

# Rules of the Law School University of Colorado

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**ARTICLE ONE**  
**Organization and Faculty Procedures**

**PART 1: Members of the Faculty**

**§1-1-1 Voting Members**

- A. The voting members of the faculty shall be the tenured and tenure-track teachers, the head Librarian, the Director of Clinical Education, clinical faculty of the rank of associate clinical professor or higher, and all legal writing faculty employed under a multi-year contract. The Dean, as a member of the faculty, shall not vote as a member of the Primary Unit or Committee thereof when the matter being voted upon is a recommendation concerning the appointment, reappointment, tenure, or promotion of a faculty member.
- B. Only tenured and tenure-track faculty are eligible to vote on personnel matters, on whether to expand the tenure track to include faculty members not currently on the tenure track, or on amendments to this subsection of Rule 1-1-1.<sup>i</sup>

**§1-1-2 Meeting Attendance by Others**

Other persons may, in the discretion of the Dean, be invited to attend the general section of faculty meetings, as defined in [§1-2-6](#), but without vote. Such invitations may be issued generally (i.e., to be effective until further notice), or for the academic year, or for some specifically designated meeting.<sup>ii</sup>

**§1-1-3 Faculty Meeting Attendance**

Regular full-time faculty members present in the Boulder area during summers or other terms when they are not actively teaching shall be informed of faculty meetings and shall have the right to attend and vote. Members on leave status or part-time teaching status and members in their last year of service at the Law School who do not actually attend or vote at a faculty meeting shall not be counted for purposes of quorum or for purposes of calculating the number of votes required for a simple or extraordinary majority.<sup>iii</sup>

A faculty member who was on leave or not on the faculty during the semester in which a candidate for a faculty position interviewed on campus or held a visiting appointment may recuse himself or herself in writing from any vote on that candidate. A faculty member who so recuses himself or herself shall not be counted for purposes of determining a quorum or the number of votes required for the faculty to act on that candidate.<sup>iv</sup>

**§1-1-4 Voting on Faculty Committee**

Persons who are not voting members of the faculty may be appointed by the Dean as voting members of appropriate faculty committees.<sup>v</sup>

## **PART 2: Meetings**

### **§1-2-1 Regular Faculty Meetings**

The faculty shall hold two regular meetings during both the fall and spring semesters. The Dean's Office shall schedule these meetings no later than one week after the start of each semester.

### **§1-2-2 Special Faculty Meetings**

Special meetings shall be held upon the request of the Dean or upon the request of five voting members of the faculty.

### **§1-2-3 Quorum**

Three-fifths of the voting members of the faculty on duty shall constitute a quorum for any regular or special meeting; visiting faculty members shall not be counted for this purpose.<sup>vi</sup>

### **§1-2-4 Meeting President**

The Dean shall preside at faculty meetings. In the Dean's absence, the Associate Dean shall preside. The presiding officer shall have the right to vote.<sup>vii</sup>

### **§1-2-5 Meeting Agendas**

Meetings of the faculty shall be conducted according to a written agenda, copies of which shall be distributed to all voting members within a reasonable time in advance of the meeting. Omission of a matter from the agenda, other than a matter of the type specified in [§1-3-1](#) shall not preclude its consideration at the meeting, but an attempt shall be made to include all important matters in the agenda. A matter shall be included in the agenda at the request of any member of the faculty. Preparation and distribution of the agenda shall be the responsibility of the presiding officer and the Associate Dean.<sup>viii</sup>

### **§1-2-6 Meeting Format**

Faculty meetings will normally consist of two parts, a general section in which matters of general interest and concern may be considered, and a special section in which all personnel matters and any other matters, if so designated by the Dean or other presiding officer, may be considered. The agenda will reflect this division, if any, under the headings "general matters" and "special matters." Normally the general section will be scheduled first, with all persons entitled or invited to attend in attendance, and at the conclusion of that section a break will be taken during which all persons in attendance will be excused except those entitled to vote on matters to be considered in the special section.<sup>ix</sup>

### **§1-2-7 Electronic Voting**

The faculty may vote by electronic mail without a meeting. However, no vote shall be taken by electronic mail on an appointments, tenure or promotion matter affecting a tenured or tenure-track faculty member, or on an amendment to these rules. If five or more faculty

members object to an electronic vote on any matter, that matter shall be taken up at the next regularly scheduled faculty meeting or, if necessary, at a special meeting. (See [§1-2-2](#).) The majority required in an electronic vote is a majority of eligible voters at the time the vote is taken.<sup>x</sup> When a matter is submitted to the faculty for electronic voting, the faculty shall be given a reasonable time to vote or to object to electronic voting and the deadline shall be clearly indicated in the message submitting the matter to electronic vote.<sup>xi</sup>

## **PART 3: Faculty Procedures**

### **§1-3-1 Significant Matters**

The guiding principle of these rules is that, in the operation and administration of the Law School, all recommendations, decisions or actions on matters significantly affecting the Law School shall be taken only with the prior approval of the faculty, except as otherwise specifically provided by these rules. Such matters include (but are not limited to) the following:

- A. Policies concerning admissions, readmissions, and withdrawal of students;
- B. Standards of professional (as opposed to personal) conduct and of academic performance which are to be required of students as a prerequisite either to remaining enrolled or for graduation;
- C. Proposals for any change in the curriculum, such as the addition or deletion of courses, or the addition or deletion of credit hours to or from existing courses;
- D. Any proposal for the addition of or a change of policy with respect to any institute, project, research organization, or other program associated with or sponsored by the Law School, whether supported by funds from the Law School budget or not;
- E. Appointment, promotion, and grant of tenure to faculty members; and
- F. Any significant change of policy affecting the Law School, the faculty, the student body, or student organizations.

### **§1-3-2 Quorum**

Except as otherwise provided in these rules, decisions by a simple majority of the members of the faculty present at a meeting at which a quorum is present shall constitute the action of the faculty.

### **§1-3-3 Amendments**

None of these rules shall be amended except by the affirmative vote of two-thirds of the members present at the meeting, but in no event less than a simple majority of the persons entitled to vote under [§1-1-3](#). Waiver of any of the rules of the Law School in their application to a particular case may be made at any regular or special meeting by a simple majority of the members present, provided that:<sup>xii</sup>

A. There shall be no waiver of:

- (1) the quorum requirement of [§1-2-3](#); and
- (2) any rule designated as a Faculty Personnel Policy ([§1-7-1](#) et seq.).

B. A rule may be waived by a vote taken during the summer term, but no rule may be amended except at a meeting during the academic year.

C. Nothing herein shall preclude action on waiver by circulated petition after review and recommendation by the Academic and Student Affairs Committee (see [§1-4-3](#)).<sup>xiii</sup>

#### **§1-3-4 Written Proposals**

In order to be acted upon at a meeting, any of the following matters must be submitted as a written proposal and a copy thereof distributed to each member of the faculty within a reasonable time in advance of meeting:

A. Any amendment of these rules; and

B. Any proposal with respect to a matter specified in [§1-3-1](#).<sup>xiv</sup>

While prepared material of the type specified herein will vary with the nature of the proposal, any major proposal should include as detailed information on the change as is possible under the circumstances.

#### **§1-3-5 Faculty Secretary**

A Faculty Secretary shall be elected from the faculty for a one-year term at the first regular meeting of each academic year. The Secretary shall keep minutes of all actions of the faculty and shall circulate them to members of the faculty within a reasonable time after each meeting. Such minutes shall include:<sup>xv</sup>

A. The agenda of the meeting;

B. Copies of all written proposals and the text of all motions made orally, together with the action taken thereon, if any;

C. Copies of relevant correspondence or similar documents considered at the meeting;

D. A general resume of discussion and announcements made at the meeting; and

E. A record of the persons in attendance.

The Secretary shall also be responsible for keeping a current loose-leaf edition of these rules and such other general policies as the faculty may adopt. These records may include separate notations of prior actions of the faculty in specific cases, waiving or applying these rules, to serve as precedents guiding subsequent decisions of like nature.

### **§1-3-6 Proxy**

When the faculty votes on a motion or faculty appointment, a member who is unable to attend the meeting or must leave before the vote may cast a proxy ballot on the measure. The proxy ballot may be cast either by written statement that clearly identifies the matter at issue and the vote to be recorded, or by written statement authorizing a named member of the faculty to cast a vote on behalf of the absent member, provided that no member may be named on more than one proxy for a particular vote. Statements shall be given to the faculty secretary. Only members on duty (not on leave status) may cast proxy ballots without attending any part of a meeting.<sup>xvi</sup>

## **PART 4: Faculty Committees<sup>xvii</sup>**

### **§1-4-1 Standing Committees**

Standing committees of the faculty shall be Academic and Student Affairs, Admissions and Financial Aid, Appointments, Faculty Evaluation, and Policy, Management, and Budget Committee.

### **§1-4-2 Special Committees**

Special committees may be appointed by the Dean or by vote of the faculty. Each special committee has a fixed or contingent expiration date.

### **§1-4-3 Academic and Student Affairs Committee**

Both Associate Deans sit ex officio. The committee shall:

- A. Evaluate and oversee the curriculum.
- B. Any faculty member may propose changes, which shall be considered by the committee and reported to the faculty with the committee's recommendation.
  - (1) The committee has authority to add or delete seminars and to change the title of courses or seminars. All other changes shall be made by faculty vote.
  - (2) By April 1 of each year, the committee shall review and approve or revise the curriculum and teaching assignments proposed by the Dean for the following academic year and submit them to the faculty.
  - (3) Oversee the Law School's clinics, moot court competitions, and student organizations other than law reviews and journals.
- C. Review student petitions for readmission. Each petition with the committee's recommendation and any supporting documents shall be made available for review by members of the faculty and for their vote either to approve or to request a faculty meeting to review the petition. The committee's recommendation shall become the faculty's action unless at least eight members of the faculty request a meeting within ten days after notice of the recommendation. In the latter case, the committee's recommendation shall be placed on the agenda of the next faculty meeting. If the committee's recommendation becomes the faculty's action, a statement of the

committee's reasons shall be given to the student when the student is notified of the petition's disposition.

- D. Review student petitions requesting waiver of a Law School Rule as applied to a student in a particular case. The committee may decide upon a recommended disposition of the petition, which may include any action or condition that the faculty could impose, and shall attach to the petition a brief written statement of the reasons for its recommendation. The file shall then be submitted to the Dean. If the Dean approves, the committee's resolution shall become final. If the Dean disapproves, the committee's recommendation shall be placed on the agenda for the next faculty meeting. If the committee's recommendation is approved by the Dean or by the faculty, a copy of the committee's reasons shall be given to the student when the student is notified of the petition's disposition. In the alternative, the committee may refer the petition to a meeting of the faculty on its own motion, with or without a recommendation of the committee or of the Dean.
- E. Review violations of the [Honor Code](#) and consider other cases of student misconduct when referred by the Dean. The committee's actions shall be delegated actions of the faculty, except that recommendations under [§2-2-2](#) or involving expulsion of students shall be referred to the faculty under [§2-2-2](#) or otherwise by the procedures provided in subsection (D) of this rule.
- F. Any faculty meeting called to review committee action under subsections (C), (D), or (E) of this rule shall consider only the paper record in the case.

#### **§1-4-4 Admissions and Financial Aid Committee**

The committee shall carry out the faculty's policies governing admission to the Law School and financial aid to students, supervise the director of admissions and financial aid, and report at least annually to the faculty on the committee's policies and procedures.

#### **§1-4-5 Appointments Committee**

The Dean sits ex officio.

- A. The committee shall comprise at least three members of the faculty, one student, and, to the extent necessary to provide adequate representation of women and minorities, the Dean, with consent of the committee, may appoint as many as two additional persons who are not faculty members to serve on the committee. Before appointing any members of the committee, the Dean shall request the faculty to submit recommendations for appointments. The Dean shall choose the student member of the committee after consultation with the faculty members of the committee and the president of the Student Bar Association.
- B. The committee shall, with the Dean, implement these rules and [Laws of the Regents "Appendix A. Standards, Processes, and Procedures" \(known as University Standards,](#) and also explained in the [University Faculty Handbook](#)) governing appointment of faculty members.



#### **§1-4-6 Policy, Management, and Budget Committee**

The committee shall comprise the chairs of the standing committees, the Associate Deans, the Director of the Law Library, the Directors of the Clinical Programs, and others who may be appointed by the Dean. The committee shall advise on how to use the Law School's resources most effectively to advance the Law School's research, service, and teaching missions, both in the short and long term. The Committee shall oversee the Law Library, affiliated centers and institutes, law reviews and journals, conferences, awards, colloquia, lectures, and other scholarly activities. The Dean shall act as the convener of the committee.

#### **§1-4-7 Faculty Evaluation and Peer Review Committee**

The committee shall comprise at least five members of the faculty, a majority of whom shall have tenure. The committee shall, with the Dean, implement these rules and [University Standards](#) relating to reappointment, tenure, promotion, and peer review of faculty.

#### **Misc. Rule 7. Nominations to Faculty Council and University Committees**

Following expression of the preferences of the faculty, through prescribed channels, the Regents approved the rule that law faculty members be named to positions on the Faculty Council and University Committees by the full faculty on nominations from the floor.<sup>xviii</sup>

#### **Misc. Rule 16. Student Participation in Decision-Making<sup>xix</sup>**

- A. Reasonable advance notice shall, where practicable, be given the student body where matters of general concern are to be discussed at a faculty meeting and students wishing to be heard on the matter shall, in such numbers and under such time and other limitations as the Dean may prescribe, be afforded an opportunity to present their views. The student body shall be informed of any action taken on such matters within a reasonable time after the meeting. "Matters of general concern," as used in this and succeeding paragraphs, means issues or proposals of a non-confidential nature, of wide current interest or involving policy of general applicability. The following are non-exclusive guides to definition of 'matters of general concern':
- (1) Normally included are policies governing requirements for graduation, general grading standards or rules, credit to be given for regular courses or programs, attendance, scheduling, required courses, and additions to or deletions from curriculum (except as temporary decisions are dictated by availability of personnel and budget);
  - (2) Normally excluded are administrative matters not significantly affecting students, petitions or applications by individual students for admission, readmission, continuation in school, financial aid, waiver of rules, or decisions with respect to examinations, grades or credit given to particular students. Also excluded are personnel decisions on appointment, reappointment, tenure, promotion or salary, but this shall not preclude use of methods of student evaluation of teaching or of teaching candidates, or consideration of selection policies.

- B. Proposals presented by fifteen or more students shall be treated as matters of general concern, except insofar as they involve confidential or personnel matters. Such proposals should be presented to the Dean, who shall normally refer the matter to the appropriate faculty committee for study and action or recommendation but who may, in his or her discretion, bring the matter directly to the attention of the faculty. If referred to committee the proposal shall be acted upon by the committee and a report made to the faculty and the students making the proposal within a reasonable time. The committee chairman shall report any reasons for unusual delay. In addition to opportunity to be heard under subsection (A) above, students presenting a proposal, or a representative of them, shall be afforded an opportunity to present arguments to the committee before it takes action. Matters which have been considered by the faculty within the two preceding years may but need not be reconsidered under this subsection except that, where matters of general concern have been acted upon without prior reasonable notice, proposals for reconsideration with respect to future policy shall be so considered. Nothing herein shall be construed to inhibit the presentation of any suggestion, question, or recommendation by individual students to any faculty member, and, where such matters are not resolved by discussion with the faculty member, they should be referred to the appropriate committee or administrator for consideration.
- C. Each committee of the faculty shall hold at least two meetings open to the general student body each year, upon reasonable prior notice, for the purpose of discussing its activities and policies, and shall take such additional steps as are appropriate to ensure the consideration of student views on matters of general concern which are within its jurisdiction. In determining the appropriateness of further elicitation of student views or other forms of student participation, the committee should consider at least the following factors: (a) the nature and importance of the issue; (b) the degree of student interest; (c) any special expertise considered; (d) the potential burden on members of the committee; (e) and with respect to methods of participation; (f) the desirability of ensuring that whatever diversity of student view may exist is fairly reflected.
- D. Where practicable, no committee shall reach a final decision on a matter of general concern without holding an open meeting, after reasonable notice, or taking some other appropriate step to acquaint the student body with the issue under consideration and to solicit student views with respect thereto.

