that examinations or assignments assess the students’ mastery of the learning outcomes for the course, and cover the subjects included on the syllabus.

9. Provide opportunities for practice and assessment throughout the course.

10. Ensure that examinations test on subjects included on the syllabus and/or assignment sheet and covered in class.

11. During the time that any examination is administered, Faculty should be present in person in the Law School building, to tend to any exam issues. If unavailable in person, Faculty should be available by telephone or by e-mail.

12. Make reasonable efforts to afford prompt examination conferences to every student upon request, particularly those students with a grade of C- or below.

GENERAL TEACHING STANDARDS

All Faculty should strive to meet the highest standards of quality in teaching and are encouraged to fulfill their responsibilities through the following general teaching standards:

1. Present the subject course material in an organized manner.
2. Be well versed in the subject matter taught.

3. Communicate clearly and audibly knowledge of the subject matter.

4. Faculty are encouraged to master and use technology provided in each classroom and courtroom.

5. Generate interest in the subject matter and stimulate classroom engagement.

6. Encourage student participation and use that participation for further instruction.

7. Note current developments in the subject matter.

8. Incorporate current scholarship into presentations and materials where relevant.

9. Keep course materials up to date.

10. Clearly articulate course goals.

11. Tie theoretical concepts to practical issues.

12. Weave ethical issues into the course, incorporating professional responsibility and professionalism where appropriate and applicable.

13. Be sensitive to diversity and different backgrounds of students.

14. Be prepared for classes.

15. Direct classroom discussion to remain on track.

16. Address complex theoretical issues.

17. Conduct classes in an atmosphere of mutual dignity and respect.

18. Issue assignments of reasonable length.

19. Entertain student questions and respond or elicit analysis and responses from the questioner or other students.

20. Select books and/or materials that are current.

21. Where appropriate, incorporate examples and materials related to the contemporary practice of law, including use of technology in the office and the practice of law, and current developments in the practice of law.
22. Cooperate with other Faculty to ensure that the same substantive material and analytical skills and methods are covered in the same courses taught by different Faculty.

23. Cooperate with other Faculty to coordinate material and subject matter in the curriculum, for example in two semester courses.

24. Cooperate with other Faculty to ensure that substantive material tested on the Bar examinations are covered in appropriate courses.

25. Regularly participate and engage in all our programs designed to improve teaching effectiveness and techniques.

26. In all of these pursuits, act in a collegial manner toward each other, and act with appropriate dignity and respect toward the administration, support staff and students.

PUBLICATION AND SCHOLARSHIP STANDARDS

These standards are minimal standards and shall not replace the more demanding standards expected of applicants for tenure and/or promotion:

Unless engaged in a major multi-year research project that is expected to result in one or more significant publications, undertaken with the approval of the Associate Dean for Academic Affairs, each member of the tenured or tenure-track faculty is expected to publish in printed or electronic format every two years:

a. at least one law review article,

b. and one or more of the following, or a substantially equivalent work:

1. another law review article,

2. a legal monograph or chapter thereof;

3. a legal case book, legal treatise, or chapter thereof,

4. judicial conference materials or a judicial benchbook,

5. if substantial and scholarly, a legal book review,

6. if substantial and scholarly, a bar journal article,
7. law related encyclopedia entries that, individually or collectively, are substantial and scholarly,

8. a series of columns in prominent periodicals reporting on recent developments in the law or calling for legal reform, or

9. a series of blog entries in widely followed blog sites reporting on recent legal developments or calling for legal reform.

SERVICE STANDARDS

Full-time Faculty (tenured, tenure-track, non-tenure-track, and clinical) should serve the Law School, the legal profession and the public in general. Faculty should strive to meet the following standards of service. These standards are minimal standards and shall not replace the more demanding standards expected of applicants for tenure and/or promotion:

1. Faculty shall serve the Law School. The following list provides examples of service expected of Faculty members, but is not exclusive of other service:

   a. Serving on Committees as designated by the Dean and Faculty governing bodies. (Required.)

   b. Attending Assembly meetings, Committee meetings, commencement exercises and other important law school functions unless unable for good cause. (Required.)

   c. Attending two or more law school open houses, orientations, student events, student group functions, student banquets or other similar events held outside regular teaching hours (evenings, weekends and during inter-sessions) each semester. (Required.)

   d. Advising students academically.

   e. Providing pro bono legal services, consistent with the ABA Model Rule 6.1. (see Appendix I)

   f. Serving as Faculty advisor to one or more student organizations or groups.

   g. Serving as Faculty advisor to one or more honors groups, including moot court teams.
h. Periodically sitting as a judge to assist moot court and/or advocacy teams preparing for competitions.

i. Assisting student publications by suggesting article topics, authors, or assisting in the editing of submitted articles.

j. Assisting student groups and the Law School in creating a climate for scholarship and scholarly exchanges by inviting speakers (other academics, public figures, attorneys, etc.) to present and/or participate in panel discussions on important, topical, or controversial issues.

k. Assisting the Administration in student recruitment, admissions, and job placement.

l. Assisting the Foundation in fund-raising activities and grant applications.

2. Faculty shall serve the legal profession. The following list provides examples of service, but is not exclusive of other service:

   a. Membership and participation in one or more bar associations, AALS or other professional organizations.

   b. Speaking before bar and other professional organizations.

   c. Writing continuing legal education (CLE) materials and/or presenting CLE materials and lectures to professional groups, such as to judicial conferences.

3. Faculty shall serve the general public, so long as such service does not interfere with teaching responsibilities. The following list provides examples of service, but is not exclusive of other service:

   a. Advising students in the law school’s clinical and externship programs.

   b. Serving on private, community and/or government boards dedicated to public service.

   c. Representing indigent clients.

   d. Representing clients in cases with potential to raise important legal issues of public interest.
e. Writing appellate briefs and/or arguing cases before appellate courts in cases raising important legal issues.

f. Speaking before community groups on matters of public concern.

g. Providing consultative and technical assistance to legislative bodies, courts, government agencies, and international organizations in connection with the development and enforcement of laws.

h. In any of the above examples of service, a faculty member claiming credit for such service shall disclose to the Dean any amount of compensation that he/she received or expects to receive for such service.

PART TWO
FACULTY DEVELOPMENT & IMPROVEMENT PROGRAMS

All Faculty must maintain high standards of professional integrity and professional competence. To meet these high standards of professionalism, the Assembly urges the Dean, the Administration and the Faculty Affairs Committee to implement the following recommended programs for Faculty Development and Improvement:

1. The Dean is urged to appoint a member of the Faculty to serve as Assistant or Associate Dean responsible for faculty development, to implement the concepts and programs set forth below and to introduce other programs designed to assist and support Faculty in improving their performance as teachers, scholars and public servants. Teaching programs adopted should be open to adjunct Faculty as well as to full-time Faculty.

2. Faculty members are encouraged to meet in small groups, corresponding to general subject matter taught, to discuss teaching methods and examination techniques.

3. Faculty members are encouraged to form faculty pairs or teams for the purpose of visiting each other’s classes and discussing effective teaching methods. Faculty are encouraged to select more than one partner for pairing, ideally a faculty member who teaches the same subject matter and another who does not teach the same subject matter.

4. The Faculty Affairs Committee and the Dean responsible for faculty development shall annually invite speakers to address the Faculty on teaching techniques and effectiveness, scholarship and/or public service.
5. The Faculty Affairs Committee and the Dean responsible for faculty
development shall develop a mentor program for newly hired Faculty,
assigning senior Faculty to assist and advise newly hired faculty, particularly
in the area of teaching. The Faculty mentor shall not be a member of the
Tenure and Promotion Committee.

6. The Faculty Affairs Committee and the Dean responsible for faculty
development may assign Faculty mentors to other members of the Faculty as
identified by the Dean.

7. The Faculty Affairs Committee and the Dean responsible for faculty
development shall implement programs on professionalism and engagement.

8. Faculty shall implement the Law School’s Recording Policy.

9. The Dean is urged to retain the services of teaching method experts to visit
the classes of individual Faculty and then consult privately with those
individuals to make suggestions concerning teaching methods.

10. Faculty members are encouraged to share their scholarship with the rest of
the Faculty, professional groups and/or the larger outside community by
speaking at forums or on panels designed for such presentations and
exchanges. The Law School will support suitable programs for such
presentations and exchanges, including the Faculty Works in Progress
program and symposia at the Law School. Faculty members are encouraged
to attend such programs presented at the Law School. As a condition of
receiving a summer research grant, the Faculty recipient shall make a Faculty
Works in Progress presentation.

11. The Faculty Affairs Committee and the Dean responsible for faculty
development shall implement programs for the institution of good teaching
practices. The Dean and the Dean responsible for faculty development shall
encourage Faculty to attend conferences designed to improve teaching skills.

12. The Faculty Affairs Committee and the Dean responsible for faculty
development shall implement teaching effectiveness programs.

13. The Faculty Affairs Committee and the Dean responsible for faculty
development shall implement programs on how to effectively teach a diverse
student body

14. The Faculty Affairs Committee and the Dean responsible for faculty
development shall make available to Faculty teaching improvement materials,
recent literature from legal education scholars on professionalism, and the following good teaching principles:

1) Promote student-faculty engagement;
2) Articulate clear, high expectations;
3) Use time effectively;
4) Respect differences and points of view among students;
5) Foster cooperation;
6) Provide prompt feedback;
7) Provide timely in-person, one-on-one exam review;
8) Encourage active learning; and
9) Respect requests for accommodations.

15. In order to encourage and support scholarly production within the Faculty, the Dean is urged to grant research leaves, allow banking of courses, reduce teaching loads on a scheduled basis, provide summer grants, assign courses that help support individual Faculty member’s scholarship, and encourage Faculty to participate in at least one scholarly conference a year in his/her field of research.

16. The Dean is urged to provide adequate support to the Faculty in fulfilling their responsibilities.

17. The Dean is urged to support suitable programs inviting visitors and exchanges with outside faculty, including speakers. Faculty are urged to attend and participate in such programs.

18. The Dean is urged to take steps to improve the marketing of Law School programs and publicizing Faculty activities and accomplishments within and outside the Law School.

19. The Dean should encourage and facilitate service to the legal profession and the broader community. Faculty active in such service are encouraged to mentor and assist faculty seeking avenues to such activities by introducing them to organizations and individuals active in professional and public service groups.

20. The Dean is urged to authorize the provision of law school services and resources to support public service work. However, law school resources shall
not be expended in support of purely private activity unrelated to public service.

21. The Dean, Executive Committee and Committee chairs are urged to meet on a regular basis to ensure coordination of programs and monitor efforts to improve Faculty performance and other Law School programs.

22. The Dean shall encourage Faculty to use current technology in classrooms and courtrooms and will provide the necessary resources.
Appendix I: ABA Model Rule 6.1

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Comment

[1] Every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. The American Bar Association urges all lawyers to provide a minimum of 50 hours of pro bono services annually. States, however, may decide to choose a higher or lower number of hours of annual service (which may be expressed as a percentage of a lawyer's professional time) depending upon local needs and local
conditions. It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but during the course of his or her legal career, each lawyer should render on average per year, the number of hours set forth in this Rule. Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation, such as post-conviction death penalty appeal cases.

[2] Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means by providing that a substantial majority of the legal services rendered annually to the disadvantaged be furnished without fee or expectation of fee. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative rule making and the provision of free training or mentoring to those who represent persons of limited means. The variety of these activities should facilitate participation by government lawyers, even when restrictions exist on their engaging in the outside practice of law.

[3] Persons eligible for legal services under paragraphs (a)(1) and (2) are those who qualify for participation in programs funded by the Legal Services Corporation and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but nevertheless, cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's centers and food pantries that serve those of limited means. The term "governmental organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

[4] Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected, but the award of statutory lawyers' fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

[5] While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in paragraphs (a)(1) and (2), to the extent that any hours of service remained unfulfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (b). Constitutional, statutory or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in paragraphs (a)(1) and (2). Accordingly, where those restrictions apply, government and public sector lawyers and
judges may fulfill their pro bono responsibility by performing services outlined in paragraph (b).

[6] Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono lawyer to accept a substantially reduced fee for services. Examples of the types of issues that may be addressed under this paragraph include First Amendment claims, Title VII claims and environmental protection claims. Additionally, a wide range of organizations may be represented, including social service, medical research, cultural and religious groups.

[7] Paragraph (b)(2) covers instances in which lawyers agree to and receive a modest fee for furnishing legal services to persons of limited means. Participation in judicare programs and acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section.

[8] Paragraph (b)(3) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving on bar association committees, serving on boards of pro bono or legal services programs, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this paragraph.

[9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.

[10] Because the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every lawyer should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono service is not feasible.

[11] Law firms should act reasonably to enable and encourage all lawyers in the firm to provide pro bono legal services called for by this Rule.
[12] The responsibility set forth in this Rule is not intended to be enforced through disciplinary process.

**Model Code Comparison**

There was no counterpart of this Rule in the Disciplinary Rules of the Model Code. EC 2-25 stated that the "basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer . . .. Every lawyer, regardless of professional prominence or professional work load, should find time to participate in serving the disadvantaged." EC 8-9 stated that "[t]he advancement of our legal system is of vital importance in maintaining the rule of law . . . [and] lawyers should encourage, and should aid in making, needed changes and improvements." EC 8-3 stated that "[t] hose persons unable to pay for legal services should be provided needed services."
SECTION 9: Board of Trustees Tenure Policy

WHEREAS, the Board of Trustees of The John Marshall Law School strongly believes that an institution of higher learning can discharge its educational responsibilities only if the teachers employed by the institution can carry out their tasks lending to scholarly integrity and educational excellence in a climate of academic freedom; and

WHEREAS, the existence and maintenance of academic freedom are, to a very large extent, dependent upon economic security in all of its facets pertaining to academic life; and

WHEREAS, economic security can be assured only if teachers are not only adequately compensated for the proper fulfillment of their duties and functions but also may expect retention in the employment of the School and continuity of service if they have demonstrated their ability as law teachers and their capacity for intellectual growth while having faithfully served as law teachers for a designated number of years at the School; and

WHEREAS, the employment of a teacher who has attained the right to continued service on the faculty of the School should not be terminated unless for adequate cause or financial exigency:

NOW, THEREFORE, the following FACULTY POLICY AND PROCEDURES are herewith adopted and established:

Article One - Academic Freedom

The John Marshall Law School accords the deepest respect and support for the dignity and rights of each person, regardless of race, religion, creed, nationality, ethnic background, sex, age, disability or sexual orientation. Academic freedom is pre-eminent among the rights of persons engaged in learning. In addition, scholarly achievement depends upon the spirit of free inquiry characteristic of the best traditions prevailing in institutions of higher learning. The intellectual and personal maturity and responsibilities of law students is equally dependent upon their participation in this tradition of freedom.

The John Marshall Law School supports academic freedom and strives continually to create an environment conducive to the exercise of this freedom. This environment encourages open discussion, debate, assent and dissent. It recognizes that independent but disciplined minds may be prepared to follow uncharted paths to knowledge, propound theories, set forth ideas, and gather evidence contrary to accepted thoughts and concepts, challenge the ideas of fellow scholars, and express opinions and beliefs honestly, firmly, and sincerely. In the classroom and in their
scholarly pursuits, the members of the faculty are free to introduce controversial issues that are relevant, and each student is free to disagree.

Each faculty member may, as a private citizen, speak or write freely without institutional control, however mindful, at the same time, of the ethics of the legal profession which he or she is duty-bound to observe and of the fact that he or she is a member of a learned institution but not a spokesman for it. In protecting the faculty member's right to seek truth, The John Marshall Law School also protects the right of all to adhere to deeply held personal commitments. At The John Marshall Law School, therefore, responsible academic freedom does not encompass the deliberate abuse or ridicule of individual persons, racial, religious or ethnic groups, or members of a sex.

**Article Two - Educational Program**

The Dean and the faculty shall have the sole responsibility for formulating and administering the educational program of the School within the budgetary limits set by the Board of Trustees. Such educational matters falling within the exclusive control of the Dean and the faculty, subject to budgetary limitations, include, but are not limited to, faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; academic standards for retention, advancement, and graduation of students; and types of examination. However, any new educational programs or new educational policies which involve financial expenditures not contemplated in the budgeting must be approved by the Board of Trustees.

The time at which courses will be taught and examinations given, as well as the choice of the faculty member designated to teach a certain course, is left to the discretion of the Dean or the Dean's representative. However, in assigning courses to a faculty member, the Dean or the Dean's representative, wherever feasible, shall take into consideration the particular proficiency of the faculty member in a certain field of law.

**Article Three - Tenure Responsibility**

Tenure commits the Law School to a faculty member's academic freedom and economic security. In accepting tenure, a faculty member is committing himself to the diligent and faithful performance of his teaching responsibilities with all attendant obligations, to the continual pursuit of intellectual growth and improvement, and to earnest cooperation with his or her colleagues and the administration of the School.

**Article Four - Faculty Composition - Tenure Requirements**

Faculty members are divided into two categories: full-time and part-time teachers.
Full-time teachers are those who fulfill the qualifications stated in the pertinent ABA Standards for Legal Education. All other teachers are part-time teachers.

A. Full-time teachers are classified as follows:

(a) **Assistant Professors.** An Assistant Professor may serve in this capacity at the Law School for not longer than seven years. After having served in that capacity for seven years, either his/her service must be terminated or he/she must be appointed to the rank of an Associate Professor receiving tenure with that appointment.

(b) **Associate Professors.** The faculty member receives tenure (i) after having served a maximum of seven years as an Assistant Professor at the School, or (ii) after having been newly appointed at the School with the rank of Associate Professor and having completed a probationary period of not less than one year or more than three years in this rank at the School; and

(c) **Professors.** (i) Those persons who are teaching at the School and who do not already have tenure will receive tenure upon appointment to this rank, or, (ii) after having been newly appointed at the School with the rank of Professor and having completed a probationary period of not less than one year or more than three years in this rank at the School.

(d) **Assistant Professor (non-tenure track).** Assistant Professors (non-tenure track) are full-time faculty members hired primarily to teach in the Lawyering Skills programs. As a general rule, they shall be hired for three-year contracts, with the first year serving as a probationary period. They may apply for contract renewal or for a tenure-track appointment.

Upon adoption of this statement of Faculty Policy and Procedures by the Board of Trustees, the provisions thereof shall be given retroactive effect as to all those persons then denominated and serving as members of the full-time faculty at The John Marshall Law School. However, years of service as a part-time teacher will not be taken into account in computing the period of full-time service.

B. Part-time teachers are not eligible for tenure. They may, however, be appointed as Adjunct Assistant Professors, Adjunct Associate Professors or Adjunct Professors, but such appointment does not entitle them to tenure. Those members of the faculty who are unable to or do not devote sufficient time to their duties as members of the faculty to qualify them as full-time faculty members are considered part-time faculty members. Such part-time faculty members, because of their skill, competence and
variety of outside interests, are uniquely qualified to participate in the program of and promote the goals of The John Marshall Law School. Failure to accord such part-time members of the faculty tenure eligibility is due only to the inability to fashion appropriate standards of performance because of the diverse variety of circumstances associated with part-time service.

C. Persons serving temporarily as full-time teachers may be appointed as Visiting Professors; they are not entitled to tenure.

Article Five - Academic Rank

Each faculty member, upon his appointment, receives an academic rank. This rank is designed to identify the scholarly and personal qualifications of the individual faculty member within the framework of the School. Academic rank is also designed to give recognition to the academic qualifications and achievements of the faculty member.

A. General Qualifications

Faculty members advance in academic rank by (a) demonstrating their proficiency and effectiveness as teachers of law, as evidenced by the depth of their knowledge and ability to communicate that knowledge to their students, the productive use of teaching methods best calculated to promote student interest and response, and the stimulating of students toward greater achievement; (b) innovative and creative teaching methods; (c) scholarly research, especially as evidenced by creative publications; (d) active participation in the work of bar associations and other organizations concerned with the advancement of law; (e) public service or active participation in community affairs consonant with the professional status of the faculty; (f) active guidance and academic advisement of students; (g) conscientious engagement in faculty committee and similar activities that shape the innovative policies and programs of the Law School.

It is expected that a faculty member will follow a pattern of continuing the pursuit of intellectual growth, knowledge, scholarly endeavor and teaching proficiency.

B. Qualifications for Particular Ranks.

Instructorship - This rank is assigned to persons with limited or no faculty experience at the law school level. Instructors serve only on the part-time faculty and may be retained in this rank indefinitely.

Assistant Professorship (tenure track and non-tenure track) - Faculty members are assigned to this rank on the sound basis and expectation of law teaching and scholarly potentialities.
Associate Professorship - Faculty members are assigned to this rank on the basis of demonstrated competence in teaching law and convincing evidence of scholarly potentialities.

Professorship - Faculty members are assigned to this rank who have attained excellence in the teaching or practice of law and legal scholarship, and whose dedication to learning and teaching, or achievement in public service, or distinguished participation in the affairs of the community or the Law School have merited distinction and recognition.

Adjunct Assistant Professorship, Adjunct Associate Professorship or Adjunct Professorship - A part-time faculty member may be assigned to an appropriate rank among the foregoing on the basis of competency and proficiency in the teaching of law or other related subjects and attendant scholarship. No tenure is accorded to such a faculty member.

Visiting Professorship - A full-time faculty member who serves temporarily on the faculty and has demonstrated competency in the teaching of law and legal scholarship or has achieved recognition and distinction in the field of law or one of its facets may be assigned to this rank. No tenure is accorded to such a faculty member.

Article Six - Faculty Appointments

A. The Dean or the Dean's representative will initiate negotiations with a prospective faculty member. If the Dean or the Dean's representative is of the opinion that the applicant might merit the offer of a position on the faculty, he or she will, if feasible, arrange a personal interview with the prospective faculty member at the Law School, at which time the Faculty Committee on Selection, Promotion and Tenure shall be given the opportunity to meet with and interview the prospective faculty member. After such an interview or, if such an interview was not feasible for economic or other reasons, after a report by the Dean or the Dean's representative to the faculty or a committee thereof, the Dean or Dean's representative, in consultation with the faculty committee, may determine to offer the prospective faculty member a position on the faculty. The Dean or his or her representative may recommend to the School's Board of Trustees the employment of the prospective faculty member by the School by forwarding to the Board of Trustees all pertinent information. If the Board determines that the recommended employment is compatible with the previously accepted budget, it will authorize the President of the
Board, or, in his absence, the person replacing him or her, to make the formal faculty appointment.

The usual faculty appointment is for the term of the academic year comprising approximately ten months of service, with the salary paid on a ten-month basis. Each appointment will define the academic rank, time period of service, and salary and will provide for the faculty member's compliance with the pertinent Standards and Rules of Procedure of the American Bar Association.

B. A faculty member invited to remain at the Law School will receive written notification of appointment renewal and appointment terms not later than April 1, preceding the academic year under consideration. Relative to those faculty members who began or begin their teaching in February of any academic year, full-time teaching for purposes of notice regarding reappointment and tenure under Articles Four and Five will commence in September of the next academic year. Probationary faculty members to which reference is made in Article Four A (b) (ii) and (c) (ii) shall be notified not later than April 1. If the terms of the appointment are acceptable, the faculty member must signify his or her acceptance in writing to the Dean or the Dean's representative not later than April 15.

