



# WILLIAM & MARY LAW SCHOOL

FACULTY HANDBOOK  
2024-2025

**WILLIAM & MARY LAW SCHOOL  
FACULTY HANDBOOK  
2024-2025**

**Contents**

I.	Class Scheduling and Registration Procedures .....	5
A.	Class Scheduling .....	5
B.	Registration .....	5
C.	Add/Drop Period .....	5
D.	Class Lists .....	6
E.	Auditors and Non-Law Students .....	6
II.	Academic Policies and Procedures .....	7
A.	Credit-Hour Policy and Make-Up Classes .....	7
B.	Learning Outcomes and Methods of Assessment .....	7
C.	Class Attendance .....	8
D.	Withdrawal Policy .....	8
E.	Dropping Courses .....	9
F.	Course Overlap Policy .....	9
G.	Grade Conversion .....	9
H.	Grading Policies and Procedures .....	10
I.	Evaluation Procedures for Seminars & Independent Writing .....	17
J.	Course Evaluations .....	19
K.	Students Requiring Accommodations .....	19
L.	Academic & Bar Success Program .....	20
M.	Student Privacy Rights .....	20
N.	Honor Code and Conduct Issues .....	21
O.	Distance Education .....	21
III.	Exam Policies and Procedures .....	22
A.	Exam Policies .....	22
B.	Exam Schedule .....	23
C.	Exam Preparation .....	23
D.	Exam Format .....	24
E.	Administration of Exams .....	25
F.	Retention of Exams .....	26
IV.	Faculty Support .....	26
A.	Faculty and Academic Support Center .....	26
B.	Course Material Preparation .....	27
C.	Wolf Law Library Services .....	27
D.	Online Information Resources .....	33
E.	Technical Support .....	34

F.	Judicial Clerkship Recommendation Letters .....	34
V.	Other Administrative Matters .....	34
A.	Banner .....	34
B.	Benefits .....	34
C.	Book Orders .....	35
D.	Educational Technology .....	35
E.	Express Mail .....	37
F.	Identification Cards.....	37
G.	Law School Guests .....	37
H.	Mail .....	38
I.	Payroll.....	38
J.	Photocopying .....	38
K.	Seating Charts .....	38
L.	Scheduling Rooms and Events.....	38
M.	Supplies.....	38
VI.	Faculty Policies and Procedures .....	39
A.	Faculty Members' Responsibilities.....	39
B.	Annual Review Process .....	39
C.	Teaching Load Policies for Tenured and Tenure-Eligible Faculty.....	41
D.	Policy to Mentor Junior Faculty .....	45
E.	Professional Development Fund .....	46
F.	Professional Development Pool Funding.....	47
G.	Summer Research Grants.....	48
H.	Scheduled Semester Research Leaves .....	50
I.	Student–Faculty Relationships.....	53
J.	Research Assistants.....	54
K.	Reprint Policy .....	54
L.	Support for Emeriti Faculty .....	54
M.	Travel Reimbursement and Professional Expenses .....	54
VII.	Frequently Used Contact Information .....	56
	Appendix A: External Paid Employment .....	58
	Appendix B: Allegations of Violations of Policy .....	59
	Appendix C: Bylaws of the Faculty of the Law School .....	60
	Appendix D: Procedures for Retention, Promotion, Security of Position, and Tenure .....	65
	Appendix E: Status Committee Interpretive Opinions .....	82
	Appendix F: Procedures for Review and Retention of the Director of Clinical Programs and the Director of the Legal Practice Program .....	84
	Appendix G: Rules & Procedures for the Faculty Appointments Process .....	86

Appendix H: Law School Policies on Non-Tenure-Eligible Faculty .....	90
Appendix I: Policy of William & Mary on Academic Freedom and Professional Ethics .....	93
Appendix J: William & Mary Law School Summer Research Grant Application.....	94
Appendix K: William & Mary Law School Application for Scheduled Semester Research Leave (SSRL) .....	96
Appendix L: Summary of Travel Reimbursement Regulations .....	98
Appendix M: Independent Legal Research and/or Legal Writing Guidelines .....	101
Appendix N: Sample Exam Cover Sheet.....	103
Appendix O: William & Mary Law School Course and Professor Evaluation .....	104
Appendix P: Course Approval Guidelines.....	109
Appendix Q: Course Weighting Guidelines .....	111
Appendix R: Law School’s Distance Education Policy* .....	112
Appendix S: William & Mary Distance Education Policy .....	114
Appendix T: William & Mary Law School Travel Reimbursement Procedures for Visitors in 2022-2023 .....	121
Appendix U: Accessing Banner Self-Service (Pay Stubs and Tax Forms) .....	123
Appendix V: William & Mary Law School Default Generative AI Policy.....	127

## **I. Class Scheduling and Registration Procedures**

### **A. Class Scheduling**

Each winter, the Assistant Dean for Academic Services & Registrar requests information from the faculty regarding teaching preferences for the following academic year. Once course assignments are finalized, the Assistant Dean for Academic Services & Registrar develops the following year's academic calendar and course schedule. The [Academic Calendar](http://law.wm.edu/academics/academiccalendar/)<sup>1</sup> can be found on the Law School's website. If you are aware of any circumstances that may affect your availability for class assignment, please provide that information to the Assistant Dean for Academic Services & Registrar as soon as you become aware of the circumstance.

Faculty members wishing to propose new courses should consult the Course Approval Guidelines in the Appendices. Proposals for new distance education courses must additionally comply with the policies on distance education, also reproduced in the Appendices.

### **B. Registration**

Registration usually occurs in October for the spring term and in April for the fall term. Students register online. Entering law students are preregistered for their courses. Questions about the registration process and student records should be directed to the Assistant Dean for Academic Services & Registrar.

### **C. Add/Drop Period**

The Add/Drop period extends through the first full week of classes; all courses, other than mini-courses, must meet during the Add/Drop week. This period allows students to attend semester-long classes at least once and to make enrollment decisions based on information they have received during the first week. Students add on to waiting lists during registration and then can continue to add to a waiting list throughout the Add/Drop period. Students may only enroll in a class that has a waiting list if they receive a notification inviting them to do so and act within the prescribed period of time.

Students are placed on the waiting list in registration order and may only be allowed into a class in that order. Requests to accept more students than permitted by the course's presumptive enrollment limit must be approved by the Assistant Dean for Academic Services & Registrar in consultation with the faculty member.

---

<sup>1</sup> <http://law.wm.edu/academics/academiccalendar/>

#### **D. Class Lists**

Class rolls are available through Blackboard<sup>2</sup> immediately following registration and are updated until the end of the Add/Drop period.

Seating charts and printable rosters are available through Blackboard. Faculty Support can assist you with this.

#### **E. Auditors and Non-Law Students**

Occasionally, students, visiting scholars, seniors from the community, and William & Mary employees will seek permission to audit courses. Permission to audit is subject to approval of the Assistant Dean for Academic Services & Registrar and will depend on whether space is available in the class and on whether the request has been approved by the course instructor. An instructor's approval should be based on whether, given the information provided, the prospective auditor has the educational prerequisites to understand and benefit from the information that will be taught in the course and will not detract from the educational experience of students enrolled in the course.

Auditors must complete and sign the [Permit to Audit Law School Course Form](#)<sup>3</sup> and submit it to the Assistant Dean for Academic Services & Registrar. Auditors are not expected to participate in class, complete written assignments, or take exams. However, they are expected to keep up with reading assignments and to attend class regularly. Auditors who are not degree-seeking students, visiting scholars, seniors from the community, or employees at William & Mary will be charged tuition.

Students enrolled as degree candidates in other graduate programs at William & Mary may take Law School courses for credit with permission of the instructor, provided they have obtained permission through their department, and if the credit earned in the Law School course will be applied toward their degree program. The Law School's Grading Policy does not apply to non-J.D. students and such students should be excluded from the calculation of grade means for a course. Faculty may wish to keep in mind that grading policies and student expectations at other units of William & Mary may be different from the grading policy at the Law School. The Registrar's Office will send faculty a list of any non-J.D. student enrolled in their respective course(s). Please retain this list for reference during grading.

---

<sup>2</sup> <https://blackboard.wm.edu/>

<sup>3</sup> [https://law.wm.edu/academics/howto/Registration%20Forms/form\\_auditlawclass\\_to-convert\\_100917.pdf](https://law.wm.edu/academics/howto/Registration%20Forms/form_auditlawclass_to-convert_100917.pdf). Also available from the Registrar's Office.

## **II. Academic Policies and Procedures**

### **A. Credit-Hour Policy and Make-Up Classes**

The American Bar Association and William & Mary require not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for each credit awarded for a class over fifteen weeks, including a final exam week, or the equivalent amount of work over a different amount of time. According to ABA standards, fifty minutes suffices for one hour of classroom time, while an hour for out-of-class time is sixty minutes.

All non-mini-courses are expected to meet as a class throughout the fourteen weeks preceding the exam week and must meet during the Add/Drop week. All faculty must inform students in their syllabi about the expectation regarding time spent preparing for class. Students will also be asked in end-of-semester course evaluations to estimate the amount of time they spent on out-of-class work, on average, each week.

Faculty have several options when it is necessary to cancel a normal class meeting due to travel, illness, or other circumstances. These include scheduling a make-up class session outside of the normal class time (which should ordinarily be recorded), holding class synchronously over a video conferencing platform, or providing the requisite number of instructional minutes through asynchronous content. None of these should occur more than occasionally in an in-person course. If you have questions, contact the Vice Dean.

### **B. Learning Outcomes and Methods of Assessment**

The American Bar Association requires all course syllabi to contain learning outcomes. A learning outcome reflects the knowledge and/or skills that students are expected to achieve if they successfully complete the course. Learning outcomes will be specific to how each faculty member teaches his or her course.

The American Bar Association also requires that the Law School use both formative and summative assessment methods in its curriculum. Formative assessment occurs during the semester, while the class or topic is still being studied, to provide meaningful feedback to students and to improve student learning, such as a practice exam. Summative assessment occurs at the end of the semester or section of the material, when the student has no further opportunity to improve performance and is designed to measure the degree of student learning, such as a final exam.

Faculty need not use both methods in any particular course, but faculty must include which methods of assessment will be used in a written syllabus for the course, available to students during Add/Drop for non-mini-courses.

### **C. Class Attendance**

Regular attendance in all courses is required both by the Law School and by the ABA, so faculty must devise a way of keeping track of attendance or absences. A student who is compelled by the instructor to withdraw from a course because of unsatisfactory attendance will receive a grade of W for the course.

An instructor may set specific attendance requirements for a course (e.g., permitting no more than two unexcused absences). Such requirements *must* be announced at the beginning of the semester, in writing, prior to the end of the Add/Drop period. If an instructor finds that a student is in violation of the stated requirements, the instructor should notify the Associate Dean for Student Affairs and Academic Support to see if there are extenuating circumstances or if the student should be withdrawn from the course and receive a W. A faculty member who is grading class participation may also consider class attendance in determining the grade. If attendance is to be considered as part of a class participation grade, the instructor must advise the students in writing prior to the end of the Add/Drop period. Ideally any attendance policy will be included in the course syllabus.

Students who must be absent from their courses for an extended period of time are encouraged to contact the Associate Dean for Student Affairs and Academic Support, who will contact the student's professors. If you notice a student is frequently absent from class and you have not been notified, report this to the Associate Dean for Student Affairs and Academic Support. Excessive absence from class may be a sign of depression, family problems, or other external factors that could adversely affect performance. The Associate Dean for Student Affairs and Academic Support will follow up with such students to see how the Law School might be of assistance.

The Dean leaves it to instructor discretion to determine how to monitor attendance but will support any reasonable method for doing so. The Associate Dean for Research and Faculty Development is available to discuss or review ideas for stimulating attendance and participation in class. Any policy that will affect grades must be announced clearly at the beginning of the course in writing prior to the end of the Add/Drop period.

Some professors find it helpful to use seating charts in measuring participation and attendance in their classes. Blackboard has a seating chart generator where you can insert students' pictures. Faculty Support can assist with this.

### **D. Withdrawal Policy**

Students who desire to withdraw from the Law School following the commencement of classes during any term, or students who fail to register for classes for the fall or spring term, must apply in writing to the Assistant Dean for Academic Services & Registrar for permission to withdraw. Any student who



withdraws without having obtained permission will have his or her permanent record noted as having withdrawn *unofficially* and will not be readmitted except by petition, for good cause shown, to the Academic Advisory Committee. Readmission will be granted only with the approval of the Academic Advisory Committee.

Students withdrawing with permission will have their permanent record noted as having withdrawn *officially* and will have the right to be readmitted within one school year commencing from the end of the semester for which the request was made.

**E. Dropping Courses**

A student may not drop a course or courses subsequent to the Add/Drop period and prior to the end of classes except in exceptional circumstances, and then only with approval of the Assistant Dean for Academic Services & Registrar, who will consult with the Vice Dean. Requests should be submitted in writing.

**F. Course Overlap Policy**

Students may register for classes that overlap so long as they overlap for no more than two class sessions. *As a mandatory prerequisite, students must obtain permission from the professor(s) of the class(es) they will miss before registering for the overlapping courses.* A student may not request to miss a class of a short course or mini-course, as those classes meet for very few sessions. Faculty members are under no obligation to give such permission and may have sound pedagogical grounds for refusing to permit a student to miss even a single class. Faculty who do give permission may impose an additional assignment to ensure the student has grasped the material missed during absences. The Dean's Office will not accommodate any request to modify this policy.