A section of the student bulletin board shall be reserved for the purpose of posting notices required hereunder and for the permanent posting of (a) a general description of each faculty committee and its functions and (b) a list of the faculty members assigned to each committee for the current academic year.

### **Misc. Rule 35. Mentoring Committee**

This special committee shall include at least five members of the faculty who shall have tenure. The committee shall support untenured members of the faculty ("mentees") in their teaching and research. Each member of the committee shall be assigned to an untenured member of the faculty and be expected to perform the following tasks:<sup>xx</sup>

- A. Meet annually with the untenured member of the faculty to establish an annual "scholarly agenda" to set goals for scholarship, teaching, speaking engagements and service.

B. Meet with the mentee at least twice per semester during the academic year to discuss the mentee's research.

C. Visit the mentee's class at least one time per semester with a view toward discussing teaching techniques and providing constructive criticism.

D. Review and critique drafts of the mentee's research.

E. Meet one time per semester with the Mentor Committee to exchange views on the law school's mentoring efforts and take whatever other steps are practicable to enhance the development and success of untenured colleagues.

Mentors shall respect the confidentiality of communications received from mentees under this rule unless such confidentiality is waived by the mentee. At the Dean's annual meeting with each Mentee, the Dean shall inquire about the Mentee's experience under this Rule.

## **PART 5: Faculty Appointments**

### **§1-5-1 Visiting Appointments**

The Dean may appoint adjunct faculty to teach individual courses, and such appointments may be made in successive years without limitation. The Dean may also appoint visiting faculty members for a period of up to one year in order to cover curricular needs and to enrich the intellectual life of the School. If, however, the Dean proposes to appoint a visiting faculty member for longer than one year, or for any period during which the visitor will be considered for a regular appointment to the faculty, the Dean shall first obtain the approval of a majority of the Appointments Committee. The Appointments Committee shall ensure that the faculty is consulted in advance about any such proposed appointment, such consultation to include notice and an opportunity for discussion at a faculty meeting.<sup>xxi</sup>

### **§1-5-2 Appointments Other Than Visiting Appointments**

A. Early Reporting of Recommendations. The Appointments Committee acting as the Evaluation Committee, shall, either during the visit of a prospective candidate or as soon thereafter as possible, meet to consider the merits of the candidate and shall make a recommendation with respect to whether or not an offer is to be issued and the general terms thereof, including specific teaching assignments to the extent possible. This recommendation shall be reported to the Dean immediately, and, in due course, to the faculty, for such use as the Dean shall deem appropriate in view of the circumstances and the nature of the recommendation (e.g., if the recommendation is favorable and if during the period of delay before the whole faculty can meet to consider the recommendation there is danger of losing the candidate to another school, the nature of the recommendation, if favorable, should be disclosed to the candidate; this disclosure shall be made in a way as to make clear to the candidate that the recommendation is that of the committee and does not constitute approval of an offer by the faculty).

- B. Appointments without Tenure—Favorable Recommendations. Favorable recommendations of appointment without tenure, but for longer than one year, shall be made to the Dean only upon the affirmative vote of at least two-thirds of the eligible voting members of the faculty who vote on the appointment, either in person or by proxy, acting as the primary unit. A faculty member who was on leave or not on the faculty during the semester a candidate is interviewed may recuse himself or herself from any vote on that candidate for a faculty position. A faculty member who so recuses himself or herself shall not be counted for purposes of determining a quorum or the number of votes required for the faculty to act on that candidate for a faculty position, but in no event less than a simple majority of the persons entitled to vote under [§1-1-3](#).
  
- C. Appointments with Tenure—Favorable Recommendations. Favorable recommendations of appointment with tenure shall be made to the Dean only upon the affirmative vote of at least two-thirds of the eligible voting members of the faculty (having received the report of the Appointments Committee) who vote on the appointment, either in person or by proxy, and also upon the affirmative vote of a majority of all tenured eligible voting members of the faculty (having received the report of the Faculty Evaluation Committee) who shall, on the question of tenure, constitute a committee of the primary unit. A faculty member who was on leave or not on the faculty during the semester a candidate is interviewed may recuse himself or herself from any vote on that candidate for a faculty position. A faculty member who so recuses himself or herself shall not be counted for purposes of determining a quorum or the number of votes required for the faculty to act on that candidate for a faculty position, but in no event less than a simple majority of the persons entitled to vote under [§1-1-3](#).
  
- D. The Faculty may make nonvoting appointments on any terms and conditions.

**§1-5-3 Appointments and Faculty Evaluation Committees to be Evaluation Committees**

- A. The Appointments Committee shall constitute the Evaluation Committee for considering appointments and shall have the responsibility of initially reviewing the qualifications of all candidates for appointment.
  
- B. For the purpose of assisting those members of the faculty eligible to vote as members of the primary unit or as members of a committee thereof on recommendations concerning appointment. The Appointments Committee shall investigate, evaluate and report its findings in the manner provided in the [University Standards](#), and similarly with regard to recommendations concerning the tenure and/or rank of a candidate being considered for appointment, the Faculty Evaluation Committee shall investigate, evaluate and report its findings.

**§1-5-4 Standards for Appointment**

- A. The terminal degree required for any appointment to the faculty is the LLB or JD, or an equivalent degree in law or a related academic discipline. Ordinarily, a person with previous, though limited law teaching experience or with experience in practice will be initially appointed to the faculty as an Associate Professor without tenure. However, a person who when he or she commences teaching at this School has held the terminal

degree for less than four years may be appointed as an Assistant Professor without tenure.

- B. In making evaluation of candidates for appointment, the Appointments and Evaluation Committees shall, and those members of the faculty eligible to vote on recommendations concerning the same as members of the primary unit or as members of a committee thereof shall, when voting on such matters, apply those standards and criteria required and/or permitted by the [University Standards](#) and the Rules of the Law School.

### **§1-5-5 Clinical Faculty Appointments<sup>xiii</sup>**

A. Standards for Appointment.

- (1) All clinical faculty (“Clinical Faculty”) are required to have a terminal degree of JD, LLB, or an equivalent degree in law.
- (2) A person who has held the terminal degree for less than four years at the time she or he commences teaching at this School may be appointed as an Assistant Clinical Professor.
- (3) A person who has previous clinical law teaching experience or law practice experience and who has held the terminal degree for at least four years at the time she or he commences teaching at this School may be appointed as an Associate Clinical Professor.
- (4) A person who has previous clinical law teaching experience of at least six years at the time that she or he commences teaching at this School may be appointed as a Clinical Professor.

B. Terms of Appointment and Eligibility for Reappointment: At-Will Employment.

- (1) All Clinical Faculty are deemed employees-at-will whose appointments are subject to termination by either party at any time during its term.
- (2) There is no limit to the number of times that a Clinical Faculty member may be reappointed. However, any Clinical Faculty member’s reappointment for an additional term does not change the nature of the Clinical Faculty member’s at-will employment status, which remains subject to termination by either party at any time during its term.
- (3) No compensation, whether as a buyout of the remaining term of the appointment, as liquidated damages, or as any other form of remuneration, shall be owed or paid to a Clinical Faculty member upon or after termination of such appointment except for compensation that was earned prior to the date of termination.

C. Assistant Clinical Professor.

- (1) Persons hired as Assistant Clinical Professors will receive an initial appointment term of two years. After her or his first year of service, an Assistant Clinical

Professor will be reviewed for reappointment pursuant to Section G. Upon successful evaluation, an Assistant Clinical Professor is eligible for reappointment to another term of two years. However, any reappointment for such additional two-year terms does not change the nature of the Clinical Faculty member's at-will employment status, which remains subject to termination by either party at any time during its term.

- (2) An Assistant Clinical Professor is eligible for evaluation for promotion to the rank of Associate Clinical Professor only after having completed at least three years of service as an Assistant Clinical Professor. Evaluation for promotion to Associate Clinical Professor will occur during the fourth year of service. Upon the Assistant Clinical Professor's initial appointment, she or he may receive one or more years of credit towards the three-year service period based on prior university teaching or other comparable experience. The promotion to Associate Clinical Professor will carry with it a new appointment of three years. A case for reappointment or promotion must be reviewed by the Dean and the Office of Faculty Affairs.

D. Associate Clinical Professor.

- (1) In most cases, a person initially hired as Associate Clinical Professor is eligible for appointment to a term not to exceed three years. During her or his third year of service an Associate Clinical Professor will be reviewed for reappointment pursuant to Section G. Upon successful evaluation, an Associate Clinical Professor is eligible for reappointment to another term of three years. However, any reappointment for such additional three-year terms does not change the nature of the Clinical Faculty member's at-will employment status, which remains subject to termination by either party at any time during its term.
- (2) An Associate Clinical Faculty member is eligible for evaluation for promotion to the rank of full Clinical Professor only after having completed at least six years of service as a Clinical Faculty member. Evaluation for promotion to full Clinical Professor will occur during the seventh year of service. Upon the Associate Clinical Professor's initial appointment, she or he may receive one or more years of credit towards the six-year service period based on prior university teaching or other comparable experience. The promotion to full Clinical Professor will carry with it a new appointment of five years. A case for reappointment or promotion must be reviewed by the Dean and the Office of Faculty Affairs.

- E. Clinical Professor. In most cases, a person appointed as a Clinical Professor is eligible for appointment to a term not to exceed five years. A Clinical Professor will be reviewed for reappointment in the fifth year of each appointment term pursuant to Section G. Upon successful evaluation, a Clinical Professor is eligible for reappointment to another term of five years. However, any reappointment for such additional five-year terms does not change the nature of the Clinical Faculty member's at-will employment status, which remains subject to termination by either party at any time during its term. A case for reappointment must be reviewed by the Dean and the Office of Faculty Affairs.

F. Standard for Reappointment and Promotion.

- (1) To qualify for a first reappointment at any rank, a faculty member must be making satisfactory progress towards meeting or exceeding the criteria of Section G. To qualify for a continuing reappointment at any rank, a faculty member must be meeting or exceeding the criteria of Section G.
- (2) To be granted a promotion to the rank of Associate Clinical Professor, a Clinical Faculty member should have demonstrated success as a clinical teacher pursuant to the criteria of Section G.
- (3) To be granted a promotion to full Clinical Professor, a Clinical Faculty member must have a record that is, on the whole, excellent and that indicates substantial, significant, and continued growth, development, and accomplishment in the areas of teaching, clinical work, and service, as measured by the criteria in Section G.

G. Evaluation of Clinical Faculty. The evaluation will be conducted by the Clinical Faculty member's Faculty Evaluation Committee, pursuant to Rules 1-7-3 (b) and 1-7-5 (c). The Faculty Evaluation Committee will be comprised of two faculty members whose primary teaching responsibilities are in the Clinical Program and who are of the same or senior rank, and a faculty member who is appointed by the Clinic Director. Recommendations for appointments at a higher rank are made by a simple majority vote of the committee. Such recommendations will be reviewed and approved by the Dean with the concurrence of the Office of Faculty Affairs. All appointments are subject to the approval of the Chancellor. The Committee will generate a written evaluation of the Clinical Faculty member that also sets forth the Committee's recommendation to the Dean on reappointing or promoting the Clinical Faculty member.

The Clinical Faculty Evaluation Committee will conduct its evaluation utilizing the below criteria and methods

- (1) 75%
  - a. Class observations by the Clinic Director or her or his designee and a peer clinical faculty member.
  - b. Interviews with students and former students (when feasible) about the quality of the experience with the clinical faculty member.
  - c. The observations and student interviews shall focus on whether the Clinical Faculty member demonstrates:
    - (1) Sufficient knowledge of the appropriate subject matter;
    - (2) Sufficient knowledge of the practical application of the subject matter;
    - (3) Strong oral communication skills;
    - (4) Teaching techniques that demonstrate appropriate skills.
  - d. Review of the syllabus and course materials for soundness and effective pedagogy.
  - e. The results of Faculty Course Questionnaires (FCQ).
  - f. The ability to maintain an active and sufficient caseload within the clinic, reflective of the area of the law practiced and that provides service to the University and the public at-large with the goal of giving the students a meaningful experience.

- (2) 25%

- a. Interviews with other clinical faculty members and clinical staff. These interviews shall focus on whether the Clinical Faculty member:
    - (1) Maintains a professional environment;
    - (2) Demonstrates commitment to their clinic; and
    - (3) Appropriately and professionally utilizes and supports the clinical staff and faculty.
  - b. Interviews with judges and practicing attorneys. These interviews shall focus on whether the Clinical Faculty member:
    - (1) Teaches students adequate skills and professionalism; and
    - (2) Prepares students for practice in the clinic's area of law.
  - c. Participation in Law School and/or University activities that demonstrate a commitment to the vision and mission of the school and its clinical programs.
  - d. Willingness to serve on law school committees and to provide service to the law school.
  - e. Willingness to provide service to the profession and professional associations, including community legal education and public service.
  - f. A Clinical Faculty member in the first several years of employment must devote most of her or his time to developing as a clinical teacher, thus considerably less emphasis is given to service on initial reappointment, although some service involvement even in the first few years is expected. Considerably more will be expected in the way of institutional, professional, and public service for promotion to full professor. However, absence of extensive professional and public service will not be a bar to promotion where there is demonstrated excellence in teaching and clinical work.
- (3) Each criterion will be evaluated on the following scale:
- Far Exceeds Expectations
  - Exceeds Normal Expectations
  - Meets Normal Expectations
  - Below Expectations
  - Unsatisfactory

#### **§1-5-6 Emeritus Appointments <sup>xxiii</sup>**

Subject to any applicable standard in the University Faculty Handbook, emeritus appointment is bestowed as an honor upon retired full-time faculty in recognition of meritorious contributions to the Law School. It is contingent on initiation by a member of the faculty, and on the approval of the Faculty Evaluation Committee, the faculty, and the Dean of the Law School. Candidates meeting all of the following conditions are eligible for emeritus appointment:

- Meritorious contributions in teaching, scholarship and service to the Law School and to the University.
- Continuous employment of at least ten years as a full-time faculty member.
- Minimum age of 62. In exceptional cases, a faculty member who retires early may be considered for emeritus appointment at an earlier age, provided that the other conditions have been met.



- Retirement from full-time active service at the University of Colorado.

Except as provided below, if a faculty member resigns from the University of Colorado and thereafter accepts a full-time academic position at another institution of higher education, that faculty member would be ineligible for an emeritus appointment at the Law School. At such time, however, that the faculty member:

- (a) is no longer affiliated with another institution of higher education, and
- (b) has notified the Law School that he or she wishes to retain the University of Colorado as his or her primary academic identity,

that person would be eligible for an emeritus appointment at the Law School, subject to the procedures set forth above and provided that he or she is ineligible for, or has declined to be considered for, emeritus status at another institution of higher education.