If a faculty member decides to leave the Law School, he or she shall inform the Dean or the Dean's representative as soon as possible and send a written resignation to the Dean or the Dean's representative before April 15.

The decision not to reappoint or not to award tenure to a non-tenured faculty member shall be made by the Dean or the Dean's representative after consultation with the Faculty Committee on Selection, Promotion and Tenure. If it is decided not to reappoint a non-tenured full-time faculty member after one, two or three years of full-time service, or a part-time non-tenured faculty member after any years of service, regardless of how many years such a part-time member may have served on the faculty, no reasons need be given for such a decision. However, if it is decided not to reappoint a full-time non-tenured faculty member after seven years of service or not to award him or her tenure after seven years of service as an Assistant Professor, or after a one-year probationary service as a Professor or an Associate Professor, reasons must be furnished to the faculty member for the decision not to reappoint him or her, or not to award him or her tenure. Such reasons may include, but are not limited to: (a) unsatisfactory or inadequate or improper performance of his or her duties as a teacher or faculty member; (b) performance and qualifications which, although satisfactory, will not enable the School to achieve its educational objective; (c) full staffing at the tenure level in the area of the faculty member's principal competence; (d) changes in the School's academic program; (e) budgetary
constraints which make it impossible or imprudent to renew the appointment or to increase the tenure staff; or (f) disruptive or abusive conduct toward other faculty members, the administration, or the students, which conduct is destructive of the relationship of cooperation required for the proper functioning and operation of the School.

If it is decided not to reappoint or not to award tenure to a faculty member, written notification of this decision will be given to the faculty member by the Dean or the Dean’s representative as early as possible, however, never later than April 1 for full-time faculty members having served one, two or three years on the faculty, and for an Associate Professor having been appointed on a one-year probationary basis for one year without tenure, and never later than April 1 for a full-time non-tenured faculty member with four or five years service on the faculty.

If a full-time non-tenured faculty member having served four or five years on the faculty, or an Associate Professor on a one-year probationary service basis is not reappointed or awarded tenure, he or she may request an explanation of the decision in an informal conference with the Dean or the Dean's representative. If such a faculty member so desires, he or she may appeal the decision at his or her expense within fourteen days to a three-member board appointed by the President of the Board of Trustees; the appeals board shall consist of one member of the Board of Trustees, one member of the Alumni Association, and one member of the faculty. The appeals board may either affirm or reverse the decision not to reappoint or not to award tenure to the faculty member. The decision of the appeals board shall be final.

**Article Seven - Termination of Tenure**

Tenure terminates under any of the following conditions:

(a) Voluntary resignation;

(b) Economic or academic necessity - demonstrable financial reverses or lack of funds, requiring the Law School to reduce the size of the faculty, or a decision to terminate a particular academic program; if such circumstances arise, necessitating faculty reduction, length of service at the Law School will be taken into consideration;

(c) Disability - inability of the faculty member to properly and adequately perform his or her duties for a time period lasting longer than ten months;
(d) Dismissal for adequate cause. Adequate cause includes, but is not limited to (i) incompetence or dishonesty in teaching and research; (ii) substantial neglect of duty; (iii) unprofessional conduct; (iv) conduct which destroys the cooperation required for the proper functioning and operation of the School; (v) deliberate and repeated abuse or ridicule of individual persons, or racial, religious or ethnic groups, or members of a sex; and (vi) conduct which substantially impairs the faculty member's fulfillment of his or her institutional responsibilities.

Article Eight - Dismissal Procedures under Article Seven (e)

When there is adequate cause for dismissal of a faculty member under Article Seven (e), the matter shall be discussed by the Dean or the Dean's representative with the Faculty Committee on Selection, Promotion and Tenure.

If it is determined that dismissal proceedings are warranted, the Dean shall discuss the matter with the faculty member in personal conference. The case may be settled there. If the matter is not adjusted, the Dean shall give to the faculty member a written statement of the charges brought against the faculty member, who may respond in writing to the charges within 21 days. The faculty member must state in the response whether he or she requests a formal hearing. If such a hearing is requested, the President of the Board of Trustees shall notify the faculty member of the time and place of the hearing. The committee which will conduct the hearing shall be composed of five members: two elected by the entire full-time faculty, one designated by the President of the Board of Trustees, one designated by the president of the Alumni Association, and one chosen by the four other committee members; the person so chosen shall be a lawyer, not a member of the faculty or administration of the Law School; he or she shall serve as chairman of this committee. The statement of the charges and the faculty member's written response shall be given to the committee.

At the hearing, a lawyer appointed by the Dean or the Dean's representative shall present the charges against the faulty member who shall have the opportunity to be heard in his or her own defense and may have the assistance of legal counsel. He or she shall have the opportunity to be confronted by witnesses adverse to him or her. However, when a witness is unavailable or when confrontation would be a potential cause of undue disruption or hardship, the committee may proceed without confrontation, but the identity of the witnesses and the witnesses' statements shall in all cases be disclosed to the faculty member. Oral arguments may be made before the committee by both parties to the dispute.
There shall be a full stenographic record of the hearing available to the parties concerned.

At the conclusion of the hearing, the committee shall reach its decision in conference. The President of the Board of Trustees and the faculty member shall be notified in writing of the decision and the reasons supporting it. If the decision provides for the dismissal or other disciplinary sanction of the faculty member, the faculty member may appeal the decision in writing to the Board of Trustees, which may affirm the decision of the committee, or refer the matter back to the committee for further consideration, or over-ride the decision of the committee. The Board's decision shall be given in writing to all the parties concerned, and shall be final.

**Article Nine - Sanctions Short of Dismissal**

Since tenured, as well as non-tenured, faculty members might engage in conduct which, though not warranting dismissal, might be detrimental to the School, the Dean may invoke disciplinary sanctions against a faculty member guilty of such conduct. Such disciplinary sanctions shall include, but are not limited to: (a) an oral reprimand; (b) a written reprimand; (c) reduction in salary for a stated period; (d) suspension from service for a stated period; (e) restitution (for example, payment of damages caused to the School); and (f) loss of prospective benefits for a stated period, such as suspension of salary increases or promotion eligibility.

If such sanction is imposed by the Dean, the faculty member may appeal in writing the decision of the Dean to a committee composed of three members, one chosen by the full-time faculty, the other by the President of the Board of Trustees, and the third by the President of the Alumni Association. The person designated by the President of the Board of Trustees shall serve as chairman of the committee. The committee may, if it so desires, grant a hearing to the faculty member. The decision of the committee, which may either affirm the disciplinary sanction or modify it or reverse the decision of the Dean, shall be final.

**Article Ten - Faculty Promotions in Rank or Increases in Compensation**

A request for a promotion in rank or for an increase in compensation within the rank may be initiated by the faculty member, the Dean or the Dean's representative. The request shall be filed with the Dean or the Dean's representative. If the Dean is of the opinion that the faculty member in question should be promoted or should receive an increase in compensation, the Dean shall make a recommendation to that effect to the School’s Board of Trustees. If the Board determines that the recommended promotion or increase in compensation is financially and economically proper and in consonance with
the funds, budgetary requirements and financial needs of the School, it will approve the recommendation.

If the Dean is not of the opinion that the faculty member in question should receive an increase in compensation, the faculty member may appeal in writing to the Board.

Requests for promotion or increase in compensation shall be filed with the Dean or the Dean's representative not later than January 10. Approved changes in rank or increases in compensation become effective at the beginning of the following academic year.

**Article Eleven - Faculty Compensation**

The John Marshall Law School bases its compensation of faculty members on merit, academic rank, and years of service to the School with due consideration being given to the factors enumerated in Article 5A. It does not, however, have established maximum or minimum salaries for a given rank for years of service.

For teaching in summer sessions, a faculty member with an academic year appointment will receive additional compensation.
SECTION 10: Faculty Tenure Standards

(as amended by the Assembly April 20, 1992, May 1, 2006, and May 7, 2012)

Effective Date: August 15, 2012. (Note: These amendments do not affect the rights of any faculty members who received negative renewal or tenure decisions during the academic year 2011-2012.)

I. First Year Review

A new Assistant Professor shall be hired on a one year contract. The Committee shall review the new faculty member’s class teaching no later than February 15. If his or her teaching is acceptable, the committee shall recommend to the Dean that the candidate be granted a two year contract. If his or her teaching is unacceptable, the committee shall recommend to the faculty that the contract not be renewed. The candidate shall be notified before March 1 of the faculty’s decision.

II. Second Year Review

In year two (year one of the first two year contract), an assistant professor shall apply for renewal of his or her contract for a two year term. Candidates must demonstrate competence in teaching, taking into account that they have completed only one year of law school teaching. The committee shall consider factors listed in section VI A 1.

If a candidate is denied renewal by the Committee of Tenured Faculty in the second year review, he or she may not file a motion for reconsideration unless the Report of the Tenure Committee was unanimously in favor of renewal. Any such motion for reconsideration must be filed within 10 days of the denial. The Committee of Tenured Faculty must vote by 2/3 majority to reverse the denial. No candidate who is denied renewal in the 2nd year review can submit a new application for renewal in year 3.

III. Fourth Year Review

In year four (year one of the second two year contract), an assistant or untenured associate professor shall apply for renewal of his or her contract for a two year term. Candidates must demonstrate competence in teaching. Candidates shall also show substantial progress in the area of scholarship. The committee shall consider factors listed in section VI A 1 and 2.

If a candidate is denied renewal by the Committee of Tenured Faculty in the fourth year review, he or she may not file a motion for reconsideration unless the Report of the
Tenure Committee was unanimously in favor of renewal. Any such motion for reconsideration must be filed within 10 days of the denial. The Committee of Tenure.

Faculty must vote by 2/3 majority to reverse the denial. No candidate who is denied renewal in the 4th year review can submit a new application for renewal in year 5. No candidate who is denied renewal in the fourth year review can apply for tenure.

IV. Promotion to Associate Professor

An Assistant Professor may apply for promotion to Associate Professor (untenured) when he or she believes that the following standards are satisfied.

A. Teaching

Candidates must demonstrate a high level of competence in teaching. The committee shall consider factors listed in section V A 1 in determining competence.

B. Scholarship

Candidates shall have published or had accepted for publication one article in a law review subsequent to hiring as a tenure track faculty member. (This article is one of the three articles required for tenure and referred to in section III A 2.) The committee shall consider factors listed in section VI A 2 in evaluating the scholarship.

There shall be no reconsideration of a denial of promotion to associate professor (without tenure) by the Committee of Tenured Faculty unless the Report of the Tenure Committee was unanimously in favor of promotion. Any such motion for reconsideration must be filed within 10 days of the denial. The Committee of Tenured Faculty must vote by 2/3 majority to reverse the denial. The candidate may reapply in a subsequent year.

V. Application for Tenure

A. In year six (year one of the third and final two year contract), an Assistant or Associate Professor shall apply for tenure. An Assistant or Associate Professor may, in exceptional circumstances, apply for tenure in year four or five. Exceptional circumstances mean substantially greater than minimum standards have been met. A person whose early application for tenure under this exceptional circumstances standard is denied may apply again in year six.
B. 1. The Tenure Committee may extend the time period for a faculty member to obtain tenure, upon a showing of extraordinary cause for such an extension. By way of example only, such extraordinary cause may include the death of a faculty member's spouse or child, physical or mental illness of a faculty member, or the birth of a child to the faculty member or the faculty member's spouse.

2. A faculty member should request an extension due to the extraordinary cause in writing as soon as reasonably practicable. The Tenure Committee shall promptly decide in writing, upon requests for extensions due to extraordinary cause, and state the length of any such extension that it grants. However, the extension period shall not exceed one year.

C. If a candidate is denied tenure by the Committee of Tenured Faculty, he or she may not file a motion for reconsideration unless the Report of the Tenure Committee was unanimously in favor of tenure. Any such motion for reconsideration must be filed within 10 days of the denial. The Committee of Tenured Faculty must vote by 2/3 majority to reverse the denial. A person who is not awarded tenure in year six shall not be eligible to apply for tenure thereafter.

VI. Notice of Intention to Seek Renewal, Promotion, or Grant of Tenure

All candidates for tenure must inform the Tenure Committee of their intention to seek tenure on or before April 1 of the calendar year in which they will seek tenure, and of those pieces of substantial scholarship on which they will rely in their application. All pieces of substantial scholarship to be submitted for review must be provided to the Committee no later than August 15.

All candidates for renewal, promotion, or tenure must submit their applications by the second Tuesday of the fall semester.

A. Minimum Standards for Tenure

The candidate must satisfy the minimum requirements in each category. The candidate should surpass the minimum requirements in either teaching or scholarship. A candidate who has not previously been promoted to Associate Professor shall simultaneously apply for promotion to Associate Professor.
1. Teaching

A candidate must continue to demonstrate a high level of competence in teaching. Among the factors to be considered in determining this are:

a. Is the subject matter presented in an organized manner?

b. Does the candidate know the subject matter?

c. Does the candidate communicate his or her knowledge of the subject matter?

d. Does the candidate generate interest in the subject matter?

e. Does the candidate draw out student participation and use that participation as the basis for further instruction?

f. Are current developments in the subject matter noted?

g. Are the course materials up to date?

h. Are the course goals clearly articulated?

i. Are theoretical concepts tied in to practical issues?

j. Are ethical issues interwoven in the course?

k. Is the candidate sensitive to the diverse backgrounds of the students?

l. Is the candidate available to meet with students outside of class?

m. Are the exams consistent with the emphasis given topics during the course?

n. Is the candidate adequately prepared for class?

o. Does the candidate keep the discussion on track?

p. Does the candidate address complex theoretical issues?

q. Is the class conducted in an atmosphere of mutual respect?
2. Scholarship

Except in extraordinary circumstances the candidate shall have published three pieces of substantial scholarship, at least two of which shall be sole authorship articles published or accepted for publication in law reviews, subsequent to hiring as a tenure track faculty member.

Casebooks, bar journal articles, book reviews, Judicial Conference materials, continuing legal education materials, co-authored works and other similar scholarship may be considered as part of the total body of the candidate’s work but cannot be substituted for either of the two law review articles.

Scholarship shall provide useful insights into important legal issues. The works should advance the scholarly professional community by contributing to knowledge through published research. Among the factors to be considered in evaluating the quality of the scholarship are:

a. thoroughness of research
b. soundness of analysis and logic
c. clarity of expression
d. accuracy of interpretation of cases and statutes
e. originality in conception and implementation
f. absence of duplication of existing literature in the field
g. significance of work as reflected by reception by scholarly, legal and public community
h. comprehensive and creative analysis of a confused area of the law.

3. Service

Substantial service is required in at least one of the following three categories: Law School, Legal Profession, Community. Service on one faculty committee annually (as well as a discipline panel as required by rotation) is expected and is
not by itself sufficient to satisfy the service requirement. Faculty should also regularly attend faculty colloquia, lectures and other school functions.

The following are a few examples of service. This list is by way of example only and is not intended to be exclusive. Some forms of service are more time consuming than others. Therefore, not all activities in these sample lists are of equal weight.

**Law School:** Drafting a substantial committee report; serving as secretary of the Executive Committee; serving as faculty advisor to Law Review, the Journal of Computer and Information Law or Moot Court; mentoring students in preparing law review articles; coaching moot court teams; judging practice moot court arguments; tutoring students in academic difficulty.

**Profession:** Chair or provide significant service to a bar association or AALS committee or subcommittee; testimony before governmental commissions or legislative committees; service on a Judicial Conference.

**Community:** Draft a pro bono brief; service as officer, board member or consultant to public interest organization.

### B. Faculty with Tenure Elsewhere

1. **Use of previous tenure file**

A candidate for tenure who has previously been considered for tenure by another law school shall furnish the previous tenure file and report including, to the extent available, student evaluations over the past two years, outside reviews of scholarship, and videotapes of one or more of the candidate’s classes. Where appropriate the Tenure Committee may use information from the previous tenure file in preparing its report.

2. **Effect of previous tenure decision**

If a candidate for tenure has previously been granted or recommended for tenure by another law school and the Tenure Committee determines that the other law school’s tenure standards at the time were comparable to or more rigorous than the standards currently in effect at John Marshall, the Tenure Committee and the Committee of the Tenured Faculty shall afford substantial deference to the previous tenure determination, while also considering other evidence of the candidate’s qualifications for tenure.

### C. Procedures
1. Review of articles by outside experts

Each article shall be reviewed in writing by three outside experts. Two shall be chosen by the Tenure Committee; one shall be chosen by the candidate. The candidate may object to the committee’s choice of experts on the basis of personal or professional bias or lack of competence in the applicant’s field, but the decision as to whether a different reviewer will be chosen is solely that of the committee. If the committee objects to an expert chosen by the candidate based upon bias or lack of competence, the candidate will be given a reasonable opportunity to propose an alternate expert. If the candidate declines to propose an alternate expert, the committee’s objections to the expert chosen by the candidate shall be reflected in its report.

The reviewer should comment on the scholarship based on the factors listed in § V A 2 but not on the ultimate question of whether tenure should be granted.

This provision (section VI C 1) shall apply to the expedited review process for tenured appointments pursuant to section IX B only if previous outside scholarship reviews are not available.

2. Committee Review

All eligible committee members shall attend classes, read student evaluations and read the scholarship of all applicants for promotion or tenure. All committee members shall complete forms which critique the candidate’s classroom presentation and scholarship. For other reviews, the committee may delegate responsibility for these tasks to a subcommittee. This paragraph shall not apply to the expedited review process for tenured appointments pursuant to section IX B.

3. Committee Report

The committee shall prepare a report that details progress toward tenure as well as reasons for recommending renewal or denial of renewal. In the case of applications for promotion and/or tenure, the committee shall prepare a report that details the reasons for recommending promotion and/or tenure or denial of promotion and/or tenure. In the case of applications for tenure, the candidate shall also be given copies of the outside reviews, with any information tending to identify the reviewer having been redacted, along with a separate list of the reviewers. In all cases, the candidate shall have the right to respond in writing to the committee report.
4. Review by Tenured Faculty

Before voting, all eligible faculty members are encouraged to read the candidate’s scholarship and view a videotape of a class of the candidate submitted by the candidate. In the case of applications for tenure, redacted copies of outside reviews shall be made available for viewing by the faculty, along with a summary of each reviewer's credentials.

5. Timing

   a. Tenure and promotion reviews will occur during the fall semester. Votes shall be taken in mid-November.

   b. All candidates for tenure must inform the Tenure and Promotions Committee of their intention to seek tenure on or before April 1 of the calendar year in which they will seek tenure and of those pieces of substantial scholarship on which they will rely in their application. All pieces of substantial scholarship to be submitted for review must be provided to the Committee in final form no later than August 15. A candidate may not supplement the application after August 15. To qualify as a published piece of scholarship, a work must have been published or accepted for publication by August 15. If a piece of scholarship is submitted to the Committee in incomplete, manuscript, or draft form, it shall be considered under the same standards as a final published work without any allowances being made for the unfinished nature of the work.

   c. This provision (section VI C 5) shall not apply to the expedited review process for tenured appointments pursuant to section IX B.

VII. Promotion to Full Professor

An Associate Professor who has been granted tenure may apply for promotion to Full Professor.

The candidate must continue to demonstrate a high level of competence in teaching based on the factors listed in section V A 1.

The candidate shall have published two pieces of substantial scholarship subsequent to the grant of tenure. At least one of the two pieces of substantial scholarship shall be a sole authorship article published or accepted for publication in a law review, subsequent to the grant of tenure. The standards for evaluating this scholarship are articulated in section V A 2.
The candidate must provide substantial law related service in one and additional service in a second of the following categories: Law School, Legal Profession, Community. The standards for evaluating this service are articulated in section V A 3. The candidate is encouraged to provide service in ways that promote the reputation of The John Marshall Law School.

There shall be no reconsideration of a denial of promotion to full professor by the Committee of Tenured Full Professors unless the Report of the Tenure Committee was unanimously in favor of promotion. Any such motion for reconsideration must be filed within 10 days of the denial. The Committee of Tenured Full Professors must vote by 2/3 majority to reverse the denial. The candidate may reapply in a subsequent year.

VIII. Role of the Dean

The Dean and the Associate Dean for Academic Affairs are non-voting ex officio members of the Tenure Committee. They are encouraged to submit oral or written reports to the committee on the application of any candidate for renewal, promotion or tenure. Only the elected members of the committee shall be present during the final deliberations of the voting process. In addition, the chair of the committee may, at his or her own initiative or upon the request of a member of the committee, call an executive session meeting of only the elected members of the committee. The result of any decision made through the voting process shall be promptly communicated to the ex officio members.

IX. Lateral Hires

Those persons who, at the time of appointment to the faculty, have previous tenure track service on the faculty of another law school, may be treated as lateral hires subject to this section. In extraordinary circumstances as determined by the Tenure Committee in consultation with the Selection and Appointments Committee, persons with substantial experience other than on the tenure track at a law school may also be treated as lateral hires.

A. Untenured Lateral Appointments

An untenured lateral appointment, for purposes of this section, means an appointment of a lateral hire to the tenure track faculty. Such an appointment shall not carry with it the right to immediate tenure. At the time of appointment, a lateral hire and the Dean shall negotiate rank, scholarship and service credit, and the number of years of tenure track service for which the candidate shall be given credit, and the Dean shall provide this information to the Tenure Committee.
1. Rank

The Dean may appoint a lateral hire at a rank that has been approved by the appropriate Committee under section V B of the Assembly Constitution or at any lower rank.

2. Scholarship and Service Credit

The Dean shall designate the particular scholarly works and service activities that shall be treated as part of the lateral hire’s tenure track scholarship and service. Except in extraordinary circumstances, such scholarly works must have been completed during the lateral hire’s previous tenure track service. If the person has more than four years of previous tenure track service, ordinarily only the scholarly works completed during the last four years will be considered. This rule is not intended to preclude consideration of scholarship completed over a longer period in extraordinary circumstances, such as where the candidate’s recent previous service was in a primarily administrative position (e.g., Librarian or Associate Dean).

3. Years of Service

The Dean shall designate the number of years of previous tenure track service for which the candidate shall be given credit for purposes of biennial reviews and the tenure application. In no instance shall a person be given more than four years of such credit, nor shall a person be given credit exceeding the number of years of actual previous tenure track or comparable service.

B. Tenured Appointments

A tenured appointment, for purposes of this section, means an appointment of a lateral hire to the faculty with tenure. This section sets forth an expedited review process for consideration of such appointments. The expedited process is available for a faculty candidate who is being considered for or has been offered a position on the tenure-track faculty, and for a person who is currently or has just completed serving as a look-see visitor. In the case of a visitor, normally the expedited review process will be timed to result in a tenure decision in January for a fall-semester or academic-year visit, and in September for a spring-semester visit.

The expedited review process described in this section shall be the only means by which a faculty member may be appointed with tenure.

1. Rank

At the discretion of the Dean, a tenured lateral hire may be appointed at the rank of Professor with the previous approval of the Committee of the Tenured
Professors pursuant to section V B of the Assembly Constitution. In all other instances, a tenured lateral hire shall be appointed at the rank of Associate Professor.

2. Initiation

When the Selection and Appointments Committee determines that it is reasonably likely that a faculty candidate whom it has interviewed or who is serving as a look-see visitor may be considered or recommended for a tenured appointment, that Committee shall promptly inform the Tenure Committee.