**G. Grade Conversion**

All students at the Law School have the option of converting to a Pass one letter grade earned in an elective course taken at the Law School, subject to the following conditions:

1. Students may not convert a grade earned in any required class.
2. The option to convert a grade must be exercised in the final semester of study, which is typically the spring semester of the third year for J.D. students or the final semester of the LL.M. degree. To cause a grade conversion, the request must be made no later than April 1 if spring is the final semester; November 1 if fall is the final semester; or July 1, if summer is the final semester. If a student submits the request for grade conversion no later than the third week of the student's final semester, the conversion

will be reflected in the rank run at that time. Grade conversions submitted after the third week will be reflected in the final academic rank run for graduates.

3. Once exercised, the conversion is irrevocable.
4. The request for a conversion must be made in writing to the Assistant Dean for Academic Services & Registrar in a form he or she prescribes.
5. Only grades of C or above are permitted to be converted to a Pass under this policy.
6. Students exercising this Pass/Fail option must adhere to any other restrictions governing the eligibility for earning Pass/Fail credits.

## H. Grading Policies and Procedures

### 1. Grading Policies

#### *Mandatory Grade Policy*<sup>4</sup>

Type of Class	Minimum Grade Mean	Target Grade Mean	Maximum Grade Mean	Grade Distribution (described below)
<ul style="list-style-type: none"> <li>▪ First-year doctrinal courses</li> <li>▪ Professional Responsibility (regardless of size)</li> </ul>	3.25	3.30	3.35	Must substantially follow distribution as determined by Vice Dean
<ul style="list-style-type: none"> <li>▪ Upper-level courses with 30 or more students enrolled</li> </ul>	3.25	3.30	3.35	Should follow distribution to the extent practicable
<ul style="list-style-type: none"> <li>▪ All courses that satisfy the upper-level writing requirement</li> </ul>	3.20	n/a	3.50	Should follow distribution to the extent practicable
<ul style="list-style-type: none"> <li>▪ Upper-level courses with 10-29 students enrolled</li> <li>▪ All sections of Legal Research and Writing courses offered in the Legal Practice Program (regardless of size)</li> </ul>	3.20	3.30	3.40	Should follow distribution to the extent practicable

<sup>4</sup> This policy became effective in all classes offered at the Law School in Fall 2013 and was amended effective Fall 2016 with respect to courses offered in the Legal Practice Program.

Type of Class	Minimum Grade Mean	Target Grade Mean	Maximum Grade Mean	Grade Distribution (described below)
<ul style="list-style-type: none"> <li>Upper-level courses with nine or fewer students enrolled</li> <li>Clinics (regardless of size)</li> </ul>	3.20	n/a	3.70	n/a

### *Limits on the Mean Grade for Each Class*

Faculty must ensure that the mean grade for each class falls between the maximum and minimum grade means described in the summary above.

Faculty should not treat the upper (or lower) bounds as the target grade mean for their classes and should instead seek a target mean of 3.30 in classes enrolling 10 or more students.

### *Distribution of Grades*

In addition to the mandatory limits on grade means, distributional standards apply. In grading first-year doctrinal courses and Professional Responsibility, faculty must award grades that, as determined by the Vice Dean, substantially follow the distribution set forth below. For other courses enrolling ten or more students, faculty should attempt to follow the distribution to the extent practicable.

A (including A+, if available)	10%
A-	20%
B+	35%
B	20%
B- or below	15%

### *Grade of A+*

A single grade of A+ may (but need not) be awarded in a class with 30 or more students. No grade of A+ may be awarded in a class of fewer than 30 students. If awarding the A+ grade, the name or exam code number must be given to the Assistant Dean for Academic Services & Registrar. Faculty members cannot enter A+ in Banner.

### *Legal Practice Program*

Grading in all first-year Lawyering Skills classes is on an Honors/Pass/Low Pass/Fail scale.

The Director of the Legal Practice Program must supervise and coordinate grading in the Program and seek substantial uniformity in distribution across its sections.

### *Certain Students Not Counted*

Solely for purposes of establishing compliance with the Grading Policy, faculty shall disregard the following students:

- LL.M. students
- Other non-J.D. students
- Students awarded a grade of D or F.

Example: Thirty-two students are enrolled in Taxation of Derivatives. Of the 32 students, one is an LL.M. student and one is a non-J.D. graduate business student. The faculty member awards one J.D. student a grade of D. All other students receive grades of C- or better. In order to satisfy the Grading Policy, the grade mean of the 29 J.D. students receiving a C- or better must fall between 3.20 and 3.40 (the range for a 29-student class). The Assistant Dean for Academic Services & Registrar will identify non-J.D. students' exam numbers to faculty to facilitate compliance with the Grading Policy.

### *Grading of LL.M. Students and Grading in Online Programs*

The Grading Policy does not establish standards for grading LL.M. and other non-J.D. students.

It is the sense of the faculty, however, that an LL.M. student should not be assigned a grade lower than C except in an exceptional case of egregious underperformance or willful neglect. This guidance principle extends to any course with one or more LL.M. students. Adherence to and application of this principle is left to the discretion of the individual instructor.

Grading policies in courses that are specifically designed for the LL.M. curriculum are determined by the instructor. Grading policies in these courses must be announced in writing prior to the end of the Add/Drop period.

LL.M. students may elect, in any semester, to be graded on an Honors/Pass/Low Pass/Fail scale, rather than on a letter-grade scale, for all coursework in that semester. Such an election must be made by 4:00 p.m. on the last day of Add/Drop week in that semester and, once made, is irrevocable. This option must be exercised with respect to all coursework in a semester.

LL.M. students who wish to avail themselves of the Honors/Pass/Low Pass/Fail grading option must communicate that intention by the end of the Add/Drop week by submitting a Grading Election Form to the Assistant Dean for Academic Services & Registrar. If a form is not submitted by the deadline, the student will be subject to the standard grading scale in all courses that semester.

The Master of Legal Studies (M.L.S.) online program is governed by its own separate grading policy adopted by the faculty.

#### *Administrative Oversight*

The Assistant Dean for Academic Services & Registrar will administer the Grading Policy. Variances from its requirements may be granted by the Vice Dean when warranted by exceptional circumstances.

#### *Grading Practices*

Letter grades earned are A+ (4.3 quality points), A (4.0 quality points), A- (3.7 quality points), B+ (3.3 quality points), B (3.0 quality points), B- (2.7 quality points), C+ (2.3 quality points), C (2.0 quality points), C- (1.7 quality points), D (1.0 quality points), and F (0 quality points and no credit).

The following chart may be helpful in determining compliance with the grading policy. Note that the A+ grade may be awarded only once per class and only in classes of 30 or more students.

Grade	Points per Grade	Number of Grades Awarded to J.D. Students	Points per Grade x Number of Grades
A+	4.3		
A	4.0		
A-	3.7		
B+	3.3		
B	3.0		
B-	2.7		
C+	2.3		
C	2.0		
C-	1.7		
Sum of Both Columns:			
<div style="display: flex; justify-content: space-between; align-items: center;"> <span>_____ ÷ _____ = _____</span> </div> <div style="display: flex; justify-content: space-between; align-items: center;"> <span>Sum of 4<sup>th</sup> Column</span> <span>Sum of 3<sup>rd</sup> Column</span> <span>Average Grade</span> </div>			

As an alternative to standard letter grades, Pass/Fail grades may be used in certain Law School courses, if approved by the Vice Dean before course registration. The following four grades are available: “H” (Honors); “P” (Pass); “LP” (Low Pass); and “F” (Fail). A grade of Honors, Pass, or Low Pass will not affect a student’s grade point average but will count toward the total number of credits required for graduation. A grade of Fail will affect a student’s grade point average. With the exception of the Lawyering Skills courses, the number of Honors grades in a single class cannot exceed 10.0% of enrolled students in that class under any circumstance. This means that classes of 9 or fewer may not have an Honors grade awarded.

- Grades may be based on the results of exams, quizzes, and/or assigned written work wholly or may include class participation or presentations. Faculty must advise students, in writing, prior to the end of the Add/Drop period, of the basis for grading in the class and the details of how students’ grades will be determined; no deviation from the announced grading method is allowed after Add/Drop ends.
- Anonymity in grading should be preserved whenever possible. Final exams are identified and graded by exam number and not by the name of the student. Written assignments other than exams should also be graded anonymously except where the assignment involves student-faculty interchange that in the faculty member’s judgment makes anonymity for all students impossible. The grading of papers in seminars is typically not anonymous.

If the final grade is based on a combination of work graded anonymously (such as an exam) and work not graded anonymously

(such as participation), inform the Assistant Dean for Academic Services & Registrar of any participation grades no later than the last day of classes. Faculty members must ensure that their grades comply with the Grading Policy *after* participation and similar factors have been taken into account.

- Faculty enter all grades (except A+ grades) via Banner. Grades are available to students once they have been submitted. Once faculty have submitted the final grades, the grades may be changed only for demonstrable error, and only when approved by the Vice Dean. Students may not be given a substitute or repeat exam to raise a grade. Faculty who believe that a grade change is warranted should contact the Vice Dean.

Please contact the Vice Dean as soon as you become aware of any issues that may impact grading, such as missing exam pages, so that the problem can be resolved well in advance of the grading deadline.

## 2. Grade Changing Policy

An instructor may change the grade of a student only with the approval of the Vice Dean and only upon a showing of a demonstrable mathematical or substantive error. In appropriate circumstances, the Vice Dean will take steps to call the error to the attention of the other members of the class to enable them to consider whether a review of their exam might be desirable.

## 3. Exam Review Policy

### *Substantive Standards*

Every student has the right to examine his or her graded exam or seminar paper submitted in partial or complete satisfaction of the requirements for credit in any course or seminar offered at the Law School, and every student is entitled, at his or her request, to meet with the faculty member concerned to discuss the quality of any exam or seminar paper submitted under these circumstances. In meeting with a student to discuss his or her exam or seminar paper, it is not the obligation of the faculty member to justify or document in detail the grade given. It is within the discretion of a faculty member to decide in what manner a review conference with a student shall be conducted. The student, however, may properly inquire into the following specific subject areas:

- The particular strengths and weaknesses of the exam or seminar paper.
- The general grading scale utilized in evaluating a particular set of exams or seminar papers.

- The relative ranking of the student's exam or seminar paper when measured against the quality of all the papers in the class.

The exam review should be conducted in a timely manner.

#### *Procedural Standards*

In the event a student believes a faculty member has not complied with the substantive standards prescribed above in some material respect, a formal notification of dissatisfaction may be filed in writing with the Vice Dean. Upon receipt of a formal notice of dissatisfaction, the Vice Dean will take immediate steps to ascertain whether (1) there has been a failure by a faculty member to adhere to the substantive standards prescribed above, or (2) the formal notice of dissatisfaction is without reasonable foundation. If a determination is made that a faculty member has not complied with the substantive standards prescribed above, the Vice Dean will make all reasonable efforts to secure compliance satisfactory to both the student and the faculty member concerned. The student may not further challenge the determination by the Vice Dean, although the Dean may decide to review the matter and determine what action, if any, is appropriate under the circumstances. Any decision by the Dean will be the final resolution of this dispute between the faculty member and student concerned.

#### 4. Grade Deadline

Each semester, the Vice Dean will announce the deadline for the submission of all Law School grades. Participation adjustments for classes graded anonymously are due to the Assistant Dean for Academic Services & Registrar the last day of classes.

#### 5. Student Awards

Faculty members may designate the student who received the highest grade in any particular course as the recipient of the CALI Excellence for the Future Award for that course. The Registrar's Office will solicit the recipients of CALI Awards from faculty each semester. The Assistant Dean for Academic Services & Registrar will coordinate receipt of the award from the Center for Computer Assisted Legal Instruction (CALI). The CALI Award is suitable for framing and recipients frequently include it on their résumés. In exceptional circumstances, faculty members may designate up to two recipients per course section taught.



Faculty members may be requested to identify the best student in a subject of study for an award to be presented at graduation. A list of the awards currently given to law students may be found at [Student Awards](#).<sup>5</sup>

## **I. Evaluation Procedures for Seminars & Independent Writing**

### **1. Due Dates**

Final seminar papers are due by noon on the last day of the regularly scheduled exam period unless the faculty member sets an earlier date. Faculty are not permitted to extend due dates of papers for individual students. Final papers can be accepted by e-mail or the students may turn them in to the Assistant Dean for Academic Services & Registrar. Students should include their exam ID number, not name, when submitting a paper, unless student and faculty member interaction on the paper makes anonymity impossible. If you do not wish to accept final papers by e-mail (for example, if anonymity is desired), inform the Assistant Dean for Academic Services & Registrar, who will forward them to you as a group. Due dates for papers are as firm as exam dates. Only the Vice Dean or the Assistant Dean for Academic Services & Registrar may grant an extension if cause is shown under the Law School's academic regulations. These policies are designed to ensure equal treatment of all extension requests. Faculty should address in the syllabus the grade consequences of turning in a paper late.