Emeritus appointment is not intended to be routine and may not be accorded to a part-time faculty member, unless such part-time faculty member had satisfied the ten-year requirement prior to accepting a part-time appointment. The privilege of emeritus appointment implies a collegial relationship between the awardee and the University to the mutual benefit of both.

**Misc. Rule 34 Nonvoting Appointments to the Faculty**

A. The Dean may appoint suitable persons as professors adjunct to teach specific courses for periods not to exceed one academic year.

B. The faculty may make nonvoting appointments of persons who are members of other faculties at the University. Such appointments expire automatically if the person appointed ceases to be a member of any other faculty at the University. Appointments are subject to §1-7-1(B). Other terms and conditions of appointment may be imposed in the discretion of the faculty.

**PART 6:** Repealed 11/20/78

**PART 7: Faculty Evaluation: Reappointment, Tenure, and Promotion**

**§1-7-1 University and Law School Rules Governing Reappointment, Tenure and Promotion**

A. The rules, standards, and procedures for making decisions and recommendations concerning the reappointment, continuous tenure, and promotion of a faculty member shall be those mandated by the Board of Regents. The particular statement of [University Rule of the Regents](#), “Standards, Processes, and Procedures” in reference to which the Rules of the Law School are adopted may thereafter be amended.<sup>xxiv</sup>

B. The University Standards require that the following rules in this article: (1) not be inconsistent with the University Standards; (2) be approved by the Chief Academic

Officer of the Boulder campus; (3) be approved by the "primary unit" (i.e., the faculty of the Law School); and (4) be made available in writing to the candidate being evaluated, as well as to all other persons involved in the candidate's evaluation.

- C. For the purpose of the [University Standards](#), the Law School constitutes itself as a Department of Law within the School. The Primary Unit of such department shall be coextensive with the faculty of the Law School as defined in [§1-1-1](#) hereof. The Dean or his designee shall serve as head of the Primary Unit, without vote, and chair the meetings of the Primary Unit, provided, however, the Dean shall not serve on the Evaluation Committee and shall not participate as a member of the faculty when the faculty considers recommendations of the Evaluation Committee.<sup>xxv</sup>
- D. The Faculty Evaluation Committee shall constitute the "evaluation committee" for considering the reappointment, tenure and/or promotion of faculty members and shall have the responsibility of initially reviewing the qualifications of all faculty candidates for reappointment, continuous tenure, and promotion, except that:
- (1) when considering reappointments, only those members of the committee who are senior in rank or length of service (on the Law School Faculty) to the candidate being considered and such other members of the faculty as may be appointed by the Dean on an ad hoc or on a standing basis who are also senior shall constitute the committee;
  - (2) when evaluating a candidate for continuous tenure, only those tenured members of the committee and such other tenured members of the faculty as the Dean may appoint on an ad hoc or on a standing basis shall constitute the committee; and
  - (3) when evaluating a candidate for promotion, only those members of the committee who hold a rank senior to the candidate and such other members of the faculty holding a rank senior to the candidate as the Dean may appoint on an ad hoc or standing basis shall constitute the committee.
- E. For the purpose of assisting those members of the faculty eligible to vote as members of the primary unit or as members of a committee thereof on recommendations concerning reappointment, tenure, or promotion, the Evaluation Committee shall investigate, evaluate, and report its findings in the manner required by the University Standards.

### **§1-7-2 General Standards for Evaluation**

In making evaluation of candidates for appointment, reappointment, tenure, and/or promotion, the Evaluation Committee shall, and those members of the faculty eligible to vote on recommendations concerning the same as members of the primary unit or as members of a committee thereof shall, when voting on such matters, apply those standards and criteria required and/or permitted by the [University Standards](#) and by the Rules of the Law School. The judgment of sufficiency and quality of work will be made by vote of the faculty in accordance with these Rules.

### **§1-7-3 Reappointments**

- A. To qualify for reappointment, a faculty member must be making normal progress toward meeting or exceeding tenure expectations.
- B. The Faculty Evaluation Committee shall undertake the investigation and evaluation of the faculty member. The committee, having completed its work, shall vote on whether the faculty member should be reappointed. An affirmative or negative vote of the committee shall be considered a recommendation to the faculty, but the issue of reappointment shall be brought to the faculty in all cases. When deciding on reappointment, all members of the faculty senior in rank or service to the candidate shall be eligible to vote and a majority of those faculty members eligible to vote shall be required for reappointment. Upon such an affirmative vote, the faculty, acting as the primary unit, may recommend to the Dean that the faculty member be reappointed.
- C. Program requirements expected to be taken into account when reappointment decisions are made will be those specified in the letter of appointment.

### **§1-7-4 Tenure**

- A. Tenure is awarded only to faculty members with demonstrated meritorious performance in each of the three areas of teaching, research and creative work, and service, and demonstrated excellence in either teaching or research and creative work.
- B. Favorable recommendations for continuous tenure of a faculty member shall be made to the Dean only upon the affirmative vote of a majority of all tenured members of the faculty eligible to vote, acting as a committee of the primary unit.

### **§1-7-5 Promotion**

- A. To be promoted to Associate Professor, a faculty member should have a promising research agenda and a demonstrated ability to be a successful teacher.
- B. To be promoted to full professor, a faculty member must have a record that is, on the whole, excellent and that indicates substantial, significant, and continued growth, development, and accomplishment in all three areas of teaching, research and creative work, and service.
- C. A favorable recommendation for promotion shall be made to the Dean only upon an affirmative vote of a majority of all eligible voting members of the faculty senior in rank to the candidate, acting as a committee of the primary unit.

### **§1-7-6 Non-Favorable Recommendations**

Once consideration of the reappointment, tenure or promotion of a candidate has been undertaken and finally voted upon by those members of the primary unit or as a member of a committee thereof, any final vote which fails to result in a favorable recommendation shall constitute a recommendation against such reappointment, tenure or promotion and shall be so transmitted as the recommendation of the primary unit to the Dean.

### **§1-7-7 Reviews of Favorable and Non-Favorable Recommendations**

The first (decanal), second (campus) and third (university) levels of review shall be made in accord with the Laws of the Regents and [University Standards](#) and in full recognition of the candidate's prerogatives set out in the University Standards. These prerogatives include the right to appeal to the Privilege and Tenure Committee if the candidate feels that the procedures described in the University Standards have not been observed at any stage of the recommending or review process.<sup>xxvi</sup>

### **§1-7-8 Request for Consideration**

Any member of the tenure-track faculty may request consideration for promotion or tenure under these Rules by notifying the Dean of his or her desire. After consultation with such faculty member, the Dean shall advise the Evaluation Committee of the request of the faculty member, and the Evaluation Committee shall conduct an evaluation in accordance with these rules.<sup>xxvii</sup>

### **Misc. Rule 9 Consultations on Nonrenewal of Appointments**

The faculty expressed its desire that the Dean should consult individually with all members of the faculty on issues of nonrenewal of appointments.

### **Misc. Rule 200 Guidelines, Procedures and Processes for Determining Tenure, Reappointment, and Promotion**

This Rule is applicable only to faculty members on regular tenure track appointments. It has been adopted pursuant to the authority delegated to the faculty of the Law School under the Laws of the Regents and the "Standards, Processes, and Procedures" Document as adopted by the Board of Regents. It has been prepared for the information of prospective and new faculty members, faculty members when acting as members of the "primary unit," and administrative officials to whom faculty decisions concerning tenure, reappointment and promotion are to be communicated. It is based on (1) the Laws of the Regents ("Laws"); (2) the Rules of the Law School; (3) the "University Standards, Processes, and Procedures" Document; and (4) the policies and practices of the faculty as adopted under the authority delegated by such Laws, Rules, and the University Standards.<sup>133</sup>

These Law School Guidelines for Determining Tenure, Reappointment, and Promotion are subject to the current laws and actions of the Regents and to other University policies and procedures as described generally in the Faculty Handbook and as subsequently revised. Each such guideline, procedure or process is intended to be interpreted and applied in a manner consistent with current Regents laws and actions and other University policies and procedures. In the event of a conflict, Regent laws and actions and other policies and procedures of the University shall control.<sup>134</sup>

A. Evaluation of Teaching. Because the Law School and the University are institutions of higher education, their preeminent responsibilities are to provide diverse educational experiences of high quality. For law students, such educational experiences are designed to develop a range of skills including: intellectual skills of legal analysis and synthesis;

communication skills, oral and written, using technical and nontechnical language in both expository and argumentative styles; and other professional skills, such as legal research and factual investigation.

In terms of substance, such educational experiences are designed to develop students' knowledge and understanding of various substantive areas of law; the legal system as a whole, including its institutions and decision-making processes; the interrelationships between the legal system and other social institutions; the relevance and utility to the legal system of other academic disciplines and areas of knowledge; and some of the philosophical ideas and historical events which have shaped the law and the legal system.

These goals of developing students' skills, knowledge and understanding require a diversity of teaching skills in order to permit a faculty member to work effectively with large or small groups of students, or with students on an individual basis. Law teachers, therefore, are expected to be competent in the use of appropriate teaching methods and to maintain a consistent, thoughtful effort to improve them.

(1) **Class Visits.** The most accurate assessments of the quality of teaching are the written reports of members of the faculty who have visited classes of the candidate. Such visits will normally be made for all evaluations. Visits shall be scheduled with notice to the candidate. Visitors should be faculty who teach in the same or related fields, when feasible, and shall be provided with the class assignments in advance so that they may examine the materials to be covered. Visits should normally be made to sequential classes to ensure adequate appreciation of ideas developed and synthesized over more than one class period. Written report of the visits should indicate the techniques used, the nature of student response, the accuracy and clarity with which the material was presented, and the relative time or importance assigned to particular ideas.

(2) **Student Interviews.** The next most accurate assessments of teaching abilities are personal, individual interviews by faculty of students who are in or have had a course from the candidate. Students to be interviewed should be selected at least in part at random from class lists. In addition to general and open-ended questions about the quality of the teaching in the course and accessibility of the teacher outside class, student interviewees should be asked to cite and explain specific instances to support their responses. To the extent possible, confidentiality as to the identity of the interviewees shall be maintained. In that regard, the identity of the student shall not be disclosed to the faculty candidate, although that identity shall remain in the pertinent written materials presented to the members of the Primary Unit as well as reviewing committees and University administrators outside the Law School. Posted notices also should invite other students besides those selected for interviews to submit written or oral comments to members of the Evaluation Committee, and students should be encouraged to make use of this opportunity. The identity of the student submitting such comments shall not be disclosed to the faculty candidate, although that identity shall remain in the pertinent written materials presented to the members of the Primary Unit as well as reviewing committees and University administrators outside the Law School.<sup>135</sup> Student questionnaires. Relevant, but ordinarily least useful, indices of the quality of teaching are the required student evaluation printouts, since these permit no inquiry into the bases for the students' conclusions and may reflect popularity of the

teacher or teaching style rather than the value of the educational experiences provided in the course.

(3) Teaching Materials. Supplementary classroom materials prepared by the candidate may also be examined and evaluated.

(4) Other. In addition, the evaluation of teaching may take into account other factors. These may, but need not, include: the creation of new courses or course materials; the number of credit hours taught; the number of students taught; the use of writing assignments or other labor-intensive techniques in teaching; supervision of independent research and externships; teaching awards; and alumni evaluations.

B. Evaluation of Scholarly Research and Writing. Because high quality teaching is dependent upon deep, comprehensive and critical understanding of one's field, a sustained continuing interest and effort in the exploration of problems in the field is essential to a faculty member's long term effectiveness as a teacher. Furthermore, to maximize that interest and effort, and to advance knowledge about the law and legal institutions, a faculty member must be willing and able to engage in disciplined research and to develop, organize and present his or her thoughts and conclusions in a professionally acceptable form.

A faculty member should have the ability and inclination to engage in significant legal research and writing throughout his or her academic career.

(1) Tenure and Promotion Reviews. Tenure and promotion require the demonstration of the faculty member's ability and inclination to engage in significant legal research and writing throughout his or her academic career.

a. Ability. Scholarly ability includes the capacities (1) to identify avenues of inquiry worthy of further intellectual exploration; (2) to perform careful, thorough research in legal and relevant nonlegal materials; (3) to engage in accurate, comprehensive analysis and synthesis; and (4) to articulate with clarity and conciseness the findings and conclusions reached. Such ability will most often be demonstrated by the production of significant articles, lectures, and other papers appropriate for publication in respected law reviews or comparable journals. It may also be demonstrated by the publication of monographs or books. 136

Other ways of demonstrating comparable ability and effort include the publication of co-authored law review articles, monographs, books and other similar professional works; publication of casebooks or other teaching materials. Because some of these forms may be difficult to assess either in terms of the faculty member's contribution or in terms of the extent to which they indicate the capacities of the faculty member to engage in significant legal research and writing, it is preferable that a faculty member not concentrate exclusively on these activities. Thought provoking teaching materials, however, containing supplementary notes and problems showing unusual, imaginative insights into a subject or which represent innovative approaches to the subject are highly valued in legal education. Consequently, the preparation and publication of such

materials may be deemed equivalent to the publication of the law review articles described above, as may other important, published professional works

b. Inclination. Promotion or tenure are to be awarded only if there is reason to believe the scholarly work will continue. Two factors are ordinarily taken into account. First, the pattern of scholarly activity during the untenured period is considered. A faculty member who works steadily on research and writing during the untenured period is usually considered more likely to continue scholarly activity than the faculty member who is inactive for long periods. Second, consideration is given to the number and scope of completed projects and works in progress.

Although institutional administration and public service activities are not considered alternatives to scholarly activity, heavy commitments in these areas will be taken into account in determining whether long periods of scholarly inactivity indicate absence of scholarly inclination or, instead, lack of adequate time for scholarly pursuits.

c. Other. In evaluating research and creative work, the following may also be taken into account: quality and quantity of published research; quality and quantity of long-term work in progress; recognition of the value of work by the local, national, and international community; scholarly speaking engagements; prizes for scholarship; grants and contracts; professional reputation (both inside and outside the University).

d. Evaluation of Written Work. For tenure and promotion reviews, the Evaluation Committee or designated faculty members shall review copies of the faculty member's written work. The Committee shall also send copies of the work to at least six recognized scholars at other leading law schools for their evaluation. The replies of the outside evaluators shall be submitted to the Primary Unit along with the Committee's report.<sup>137</sup>

(2) Reappointment Reviews. Copies of the faculty member's written work shall be read. If the Evaluation Committee desires, it may seek evaluation of the work from other members of the faculty. Outside evaluations will usually not be sought for reappointment, although the Committee may in its discretion seek such evaluations. Evaluation of unpublished work, usually consisting of papers presented at conferences, of article manuscripts, or of supplementary classroom materials, is a valuable guide to the performance of candidates. Although external evaluation of such work is difficult, rigorous internal evaluation provides useful information both about the candidate's prospective productivity and about his or her approach to teaching.

C. Evaluation of Professional and Institutional Service. As faculty members of a state law school, faculty are expected to serve the Law School, the University, the community, the organized bar, and the several institutions which comprise the legal system, particularly in ways which utilize and develop the expertise of the faculty member.

(1) Professional and Community Service. There are a variety of ways a faculty member may render professional and community service. These may include participation in programs designed to improve the level of knowledge and competence within the legal profession, or to improve understanding of law and the legal system in the public at large; participation in professional and scholarly organizations which bring the faculty member in contact with other persons having the same or related professional expertise

and interests and which enhance the faculty member's scholarly and professional development as well as that of the profession; and participation in efforts to improve the effectiveness or fairness of the law, legal institutions, or the legal system as a whole.

