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JOHN MARSHALL LAW SCHOOL 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 the understanding of both the theory and the practice of law.
SECTION 1: Academic Freedom

Academic freedom is addressed in two sections of the Faculty Handbook; the relevant language from these sections is quoted below.

1. Faculty Contractual Personnel Policies (Section 2):

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.

2. Board of Trustees Tenure Policy (Section 6):

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.
SECTION 2: 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 and to prepare for classes in conformity with the American Bar Association Standards for the Approval of Law Schools, Section 404, and who is available to consult with and advise students at appropriate times, maintain 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 summer classes 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 Policy¹, 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 3 (Personnel Policies: Operational) 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.

¹ 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 3: 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 responsible for the decision 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 responsible for the decision 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 responsible for the decision 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 responsible for the decisions 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 responsible for the decision 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 responsible for the decision 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.
SECTION 4: Law School Policies and Professional Standards

Faculty are expected to adhere to all Law School policies as well as the professional standards applicable to law professors, including but not limited to the policies and professional standards referenced below.

A. Law School Policies

1. Faculty Standards and Development and Improvement Programs
2. Instructional Policies and Classroom Procedures
3. Textbook Adoption, Attendance, and Other Administrative Information for Faculty
4. Grade Change
5. Grading and Class Ranks
6. First-Day Attendance
7. General Attendance
8. Examinations and Grading
9. Good Academic Standing
10. Probation and Academic Dismissal
11. Academic Rules for LLM/MJ Programs
12. Class Recordings
13. Plagiarism
14. Evaluating Experimental Courses
15. Institutional Procedure for Student-Initiated Journals
16. Private Practice
17. Political Office
18. Affirmative Action Minority
19. Faculty Protection from Discrimination and Harassment
20. Staff Protection from Discrimination and Harassment
21. **Student Protection from Discrimination and Harassment**

22. **Copyright Use**

23. **Copyright Infringement**

24. **Student Code of Conduct**

25. **Rules for Student Disciplinary Proceedings**

26. **Student Complaint Policy**

27. **Campus Safety & Security**

28. **Sexual Assault, Domestic Violence, and Stalking**

29. **Missing Student Notification**

30. **Reasonable Accommodations and Standards for Law Study**

**B. Professional Standards**

1. AALS Statements of Good Practices:
   
a. [Law Professors in the Discharge of their Ethical and Professional Responsibilities](#)
   
b. [Recruitment of and Resignation by Full-Time Faculty Members](#)
   
c. [Recruitment and Hiring of Entry-Level Faculty Members](#)
   
d. [Recruitment and Retention of Minority Law Faculty Members](#)
   
e. [Diversity, Equal Opportunity, and Affirmative Action](#)
   
f. [Gender Identity and Gender Expression](#)
   
g. [Support of Academic Freedom for Clinical Faculty](#)

2. **AAUP Statement on Professional Ethics**

**C. Other Information**

1. **Law School Employee Directory**

2. **Law School Organization Chart**
SECTION 5: 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, the Associate Director of Law Library, 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, full-time visiting professors with Assembly Member Visitor Status, nor the Associate Professor of Law Library 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 Full 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 Associate Dean responsible for faculty evaluation of its 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 coordinate with whatever member(s) of the administration the Dean designates as having primary responsibility for student orientation, including orientation and guidance programs for entering and continuing students. This coordination may include formulation and recommendation of policies for, monitoring of, and participation in student orientation programs.

8. The Placement, Career Services, and Judicial Clerkships 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 Adjunct Faculty Committee

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. The 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. The 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: SECONDDING.

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 made available 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 an 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 6: 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:

1) 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.

2) 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

3) 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.

4) 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

(1) 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.

(2) 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.

(3) Associate Professorship – Faculty members are assigned to this rank on the basis of demonstrated competence in teaching law and convincing evidence of scholarly potentialities.

(4) 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.

(5) 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.

(6) 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 7: 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 Tenured 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 VI 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 VI 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, the Journal of Information Technology & Privacy 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 Section VI A 2 but not on the ultimate question of whether tenure should be granted.
This provision 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 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 VI 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 VI 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 VI 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 Deans for Academic Affairs and for Faculty 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 Tenure 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 8: Policies and Procedures for Clinical Faculty
(As Amended December 7, 2009 and December 7, 2015)

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, in the year preceding 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
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 9: Policies and Procedures for Associate Director Law Library

(As Amended April 6, 2017)

I. Rank and Title

The Associate Professor of Law Library shall be a non-tenure track faculty position for only the Director of the Law Library. The Associate Professor of Law Library shall be entitled to attend assembly and committee meetings and vote as provided in the Faculty Handbook and Assembly Constitution.

II. Procedures for Appointment, Evaluation, and Retention

A. Hiring

Appointment of the Associate Professor of Law Library follow the same procedures as the appointment of all other full-time professors at The John Marshall Law School. After 2020, appointments are presumptively renewable after the Associate Professor of Law Library successfully completes his or her first five-year contract.

B. Evaluation

The Associate Professor of Law Library shall be given a regular performance evaluation of his or her teaching by the Promotion and Tenure Committee, at least every five years and in the year when his or her contract is due for renewal, to assist the Dean in determining whether to renew the contract. The performance evaluation will include classroom visits in the semester when he or she is teaching, and review of any student evaluations. Although not a requirement of the position, the Tenure Committee may review his or her writings. The performance evaluations shall be shared with the Associate Professor of Law Library, the faculty, and the Dean. The Dean shall review his or her administration of the library.

C. Procedures for Termination of Employment

The Associate Professor of Law Library 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; 3) pursuant to a negative faculty vote after the five-year teaching review; or 4) for a reduction in staff in cases of financial exigency or when it is determined that the pedagogical needs of the institution cannot be achieved through the existing library structure.
III. General Standard of Performance for Associate Professor Law Library

A. In General

Standards for retention and promotion require effective managing of the library and institutional service. If the Associate Professor of Law Library teaches any courses, the standards for retention and promotion require effective teaching.

B. Managing the Library

The Associate Professor of Law Library shall ensure that the law library's collection and resources are sufficient to meet the primary goal of supporting the teaching and research needs of the law school's faculty, staff, and students. The Associate Professor of Law Library shall also ensure that the law library is in compliance with accreditation standards of the American Bar Association and the Association of American Law Schools, and supports the library's relations with the law school, library consortia, and professional organizations. The Associate Professor of Law Library must also perform his or her administrative functions to the satisfaction of the Dean as a prerequisite to retention regardless of the Associate Professor of Law Library's teaching effectiveness or other institutional service.

C. Teaching Effectiveness

At times, the Associate Professor of Law Library may teach courses in the curriculum. If the Associate Professor of Law Library teaches, he or she should also demonstrate steady progress toward becoming an effective teacher.

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

The Associate Professor of Law Library, 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, he or she may be asked to engage in public service, for example in organizing or appearing in continuing legal education programs. The Associate Professor of Law Library is expected to perform such services satisfactorily.

E. Capacity to Collaborate with Colleagues

The Associate Professor of Law Library, like other members of the faculty, shall demonstrate that he or she can work well with colleagues.

F. Continuing Performance Obligations
Throughout the term of the Associate Professor of Law Library’s appointment, he or she is expected to continually improve his or her performance under the performance standards articulated in these policies and procedures.
SECTION 10: 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 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 or this Handbook at any time.