### **2. Seminars**

Seminars are typically limited to 16 students or fewer in order to encourage close interaction between the professor and students. This enhances the professor's ability to guide students in formulating research topics, researching issues in depth, and preparing their papers. The instructor should comment on and guide revisions to drafts and suggest additional research avenues, alternative arguments, and changes in structure. Attention should be given to both the substance and the form of the paper. A typical seminar paper ranges from 20 to 40 pages.

Some seminars satisfy the upper-level writing requirement, but others do not. Those that do will be so designated on the course schedule so that students can make an informed decision. Faculty members who wish for a seminar to satisfy the requirement (or not) should contact the Vice Dean.

Whether a course is considered a seminar or has enrollment caps is a decision ultimately made by the Dean's Office.

---

<sup>5</sup> <http://law.wm.edu/studentlife/studentawards/index.php>

3. Independent Legal Writing (Law 705 and 706)

Students may earn two graded credits by researching and writing a paper on a topic approved by a professor. A typical Independent Legal Writing paper under Law 705 runs from 20 to 40 pages. Law 706, which satisfies the upper-level writing requirement, requires a paper of at least 30 double-spaced pages. See the Appendix for details. Students must submit an Independent Legal Research/Writing Request signed by the professor prior to the end of the Add/Drop period.

4. Independent Legal Research (Law 704)

This is a one-credit, graded course that requires the completion of a scholarly paper on a subject selected by the student. As with Independent Legal Writing, this course must be supervised by a faculty member. A paper for Independent Legal Research is shorter, usually between 10 and 20 pages.

5. Directed Reading (Law 703)

This course involves examination of a specialized subject that is generally not offered as a course in our curriculum on a regular basis. Directed Readings must be arranged between an individual student or a group of no more than five students and a supervising faculty member. These parties agree on the readings and discussion schedule. Prior approval by the Vice Dean is required. Students are limited to one Directed Reading credit per year. This one-credit course is graded on a Pass/Fail basis.

6. Directed Research (Law 700)

The faculty member will supervise the student in conducting research on specified legal topics and the student will report on the research to the faculty member. The student's reports may be in written or oral form. Activities such as formatting documents for publication, Bluebooking, and the like do not qualify. The faculty member will provide feedback to the student. The total amount of faculty-student interaction and the student's independent work must equal at least three hours per week. No more than two credits of Directed Research may count toward graduation. Only full-time faculty may supervise. Permission of the faculty member and the Associate Dean for Research and Faculty Development is required. This one-credit course is graded on a Pass/Fail basis.

## **J. Course Evaluations**

### **1. Evaluation Process**

Student evaluation of all courses takes place toward the end of each semester, using a standard form (see Appendix). Evaluations are administered online during the final two weeks of a course. Faculty members must choose a convenient day during the last two weeks of the course to set aside 10 to 15 minutes at the start of class for the completion of evaluations. Faculty members should not be present in class during completion of evaluations.

### **2. Review of Evaluations**

Faculty members may review evaluations for their courses only after they have submitted their grades for the semester. Access to evaluations is available via the e-mail link sent to faculty after grades have been submitted.

## **K. Students Requiring Accommodations**

The Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973 require that the Law School's courses, programs, and facilities be made accessible to students with disabilities, such as visual, hearing, learning, or motor disabilities.

Accommodations for students are coordinated by the University Student Accessibility Services Office and the Associate Dean for Student Affairs and Academic Support. Responding to such students may require the use of auxiliary aids such as sign language interpreters or recording equipment. In addition, adjustments to exams may be required to provide reasonable accommodation. In order to preserve anonymity in the exam process, students should be instructed not to share accommodation requests for exams with the faculty member. Students will communicate directly with faculty regarding necessary classroom accommodations.

On occasion, a faculty member may find that his or her presentation method is not conducive to learning for students with disabilities (e.g., complex visual diagrams might prove difficult for students with visual impairments). If such a situation arises, the faculty member should make the material available to the student in a way that will allow him or her to learn on an equal basis with other students. Faculty members with questions about such modifications should contact the Associate Dean for Student Affairs and Academic Support.

## **L. Academic & Bar Success Program**

The Law School is committed to providing a superior legal education to each student. Through the Academic & Bar Success Program, the Law School helps each student maximize his or her success. Academic support is offered to first-year students, students experiencing difficulty or seeking to improve their performance in certain upper-class courses, and students preparing to take the bar exam.

With the exception of the mandatory bar prep course required for some third-year students, this is a voluntary program led by the Director of Academic Success and Bar Preparation that prepares participants to succeed academically in law school through developing effective study skills, time management, and exam preparation techniques in small and supportive group settings. The program accomplishes these goals through group sessions and through individual mentoring.

Students experiencing academic difficulty should be referred to the Associate Dean for Student Affairs and Academic Support or the Director of Academic Success and Bar Preparation to develop a plan for improving academically. Faculty members are instrumental in referring students who could benefit from academic assistance. Once a student is referred, the team will meet with the student to develop a plan for improvement, which may include personal tutoring, review of writing skills, or other support throughout the semester.

## **M. Student Privacy Rights**

Student privacy rights are governed by the Family Educational Rights and Privacy Act of 1976 (FERPA), more commonly known as the Buckley Amendment. FERPA rules are wide-ranging, affecting what may be disclosed to faculty members and what faculty members may communicate to others about their students. Because graduate students are presumed to be independent of their parents, faculty members should not discuss students' academic progress with parents. Faculty members who are contacted by a parent about a student should refer the call to the Associate Dean for Student Affairs and Academic Support.

Faculty members are often requested to write letters of recommendation or respond to reference calls for current and former students, which usually include personal observations. Disclosure regarding the student's directory information, including e-mail address, current enrollment status, classification, or any honors and awards may be made unless the student has prohibited the release by completing a Request for Confidentiality Form. Other information such as a student's grades, grade point average, or class rank may be shared only with express permission from the student. This limitation on release of information extends to all William & Mary personnel without an educational need to know, and to all other students.

FERPA prohibits the posting of grades by student name, William & Mary ID number, or Social Security Number. Posting by anonymous exam code number is

not prohibited by FERPA but is prohibited as a matter of Law School policy. Posting the course curve is permitted as long as it does not identify an individual by exam grade or score.

When sending emails to groups of students, faculty members should use the “bcc” field rather than the “to” field, as using the latter reveals individual addresses to all recipients.

Care is required when recording classes in which students’ images or voices are captured. Students should be informed of the recording, recordings should be placed on a password-protected website, and students should be advised not to share recordings outside of class. None of this is necessary for recordings that capture only the professor.

## **N. Honor Code and Conduct Issues**

The [Honor Code](#)<sup>6</sup> is administered by the Honor Council, composed of students from each class. The Honor Council educates students about the Honor System, investigates and adjudicates allegations of Honor Code violations, and imposes sanctions in appropriate circumstances.

All students are bound by the Honor Code. The existence of and commitment to the Honor System fosters a community of trust and an atmosphere of freedom at the Law School. The Honor System is modeled on the professional code of responsibility of lawyers. In the same way the legal profession is self-regulated, law students take responsibility for safeguarding the character of their community.

Law School students are also governed by the university’s [Student Code of Conduct](#).<sup>7</sup> The Law School has adopted a default policy related to Generative AI that is attached as Appendix V.

All members of the Law School community should be aware of William & Mary’s policies regarding discrimination, sexual harassment, and sexual assault, including mandatory reporting requirements. These policies can be found at the website for the [Compliance and Equity Office](#).<sup>8</sup>

## **O. Distance Education**

The Law School’s distance education policy and the university’s distance education policy can be found at Appendices R and S, respectively.

---

<sup>6</sup> [http://www.wm.edu/offices/deanofstudents/services/studentconduct/studenthandbook/honor\\_system/index.php](http://www.wm.edu/offices/deanofstudents/services/studentconduct/studenthandbook/honor_system/index.php)

<sup>7</sup> [https://www.wm.edu/offices/deanofstudents/services/communityvalues/studenthandbook/student\\_code\\_of\\_conduct/index.php](https://www.wm.edu/offices/deanofstudents/services/communityvalues/studenthandbook/student_code_of_conduct/index.php)

<sup>8</sup> <http://www.wm.edu/offices/compliance/index.php>

### **III. Exam Policies and Procedures**

#### **A. Exam Policies**

Exams take precedence over all activities within and outside of the Law School, with the exception of faculty or student emergencies. Changes in the posted exam schedule other than those provided for in Section 3 below will be made only under the most compelling circumstances. The following regulations bear upon administrative disposition of student requests for changes in the exam schedule:

1. An unexcused absence from a final exam will result in the student receiving a final grade of F in that course.
2. Except as provided in Section 3 below, a request for an individual change in the exam schedule must be made to the Assistant Dean for Academic Services & Registrar. Such requests must be based on sufficient documentation and will be approved only upon the following grounds:
  - The student is suffering from a serious illness or other major physical disability that has effectively prevented him or her from taking an exam at the regularly scheduled time.
  - An unforeseen emergency of a grave nature requires the student's absence from the Law School on the date of a scheduled exam.

A student whose request has been approved must arrange with the Registrar's office to take a rescheduled exam at the earliest practicable time, as determined by the Assistant Dean for Academic Services & Registrar, and not later than the end of the fifth week following the date of the regularly scheduled exam of the course concerned.

If the disabling condition continues past the fifth week, the student shall take the exam as soon as reasonably practicable following the termination of the disability, but in no event later than the end of the exam period for the succeeding fall or spring semester. If the disability continues beyond that period, the student shall receive a Withdraw (W) for all courses for which an exam was not taken. However, if the student is otherwise able to take the exam but fails to do so within the previously mentioned periods, the missed exam will become unexcused and the student will receive a grade of F in the course. The Law School does not authorize re-exams.

3. A student will not be required to take conflicting exams, defined as:
  - Two exams scheduled for the same day.

- Two exams scheduled to begin within 23 hours of each other. (Therefore, an exam that begins at 8:30 a.m. on Monday followed by an exam that begins at 8:30 a.m. on Tuesday is not considered a conflict.)
- A faculty-member-scheduled exam that lasts for more than four hours, followed by an exam the following morning.
- Exams scheduled on three or more consecutive days.

In the event of a conflict, the affected student will submit an Exam Conflict Request, and the Registrar's office will reschedule the conflicting exam. Under no circumstances is an exam to be rescheduled for a date prior to the scheduled date of the exam.

4. In general, students whose primary language is not English and who did not obtain their undergraduate degree at an institution whose curriculum is taught in English will be given extra time for each exam as necessary to make reasonable accommodation for their language difficulty. Students with disabilities will be entitled to extra time and/or other appropriate accommodations for each exam as necessary to make reasonable accommodation for their disabilities, and as determined by the University's Office of Student Accessibility Services. Requests for accommodations should be made to the University's Office of Student Accessibility Services, which handles them on a case-by-case basis, based on medical documentation.

## **B. Exam Schedule**

Exams are scheduled by the Assistant Dean for Academic Services & Registrar prior to the Add/Drop period. Exam schedules are available via Blackboard. Faculty members may only give their exam during the stated exam period.

## **C. Exam Preparation**

Sample exam instructions may be found in the Appendices.

Evaluating students is a critical part of a faculty member's responsibilities. Faculty members should take particular care not to replicate questions from materials to which students have access, including publicly available sources. Support staff are not permitted to act on general directives from a faculty member to assemble materials for an exam.

Faculty members requiring assistance with typing, proofreading, and copying of exams are requested to contact the Faculty and Academic Support Center (FASC) as far in advance of the scheduled date of the exam as possible. Once an exam has been finalized and copied, it will be stored in a secure area.

Include a cover sheet on your exam that provides specific instructions to students about taking the exam. All exam instructions will be reviewed by the Registrar's Office prior to duplication in order to identify confusing or ambiguous instructions that require revision.

When providing instructions as to format and word limits, faculty are encouraged to include such instructions for handwriters also, as there are students who require handwriting as an accommodation for a disability.

Please proofread your exam with great care. Announcing corrections after the exam period has started is disturbing to students and may even disadvantage those who answer questions out of order or have gone to another room to take the exam.

The date of the final exam for your class is scheduled by the Assistant Dean for Academic Services & Registrar and cannot be changed unless the exam is to be self-scheduled. Faculty members may not move the exam to a different date for individual students or the entire class.

The Assistant Dean for Academic Services & Registrar will send an e-mail prior to the exam period outlining the procedures to be followed in preparing your exam. You must submit the final exam to the Registrar's Office at least five business days before the day it is to be administered if you type it and at least ten days if you plan to have FASC type it for you. If it is a self-scheduled exam, it must be turned in to the Registrar's Office at least five business days before the first day of the exam period. The Dean's Office will be notified of violations of these deadlines.

Please hand deliver or send your exam questions to the Assistant Dean for Academic Services & Registrar via UPS, Federal Express, or as an e-mail attachment. Do not send via USPS or fax, which can create problems of security and confidentiality and compromise the administration of your exam. If you wish to send an exam via an express service, use the Law School's street address: 613 S. Henry St., Room 100, Williamsburg, VA, 23185.

#### **D. Exam Format**

The Assistant Dean for Academic Services & Registrar will ask faculty about their exam format before the semester begins, so that the exam schedule can be created. Students must be notified of the exam format before the end of the Add/Drop period. The Dean's Office will be notified of violations of this deadline.

##### **1. Types of Exams**

- *Open- and Closed-Book Exams:* Fully open-book or fully closed-book exams (i.e., either anything or nothing is allowed in the exam room) are the easiest exams to administer and so are recommended. Restrictions



such as no commercial outlines or no annotations transform the exam into a limited open-book exam.