(2) Institutional Service. Faculty members are expected to engage actively in maintaining and improving the Law School and the University as institutions of higher education. Such activities may include participating in the work of committees and special programs, conducting studies, preparing reports, providing assistance when requested to the academic efforts of other colleagues (both within and without the Law School), and other similar activities. Faculty members are also expected to participate in alumni, community, state, and national affairs which promote understanding of and support for the University and the Law School.

(3) Because a faculty member in the first several years of employment must devote most of his or her time to developing first as a teacher and second as a scholar, considerably less emphasis is given to service on initial reappointment, although some service involvement even in the first few years is expected. Considerably more will be expected in the way of institutional, professional, and public service for tenure and promotion to full professor. However, absence of extensive professional and public service will not be a bar to tenure and promotion where there is demonstrated excellence in teaching and research.

#### D. Timing of Reviews.

(1) Persons Initially Appointed as Assistant Professors. In most cases, such initial appointment will be for a term of three years. The faculty member will normally be considered during his or her second year of service for reappointment for an additional term of two years without tenure. If so reappointed, the faculty member will normally be considered during his or her fourth year of service for a second reappointment for another term of two years without tenure and for promotion to the rank of Associate Professor. A faculty member so reappointed and who is also promoted to the rank of Associate Professor shall assume that rank at the beginning of his or her fifth year of service. A faculty member will normally be considered for the award of tenure during his or her sixth year of service, to become effective, if awarded, at the beginning of his or her seventh year of service. No more than three years of credit towards the six-year service period may be allowed on initial appointment for prior university teaching or other comparable experience of such faculty member. Consideration leading to award of tenure or, if not granted, to notice of non-reappointment, shall be mandatory in such sixth year of actual and credited service; provided that the mandatory decision may be postponed to a subsequent year by prior written waiver by the faculty member of one or more years of credited service, or by written agreement between the faculty member and the Dean. However, the mandatory decision may be deferred only to a year (i) during which the one year notice of non-reappointment provided for in paragraph (D.vi.) of this Rule can be satisfied, by terms of the existing appointment or by reappointment, and (ii) which is within the ultimate period for mandatory decision permitted by the Laws of the Regents and the University Standards. 138

(2) Persons Initially Appointed as Associate Professors. In most cases, the initial appointment will be for a term of four years without tenure. Such faculty member will



normally be considered for comprehensive review during the fourth year of his or her initial term for reappointment for an additional term of three years without tenure. A faculty member so reappointed will normally be considered for the award of tenure during the sixth year of such faculty member's actual and credited service, to become effective, if awarded, at the beginning of the seventh year of such service. No more than three years of credit towards the six-year service period shall be allowed on the initial appointment for the prior experience of such faculty member. However, a faculty member is eligible to be reviewed for tenure in any year following the faculty member's comprehensive review in the fourth year of actual and credited service. A request for a review prior to the seventh year may come from the individual faculty member.

Consideration leading to award of tenure or, if not granted, to notice of non-reappointment, shall be mandatory in such sixth year of actual and credited service if it has not occurred earlier; provided that the mandatory decision may be postponed to a subsequent year by prior written waiver by the faculty member of one or more years of credited service, or by written agreement between the faculty member, the Dean, and the Provost. However, the mandatory decision may be deferred only to a year (i) during which the one year notice of non-reappointment provided for in paragraph (D.vi.) of this Rule can be satisfied, by terms of the existing appointment or by reappointment, and (ii) which is within the ultimate period for mandatory decision permitted by the Laws of the Regents and the University Standards.<sup>139</sup>

#### E. Promotion to Professor.

(1) Consideration for promotion from Associate Professor to Professor will normally be within three years of the award of tenure. (In unusual cases, promotion might be coincident with the award of tenure.) This schedule allows the promotion decision to be made at a time when the faculty member has had time to establish his or her identity as a teacher and as a scholar. It also avoids timing the School's decision in a way that would be significantly slower than the prevailing schedules at other law schools (where the award of tenure and promotion are often simultaneous or closely timed).<sup>140</sup>

(2) Consideration of promotion of a faculty member shall be undertaken at the request of the Dean or a majority of the regularly appointed members of the Faculty Evaluation Committee senior in rank to the faculty member, but only after consultation with the faculty member involved.

#### F. Requests for Tenure Review.

(1) Consideration of recommending tenure shall be undertaken at the times specified in university policy or at any other time (1) upon the request of the Dean, (2) upon the request of the majority of the Appointments Committee when the question of tenure is related to the question of appointment, or in accordance with §1-7-8. <sup>141</sup>.

(2) Consideration of recommending tenure of a previously appointed member of the faculty under any of the provisions above shall not be undertaken without the consent of the faculty member involved, who shall consult with the Dean and after such consultation may request the Faculty Evaluation Committee to make a preliminary

evaluation of his/her performance and advise him/her as to the desirability of consenting to such consideration.

G. Reappointments. At a time not less than 15 months before any regular term appointment is to expire, the Faculty Evaluation Committee shall undertake the investigation and evaluation of the faculty member. All investigations and any meetings concerning a reappointment shall be scheduled expeditiously so that any action with respect to nonrenewal can be completed in time to give a member whose appointment is not to be renewed at least one year's notice.

H. Notice of Non-Reappointment. A member of the Faculty without tenure shall be entitled to written notice at least one year before the expiration of his/her appointment if he/she is not to be given a further appointment.

### **Misc. Rule 201 Post Tenure Review**

Regents' Rules require CU's tenured faculty to undergo posttenure review (PTR) every five years. When tenure is granted, there is an expectation of continued professional growth and productivity in research/creative work, teaching, and service. PTR's purposes are: (1) to facilitate continued faculty development, consistent with academic needs and goals of the University and with the most effective use of institutional resources; and (2) to ensure professional accountability by a regular, comprehensive evaluation of every tenured faculty member's performance.

The post-tenure review process begins with the award of tenure, and the first PTR occurs five years after the faculty member is continuously tenured and continues to occur at five year intervals unless a promotion review takes place. A promotion re-starts the PTR clock. The Office of Faculty Affairs (OFA) maintains a calendar for post-tenure review. Reviews can be delayed for a year upon the concurrence of the Dean, and OFA.

As part of System post-tenure review policy, all faculty shall prepare and regularly update a Professional Plan. Faculty members shall prepare their initial Professional Plan within twelve months of the award of tenure. Samples of the Professional Plan form used by the Boulder campus may be downloaded from the OFA forms page at <https://facultyaffairs.colorado.edu/forms>.

The Law School shall have a Post-Tenure Review Committee, comprised of members of the tenured faculty. During the year in which a faculty member undergoes PTR, she or he shall not serve on the PTR Committee. By September 1 of each academic year, the Dean shall notify faculty members to be reviewed and their level of review and copy the Committee chair. The Committee shall submit its reports to the Dean by December 15.

### **I. Regular Review**

Faculty members receiving annual Dean's evaluations of Meeting Expectations or better since their last PTR (or since tenure if this is the first PTR) undergo Regular Review. For each faculty member reviewed, the Committee shall examine the member's vita, Professional Plan, annual merit reviews, multiple measures of teaching, and other relevant information about the faculty member's efforts in research, teaching, and service. After

reviewing these sources, the Committee shall compose a brief report that addresses teaching, research/creative work, and service and assigns an overall evaluation rating. The Committee shall submit the draft to the faculty member for review. The faculty member approves or appends comments. The Committee forwards the report and any comments to the Dean. A copy of the report is placed in the member's Personnel File in Dean's Office and at OFA. The Dean reports to the Provost on Annual PTR results.

## **II. Triggered Review**

Triggered Review is required when a faculty member receives a Below Expectations Dean's rating during the five year PTR cycle. Faculty who receive an annual evaluation of Below Expectations at any time during the five year PTR cycle shall meet with the Dean to identify causes of the unsatisfactory evaluation and to plan and implement a written Performance Improvement Agreement (PIA) to address the situation. The PIA is an agreement between the faculty member and the Dean. It details a plan that the faculty member will follow to improve performance in problem areas.

1. Usually, a PIA will be established for one year, but, if research deficiencies warrant a longer period, it may be set for two years.
2. If the goals of the PIA are being/have been met, as evidenced in the next annual evaluation, the faculty member continues in the regular five-year post-tenure review cycle. If the goals of the PIA are not met at the next annual merit evaluation, an extensive review shall be initiated.

## **III. Extensive Review.**

Extensive Review is required when a faculty member receives a second Below Expectations Dean's rating during the five year PTR cycle.

A. The Committee shall examine the documents and other sources required for regular review plus the PIA from the last cycle, any differentiated workload agreements, the faculty member's written self-evaluation of performance, and any other material submitted by the faculty member. An assessment of research or scholarly work may use reviews external to the University if either the Committee or the faculty member requests them. When external reviews are used, the Committee and the faculty member shall recommend a list of

reviewers that the Committee shall invite. External reviews shall remain confidential; the faculty member shall not have access to them.

B. The Committee shall compose a summary evaluative report of teaching, research/scholarly work and service and share this report with the faculty member.

1. The report shall contain an enumerated list of deficiencies.
2. The report is not subject to approval by the faculty member.
3. The form used by the Boulder campus for the Evaluative Report is available at <https://facultyaffairs.colorado.edu/forms>.

C. Upon receipt of the Evaluative Report, the faculty member shall write within 20 calendar days a development plan, covering one or two years, which shall

1. Describe performance goals, strategies for attaining goals, and a timeline for attaining goals, for each deficiency listed in the Evaluative Report; and
2. Describe specific means of measuring progress towards or achievement of goals.
3. The Development Plan form used by the Boulder campus is available at <https://facultyaffairs.colorado.edu/forms>.

D. The Committee shall review a draft of the plan and provide written feedback to the faculty member and to the Dean.

1. The Committee shall review a second draft (if necessary) and make a recommendation to the Dean to accept or not accept the Development Plan.
2. The Dean shall accept the plan, or work with the faculty member to develop an acceptable plan. If either the Dean or the faculty member feels that an impasse has been reached, the parties are subject to Section IV.E, below.

E. Disagreements between the faculty member and the Dean are subject to the following arbitration process:

1. When either the Dean or the faculty member feels that an impasse has been reached, the matter shall be referred to the Vice Chancellor's Academic Committee (VCAC). The VCAC shall consider the materials assembled for the Extensive Review, the recommendation of the Committee, and any additional materials submitted by the parties or requested by the VCAC, and issue a binding set of findings which shall constitute the Approved Development Plan (ADP)

- a. At the completion of the Development Plan period (1 or 2 years), the Dean, in consultation with The PTR Committee, shall assess the progress of the faculty member towards meeting the goals of the ADP and shall submit to the Provost a report and recommendation on whether the ADP's goals have been satisfactorily met.

- b. The Provost, following consultation with the VCAC, shall determine whether the faculty member has met the ADP's goals. If the goals have been met, the faculty member shall prepare a new Professional Plan and begin a new five-year PTR cycle.

F. When the faculty member is judged by the Provost not to have attained the goals of the ADP, the Provost shall recommend appropriate sanctions to be applied to the faculty

member by the Chancellor in accordance with the rules and procedures stated on the OFA website.<sup>142</sup>

**Misc. Rule 202 Faculty Evaluation and Peer Review Committee**<sup>145</sup>

A. University Requirements for Faculty Peer Review.

The Regent Laws require that peer reviews shall be included in every primary unit's system for faculty evaluation: "Annual Merit performance evaluations for all faculty members shall be conducted by each campus. A peer evaluation process shall be used...." Regent Laws, Article 5.B.6 (A). The Regents also address implementation: "Merit shall be the prevailing factor in all recommended salary increases. Determination of merit shall be made by a collegial and consultative process within the primary unit using clearly articulated standards of merit and employing existing primary unit... guidelines, including peer review." University of Colorado Board of Regents, Policy 11B: Faculty Salary, Section 1B (April 29, 2014).

B. Coverage.

- (1) This Law School Rule shall apply to
  - a. permanent faculty (tenured and tenure-track members); and
  - b. continuing faculty (clinical, legal writing, library, and other non-tenure-track faculty members on contracts of one year or longer).
- (2) This Rule shall not apply to adjunct instructors.

C. Faculty Peer Review Committee.

- a. Members shall serve staggered two-year terms, with four or five new members appointed each year.
- b. The committee shall consist of nine members:
  - i. Four who are tenured;
  - ii. One who is pre-tenure; and
  - iii. Four who are continuing (one clinical member, one legal writing member, one library member, and one chosen from the remaining members of all continuing faculty categories).
- c. The members shall be chosen by lot from those members of the faculty who have served on the Law School faculty for at least one year and are not currently serving on the committee. The Dean shall each year constitute this committee before constituting any other committees. Those faculty members selected by lot shall be required to serve on the committee, absent extraordinary circumstances. All members shall be exempt from service for two years after their year of service. If a member should leave the

committee during his or her term for extraordinary circumstances, a replacement member shall be chosen by lot.

d. The committee shall have two subcommittees:

- i. One composed of the five tenured and tenure-track members; and
- ii. The other composed of the four continuing members.
- iii. The committee shall choose a committee chair.

e. The members of each subcommittee shall allocate among themselves responsibility for conducting initial evaluations of faculty members under that subcommittee's coverage. Each member shall report to the subcommittee, which shall then meet and make evaluations for all faculty members under that subcommittee's coverage. Those evaluations shall then be submitted to the Dean in the form of an annual report. The evaluations for library faculty, however, shall be submitted to the Director of the Law Library, who shall then make salary recommendations to the Dean, who shall be guided by those recommendations. Although most evaluation decisions shall be made in subcommittee, the committee may also meet as a whole when appropriate for organizational purposes.

f. Members of the committee shall be evaluated by the Dean instead of the committee.

#### D. System for Rating Faculty Members.

a. Faculty Submissions: Each faculty member shall submit to the committee the same self-evaluation materials as are required to be submitted to the Dean.

b. Standards: Unless a faculty member's contract specifies a different allocation of work, each faculty member shall be evaluated on the basis of the following allocations:

- i. Tenured and tenure-track members: 40% teaching, 40% research, 20% service.
- ii. Clinical members: 75% teaching, 25% service.
- iii. Legal writing members: 70% teaching, 30% service.
- iv. Library members: 80% librarianship, 10% research or creative work, 10% service.

c. Time Period: In evaluating faculty, the committee shall consider performance during the prior calendar year as well as performance over the faculty member's academic career.

d. Ratings:

- i. Each faculty member shall receive one of the following ratings: far exceeds expectations, exceeds expectations, meets expectations, falls below expectations, or inadequate. The median rating shall be "exceeds expectations." The committee's deliberations in allocating these ratings shall not be as extensive as those

undertaken by the Law School Faculty Evaluations Committee in discharging its functions.

ii. When appropriate, the committee may add comments to be considered by the Dean in making decisions on salary.

E. Decisions by the Dean.

a. The committee's recommendations shall guide the Dean's decision on faculty salaries.

b. The Dean shall meet individually with each faculty member to indicate and explain any recommendations made for annual salary increases. The faculty member shall be given the opportunity to respond to the recommendation. To the extent practical, such salary discussions shall take place before any recommendation is made to the University administration. Otherwise, they shall occur as soon as practical thereafter.

F. Grievances. A faculty member who disagrees with the Dean's decision may seek review in accordance with Miscellaneous Academic Rule 32 of the Law School Rules.