The Selection and Appointments Committee shall furnish or assist the Tenure Committee in obtaining materials necessary for consideration of the candidate for a grant of tenure, including (where applicable and available):

a. the candidate’s previous tenure report;

b. the standards under which the candidate was granted tenure;

c. the report on promotion subsequent to tenure;

d. the candidate’s scholarly publications;

e. outside reviews of the candidate’s scholarship;

f. names of references provided by the candidate and/or contacted by the Selection and Appointments Committee, and a summary of any information obtained from such references;

g. video recordings of the candidate’s teaching; and

h. student evaluations.

After receiving the above materials, the Tenure Committee shall determine whether to undertake an expedited review of the candidate’s qualifications for a grant of tenure and, optionally, for an appointment at the rank of Professor. Ordinarily an expedited review will be appropriate only for candidates who have previously been granted or recommended for tenure by another law school under standards that are substantially equivalent to or more rigorous than the standards currently in effect at John Marshall, and only in circumstances in which the Committee considers it unlikely that there will be substantial opposition to the tenured appointment.
If the Tenure Committee decides not to undertake an expedited review of the candidate, it shall so inform the chair of the Selection and Appointments Committee. The Selection and Appointments Committee may bring the question to the Committee of the Tenured Faculty, which may (by a majority vote taken at a properly convened meeting) overrule the decision of the Tenure Committee and direct the Tenure Committee to undertake an expedited review of the candidate.

3. Process

If a candidate is eligible for expedited review under the preceding section, the Tenure Committee shall review the candidate’s scholarship and other available materials on an expedited basis. If outside reviews of the candidate’s scholarship are not available, the Committee shall obtain expert reviews as is done for internal candidates for tenure, except that for candidates who are not visitors, the reviewers may be members of the John Marshall faculty who are expert in the relevant field rather than outside experts, and the candidate shall not have the opportunity to object to the reviewers appointed by the Committee.

If the Tenure Committee elects not to recommend the candidate for an award of tenure, it shall not prepare a report, but shall so inform the chair of the Selection and Appointments Committee. The Selection and Appointments Committee may elect to present the candidate to the Committee of the Tenured Faculty notwithstanding the Tenure Committee’s decision not to recommend the candidate for an award of tenure. In that event, the Selection and Appointments Committee shall so notify the chair of the Tenure Committee, the Tenure Committee shall prepare a report to the Committee of the Tenured Faculty stating its reasons for not recommending an award of tenure, and the Committee of the Tenured Faculty shall consider the tenure question pursuant to section V B of the Assembly Constitution. (If the Tenure Committee recommends a candidate for an award of tenure but declines to recommend that the appointment be made at the rank of Professor, it shall prepare a report on the latter question only if the Selection and Appointments Committee elects to present the rank question to the Committee of the Tenured Professors.)

If the Tenure Committee elects to recommend the candidate for an award of tenure, it shall prepare a report that details the reasons for recommending tenure, and a separate report that details the reasons for recommending appointment at the rank of Professor if the Committee so recommends. In the event that the Faculty approves a faculty appointment for the candidate, the Committee shall provide such reports to the appropriate bodies for consideration pursuant to section V B of the Assembly Constitution.
X.  Applicability

The current version of the Tenure Standards shall apply to all matters governed by the standards, without regard to the date on which a candidate was appointed to the tenure track. However, if a substantive provision of these standards was amended after the date that a candidate for tenure was appointed to the tenure track, at the candidate’s election, the Tenure Committee shall apply the previous version of the provision in lieu of the current version.
SECTION 11: Policies and Procedures for Clinical Faculty

(As Amended December 7, 2009)

The John Marshall Law School
Chicago, Illinois

I. Rank and Title

Clinical faculty shall be non-tenure track. Full-time clinical faculty shall be designated as Clinical Professors. Clinical Professors shall be entitled to attend assembly and committee of the whole meetings, to vote on issues that come before those bodies, and to serve on faculty committees, as provided in the Faculty Handbook.

Part-time clinical faculty shall be designated as Adjunct Clinical Professors and have the same status as all other Adjunct Professors at The John Marshall Law School.

II. Procedures for Appointment, Evaluation, and Retention

A. Hiring

Appointment to Adjunct Clinical Professor shall follow the same procedures as the appointment of all other adjunct professors at The John Marshall Law School.

Appointment to Clinical Professor shall be as follows. Appointments to Clinical Professor shall follow the same procedures as the appointment of all other full-time professors at The John Marshall Law School. Initial appointment shall be for a period of two years. Thereafter, appointment may be for up to seven years. Appointments may be renewable.

B. Evaluation

Each clinical professor shall be given a regular performance evaluation by the Tenure Committee, at least every two years and in the year when his or her contract is due for renewal, to assist the clinical professor in the performance of his or her clinical duties and to recommend to the Dean whether to renew the contract. Since clinical professors are precluded from serving on the Tenure Committee by the Constitution, the Tenure Committee shall invite at least one clinical professor of the John Marshall Law School or from another law school to assist the Tenure Committee in the evaluation process. The performance evaluation will include, if applicable, on-site visits to the clinic to observe the performance of the clinical professor, visits to the classroom to observe the teaching performance of the clinical professor, interviews with clinic supervisors, review of the writings of the clinical
professor, and review of student evaluations. The performance evaluations shall be shared with the clinical professor, the clinic executive director, the clinic director and the Dean.

C. Procedures for Termination of Employment

Any clinical faculty appointment may be terminated: 1) for adequate cause as defined in the Faculty Handbook; 2) for serious failure to meet the continuing performance obligations set forth below; or 3) pursuant to a faculty vote pertaining to reduction in staff as set for below.

If the Dean or a majority of the tenure-track faculty determines that mid-term termination of employment should be considered, the matter shall be referred to the Promotion and Tenure Committee for review and recommendation to the tenure-track faculty. Following receipt of the recommendation of the Promotion and Tenure Committee if a majority of the tenure-track faculty finds sufficient cause, the candidate’s employment shall be terminated, subject to the notice provision in the Faculty Handbook.

Reduction of staff shall be accomplished only: 1) in cases of financial exigency where there are not sufficient funds through outside grants or through the school’s operating revenues to continue the clinic at its existing level; or 2) when pursuant to a faculty vote, it is determined that the pedagogical needs of the institution cannot be achieved through the existing clinical structure.

III. General Standard of Performance for Clinical Faculty

A. In General

Standards for retention and promotion require effective teaching and institutional service.

B. Teaching Effectiveness

Teaching ability is the primary factor to be considered in evaluating clinical faculty for hiring and retention. Clinical professors should demonstrate steady progress toward becoming effective teachers in the clinical program. They should instill in students the habits of careful research, rigorous analysis, thorough preparation, competent representation, good relations with clients and others, honest self-criticism, and the ability to learn from experience. Clinical professors shall perform proficiently in both one-to-one supervision and clinical classroom teaching.
Any clinical faculty member whose primary appointment is as an administrator and who holds a clinical faculty appointment must also perform his or her administrative functions to the satisfaction of the Dean as a prerequisite to retention, regardless of that clinical faculty member’s teaching effectiveness or other institutional service.

C. Service to the Law School, the Profession, and the Community

Clinical professors, like other members of the faculty, will be called upon from time to time to engage in service to the law school, for example in administrative or committee work. In addition, they may be asked to engage in public service, for example in organizing or appearing in continuing legal education programs. Clinical professors are expected to perform such services satisfactorily.

D. Capacity to Collaborate with Colleagues

Clinical professors, like other members of the faculty, shall demonstrate that they can work well with colleagues.

E. Competence as a Lawyer

Because one of the goals of the clinical program is instruction in the skills and professional values needed by the practicing lawyer, the effective teacher must be a good lawyer. Clinical professors shall possess a thorough knowledge of the law and effective skills in problem solving, legal analysis and reasoning, research and writing, factual investigation, communication, counseling, negotiation, trial advocacy and alternative dispute resolution, practice management, and organization and management of legal work. Above all, clinical professors shall not only be thoroughly knowledgeable about professional ethics, they shall demonstrate a high professional character.

IV. Continuing Performance Obligations

Throughout the term of any clinical professor’s appointment, the clinical professor is expected to continually improve his or her performance under the performance standards articulated in these policies and procedures.

V. Application to Incumbent Clinical Faculty

Clinical faculty who are employed by the Law School when these policies and procedures are adopted shall be evaluated and appointed to the title and contract term that is warranted under these policies and procedures, but not less than that under which the faculty member is currently employed.
SECTION 12: Instructional Policies and Classroom Procedures

A. Classroom Activity

(1) Faculty Responsibility

The primary responsibility of the faculty is teaching the appropriate subject matter in an interesting, informative manner. The application of the academic standards of the Law School established by the faculty and approved by the administration is equally important and should be reflected in the quality of teaching, quantity of work required for the students, and also in the distribution of grades. These standards must be, as in any educational institution, related to the applicable admission standards if the Law School expects to meet its obligation to its students. It is, therefore, the responsibility of the faculty to work with the student body to afford a reasonable opportunity, applicable within the framework of the standards of the Law School, for the students to reach their intended goal of graduation.

(2) Class Sessions

A one credit hour course must meet for 770 minutes a semester. A two credit hour course will meet for 1540 minutes a semester. A three credit hour course will meet for 2240 minutes a semester. And a four credit hour course will meet for 3380 minutes a semester.

Day division classes will usually be scheduled between 9:00 a.m. and 5:30 p.m.

Professors who prefer to teach from 6:00 to 9:00 p.m. may take a fifteen minute break. Those teaching a two-hour course may prefer to eliminate the break and teach from 6:00-7:50 p.m. Classes may be scheduled on Saturdays or at other hours.

(3) Make-up Classes

The school observes (if the Academic Calendar has scheduled class sections) only Labor Day, the Monday through Sunday of Thanksgiving, Martin Luther King's Birthday, Memorial Day and Independence Day.

The John Marshall Law School recognizes the diversity of religious practices of its students, faculty and staff. Therefore, we have established a new policy of attendance to accommodate religious observance. In addition to the 25% allowed absences, students will be excused without penalty for two class sessions in each course enrolled every semester.
We further recognize that some faculty may choose to cancel and reschedule class to accommodate religious observance. Faculty should make up a canceled class at a reasonably convenient time. Students who cannot attend the make-up class should be excused. Reasonable steps should be taken to accommodate colleagues and students.

(3) Independent Study and "Seminar" Papers

Generally, the minimum length of a paper should be as follows:
- For one credit hour: 25 pages double spaced
- For two credit hours: 40 pages double spaced
- For three credit hours: 50 pages double spaced
- For four credit hours: 60 pages double spaced

These totals are without footnotes. For measuring purposes, use courier 12-point type with one inch margins. If another typeface is used, make appropriate adjustments in calculation.

Subject matter is to be determined by the advisor and the student, within an appropriate academic scope of legal education and, if relevant, the focus of the applicable graduate degree program.

Ordinarily, there should be an initial draft, which the advisor reviews; a revision, which the advisor also reviews; and a third draft or later draft, which the advisor accepts as the final paper. Additional intermediate drafts are not precluded.

Here is an example of a workable schedule:

1. Mid-September or Mid-February: The student should prepare a rough outline of the paper. The student and the advisor should meet to discuss the availability of sources, research strategies, and to suggest other possible avenues of research.

2. Mid-October or Mid-March: The student should prepare a draft of the paper. The student and the advisor should meet again to discuss writing and citation styles and address any questions/problems that the student may encounter in putting the research into writing.

3. Mid-November or Mid-April: The student and the advisor should meet and the student should be prepared to present and discuss the paper with the advisor in an advanced draft form. At the discretion of the advisor, other faculty members, scholars, reference librarians, writing advisors, or outside commentators may be present to assist the student in developing final changes to the paper.
Both the faculty member supervising the Independent Study project and the Associate Dean for Academic Affairs (if registration was within the J.D. division) or the Associate Dean for Advanced Studies and Research (if registration was within the LL.M./M.S. division) must approve the project. Copies of the form indicating approval of the project will be retained by the Associate Dean and the Registrar’s Office. The final due date must be no later than the end of finals period for the semester in which the Independent Study Project is undertaken. The final paper must be turned in to both the faculty member and the appropriate Associate Dean by the approved due date in order for credit to be given for the project.

B. Assessment of Student Learning in Core Courses

In the JD core curriculum and, in particular, in those courses subject to Curve I (Civil Procedure I, Constitutional Law I, Contracts I and II, Criminal Law, Property, and Torts), faculty should strive to employ multiple formative or summative assessments over the course of the semester and to utilize a variety of approaches (such as essay questions, short answer questions, and multiple choice questions) in those assessments and the final examination.”

C. Final Examinations

(1) Faculty Responsibility

A written examination at the conclusion of each course will ordinarily be the principal determinant of a student's grade. However, interim examinations, briefs of cases and other assignments particularized to the class may be taken into account.

Class preparation and participation are essential components of the educational process. Individual professors may develop class rules and grading procedures which take into account a student's fulfillment of those responsibilities. Professors should distribute any special rules governing classroom participation and grading at the beginning of each semester.

Faculty members are responsible for preparation and grading (within a reasonable amount of time) of final examinations.

Final examinations are normally relational to the course hours. Although Faculty members do not proctor their own exams, they are expected to be either in the building or reachable by phone during the exam.
(2) Preparation of Examinations

The faculty secretaries type all final examinations unless the faculty member types his/her own examination. A form will be sent out to all faculty members about their respective examinations, the date they are due, and the date the grades are due. This schedule must be followed. Failure to give the faculty secretaries sufficient time to type the examination places a burden on both the secretaries and Academic Services. Faculty members must transpose their grades from the booklets to the grade sheets provided by the Registrar. The Academic Services staff will not transpose grades from the books to the exam authorization sheet. Faculty members who give take-home exams must notify their students in writing exactly where, when, and during what hours the exams are to be picked up and where they are to be delivered when they are completed. Academic Services should be given the same copy of instructions as is given to the students.

(3) Examination Scheduling

Final examinations must be given on the date and time scheduled by the Registrar unless other arrangements have been made in advance by the Academic Services Office.

(4) Make-up Examinations

Faculty may choose to either give the same exam or create a different exam for those students taking the exam at an alternate time.

An exam schedule for each semester is published with the registration materials.

The matter of whether to give an alternative exam rests in the hands of the instructor. The Associate Dean will not intervene absent extraordinary circumstances.

(5) Law School Policy Requiring Faculty to Engage in Reasonable Post-Examination Review with Students

In accordance with an ABA recommendation, the Law School has a policy requiring faculty members to engage in reasonable post-examination review with students, preferably individual review upon request. Absent good cause, students should also have a right to reasonably review their examination papers. This does not mean that faculty members are obligated to review examinations individually with all students in every course. A reasonable policy may take into account the workload of individual teachers, the number of examinations in the course, the academic needs of the particular students requesting review, and the availability of review in courses.
throughout the school. Faculty members may choose to carry out such a policy using alternative means, including engaging in individual review of examinations upon a student's request, by holding a general review concerning the examination open to all students, or by providing an outline or exemplar of good examination answers.

C. Academic Rules for the JD Program

(1) Good Academic Standing

To be in good academic standing, a student must maintain a grade point average of 2.25 in all work undertaken. C, C-, and D grades earn the stated academic credit. However, an F grade earns no academic credit and the course, if required, must be retaken immediately. These grades fall below the required 2.25 average for graduation. The school uses a mandatory grading curve that is adjusted from time to time.

Registration, class attendance, and participation in law school activities are conditioned upon good academic standing.

Students whose cumulative average at the beginning of their second year (third semester for day students, fourth semester for night students) places them in the lowest 30 percent of their class or students who were dismissed and readmitted shall:

1. Repeat any required courses where they earned an F, and


3. Successfully complete 15 credits from the following list of courses: Advanced Torts, Conflict of Laws, Corporations, Criminal Procedure I: Police Investigation, Estates and Trusts, Illinois Civil Procedure, Payment Systems, Products Liability, Remedies, Sales Transactions, and Secured Transactions before graduation. Any student who fails one of these courses must successfully repeat the course before he or she will be permitted to graduate.

4. Be required to meet with one of JMLS's Academic Achievement Professors and create an Individualized Academic Achievement Plan. Each Individualized Academic Achievement Plan shall set goals and metrics for improving academic success and preparing to take the bar exam. Each Individualized Academic Achievement Plan may include, but will not be limited to, individual meetings, group meetings, course planning, special assignments, attendance at identified programs, and anything else, in the discretion of the Academic Achievement Professor that will move the students toward achieving the stated goals. The
Academic Achievement Professors may, in their discretion, require these plans to include limits on participation in extra and/or co-curricular programs as well as limits on taking LL.M. courses and limits on outside employment. Each plan shall be tailored to the specific needs of each student. The Academic Achievement Professors at JMLS shall have the responsibility for assuring that individual students implement their individualized Academic Achievement Plans.

Any student who knowingly fails to comply with these rules may have additional requirements imposed on him/her as a condition of graduation.

(2) Probation & Academic Dismissal Policy

A student who attains a grade point average of below 1.75 in the first semester of law school will be dismissed. A student whose cumulative grade point average is below 2.25, but above 1.75, at the end of any fall or spring semester will be placed on academic probation, and must raise his or her cumulative grade point average to at least 2.25 by the end of the next semester and summer adjoining the next semester in which the student enrolls. A student is eligible for probation only once; if a student’s cumulative grade point average again falls below 2.25 after any subsequent fall or spring semester, the student will be dismissed.

(3) The Grading Curve

1. Curve I

In *Civil Procedure I, Constitutional Law I, Contracts I & II, Criminal Law, Property,* and *Torts,* provided the enrollment is 20 or more students, faculty shall conform their grades to the following standards:

a. Required Grades

Grades of A+, A, and A- shall be awarded to no fewer than 20% and no more than 30% of the class.

Grades of B+, B, and B- shall be awarded to no fewer than 35% and no more than 45% of the class.

Grades of C+, C, and C- shall be awarded to no fewer than 15% and no more than 25% of the class.

Grades of D and F shall be awarded to no fewer than 10% and no more than 20% of the class.
b. Required Cumulative Average

For the class as a whole, the cumulative average grade shall fall between 2.40-2.80, inclusive.

2. Curve II

In every JD course not subject to Curve I, other than Lawyering Skills and Trial Advocacy, provided the enrollment is more than 30 students, faculty shall conform their grades to the following standards:

a. Required Grades

Grades of A+, A, and A- shall be awarded to no fewer than 25% and no more than 40% of the class.

Grades of B+, B, and B- shall be awarded to no fewer than 35% and no more than 50% of the class.

Grades of C+, C, and C- shall be awarded to no fewer than 10% and no more than 25% of the class.

Grades of D and F shall be awarded to no fewer than 0% and no more than 10% of the class.

b. Required Cumulative Average

For the class as a whole, the cumulative average grade shall fall between 2.70 and 3.10, inclusive.

(4) Other Provisions

Because of the required 2.25 cumulative grade point average, a student must earn a number of grades above C to remain in school and graduate. A student who receives only Cs during the first two semesters and summer will have a cumulative average of 2.00 and will be ineligible to continue in school. For these reasons, any grade of C is considered marginally acceptable.

A student on probation must take a minimum of 12 semester hours in the full-time program or eight semester hours in the part-time program. Failure to register for the required number of hours without prior approval of the Assistant Dean for Academic Services will be treated as the equivalent of failure to attain a 2.25 grade point average for the semester.
(5) Repeating Courses

A student who receives a failing grade (F or WF) in a required course must repeat that course at the earliest opportunity; there is no restriction on the grade level that can be earned upon repetition. Otherwise, a student may not repeat for academic credit any course in which a grade has been received. All grades received by the student, including failing grades, will be computed in the grade point average. Tuition will be charged for repetitions.

(6) Joint Degree Programs

Joint degree (JD/LLM) students remain subject to applicable academic rules of the JD program.

D. Academic Rules for the LLM/MS Programs

(1) Good Standing

The academic rules of the JD program will apply to the Graduate programs except to the extent that the following is different from the JD program academic rules:

Academic standing will not be determined until the student completes his/her first six hours of credit (referred to as the "first trial period"). Upon the completion of the first trial period, a student must achieve a cumulative grade point average (CGPA) of 2.5 or better in order to be in good standing. If, at any time after the first trial period, the student's CGPA falls below 2.0, he/she will automatically be academically dismissed.

A student whose CGPA is between 2.0 and 2.499 after the trial period will be placed on academic probation and must raise his/her CGPA to 2.5 or better by the time he/she completes the next six credit hours (referred to as the "second trial period"). If such a student does not raise his/her CGPA to 2.5 or better within the second trial period, that student will be academically dismissed. Probation status will remain in effect until the student completes the second trial period. During the second trial period, the student must take a minimum of four credit hours and maximum of six credit hours unless otherwise approved by the Center director.

If such a student on probation raises his/her CGPA to 2.5 or better within the second trial period, the student will be in good standing. However, if a student has once been on probation and successfully raised his/her CGPA to 2.5 but has his/her CGPA go below 2.5 at the end of any subsequent semester, the student shall be academically dismissed at the end of that semester.
(2)  Minimum Grade Point Average to Graduate

A student must have a cumulative grade point average of 2.5 to receive a degree in the LLM, or MS program.

(3)  Honors

A student with a grade point average of 3.6 or higher will graduate with Honors.

(4)  Repeating “F”

Each student shall repeat a required class in which he/she has received a failing grade. A student may repeat an elective class in which he/she has received a failing grade. All grades received by the student, including failing grades, will be included in the computation of grade point averages.

E. Academic Rules for All Students

(1)  Examination and Grades

A written examination at the conclusion of each course will ordinarily be the principal determinant of a student’s grade. However, interim examinations, briefs of cases, and other assignments may be taken into account.

Class preparation and participation are essential components of the educational process. Individual professors may develop class rules and grading procedures that take into account a student’s fulfillment of those responsibilities.

Each student is responsible for verifying the date, time, and place of his or her examinations, and for taking them at the scheduled times, unless there is a direct conflict in scheduling (see exam policy for definition of direct conflict located at the registrar’s page on the John Marshall website: http://www.jmls.edu/registrar/exam_conflict_spring_2011.asp).

A student who, for good cause shown in writing, fails to take a course examination with the class will be required to take the examination the next time it is given. A grade of “Incomplete” will be given in the course until the examination has been written. The grade of “Incomplete” shall automatically convert to an “F” at the end of classes for the following semester, unless the student shall, before such date, either have taken the examination or arranged for a certain date to take the examination. This rule will also apply to courses in which a trial is the primary basis for the grade. Failure to write an
examination at the designated time will result in an automatic grade of “F” being entered on the record.

A student who, for good cause shown in writing, does not complete a paper in a semester by the end of classes for that semester will receive a grade of “Incomplete.” If the paper is not completed by the end of classes for the following semester, the grade of “Incomplete” will automatically convert to an F.

It is each professor’s responsibility to notify the Registrar that the work has been completed.

A student who does not officially drop a course, drops without permission, fails to take an examination, or fails to complete course work receives a grade of “WF” for that course.

1. The John Marshall Law School Final Exam Policy

Please examine the final exam schedule carefully and retain it for your information. Each student is responsible for verifying the date, time and place of his/her examinations and for taking them as scheduled by the law school.