- *Limited Open-Book Exams:* The Law School discourages limited open-book exams due to possible ambiguity and consequent administrative problems. If you decide that you must give a limited open-book exam, be very specific about which materials are permitted and which are not. Because the Honor Code governs the taking of exams, it is important to specify what can and cannot be used so that there will be no confusion or misunderstanding. When a student asks whether certain material is or is not covered in your limited open-book policy, please answer the question only in a manner that will convey the same information to all students enrolled in your course (i.e., in an email to the entire class).
- *Take-Home Exams:* If you plan to give a take-home exam on a particular day, please advise the Assistant Dean for Academic Services & Registrar as early in the semester as possible. Students must be notified of take-home exams prior to the close of the Add/Drop period. Do not decide to give, or not to give, a take-home exam after Add/Drop is closed because some students might object to the lack of notice or opportunity to choose another course.
- *Self-Scheduled Exams:* For self-scheduled exams that are eight hours or less, you may allow your students to take the exam on any scheduled exam day within the exam period or any day within a range of days in the exam period that you specify. Twenty-four-hour exams may be taken on weekdays only during the exam period. Students should be notified of self-scheduled exams prior to the close of the Add/Drop period. In addition, notify the Assistant Dean for Academic Services & Registrar immediately if you elect to offer a self-scheduled exam.

## 2. Length of Exam

The number of hours scheduled for an exam ordinarily equals the number of credits awarded for the successful completion of the course. Faculty members who plan to deviate from this standard length must inform the Assistant Dean for Academic Services & Registrar during the creation of the fall and spring academic schedules. Faculty members may not choose an exam format longer than four hours after the exam schedule has been set. If the format of an exam varies in any way from the assumed standard length, students must be informed before the end of the Add/Drop period.

## E. **Administration of Exams**

Faculty members must administer/proctor their own exams. Only if a faculty member is unable to do so due to emergency, illness, or an irreconcilable and

unforeseen conflict may a faculty member be relieved of this obligation, in which case the Dean's Office will handle the process. Faculty members who cannot administer their own exams are advised to leave contact information with the Assistant Dean for Academic Services & Registrar in the event there is a problem during the administration of the exam.

Electronic copies of exam answers will be distributed to faculty after processing. Printed copies are available upon request by the faculty member. Faculty members are advised to check the exams against the list of exam numbers in Banner to ensure all exams are accounted for before starting to grade.

#### **F. Retention of Exams**

The American Bar Association requires that instructors keep exam answers for one year, after which they may be destroyed.

### **IV. Faculty Support**

#### **A. Faculty and Academic Support Center**

The Faculty and Academic Support Center (FASC) provides law faculty word processing and administrative support relative to their academic, scholarly, and governance (committee) requirements, including typing, editing and proofreading documents; preparing judicial clerkship and other letters of recommendation; transcribing dictation; updating faculty webpages and CVs; ordering course materials; assisting with creating academic course packs; copying, scanning, posting, and distributing documents; processing faxes and USPS and express mailings; helping with constructing and generating reports and surveys; providing mechanical copyediting support of electronic and/or handwritten manuscripts; submitting legal scholarship to publishers and student-run law reviews/journals; acquiring permissions for manuscripts and academic course packs; processing SSRN faculty requests; reprint mailings; coordinating meetings and virtual conferences; securing room reservations; ordering catering services; and assisting the Appointments Committee with organizing on-campus faculty visits. The FASC also orchestrates high-volume copy requests with the William & Mary print shop and outside vendors.

The FASC is supervised by Cody Watson. A detailed description of services that the FASC provides and the timeframes in which work requests should be submitted can be found at [Faculty Services](http://law.wm.edu/about/ouradministration/fasc/facultyservices/index.php).<sup>9</sup>

---

<sup>9</sup> <http://law.wm.edu/about/ouradministration/fasc/facultyservices/index.php>

## **B. Course Material Preparation**

The Law School encourages faculty members to upload course material to Blackboard, which supports a variety of formats and links to web pages such as Westlaw and LexisNexis. Most students will find accessing course materials through Blackboard easy and efficient. FASC can assist with the process of uploading materials.

A portion of the students' annual fee payment supports duplication of minimal course materials or handouts. The funds do not support duplication of large quantities of material. Should faculty members require duplication of significant material, a coursepack should be prepared and made available to students for a fee. The FASC can assist with preparing coursepacks and obtaining the required copyright clearance. Requests should be sent to FASC at least six weeks before the start of the semester.

Assembling the appropriate materials and keeping the number of pages to a manageable number is an extensive task and should not be undertaken lightly. Keep in mind that federal copyright law applies to many of the materials you will be assembling. If you have questions about whether permissions are necessary, contact one of the reference librarians.

## **C. Wolf Law Library Services**

### **1. Research and Instructional Services**

Dual-degree (JD and MLS) librarians support faculty teaching and research through:

- Research assistance for faculty members and their student RAs
- Guest legal research classroom presentations tailored to course content and outcomes
- Course/subject bibliography compilations
- Litigation and current event monitoring/tracking
- Alerts about new Library resources
- LexisNexis, Westlaw, Bloomberg Law, or other database access and training

Additionally, each research librarian is assigned to several full-time faculty members as a Library liaison. While the liaison serves as an initial contact to resolve any library-related issues a faculty member may have, all librarians are available to answer questions and provide assistance. Contact Chris Byrne, [cdbyrn@wm.edu](mailto:cdbyrn@wm.edu), x11736, for more information about the liaison program.

2. Access and On-Demand Services

The Law Library's Access Services department provides faculty members and students with circulation, reserve, interlibrary loan, and document delivery services, all of which are discussed below. The department also assists student research assistants in their work for full-time faculty.

3. Building/Library Access

Law School faculty members have 24-hour access to the Law School and Library with their W&M ID card. Card readers are located at the main doors to the Law School and Library and between the Library and hallway near the Faculty Library on the second floor.

4. Faculty Materials Stipend

The Law Library provides each full-time faculty member with \$500 annually (subject to the availability of funding) to support faculty scholarship, research, or teaching. Faculty members can use their stipends for the purchase of books, journals, magazines, and other library materials for office use. The Library must order and process these items, which remain the property of the Law Library and revert to the general collection upon the faculty member's departure from the Law School. All purchases must conform to State policies and guidelines, including the Law Library's stated policy to obtain requested materials in the method that makes the resource the most widely available and usable. Stipend requests must be submitted to faculty liaisons or Linda Tesar, [lktesar@wm.edu](mailto:lktesar@wm.edu), x13244, by May 15<sup>th</sup> of each fiscal year. Faculty members are also encouraged to suggest purchases for the Library's general collection.

5. Circulation Services

Law School full-time faculty members may check out Law Library books for a year with automatic renewals available. Other items, even those that do not normally circulate (such as journals and reference materials), can be checked out to faculty members as well. Loan periods for these items vary depending on the type of material in question and the faculty member's needs. More information is available from Circulation department staff.

Faculty members may request and borrow items from other W&M libraries. These items will be collected and delivered to your faculty mailbox. Request books directly through W&M's [online catalog](#),<sup>10</sup> or by contacting your liaison or a Circulation department staff member.

Faculty can return all Law Library, Interlibrary Loan, and W&M libraries' materials to the book drop located near the elevator by the faculty offices, to the Law Library box in the mailroom, or to the Law Library Circulation desk. In the case of large numbers of books being returned, contact Circulation and we will bring a cart to collect the items.

Circulation staff conducts an annual inventory of faculty offices in order to update our checkout records. Faculty will be notified a few weeks prior to the start of the inventory process and can schedule a convenient time for the inventory if they wish to be present. In the event a library item is lost or damaged while checked out by a faculty member, the faculty member's PDF will be charged to replace the item. This includes items stolen from unsecured faculty offices.

## 6. Reserve Services

### *Course (Temporary) Reserves*

Faculty can ask for books and photocopies to be placed on temporary reserve for current class use. Course Reserve materials may be checked out by W&M students for a period of four hours unless Circulation is notified by the requesting faculty member that an item should be checked out for a shorter or longer period. Due to the heavy demand for Reserve materials, students are charged \$1 per hour for overdue items. Special circulation rules take effect during reading and exam periods to ensure fair access to Reserve materials, which are kept behind the Circulation Desk.

If the Library owns the material requested, it will place its copy on Reserve. Pursuant to American Library Association copyright guidelines, the Library can create up to five copies from Library-owned materials for Reserve.

The Library has created an online Controlled Digital Lending (CDL) Reserves collection. This involves scanning reserve materials to allow for digital lending to students under the same policies governing the print reserves collection. When items are scanned for digital reserves, the corresponding print title will be removed from physical circulation. If you have questions or would like for library material to be made available to

---

<sup>10</sup> <https://catalog.libraries.wm.edu/> (sign in using your W&M username and password to enable requests).

students and members of the Law School community by CDL, please contact Michael Umberger, [mnumberger@wm.edu](mailto:mnumberger@wm.edu), x13253.

Materials requested for Reserve that are not available in the Library will be purchased if available at a reasonable price. Please note, however, that the regular purchasing process may take as long as four weeks.

Faculty may also place personal materials on Reserve. Personal items and photocopies placed on Reserve for a class will be returned at the end of each semester.

To place materials on Reserve, complete the Law Library Reserve Form, available at the Circulation Desk, and submit it to Steve Blaiklock, [snblai@wm.edu](mailto:snblai@wm.edu), x12358. Faculty who are adding personal materials to Reserve should include those materials with the form.

Although the library does not purchase casebooks, the library will place any casebook on reserve that a faculty member provides. The library will assist faculty members with locating open access course materials. Please feel free to contact your library liaison for additional assistance regarding course materials.

Please send the list of materials to be placed on Reserve *at least two weeks prior to the beginning of the semester* (or even earlier if the Library will need to buy items for Reserve) and at least one week in advance of any special assignment during the semester to ensure that the Library staff has enough time to process the materials. If you have specific questions concerning Reserve items, contact Steve Blaiklock, [snblai@wm.edu](mailto:snblai@wm.edu), x12358.

#### *Permanent Reserves*

In addition to items that are placed on temporary reserve for particular classes, the Library keeps some high-demand materials on permanent reserve. These materials include hornbooks, nutshells, and current editions of Virginia treatises, manuals, handbooks, and CLE course books. A number of these materials are also made electronically available through the Library's online study aids subscriptions. Print reserve materials generally circulate for four hours and may be renewed unless a hold has been placed on the item. Special circulation rules take effect during reading and exam periods to ensure fair access to Reserve materials. Permanent Reserve materials are subject to a \$1 per hour fine for students.

Films shelved in Reserve circulate for one week.

7. Past and Practice Exams on the Web

With faculty permission, the Law Library places previously used or practice exams on a password-protected website for W&M law students to access. The Circulation Department solicits such exams from professors each semester before the exam period. Faculty may e-mail a copy of the exam(s) in Word or PDF to the Circulation and Reserve supervisor, Steve Blaiklock, [snblai@wm.edu](mailto:snblai@wm.edu), x12358, and may request conversion of files to PDF. Contact Steve to make arrangements for other methods of transfer.

In addition, print-only versions of exams may be placed on Reserve at a faculty member's request.

8. Class Handouts

Faculty are encouraged to post course materials to Blackboard to give students ready access and reduce cost and waste. However, faculty may also submit handouts to the Library to be placed on the shelves near the Circulation Desk. The Faculty and Academic Support Center can assist with making copies of class handouts.

9. Interlibrary Loan Services

If the Law Library does not have a book, journal article, or other item required for course or research use, or if the material is missing from the collection, faculty may request that the Library borrow it from another library through Interlibrary Loan (ILL). The Interlibrary Loan Request form is online at [Interlibrary Loan Forms](#).<sup>11</sup>

Books and other physical media usually arrive within two to fourteen days. Scans may arrive more quickly, as most copy requests are emailed to the Library as a PDF.

Faculty members are not charged for course- and research-related ILL services. Requested materials will be placed in the faculty member's mailbox upon receipt (PDF files will be e-mailed), or an email will be sent if the Library is unable to locate a library willing to lend the item.

a. *Overdue ILL items*

The Law Library's ability to borrow material from other libraries depends on establishing and maintaining positive relationships and agreements with them. Overdue ILL materials not only jeopardize

---

<sup>11</sup> <https://law.wm.edu/library/services/interlibraryloan/forms/index.php>

these relationships, but also result in the Library's being charged for replacement costs and service fees.

A faculty member who needs an item longer than a given library is able to lend it must notify the ILL Coordinator before the due date. The Library may be able to order the item from a different library or, if appropriate, purchase the item for the collection or for the faculty member's office. With enough notice, it may be possible to avoid a gap between copies departing and arriving.

The following policy applies to ILL requests from Law School faculty members and student research assistants on a faculty member's behalf (in the latter case, the student is acting as the faculty member's agent in obtaining the item(s)). Materials requested on a student's own initiative and not at the faculty member's direction, even if used to complete a faculty research project, are excluded from this policy and remain the responsibility of the student.