## **ARTICLE 8: Miscellaneous Faculty Personnel Policies**

### **§1-8-1 Salary**

The Dean shall meet privately with each faculty member to indicate and explain any recommendations made for annual salary increases. The faculty member concerned shall be given the opportunity to comment on, and to present evidence challenging, the propriety of the recommendation. If possible, such salary discussions shall take place before any recommendation is made to the University administration. Otherwise, they shall occur as soon as is practical thereafter.<sup>xxviii</sup>

### **Misc. Rule 27 Faculty Compensation Report<sup>xxix</sup>**

A. The Dean's Office shall publish annually a complete report of all compensation paid or committed to each member of the faculty during the preceding fiscal year. The report will be prepared during the summer months and will be available for inspection by the first day of September in each year. The report will not be circulated but a copy shall be provided to any faculty member who requests it. It will be a public document, subject to the Open Records Act. A copy will be maintained in the Dean's Conference Room, so that it can be inspected at any time by any interested person without making a request to anyone.

B. For purposes of this Report the following definitions apply:

- (1) Faculty includes the Dean, members of the classified staff, visiting faculty, adjuncts, or adjoints.
- (2) Compensation means any payment from any source, public or private, which is paid by the Law School, the University, or the University of Colorado Foundation. It does not include benefits paid to a faculty member as part of the standard benefits

package provided by the University, but does include any payments beyond the standard amounts.

C. As to each faculty member the Report shall specify the items of payment under three categories: salary, research grants, and other payments. As to each item of payment the Report shall indicate the amount, the source of the funding, and the purpose of the payment. For example:

<b>John Doe, Professor</b>		
<b>Salary</b>	<b>Source</b>	<b>Purpose</b>
\$75,000	Appropriated funds	9-month salary
10,000	Holmes Endowment	Holmes professorship
<b>Research Grant</b>		
\$5,000	Dean's Discretionary	Summer research grant
<b>Other Payments</b>		
\$1,500	Dean's Discretionary	Faculty Development Fund
\$500	Dean's Discretionary	Travel to Reno Conference

In addition to the Report due in September 1994, and annually thereafter, a similar Report will be prepared for the past two fiscal years.

**Misc. Rule 32 Faculty Salary Grievance Procedure<sup>xxx</sup>**

A. The Dean shall meet privately with each faculty member to indicate and explain any recommendations made for annual salary increases. The faculty member concerned shall be given the opportunity to comment on, and to present evidence challenging, the propriety of the recommendation. If possible, such salary discussions shall take place before any recommendation is made to the University administration. Otherwise, they shall occur as soon as is practical thereafter.

B. Salary grievances filed by tenured or tenure-track faculty shall be decided by a three-person panel to consist of one member elected annually by the faculty at its first meeting of the academic year, a second member appointed by the Dean within one week after the election, and a third member selected by the first two within one week after appointment of the second. All panel members shall be persons on full-time service during the fall semester who participate in the main faculty salary raise pool and are tenured or tenure-track faculty.

C. A salary grievance filed by a person who is not tenured or tenure-track faculty shall be decided by a three-person panel to consist of one member named by the grievant at the time



the request is filed, one member appointed by the Dean within three days thereafter, and one member jointly named by the first two within three days after appointment of the second. All members of the panel shall be persons on full-time service during the fall semester who participate in a salary raise pool.

D. To have a salary review request considered in the current academic year, an aggrieved person shall file a written request by September 15. The applicable panel shall establish its own procedures, consider evidence, and report its conclusion in writing to the Dean by October 15 of the same year. To award any salary increase, the panel vote shall be unanimous. The decision of the grievance panel shall be the final decision of the Law School.

E. The basis for salary review for tenured or tenure-track faculty shall be career merit, defined according to the Vice-Chancellor's memorandum of December 20, 1994, (as amended or superseded) and according to the Law School's traditional measures of teaching, scholarship, and service. Evidence of these measures shall be the factors listed below. Salary review for other persons shall be on the same basis except when adjustments for the grievant's assigned duties are appropriate.

Teaching and/or Practice of Librarianship <sup>xxxi</sup>

- Evaluations by students
- Evaluations by colleagues
- Creation of new courses or course materials
- Number of credit hours taught
- Number of students taught
- Use of writing assignments or other labor-intensive techniques in teaching
- Supervision of independent research and externships
- Teaching awards
- Other evidence deemed appropriate by the Dean

Research

- Quality and quantity of published research
- Quality and quantity of long-term work in progress
- Recognition of the value of work by the local, national, and when appropriate international community
- Scholarly speaking engagements
- Prizes for scholarship
- Other evidence deemed appropriate by the Dean

Service

- Contributions to the Law School community, including outreach into the larger community that adds to the school's reputation or standing
- Contributions to the University community, including outreach
- Contributions to the local and state communities, such as volunteer activities
- Contributions to scholarly and professional organizations
- Other evidence deemed appropriate by the Dean

**ARTICLE TWO**  
**Admission and Expulsion**

## **PART 1: Rules Applicable to All Students**

### **§2.1.1 General policy on admissions**

- A. The law school grants admission to qualified applicants who show intellectual promise and give evidence of high moral and ethical standards. The admissions program and the decision on each applicant are committed to the Admissions Committee and to the assistant dean responsible for admissions, operating in accordance with the general policies established in this Article, and guided by numerical enrollment objectives approved by the faculty. The general admission requirements for each category of student are described in the following Parts.
- B. ***Diversity in the Student Body.*** The intellectual ability to succeed in law school and as a lawyer shall be the primary criterion for admission. The educational program of the school is strengthened through the admissions process not only by requiring high intellectual, academic, and motivational qualifications of the members of the student body as a whole but also by obtaining a diversity of backgrounds, experiences, and viewpoints, which will contribute to vigorous student participation and interaction in the formulation, analysis, and evaluation of legal principles and the relation of these principles to changing institutional, economic, and social conditions and concerns. Therefore, in addition to other criteria, the admissions process shall take into account the needs of the school for such diversity, subject to such guidance as the faculty may from time to time provide.
- C. By unanimous agreement, in exceptional circumstances, the dean, the faculty chair of the Admissions Committee, and the assistant dean responsible for admissions may waive any requirement for admission, provided that no person shall be admitted in violation of the standards of the American Bar Association or the Association of American Law Schools.

### **§2.1.2 English proficiency**

All applicants are required to meet a standard of English proficiency established by the assistant dean responsible for admissions. At minimum, the criteria for proficiency shall include a minimum score on the Test of English as a Foreign Language (TOEFL), or similar standardized test, for all applicants who have not satisfactorily completed at least two years of full-time academic study in English at an accredited institution.

### **§2.1.3 Sanctions (including expulsion) for honor code violations**

- A. Proceedings to discipline a student based on alleged violations of the Honor Code shall proceed under that Code, and a student found to have violated the Honor Code is subject to the penalties provided in that Code. The “Faculty Review Committee” referenced in the Honor Code shall be a subcommittee, composed solely of resident faculty, of the Academic and Student Affairs Committee.
- B. ***Faculty Review.*** If the final action under the Honor Code includes a sanction, it shall be reviewed by the faculty as follows, regardless of whether any party requests review:

(1) The student-respondent shall have ten calendar days after receiving the report of the final action under the Honor Code to file a written reply to the decision. The dean may extend this limit for good cause.

(2) After the student-respondent's reply has been received or the ten-day period has expired, the dean shall make all documents and other materials of record in the case available for review by the faculty. The faculty shall be notified of the proceedings and of the materials prepared for their review.

(3) The faculty shall have ten calendar days to review the materials. Electronic voting shall be held open during the entire ten-day period. If a majority of the voting members on duty fail to vote to review the sanction, then the decision reached pursuant to the Honor Code shall be deemed the decision of the faculty. If a majority of the voting members on duty vote to review the sanction, the dean shall call a meeting for this purpose. At the meeting, the faculty shall consider only the record and shall have authority to increase or reduce the sanction imposed. A written report of the faculty's action shall be prepared and delivered to the student-respondent.

#### **§2.1.4 Sanctions (including expulsion) for other misconduct**

- A. Students at the law school are subject to all applicable university standards of conduct, with the procedures and sanctions established by university policy. In addition, for purposes of this section, the following conduct shall be violations of the law school rules only when the conduct is not a violation of the Honor Code.
- B. No student, whether or not currently enrolled in the law school, shall knowingly or recklessly engage in or attempt to engage in any of the following conduct:
  - (1) Providing materially false or misleading information to the law school in connection with the student's admission to the law school;
  - (2) Changing, falsifying, or tampering with an official or unofficial copy of a student transcript in any way that misrepresents the information contained therein;
  - (3) Making any other material misrepresentation to the university, the law school, or prospective employers as to any matter not covered by the Honor Code;
  - (4) Injuring or obstructing the operation of the law school in any of its academic or related functions;
  - (5) Injuring or obstructing the academic performance of their fellow law students.
- C. A student found to have violated the rules stated in this section may be expelled, suspended indefinitely or for a definite period, or refused permission to re-enroll, or may be subject to such lesser penalty or conditions as the faculty may impose. For changing, falsifying, or tampering with an official or unofficial copy of a student transcript in any way that misrepresents the information contained therein, the

presumed penalty is expulsion.

- D. Upon referral by the dean and upon at least ten days' written notice to the student-respondent, a disciplinary subcommittee, composed solely of faculty, of the Academic and Student Affairs Committee shall conduct a hearing at which the student-respondent shall have the rights to appear in person, to be represented by counsel, to present evidence and argument, and to confront and cross-examine accusers. If a faculty member is an accuser in the case, that member shall not participate as a member of the disciplinary subcommittee or as a member of the faculty reviewing the decision of the disciplinary subcommittee. A student-respondent shall not be represented by a member of the faculty.
- E. **Law School Representative.** The dean shall appoint a person, ordinarily an assistant or associate dean, to present evidence and argument against the student-respondent. Whoever presents evidence against the student-respondent shall not have any other role in the case.
- F. **Burden of Proof.** The law school shall have the burden of proof, and a violation shall be found only upon clear and convincing evidence.
- G. **Decision and Report.** After reaching its decision, the disciplinary subcommittee shall prepare a written report setting forth its findings and, if a violation is found, its recommended sanction. The report shall be delivered to the student-respondent and to the dean. A disciplinary subcommittee decision that no violation occurred is not subject to further review. When the disciplinary subcommittee finds a violation and recommends a sanction, the dean shall either affirm or reduce the recommended sanction.
- H. **Faculty Review.** Upon the dean's final action, any sanction approved by the dean shall be reviewed by the faculty, regardless of whether review is requested by a party, under the following procedures:
  - (1) The student-respondent shall have ten calendar days after receiving the report of the dean's action to file a written reply to the decision. The dean may extend this limit for good cause.
  - (2) After the student-respondent's reply has been received or the ten-day period has expired, the dean shall make all documents and other materials of record in the case available for review by the faculty. The faculty shall be notified of the proceedings and of the materials prepared for their review.
  - (3) The faculty shall have ten calendar days to review the file. Electronic voting shall be held open during the entire ten-day period. If a majority of the voting members on duty fail to vote to review the sanction, then the dean's decision shall be deemed the decision of the faculty. If a majority of the voting members on duty vote to review the sanction, the dean shall call a meeting for this purpose. At the meeting, the faculty shall consider only the record and shall have authority to increase or reduce the sanction imposed. A written report of the faculty's action shall be prepared and delivered to the student-respondent.

### **§2.1.5 Re-admission of expelled students**

- A. Any expelled student may petition the faculty in writing, at any time, for re-admission. The petition shall explain the student's reasons for believing they can complete the course of study in the law school satisfactorily. The student must also comply with any re-application procedures and deadlines imposed by the Admissions Committee, including submission of transcripts from any educational institution attended since leaving the law school and submission of materials relevant to matters of personal conduct.
- B. Petitions from students who were expelled for violation of the Honor Code or for other misconduct may be granted only under highly exceptional circumstances.
- C. Petitions from students who were expelled for failure to make satisfactory progress may be granted, in the discretion of the faculty, when the faculty determines that, if re-admitted, there is a substantial probability that the student will be successful in raising their cumulative average to the required 2.0 by the end of the following semester and will be able to maintain such minimum average thereafter.
- D. The faculty may attach any terms or conditions to re-admission that it determines to be appropriate.

### **§2.1.6 Leaves of absence**

- A. A JD student who has completed their first year in good standing may request a leave of absence by notifying the dean's office. Such requests are ordinarily approved, so long as the leave will not impair the student's ability to complete the JD program within the time allowed by Section 3-1-1.
- B. A student re-enrolling after a leave of absence must comply with procedures and deadlines imposed by the Admissions Committee and must submit supplemental materials relevant to matters of personal conduct.
- C. First-year JD students, MSL students, and LLM students are ordinarily not eligible to take leaves of absence. Such a student who dis-enrolls from the law school and later wishes to return must re-apply, except:
  - (1) An approved part-time schedule for an MSL or LLM student may, in the discretion of the faculty director of the program, include a semester in which the student is not enrolled.
  - (2) Any student in good standing may request a leave of absence because of military service; alternative service in satisfaction thereof, whether compulsory or voluntary; or VISTA or Peace Corps service. Leave shall be granted until the first practicable opportunity for the student to re-enroll after completing their initial service commitment.

### **§2.1.7 Non-degree-seeking students**

- A. A limited number of graduate students from other areas of the university, who are qualified to pursue special work within the policy of the Association of American Law Schools or the American Bar Association, may be admitted to certain courses as special students, though not as candidates for a law degree, upon the approval of the dean's office and the teacher of each course involved, provided there is room in the course without displacing a regularly admitted student. Coursework under this provision shall not be counted in computing class standings, nor shall it be counted toward the total number of credit hours required for graduation if the student is later admitted as a degree candidate, except on approval of the faculty, but such work done in a required course and in which the student received a grade of C or above may be counted in fulfillment of the specific course requirement (i.e., the required course need not be repeated).
- B. JD candidates enrolled in other law schools that are members of the Association of American Law Schools or fully approved by the American Bar Association may enroll as visiting students upon filing an application and a letter of good standing from the dean of the law school in which the student has been enrolled, as directed by the registrar. Law students from non-US jurisdictions may enroll as visiting students pursuant to an agreement between this law school and the student's home school. If the visiting student intends to transfer to this law school and to receive credit for the visiting work toward a degree from this school, they must apply as a transfer student. If final acceptance as a transfer is not granted until after enrollment as a visitor, the student may receive credit toward graduation for work done as a visitor in the discretion of the dean's office.

#### **§2.1.8 Disclosure to bar examiners**

Conduct of any student that casts doubt on their eligibility for admission to the practice of law, whether or not such conduct relates to the law school or any of its functions and whether or not any hearing has been held, may be disclosed by the dean's office or by a member of the faculty to the bar examiners of this state or of any other jurisdiction in which the student may later seek admission to the bar.

**PART 2: JD Program:** Participation in the JD program is governed by these rules and by the rules in Part 1, which apply to all students.

#### **§2.2.1 Admission of new JD students**

Students who have not previously attended law school shall:

- A. Possess high moral and ethical character as evidenced by the information given on application forms and letters of evaluation.
- B. Present transcripts from each college attended showing award of a baccalaureate degree, successful completion of at least 90 semester credit hours or 135 quarter credit hours, and an acceptable undergraduate grade average as computed from all transcripts filed. Otherwise-qualified applicants who are currently enrolled in a college

or university may be accepted during their senior year for admission in the following fall on condition that they actually receive a baccalaureate degree before enrollment.

- C. Present an acceptable score on the Law School Admission Test.
- D. Indicate a willingness to subscribe to the law school's student-administered Honor Code and to the university's Student Code of Conduct.