During the exam period, students may check the monitors throughout the school two hours before each scheduled exam time to verify assigned room numbers.

- **Conflicts:** Defined as two examinations taking place 1.) on the same calendar day or 2.) at 6:00 pm one evening and 9:30 am the next morning, OR three examinations taking place within four consecutive calendar days.

- **Disability:** Granted after the student has contacted the Disability Accommodations Coordinator, completed the disability accommodation process and received approval for accommodations. You will receive an email from the Registrar's office if you are granted disability accommodations for exams.

- **Personal Emergency,** such as hospitalization or a death in the family. Authority to grant/deny accommodation requests resides within the office of Academic Services. **Documentation is required. Please contact the Registrar's office for rescheduling exams due to personal emergencies.**

Students who fail to take an examination or complete requirements for their course will receive a grade of “WF,” unless prior accommodations have been granted due to personal hardship. If accommodations have been granted, the grade of “NG” (Incomplete) shall stand on the student record for no longer than one semester. The grade of Incomplete shall automatically convert to an "F" at the end of classes for the
following semester unless the student has taken, before such date, the examination or has arranged for a definite date to take the examination.

(2) Examination Review

A student who wants to review his/her examination booklet after the grades have been submitted to the Registrar’s Office should make an appointment with his/her professor.
(3) Grading System

The grading system of The John Marshall Law School (at all academic levels, including JD, LLM, and MS programs) shall be:

A+  4.01
A   4.00
A-  3.67
B+  3.33
B   3.00
B-  2.67
C+  2.33
C   2.00
C-  1.67
D   1.00
F   0.00
WF  0.00

(4) Attendance

The Board of Law Examiners in each state requires a certificate of attendance from the law schools attended by the applicant in order to take the bar examination. To execute this certificate faithfully, the school must insist on regular attendance. Therefore, students are required to attend all classes scheduled. A student absent for more than 25 percent of the total number of class meetings will not be allowed to write the examination and will receive a grade of WF (withdraw/fail) for the course, unless permission has been granted by the Assistant Dean for Academic Services. The number of absences permitted may be reduced by the professor on notice to the class.

The John Marshall Law School recognizes the diversity of religious practices of its students, faculty, and staff. Therefore, in addition to the 25 percent allowed, students are excused for religious observance from two class sessions in each course enrolled in every semester.

(5) Disability Accommodations


(6) Recording Lectures/Classes

(7) Plagiarism


(8) CALI Excellence for the Future Award

The CALI Excellence for the Future Award, sponsored by the Center for Computer-Assisted Legal Instruction, is given each semester to the student or students who receive the highest grade in each JD section of an exam course. An instructor may elect not to designate a CALI winner.

(9) Student Responsibility for Fulfilling Requirements

Each student has the responsibility to make sure that all degree requirements are fulfilled. Anticipated graduates should make an independent review of their records before registering for their final semester. It is the student’s responsibility, not the Registrar’s, to make sure that all degree requirements will be fulfilled by the end of the final semester.

(10) Re-admission Policy

Students dismissed for academic reasons may apply for readmission pursuant to the following rules and standards. Readmission is not a matter of right; instead, it is within the sound discretion of the appropriate committee. Any student applying for readmission shall bear the burden of demonstrating that his/her performance to date does not accurately reflect his/her ability to successfully complete law school.

1. Procedures

   a. Students dismissed after their first or second semester (fall and summer not included only)

      Any student dismissed for academic reasons may apply no earlier than one semester after dismissal to the faculty committee responsible for readmission decisions (hereafter, the Academic Affairs Committee). If granted, such readmission will be effective no earlier than one year after the student’s dismissal. Such a student will start over as a new first-semester student.

   b. Students dismissed after three or more semesters
A student dismissed for academic reasons after completing three or more semesters may elect:

i. To apply for readmission under (A) above or

ii. To apply immediately to the Academic Affairs Committee for readmission. Such a student must, however, sit out one semester while his/her petition is being considered. If readmitted, such a student may be allowed to re-enter as a continuing student, with credit for earlier work (assuming the student has 31 or more graded hours), but such a student will be required to repeat all required courses in which he/she received a grade of C or lower. Any repeated courses will be included in the grade point average calculations, but will count only once toward the 90-hour graduation requirement.

Any student readmitted as a continuing student must raise his/her overall GPA to 2.25 or higher by the end of the semester in which he/she re-enrolls. If a readmitted student has completed fewer than 31 graded hours of earlier work, or if the Academic Affairs Committee for other reasons determines that it would be inappropriate to grant credit for a readmitted student’s earlier work, the student must start over as a first semester student.

2. No repeat readmissions

No student readmitted and dismissed a second time will be considered for a second readmission, either by the Academic Affairs Committee or through the normal admission process.

3. Application for readmission was rejected

A student whose application for readmission has been rejected by the Academic Affairs Committee may not submit a subsequent application to the committee, but may seek readmission through the normal admission process (but in no case shall a student be readmitted without the affirmative vote of the Faculty Admissions Committee). Such application may be made no sooner than two years from the end of the semester after which the student was dismissed for academic reasons.

4. Application to the admissions committee after two years

If an eligible student seeking readmission applies two or more years after the date on which the student was dismissed for academic reasons, the student must apply through the normal admission process (but in no case shall a student be readmitted
without the affirmative vote of the Faculty Admissions Committee) and, if admitted, must start over as a first-semester student.

5. Standards

In considering any petition for readmission, the Academic Affairs Committee will place particular emphasis on the following factors:

i. How close the student’s GPA is to the 2.25 minimum for J.D. students or 2.5 minimum for LL.M. students;

ii. Whether the student has shown improvement since the first semester;

iii. Whether the student is consistently performing at or below a C+ level, or whether he/she has shown the ability to do B- or better work in at least a few courses;

iv. Whether the student has taken clear steps to improve performance, such as participating in academic support programs since first going on probation;

v. Whether specific, unique circumstances may have contributed to the student’s unacceptable performance, and whether those circumstances have clearly changed.

F. Administrative Information

(1) Teaching Schedules

Teaching schedules are prepared on a semesterly basis. The tentative schedule for the next academic year is usually distributed to the faculty early one month prior to student registration.

(2) Class Rosters

Faculty are expected to retrieve their class roster from eCommons each semester. Students have the first two weeks of a semester to add or drop classes. After that time, any student whose name does not appear on the permanent roll should be directed to see the Assistant Dean for Academic Services or the Registrar. No student is to be admitted to class unless his/her name is included in the roster or he/she shows evidence of having completed registration by presenting his/her registration form or a statement from the Registrar's Office. If any student is close to exceeding the allowable absences in a class, the faculty member should notify the student directly. If a student
has exceeded the allowable absences, the faculty member should inform the Academic Services office immediately.

(3) Attendance and Absences

Faculty are required to take roll. Absences in excess of 25% of class sessions will result in the student's dismissal from a course. As a general policy the individual faculty member will determine the penalty, if any, for tardiness and early departures. Individual faculty may reduce the number of permissible absences after notice to the students. However, faculty must allow at least 2 absences per the religious accommodation attendance guidelines.

Professors are responsible for tracking and notifying students if any attendance issues.

(4) Grade Reporting and Examination Return

The regulations that affect grades or course credit must be:

1. consistent with the terms of the catalog, and ABA/AALS regulations.
2. in writing and distributed at the beginning of the semester, and
3. sufficiently clear to provide proper notice to the students of the expected conduct and possible sanctions.

The grading of examination booklets is anonymous. All booklets are numbered. The examination authorization sheets accompanying them are also numbered. Instructors should indicate the grade each booklet received by placing the individual's grade on these sheets. The identity of each student will remain anonymous until all grades of a course have been submitted by the professor. All grades are confidential.

All professors should recheck their addition for accuracy. Academic Services cannot assume this responsibility because the volume of examinations is so great. Only in case of an error in arithmetic may a grade be changed without the permission of the full-time faculty. However, any grade change, even when caused by an arithmetical error, needs the approval of the Associate Dean for Academic Affairs.

If a professor is unable to grade his/her examinations because of extreme illness or other extraordinary circumstances, the examinations will be graded on a pass/fail basis by another faculty member.
Faculty members will receive notice, as always, when grades are due. The students will be advised the date grades are due for exams taken on certain dates. If the professor's grades are not in on time, Academic Services will, as always, check with the professor. Absent a reasonable excuse for not getting the grades in on time, Academic Services will post the names of those faculty members whose grades are late. Student complaints will be directed to those who are late.

Professors are required to retain all exam booklets for one calendar year after the exam date.

(5) Counseling

It is expected that the faculty will counsel students in connection with problems, particularly on matters of an academic nature. Faculty members should post and maintain office hours. Students who desire to change curriculum or who have conflicts or other unusual problems in their academic program should consult with the Assistant Dean for Academic Services. Students who are in the bottom 30% of their class after the first year are required to consult with the Academic Achievement Director for the school.

The Financial Aid Officer serves as an adviser on financial problems, and the Business Office advises on matters related to tuition.

(6) Textbooks

Faculty members requiring desk copies for the next academic year should request the books directly from the publisher. Publisher addresses may be obtained from the Bookstore Manager.

(7) Change in Textbooks

Experience with publishers has led us to adopt the policy that changes in textbooks, materials, and equipment for the ensuing semester must be submitted to the Bookstore Manager on or before July 1 for the Fall semester and November 15 for the Spring semester.

(8) Purchases

Faculty supplies and equipment, not available in the bookstore, must be requisitioned through the faculty secretaries.
Materials to be reproduced for class use should be ordered through the faculty secretaries. The faculty member must provide one week's advance notice when requesting the reproduction of class material.

Materials fees may be charged for some courses.

Initial requirements for texts and other student needs are ordered by the Bookstore Manager based on requirements submitted by faculty members.

(9) Teaching Aids

For information on the technological resources offered by the Law School, please contact Academic Technology for classroom technology needs and Information Technology for office technology needs.

(10) Announcements

From time to time a faculty member will find messages in his or her mailbox requesting that he or she take a few minutes of class time to make announcements or to pass out questionnaires for completion and collection before the end of the class.

(11) Class Cancellations

Faculty members should cancel classes only in case of illness or for other good cause. Academic Services must be notified as early in the day as possible if a class must be canceled. A notice will then be posted on the monitors. Professors should also send out an e-mail to the entire class roster via eCommons, notifying students of the class cancellation. Make-up sessions should be scheduled immediately. Faculty members should not change classrooms or meeting times without prior authorization from Academic Services.

(12) Course Syllabus

Faculty are to have their syllabus posted on eCommons no later than one week prior to a class starting.

It is the policy of The John Marshall Law School to provide students with disabilities full access and participation in the law school’s academic and student life programs in compliance with §504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended. John Marshall will only provide accommodations to students who self-identify by the required deadlines for the semester.

Any student requesting reasonable accommodations must be disabled as defined in the Americans with Disabilities Act Amendment Act (ADAA). Reasonable accommodations are accommodations that do not fundamentally alter the nature of the educational program, impose undue administrative or financial burden on the law school, lower academic or other performance standards, compromise the validity and reliability of the exam, or provide an unfair advantage to the student.

Students requesting accommodations must work directly with the academic services department, and the DAC (Disability Accommodations Coordinator to determine which accommodations will be received.)
SECTION 14: The John Marshall Law School Policy on Recording of Classes

(adopted November 2011)

Application: This policy applies to the recording of any live or online class except mock depositions, oral arguments and trials where recording is part of the pedagogical process.

Definitions:

Attendance. For the purpose of this policy, attendance means in-class presence for traditionally taught (i.e., live) courses or synchronous and/or asynchronous participation for distance education courses as required by the American Bar Association, JMLS and the course instructor.

Recording. Unless specifically noted, this policy applies to both audio and video recording on any medium through the use of any technology.

I. Recording by Students

Consistent with our mission of training lawyers who act with the highest standards of professionalism and honesty, students are not permitted to audio or video record a class, seminar, meeting or teacher conference without authorization obtained in accordance with this policy. The unauthorized or surreptitious recording, copying, uploading, downloading, distribution, or use of all or any portion of an unauthorized recording will be deemed a violation of the JMLS Student Code of Conduct. It is further prohibited for any JMLS student to record any communication with another person at the School or in connection with any School-related activity without the knowing consent of all persons who are being recorded.

II. Recording at the Request of an Individual Student

All students are expected to attend class regularly and to miss class only in exceptional circumstances. Students may request that classes be recorded only for the reasons set forth below:

(1) absence because of serious medical situation or family emergency;

(2) absence because of religious observance;

(3) other exigent circumstances which does not include job interviews, vacations, minor illness, or work conflicts.
(4) as a reasonable accommodation for a student with a disability.

A student who wishes to have a class recorded for the reasons set forth in (1), (2), or (3) above shall make such request to the faculty member who is responsible for teaching the class.

Absent good reason to disapprove, the faculty member should grant such request and, in all cases, should decide such requests on a consistent and fair basis taking into account the individual circumstances.

A student who wishes to have a class recorded for the reason set forth in (4) above shall make such request to the School's Disability Accommodations Coordinator or Assistant Dean for Student Services. Such requests shall be treated in confidence and, if allowed, shall be implemented to the extent possible in a manner that is designed to protect the identity of the student requiring the accommodation. The faculty member teaching the class must abide by the decision of the Disability Accommodations Coordinator or Assistant Dean for Student Services.

A student who is permitted to record a class under this provision shall not copy, share or distribute the recording or any portion thereof to other persons not authorized to receive it.

III. Recording by a Faculty Member or Administrator

A faculty member, or JMLS administrator, with the faculty member's permission, may record his/her own class or classes for a legitimate purpose related to the School's educational mission. A faculty member's consent is not required if the recording is necessary to comply with the School's obligation to provide reasonable accommodation.

A faculty member who records a class and provides it to one or more students for a reason other than the four reasons set forth in section 2., shall make the recording available to all students enrolled in the class. Students are prohibited from recording, copying, uploading, downloading, distributing, and/or sharing the recording or any portion thereof to persons not authorized to receive it.
IV. Retention of Recordings

Except for distance education courses, the default rule is that class recordings will be made available to students only until they have taken their final exam or submitted their final semester project in that course.

Recording may be retained for a longer period only if a faculty member specifically asks the Associate Dean of Academic Affairs to retain the recording for a longer, reasonable period of time.

V. Notice and Consent to Recording

JMLS students will be informed at registration every semester that live and online classes may be audio recorded for legitimate educational purposes without further notice and that any student who objects to being audio recorded should inform the Assistant Dean for Student Services. The Assistant Dean and faculty member will work with the student on alternative arrangements.

VI. Recording for Security Purposes

Nothing in this policy shall prohibit or restrict the Administration from video recording any School-related activity for security purposes or require the Administration to provide notice or obtain consent prior to such recording.

VII. No Transfer of Property Rights

Nothing in this policy is intended by the School to waive or transfer any of its interest in copyrighted material or works for hire.
SECTION 15: The John Marshall Law School Plagiarism Policy

Plagiarism is an extremely serious offense that may result in disciplinary action. There are two major types of plagiarism:

1. Failure to cite the source of an idea; and

2. Failure to use quotation marks around a direct quote.

   a. Use of an idea. If you use the idea (or an organization) of another author, you must attribute that idea to the other author. Merely paraphrasing the other author’s words is not sufficient. You must also cite to the other source.

   b. Use of the same words. If you use the idea and the words of another author, you must put quotation marks around those words and cite to the source. Both are required. If either the quotation marks or the citation is missing, you have plagiarized the other author’s work.

Intent is not required for a writing to be plagiarized.

Using the ideas or words of another student may also be plagiarism.

Regardless of what rules you may have followed on this subject before law school, or what practices you may observe elsewhere, this is the standard that you must adhere to in all of your Lawyering Skills classes, in all seminar papers, and in all honors programs. This definition may be supplemented for Lawyering Skills classes.
SECTION 16: Policy for Evaluating Experimental Courses

(adopted 2007)

1. After an experimental course has been taught three times, the professor(s) of the course may submit a formal written petition to the Curriculum Committee to make the course a permanent part of the curriculum.

2. The petition shall contain the following:
   
a. A copy of the syllabus for each semester the course has been taught;
   
b. A formal statement by the professor(s) for the reasons for making the course a permanent part of the curriculum;
   
c. A copy of the examination/paper topic problem(s) for each semester the course has been taught;
   
d. A summary of student evaluations of the course for each semester it has been taught; and
   
e. Anything else the professor(s) believe the committee should see.

3. The Curriculum Committee may, at its discretion, visit the course for the purpose of evaluating it as a candidate for inclusion into the permanent curriculum.

4. Upon completion of the preceding requirement, the committee will discuss the merits of the application and conduct a preliminary vote. If, by a majority vote of a quorum of the committee present the application is approved, a formal report will be drafted subject to review by the committee. The professor(s) will also review the report for accuracy. Then the report will be submitted to the whole faculty, and the matter will be put on the agenda for the next general assembly, at which time the entire faculty will vote on the committee’s recommendation.

Statement of Purpose

This proposal reflects a concern that before a course becomes a part of the permanent curriculum, the committee has a chance to review in a formal manner the merits of the course. It is important to implement a specific procedure for moving courses from the experimental track onto a permanent one. By establishing a formal procedure, the committee provides a reliable means of assessing proposed curriculum changes. An ad hoc, informal system would ultimately introduce the potential for unbridled and perhaps
unwise curriculum changes. In no way should this proposal be regarded as a means for keeping the specific courses out of the curriculum.
SECTION 17: Institutional Procedure For Student-Initiated Journals
(adopted by the Assembly December 3, 2007)

The decision to create a new journal is within the sole discretion of the faculty. Before the faculty will consider whether a proposal is in the best interests of The John Marshall Law School, students must comply with the following requirements. Compliance with these requirements does not guarantee faculty approval.

1. **Sponsorship:** Students seeking to establish a new journal to be edited by students must be sponsored by a center or program of the law school directed by a full-time employee of the law school.

2. **Student Proposal:** Contents
   a. Mission statement
   b. Journal Description
      i. Board of Directors (how many, how will they be selected)
      ii. Faculty Advisor (who)
      iii. Number of Publications per Year
      iv. Medium of Journal Publication
      v. Approximate number of student members
      vi. Article Solicitation
      vii. Journal Distribution (how and to whom)
      viii. Cost
      ix. Journal Continuity Plan
   c. Student Criteria for Journal Candidacy
      i. Grade-on Admissions to Journal?
      ii. Write-on Competition Admissions to Journal?
         1. Does the proposed journal plan to
            a. join the established write-on competition sponsored by Law Review, RIPL, and JCIL; or
            b. create an alternative write-on competition
2. If the proposed journal plans to join the established write-on competition, the proposed journal must ask the EIC from each journal participating in the write-on competition for permission to join the program and enter the sponsorship rotation.

iii. Credit Grade Point Average Requirement - must describe grade point average requirement for both grade-on and write-on participation.

iv. Credit Hour Requirement - must describe student credit hour requirement for consideration as a new member.

v. Resume Submission - must detail whether a resume or other documents will be requested during the candidate process.

vi. Interviews - must state whether an interview will be a part of the candidate process.

vii. Members of Other John Marshall Journals - must state whether they will be eligible for membership on the new journal.

d. Need for proposed journal

i. How will the proposed journal impact on existing John Marshall journals. What are the areas of overlap with existing journals.

ii. Is there a need for the proposed journal in the national academic community. How many similar journals are there. What unique needs will be served by the proposed journal.

e. Signatures of 30 students who are interested in writing for the journal.

3. Committee Consideration: When requirements 1 and 2 have been satisfied, the Executive Committee will submit the proposal to the Academic Affairs and Honors Committees.

4. Faculty Assembly Consideration: If the Academic Affairs and Honors Committees both approve the proposal, it will be placed on the agenda for the next Faculty Assembly.

5. Decanal Consideration: If the Faculty Assembly approves the proposal, the Dean shall consider the proposal in light of budgetary and other institutional concerns.

6. Approval of Journal: If the Faculty and Dean approve the creation of the new journal:

   a. The school will provide space on the school’s server to host the journal’s online publication.
b. If office space is available, office space will be given to the student journal. If office space is not available, the journal is placed on a wait list for office space.

c. The journal will have the right to solicit articles and funds.

d. The Faculty Advisor must approve all journal issues prior to publication.

e. The Dean shall have the right to rescind the journal approval at any time after the initial journal publication. Reasons for such a decision shall include but are not limited to pervasive technical errors throughout the journal publication and/or failure to produce a quality publication consistent with the standards of The John Marshall Law School.

f. Every new journal member may list the journal participation on his or her resume.

g. During the first and subsequent years, the editorial board and staff of the journal shall receive academic credit and tuition waivers comparable to those received by the boards and staffs of existing honors programs.

7. First Year Review: One year after faculty approval, the journal will be reviewed by the Student Honors Committee.

a. The journal will submit all publications, a description of the events sponsored by the journal, a budget and a plan for the next year.

b. The Student Honors Committee shall vote on whether the journal shall be continued for a second year.

c. If the Student Honors Committee recommends continuation of the journal, the Faculty Assembly shall vote to approve or reject the recommendations.

8. Second Year Review: Two years after faculty approval, the journal will be reviewed by the Student Honors Committee.

a. The journal will submit all publications, a description of the events sponsored by the journal, a budget and a plan for the next year.

b. The journal may request designation as an Honors Program.
c. The Honors Committee shall vote on whether the journal shall become permanent or shall be continued for a definite period and whether Honors status shall be granted.

d. If the Honors Committee recommends continuation of the journal and/or designation of Honors status, the Faculty Assembly shall vote to approve or reject the recommendations.
SECTION 18: Policy Concerning Private Practice

Private practice is not part of your job as a full-time faculty member. The school will not provide any resources for private practice, including, but not limited to, secretarial skills and mailroom support. The school also does not provide any professional malpractice insurance for your private practice.
SECTION 19: Policy Concerning Political Office

Any faculty members, administrative officers, or staff members of The John Marshall Law School who run for or hold a major political elective or appointive office shall take a leave of absence while running for or holding office. Under no circumstance shall school support services be used by any employee of the school to run for or hold political office.

No political campaigning by a candidate is permitted on the school premises without permission of the Dean or his or her representative and then only if other candidates are offered an equal opportunity to campaign.
SECTION 20: Affirmative Action Minority Policy

(adopted Fall 1987)
(amended Summer 2012)

The John Marshall Law School is eighty-eight years old. Through the course of its existence, the school has sought to enroll minorities and provide minority representation to the profession. In fact, the Law School has an excellent reputation within the city of Chicago for affording minority students an opportunity to enter the legal profession.

Pursuant to the American Bar Association’s Standard 212* and its Interpretations, this policy is drafted to demonstrate the Law School’s commitment to affirmative action.

As a concrete means of demonstrating the Law School’s commitment to providing equal opportunities for the study of law and entry into the profession by qualified members of groups that have been victims of discrimination in various forms, the Law School will seek to do the following:

1. With respect to the area of admissions, the Law School will:
   a. Promote programs to identify outstanding minority high school students and college undergraduates and encourage them to study law.
   b. Consciously plan law school recruitment of minority applicants.
   c. Effect contact with colleges having substantial numbers of minority students.
   d. Support the activities of the Council of Legal Education Opportunity (CLEO).
   e. Develop programs that assist in meeting the unusual financial needs of minority students.