- (1) Faculty will be alerted to an item's due date by use of a highly-visible band or other clear indicator attached to the item. If a book is clearly marked, "No Renewal" it will be necessary to request another copy. Notify the Library before the item is due if renewal is desired. With enough notice, it may be possible to avoid a gap between copies departing and arriving.
- (2) Faculty members who keep the item beyond the due date will be notified with a request for return of the item and a follow-up if necessary. If an invoice is received from the lending library, it will be forwarded to the faculty member, as it is his/her responsibility.
- (3) Faculty members who still have not returned the item will have their PDF charged for the amount of the lending library's invoice for the item, including all fees. Faculty may not use their Library stipend to pay this bill.

#### 10. Document Delivery Services

The Library scans and/or copies materials in its collection for faculty within the constraints of the Copyright Act. The Library will provide a scan or copy of an item within one business day of the request. Links to scans will be e-mailed and, if requested, copies will be placed in faculty mailboxes. The Faculty and Academic Support Center can assist with multiple copies of materials for distribution to students, again subject to the Copyright Act.



11. Online Catalog

Materials in the W&M libraries may be found via the online catalog, which can be accessed at [W&M Libraries Catalog](https://catalog.libraries.wm.edu/).<sup>12</sup> Contact any librarian with questions.

**D. Online Information Resources**

1. LexisNexis, Westlaw, and Bloomberg Law

The Law Library provides faculty, staff, and student access to LexisNexis, Westlaw, and Bloomberg Law for research purposes directly connected with the educational activities of the Law School. The Library can also obtain IDs for non-law W&M students taking Law School classes if research is an integral part of the course. Contact Chris Byrne, [cdbyrn@wm.edu](mailto:cdbyrn@wm.edu), x11736, to obtain a LexisNexis, Westlaw, or Bloomberg Law account.

2. Other Legal and Non-Legal Databases

The Law Library maintains subscriptions to numerous databases and services including EBSCO, HeinOnline, SSRN, West Study Aids, and a host of other providers. Faculty, students, and staff can also access institutional subscriptions to the online versions of the *New York Times*, the *Washington Post* and the *Wall Street Journal*. In addition, Law School faculty and students have access to databases to which the main campus (Swem) and business (McLeod) libraries subscribe, except for those that are password-protected for business school use only.

3. Computer Assisted Legal Instruction (CALI)

The Law Library subscribes to the interactive legal instruction lessons from the Center for Computer Assisted Legal Instruction (CALI). All lessons are available on the web at [CALI](http://www.cali.org/).<sup>13</sup> To access CALI exercises, contact Chris Byrne, [cdbyrn@wm.edu](mailto:cdbyrn@wm.edu), x11736.

4. Computer Labs

Two computer labs are available on the ground floor of the Law Library for members of the Law School community. The labs offer a variety of applications, including Microsoft Office, statistics and case management software, and web browsing. In addition, one of the labs is optimized for 16-person technology training sessions.

---

<sup>12</sup> <https://catalog.libraries.wm.edu/>

<sup>13</sup> <http://www.cali.org/>

## **E. Technical Support**

The primary source of assistance for IT needs is [LawIT@wm.edu](mailto:LawIT@wm.edu).

For classroom AV support (projectors, cameras, and other equipment), contact the Law School's Call Center, ext. 1-2060. If no one answers, contact:

- Whitney Weidner, ext. 1-2180, [wwweidner@wm.edu](mailto:wwweidner@wm.edu)
- Robert Jordan, ext. 1-7507, [rhjordan01@wm.edu](mailto:rhjordan01@wm.edu)

## **F. Judicial Clerkship Recommendation Letters**

The Faculty and Academic Support Center assists faculty with processing all judicial clerkship recommendation letters.

As a general matter, please submit Word versions of your recommendation letters to the FASC at least three weeks before your student's target application date, sooner if possible. Students' applications are not complete until your letters are prepared. Failure to submit timely will compromise students' chances of securing a federal or state clerkship.

If you have questions about the process for preparing judicial clerkship recommendation letters, contact Associate Dean Michael Ende, [mjende@wm.edu](mailto:mjende@wm.edu), or Assistant Dean George Podolin, [gpodolin@wm.edu](mailto:gpodolin@wm.edu) in the Office of Career Services or the FASC.

## **V. Other Administrative Matters**

### **A. Banner**

[Banner](https://my.wm.edu/index.php)<sup>14</sup> is a password-protected site used, among other things, for entering final student grades and for accessing your payment and tax records. Instructions for entering grades will be distributed near the end of each semester.

### **B. Benefits**

---

<sup>14</sup> <https://my.wm.edu/index.php>

Questions about health coverage, retirement, insurance, and other benefits should be directed to the William & Mary Human Resources Office.

### **C. Book Orders**

The first step in assembling course materials is determining if there is an appropriate casebook for the class. When requested, publishers will usually send complimentary copies of casebooks. You may also wish to consult other professors in your field for advice on casebook selection. The Associate Dean for Research and Faculty Development or the Vice Dean can help connect you with other faculty.

Several months prior to the beginning of each semester, faculty members are asked to select books for their courses. Book orders are submitted online; faculty members will be contacted by FASC at the appropriate time with further information or to answer questions regarding book orders.

Faculty are encouraged to consider adoption or use of books and materials that can save students money, when pedagogically appropriate, such as using a prior edition when changes during revision have been minimal or using open-source casebooks or faculty prepared materials. A number of affordable textbook alternatives are available through a variety of platforms. The Law Library subscribes to CALI, which in the past offered study aids for students, but now publishes electronic textbooks for many subject areas (See CALI E-Langdell Bookstore at <https://www.cali.org/the-elangdell-bookstore>). Harvard Law School Library created a platform for faculty to create their own online casebooks or to use casebooks created by others at [Open Casebook](#).<sup>15</sup> Smaller low-cost publishers and titles include [Semaphore Press](#),<sup>16</sup> [Open Source Property](#),<sup>17</sup> and [Inexpensive IP and Technology Law Casebooks](#).<sup>18</sup> The library will post on its website a list of open casebooks made available electronically as we learn of additional sources.

### **D. Educational Technology**

#### **1. Course Websites**

Each course includes a Blackboard website for posting assignments and supplemental materials. In addition, Thomson/West publishing provides Law School faculty with use of the TWEN web software. Both are secure websites that allow faculty to post documents such as syllabi or handouts, set up discussion groups and other exercises for class members, provide links to other websites, and make class announcements. The TWEN system

---

<sup>15</sup> <https://opencasebook.org/>

<sup>16</sup> <http://semaphorepress.com/index.html>

<sup>17</sup> <https://opensourceproperty.org/>

<sup>18</sup> <https://james.grimmelmann.net/files/casebooks>

also allows faculty to create links to any document in the Westlaw system simply by typing in the citation.

These systems enable students to access course materials 24 hours per day throughout the semester. Questions about Blackboard should be directed to [LawIT@wm.edu](mailto:LawIT@wm.edu). Questions about TWEN should be directed to the Westlaw representative, Kyla Shank at [kyla.stone@tr.com](mailto:kyla.stone@tr.com).

2. Audiovisual (AV) Equipment & Services

Each Law School classroom has a computer, a laptop connection, and either a projector or flat screen monitor to display course materials. Some rooms have tablet computers, microphones, and document cameras.

To make arrangements for additional equipment or services such as recording lectures, email Whit Weidner at [wwweidner@wm.edu](mailto:wwweidner@wm.edu).

3. Classroom Recording & Setup Policy.

The Law School's Technology staff will audio- or video-record classes, make-up classes, and review sessions at a faculty member's request with reasonable advance notice (two business days before the day of the event). The staff will do its best to accommodate requests with a shorter lead time. Most classrooms are equipped with cameras and microphones to allow faculty to record classes at their discretion. For information how to use this equipment contact Whit Weidner at [wwweidner@wm.edu](mailto:wwweidner@wm.edu).

If a faculty or staff member would like a guest speaker's presentation to be recorded, that guest must sign a recording release. If any guest declines to sign the release, the event cannot be recorded. The latest version of the Law Schools recording release form is available on Blackboard under the Audio/Visual department, or can be acquired by contacting the Law School Event Coordinator at [lawevents@wm.edu](mailto:lawevents@wm.edu).

4. Classroom Video Conferencing

Many locations in the Law School have video cameras that can be used for two-way video conferencing over Zoom or other platforms. As with all AV requests, advance notice is essential to allow time for set up. Faculty members who wish to arrange a video conference should contact the Law School Technology Call Center at 221-2060, [lawtec@wm.edu](mailto:lawtec@wm.edu), at least one week in advance.

5. Classroom Wireless Network

All classrooms have wireless Internet access. The Law School currently has no policy regarding students' access to the Internet during class, leaving it up to individual faculty members to set computer use policy.

6. Zoom accounts

All faculty have access to William & Mary's institutional Zoom account through <https://cwm.zoom.us/>. University IT has prepared [instructional materials](#)<sup>19</sup> on how to use Zoom.

**E. Express Mail**

There is a UPS pickup at the Law School every afternoon. If you wish to send a Law-School-related package via UPS, give it to the FASC by noon so it can be prepared and placed in Room 100 in time to be picked up. As shipping can be expensive, please reserve its use for special circumstances. If you are expecting a package sent via UPS or another express service, make sure that the sender has our street address: William & Mary Law School, 613 S. Henry Street, Room 100, Williamsburg, VA 23185.

**F. Identification Cards**

William & Mary identification cards are made in the ID Office, located in the Campus Center atrium. An ID card is necessary to gain access to the building after hours and to the Library from the faculty office wing. The Office Manager can assist you with this process.

**G. Law School Guests**

Each year the Law School hosts numerous events involving visits by guests, such as class lecturers, guest lecturers, symposia speakers and panelists, faculty candidates, workshop and colloquium speakers, and other invited guests. The Assistant to the Dean (Dean's Office) should be made aware of all guests at the Law School so that scheduling conflicts can be avoided.

The Dean's Office can assist with preparations in support of faculty-organized events or guests at the Law School. The Financial Operations Office can assist with booking guests' travel. All guests must be provided with and adhere to the Law School Travel Reimbursement Procedures (*see* Appendix).

---

<sup>19</sup> <https://www.wm.edu/offices/it/services/classroomtech/zoom2/index.php>

#### **H. Mail**

Each faculty member has a mailbox in the mail room located in Room 255, near the Institute for Bill of Rights Law. Outgoing mail bins are also located in the Mail Room. Mail is delivered and picked up once a day, and all mail to be sent with postage paid by William & Mary must be logged before sending.

#### **I. Payroll**

William & Mary employees are paid twice a month, on the 1<sup>st</sup> and 16<sup>th</sup>, or on the preceding Friday if the 1<sup>st</sup> or 16<sup>th</sup> falls on the weekend. William & Mary requires that your paycheck be deposited directly into your bank account. Contact the Administrative Liaison – HR for more information.

#### **J. Photocopying**

Library staff will photocopy library materials upon request. In addition, copiers are located in Room 255 and in the Faculty Kitchen (Room 206). They require a code to operate, which may be obtained from Cody Watson in the Faculty and Academic Support Center.

#### **K. Seating Charts**

Rosters with students' pictures can be accessed through Blackboard. FASC can assist with creating a seating chart with student pictures or index cards with student pictures.

#### **L. Scheduling Rooms and Events**

Faculty members wishing to reserve classrooms or conference rooms for special meetings or make-up classes, or seeking to schedule a Law School event, should complete the Room Reservation Form (available on Blackboard) with event details. The event will be booked, confirmed, and added to the master schedule, which can be viewed on Blackboard.

#### **M. Supplies**

Office supplies are available in the mail room (Room 255). See the Receptionist about specific supply needs. The Law School follows state purchasing guidelines and therefore has limitations on suppliers. Purchases must be made through Financial Operations. Faculty members cannot be reimbursed for past purchases. Coffee machines with supplied K-Cups are available in the faculty kitchen.

## **VI. Faculty Policies and Procedures**

### **A. Faculty Members' Responsibilities**

American Bar Association Standard 404 requires that the full-time faculty of the Law School, as a collective body, shall fulfill the following core responsibilities as employees of the Law School:

1. Teaching, preparing for classes, being available for student consultation about those classes, assessing student performance in those classes, and remaining current in the subjects being taught;
2. Participating in academic advising, creating an atmosphere in which students and faculty may voice opinions and exchange ideas, and assessing student learning at the Law School;
3. Engaging in scholarship, as defined by the Law School;
4. Service to the Law School and university community, including participation in the governance of the Law School, curriculum development, and other institutional responsibilities described in the Standards;
5. Service to the profession, including working with judges and practicing lawyers to improve the profession; and
6. Service to the public, including participation in pro bono activities.

William & Mary's policy on academic freedom and professional ethics can be found in the Appendix. The Law School interprets A.1. to mean compliance with the Law School's academic calendar, including class meetings during the Add/Drop week for non-mini-courses. Regular availability to students for live interaction throughout the semester is also expected.

### **B. Annual Review Process**

Each spring, the Dean will request a report from all full-time faculty detailing their teaching, scholarship (or professional productivity, as appropriate), and service contributions during the current academic year and preceding spring semester. Annual reports are important to the post-tenure review process in accordance with university policy; to the determination of pay raises and future teaching loads; and to ensuring the Law School's compliance with ABA standards.