### **§2.2.2 Admission of transfer students to the JD program**

Students transferring into the JD program shall:

- A. Meet all the criteria for students who have not previously attended law school.
- B. Present final transcripts reflecting all law school work undertaken, with a cumulative grade average sufficient to indicate probable success in the JD program. The previously attended law school(s) must have been a member of the Association of American Law Schools or fully approved by the American Bar Association. Applicants who have attended law schools not in either of these categories must meet all requirements for transfer students but may be admitted only to the entering class.
- C. Present a letter from the dean of each law school previously attended, stating that the student is in good standing and is eligible to continue at that institution without qualification.

### **§2.2.3 Credit and standing for transfer students**

- A. Credit for work completed before transferring into the program shall be granted in an amount and on such conditions as are determined by the dean's office, in no case to exceed the number of credit hours earned with a grade of C or higher. Transfer students will not be given formal credit for courses taken at other law schools until they have completed at least one semester of work in this law school with an overall average of C or above, although informal evaluation may be made at or before the time of initial registration in this school. They are admitted to such advanced classes at the law school in their entering semester as may be determined by the dean's office, but with the understanding that no credit for work at other schools will be recorded on their transcript until they have achieved the requisite average here.
- B. Grades received for courses taken in other law schools will not be counted toward class standing in this law school. Such standing will be calculated on the basis of coursework in residence here. The dean's office may, in its discretion, decide whether grades received by a transfer student, as a visiting student at this law school before admission as a regular student, shall be counted toward class standing after admission.
- C. No credit shall be given for work done in American law schools that are not members of the Association of American Law Schools or fully approved by the American Bar Association. Transfer students from such law schools shall be admitted without advanced standing and without credit for any work done in such law school.

- D. Transfer students who are not, at the time of transfer, in good standing and eligible to continue without qualification in the school from which they come are not normally admitted to the law school. Should a student be admitted upon waiver of this requirement, however, the student will be admitted only without advanced standing and without credit for any work done in the previous law school or schools, except by action of the faculty.

#### **§2.2.4 Expulsion for failure to make satisfactory progress**

Any JD student whose cumulative grade average is below 2.0 at the end of any semester shall be expelled at the end of their first semester (not summer term) of law school attendance thereafter, unless by that time they have brought their cumulative average to 2.0, except:

- A. Any student whose cumulative grade average at the end of their first full semester of law school attendance is below 1.7 shall not be eligible to continue.
- B. Any student whose semester average for the second semester of law school attendance is 2.0 or above shall be eligible to continue for a third semester, although their cumulative average is below 2.0.
- C. A student permitted to remain for a third semester under subsection (B) shall be eligible to continue for a fourth semester if their semester grade average in the third semester, carrying a normal load, is as much above 2.0 as their cumulative average after the second semester is below 2.0. A student failing to reach a 2.0 cumulative average at the end of their fourth semester shall not be eligible to continue.
- D. Examples (assuming an equal number of credit hours in each semester): (1) Average for first semester – lower than 1.7; not eligible to continue; (2) Average for first semester – 1.8; average for second semester – 1.9; not eligible to continue; (3) Average for first semester – 1.8; average for second semester – 2.1; eligible to continue for a third semester under (B); (4) If the student in example (3) earns an average of 2.05 in their third semester, they would be eligible to continue for a fourth semester under (C).

**PART 3: MSL Program:** Participation in the MSL program is governed by these rules and by the rules in Part 1, which apply to all students.

#### **§2.3.1 Admission of MSL students**

- A. The MSL program provides concentrated study to non-lawyers whose careers would be enhanced by limited legal training within a specialty area. The specialty areas build on the distinctive strengths of the law school and the particular needs of the Colorado job market. The MSL program is administered by a faculty director for each specialty area.
- B. Applicants for the MSL program may not have a JD upon entry to the program and may not transfer credits toward a JD if one is later pursued. In addition, applicants shall:



- (1) Possess high moral and ethical character as evidenced by the information given on application forms and letters of evaluation.
  - (2) Present transcripts from each college attended showing award of a baccalaureate degree with an appropriate program of study, successful completion of at least 90 semester credit hours or 135 quarter credit hours, and an acceptable undergraduate grade average as computed from all transcripts filed.
  - (3) Indicate a willingness to subscribe to the law school's student-administered Honor Code and to the university's Student Code of Conduct.
  - (4) Meet any additional admissions requirements established jointly by the faculty director and the dean.
- C. The MSL is ordinarily a one-year, full-time program. With the approval of the faculty director, a student may enroll part-time in the MSL program if the student is exceptionally well qualified, presents persuasive reasons for pursuing a part-time program, and presents a plan that will lead to their graduation within three calendar years; and the student's admission will not result in denial of admission due to lack of space to any qualified full-time applicant.

### **§2.3.2 Expulsion for failure to make satisfactory progress**

Any MSL student whose cumulative grade average is below 2.0 at the end of any semester shall be expelled.

**PART 4: LLM Program:** Participation in the LLM program is governed by these rules and by the rules in Part 1, which apply to all students.

### **§2.4.1 Admission of LLM students**

- A. The LLM program provides concentrated study in a specialized area of law for students who already hold a first law degree, or its equivalent. The LLM program is overseen by a faculty director for each specialty area.
- B. Applicants for the LLM program shall:
  - (1) Possess high moral and ethical character as evidenced by the information given on application forms and letters of evaluation.
  - (2) Possess high moral and ethical character as evidenced by the information given on application forms and letters of evaluation.
  - (3) Present transcripts from each college, university, and law school attended showing award of a degree sufficient for entry into the practice of law in the relevant jurisdiction and an acceptable grade average as computed from all transcripts filed.
  - (4) Indicate a willingness to subscribe to the law school's student-administered Honor

Code and to the university's Student Code of Conduct.

- (5) Meet any additional admissions requirements established jointly by the faculty director and the dean.
- C. The LLM is ordinarily a one-year, full-time program. With the approval of the faculty director, a student may enroll part-time in the LLM program if the student is exceptionally well qualified, presents persuasive reasons for pursuing a part-time program, and presents a plan that will lead to their graduation within two calendar years; and the student's admission will not result in denial of admission due to lack of space to any qualified full-time applicant.

#### **§2.4.2 Expulsion for failure to make satisfactory progress**

Any LLM student whose cumulative grade average is below 2.0 at the end of any semester shall be expelled.

### **ARTICLE THREE Graduation Requirements, Curriculum, and Administration of Courses**

#### **PART 1: Graduation Requirements**

##### **§3.1.1 Requirements for juris doctor (JD) degree**

Satisfactory completion of the following requirements leads to the degree Juris Doctor (JD):

- A. Completion of 89 credit hours with a grade-point average of 2.0 or better, provided that at least 45 credit hours must be earned for work done at this law school, and a student who is not in residence at this law school during the last two semesters of study must have earned at least 60 credit hours at this law school.
  - (1) At least 75 of the 89 credits counted toward the JD degree must be earned in law courses that require regular attendance in regularly scheduled classroom sessions or direct faculty instruction, including simulation or clinical courses in compliance with ABA Standard 304, distance education in compliance with ABA Standard 306, and law-related studies or activities outside the United States in compliance with ABA Standard 307. In particular, the 75 credits shall not include credit for co-curricular activities (such as journals and competitions); independent legal research; courtroom observation courses; externships or other study outside of the classroom; or coursework completed in another department, school, or college of the University of Colorado or in a non-law department at another institution of higher learning.
  - (2) Correspondingly, no student shall receive more than 14 credits toward the JD degree for any combination of the following: co-curricular activities (such as journals and competitions); independent legal research; courtroom observation courses; externships or other study outside of the classroom; and coursework

completed in another department, school, or college of the University of Colorado or in a non-law department at another institution of higher learning.

- (3) In addition to the combined limit of 14 credits, the following limits apply to credit toward the JD degree for particular categories of activities:
- a. No more than 6 credits for non-law courses, except pursuant to a dual-degree program. Students who receive non-law credit pursuant to a dual-degree program are not eligible for additional non-law credit.
  - b. No more than 8 credits total for co-curricular activities, such as journal and competitions, and no more than 5 credits for competitions, except that a student may receive up to 7 credits for competitions if those credits consist of 2 credits for participation in Barrister's Council, 1–3 credits for mock trial, and 1–3 credits for moot court.
  - c. No more than 7 credits total for externships, except that a student who completes a single 10-credit externship may receive the entire 10 credits. (The 2-credit Remote Externship Component that accompanies a 10-credit externship does not count toward this cap.)
- B. Completion of all required courses, except when completion of a particular course is waived as otherwise provided in these rules. The required courses in effect for the year in which a student is first enrolled shall normally govern the requirements for the student's graduation. Requirements for students returning after an interruption in their legal education shall be determined by the dean in consultation with the Academic and Student Affairs Committee, if changes have been made to the list of required courses.

Required courses to be taken in the first year shall be:

- Civil Procedure (4 credit hours)
- Constitutional Law (4 credit hours)
- Contracts (4 credit hours)
- Criminal Law (4 credit hours)
- Legal Research (1 credit hour)
- Legal Writing I (2 credit hours)
- Legal Writing II (2 credit hours)
- Legislation and Regulation (3 credit hours)
- Property (4 credit hours)
- Torts (3 credit hours)

Required courses to be taken in the second or third year shall be:

- Evidence (3 credit hours)
- Legal Ethics and Professionalism (3 credit hours)
- Seminar (2 or 3 credit hours)
- Approved Experiential Courses and Placements (6 credit hours)

The seminar shall require substantial legal research and writing, ordinarily in the form of a research paper. Seminars in which written problem solutions or similar

written work is required shall qualify as seminars if the total written work required is equivalent in quantity and quality to a substantial research paper. All papers submitted in a seminar shall be subjected to thorough and individual criticism by the teacher and, save in extremely exceptional cases, shall thereafter be rewritten before being submitted for a grade.

Experiential courses are simulation courses, law clinics, and externships that are consistent with ABA Standard 303(a)(3) and that appear on a list of approved experiential courses maintained by the dean's office. At least 2 of the 6 experiential credits must be obtained in regularly scheduled class sessions, as opposed to externships or other activities subject to the 14-credit cap in §3.1.1.A(2).

- C. Completion of the course of study for the Juris Doctor degree no earlier than 27 months and no later than 84 months after a student has commenced law study at this law school or a law school from which this school has accepted transfer credit.
- D. Satisfaction of any conditions imposed at the time of admission.
- E. In addition to the regular degree, a JD student may pursue a dual degree or a specialty certificate as set out in Part 4 of this Article.
- F. The law school is a member of the Order of the Coif and confers graduation honors, in the form of membership in the Order, according to the criteria set by the Order. The local chapter of the order and the dean's office are responsible for questions regarding administration of those criteria.

### **§3.1.2 Requirements for master of studies in law (MSL) degree**

Satisfactory completion of the following requirements leads to the degree Master of Studies in Law (MSL):

- A. Completion of 28 credits of course work, approved in advance by the faculty director of the MSL program, with a numerical average of 2.0 or better. MSL students may undertake these credits in a full-time schedule over one year or undertake a part-time schedule over a longer period of time.
- B. As part of the 28 credits, completion of Introduction to US Law for MSL Students.
- C. Demonstration of domain expertise within a specialty track by completing the requirements for the student's chosen specialty, as determined by the faculty director of the track consistent with Part 4 of this Article and subject to approval by the dean. Each MSL candidate shall choose one, and only one, specialty track.
- D. Satisfaction of any conditions imposed at the time of admission.

### **§3.1.3 Requirements for master of laws (LLM) degree**

Satisfactory completion of the following requirements leads to the degree Master of Laws (LLM):

- A. Completion of 24 credits of course work, approved in advance by the faculty director of the LLM program, with a numerical average of 2.0 or better.
- B. As part of the 24 credits, completion of Introduction to US Law for LLM Students and Introduction to US Legal Practice: Legal Writing, Research, and Analysis. Either or both of these requirements may be waived by the faculty director of the LLM program if the student received their first law degree in a common law country.
- C. Demonstration of domain expertise within a specialty track by completing the requirements for the student's chosen specialty, as determined by the faculty director of the track consistent with Part 4 of this Article and subject to approval by the dean. Each LLM candidate shall choose one, and only one, specialty track.
- D. Satisfaction of any conditions imposed at the time of admission.

## **PART 2: Curriculum**

### **§3.2.1 Designation of courses**

- A. The curriculum of the Law School shall consist of courses, seminars, and other academic programs or activities approved by the faculty and designated by the dean to be offered in a given semester. Sufficient courses shall be offered each year to make it possible for any regular student to complete the normal course of the JD degree in 6 semesters (fall and spring). The faculty may approve, for inclusion in the law school curriculum, courses taught by law faculty in other schools or departments in the university. The dean and faculty reserve the right to change any announced courses, schedules, or teachers.
- B. Only a course that qualifies as a research and writing seminar under §3.1.1.B of these Rules shall be designated as a seminar in the title of the course.
- C. In accordance with ABA Standard 310, including Interpretations 310-1 and 310-2:
  - (1) Each credit hour awarded for any law school course shall reasonably approximate at least one hour of classroom or direct faculty instruction per week for a fifteen-week period (or the equivalent total amount over a different period of time). The fifteen-week period may include fourteen weeks of instruction and a week for a final examination.
  - (2) For each hour of classroom or direct faculty instruction, students are expected to perform at least two hours of out-of-class work. An "hour" of classroom or direct faculty instruction shall be at least 50 minutes.
  - (3) A credit hour awarded for other academic activities, including non-law courses, shall require the equivalent amount of student work as would be required for a

credit hour for an ordinary course.

### **§3.2.2 Sections and electives for first-year JD students**

Taking the full schedule of required first-year courses constitutes a full load for a first-year JD student. First-year JD students will be assigned to sections on such basis as the dean's office deems appropriate with a view toward distributing students equitably in sections. Students may not transfer between sections except with the approval of the dean's office upon a showing of unusual circumstances.

In the spring semester, first-year JD students may enroll in electives that are designated as first-year electives.

### **§3.2.3 First-year JD writing requirement for small sections**

Teachers of first-year small sections in the JD program shall require writing exercises during the semester, separate from any exam. In the fall term, the exercise shall be required but may be ungraded. In the spring term, at least one such exercise shall be graded and count for at least 10% of the grade for the course. The appropriate associate dean shall convene a meeting of the first-year small-section teachers to discuss and coordinate the writing assignments required by this rule. (For purposes of this rule, a first-year small section is a first-year substantive course in which the enrollment is no more than one-fifth of the entering class.)

### **§3.2.4 Clinical courses**

- A. A second- or third-year JD student with a cumulative law school grade-point average of at least 2.3 is generally eligible to enroll in a clinical course. Clinical teachers have discretion to determine whether enrollment in a specific clinic will be limited further based on the particular requirements of that clinic. If a student has a cumulative law school grade-point average of at least 2.0 but less than 2.3, the student may enroll in a clinic only with the permission of both the teacher of the course and the director of the clinic. LLM students may also enroll in clinical courses, at the teacher's discretion.
- B. Because of the clinic's responsibilities to its clients, a student who is not meeting the essential work requirements of a clinical course may be required to withdraw from that clinic and will not receive credit for the course.
  - (1) At the beginning of each term for a clinical course, the teacher shall provide the students with a clear statement of the essential work requirements.
  - (2) If the teacher determines at any time that a student is failing to meet any essential work requirement of the clinic:
    - (a) The teacher must consult with the clinic director, and both the teacher and the clinic director must determine whether the student's failure is sufficiently serious to warrant requiring the student to withdraw and whether there are reasonable remedial measures that the student could take to sufficiently rectify or mitigate the failure to meet the essential work requirements. (If the clinic

director is also the teacher, then the second decision-maker shall be the senior ranking member of the clinical faculty.)