2. With respect to the law school educational experience, the School will seek to create a favorable law school environment for minority students. The School will seek to provide academic support services, support minority student organizations, seek to promote contact with minority lawyers and be conscious of the need to hire minority administrators.

3. With respect to the area of Career Services, the Law School will:
   a. Participate in job fairs and other programs designed to bring minority students to the attention of employers.
b. Establish procedures to review the experiences of minority graduates to determine whether their employers are affording equal opportunity to members of minority groups for advancement and promotion.

4. With respect to the area of Faculty Development, the Law School will seek to obtain minority representation on the faculty through strong affirmative action recruiting for available tenure-track positions in the school.

*ABA Standard 212. EQUAL OPPORTUNITY AND DIVERSITY*

(as excerpted from ABA Standards for Approval of Law Schools 2011-2012)

(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.

(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are diverse with respect to gender, race and ethnicity.

*Interpretation 212-1*

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity or national origin in admissions or employment decisions is not a justification for a school’s non-compliance with Standard 212. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 212 by means other than those prohibited by the applicable constitutional or statutory provisions.

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*Interpretation 212-2*

Consistent with the U.S. Supreme Court’s decision in Grutter v. Bollinger, 529 U.S. 306 (2003), a law school may use race and ethnicity in its admissions process to promote equal opportunity and diversity. Through its admissions policies and practices, a law school shall take concrete actions to enroll a diverse student body that promotes cross-cultural understanding, helps break down racial and ethnic stereotypes, and enables students to better understand persons of different races, ethnic groups and backgrounds.
Interpretation 212-3

This Standard does not specify the forms of concrete actions a law school must take to satisfy its equal opportunity and diversity obligations. The determination of a law school’s satisfaction of such obligations is based on the totality of the law school’s actions and the results achieved. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a more favorable environment for students from underrepresented groups.
SECTION 21: Employee and Faculty Protection from Discrimination and Harassment

(adopted administratively July 13, 2012)

It is the policy of The John Marshall Law School (the “Law School”) to provide a work environment for our employees and faculty members free from discrimination and harassment based on race, color, sex, religion, national origin, ancestry, age, disability, veteran status, marital status, genetic characteristics, sexual orientation, gender identity or any other characteristic protected by applicable law.

1. Discrimination Is Prohibited.

The Law School does not tolerate discrimination against any employee or faculty member based on race, color, sex, religion, national origin, ancestry, age, disability, veteran status, marital status, genetic characteristics, sexual orientation, gender identity or any other characteristic protected by applicable law. This policy applies to all aspects of employment, including but not limited to recruiting, hiring, promotion, compensation, tenure, discipline and termination.

Civility and professionalism are not only requirements of the legal profession but are critical to the success of a vibrant educational environment. The Law School will not tolerate conduct that objectively and subjectively limits or interferes with an employee’s ability to participate in or benefit from the Law School’s employment opportunities because of race, color, sex, religion, national origin, ancestry, age, disability, veteran status, marital status, genetic characteristics, sexual orientation, gender identity or any other characteristic protected by applicable law. Although freedom of expression is vital to the educational process, it does not excuse harassment targeted at specific persons or groups because of characteristics not relevant to the Law School’s educational mission.

2. Harassment is Prohibited.

The Law School does not tolerate offensive or otherwise harassing behaviors and/or communications towards any employee or faculty member based on race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation, gender identity or any other characteristic protected by applicable law. Prohibited harassment under this policy is unwelcome behavior based on race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation, gender identity or any other characteristic protected by applicable law where such conduct has the purpose or effect of
unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.


An essential element of this policy is the prohibition of sexual harassment. Sexual harassment under this policy are sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(i) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of employment;

(ii) submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting such individual; or

(iii) the conduct has the purpose or effect or unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Prohibited behaviors can be verbal, non-verbal, or physical. This policy applies to behavior that occurs on- or off-campus, if the behavior interferes with or limits an employee’s ability to participate in, or benefit from, employment opportunities. Examples of prohibited verbal behaviors include but are not limited to, unwelcome sexual innuendo, gender stereotyping, sexual propositions and comments, insults, threats, and jokes about gender-specific traits including when communicated through electronic media. Examples of prohibited non-verbal behaviors include but are not limited to unwelcome sexually suggestive or insulting noises, obscene gestures and display of sexually suggestive objects or pictures. Examples of prohibited physical behaviors include, but are not limited to, stalking, physical aggression, unwelcome touching, coercive sexual contact, and sexual assault. This policy may be violated by one or more prohibited behaviors or incidents. A violation of policy may not necessarily rise to the level of a violation of law.

4. Application to All Employees and Faculty Members.

This policy protects all employees and faculty members from discrimination and harassment by other employees, faculty, students, and third persons.

5. Making a Complaint.

Individuals may report violations of this policy or submit complaints in the following ways.
(i) Anyone may call the JMLS Harassment Prevention Hotline at (312) 427-2737 ext. 506.

(ii) Faculty may contact the Associate Dean for Academic Affairs or the Dean.

(iii) Non-faculty staff may contact their manager, department head, the offending employee's manager or the Assistant Dean for Human Resources.

(iv) Anyone may contact the Associate Dean for Outreach and Planning.

(v) Requests for accommodation due to a disability should be directed toward the Assistant Dean for Human Resources.

Reports of violations of this policy or complaints should be made promptly after the alleged violation occurs. Complainants are encouraged to submit their complaint in writing but the Law School will investigate oral or anonymous complaints to the extent practicable.

Any dean, department head or manager who knows or has reason to believe that a violation of this policy has occurred has an obligation to report the matter, whether or not the victim has complained.

The submission of an internal complaint does not preclude the complainant from seeking relief elsewhere.

6. Confidentiality.

The Law School will take reasonable measures to maintain the confidentiality of information obtained during the processing of a report or complaint and will make disclosures only on a need to know basis. The Law School will attempt to protect the anonymity of the alleged victim and witnesses. However, the Law School cannot guarantee anonymity or confidentiality and may make disclosures as necessary to conduct a full and fair investigation and implement appropriate remedial measures.

7. Investigation and Remediation.

a. Complaints against a faculty member.

The Associate Dean for Academic Affairs or his designee will be responsible for investigating complaints against a faculty member. Other administrators or persons may participate in the investigation as appropriate.
b. Complaints against non-faculty staff.

The Assistant Dean for Human Resources or his designee will be responsible for investigating complaints against a non-faculty staff member. Other administrators or persons may participate in the investigation as appropriate.

c. Complaints against a student.

The Associate Dean for Admission and Student Affairs or his designee will be responsible for investigating complaints against a student. Other administrators or persons may participate in the investigation as appropriate.

The dean or other person charged with investigating the report or complaint will determine the scope and method of the investigation but in most cases the investigation should include an interview with the alleged victim, alleged perpetrator and any direct witnesses. The investigator must be neutral and have no conflict of interest. Both the alleged victim and perpetrator will be afforded an opportunity to identify relevant witnesses and provide evidence to the investigator. The alleged perpetrator will not be permitted to question the alleged victim. The investigator will attempt to complete his/her investigation within 30 days following receipt of a report or complaint, although additional time may be required for good reason. Interested parties may be represented by counsel but counsel may not attend investigatory interviews and the parties are expected to cooperate with the investigation and speak for themselves.

The investigator will determine whether there is a reasonable factual basis to conclude that the policy was violated. The investigator is not responsible for determining whether there was a violation of any law. The investigator should prepare a written report of his/her findings. The dean responsible for the investigation will make recommendations for remediation, if appropriate, which may include but are not limited to corrective counseling; formal discipline against a non-faculty staff member; initiation of permanent expulsion or dismissal proceedings against a student perpetrator under the Student Code of Conduct and Student Disciplinary Proceedings or against a faculty perpetrator under the Tenure and Promotion Policy as provided herein; separating the victim and perpetrator; providing employee assistance; or taking or rescinding an employment action. The appropriate dean may consult with the Dean or other appropriate administrators before making a final decision on appropriate remedial measures to be taken. The alleged victim and perpetrator will be informed of the final decision.
8. **Interim Measures.**

The Law School may take whatever interim measures it deems appropriate to protect an alleged victim or witnesses as soon as a report or complaint is received. Such measures may include prohibiting the alleged perpetrator to have any contact with the victim or witnesses and/or denying on-campus access to the alleged perpetrator. The alleged victim should be informed immediately of the Law School’s policy against retaliation and told that any form of retaliation should be promptly reported immediately to any dean.

9. **Coordination with Other Policies.**

Disciplinary or other corrective action taken against a student for violation of this policy will not be subject to review or approval under the Rules for Student Disciplinary Proceedings unless the recommended disciplinary action is the permanent expulsion or dismissal of a student from the Law School. In that event the student may request review by a Hearing Panel within 15 days after being informed of the Law School’s intent to permanently expel or dismiss the student. The Hearing Panel will be constituted under Section E.1 of the Rules for Student Disciplinary Proceedings. The sole issue for the Hearing Panel will be whether the student should be expelled or dismissed from the Law School. The Associate Dean for Admission and Student Affairs or his designee will provide the Hearing Panel with the investigatory findings and recommendations and will make a presentation to the Hearing Panel. The student facing expulsion or dismissal will have an opportunity to be heard. The Chair of the Hearing Panel will decide in his/her sole discretion whether to hear any other witnesses or evidence and will decide all procedural issues, with a view toward protecting the victim from embarrassment, loss of privacy and humiliation. In no event will there be any examination or cross-examination of any witnesses by the alleged perpetrator or his/her counsel. The Hearing Panel will not have authority to rescind any remedial action taken under this policy. The Hearing Panel will not include any person who participated in the investigation under this policy; provided, however, that the Dean will retain authority to review the Hearing Panel’s recommendation and to make the final decision.

The Law School reserves the right to take any appropriate disciplinary action including termination against an employee who violates this policy; provided, however, that a disciplinary action taken against a tenured faculty member for violation of this policy may be reviewed under Articles Seven, Eight or Nine of The John Marshall Law School Board of Trustees Tenure and Promotion Policy; provided, further, that any remedial action intended to protect the victim or prevent further violation of this policy will not be subject to review.
10. **Non-Retaliation.**

It is a violation of this policy for any member of the Law School community to retaliate against a person who makes a good faith report or complaint under this policy, or who participates in good faith in an investigation. The Law School will respond to allegations of retaliation in accordance with the procedures contained in this policy.

11. **Dissemination.**

This policy will be published in the Student Handbook, posted in areas where all persons may review it, including the Law School’s Intranet site, and obtained upon request from any dean, department head, or supervisor.

This policy will be published electronically on The John Marshall Law School website, eCommons, in print in the Faculty Handbook, and posted in areas where all persons may review it, including the Law School’s Intranet site.
SECTION 22: Student Protection from Discrimination and Harassment Policy

(adopted administratively May 7, 2012)

The Law School has been embracing diversity and equal opportunity since its founding in 1899. Our founders believed that a legal education should be available to any qualified person regardless of their economic station in life, or their “racial origin, sex, color or religious affiliation.” That tradition continues.

It is the policy of The John Marshall Law School (“JMLS” or the “Law School”) to provide an educational environment for our students free from sexual discrimination, harassment and sexual violence and from discrimination and harassment based on race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. This policy applies to all aspects of the educational process including academic and extracurricular activities.

1. Discrimination and Harassment Is Prohibited.

The Law School does not tolerate discrimination against any student based on his or her race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. This policy applies to all aspects of the educational environment including admissions, educational programs and services and extracurricular activities.

Civility and professionalism are not only requirements of our profession but are critical to the success of a vibrant educational environment. The Law School will not tolerate conduct that objectively and subjectively limits or interferes with a student’s ability to participate in or benefit from the Law School’s programs because of the student’s race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. Harassment can consist of words or conduct. Although freedom of expression is vital to the educational process, it does not excuse harassment targeted at specific persons or groups because of characteristics not relevant to the Law School’s educational mission.

2. Sexual Harassment and Sexual Assault.

An essential element of this policy is the prohibition against offensive, disrespectful, demeaning, or violent behaviors and/or communications because of a student’s gender or that is sexual in nature or context. Prohibited behaviors include, but are not limited to:
Making unwelcome sexual advances or requests for sexual favors.

Engaging in offensive or violent verbal or physical conduct of a sexual nature when the conduct is sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from an educational activity, or it creates a hostile educational environment.

Explicitly or implicitly conditioning a student’s participation in an educational program or activity, or basing an educational decision on a student’s submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Prohibited behaviors can be verbal, non-verbal, or physical. This policy applies to behavior that occurs on- or off-campus, if the behavior interferes with or limits a student’s ability to participate in, or benefit from, school programs. Examples of prohibited verbal behaviors include, but are not limited to, unwelcome sexual innuendo, gender stereotyping, sexual propositions and comments, insults, threats, and jokes about gender-specific traits including through electronic media. Examples of prohibited non-verbal behaviors include, but are not limited to, unwelcome sexually suggestive or insulting noises, obscene gestures and display of sexually suggestive objects or pictures. Examples of prohibited physical behaviors include, but are not limited to, stalking, physical aggression, unwelcome touching, coercive sexual contact, intimate partner violence and sexual assault.

This policy prohibits the conduct described herein whether or not it violates Title IX of the Education Amendments of 1972.

3. Application to all Members of the Law School Community

This policy prohibits all students, employees, and faculty from engaging in behaviors that violate this policy and protects all students from such behavior by other students, employees, faculty, or third persons. The Law School is committed to taking prompt and effective action when it knows or has reason to know that a violation of this policy may have occurred.

4. Policy Coordinator

The Associate Dean for Student Affairs shall be responsible for the administration of this policy.
5. Making a Complaint

A student, employee or faculty member may submit a complaint or report a violation of this policy by:

1) Calling the JMLS Harassment Prevention Hotline at 312.427.2737 x506
2) Contacting the Associate Dean for Student Affairs or
2) Contacting any dean or faculty member.

Reports of offensive behaviors inconsistent with this policy should be made promptly after the alleged policy violation occurs. The submission of an internal report does not preclude the complainant from seeking relief elsewhere.

Any faculty member, administrator and manager who knows or has reason to believe that a violation of this policy has occurred has an obligation to report the matter to the Associate Dean for Student Affairs, whether or not the victim has complained.

Once a report or complaint has been made, the individual receiving the report or complaint should advise the Associate Dean for Student Affairs. The Policy Coordinator will have responsibility for processing the report or complaint as described below.

The Law School shall inform an alleged victim of the right to file a criminal complaint or police report in cases of sexual violence. However, the Law School shall not wait for a criminal or other external investigation to conclude before taking immediate steps to protect the victim or, absent special circumstances, to conduct an investigation under this policy.

6. Confidentiality

The Law School shall take reasonable measures to maintain the confidentiality of information obtained during the processing of a report or complaint and shall make disclosures only on a need to know basis. The Law School will attempt to protect the identity of the alleged victim and witnesses. However, the Law School cannot guarantee anonymity or confidentiality and may make disclosures as necessary to conduct a full and fair investigation.

7. Informal Processing

The Associate Dean for Student Affairs will consult with the alleged victim to determine whether the matter initially can be handled through informal processes. The informal
process may consist of mediation, counseling or other efforts by the Law School to resolve the matter to the satisfaction of the alleged victim. In no event will a student victim be required to work out a problem directly with the alleged perpetrator without participation by a representative of the Law School. Informal processing shall never be appropriate in cases involving allegations of sexual violence. The alleged victim should be made aware of the option to request formal processing at any time. If the matter is resolved during informal processing, a report containing the allegations and disposition shall be made and maintained by the Associate Dean for Student Affairs.

8. Formal Processing and Investigation

If informal processing is not successful or appropriate, the matter will be formally processed. The Associate Dean for Student Affairs shall be responsible for the process. The Associate Dean for Student Affairs or his/her designee should interview the alleged victim and obtain as much detail as possible concerning the alleged policy violation. The alleged victim may be asked to provide a written statement but a written complaint or statement is not required to proceed.

The scope and method of the investigation will be at the discretion of the Associate Dean for Student Affairs. Either the Associate Dean for Student Affairs or his/her designee may conduct the investigation so long as the investigator is neutral and has no conflict of interest. Both the alleged victim and perpetrator will be afforded an equal opportunity to identify relevant witnesses and provide evidence to the investigator. Under no circumstances shall the alleged perpetrator be permitted to question directly the alleged victim. The investigator shall attempt to complete his/her investigation within 60 days following receipt of a report or complaint, although additional time may be required for good reason. Interested parties may be represented by counsel but counsel may not attend investigatory interviews and the parties are expected to cooperate with the investigation and speak for themselves.

The investigator will determine whether there is a preponderance of evidence to find a policy violation. If so, the investigator, in consultation with the Associate Dean for Student Affairs and other appropriate persons (e.g., any dean, security), shall make recommendations to remediate the situation including, as appropriate, the initiation of additional proceedings against a student perpetrator under the Student Code of Conduct and Student Disciplinary Proceedings or against a faculty perpetrator under the Tenure and Promotion Policy as provided herein; providing an escort for the victim; separating the victim and perpetrator; providing counseling services; providing academic support services; and allowing a student to retake a course or withdraw from a class without penalty. The investigator shall prepare a written report of his/her findings and recommendations and shall inform the alleged victim and perpetrator in written summary
form of the findings and recommendations including any remedial measures being recommended.

Either party may appeal the findings or recommendations to the Dean within seven calendar days. The Dean (or designee) may review the investigatory file, determine whether additional investigation is necessary and/or whether other or additional remedial measures are appropriate. The Dean shall complete his/her review and shall issue a final decision within 30 days.

9. Interim Measures

The Law School may take whatever interim measures it deems appropriate to protect an alleged victim or witnesses as soon as a report or complaint is received. Such measures may include prohibiting the alleged perpetrator to have any contact with the victim or witnesses and/or denying on-campus access to the alleged perpetrator. The alleged victim should be informed immediately of the Law School's policy against retaliation and told that any form of retaliation should be promptly reported to the Associate Dean for Student Affairs.

10. Coordination with Other Policies

Any disciplinary or other corrective action taken against a student for violation of this policy shall not be subject to review or approval under the Rules for Student Disciplinary Proceedings unless the recommended disciplinary action is the permanent expulsion or dismissal of a student from the Law School. In that event the student may request review by a Hearing Panel within 15 days after being informed of the School's intent to permanently expel or dismiss the student. The Hearing Panel shall be constituted under Section E.1 of the Rules for Student Disciplinary Proceedings. The sole issue for the Hearing Panel shall be whether the student should be expelled or dismissed from the Law School. The Associate Dean for Student Affairs or his designee shall provide the Hearing Panel with the investigatory findings and recommendations and shall make a presentation to the Hearing Panel. The student facing expulsion or dismissal shall have an opportunity to be heard. The Chair of the Hearing Panel shall decide in his/her sole discretion whether to hear any other witnesses or evidence and shall decide all procedural issues, with a view toward protecting the victim from embarrassment, loss of privacy and humiliation. In no event shall there be any examination or cross-examination of any witnesses by the alleged perpetrator or his/her counsel. The Hearing Panel shall not have authority to rescind any remedial action taken under this policy. The Hearing Panel shall not include any person who participated in the investigation under this policy; provided, however, that the Dean shall retain authority to review the Hearing Panel's recommendation and to make the final decision.
The Law School reserves the right to take any appropriate disciplinary action including termination against an employee who violates this policy; provided, however, that a disciplinary action taken against a tenured faculty member for violation of this policy may be reviewed under Articles Seven, Eight or Nine of the Faculty Tenure and Promotion Policy; provided, further, that any remedial action intended to protect the victim or prevent further violation of this policy shall not be subject to review.

11. Non-Retaliation

It is a violation of this policy for any member of the Law School community to retaliate against a person who makes a good faith report or complaint under this policy, or who participates in good faith in an investigation. The Law School shall respond to allegations of retaliation in accordance with the procedures contained in this policy.

12. Dissemination

This policy shall be published in the Student Handbook, posted in areas where all persons may review it, including the Law School’s Intranet site, and obtained upon request from any dean, department head, or supervisor.
SECTION 23: Copyright Infringement Policy

(adopted August 13, 2014)

Unauthorized copying or distribution of copyrighted material violates the U.S. Copyright Act as well as John Marshall’s Technology Use Policies (“TUP”). These policies, among other things, prohibit illegal downloading and sharing of copyrighted material over the John Marshall network, including through the use of e-mail, web pages, and peer-to-peer file sharing software. This prohibition applies to all computers and mobile devices accessing the John Marshall network, whether owned by John Marshall or personally owned by a community member. Before downloading or sharing any material over the John Marshall network, members of the community should ensure they have the legal right to do so.

John Marshall’s responsibility under the law is to respond expeditiously to remove, or disable access to, the material that is claimed to be infringing. The policies for Digital Millennium Copyright Act (“DMCA”) complaints are as follows:

- The first time that ITS receives a DMCA complaint for a student, ITS will send a notice to the student, requiring the student to make an appointment to meet with the Director of Library & Technology within a specified period of time. The student will be required to remove or block access to any materials identified as infringing copyright in the DMCA notice, as well as any other infringing material, and certify in writing that he or she has done so. If ITS does not receive a response to its violation notice within the specified time, ITS will suspend the student’s access to the John Marshall network.

- If ITS receives subsequent DMCA complaints for the same student, ITS will suspend network access for the student and refer the matter to Associate Dean of Student Affairs for disciplinary action. Details regarding the first complaint will be provided and taken into account in any disciplinary sanction. ITS will only restore network access upon the request of the Associate Dean for Student Affairs.

- These policies apply to faculty, staff and other authorized users as well as students. If ITS receives a DMCA complaint for a faculty member, the matter will be referred to the Associate Dean for Academic Affairs. If ITS receives a DMCA complaint for a staff member or other authorized user, the matter will be referred to the individual’s department head, supervisor or, for guests, primary faculty or staff contact, and the Assistant Dean for Human Resources.

The ITS department also employs the following technology-based deterrents to the unauthorized copying and distribution of copyrighted material: (1) dropping or constricting bandwidth accessible to common peer-to-peer file sharing protocols on the John Marshall network, (2) tracing illegal activity to specific users on the John Marshall network, including its wireless network, where possible, and (3) random reviews of high bandwidth usage on the John Marshall network.
This policy will be reviewed on an annual basis and modified as necessary to ensure its continuing effectiveness. Last reviewed: August 26, 2014.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than $750 and not more than $30,000 per work infringed. For "willful" infringement, a court may award up to $150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to $250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Reporting Claims of Copyright Infringement

The John Marshall Law School respects the intellectual property of others, and we ask our students, faculty, and staff, and those posting to this site, to do the same. In accordance with the Digital Millennium Copyright Act (“DMCA”), John Marshall has appointed an agent to receive notification of alleged copyright infringement occurring in the jmls.edu domain. If you believe that your copyrighted work is being infringed, please notify our agent specified below:

Ramsey Donnell  
Director, Library & Technology  
The John Marshall Law School  
315 S. Plymouth Ct.  
Chicago, IL 60604  
Phone: 312-427-2737, ext. 266  
Fax: 312-427-8307  
Email: rdonnell@jmls.edu

In notifying us of the alleged copyright infringement, please include the following information:
1. the electronic or physical signature of the owner of the copyright or the person authorized to act on the owner's behalf.