Each faculty member's annual report must address the following factors:

1. Teaching: Faculty members should describe their teaching responsibilities for the relevant period and include in their description a self-assessment of their teaching experience. In addition to courses and seminars, they should identify directed readings, independent writing, externship or clinic oversight, journal advising, moot court judging, and any other teaching, academic advising, and mentoring activities in which they have engaged. Descriptions should explain in concrete terms the extent of their teaching, including credit hours, students enrolled, time spent meeting with students outside of class, and other information showing contact with and service to students. Faculty members should also describe any innovations or changes in their teaching from previous years, such as the compilation of new teaching materials, changes in pedagogical approach, or uses of new technology. Finally, any efforts to create an inclusive learning environment that promotes the engaged participation of all students should be mentioned. The goal is a complete account of a faculty member's work with students during the relevant period.
2. Scholarship: The annual report should include scholarly activities and accomplishments during the relevant period, if appropriate. Faculty members should include information about:
  - Scholarly projects currently in print, accepted for publication, or submitted for publication, including, if known, the journal or publisher, date of publication, and length.
  - Works in progress, including the state of completion, estimated length, and publication plans.
  - Lectures, talks, and conference presentations, including the location, date, and sponsoring entity.
3. Service: Faculty members should report on their governance and other service activities during the relevant period, including participation in enrichment workshops and other relevant Law School events. Law School and university-wide activities are especially relevant, but service endeavors outside William & Mary bear mention as well. To the extent feasible, estimate the time required for each commitment described and any products resulting from the efforts.

Faculty members should also include service to the academy, such as preparation of scholarship review letters for promotion and tenure committees at other institutions; service to the profession, including service on AALS or bar association committees, work on law reform efforts, and CLE presentations; and service to the public, including participation in pro bono activities. Faculty members are also asked to note their contributions to diversity, equity, and inclusion in their annual reports to the Dean so they



may be considered along with other contributions as part of their service to the institution and the community.

### **C. Teaching Load Policies for Tenured and Tenure-Eligible Faculty**

#### **1. Normal Teaching Load and Contact-Hours<sup>20</sup>**

The normal teaching load for tenured and tenure-eligible faculty members who regularly produce significant scholarship is ten credits. A faculty member who, over the course of three years, produces two full-length articles or article equivalents will be presumed to be regularly producing significant scholarship. Faculty members who do not regularly produce significant scholarship as defined above will have a twelve-credit load.

By March 31<sup>st</sup> each year, as part of the annual merit review, the Dean's Office will decide whether a faculty member will teach a ten- or twelve-credit load the following academic year, depending on their scholarship productivity. That review will focus on the scholarship produced by the faculty member during the preceding three years.

A faculty member with a ten-credit load may satisfy his or her credit-load obligations by teaching nine credits in one year and eleven the following year, with the approval of the Vice Dean.

A faculty member who qualifies for the ten-credit load is expected to have a minimum of 250 total projected student contact hours (SCH) for the year in question (with projections based presumptively on past enrollment); allowances may be made as appropriate to accommodate individual circumstances and to account for periodic anomalies and new courses. SCH calculations for co-taught courses will be discounted by the Dean in consultation with the faculty members. The Dean has the discretion to address situations in which this minimum SCH expectation will not be met by, for example, increasing the teaching obligation to twelve credits or granting an exception if circumstances warrant.

Faculty members carrying a twelve-credit load are expected to have a minimum of 300 SCH in that year; allowances may be made to accommodate individual circumstances and to account for periodic anomalies and new courses. SCH calculations for co-taught courses will be discounted by the Dean in consultation with the faculty members.

When courses are co-taught by more than one professor, for the purposes of calculating credit hours, the presumption is that each faculty member will

---

<sup>20</sup> This section applies to faculty hired on or after June 1, 2021 and to current faculty who opted in to the policy in response to the Dean's February 1, 2021 memo to the faculty.

receive the number of credit hours divided by the number of professors teaching the course. For example, if two faculty co-teach a three-credit course, each faculty member will receive credit for 1.5 hours.

2. Legacy Policy on Teaching Loads<sup>21</sup>

Under the legacy teaching load policy, the normal teaching load for tenured and tenure-eligible faculty members who regularly produce significant scholarship is nine credits (normally three courses). A faculty member who, over the course of three years, produces two full-length articles or article equivalents will be presumed to be regularly producing significant scholarship.

By March 31<sup>st</sup> each year, as part of the annual merit review, the Dean's Office will decide whether a faculty member will teach a nine- or twelve-credit load the following academic year, depending on their scholarship productivity. That review will focus on the scholarship produced by the faculty member during the preceding three years.

Faculty members covered by the legacy policy may affirmatively choose to teach a twelve-credit load during an academic year and focus more on teaching than scholarship for that year. As long as engagement in scholarly work is demonstrated and scholarly performance is otherwise satisfactory (i.e., no issues have been raised in the annual merit or post-tenure review processes), faculty members with a twelve-credit load will be evaluated for annual compensation purposes as if their twelve-credit load was functionally equivalent to a nine-credit load accompanied by significant scholarship.

In other words, a decision to devote more time to teaching will be evaluated on an equal basis with a decision to devote more time to scholarship, and annual merit increases may reflect each type of commitment.

3. Assignment of Courses

The Vice Dean will assign courses to faculty members based on curricular and institutional needs, expertise of individual faculty members, and faculty preference. The following institutional priorities are relevant to course assignment:

- The faculty's commitment to offering at least three sections of each first-year doctrinal course.

---

<sup>21</sup> This policy applies to faculty hired before June 1, 2021 who have not opted in to the new policy in response to the Dean's February 1, 2021 memo to the faculty.

- The need to offer at least two sections of high-demand, core electives (e.g., Trusts and Estates, Corporations/Business Associations, Evidence, and Criminal Procedure).
- The desire to use full-time residential faculty to meet curricular needs where a resident faculty member has the expertise to teach a course and using the faculty member's expertise would be equitable, taking into account the other teaching obligations and contributions of the particular faculty member (including the number of core courses and student contact hours).
- The post-registration enrollment of a course. Full-time non-clinical faculty courses with fewer than ten enrolled students following registration must meet with the Dean's Office to discuss alternative course offerings.

4. Eligibility for Summer Research Grants and Teaching Load

All tenured or tenure-track faculty members who otherwise meet the eligibility requirements of the summer research policy may seek a full- or half-summer grant regardless of their course load.

5. Reduced Teaching Loads for Full-Time Faculty with Special Administrative Obligations

Faculty members with administrative responsibilities may receive reduced teaching loads, as agreed with the Dean.

6. Course Banking

Course banking is a valuable tool that allows faculty members to meet curricular and institutional needs while planning for future faculty research projects. Faculty members who teach more credits than required because of courses assigned to them by the Dean's Office will bank the difference between the assigned credits and the required course load credits. Otherwise, faculty members interested in course banking must demonstrate to the Vice Dean that the course furthers important institutional needs. The maximum number of credits that a faculty member may bank is ten credits. No faculty member with a reduced teaching load may course bank unless asked to teach an overload by the Dean's Office for institutional reasons. Faculty members may cash in banked credits only with the approval of the Vice Dean, in consultation with the Associate Dean for Research and Faculty Development. A faculty member who cashes in banked credits still owes governance responsibilities during the period when the banked credits are used.

Occasionally, a faculty member may ask to teach less than a required load because of special circumstances, such as teaching a major new course while meeting other significant professional obligations. If the request is granted, the faculty member must make up the difference in credits in the future (reverse banking).

Faculty who teach a ten-credit load under the normal teaching load policy (section 1 above) and who take a one-semester SSRL at 100 percent pay are required to teach 5 credits in the other semester. Faculty who teach a nine-credit load under the legacy teaching load policy (section 2 above) and who take a one-semester SSRL at 100 percent pay are required to teach 4.5 credits in the other semester. Faculty who teach in excess of these amounts because of courses assigned by the Dean's Office will bank the difference.

Faculty may take a one-semester SSRL at 100 percent pay and, with the permission of the Dean's Office, use banked credits to be relieved of teaching (but not service) obligations during the other semester. The required number of credits is 5 for faculty governed by the normal teaching load policy and 4.5 for faculty governed by the legacy teaching load policy.<sup>22</sup>

Faculty who take a full-year SSRL at 80 percent pay are not required to use any banked credits.

Faculty who take other types of leave for a semester, including mentoring leaves, parental leaves, or leaves to visit at another institution, are treated as having taught three credits for the semester of leave and must teach their remaining credit load, or use credit banking, in the other semester. Faculty who teach in excess of this amount because of courses assigned by the Dean's Office will bank the difference.

## 7. Visits and Other Leaves

Visits, research assignments, and other discretionary leaves contribute to the intellectual development of the faculty and Law School. Institutional interests, however, may at times be better promoted by faculty members remaining in residence. The Dean, with the advice of the Associate Dean for Research and Faculty Development and the Vice Dean, will decide whether the interest in taking a visit outweighs institutional interests promoted by remaining in residence.

Considerations include the leave history of the faculty member requesting the visit, the timing of the request, and curricular and other interests.

---

<sup>22</sup> Note regarding effective date: The former practice of accepting three banked credits ended July 1, 2022.

8. Amendment

The Dean, Vice Dean, and Associate Dean for Research and Faculty Development will periodically review these guidelines to determine whether they should be continued, modified, or abandoned.

**D. Policy to Mentor Junior Faculty**

1. Teaching Obligations of Entry-Level Faculty

The Dean's office will limit the teaching load of entry-level tenure-track faculty to two courses during their first year and three courses during their second year, except in unusual or unforeseen circumstances. As long as curricular needs are met, the Administration will engage in best efforts to limit the size of any class taught by beginning faculty members during their first two years to no more than 70 students.

2. Research Support for Untenured Tenure-Track Faculty

During their first two years, entry-level tenure-track faculty members will automatically be awarded a full summer research grant. To receive the second payment, however, the entry-level tenure-track faculty member must comply with the Summer Grant Policy. After that time and until their promotion to Associate Professor, untenured faculty members will continue to receive a full summer grant if they submit a credible summer research proposal. Following promotion to Associate Professor, junior faculty members fall under the Law School's general summer research grant policy.

Grants to tenure-track faculty members will be paid in two installments, with two-thirds of the grant paid when the grant is awarded and the remaining one-third upon completion, as defined by the Summer Grant Policy.

Tenure-track faculty members will also receive a one-semester pre-tenure mentoring leave, typically taken in the year prior to the year they plan to apply for tenure.

3. Governance

During the first three years of an entry-level faculty member's appointment, whether the faculty member is on the tenure track or on the security-of-position track, the Dean's Office will limit the faculty member's governance responsibilities unless he or she affirmatively seeks such responsibilities.

#### 4. Mentoring

The Associate Dean for Research and Faculty Development will assign a faculty mentor to provide one-on-one guidance and support to each faculty member on the tenure track or on the security-of-position track, as well as to Professors of the Practice who do not have significant prior teaching experience. The faculty mentor will periodically meet with the Dean or Associate Dean for Research and Faculty Development to discuss the junior faculty member's progress. The Dean or Associate Dean for Research and Faculty Development will also meet periodically with the mentored faculty member to discuss his or her teaching and scholarship interests and needs. Ideally, the mentoring relationship will entail regular contact and open discussions of teaching, scholarship (or professional productivity, as appropriate), and governance.

Although the nature of the mentoring relationship depends on the individuals involved and is intended to be flexible, mentors are expected at a minimum to (1) attend at least one class taught by their mentee each semester during the mentee's first three years of teaching; (2) with the mentee's consent, examine their student course evaluations each semester; and (3) meet with the Dean or Associate Dean for Research and Faculty Development at least once each year to discuss their mentee's progress. In addition, mentors are expected to read their mentee's scholarship (as appropriate) and provide feedback in a timely manner before the work is submitted for publication. To encourage mentoring, the Law School will fund two mentor-mentee lunches each semester in accordance with our meal reimbursement policies.

#### **E. Professional Development Fund**

Current Law School policy provides each full-time (non-visiting) faculty member with funds for professional development. These funds may be used to attend conferences, purchase office materials, and provide other support for professional activities. Purchases must conform to state procurement policies, and items purchased become the property of the Law School. All travel requires prior approval. The Associate Dean for Administration and Finance and the Associate Dean for Research and Faculty Development will periodically review the fiscal status of professional development funds. Any issues involving the use of professional development funds will be resolved by the Associate Dean for Administration and Finance and the Associate Dean for Research and Faculty Development.

At the beginning of each academic year, the Dean will determine the amount available for faculty development. Entry-level tenure-track faculty will receive an extra \$500 beyond the prevailing amount in each year until tenure. Faculty

members may request additional support for professional activities through the Associate Dean for Research and Faculty Development.

The money that each faculty member receives in his or her individual Professional Development Fund (PDF) will be disbursed upon request strictly in compliance with state reimbursement guidelines. Reimbursement for travel, accommodations, and meals will be limited to the amount authorized by the state, which is frequently less than the true cost to the traveler. All purchases other than travel, accommodations, travel meals, registration fees, professional memberships and bar dues must be made by Financial Operations or the IT department. Reimbursement for past purchases is not permitted.

Faculty members may carry forward unspent portions of their PDFs into following years for professional development purposes. They may not, however, accumulate more than four times the current prevailing annual PDF allowance. State and Foundation limits on the uses of such funds will apply to all accumulated PDF funds.