- (b) If the teacher and the clinic director agree that the student's failure is sufficiently serious to require the student to withdraw from the clinic and that there are no reasonable remedial measures available to the student, then the student will be required to withdraw. The student will receive no credit and no grade for the course, and their transcript will show a W for "withdrawn."
  - (c) If the teacher and the clinic director disagree about either the seriousness of the student's failure or the prospects for remediation, then a meeting shall be called of all full-time clinical faculty members. The teacher and the clinic director will present their positions, and a course of conduct will be determined by a vote of the majority of full-time clinic faculty.
- (3) A student who is required to withdraw from a clinic will not be permitted to enroll in another clinical course in the term immediately following the term in which the student was required to withdraw.
  - (4) The mandatory withdrawal process described in this rule is independent of a teacher's authority to grade all students who remain enrolled at the end of the term.

### **§3.2.5 Credit for independent legal research**

Subject to the caps specified in §3.1.1.A(3), a JD student may earn up to 3 Independent Legal Research credits in or after the fifth semester in the JD program through pursuit of a research interest that is not otherwise available for the student to study. The student desiring credit must, before enrolling for it, secure approval from a resident faculty member (not an adjunct) willing to supervise the project, based on a detailed proposal. In order to receive 2 credits for the work, the student must produce a research paper at least equivalent to a seminar research paper, as determined by the supervising faculty member. As with seminar papers, the normal expectation is that the student will submit a draft for thorough critique by the supervising faculty member, after which the student will re-draft the paper. The supervising faculty member may require further re-drafts before assigning a grade to the work. In extraordinary circumstances, and with the permission of the supervising faculty member, a student may petition to receive a total of 3 credits for a single project.

### **§3.2.6 Credit for journal work**

Subject to the caps specified in §3.1.1.A(3), JD students may receive pass-fail credit for participating in the writing, editing, and production of the *University of Colorado Law Review*, the *Colorado Technology Law Journal*, or the *Colorado Environmental Law Journal* on the following conditions:

- A. Credit is awarded by the member or committee of the faculty appointed to advise the journal. The decision to award credit, the amount awarded, and the grade (pass or fail) shall be based on the record of the student's work on the journal and on the

recommendation of the editor-in-chief. (The editor-in-chief is responsible for maintaining a record of each student's work.) Credit may be awarded only to those students who devote a substantial amount of time and effort to the writing, editing, or production of a journal during the relevant period.

- B. A second-year student who is a member of a journal and satisfactorily performs the duties of membership will receive 2 credits during that year.
- C. Normally, each member of the editorial board of a journal will receive 2 credits for work during each semester of the third year of law school. Third-year students not serving on the editorial board will not receive credit unless the editor-in-chief recommends them for 1 or 2 credits per semester for participation in the writing, editing, or production of the journal.

### **§3.2.7 Credit for faculty-supervised competitions**

Subject to the caps specified in §3.1.1.A(3), JD students may receive pass-fail credit for participating in faculty-supervised competitions on the following conditions:

- A. Credit is available for participation in Barristers' Council, internal competitions, and external competitions.
  - 1. A JD student may earn 1 Barrister's Council credit (which counts as a competition credit) per semester, up to a total of 2 credits, for doing one or more of the following: serving on the executive board of the Mock Trial or Transactional Division of the Barristers' Council; participating as a member of the Moot Court Division of the Barristers' Council; or coaching a 1L internal-competition team (for members of the Mock Trial Division, in the spring semester).
  - 2. A JD student may earn 1 competition credit for participating in Boss (moot court), Rothgerber (moot court), or the Carrigan Cup (mock trial), so long as the student completes a satisfactory brief (moot court) or satisfactory competition materials (mock trial) and competes in at least one round of the competition. Advancing to later rounds does not confer additional credit.
  - 3. A JD student may earn 1 competition credit for participating in an external competition sponsored by the Barristers' Council, so long as the student satisfactorily completes the requirements of the competition. Advancing to the later rounds in a competition does not confer additional credit. Unless the student has received an exemption from this requirement approved by the faculty supervisor of the competition, a student must be a member of one of the three Barristers' Council divisions in order to participate in a Barristers' Council-sponsored external competition.
- B. Credit is awarded by the faculty supervisor of the Barristers' Council or of the relevant competition. The decision whether to award credit, the amount of credit, and the grade (pass or fail) shall be based on the student's brief (for moot court), competition materials (for mock trial), or satisfactory evidence that the student completed their service commitment (for Barristers' Council).



### **§3.2.8 Credit for externships**

- C. Subject to the caps specified in §3.1.1.A(3), a JD student may receive pass-graded credits for participating in the externship program as follows:
1. To be eligible for an externship, a student must have earned at least 30 law school credits and be in good academic standing at the beginning of the externship.
  2. An eligible student may apply to enroll in an externship by submitting the application form required by the director of experiential learning. The form must include a detailed statement of the proposed program, which must be approved by the proposed field supervisor. The field supervisor must be a lawyer or judge who is employed by the sponsoring organization, which must be a governmental or non-profit entity.
  3. The externship must include at least 50 hours of working time for each credit hour to be awarded and must include a substantial writing component.
  4. The externship application must demonstrate, and the director of experiential learning must determine, that the proposed program is of substantial educational value; that it provides instruction in professional skills and substantive law; that the work to be done is of the kind a beginning lawyer might do in a professional capacity or is closely related thereto; that it includes a substantial writing component; that the field supervisor is a qualified person able to assume the burden of supervision; and that adequate records of the time spent by the student will be furnished by the sponsoring organization.
  5. When approving a program, the director of experiential learning shall specify the educational objectives that should be achieved by the program and shall report those objectives to the student and the field supervisor.
  6. The student must regularly attend the curricular component of the externship program, as instructed by the director of experiential learning.
- D. Credit is awarded by the director of experiential learning, in consultation with the field supervisor, with whom the director shall maintain a method for communicating throughout the externship. The decision to award credit and the amount awarded shall be based on the requirements set out above and on the educational objectives specified by the director when approving the application.
- E. Subject to the caps specified in §3.1.1.A(3), a student may earn up to 7 credits for a one-semester externship in Colorado or 10 credits for a national or international placement. A student enrolled in a 10-credit externship must simultaneously enroll in the accompanying 2-credit Remote Externship Component, which shall be graded. With special permission of the appropriate associate dean, the student may substitute an alternative course for the Remote Externship Component.
- F. The primary purpose of any externship placement is educational. However, a student

may receive compensation from the sponsor or on its behalf during the period of the student's externship. To the extent that any sponsor chooses to compensate students, it must do so in accordance with all applicable federal, state, and local wage-and-hour laws.

- G. The director of experiential learning must have a JD but need not be a member of the faculty. The director, or another staff or faculty member actively involved in administering the externship program, shall make an annual report (orally or in writing) to the faculty on the state of the externship program, including information about any externships approved for seven or more credits in a semester and externships outside of the state of Colorado.

### **§3.2.9 Credit for courses in other departments at CU-Boulder**

- A. Subject to the caps specified in §3.1.1.A(3), JD students who have completed two full-time semesters (or equivalent) in the law school, and MSL and LLM students with the permission of their program's faculty director, may receive pass-graded credit for courses offered at the University of Colorado, Boulder, outside the law school, if the course has been approved by the Academic and Student Affairs Committee for the student's degree.
- B. The approval process is as follows:
  - (1) Any law student or member of the university faculty may request the Committee's approval of a course for law-degree credit by submitting a letter explaining why the course should be regarded as "law-related" and accompanied by a syllabus showing in fair detail the substantive coverage of the course. Only courses at the graduate level will be considered, and online courses are disfavored.
  - (2) The Committee will deny the request if the subject matter of the course significantly duplicates a course offered in the law school in the same academic year, unless a particular student attempted to enroll in the law school course but was unsuccessful because the course was oversubscribed.
  - (3) If the Committee, in its discretion, approves the course for credit toward one or more law degrees, the approval is for one year only. Renewal for any subsequent year requires a new request under this rule.
  - (4) In order to receive credit toward the JD, the student must be regularly enrolled in the law school at the time they take the non-law course and must receive a grade of B or above. However, for law school purposes, the grade will count only as "pass" and will not be used in any grade-point calculations.

### **§3.2.10 Credit for coursework at other law schools**

- A. Credit for work done before or in the process of transferring to this law school is governed by the rules on transfer students, §2.2.3.
- B. A student on leave from this law school may receive credit toward the JD degree for a

course taken at another law school, including another law school's study-abroad program, provided that:

1. the student obtains approval in advance from the registrar and from the appropriate associate dean;
  2. the dean or the appropriate associate dean determines that the course has substantial content;
  3. the school offering the course is either a member of the Association of American Law Schools or on the approved list of the American Bar Association; and
  4. the student receives the equivalent of a C grade or higher.
- C. Credit for study in foreign law schools will be handled as the cases arise by the dean's office. In general, credit will be given only for work of acceptable quality done in law schools teaching the common law system and with academic standards apparently comparable to this law school's.
- D. Grades received for courses taken in other law schools will not be counted toward class standing here.

### **§3.2.11 Changes to the curriculum**

Changes to the curriculum, including new courses, new seminars, changes in the credit hours for a course, and the like, may be proposed by any member of the resident faculty or by the dean. Proposals shall be made in writing, addressed to the Academic and Student Affairs Committee, and supported by such data or reasons as are appropriate to the proposal. In the case of new courses or seminars, the proposal should be supported by an outline of the subject matter to be covered. The Committee may take final action on proposals for new seminars and on such minor administrative matters as changes in course titles. All other proposed changes shall be studied by the Committee and then submitted, with its recommendation, for decision by majority vote of the faculty.

## **PART 3: Administration of Courses**

### **§3.3.1 Scheduling of classes**

After a preliminary schedule of classes for the following semester has been drafted, each member of the faculty will be consulted with respect to their proposed schedule before a final draft is prepared. To the extent that faculty members tend to request similar teaching schedules, the registrar and the dean shall ensure that more and less desirable class times are fairly distributed among the faculty over time, consistent with the goal of scheduling courses to provide students with access to the full range of the curriculum as far as is feasible; provided that the schedule shall accommodate, when feasible, a teacher's pedagogical preferences, such as whether a three-credit course should meet two or three times per week or the general time of day (morning, afternoon, evening) when a seminar should meet. Permanent faculty should direct specific scheduling requests to the

appropriate associate dean and not to the registrar.

### **§3.3.2 Minimum and maximum enrollment**

- A. No course (or section of a course) may enroll more than 86 students, unless the teacher consents to a higher limit, provided that the faculty or the Academic and Student Affairs Committee may establish a lower limit. If the teacher of a course other than a clinic or a seminar wishes to request a lower limit, they shall submit a request to the Academic and Student Affairs Committee far enough in advance for the Committee to act before registration for the term in which the course is to be taught.
- B. No seminar shall enroll more than 12 students, except that a teacher may allow up to a maximum of 15.
- C. Maximum enrollment in a clinical course is set by the clinic director in consultation with the teacher.
- D. If a course other than a seminar or a clinic has an enrollment of fewer than six students after the first two scheduled meetings of the course, that course shall automatically be cancelled. If a seminar has an enrollment of fewer than three students at the end of the first week of classes, that seminar shall automatically be cancelled. The associate dean responsible for curricular matters has discretion to waive the obligation of this rule.

### **§3.3.3 Minimum and maximum course loads**

- A. No JD student may enroll at any time in coursework that, if successfully completed, would exceed 20% of the total coursework required for graduation.
- B. First-year JD students must register for the full first-year curriculum of required first-year courses. A JD student may register for fewer than 10 credit hours in one semester of the second or third year of study. In all other regular semesters, a student shall register for at least 10 credit hours unless an exception for extraordinary cause is approved by the dean's office.

### **§3.3.4 Employment during law school**

JD students may not be employed during the first two semesters of study except with permission from the dean's office due to exceptional circumstances. No student who is enrolled in more than 12 credit hours may be employed more than 20 hours per week.

### **§3.3.5 Adding, dropping, or withdrawing from a course**

- A. A student may add a course until the add deadline specified by the university. Thereafter, a student may add a course only with the consent of the teacher and the dean's office.
- B. No student enrolled in a required first-year course may drop the course without the consent of the dean's office, for good cause shown.

- C. No student enrolled in a clinical course may drop that course without discredit (an F grade) after the last business day before the first day of classes for that semester without the consent of the teacher.
- D. No student enrolled in Evidence and Trial Practice may drop such course without discredit (an F grade) after the special drop date established and posted by the registrar, except by obtaining the consent of the teacher in writing, and only upon approval, for good cause shown, by the dean's office. The dean may from time to time designate similar special drop dates for other courses with special scheduling needs.
- E. All other upper-level courses may be dropped via the student enrollment system at any time before the drop deadline set by the university. After that deadline, but before the withdrawal deadline set by the university, a student may not drop a course but may withdraw with the permission of the teacher. Such a withdrawal is signified by a W on the student's transcript.

### **§3.3.6 Attendance**

The law school requires regular and punctual class attendance of all students. Absence or lateness by a student for more than 20% of the total number of classes in any course shall be cause for the teacher to reduce the student's grade as the teachers deems appropriate, up to and including the assignment of an F. A teacher may also increase the grades of students whose attendance, preparation, and participation exceed what is required.

### **§3.3.7 Examinations**

- A. A two-day period of no classes should be scheduled to precede the examination period in each semester.
- B. At the start of each semester, each teacher of a course shall notify their students and the registrar of their plans regarding any final exam for the course. Unless prohibited by university policy, each teacher shall have the option to choose:
  - (1) A timed in-person exam administered on campus. A 4-credit course is normally expected to have a three- or four-hour exam, a 3-credit course a two- or three-hour exam, etc.
  - (2) A timed remote exam, similar to an in-person exam except that students may take the exam from any location on the day specified by the registrar;
  - (3) A one-day remote exam, running from 8am to 5pm, which students may take from any location on the day specified by the registrar; or
  - (4) A take-home exam, which students take on their own time over more than one day during the exam period.

These options are administered by the dean's office in order to facilitate anonymous grading. Nothing precludes a teacher from assigning other work, such as research papers for a seminar, that is due during the exam period. However, no assignments

shall be due during the two-day reading period between the last day of classes and the first day of exams.

- C. A student may ask to reschedule an exam if they have two exams on the same day, exams on three days in a row, more than three exams in one week, or an afternoon or full-day exam on one day followed immediately by a morning exam. The request to reschedule should be made in writing, by the deadline set by the registrar. The registrar shall choose which exam to reschedule, and ordinarily the new date will be on the nearest later day that does not cause another right to reschedule under this subsection.
- D. A student who wishes to request exam accommodations related to disability, religious observance, or other accommodations required by law should do so in writing as early in the semester as feasible and no later than the deadline set by the registrar.
- E. If, due to illness, other medical condition, or similar good cause, a student is unable to appear for an exam or starts an exam and is unable to continue, the student should contact the registrar, who may reschedule the exam or permit the student extra time. The registrar shall inform the teacher of the course of any such allowances or other irregularities in exam administration.
- F. The faculty shall retain final exams for one year following the date of the exam.

### **§3.3.8 Grading**

- A. In any course not designated by the faculty as pass-graded or pass-fail, the teacher shall assign to each student a letter grade within the university's 12-step plus/minus grading system. For each credit hour, the letter grades have the following point values.