2. a description of the copyrighted work that you claim has been infringed and a description of the infringing activity.

3. identification of the location where the original or an authorized copy of the copyrighted work exists, for example the URL of the web site where it is posted or the name of the book in which it has been published.

4. identification of the URL or other specific location on this site where the material that you claim is infringing is located.

5. your name, address, telephone number and email address.

6. a statement by you that you have a good faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law.

7. a statement by you, made under penalty of perjury, that the above information you provide us is accurate and that you are the copyright owner or are authorized to act on the behalf of copyright owner.

Guidelines for Copyright Use
for Faculty, Staff and Other Educators

These guidelines are provided to assist individuals who are engaged in educational activities, whether via the classroom, distance learning or in a clinical setting, at The John Marshall Law School ("Law School"), including any educational activities that take place under the auspices or with the sponsorship or affiliation of the Law School, regardless of their location, content or method of delivery to comply with US copyright laws in the creation, distribution and other use of copyrighted materials in connection with their educational activities.

Guidelines for Applying the Policy

Because of the complex nature of copyright protection use issues as they apply to the educational environment, it is impossible to establish black letter "rules" governing such uses. What this policy does is establish general rules of thumb regarding the types of uses that are appropriate in the educational setting. In the event that you have questions about the application of these policies to a particular use of a copyrighted work in connection with educational activities at The Law School, you must contact the individual[s] designated by the Administration to provide assistance in copyright use issues before you use the work. If you need to obtain permission to
use the work, you must contact the individual[s] designated by the Administration to help obtain such permission for you. In accordance with school policy, JMLS will bear the reasonable costs of obtaining permission for use of materials in class and will take the necessary steps to charge the students the reasonable cost of permission for materials used for outside class study, including for example, in course packs.

**Why Bother?**

It is a violation of school policy to use copyrighted works in violation of copyright law. Failure to comply with this policy can result in administrative sanctions.

Furthermore, individuals, including educators, are liable for copyright infringement and have in the past been successfully sued for violating copyright. Present US copyright law provides for significant penalties, including awards of statutory damages of up to $150,000 per work infringed. Ignorance of copyright law is no defense.

As described more fully below, just because you are using a copyrighted work for educational purposes does not exempt your activities from copyright liability. All educational uses do not qualify as a fair use under copyright. Instead each use is judged on a case by case basis. Consequently, you must evaluate each educational use of materials created by a third party to determine if the work is copyright protectable. If it is then you must determine if your proposed educational use is privileged under copyright law. If your proposed use is not privileged, you must either obtain the permission of the copyright owner for use of the work in question, or YOU MUST NOT USE THE WORK. If you follow the guidelines set forth in this policy, it is more likely that your use will be considered a fair (privileged) use and you will be in compliance with School Policy.

In order to determine whether you need to obtain prior permission of the copyright holder to use a work for educational purposes, you should ask yourself the following questions:

1. Is the work that I want to use protected under copyright?
2. Does my use potentially violate one of the copyright owner’s exclusive rights?
3. Is my use exempted or excused from liability for infringement?

You should note that these guidelines only address issues of copyright law. There may be other laws that prohibit your use of materials, including privacy law.
To assist in determining whether your proposed use violates copyright, this policy sets forth a series of questions to help you answer the questions, as well as rules of thumb to apply in determining your need to seek permission of the copyright owner for the work in question.

**What works are protectable under copyright?**

Under US copyright law, copyright protection is extended to “original works of authorship fixed in any tangible medium of expression now known or later developed from which they can be perceived, reproduced or otherwise communicated...” (17 U.S.C. §102(a)) Copyright protection does not extend to "any idea, procedure, process, system, method of operation, concept, principle or discovery." (17 U.S.C. §102(b)) In essence, so long as a work has been recorded, filmed, written or otherwise set out in a tangible form, it may be subject to protection under US copyright law. Consequently, literary, dramatic, musical, artistic or other intellectual works, including original collections of information may be protected. Thus, under US copyright law, virtually any type of material which you may seek to use for instructional purposes, texts, sound recordings, power points, images, videos, music and the like are potentially copyright protectable.

The absence of a copyright notice does not mean that the work is not subject to copyright protection. Copyright notices are not required. The presence of such a notice, however, may be considered strong evidence of copyright protection for purposes of this policy.

For purposes of legal education, however, there is a significant body of work that falls outside the scope of copyright protection. Works of the US government are not subject to copyright protection. This category of excluded work does not include every work that is published or distributed by the US Government but only those which are created by employees of the US Government within the scope of their employment. Among this category of generally unprotected works are cases, statutes and regulations. However, only the unannotated versions of such governmental materials are outside the scope of copyright protection. Headnotes and other annotations such as appear in Westlaw and Lexis versions of cases are potentially copyright protectable. Similarly edited versions of cases created by someone other than a governmental employee within the scope of his/her employment are potentially copyright protectable.
Are some works too old to be protected under copyright?

Under present law, copyright protection lasts for the life of the longest-lived author plus an additional 70 years. Due to historical statutory term extensions, however, the earliest work that can be generally assured to be outside the scope of copyright protection in the United States is one created on or before 1923. Every other work is potentially copyright protectable and should be treated that way. Moreover, while a work may have been created before 1923 and therefore falls outside the term of copyright protection, any annotations or arrangements of the work may still be protected. Thus, for example, if you intend to use a sound recording of Beethoven's Fifth, the composition is not subject to copyright protection because it was composed before 1923. BUT if the sound recording was created before 1923, then you can perform that recording in class unless you have either obtained permission from the copyright owner, or your use is privileged.

What rights are authors granted under US copyright laws?

Upon the creation of a copyright protectable work the author (or copyright owner) is entitled to a bundle of six rights. These rights include the exclusive right to do or authorize the following acts:

- The right to reproduce, in whole or in part, the work in copies;
- The right to prepare derivative works based upon the original;
- The right to distribute copies of the work to the public;
- The right to perform the work publicly;
- The right to display the work publicly;
- In the case of sound recordings, the right to perform the work publicly by means of a digital audio transmission.

Neither copyright registration, nor a notice of copyright is required for copyright protection to attach. Furthermore, you do not need to reproduce an entire work to violate an author's copyright. Reproduction of a book chapter or even smaller portion of the work is sufficient to give rise to a potential copyright infringement claim.

Public performance includes, for example, the playing a song or a video for the class, or even the public recitation of a copyrightable work. Any unauthorized use of a copyrighted work that violates any of the author's rights is a potential copyright
violation. Without permission of the copyright owner or a privilege to use such work such as fair use or through a statutory exemption is a violation of copyright and is prohibited under this policy.

US Copyright law provides for a complete panoply of remedies for copyright infringement, including injunctive relief, seizure and destruction of the infringing copies as well as all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which infringing copies or phonorecords may be created, actual damages (including lost profits), statutory damages, up to $150,000 per infringement for willful infringement....costs and reasonable attorneys' fees. The parties that may be held liable for copyright infringement include the party which committed the infringing act (referred to as a "direct infringer"), the party which knew of the infringing activity and induces, causes or materially contributes to it (referred to as a contributory infringer) and the party which has the right and ability to supervise the parties engaged in the infringing activities and who had a direct financial interest in the exploitation of the copyrighted material (referred to as "vicarious liability").

Thus, for example, you may be liable for copyright infringement if you either make an unauthorized copy of a copyright protected work, or if you direct others (including your students or other school personnel) to make such a copy. You will violate this policy by directing others to do what you cannot do under the policy, and you will also face potential liability under copyright laws.

What rights do I get under copyright if I own a legitimately purchased copy of a work?

If you have obtained a legal copy of a copyrighted work, you have the right to further distribute that work. This means you generally have the right to loan your copy or even sell it, unless you have agreed to the contrary in a license agreement regarding the use of such copy. You do not have the right to make copies of these works unless it is authorized by a governing license agreement or unless such copies are privileged under copyright, either by statutory exemption or fair use.

Do I violate copyright by placing a legitimate copy of the materials on reserve in the library for the students to read before class?

No. So long as the copy is a legally created version which has been legally obtained and making it available to others does not violate any license limitations that may apply, and the student is using it for private study purposes, such reservation should be acceptable. Thus, for example, if you have purchased a legal copy of a magazine and you want your students to read a particular article, you may place the original version of the article on reserve for them to read. You may not, however, make a copy of the article or advise students to copy the article, unless such copying
has been authorized by the copyright owner, or is privilege. In the event of questions about library reserve policies, you should always check with the library staff.

Do I violate copyright by posting someone’s law review article on the associated website for the course?

You may. Whether you post the article yourself or direct someone else to post it for you, absent permission of the copyright owner, you may be violating the author’s copyright since such posting might be considered either an unauthorized reproduction or an unauthorized distribution. Such use is only permissible if it either qualifies as a fair use or is otherwise privileged under US copyright law. While US copyright law recognizes a privilege to use a copyrighted work without the author’s permission, as discussed more fully below, there is no absolute or categorical fair use defense for educational uses of copyrighted materials. Each use must be judged on its own merits.

What qualifies as a privileged use under this policy?

A privileged use is one which has not been authorized by the copyright owner but is either exempt from copyright liability under the statute, or which qualifies as a "fair use" under the statute.

How do I decide if a proposed use is exempt from copyright liability?

Exemptions for the use of copyrighted works for purposes of education are set forth in Sections 110(1) & (2) of the Copyright Act. (17 USC 110(1) & (2)) Your ability to use a work, and the types of uses that are permitted under Section 110(1) & (2) depend upon a variety of factors, including whether you intend to use the materials in face to face (classroom) teaching, study materials for individual student use, or in distance learning settings (including through websites and streaming video).

What exempted uses exist for face to face (classroom) teaching?

Section 110 only exempts certain used involving the performance and display of copyrighted works. All other uses for classroom teaching, including the preparation of instructional materials and their distribution to students are governed by the fair use doctrine discussed below.

The performance or display of a copyrighted work in a classroom or similar place devoted to instruction is generally permissible provided that a lawful copy of the work is being used for such performance. Thus, for example, if you want to show a video or play a movie as part of classroom instruction such use is permissible so long as you are using a lawful copy of the work for such performance. This means the copy you
intend to perform or display must have been lawfully acquired and the use in question cannot exceed that of any license provided in connection with the copyrighted work.

In connection with any such performance or display you should always be conservative in the amount of the work performed or displayed. You should display any copyright notice found on the original as well as any other appropriate citations and attributions to the source of the work, and you should NOT provide any copies of the displayed materials unless such copies are permitted under a separate privilege (such as under fair use). The performance and display right exempted in this section is limited to those uses.

Such permitted uses however do not include any performance which is achieved by circumventing any electronic encryption, copy code, or other technological protection which has been placed on the copyrighted work to prevent unauthorized performances. Thus, for example, this Section does not authorize the "ripping" of DVD protection codes for purposes of creating digital clips.

How do I know if the copy of the work I am using is lawful?

To qualify as a lawful copy, the work must have been obtained through lawful channels. This means that the copy of a song that you have downloaded from a peer to peer file trading network does not qualify unless the download was authorized by the copyright owner. Lawful copies of works may include not only legally purchased works, but also works that have been borrowed from the library, through interlibrary loan or from colleagues so long as the original copy was lawful. In addition if you are using materials that are governed by a license or agreement establishing restrictions on its use, you must abide by those restrictions to fall within the copyright liability exemption of Section 110.

If I own a lawful copy of a work can I make copies of the work for my students or post it on a website for them to read without obtaining the permission of the copyright owner?

You do not have the right to make a copy of a lawful work absent the permission of the copyright owner unless such copies are privileged. Section 110 does not authorize the making of a copy to facilitate the performance or display of a work. However, such copies for purposes of performance or display are authorized under Section 111 which authorizes the creation of copies for secondary transmissions the creation of ephemeral copies. Thus, to the extent you must make a copy of a work in order to display or perform it in face to face classroom teaching, such copy is authorized. Furthermore, under Section 112, you may keep one archival copy of the work. You may not, however, provide copies of the performed work to students, including its posting on a
website connected with a class or for distance learning unless such reproductions qualify as a fair use.

What about the performance of power points and other materials that I have created using other works, including video clips, photos and the like?

The use of power points and other’s materials in the performed works is not covered by Section 110. Such uses are governed by Fair Use.

What about materials that I create for students to study, read, listen or watch on their own time, outside of class?

Section 110 does not deal with materials which are created for use by individual students outside the classroom. The creation of instructional materials, including the posting of video or audio materials for the students to review or study outside of class are governed by the doctrine of fair use, discussed below.

What are exempted uses for distance learning (non face-to-face or mediated) instructional activities?

The right to use materials in connection with mediated or distance learning activities is more limited under Section 110 than the right to use materials in face to face classrooms settings. For example, while Section 110 does not restrict face to face classroom performances to any particular medium, for mediated instruction, audio visual and dramatic musical works may only be shown in "reasonable and limited portions." In other words, only the performance of clips of such works is exempted.

For any work used in connection with distance learning, the display of any such work on, for example, an associated webpage must be limited to an amount "which is typically displayed in the course of a live classroom session." Furthermore any performance or display of works must be "directly related and of material assistance to the teaching content" of a course.

The use of materials specifically marketed for distance or digital education are specifically excluded from the exemptions provided under Section 110. So are course packs, textbooks, electronic reserves and similar materials which are typically purchased by students for independent review outside the classroom. Such uses are only permissible if they qualify as a fair use. (See discussion below)

Receipt of any transmission of copyrighted materials for distance learning must be made solely for "students officially enrolled in the course" and its receipt must be limited to such students by "reasonable" technological measures. Furthermore, even these
limited exceptions do not apply unless the educational institution "institutes policies regarding copyright, provides informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection." For materials which are transmitted digitally, the educational institution must also apply technological measures that "reasonably prevent ... retention of the work in accessible form by recipients of the transmission ... for longer than the class session." Such measures must also "reasonably prevent" "unauthorized further dissemination of the work in accessible form by such recipients to others."

In creating and transmitting materials for intermediated instruction, you cannot interfere with any technological measures used by copyright owners to prevent such retention or unauthorized further dissemination. Thus, for example, while you must use a video clip to qualify for the distance learning exemption under Section 110, you cannot rip or otherwise circumvent any technological measures the copyright holder has placed on the DVD from which you wanted to obtain the clip. Thus, you may need to make your video clips from an analogue copy of the film if the digital version is protected by a technological measure designed to protect against ripping.

What is fair use?

Fair use is one of the most significant defenses to a claim of copyright infringement under US law. In certain limited situations, the doctrine of fair use permits the use of a copyrighted work without the permission of the copyright owner and without compensation. Where your use of a copyright work is not exempted under Sections 110, 111 or 112, fair use is the only other basis on which you can use a copyrighted work without violating copyright. Fair use is an equitable doctrine. The less that you use of a work generally the more likely your use might qualify as a fair one.

The fair use doctrine is presently codified in Section 107 of the Copyright Act. Section 107 establishes four statutory factors to consider in determining whether a particular use qualifies as a fair one. They are:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (however educational purposes alone do not automatically make a use a fair one)
- The nature of the copyrighted work, including whether it is factual in nature;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; (the less that you use of a work, the more likely your use will be considered fair)
• The effect of the use upon the potential market for, or value of, the copyrighted work. (17 U.S.C. §107)

Each of these factors must be considered in determining whether a particular use qualifies as privileged fair use. They are not, however, the only factors that courts consider to determine if a particular use is a fair one. To the contrary, courts often consider additional factors, including, for example, whether the use in question is protected under the First Amendment’s free speech protections.

Although the statutory language states that "the fair use of a copyrighted work ... for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research is not an infringement of copyright" there are no categorical fair uses in US copyright law. Even the use of copyrighted materials for purposes of education may fail to qualify as a fair use. Fair use determinations must be made on a case by case basis.

The best rule of thumb in any fair use determination is to be as conservative as possible in the amount of others' works that you use without permission. Use only as much as you need and only for the uses that are necessary if you intend to rely upon fair use as a defense to a charge of copyright infringement. Furthermore, regardless of the use you make, you should always use only lawful copies of the works you are using in creating or in using another's work. And you should always reproduce any copyright notice on the original work, as well as any other source attributions that may apply. Credit and conservative uses are some of the hallmarks of fair use determinations.

As a general rule, literary works are subject to a greater amount of protection than factual works such as telephone directories and other factual compilations. Consequently, it is generally harder to obtain a fair use exception for the unauthorized reproduction of a literary work than for a fact work.

There is no bright line rule for the amount of copying which automatically qualifies as outside the parameters of a fair use. Courts have found copying of as little as 55 seconds out of a 1 hour and 29 minute film to qualify as outside the scope of fair use. See, e.g., Roy Export Co. Establishment v. Columbia Broadcasting System, Inc., 503 F. Supp. 1137 (S.D.N.Y. 1980), atrd, 672 F.2d 1095 (2d Cir.), cert. denied, 459 U.S. 826 (1982). Similarly, copying the "heart of the matter" even if quantitatively small is sufficient to place such copying outside the scope of fair use. Thus a good rule of thumb is to be conservative in the amount of material which you are using. If you must use another’s work, do so sparingly.
The key to fair use is really a four part rule of thumb - small portions, limited times, limited access and with appropriate copyright notices and source attributions. Thus, if you are incorporating others' works into your classroom materials, for such incorporation to qualify as a fair use, you should incorporate such works sparingly and only if you or the Law School possess a legal copy of the work. You should use the smallest portion of the copyrighted work that you need for educational materials. You should limit access to such materials to students enrolled in the class and administrative staff as needed. You should terminate access to the materials at the end of the class term.

If you are going to use the materials for the same class each time you teach it, you must obtain permission for those materials. Thus, for example, if you always assign an excerpt of a law review article as part of the classes reading materials, you must obtain permission from the copyright holder to use those materials. Fair use in an educational setting is based on equitable considerations, including to a certain extent the spontaneous nature of the use in a classroom setting. Repetitive use of another's work generally does not support fair use. Thus, if you intend to use the article as part of the students' study materials outside the classroom, you must obtain permission for such uses before you use the materials.

Is there a difference in fair use if I use others' works for performance (such as in a power point) and if I provide or post copies of such works as part of the instructional materials for the course?

Yes. Generally performance in a classroom setting, limited to enrolled students in a course is more likely a fair use, or privileged under Section 110 (discussed above), than the provision of copies of such materials to students.

Are there copyrighted materials whose use is more difficult to defend as a fair use?

Yes. Unauthorized uses of materials that have been created for educational instruction, such as text books and their accompanying video or audio discs, generally do not qualify for fair use or a copyright exemption. Thus, for example, even the permitted performance or display of materials for distance learning under Section 110 does not apply to materials created by others for such purposes. The use of such materials would generally be considered to have an adverse impact on their market and cannot be used absent permission of the copyright owners.

Do I violate copyright by simply providing a link to the website containing the materials?
Generally providing a link to lawful site containing the materials, such as a link to a law review's web site containing downloadable copies of a law review, does not raise issues of copyright liability. Where such a lawful site exists, this is one of the preferred methods for providing digital access to copyrighted materials for educational purposes.

Do I violate copyright by digitizing images of others to include in multimedia materials for classroom uses?

You may. Digitization is generally perceived to qualify as a "reproduction" under copyright law. Your ability to use such digitized copy as a fair use will depend on the purposes for which you are creating the digitized copy. If you are creating such copy for purposes of performing a multimedia work (such as a power point or audio or video clip), such uses will more readily qualify as a fair use. The same general rules of thumb apply for determining fair use outlined elsewhere in this policy.

Do I violate copyright by using materials downloaded from P2P filing networks?

You may. Unless such download has been authorized by the copyright owner such material would not qualify as a lawful copy and could not be the basis for a fair use defense or exemption under Section 110.

Where can I read more about statutory exemptions and fair use?

The US Copyright law is codified in Title 17 of the US Code. A downloadable copy of this law is available from the website of the US Copyright Office at www.copyright.gov. The Copyright Office also has a downloadable Circular 21 that directly addresses the use of copyrighted materials in an educational setting and contains excerpt from the critical legislative history dealing with the Agreement on Guidelines for Classroom Copying. It does not presently address rights under Section 110.

There are numerous sources for additional information regarding the application of copyright laws to educational materials. The Library has several books on reserve which you may wish to read, including:

- Marc Lindsey, Copyright Law on Campus
- Steven A. Armatas, Distance Learning and Copyright: A Guide to Legal Issues
- Carol Simpson, Copyright for Administrators

For information regarding obtaining licenses for copyrighted material for academic uses, see generally The Copyright Clearance Center website at www.copyright.com.
You should also check with the library staff to determine if your use is already covered by a pre-existing license.

Finally, there are several online websites maintained by other educational institutions which may provide additional useful information. Among those sites which provide useful information are:

- Brown University
- Catholic University
- Columbia University
- Cornell University
- Indiana University
- Stanford University
- University of Texas

These materials are listed here for informational purposes only. They are not incorporated into the Copyright Use Policy but are merely intended to give further guidance on the complex issue of copyright and educational uses.

If I use copyrighted materials as part of a fair or exempted use, what type of notice should I provide?

It is always preferable to place a notice or give appropriate credit for the source of the copyrighted materials you are using at the time of use. The type of notice may be specified in any license or other agreement authorizing you to use the materials. At a minimum such notice must generally identify the holder of the copyrighted materials, the fact that the work is copyright protectable, and the year of first publication of the work. Standard notice generally takes the following forms: Copyright [date of first publication] [name of author or holder] or Copyright [name of author or holder] [date of first publication]. For example: Copyright 2009 JMLS or Copyright JMLS 2009. Where materials are distributed to students as hard copies or as downloadable copies, the notice should generally appear on the first page of the materials.

Clearance Checklist for Use of Copyrighted Works

1. Is the work that I want to use protected under copyright?
   - [ ] Does it Lack originality?
   - [ ] Unoriginal reprint of public domain work?
Logical, comprehensive factual compilation (like a phone book)?

Is it a work in the public domain?

Term of copyright has expired?

Author has expressly chosen to make publicly available without restrictions?


Ideas, processes, methods and systems described in copyrighted works?

2. Does my use potentially violate one of the copyright owner's exclusive rights?

Make a copy (reproduce)?

Use a work to create a new work (create a derivative work)?

Electronically distribute or publish/post copies of the work?

Publicly perform music, prose, poetry, or a play or play a video or audio tape, or a CO-Rom or provide streaming video?

Publicly display an image on a computer screen or on an associated projection screen (publicly display a work)?

3. Have I obtained the necessary permissions to use the materials under copyright and other applicable laws?

4. If not, is my use exempted or excused from liability for infringement?

Is the class for which you are creating/using the materials part of the regular (approved) offerings by the Law School? If not, your use is not exempted or excused from liability.

Do you have a lawful copy of the materials you intend to incorporate into your teaching? If not, your use is not exempted or excused from liability.

Does the original, lawful copy contain encryption or other technological protection measure that you must circumvent to make the use you intend? If so, your use is not exempted or excused from liability.

Regardless of the use, do you intend to use these materials each time you teach the class or have you used in previous years to teach the same class? If so, you must obtain permission of the copyright owner for the repeated use you intend to make of the materials.
☐ Are the materials you intend to use marketed as education or instructional materials, such as textbooks, educational videos and otherwise? If so you must obtain permission of the copyright owner for your use unless it is allowed under fair use doctrines.