#### **F. Professional Development Pool Funding**

Tenured and tenure-track faculty may apply for funding out of the professional development pool. Pool funding is administered by the Associate Dean for Research and Faculty Development, and disbursements must conform to state fiscal and other policies. In order to maximize pool funding availability to a diverse and extended group of faculty members each year, the Associate Dean for Research and Faculty Development will consider the amount of pool funds already used by a faculty member in deciding whether to approve requests, as well as any PDF funds available to that faculty member. Faculty who are traveling internationally should check whether funding is available from the Reves Center and apply for such funding along with seeking pool funds.

Funds in the pool will be allocated as follows:

1. Pool funding is presumptively available for faculty members who are invited to present papers at scholarly conferences or workshops for which the sponsor provides less than full support. The faculty member must already have published the paper or plan to submit the paper for publication.
2. The Associate Dean for Research and Faculty Development may provide total or partial pool funding for:
  - a. Faculty members who are invited to give presentations at scholarly conferences or workshops for which the sponsor provides less than full support when the presentation will not result in a paper that will be submitted for publication.

- b. Faculty members who are invited to participate as a commentator at scholarly conferences or workshops for which the sponsor provides less than full support.

No presumption in favor of pool funding exists for these categories of activities. In considering requests for such funding, the Associate Dean will consider, among other factors, the cost of the travel, the status of the event, the amount of pool funds already used by the faculty member, and the faculty member's availability of accumulated PDF.

3. Funds in the pool are presumptively unavailable for:

- Faculty members who are invited to participate as a moderator at a scholarly conference for which the sponsor provides less than full support.
- Faculty members attending a professional meeting or conference at which the faculty member is meeting as a member of the board, committee, task force, or similar body.
- Faculty members who wish to attend a professional meeting or conference such as those sponsored by the AALS, AHA, ABA, ALI, specialty bar associations, and CLE programs.

Law School pool funds support conference registration, accommodations, and meals for the day(s) on which the faculty member is speaking or participating. Pool funds also support accommodations, meals, and related expenses for the day prior to and the day following the day of participation. Faculty may supplement the cost of travel through their individual PDF. If a faculty member believes that circumstances merit additional pool support, he or she should submit a written request explaining the circumstances to the Associate Dean for Research and Faculty Development.

## **G. Summer Research Grants**

Applications for summer grants are requested by the Associate Dean for Research and Faculty Development from tenured and tenure-track faculty each spring. Summer research grants will be awarded and funded according to the following guidelines:

1. Grants will be paid in two installments: a first installment of approximately two-thirds of the grant when the grant is awarded, and a second installment of the remainder at the time of completion of the funded project. Completion is a flexible concept, tailored to the nature of the particular project undertaken. Completion will often consist of submission of a manuscript to a law review or publisher. Occasionally, a faculty member may have



completed work on a manuscript but elected to delay submitting it to law reviews. If the manuscript is a major law review article, the project will be presumed to be completed upon submission to the Associate Dean for Research and Faculty Development of a polished manuscript in substantially final form and suitable for distribution for comment.

For an extraordinarily ambitious project, such as a book, submission of a substantially complete draft or selected chapters may constitute completion. In all instances, the faculty member must submit the work product and an explanatory memorandum regarding completion to the Associate Dean for Research and Faculty Development.

When a project has already received support from the Law School or the University (such as a prior summer grant, a course reduction, or a research leave), the faculty member must identify what was completed for the current summer project and demonstrate that the work submitted for completion warranted the devotion of the current summer grant period.

2. A half summer grant will obligate the faculty member to devote full energy to the project for approximately six weeks, leaving the faculty member free to engage in other remunerative activities, such as summer teaching at William & Mary or elsewhere. A full summer grant shall obligate the faculty member to devote full energy to the project for the entire summer. Requests to engage in remunerative activity by a faculty member working on a full summer research grant shall be considered under the College's External Paid Employment Policy. The distinction between full grants and half grants is not based on the type of scholarship, but rather on the scope of the project and the appropriate time dedicated to it. All full-time faculty are reminded that regardless of summer grant availability, any engagement in a remunerative activity, whether during the academic year or the summer, must be approved under the College's External Paid Employment Policy in advance of the activity.
3. Full summer grants shall be awarded for ambitious, original scholarship, including law review articles, an adequate combination of shorter law review pieces, a university press or other comparable original book, a body of work that the Associate Dean determines is equivalent in effort to a major law review article (such as some combination of works that, when taken alone, would justify a half summer grant), or other similarly ambitious scholarly projects. Such projects warrant the devotion of a full summer. Half summer grants will be awarded for more confined original scholarship such as a single short law review article. The burden is on the individual faculty member to make the case that the proposed work product warrants a full or half summer grant, as appropriate.

4. Faculty members should submit progress reports on projects funded by summer grants to the Associate Dean for Research and Faculty Development no later than October 1<sup>st</sup>. Failure to complete a funded project or a substantially equivalent alternative project will disqualify the faculty member from receiving the remaining grant funds awarded, and any additional summer grants until the project is completed.

A full summer grant proposal from a faculty member who has not completed a previously funded project may be conditionally approved on the condition that the previously funded project is completed by June 1. If the previously funded project is completed between June 1 and July 15, the faculty member may receive only a half summer grant. If the previously funded project is not completed by July 15, the faculty member must reapply in the next summer grant cycle.

5. The Dean and Associate Dean for Research and Faculty Development will periodically review these guidelines to determine whether they should be continued, modified, or abandoned.

## **H. Scheduled Semester Research Leaves**

### **1. Nature of Research Leave**

Tenured, full-time faculty members who are research active are eligible for a Scheduled Semester Research Leave (SSRL) every seventh year of continuous employment. Faculty members who receive such leave may take either one semester's leave at 100 percent pay or one year's leave at 80 percent pay.

Faculty members who begin with tenure-track appointments at the rank of assistant professor and later become tenured will normally be scheduled to take their first SSRL in their seventh year of continuous employment with the Law School. Faculty members hired with tenure, with an accelerated tenure decision date, or with time already spent in a tenure-track appointment at another law school will typically have the timing of their first SSRL opportunity specified in their first employment contract. Tenured faculty who did not have the timing of their first research leave specified at hiring are eligible to apply for an SSRL as if they had been employed at the Law School for their entire career. All other eligibility requirements and procedures apply to leaves by newly tenured faculty members or faculty members hired with tenure.

The Dean's Office will maintain a schedule indicating when tenured, full-time faculty members are eligible for their next SSRL, provided all requirements are satisfied and a satisfactory proposal is received. This schedule is a planning document only and does not guarantee that a

particular faculty member will be deemed eligible to take a leave in the scheduled year or that the leave will be approved for the scheduled time period.

## 2. Eligibility for Research Leave

Only tenured, full-time faculty members who are research active are eligible to receive an SSRL. At the Law School, “research active” means that a faculty member has a record of past published research and evidence of current research activity. In deciding whether a faculty member is research active, the Dean and Associate Dean for Research and Faculty Development will look at the publications and scholarly activities of the faculty member, particularly since the last research leave, and will presume that a faculty member is research active, and therefore qualifies for an SSRL, if the faculty member has produced six<sup>23</sup> full-length articles or article equivalents during the preceding seven years.

This approach recognizes that the nature of the scholarly enterprise varies from project to project and over time as a faculty member takes on different types of research activities. While some research activities may produce lengthy publications that take a year or more to complete, others may result in shorter publications completed in less time.

Some indicators of research activity include regularly publishing in law reviews or peer-reviewed journals, publishing a scholarly book, and regularly receiving summer grants from the Law School. Faculty governance and leadership responsibilities will be taken into account in determining whether a faculty member is research active. Faculty members should not be deterred from accepting significant leadership or governance responsibilities, upon consultation with the Dean and Associate Dean, because of the SSRL policy.

## 3. Procedures for Requesting Research Leave

- a. A faculty member who is due for and interested in taking an SSRL must request a determination of research-active status from the Associate Dean by September 15 of the academic year preceding the year when he or she wishes to take the SSRL. Such a request must include an explanation of why the faculty member believes he or she meets the research-active standard set forth above. The Associate Dean will, in consultation with the Dean, evaluate the request under

---

<sup>23</sup> Note regarding effective date: This standard changed from five to six as announced in the Dean’s February 1, 2021 memo to the faculty. The new standard applies to new faculty hired after March 1, 2021 upon hiring and will apply to the SSRL requests of current faculty made during the 2022–2023 academic year and beyond.

the research-active standard and notify the faculty member in writing of the results by October 1st.

- b. A faculty member who has requested and received a favorable research-active determination must submit an SSRL request to the Dean and Associate Dean by October 15 of the academic year preceding the planned leave period. The SSRL request must include:
  - (1) A completed SSRL application (see Appendix K).
  - (2) A proposal explaining the research project or projects that the faculty member plans to pursue while on leave, the duration of the requested leave, and the probable publications, creative activities, or other products of the research to be conducted while on leave.
- c. The Dean and Associate Dean typically approve SSRL requests for each eligible faculty member submitting an acceptable SSRL application and proposal. Approval of a request, however, does not necessarily mean that the faculty member can take the leave during the particular semester or semesters requested. If more SSRLs are approved than, in the judgment of the Dean and Associate Dean, the instructional and financial realities of the Law School can sustain, some of the approved SSRLs will be deferred.

When more SSRLs are approved than the instructional and financial needs of the Law School can handle without adverse impact, the Dean and Associate Dean will prioritize the approved SSRLs according to the following factors:

- (1) The length of time since the faculty member's last approved application for research leave, or, if the faculty member has never had a research leave, the length of the faculty member's employment at the Law School and/or in academia.
- (2) Contribution to the Law School's instructional needs, including meaningful and significant student contact hours and willingness to cover courses to accommodate other faculty members' leaves.
- (3) Strength of the applicant's scholarly record and the scholarly promise of the applicant's SSRL proposal.
- (4) Willingness of the applicant to take a semester leave as opposed to a year-long leave.

A leave that is deferred will not alter the timing of that faculty member's next SSRL, assuming the faculty member demonstrates eligibility at the later time.

4. Post-Leave Matters

Within three months from the start of the semester following the leave, faculty shall submit a leave-activity report to the Associate Dean for Research and Faculty Development summarizing the results of their work during the leave. Failure to submit the report may lead to denial of future SSRL applications. According to William & Mary policy, faculty are expected to return for at least one year's full-time employment at William & Mary following an SSRL.

**I. Student–Faculty Relationships**

University policy prohibits consensual amorous relationships between faculty members and undergraduate students; between faculty members and graduate students enrolled in a degree-seeking program in which the faculty member has taught, plans to teach, or holds an appointment; and between faculty members and graduate students with whom the faculty member has, at the time the relationship begins, any evaluative, collaborative or supervisory role, whether this role is direct or indirect. The policy can be found at [Consensual Amorous Relationships](#).<sup>24</sup>

Although law students are adults, the student–faculty relationship is inherently one of power and dependency. Students may consider a faculty member's attempt to enter into a romantic relationship as sexual harassment. Additionally, remarks made in class or in conversation with students, such as remarks about a student's appearance or about a student's personal relationships, may exceed the appropriate bounds of the faculty–student relationship.

Although attending an occasional off-campus event, such as an end-of-semester party, may strengthen the bond between faculty members and students, frequent socialization with students outside of class may adversely affect that bond and is discouraged. Students who participate in these events may be perceived by other students as having an advantage during the grading process or in obtaining employment. If excessive drinking or other risky behavior occurs, students may view the professor's presence as approval of their conduct by the faculty member and/or the Law School.

---

<sup>24</sup> [https://www.wm.edu/offices/deanofstudents/services/communityvalues/studenthandbook/student\\_life\\_policies/consensual\\_relationships/index.php](https://www.wm.edu/offices/deanofstudents/services/communityvalues/studenthandbook/student_life_policies/consensual_relationships/index.php)

Unsolicited and unwelcome advances of a sexual nature may violate the College's discriminatory harassment policy. See section III.F.2 of the Faculty Handbook.

**J. Research Assistants**

Subject to the availability of funding, full-time tenured or tenure-eligible faculty members who would like assistance with research will be provided funding for student research assistance for up to twenty hours per week (ten hours per student per week maximum) during the academic year and the equivalent of two FTE research assistants during the summer. Non-tenure-eligible faculty will be provided with funding from Law School funds to engage research assistants for up to 10 hours per week during the academic year and the equivalent of one FTE research assistant during the summer. If you need assistance or your needs will exceed those provided, contact the Associate Dean for Research and Faculty Development. The Administrative Liaison - HR handles the documentation necessary to add students to the payroll.

**K. Reprint Policy**

The Law School will cover the expenses of a reasonable number of reprints of newly published articles by full-time faculty members. All orders must be coordinated in advance with the Financial Operations Office. The Law School will not provide reimbursement for past purchases.

If you are uncertain about whether the number you plan to request is unduly large, check first with the Associate Dean for Research and Faculty Development. All reprints must promptly be sent out to academic and other colleagues upon receipt. Faculty members may keep a reserve of 25 reprints.

**L. Support for Emeriti Faculty**

Faculty who hold emeritus or emerita status continue to enjoy a relationship with the Law School. They may maintain a William & Mary e-mail address, purchase a parking pass, obtain business cards with their emeritus/emera title at the Law School's expense, maintain borrowing privileges with the Library, and request continued access to online services such as Westlaw and Lexis. Other resources may be available at the University level.