<b>Grade</b>	<b>Point Value</b>
A	4.0
A-	3.7
B+	3.3
B	3.0
B-	2.7
C+	2.3
C	2.0
C-	1.7
D+	1.3
D	1.0
D-	0.7
F	0.0

- B. In a course with a final exam or other anonymously graded assignment, the teacher will submit the anonymous grades to the registrar before seeing the list that matches each student's name with an exam number. After submitting the anonymous grades, the teacher may obtain the list of names and exam numbers in order to incorporate any additional components of the course grade, such as classroom performance and any other non-anonymous, graded work.

- C. The median grade for JD students in all courses shall be B+. This mandatory median applies only to the final grade for the course, not grades on particular assignments or exams.

MSL and LLM students are exempt from this median.

- D. The grade I (incomplete) may be given if the teacher and the dean's office agree that it is appropriate due to serious illness of the student or other compelling reason. The teacher and the dean's office shall determine in writing the appropriate date for completion of the requirements of the course, not later than the end of the next regular (i.e., not summer) term. If the student fails to complete the requirements of the course by the assigned date, the I grade will be converted to an F, unless the teacher and the dean's office agree that the grade of W (withdrawn) is appropriate. The W grade should be given only where the circumstances preventing completion of course requirements are serious, unforeseeable, and beyond the student's control.
- E. The faculty may designate a course or other activity that earns academic credit as "pass-graded." "Pass-graded" means that the grade of "pass" will be given when in the judgment of the teacher the quality and quantity of the work is such that the work would be graded as at least a C. Should the work not receive a grade of "pass," the teacher shall assign a letter grade between F and C-minus.
- F. In the absence of unusual and extenuating circumstances, such as illness, abnormally large classes, or the necessary performance of other law school duties reported to and confirmed by the dean, each teacher is responsible for reporting grades to the registrar by the 18<sup>th</sup> day after the date of the last regularly scheduled law school exam for that semester. In the absence of such extenuating circumstances, faculty members who miss the grading deadline will be fined \$100 per day, deducted from their faculty development account, and the fact and length of the delay shall be taken into account by the peer review committee and in the dean's annual evaluation of teaching for that person.

### **§3.3.9 Grade changes**

- A. Once a grade is recorded, it can be changed only by a majority vote of the faculty, except that the teacher who awarded a grade may change it to correct clerical or computational errors in recording or calculating the grade.
- B. A student seeking a grade change, other than for clerical or computational errors, shall first consult with the dean of students and, if so directed by the dean of students, with the teacher whose grade the student is challenging. After such meeting(s), the student may petition the Academic and Student Affairs Committee for a grade change, explaining why the change is warranted. If, after undertaking such investigation as the Committee deems appropriate, the Committee determines that a grade change is warranted, the Committee shall so advise the faculty, which shall vote on the matter. If the Committee determines that a grade change is not warranted, its decision shall be final. In any event, the Committee shall have no jurisdiction to consider a petition that challenges the academic judgment of the teacher in appraising student performance, unless the teacher asks the Committee to change the grade.

### **§3.3.10 Consequences of failing a course**

- C. A student who fails a required course may, at their option:
- (1) repeat the course at the first opportunity in the regular session;
  - (2) petition the dean in writing for waiver of the requirement, which will be granted only under special circumstances; or
  - (3) petition the dean and the teacher of the course for a partial waiver, which, if granted by both the dean and the teacher, allows the student to repeat the examination in the course at the first opportunity in a regular session without re-enrolling in the course.
- D. A failed course cannot serve as a prerequisite for another course except with the permission of the dean and the teacher of the later course.

## **PART 4: DUAL DEGREES, CERTIFICATES, AND SPECIALTY TRACKS**

### **§3.4.1. Dual Degrees**

The law school has established dual-degree programs that are governed by the Memoranda of Understanding and implementing documents listed below, which are incorporated as part of these Rules:

- A. JD-MBA Dual Degree Program Understanding with the Business School at CU-Boulder; also governed by the memo on JD-MBA Dual Degree Program Implementation
- B. JD-MPA Dual Degree Program Understanding with the School of Public Affairs at CU-Denver
- C. JD-MS and JD-PhD Dual Degree Programs Understanding with the Environmental Studies Program at CU-Boulder; also governed by the memo on JD-PhD Dual Degree in Environmental Studies Implementation
- D. JD-MS Dual Degree Program Understanding with the Technology, Cybersecurity and Policy Program at CU-Boulder
- E. JD-MURP Dual Degree Program Implementation with the College of Architecture and Planning at CU-Denver
- F. JD-MD Dual Degree Program Understanding with the School of Medicine at CU-Anschutz
- G. JD-LLB Dual Degree Program with the University of Alberta, Canada

### **§3.4.2. JD Certificate Programs**



A. A JD student may earn their degree with a certificate in a particular field of law by:

- (1) completing the course requirements for the certificate as set forth below, with a grade of at least C in every course designated by the student as satisfying the certificate requirements. The student will be awarded the certificate “with honors” if they earn at least an A- cumulative average in those courses.
- (2) earning at least three credit hours beyond the minimum number of credit hours required for graduation.

B. Criteria for offering a certificate program.

- (1) Sufficient courses to satisfy the certificate program, and faculty to offer such courses, should already be included in the curriculum and offered on a regular basis.
- (2) Every certificate should require a capstone experience, such as a clinical, externship, or seminar experience in the area of specialization.
- (3) A member of the faculty shall be designated as the director of each certificate program. The faculty director shall maintain, in cooperation with the registrar, a policy listing courses that satisfy the requirements for the certificate, to the extent they are not fully specified in this rule. Changes to that policy should be circulated to the faculty as part of the consent agenda of a faculty meeting; if taken up, such a policy may be amended by a majority vote of the faculty. A faculty director has discretion to authorize a substitute course for a student on a case-by-case basis without amending the general policy for their certificate. The faculty director shall maintain a record of all substitutions and provide it to the committee that reviews the certificate programs every five years.
- (3) Certificate programs should demonstrate not only student interest in the program before approval but also continued interest thereafter. Every five years, the dean shall appoint a special committee to review the certificate programs, with special attention to certificates enrolling fewer than five students per year on average. The review shall include consultation with the certificate directors and an examination of whether the resources and scheduling commitments required by each certificate program are worthwhile, given the number of students participating in the certificate program and any other relevant factors, including the opportunity costs of faculty and staff time devoted to the program.

C. The **Tax Law Certificate** requires 18 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) Income Taxation;
- (2) Federal Estate and Gift Tax;

- (3) a business-entity taxation course, from a list designated by the certificate's faculty director;
- (4) a tax planning course, from a list designated by the faculty director;
- (5) a tax policy course, from a list designated by the faculty director;
- (6) electives approved by the faculty director.

D. The **American Indian Law Certificate** requires 18 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) American Indian Law I and II;
- (2) the American Indian Law Clinic;
- (3) electives approved by the certificate's faculty director.

E. The **Entrepreneurial Law Certificate** requires 21 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) Corporations or Agency, Partnership, and the LLC;
- (2) Venture Capital or Deals;
- (3) one course in intellectual property, from a list designated by the certificate's faculty director;
- (4) one course in financial literacy, from a list designated by the faculty director, which may include courses at the CU business school;
- (5) four credits in skills courses in drafting and/or negotiation, from a list designated by the faculty director;
- (6) one course to advance the student's domain expertise, which will usually be a graduate-level course on entrepreneurship at the CU business school; but the faculty director may approve a substitute course;
- (7) two credits in a capstone experience consisting of either the Entrepreneurial Law Clinic or a transactional externship approved by the faculty director;
- (8) participation the New Venture Challenge Fund, the Deming Center Venture Fund, the Transactional Law Meet, the Venture Capital Investment Competition, or another experience approved by the faculty director;
- (9) if needed to meet the 21-credit requirement, electives approved by the faculty director.

F. The **Juvenile and Family Law Certificate** requires 18 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) Family Law;
- (2) at least one of: Domestic Violence; Juvenile Justice; or Parent, Child, and State;
- (3) the Juvenile and Family Law Clinic, or other clinic approved by the certificate's faculty director;
- (4) electives from approved by the faculty director, which may include up to two credits for a relevant externship and up to one credit for participation in a relevant national moot court competition.

G. The **Environmental, Natural Resources, and Energy Law Certificate** requires 18 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) Administrative Law;
- (2) at least three of: Environmental Decision-Making; Environmental Law; Foundations of Natural Resource Law and Policy; Energy Law and Regulation; Public Lands; and Water Law;
- (3) Advanced Natural Resources Law or another seminar in the field approved by the certificate's faculty director;
- (4) at least two additional electives approved by the faculty director, which may include a relevant externship.

H. The **Health Law and Policy Certificate** requires 18 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) Administrative Law;
- (2) Health Law and Policy;
- (3) at least one of: Health Law II: Medical Malpractice Litigation; Bioethics and Law; Corporate Transactions in Health Law, Public Health Law and Ethics; or Health Care Compliance;
- (4) at least one transactional drafting course, from a list designated by the certificate's faculty director;
- (5) a capstone experience consisting of the Civil Practice Clinic or a four-credit externship approved by the faculty director; and
- (6) electives approved by the faculty director.

I. The **International Law Certificate** requires 18 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) both International Law and International Human Rights Law;
- (2) an international law seminar approved by the certificate's faculty director; and
- (3) electives approved by the faculty director.

J. The **Civil Rights and Racial Justice Certificate** requires 18 credit hours, including, in addition to the general certificate requirements in §3.4.2.A:

- (1) at least one of American Indian Law, Civil Rights, Criminal Procedure (either investigatory or adjudicatory), Employment Discrimination, Critical Race Theory (course or seminar), Immigration Law, or International Human Rights;
- (2) a practice experience in the field (either a clinic or an externship) approved by the certificate's faculty director; and
- (3) electives approved by the faculty director.

### §3.4.3. MSL Specialty Tracks

A. An MSL student must earn their degree in an approved "track" within the MSL

program.

B. Criteria for offering a track.

- (1) Courses needed to satisfy the certificate program, and faculty to offer such courses, should be already included in the curriculum and offered every year.
- (2) A member of the faculty shall be designated as the director of each track. The director shall maintain, in cooperation with the registrar, a policy listing the requirements for the track, to the extent they are not fully specified in this rule. Changes to such a policy should be circulated to the faculty as part of the consent agenda of a faculty meeting; if taken up, such a policy may be amended by a majority vote of the faculty. The faculty director of the track retains discretion to authorize a substitute course for a student on a case-by-case basis without amending the general policy for the track. The faculty director shall maintain a record of all substitutions and provide it to the committee that reviews the MSL program every five years.
- (3) MSL tracks should demonstrate not only student interest in the program before approval but also continued interest thereafter. Every five years, the dean shall appoint a special committee to review the MSL program, with special attention to tracks enrolling fewer than five students per year on average. The review shall include consultation with the program and track directors and an examination of whether the resources and scheduling commitments required by each track are worthwhile, given the number of students participating in the program and any other relevant factors, including the opportunity costs of faculty and staff time devoted to the program.

C. The **Ethics and Compliance track** for the MSL degree requires 28 credits total, including, in addition to the general MSL requirements in §3.1.2:

- (1) Communications for Compliance Professionals;
- (2) Compliance;
- (3) Ethical Organizations and Professionals;
- (4) either Accounting for Lawyers or Special Topics in Compliance: Investigations, unless waived by the track's faculty director due to prior coursework in accounting;
- (5) electives from a list approved by the faculty director.

#### §3.4.4. LLM Specialty Tracks

A. An LLM student must earn their degree in an approved “track” within the LLM program.

B. Criteria for offering an LLM track.

- (1) Courses needed to satisfy the track, and faculty to offer such courses, should be

already included in the curriculum and offered every year.

- (2) A member of the faculty shall be designated as the director of each track. The director shall maintain, in cooperation with the Registrar, a policy listing courses that satisfy the requirements for the track, to the extent they are not fully specified in this rule. Changes to such a policy should be circulated to the faculty as part of the consent agenda of a regular faculty meeting; if taken up, such a policy may be amended by a majority vote of the faculty. The faculty director retains discretion to authorize a substitute course for a student on a case-by-case basis without amending the general policy for their certificate. The faculty director shall maintain a record of all substitutions and provide it to the committee that reviews the LLM program every five years.
- (3) Tracks should demonstrate not only student interest in the program before approval but also continued interest thereafter. Every five years, the dean shall appoint a special committee to review the LLM program, with special attention to tracks enrolling fewer than five students per year on average. The review shall include consultation with the program and track directors and an examination of whether the resources and scheduling commitments required by each track are worthwhile, given the number of students participating in the program and any other relevant factors, including the opportunity costs of faculty and staff time devoted to the program.

C. The following tracks for the LLM program are approved, and the requirements for each are determined by the faculty director of the track:

- Natural Resources, Energy, and Environmental Law
- International Law and Human Rights
- Indigenous Peoples Law and Policy
- Entrepreneurship and Business Law
- Intellectual Property, Technology, and Telecommunications Law, and
- U.S. Law for Foreign Lawyers (General or Bar Track)

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<sup>i</sup> §1-1-1 Amended 1/22/85, 12/07/07, 09/19/14

<sup>ii</sup> §1-1-2 Amended 1/22/85

<sup>iii</sup> §1-1-3 Sentence added 12/10/74 and 12/21/74

<sup>iv</sup> §1-1-3 Second paragraph added 9/17/99

<sup>v</sup> §1-1-5 Repealed 1/22/85

<sup>vi</sup> §1-2-3 Amended 12/10/74

<sup>vii</sup> §1-2-4 Amended 3/2/81

<sup>viii</sup> §1-2-5 Amended 3/2/81

<sup>ix</sup> §1-2-6 Added 1/22/85

<sup>x</sup> §1-2-6 Added 1/20/06

<sup>xi</sup> §1-2-7 Amended 11/21/14

<sup>xii</sup> §1-3-3 Amended 12/10/74

<sup>xiii</sup> §1-3-3 Added 8/28/72

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- xiv §1-3-4 Amended 12/10/74
  - xv §1-3-5 Amended 1/20/06
  - xvi §1-3-6 Added 12/10/74 (It is understood that when a member on part/time status does not appear at a meeting but does cast a vote under §1-3-6 as to one or more matters, he or she shall be counted for purposes of a quorum or for purposes of calculating the number of votes required for a simple or extraordinary majority only as to those matters with respect to which such a vote has been recorded.); Amended 9/12/03
  - xvii Article 4 Amended 12/6/96 and 9/26/97 (§1-4-9 Repealed 11/13/78, §1-4-10 – 12 integrated in Article 4 Amendment)
  - xviii Misc. 7 Adopted 5/23/68
  - xix Misc. 16 Adopted 5/10/71
  - xx Misc. 35 Adopted 12/15/04
  - xxi §1-5-1 Repealed and replaced 4/18/08
  - xxii §1-5-5 Approved by Law faculty, effective on 5/4/07, amended 4/20/12; Amended 03/16/18
  - xxiii §1-5-6 Adopted 2/13/15
  - xxiv §1-7-1(A) Amended 4/7/95
  - xxv §1-7-1(C) Amended 1/21/94
  - xxvi §1-7-7 Amended 11/10/89
  - xxvii §1-7-8 Added 1/21/94
  - xxviii §1-8-1 Amended 4/7/89
  - xxix Misc. 27 Adopted 4/1/94
  - xxx Misc. 32 As amended 4/22/05
  - xxxi Misc. 32 Amended 10/20/2017