☐ Do you intend to use the materials for face to face classroom instruction?

   i. If yes, do you intend to use the materials every time that you teach the course? If so, you must obtain permission per the Policy.

   ii. If not, have you restricted use of the materials only to enrolled students and administrative staff required to assist in delivering those materials?

☐ Have you further restricted access so that students will only have access for a period of time relevant to the classroom instruction and so that no copies will be distributed to the students?

☐ Have you included the appropriate notice of copyright and other required attributions on your materials?

☐ Have you used only those portions of others' works in accordance with the Law School Policy?

☐ Do you intend to use the materials for distance learning (mediated) instruction?

   i. If yes, do you intend to use it for students to study, view review or use for instructional purposes beyond what you would use in face to face classroom instruction?

   ii. Have you restricted access so that students will only have access for a period of time relevant to the classroom instruction and so that no copies will be distributed to the students?

☐ Have you included the appropriate notice of copyright and other required attributions on your materials?

☐ Have you used only those portions of others' works in accordance with the Law School Policy?

☐ If you intend to use the materials in distance learning as a replacement for what you would normally use in a class to class setting, have you further restricted access so that students will only have access for a
period of time relevant to the classroom instruction and so that no copies will be distributed to the students?

☐ Have you included the appropriate notice of copyright and other required attributions on your materials?

☐ Have you used only those portions of others’ works in accordance with the Law School Policy?

If you are uncertain of whether your use is permitted, contact the appropriate administrative staff for guidance before you use the materials.

This checklist is designed to assist you in determining whether your use of copyrighted materials by others violates copyright law. It does not take the place of the Copyright Use Policy on this subject. The Policy and these accompanying Guidelines should always be consulted in determining what uses are authorized. When in doubt, seek permission.
SECTION 24: The John Marshall Law School Student Code of Conduct

A. Preamble

1. Each student is admitted to the John Marshall Law School on the condition that his or her conduct meets the standards of conduct established by the law school.

B. Standards of Conduct

1. Examinations

   It is a violation of this student code to:

   (a) Seek, receive, reproduce or circulate what the student knows to be unauthorized information concerning the content of an examination prior to such examination or a copy of an examination prior to its administration.

   (b) Bring into an examination room any unauthorized materials.

   (c) Fail to comply strictly with any examination instructions or procedures including, but not limited to, the use of materials, collaboration with other students, and time limitations.

   (d) Use a false excuse to avoid taking an examination at its scheduled time.

   (e) Engage any person to take an examination in place of oneself or to take an examination for another.

   (f) Disrupt an examination.

   (g) Divulge grades or examination numbers without authorization.

2. Academic Honesty

   It is a violation of this student code to:

   (a) Submit for credit work not originally prepared for the course for which it is submitted without explicit permission of the instructor of the course after the instructor has been advised of the origins of the work.

   (b) Engage in plagiarism as defined and explained in Section XVI of The John Marshall Law School Student Handbook.
3. **Class Attendance and Course Requirements**

   It is a violation of this student code to:

   (a) Purposely indicate the presence in class of another student whom the student knows not to be actually present in class, or to misrepresent his or her own presence or absence.

4. **Misappropriation and Misuse of Property**

   It is a violation of this student code to:

   (a) Damage, hide, or otherwise exert unauthorized control over property belonging to another person or the law school.

   (b) Obtain or attempt to obtain unauthorized access to any school record, database, or communication to or from law school personnel, or any student e-mail sent, received, or stored on school servers or computers.

   (c) Use or attempt to use the law school’s computer or e-mail systems in violation of the school’s regulations or in furtherance of any conduct that would constitute a violation of this code of conduct.

5. **Honesty and Integrity**

   It is a violation of this student code to:

   (a) Furnish false information or records including, but not limited to information relating to admissions, registration, computer services, career services, financial aid, or other law school sponsored activities or programs.

   (b) Forge or alter school documents, records, or identification cards or use or attempt to use forged or altered documents, records or identification cards with intent to defraud.

   (c) Falsify a signature on any form, document, or paper.

   (d) Furnish to any person information or records knowing them to be false or inaccurate relating to the student’s academic record or the student’s activities at the law school.
(e) Falsify or misrepresent academic standing or participation in curricular or extracurricular activities in the securing or continuation of employment, externships or benefits.

(f) Engage in other acts of dishonesty, fraud, deceit or misrepresentation that are prejudicial to the mission or operation of the law school.

6. Respect for Others

It is a violation of this student code to:

(a) Engage in threatening, intimidating, or disruptive conduct or comments of any kind on campus or engage in such conduct off-campus if it interferes with the rights of others to participate fully and freely in the educational process.

(b) Engage in conduct or comments which reasonably could be expected to and which does result in the harassment, intimidation or stigmatization of an individual because of race, national origin, ethnicity, religion, sex, sexual orientation, immigrant status, or disability. Statements made in the context of a class discussion or exchange of ideas are not sanctionable.

(c) Obstruct, impair, or interfere with sponsored or authorized activities, including classroom discussion, in a manner likely to deprive others of the benefit or enjoyment of the activity.

(d) Use or attempt to use force against any member of the law school community or his or her family or to threaten the use of force against any member of the law school community or his or her family in circumstances which create a reasonable fear that actual force is likely to follow.

(e) Engage in conduct which threatens or endangers the health or safety of any person on school premises, or at school-sponsored or school-supervised functions at any place.

7. Illegal and Criminal Conduct

It is a violation of this student code to:

(a) Possess, use, or distribute illegal drugs on law school property or during law school sponsored activities.
(b) Violate the Illinois Criminal Code or other penal laws of the State of Illinois, or of any other state, or of the federal government. A judgment of conviction is conclusive for purposes of this section.

(c) Fail to report a criminal conviction to the Dean or Associate Dean for Academic Affairs within five (5) days of judgment.

8. Obstruction of Disciplinary Proceedings

It is a violation of this student code to:

(a) Testify falsely or provide false information during a disciplinary violation process.

(b) Bring a charge in bad faith under this Code and the Rules for Student Disciplinary Proceedings.

(c) Harass any person who provides information or testimony pertaining to an alleged violation of this Code or who participates in the enforcement of this Code.

(d) Submit to persons participating in a disciplinary investigation any allegation of misconduct that is false and that the complaining student knew to be false at the time it was submitted.

(e) Breach the confidentiality requirements relating to disciplinary proceedings under this Code.

9. Disciplinary Code Standards and Ethical Obligations

It is a violation of this student code to:

(a) Violate published law school regulations or policies or engage in conduct that is prejudicial to the mission or operation of the law school or the rights of others in the law school community to participate fully and freely in the educational process.

(b) Assist any other student in any violation or attempted violation of this Code, or to combine, agree or confederate with other students to engage in conduct that violates this Code.

(as Amended May 7, 2012)

A. Application of Rules

1. These Rules are intended to provide a procedure to receive, investigate and decide charges alleging violation of the Student Code of Conduct. Any time limits under these Rules may be waived or extended by the Dean or chair of the Discipline Committee. These Rules shall not apply to conduct that is prohibited by the Student Protection from Discrimination and Harassment Policy. All such conduct shall be handled under that policy.

2. These Rules apply to all students and former students if the charge against them relates to their conduct while they were students of the Law School. The Law School administration retains the right consistent with these Rules to initiate or continue an investigation notwithstanding a change from student to non-student status, and to take appropriate action including deferring, revising or revoking retroactively grades or matriculation and amending a student file to reflect disciplinary action.

3. These Rules apply to conduct occurring on and off-campus so long as any off-campus conduct complained of has a substantial impact on the Law School or a member of the Law School community.

4. The Dean or, if the matter is pending before it, the chair of the Discipline Committee, shall have the authority to stay in appropriate cases an investigation or proceeding under these Rules due to the pendency of external proceedings related to the same subject matter; provided, however, that it is usually in the interests of the Law School community not to delay proceedings alleging violation of the Student Code of Conduct; provided, further, that the Law School shall not be bound by the results or determinations made by any other entity or forum. The Law School may also refer a matter to other appropriate authorities, including but not limited to, a criminal justice agency or an attorney disciplinary committee and, in such a case, may decide not to proceed or to stay an investigation or other proceeding under these Rules.

5. All persons involved in this process have the right to be represented by counsel or other representative at all stages of this procedure; provided, however, that no person employed full-time by the Law School or any adjunct faculty member may act as a student’s representative. The Law School shall have no responsibility to pay the legal fees of any student or former student.
B. Initiation of Discipline Proceeding

1. Any member of the faculty, administration, staff, or student body may initiate a discipline proceeding (hereinafter referred to as the “Complainant”) against a student or former student (hereinafter referred to as the “Respondent”) by filing a charge with the Associate Dean for Academic Affairs. A charge may be filed by more than one Complainant.

2. The charge shall be filed in writing within 180 days after the Complainant knows or should have known about the conduct complained of. The charge shall identify the Complainant, the Respondent and state in plain language and with reasonable particularity the date, place and act complained of, and if possible, identify the standard of conduct which had been violated.

3. Within 20 days after a charge is filed, the Associate Dean for Academic Affairs should inform the Respondent of the charge against him/her by providing a copy of the charge to his/her last known address or, if appropriate to protect the confidentiality of the Complainant or third persons, a summary of the charge allegations.

C. Investigation and Resolution By Associate Dean for Academic Affairs

1. The Associate Dean for Academic Affairs may attempt, in the exercise of his/her discretion, to investigate and resolve the charge before referring it to the Discipline Committee for formal investigation. If the Associate Dean for Academic Affairs resolves the charge at this stage, the matter shall be concluded subject to the provisions in this Paragraph. If not resolved, the Associate Dean for Academic Affairs shall refer the charge to the Discipline Committee no later than 60 days after the charge is filed. The Associate Dean for Academic Affairs shall inform the chair of the Discipline Committee of any charge intended to be resolved at this stage of the process and seek his/her counsel before entering into a final resolution. Any student or former student who the Associate Dean for Academic Affairs believes should be suspended, expelled, or subject to revocation of a degree has the right to have the charge referred to the Discipline Committee for investigation and subsequent proceedings in accordance with these Rules.

2. The Associate Dean for Academic Affairs, after consultation with the chair of the Discipline Committee, shall have the discretion and authority to take any interim action s/he believes is in the best interests of the Law School or any member of the Law School Community after a charge is filed and before it is finally resolved. Such interim action may include but
is not limited to removing the Respondent or other student from a
particular class or from School.

D. **Referral to The Discipline Committee for Investigation and Reasonable Cause Determination**

1. There shall be a Student Discipline Committee comprised of 9 members: 6 from the full-time faculty and 3 students in good standing. The Student Discipline Committee shall elect a faculty member as the chair. The 3 student members shall be selected by the Student Bar Association President-Elect for one-year terms. The 6 faculty members shall be appointed by the faculty’s Executive Committee for two-year terms.

2. When a charge is referred from the Associate Dean for Academic Affairs to the Discipline Committee, the chair of the Discipline Committee shall appoint one faculty member on the Committee (which may include the Chair) as the “Investigator” who, along with the Associate Dean for Academic Affairs, shall have responsibility to investigate the charge allegations. Their investigation may but is not required to include interviews with the Complainant, Respondent, and other witnesses and to review documents, including any investigation previously conducted. The Complainant and Respondent have a duty to cooperate in the investigation of the charge.

3. The Investigator and Associate Dean for Academic Affairs should attempt to complete their investigation within a reasonable time but in no event more than 120 days. After they complete their investigation, the Investigator and Associate Dean for Academic Affairs shall make a written determination whether there is reasonable cause to believe a rule violation or other misconduct has occurred and shall send their determination to the Associate Dean for Academic Affairs and chair of the Discipline Committee. There shall be no reasonable cause determination made without first providing the Respondent an opportunity to respond in writing or orally to the charge allegations. If it is determined there is not reasonable cause, the matter shall be terminated. If reasonable cause is found, the chair of the Discipline Committee shall convene a Hearing Panel.

4. The Respondent should be informed in writing within 20 days after a reasonable cause determination is made.

E. **Referral For Hearing**

1. If reasonable cause is found, the chair of the Discipline Committee shall select by lot 2 faculty members (which may include the Chair) and 1 student member from the Discipline Committee to constitute a Hearing Panel; provided, however, that the Investigator who conducted the reasonable cause investigation shall be excluded from consideration.
The Hearing Panel shall select one of the faculty members to chair the Hearing Panel. Any member of the Discipline Committee who may be a witness shall be excluded from consideration for the Hearing Panel and shall not participate in any decisions made by the Hearing Panel. The chair of the Discipline Committee has the discretion to appoint interim members to the Discipline Committee in the event members are excluded under this Paragraph.

2. Within 10 days after the Respondent is informed of a finding of reasonable cause, s/he shall respond in writing to the Hearing Panel by admitting, denying, or otherwise responding to each factual matter charged. The chair of the HP may extend the time for such response.

3. The chair of the Hearing Panel shall set a date for hearing within a reasonable time after issuance of the reasonable cause determination; provided, further, that the hearing date may be extended by the chair in his/her discretion for good cause shown.

4. Either the Associate Dean for Academic Affairs or Investigator shall be responsible for presenting the facts and evidence in support of the charge to the Hearing Panel. (hereinafter referred to as the “Presenter”).

5. Pre-hearing discovery shall be limited to the following. Upon request to the chair of the Hearing Panel, the Respondent shall be given all evidence which support the reasonable cause determination and any evidence which will be offered at the hearing to support the charge, except for evidence protected by attorney-client privilege or otherwise prohibited from disclosure by law. Upon request by the Presenter to the Respondent, the Respondent shall provide to the Presenter all evidence which support any denial of the charge allegations and any evidence which the Respondent will offer at the hearing in his/her defense, except for evidence protected by attorney-client privilege or otherwise prohibited from disclosure by law. The chair of the Hearing Panel may place restrictions on the use and disclosure of any evidence as a condition to the production of such evidence to protect the confidentiality or privacy interests of the Law School or members of the Law School community, or for other bona fide reason. Unless the chair of the Hearing Panel sets a different date, the production of information required under this Paragraph should occur no later than 10 days after the request for production is made or 5 days prior to hearing, whichever comes first. The Hearing Panel may draw an adverse inference from the failure to produce any evidence required under this Paragraph.

6. The Investigator, Presenter or Associate Dean for Academic Affairs shall have the authority at any time prior to Final Decision to discuss with the Respondent a stipulated disposition of the charge. Any stipulated disposition after a charge is referred to the Discipline Committee but before a reasonable cause determination is made must be approved by
the Dean and the chair of the Discipline Committee after consultation as appropriate with the Associate Dean for Academic Affairs, Investigator and/or Presenter. Any stipulated disposition after reasonable cause is found and prior to a Final Decision under these rules must be approved by the Dean and a majority vote of the Discipline Committee members, excluding members sitting on the Hearing Panel who shall not participate in any consideration of a stipulated disposition. If a stipulated disposition is approved as provided in this Paragraph, the matter shall be concluded. If a stipulated disposition is not approved, the matter shall proceed in accordance with these Rules.

F. Hearing and Recommended Decision

1. The hearing shall be conducted in such manner as to provide a full and true disclosure of the facts and do substantial justice. The rules of evidence shall not apply at hearing and the Hearing Panel may consider written and oral statements and documents which may be hearsay. The chair of the Hearing Panel has the discretion and authority to decide all procedural issues that may arise in connection with the hearing process.

2. The hearing shall not be open to third persons.

3. The Respondent, Presenter and Hearing Panel members or their attorneys or representatives may question witnesses and offer other evidence during the hearing. No person may be compelled to present evidence at hearing; provided, however, that an adverse inference may be drawn by the failure of the Respondent to speak on his/her own behalf at hearing. The chair of the Hearing Panel has discretion to limit the number of witnesses and questions. The chair may allow opening and closing statements and such other presentation of evidence or argument that s/he believes would be useful to the Hearing Panel.

4. Hearings shall be recorded on tape or stenographically, shall remain the property of the Law School and shall be made available to the Respondent for review or copying, subject to any restrictions the chair of the Hearing Panel may impose to protect the confidentiality or privacy interests of the Law School or members of the Law School community, or for other bona fide reason. The transcript shall not be made available to third persons except as required by legal process.

5. After the presentation of evidence, the Hearing Panel shall decide by majority vote whether the charge allegations have been proven by clear and convincing evidence, shall issue a Recommended Decision and shall send the decision to the Respondent, Presenter, Associate Dean for Academic Affairs, Associate Dean for Academic Affairs and Dean. The Hearing Panel should attempt to issue its decision within 30 days after the hearing concludes.
6. If the Hearing Panel finds against the Respondent, it may but is not required to recommend a sanction. The recommended sanction shall be included in the Hearing Panel’s Recommended Decision. The Hearing Panel may seek the input of any relevant faculty member, student or administrator before recommending a sanction which may include but is not limited to:

a. Written Warning or Censure.

b. Disciplinary Probation: Exclusion from participation in school privileges or extracurricular activities for a specified period of time.

c. Change in Grade: Entry of a reduced or failing grade in a course.

d. Restitution: Financial reimbursement for damage or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

e. Suspension: Exclusion from classes and other privileges or activities for a specified period of time.

f. Expulsion: Termination of the student’s status for an indefinite period of time. The conditions for readmission, if readmission is contemplated, shall be stated in the order of expulsion.

7. A Recommended Decision by the Hearing Panel in favor of the Respondent shall terminate the proceeding and constitute a Final Decision.

G. Review by Dean and Final Decision

1. A Recommended Decision by the Hearing Panel against the Respondent shall be reviewed in all cases by the Dean. The Respondent shall have 7 days after receipt of the Recommended Decision to state his/her position in writing to the Dean concerning the decision. Failure by the Respondent to object to the Recommended Decision may be construed by the Dean as Respondent’s agreement with the Recommended Decision. The Dean may review the entire record presented to the Hearing Panel as part of his/her review.

2. The Dean shall make a non-reviewable Final Decision, giving appropriate deference to the factual findings of the Hearing Panel; provided, however, the Dean has the authority to reject or revise the Recommended Decision and/or sanctions of the Hearing Panel and, if necessary, to remand the
matter to the Hearing Panel to consider additional evidence or to cure a material procedural error. If the Hearing Panel has not recommended a sanction, the Dean shall make that decision. The Dean may seek the input of any relevant faculty member, student, or administrator before deciding a sanction. The Dean shall issue a Final Decision within a reasonable time after receipt of the Recommended Decision of the Hearing Panel.

3. The Dean shall send his/her Final Decision in writing to the Respondent, Discipline Committee, Associate Dean for Academic Affairs and Associate Dean of Academic Affairs and, as appropriate, any other member of the Law School Community who has a legitimate interest in knowing the Final Decision.

H. Effect and Disclosure of Disciplinary Decisions

1. The Dean or Associate Dean for Academic Affairs may publish a written summary of the charge and Final Decision to faculty, students, and/or administrators. In such event the names of the Complainant and Respondent shall not be disclosed.

2. The Law School reserves the right to (i) make full disclosure about disciplinary charges and findings to administrators, trustees, faculty, staff and students (including all Disciplinary Committee Members) who need to know to process any disciplinary charge and disposition; (ii) advise all or select administrators, trustees, faculty members, students and media of the charges, process, and disposition of a disciplinary matter without disclosing the name of the Respondent; (iii) make full disclosure in the context of any litigation involving or relating to a disciplinary matter; and (iv) make full disclosure in response to legal process.

Any charge, resolution, stipulated disposition, Final Decision and sanction shall be placed and retained in a student’s official Law School file. Any suspension from attending school, expulsion or revocation of a degree for disciplinary reasons shall be recorded on a student’s transcript. Further, the Law School will respond truthfully to questions or other inquiries from other law schools, educational institutions, courts, bar admission committees, employers or other parties who have a legitimate interest in learning about any disciplinary charges, findings and sanctions involving a student or former student and, in that respect, will respond truthfully to questions about allegations of dishonesty, character, or disciplinary proceedings brought against a student or former student.
SECTIONS 26: Procedures for Student Complaints - Compliance with ABA Accreditation Standards

(adopted November 22, 2011)

1. Reporting a Complaint

The John Marshall Law School wishes to hear any student questions or concerns about significant problems you may have that directly implicate the Law School's compliance with the ABA's Accreditation Standards. Any student having such a question or concern should submit a written complaint to the Associate Dean for Admission and Student Affairs as soon as possible, but in no event later than 30 days after the occurrence of the subject of the written complaint.

Your complaint must be filed and submitted online through the “Student Complaints - Compliance with ABA Accreditation Standards” form available on the Student Resources page on the Law School website or through the following link:

http://www.jmls.edu/students/handbook/aba-complaint-form.asp

When you file and submit a complaint, you must provide your: full name, official law school e-mail address, telephone number, and street address, for further communication about the complaint.

The John Marshall Law School is accredited by the American Bar Association. Your complaint must identify the specific ABA Accreditation Standard at issue. The ABA standards can be found at:

http://www.americanbar.org/groups/legal_education/resources/standards.html

Your complaint should describe in detail the behavior, program, process, or other matter that is the subject of your complaint.

2. Resolving the Complaint

When a formal written complaint has been made, the Associate Dean for Student Affairs and Admission shall investigate and attempt to resolve the complaint as soon as possible. The Associate Dean for Student Affairs and Admission shall respond to the complaint no later than 30 days after the filing of the written complaint.

Upon completing the investigation of the complaint, the Law School shall communicate its findings and, if appropriate, its intended actions to the complaint.
3. Appeal Process

If a complainant is dissatisfied with the response or outcome, that individual has the right to appeal the decision. The complainant should submit a written appeal to the Dean no later than 7 days from the date of the original response. The Dean shall respond to the appeal no later than 21 days after the filing of the written appeal. The Dean’s decision shall be final.

4. Maintaining a Written Record of the Complaint

A copy of all complaints and a summary of the resolution of the complaint shall be maintained in the Office of the Associate Dean for Student Affairs and Admission for up to eight years from the date of final resolution of the complaint.

5. Protection Against Retaliation

The Law School will not in any way retaliate against an individual who makes a complaint under this section, nor permit any faculty member, administrator, employee or student to do so.

6. Other complaints

This policy does not alter other complaint procedures which the law school provides for in other policy statements and procedures. You may find them in the Student Handbook.
A. Crime Reporting Policy

To ensure that the John Marshall Law School is a safe and secure environment for all students, employees, and visitors, the Law School has formed a unified Security & Safety Department. This department investigates all crimes reported and also administers building life safety procedures.

During the hours of operation, the Law School employs between one and four dedicated security employees; consisting of two in-house full-time professionals, a roving security guard, and a security guard at the building’s main entrance. Any person who witnesses a crime or suspects a crime has been committed should first attempt to contact Dave Martino at ext. 339. If Dave is not available, contact the main security desk at ext. 507.

Once a crime has been reported to the Security & Safety Department, a report is generated and an investigation takes place. All crimes reported since 2003 have been logged in the Security Incident Report database. This database is available upon request to any member of the Law School, after personal information is removed.

Each year on September 1st, the Law School is required to file a Campus Crime Report, in accordance with the 1998 Jeanne Cleary Disclosure of Campus Security Policy and Crime Statistics Act. The Cleary Act requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data are collected, reported, and disseminated to the campus community and the U.S. Department of Education. Reportable crimes under the Cleary Act include murder, manslaughter, sex offenses, robbery, burglary, motor vehicle theft, arson, illegal weapons possession, drug, and liquor violations. Since the inception of this program, the Law School has not had any reportable offenses occur on campus.
SECTION 28: Sexual Assault, Relationship Violence, and Stalking Policy

(adopted July 29, 2014)

In accord with the federal law entitled Campus Sexual Violence Elimination Act, or Campus SaVE Act, enacted as part of the Violence against Women Reauthorization Act of 2013, The John Marshall Law School (JMLS) adopts the following policy.

Sexual Assault, Relationship Violence (including Domestic Violence and Dating Violence) and Stalking are unacceptable and are not tolerated at JMLS. Retaliation, as defined below, is also prohibited.

JMLS encourages anyone who has been subjected to Sexual Assault, Relationship Violence and/or Stalking to seek appropriate treatment and to report the incident promptly to the police and/or JMLS officials. JMLS has professional staff that will assist student victims in obtaining help, including immediate medical care, counseling and other essential services. Specific policies, methods for reporting and seeking treatment, and resources are described below.

If the alleged offender is a member of the JMLS community, JMLS will take prompt action to investigate and, where appropriate, to impose sanctions. Students, Faculty and Staff who violate school policy are subject to Code of Conduct Procedures and may also be the subject of a criminal prosecution and/or a civil lawsuit. Procedures applicable to staff are found in the Employee Guidelines and procedures applicable to faculty are found in the Faculty Policy.

I. Definitions

**Sexual Assault** is any touching, fondling, or penetration by the accused, either directly or through the clothing, of the person’s breasts, anal or genital areas, or other intimate parts, without **Affirmative Consent**, as defined below. Sexual Assault is an extreme form of sexual harassment. See Policy on Discrimination, Harassment, and Retaliation in the Student, Faculty, and Staff Handbooks.

**Affirmative Consent** maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual interactions. Consent to sexual activities must be freely given and must be clearly and unambiguously expressed, by word or actions. Silence, lack of protest, manner of dress, or an existing or prior relationship between the individuals does not necessarily indicate that consent has been given. Intoxication of the alleged offender is not a defense to sexual assault. See also the definition of consent under Illinois law 720 ILCS 5/11-1.70.

A person cannot give consent if they are underage (in Illinois, the age of consent is 17), incapacitated by drugs or alcohol, or temporarily or permanently mentally or physically unable to do so. If a person is asleep, drunk, or under the influence of drugs, that person cannot give consent and a sexual act with that person would constitute sexual assault.
The following points are important aspects of affirmative consent:

- Consent must be ongoing throughout a sexual encounter and can be revoked at any time;
- Consent can be communicated verbally or by action(s). In whatever way consent is communicated, it must be mutually understandable. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and you are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect;
- Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent;
- Silence alone (absent a non-verbal action clearly demonstrating consent) is not considered consent. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary;
- Affirmative consent can never be given by minors, mentally disabled individuals, or incapacitated persons. A person may be incapacitated as a result of alcohol or other drug use. Engaging in sexual activity with a person whom you know or reasonably should know to be incapacitated constitutes sexual assault;
- Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent.

**Relationship Violence** is a pattern of physical, emotional, verbal and/or sexual abuse, which includes, but is not limited to, threats, intimidation, isolation, and/or financial control. Relationship Violence is an intentional pattern of behavior that is used by one person as a means to harm and take power and control over another person. Relationship Violence includes both Domestic Violence and Dating Violence.

**Domestic Violence** is Relationship Violence that occurs in the context of a family, roommate or caretaker relationship.

**Dating Violence** is Relationship Violence that occurs between individuals who are in, or have been in, a romantic or intimate relationship.

**Stalking** is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer emotional distress.

**Retaliation** against anyone reporting, participating in, or thought to have reported or participated in, an allegation or investigation regarding Sexual Assault, Relationship Violence or Stalking is also prohibited. Retaliation will be treated as a violation of this policy regardless of whether any report of Sexual Assault, Relationship Violence or Stalking is substantiated. Retaliation is defined as any adverse or negative action against an individual because that individual has:
• Complained about Sexual Assault, Relationship Violence or Stalking;
• Participated as a party or witness in an investigation related to such allegations; or
• Participated as a party or witness in a proceeding related to such allegations.

Knowingly false accusations are prohibited and will be treated as violations of this policy. Submission of a good faith complaint or report of Sexual Assault, Relationship Violence or Stalking that turns out to be unsubstantiated is not a violation of the policy.

**Intoxication/Drug Protection:** JMLS will not find a student responsible for violating the JMLS Rules of Conduct if they are sexually assaulted while under the influence of alcohol or other drugs. JMLS may provide referrals to counseling and may require educational options, rather than pursue conduct proceedings, in such cases. Excluded from this protection are all students accused of encouraging or voluntarily participating in the assault/sexual assault.

**II. Reporting**

Victims of Sexual Assault, Relationship Violence and/or Stalking are encouraged to report these incidents to the police by dialing 911 or to seek immediate assistance by going to a local emergency room. Another non-school resource is the Rape Crisis Hotline 888.293.2080. (See “What to Do if you are the Victim of Sexual Assault” for more information).

Victims are also encouraged to report these incidents to Campus Safety and Security Department or the Associate Dean of Student Affairs. A JMLS staff member will offer to accompany a student to a medical facility or to speak to the police.

Although JMLS encourages all members of its community to report any incidents of Sexual Assault, Relationship Violence and/or Stalking to the police, it is the victim’s choice whether to make a report and victims can decline involvement with the police.

JMLS does not publicize the name of crime victims nor does it include identifiable information in the Campus Security’s Daily Crime Log.

**III. Assistance in the Event of Sexual Assault, Relationship Violence or Stalking**

Regardless of whether the student chooses to make a report to the police, JMLS will work with students to provide the assistance (if these measures are requested and are reasonably available), including, but not limited to:

• Change in academic class schedule;
• Change in on-campus working situation
• No-contact instruction if the alleged offender is a student, faculty or staff member at JMLS.
• Additional security measures while on campus
• Additional security measures when arriving and leaving campus such as escort services
• Working with other institutions if the offender is an employee or student at another institution or organization

These measures may be applied to one, both, or multiple parties involved.

Students may request that directory information on file be removed from public sources by submitting a written request to JMLS’s Office of Registration and Records.

IV. JMLS Complaint Process

This section of the policy sets forth an internal administrative policy to address Sexual Assault, Relationship Violence and/or Stalking alleged to have been committed by a member of the JMLS community. It is not a legal proceeding. This process can take place before, during or after criminal and/or civil proceedings related to the same incident.

As noted above in “Reporting”, members of the JMLS community are urged to promptly report Sexual Assault, Relationship Violence and/or Stalking. If the alleged offender is a member of the JMLS community, the victim will be informed of JMLS’s policy prohibiting such behavior and of their right to pursue a complaint pursuant to this JMLS policy. Under some circumstances, the School may decide to pursue an investigation into the reported conduct if it decides the safety of the community is at risk. The School will inform the victim should it make that decision. If the victim does not inform JMLS of the name of the alleged offender, the School’s ability to investigate and take appropriate action will be limited.

A. Review of Complaint

All complaints of Sexual Assault, Relationship Violence and/or Stalking will be investigated as promptly as possible with a goal of completing the investigation within 60 days. The administrator responsible for the prompt investigation and appropriate resolution will depend on the status of the alleged offender. If the alleged offender is a:

• Student, the Associate Dean of Student Affairs (or designee) shall be responsible for the investigation and resolution;
• Faculty member, the Associate Dean for Academic Affairs (or designee) shall be responsible for the investigation and resolution; and
• Staff member, the Assistant Dean of Human Resources (or designee) shall be responsible for the investigation and resolution.

Persons involved in the investigation or resolution of complaints of Sexual Assault, Relationship Violence and/or Stalking will receive annual training on these issues.

B. Investigation and Resolution
If the alleged victim is a student, the process for investigating and resolving complaints under the *Student Protection from Discrimination and Harassment Policy* will be used. Please refer to this policy in the JMLS Student Handbook for details regarding these procedures. The standard of proof in all cases is “preponderance of the evidence.”

In some cases, a student may also have a staff position or a teaching assignment or a complaint may involve students, faculty, and/or staff members. These different roles may involve more than one administrator and JMLS administrators may coordinate the investigation and resolution of the complaint. JMLS administrators have the discretion to use an existing review process or to coordinate processes in a manner suited to the particular complaint presented. The complainant and the alleged offender will be advised of the applicable process as well as the outcome of the investigation and resolution.

C. Confidentiality.

A person making a complaint or report under this policy has the right to request that his/her name not be disclosed to the offender or that no investigation ensue. All such requests will be given serious consideration and will be honored to the extent possible so long as the request does not compromise the safety of the victim, other students or the law school community. Further, persons who choose not to disclose information or who request strict confidentiality from the alleged offender or relevant witness should understand that this request may compromise the ability of JMLS to fully investigate a complaint or report.

Whether a person requests confidentiality or not, all persons who make a complaint or provide information under this policy will be protected from retaliation and severe sanctions will be administered against any member of the law school community who retaliates or harms any person who makes a complaint or provides information under this policy.

In all cases, JMLS will maintain the confidentiality of complaints and information provided under this policy by disclosing information only on a strict need to know basis to properly investigate and resolve the matter.

D. Sanctions

In addition to remedial action designed to assist the victim, an offender will be subject to disciplinary sanctions for violating this policy. Sanctions include, if the offender is a student: expulsion; suspension; probation; disciplinary warning; restitution, restricted access, mandatory counseling, or some combination of the foregoing. Sanctions include, if the offender is an employee, termination of employment, suspension; probation; salary reduction; demotion; transfer; disciplinary warning; restitution; restricted access; mandatory counseling, or some combination of the foregoing.
V. Information Regarding Sexual Assault, Relationship Violence and Stalking

A. What to Do if You are the Victim of Sexual Assault

- Get to a safe place as soon as possible.
- To get help, call the police at 911 or if you are on campus, contact Campus Security (312.427.2737 ext. 501 M-Fri 7am-11pm Sat-Sun 8am-10pm) or the Associate Dean of Student Affairs (312.427.2737 ext. 435 during office hours).
- Seek immediate medical attention, preferably at an emergency room. Medical personnel are trained to perform a "rape kit" exam, where they are able to gather evidence while examining the victim to help police and prosecutors find and charge the perpetrator. If you might ever want to report the assault, it is important that you do not shower, change clothes, or clean up in any way before going to the hospital, in order not to disturb any evidence medical staff might be able to collect for the police. Sometimes this process can be easier if you have a trusted friend or victim advocate with you.
- Even if you don't want to report the assault to police right now, it is still important to have a medical exam to make sure you are all right. Sometimes people change their minds and want to report to the police later. Also, in addition to treating injuries, medical personnel can test for pregnancy and whether or not you may have been drugged. They can also give you drugs to reduce your chances of contracting sexually transmitted diseases (STDs) or getting pregnant.
- Try to preserve all evidence. Do not throw away clothes or wash, douche, or change. If you must change clothing, put all clothing you were wearing at the time of the attack in a paper (not a plastic) bag.
- Contact the Rape Crisis Hotline (888-293-2080) or the National Sexual Assault Hotline (800-656-Hope) for more support. They can give you counseling, and help you understand your options, such as what medical staff will do during a "rape kit" exam or what might happen while going through the criminal justice system.
- Try to avoid being alone, especially with your attacker, and be alert to your surroundings.
- Get help making a safety plan to avoid or escape a dangerous situation, especially if you know your attacker.
- Make sure you have a safe place to stay.

Adapted from the National Center for Victims of Crime

B. Relationship Violence—Warning Signs and How to Get Help

Relationship violence can happen to anyone of any race, age, sexual orientation, religion or gender.

It can happen to couples who are married, living together or who are dating. Relationship violence affects people of all socioeconomic backgrounds and education levels.
Abuse is a repetitive pattern of behaviors used to maintain power and control over an intimate partner. These are behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want. Abuse includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation. Many of these different forms of abuse can be going on at any one time.

You may be experiencing physical abuse if your partner has done or repeatedly does any of the following tactics of abuse:

- Pulling your hair, punching, slapping, kicking, biting or choking you
- Forbidding you from eating or sleeping
- Damaging your property when they’re angry (throwing objects, punching walls, kicking doors, etc.)
- Using weapons to threaten to hurt you, or actually hurting you with weapons
- Trapping you in your home or keeps you from leaving
- Preventing you from calling the police or seeking medical attention
- Abandoning you in unfamiliar places
- Driving recklessly or dangerously when you are in the car with them
- Forcing you to use drugs or alcohol (especially if you’ve had a substance abuse problem in the past)

You may be in an emotionally abusive relationship if your partner exerts control through:

- Calling you names, insulting you or continually criticizing you
- Refusing to trust you and acting jealous or possessive
- Trying to isolate you from family or friends
- Monitoring where you go, who you call and who you spend time with
- Demanding to know where you are every minute
- Punishing you by withholding affection
- Threatening to hurt you, your family or your pets
- Humiliating you in any way
- Blaming you for the abuse
- Accusing you of cheating and being often jealous of your outside relationships
- Serially cheating on you and then blaming you for his or her behavior
- Cheating on you intentionally to hurt you and then threatening to cheat again
- Cheating to prove that they are more desired, worthy, etc. than you are
- Attempting to control your appearance: what you wear, how much/little makeup you wear, etc.
- Telling you that you will never find anyone better, or that you are lucky to be with a person like them

Adapted from the National Domestic Violence Hotline
How to get help:

- Contact the Chicago Police Department (311), Campus Security (312.427.2737 ext.501), or the Domestic Violence Hotlines (national: 800.799.7233; Chicago/local: 877.863.6338) to get information on campus and local resources as well as your legal options.
- Identify your partner's use and level of force so that you can assess the risk of physical danger to you and others before it occurs.
- If possible, have a phone accessible at all times and know what numbers to call for help. Know where the nearest public phone is located. Know the phone number to your local battered women's shelter. If your safety is at risk, call the Chicago Police Department (911).
- Let trusted friends and neighbors know of your situation and develop a plan and visual signal for when you need help.

Adapted from the National Domestic Violence Hotline

C. Stalking—Warning Signs and How to Get Help

Stalking is a crime. A stalker can be someone you know well or not at all. Most have dated or been involved with the people they stalk. Most stalking cases involve men stalking women, but men do stalk men, women do stalk women, and women do stalk men.

Stalkers may:

- Repeatedly call you, including hang-ups or contact you repeatedly through electronic communication and social media.
- Follow you and show up wherever you are.
- Send unwanted gifts, letters, texts, or e-mails.
- Damage your home, car, or other property.
- Monitor your phone calls or computer use.
- Use technology, like hidden cameras or global positioning systems (GPS), to track where you go.
- Drive by or hang out at your home, school, or work.
- Threaten to hurt you, your family, friends, or pets.
- Find out about you by using public records or on-line search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or co-workers.
- Other actions that control, track, or frighten you.

How to get help if you are being stalked:

Stalking is unpredictable and dangerous. No two stalking situations are alike. There are no guarantees that what works for one person will work for another, yet you can take steps to increase your safety.
• If your safety is at risk call 911.
• Trust your instincts. Don’t downplay the danger. If you feel you are unsafe, you probably are.
• Take threats seriously.
• Contact Campus Security, a crisis hotline, victim services agency, or a domestic violence or rape crisis program. They can help you devise a safety plan, give you information about local laws, refer you to other services, and weigh options such as seeking a protection order. (See the resources section below for more info.)
• Develop a safety plan, including things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you.
• Don’t communicate with the stalker or respond to attempts to contact you.
• Keep evidence of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep e-mails, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.
• Contact the police, as Illinois has a stalking law (see applicable state laws).
• Consider getting a court order that tells the stalker to stay away from you.
• Tell a family, friends, roommates, co-workers, Campus Security, and the Office of Academic Affairs about the stalking and seek their support.

Adapted from the National Center for Victims of Crime

D. Keeping Safe when Traveling Around Campus and the City

• Try to arrive at and leave social gatherings with a group of people you trust
• Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours
• Keep track of your drinking. Watch your drink as it is made and don’t leave it unattended; avoid group drinks like punch bowls
• If you feel extremely tired or drunk for no apparent reason, find your friends and ask them to leave with you as soon as possible
• Make sure your cell phone is easily accessible and fully charged
• Be familiar with where house phones are installed throughout JMLS buildings
• Avoid dimly lit places; take major, public paths rather than less populated shortcuts
• Pay attention to your surroundings. Avoid putting music headphones in your ears and/or using your smartphone when walking alone
• If walking feels unsafe, especially after dark, try to walk with a friend or contact campus security to request an escort or utilize the JMLS Taxi Cab Services
• Carry a noisemaker (like a whistle) and/or a small flashlight on your keychain

E. What to Do if Someone You Know is at Risk of Sexual Assault, Relationship Violence or Stalking
JMLS is a community and we all have a responsibility to support each other. A “bystander” is someone other than the victim who is present when an act of Sexual Assault, Relationship Violence or Stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent Sexual Assault, Relationship Violence or Stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include:

- Not leaving an overly intoxicated person in a bar/party alone
- Calling police when a potentially violent situation is unfolding
- Not leaving an unconscious person alone (alerting Campus Security or a staff member)
- Intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting an JMLS staff member for help)

If you become aware that a JMLS student is the victim of Sexual Assault, Relationship Violence, or Stalking, contact the Chicago Police Department (911), Campus Security or the Associate Dean of Student Affairs. Additional resources are listed below.

VI. Resources

Students who report a Sexual Assault, Relationship Violence or Stalking have numerous options and support services available to them, including medical and psychological services as well as administrative, disciplinary, and legal options.

**On-Campus Resources**

**Campus Safety and Security Department**

**JMLS Campus Security**

312.427.2737 ext. 501

Available Monday-Friday 7am-11pm and Saturday-Sunday 8am-10pm

Ask to speak to supervisor on duty

**Ali Haleem**  
*Director*

**Campus Safety and Security**

**The John Marshall Law School**

315 South Plymouth Court

Chicago, IL 60604

Main: (312) 427-2737 x339

ahaleem@jmls.edu

**Ralph Ruebner**  
*Professor of Law and*

*Associate Dean for Academic Affairs*

**The John Marshall Law School**
William B Powers
Associate Dean
Admission and Student Affairs
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Tel: 312.427.2737 ext. 435
Fax: 312.427.5136
6powers@jmls.edu

Margaret O'Mara Frossard
Associate Dean
Professionalism & Career Strategy
The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604
Phone: 312.427.2737 ext. 112
mfrossar@jmls.edu

Jodie Needham
Assistant Dean
Academic Services
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Main: (312) 427-2737 x775
Fax: (312) 427-2922
6Needham@jmls.edu

Martin D'Ambrose
Assistant Dean
Human Resources
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Tel: (312) 427-2737 x396
Fax: (312) 427-2748
6dambros@jmls.edu
Corinne Morrissey  
*Director*  
*Academic Achievement Program*  
The John Marshall Law School  
315 South Plymouth Court  
Chicago, Illinois 60604  
Phone: 312.987.2357  
Fax: 312.427.8307  
*cmorrissey@jmls.edu*

JMLS Counseling Services  
The John Marshall Law School  
315 S. Plymouth Court  
Chicago, Illinois 60604  
Phone: 312.360.2668  
*Jmlshealthservices@gmail.com*

**Title IX Coordinator:**  
William B Powers  
*Associate Dean*  
*Admission and Student Affairs*  
The John Marshall Law School  
315 South Plymouth Court  
Chicago, IL 60604  
Tel: 312.427.2737 ext. 435  
Fax: 312.427.5136  
*6powers@jmls.edu*

**Title IX Investigator:**  
Troy A. Riddle  
*Director*  
*Diversity Affairs and Outreach*  
The John Marshall Law School  
315 S. Plymouth Court  
Chicago, IL 60604  
Main: 312-427-273 x174  
*TRiddle@jmls.edu*

**Off-Campus Resources**

Chicago Police Department  
911 for emergency calls  
311 for non-emergency calls

Chicago Domestic Violence Helpline  
877.863.6338
Chicago Metropolitan Battered Women’s Network
1 E. Wacker Dr., Suite 1630
Chicago, IL 60601
312.527.0730
The National Domestic Violence Hotline
800.799.7233

Northwestern Memorial Hospital
Emergency Department
250 E Erie Street
Chicago, IL 60611
312.926.5188

Rape Crisis Hotline
888.293.2080

Rape Victim Advocates
312.443.9603
180 N. Michigan Ave., suite 600
Chicago, IL 60601
rapevictimadvocates.org

YWCA Metropolitan Chicago
312.372.6600
1 N. LaSalle St., suite 1150
Chicago, IL 60602
ywcachicago.org

VII. JMLS Education and Prevention Programs

JMLS provides education programs to promote awareness of Sexual Assault, Relationship Violence and Stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new staff and faculty and ongoing awareness and prevention campaigns for students, staff and faculty that:

- Identify Sexual Assault, Relationship Violence and Stalking as prohibited conduct;
- Define Sexual Assault, Relationship Violence and Stalking under JMLS’s policy and under Illinois law;
- Define behavior that constitutes consent to sexual activity under Illinois law;
- Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Sexual Assault, Relationship Violence or Stalking against a person other than the bystander;
- Provides information on risk reduction so that students, staff and faculty may recognize warning signs of abusive behavior and how to avoid potential attacks;
• Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

JMLS has developed an annual educational campaign consisting of presentations that include: New Student Orientation, New Employee Orientation, New Faculty Orientation, Communication Program (to include signage, brochures, and email), Campus Security Authorities, Investigator / Adjudicator Training, Web-based Manager Training, and Security Officer Training.

VIII. Applicable Illinois State Law

Definition of “Consent,” 720 ILCS 5/11-1.70
Illinois Domestic Violence Act of 1986 750 ILCS 60

Illinois Stalking Statutes

Aggravated Stalking, 720 ILCS 5/12-7.4
Cyberstalking 720 ILCS 5/12-7.5
Stalking 720 ILCS 5/12-7.3

IX. Orders of Protection

Orders of protection (commonly referred to as restraining orders) are legal orders, put in place by a judge, that restrict or limit the amount of contact a person can have with another person.

JMLS takes all existing orders of protection seriously.

If you have an order of protection, protecting you from someone else, we ask that you please inform Campus Security so that they have it on record. This will help JMLS in case there is an issue with the offender. To do so, please email Ali Haleem, Director of Campus Safety and Security, ahaleem@jmls.edu or stop into the Campus Security office.

If you are having an issue with a person, Campus Security can help explain the legal process for obtaining an order of protection.

For more information on obtaining an order of protection, please visit WomensLaw.org

B. Campus Crime Report
In compliance with the Act, the law school makes the following disclosures:

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**Arrests**

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SECTION 29: Reservation of Rights

The John Marshall Law School reserves the right to 1) modify the requirements for admission or graduation, 2) change the tuition fees, 3) change the assignment of teachers, arrangement of courses, content of courses, or materials used at any time, 4) change the calendar year, 5) refuse admission or readmission to any student at any time, 6) dismiss any student at any time for either academic or disciplinary reasons, or 7) modify, add to, or delete any other provision within the law school policies at any time.