**M. Travel Reimbursement and Professional Expenses**

1. Traveling on Law School Business

- a. Travel supported by Law School funds, including but not limited to PDF funds, must be approved in advance by the Associate Dean for Administration and Finance or Associate Dean for Research and Faculty Development based on a written description of the nature

and purpose of your trip. This approval process is needed to satisfy state auditors. In addition, state regulations permit William & Mary insurance to cover employees only when traveling on a pre-approved trip. Chrome-River allows for pre-approval of expenses.

- b. The Financial Operations Office can make airline or train reservations and pay registration fees; faculty can also make such arrangements for approved travel themselves and seek reimbursement after the trip. Airline tickets should be purchased at least 30 days in advance of travel to ensure reimbursement. Only economy/coach, nonrefundable tickets may be purchased. Faculty members should make their own lodging arrangements, keeping state reimbursement guidelines and limits in mind.
- c. In the absence of original receipts, faculty member meals during business related travel will be reimbursed on a per diem basis. Contact the Financial Operations Office in advance of travel with any questions about meal and lodging per diem rates based on where you are traveling.
- d. All original receipts that are required must be submitted to the Financial Operations Office within 30 days of the completion of travel with a cover letter or e-mail that states the purpose of the trip, the dates of the trip, a summary of the expenditures, and the total amount expected to be reimbursed. The Financial Operations Office will complete the appropriate reimbursement form for review and signature only when request is submitted within the 30-day limit.
- e. International travel must be approved in advance by the Dean. Notification of this approval and the purpose and dates of the trip should be submitted to the Financial Operations Office before making travel arrangements. Faculty members should obtain the most reasonable fare. The Law School will reimburse only for economy class, unless the flight is over 8 hours (one leg) and prior written approval has been obtained from the Associate Dean for Administration and Finance.

## 2. Other Professional Expenditures

- a. Professional expenditures other than travel expenses, registration fees, business meals, professional membership fees, and bar association dues must be made through Financial Operations or the IT department, including such expenditures as technology purchases, office supplies, books, and food for meetings or receptions. Food must be ordered through the catering software,

America to Go (ATG). Faculty may not pay for such items out-of-pocket and seek reimbursement afterwards.

- b. All reimbursement requests for business meals must include a copy of the table check detailing the items ordered, as well as the name of all people at the meal.

## VII. Frequently Used Contact Information

Name	Title/Responsibility	E-Mail Address (@wm.edu)	Telephone Number
A. Benjamin Spencer	Dean	lsdean	221-3790
Kami Chavis	Vice Dean	knchavis	221-2583
Evan Criddle	Associate Dean for Research and Faculty Development	ejcriddle	221-3808
Dan Scianandre	Senior Associate Dean for Administration, Finance & Operations	dmscianandre	221-1514
Brian Wall	Associate Dean for Student Affairs and Academic Support	brwall	221-6513
Amy King	Associate Dean for Online and Executive Education	amking03	221-1106
Issa DiSciullo	Associate Dean for J.D. Admissions & Financial Aid	mdisciullo	221-4565
Mike Ende	Associate Dean for Career Services	mjende	221-3811
Doris Taylor	Chief Communications & Marketing Officer	TBD	TBD
Iria Giuffrida	Assistant Dean for Faculty and Academic Affairs	igiuffrida	221-2015
Arielle Newby	Assistant Dean for Student Affairs and Academic Support	asnewby	221-1320
Donna Shelton	Assistant Dean for Academic Services & Registrar	Lawreg	221-7485
Christina Johnson	Executive Assistant to the Dean	cmjohnson04	221-5273
Alicia Riley	Event Coordinator	arriley	221-1518
Robert Jordan	IT (computer support)	rhjordan01	221-7507
Whit Weidner	IT (classroom AV)	wwweidner	221-2180



<b>Name</b>	<b>Title/Responsibility</b>	<b>E-Mail Address (@wm.edu)</b>	<b>Telephone Number</b>
Cody Watson	Director, Faculty and Academic Support Center (FASC)	ccwatson01	221-3135
Tonya Green	FASC Staff	tlcosby	221-1026
Prinseya Bagby	FASC Staff	pabagby	221-7534
Katie Blackman	FASC Staff	mcblackman	221-3135
Anthony Vergowe	Building Support	ajvergowe	221-4657
Jessica Coffin	Administrative Liaison – HR	jcoffin	221-5427
Emma Cross	Dean’s Office Assistant	secross	221-7674
Leslie Street	Director, Wolf Law Library	lstreet	221-3252
Chris Byrne	Head of Research and Instructional Services	cdbyrn	221-1736
Jennifer Franklin	Director of Academic Success & Bar Preparation	jrfranklin	221-2488
Law Library Reference			221-3257
Law Library Circulation			<a href="mailto:Lawcir@wm.edu">Lawcir@wm.edu</a>
Payroll			221-2848
W&M Emergency Closing Information			221-1766
Law School fax number			221-3261
Technical support			<a href="mailto:LawIT@wm.edu">LawIT@wm.edu</a>

## Appendix A: External Paid Employment

External paid employment requires advance approval at the school and university level. [Procedures](#) and [forms](#) for obtaining approval are available on the Provost's website.<sup>25</sup>

---

<sup>25</sup> <https://www.wm.edu/about/administration/provost/forfaestaff/index.php>

## Appendix B: Allegations of Violations of Policy

The university's Faculty Handbook describes the procedures by which it investigates alleged violations of university policy and imposes sanctions. The Handbook is available [here](#),<sup>26</sup> and the relevant provisions begin on p. 50.

---

<sup>26</sup> <https://www.wm.edu/about/administration/provost/resources/faculty-handbook/>

## Appendix C: Bylaws of the Faculty of the Law School

(Revised May 2006)

### § 1. Definitions

- (a) “University” means the College of William & Mary.
- (b) “Law School” means the William & Mary Law School.
- (c) “Board” means the Board of Visitors of the University.
- (d) “President” means the President of the University.
- (e) “Provost” means the Provost of the University.
- (f) “Dean” means the Dean of the Law School.
- (g) “Vice Dean” means the Vice Dean of the Law School.
- (h) “Faculty” means the faculty of the Law School, including the Dean, Vice Dean, law librarian, and all persons holding teaching or research appointments, active or emeritus, as professors, associate professors, or assistant professors.
- (i) “Faculty Entitled to Vote” means all members of the Faculty holding active tenured or tenure track positions with the rank of assistant, associate or full professor and those other individual members of the Faculty specifically empowered to vote by a two-thirds majority of the Faculty Entitled to Vote.
- (j) “Secretary” means the Secretary of the Faculty elected for one year by the Faculty Entitled to Vote.
- (k) “Status Voting Faculty” means the tenured Faculty members who have achieved the rank to which an applicant for promotion or tenure aspires.

### § 2. Meetings of the Faculty

- (a) Regular monthly meetings of the Faculty will be held from September through May, unless the Dean determines there is insufficient business to justify a meeting. Only Faculty Entitled to Vote may attend executive sessions of faculty meetings. Special meetings of the Faculty Entitled to Vote may be called by the President, Dean or a majority of the Faculty Entitled to Vote.
- (b) The Dean may preside at any meeting of the Faculty. In his/her absence, the Vice Dean may preside. In his/her absence, any member of the Faculty Entitled to Vote designated by the Dean may preside.
- (c) The Dean will provide notice of faculty meetings at least 72 hours in advance of the meeting unless notice is waived by consent of a majority of the Faculty Entitled to Vote.

- (d) A majority of the Faculty Entitled to Vote will constitute a quorum.
- (e) Unless otherwise provided, motions will be adopted by a majority of the Faculty Entitled to Vote who are present at the meeting.
- (f) No motion or resolution affecting educational policy of the Law School may be adopted unless it has been submitted in writing to the Dean and he/she has sent copies to all Faculty Entitled to Vote at least seven days prior to the meeting. This provision may be waived by unanimous consent of the Faculty Entitled to Vote present at the meeting.
- (g) Meetings are conducted in accordance with “Robert’s Rules of Order.”
- (h) The Secretary will record the minutes of each meeting and make them available to each member of the Faculty Entitled to Vote. The Secretary will provide the Dean, Vice Dean, and Associate Dean of Administration with copies of the minutes and the Dean will assure that a copy of the minutes is kept in the records of the Law School.

### § 3. Responsibilities of the Dean and Faculty

- (a) The Dean is responsible for the administration of the Law School and the conduct of its relations with the rest of the University.
- (b) The Faculty Entitled to Vote will determine the Law School’s educational policies, including but not limited to:
  1. Determining the academic prerequisites for admission of students to courses and candidacy for degrees.
  2. Determining the policy to be followed in the evaluation of credits transferred from other institutions.
  3. Determining academic standards for continuation in residence and for academic status.
  4. Determining the system of grading and the policy regarding exams.
  5. Determining the regulations governing attendance and conduct of students in classes.
  6. Determining the academic requirements for any degree awarded by the Law School.
  7. Determining the degrees offered by the Law School.
- (c) The Faculty Entitled to Vote will determine any additional policies as they deem necessary for the good of the law school, in consultation with the Dean.

### § 4. Committees

- (a) The elected committees include the Curriculum Committee, the Dean's Advisory Committee, the Faculty Appointments Committee, and the Faculty Status Committee.
- (b) The elected committees will be constituted and perform the functions assigned to them in these Bylaws and by the Dean and the Faculty Entitled to Vote. The Appointments Committee will be chosen by the May meeting. All other elected committees will be chosen at the May meeting. Any vacancies occurring during the year may be filled by special election by the Faculty Entitled to Vote. Each committee with elected members will elect its Chair annually. The Chairs of committees comprised solely of appointed members will be appointed by the Dean.
- (c) The Curriculum Committee consists of three members elected by the Faculty Entitled to Vote for three-year terms and up to two members appointed by the Dean for a one-year term. The terms of the elected members will be staggered. The committee will perform the functions assigned it in § 5.
- (d) The Dean's Advisory Committee consists of three elected members and up to three members appointed by the Dean. Members will serve one-year terms. The committee will provide guidance to the Dean on matters identified by the Dean, excluding matters within the jurisdiction of other Faculty committees. It will serve in an advisory capacity when requested by the President in regard to any matter involving the Law School.
- (e) The Faculty Appointments Committee consists of six elected members, each of whom will serve a two-year term. The terms of the elected members will be staggered. The elected members of the Committee, after considering the likely weight of committee business in the coming year, may request that the Dean appoint an additional one to three members for a term that expires at the end of the academic year. The Dean will make these appointments in consultation with the elected members of the Committee. The Dean may serve or may designate the Vice Dean to serve *ex officio* as a committee member with no voting rights. The committee will perform the functions assigned it in § 6.
- (f) The Faculty Status Committee consists of five members, each of whom serves a two-year term. The terms of the elected members will be staggered. Only tenured members of the Faculty are eligible to serve on the committee, excluding the Dean and the Vice Dean, who may not be members. The committee will perform the functions assigned it in § 7.
- (g) The Dean may establish any other committee that he/she or the Faculty Entitled to Vote determine may be useful. The Dean will appoint the members of such committees. The Dean or Faculty Entitled to Vote may eliminate any such committee.

## § 5. Curriculum

- (a) The Curriculum Committee will make recommendations to the Faculty regarding curriculum matters.
- (b) The Faculty Entitled to Vote will determine whether to approve the committee's recommendations.

## § 6. Faculty Appointments

- (a) The Faculty Appointments Committee will recommend employment of tenured and tenure-track Faculty members and the law librarian and prepare a report and record to support its recommendations. The Faculty Entitled to Vote will determine whether to approve an appointment, consistent with the Rules and Procedures for the Faculty Appointments Process adopted by the Faculty Entitled to Vote. If it approves an appointment, the Faculty Entitled to Vote will forward a recommendation to the Provost through the Dean.
- (b) The Dean will communicate a recommendation by the Faculty Entitled to Vote on an appointment to the Provost with the Dean's views on the recommendation. If the Dean disagrees with the recommendation, the Dean will, in writing, inform the Faculty Entitled to Vote of the nature of the disagreement and meet with the Faculty Entitled to Vote in an effort to resolve the disagreement. If the disagreement cannot be resolved, the Dean will communicate his/her objection to the Provost along with the Faculty's recommendation.

## § 7. Faculty Status

- (a) The Faculty Status Committee will consider any application for tenure or promotion and make recommendations with a report and record to the Status Voting Faculty as specified in the Procedures for Retention, Promotion and Tenure adopted by the Faculty Entitled to Vote. A committee member will recuse himself/herself in any matter in which he/she or a member of his/her immediate family is directly involved. A committee member seeking promotion may not serve on the committee during that academic year.
- (b) A recommendation to grant tenure or promotion requires a majority vote of the Status Voting Faculty. Only Status Voting Faculty present at the meeting may vote. A quorum for a faculty meeting on an application for tenure or promotion consists of three-fourths of the Status Voting Faculty, less any Status Voting Faculty members excused for good cause.
- (c) In computing the majority required to grant tenure or promotion, the Status Voting Faculty who are excused for good cause are not counted. Faculty members so excused include the President, Dean, Status Voting Faculty who are on leave, and Status Voting Faculty who are excused by a majority of Status Voting Faculty present at the meeting to consider a tenure or promotion application.

- (d) A faculty meeting called to consider an application for tenure or promotion will convene in executive session to discuss the merits of the application and to cast a vote by secret ballot. The Status Voting Faculty will then decide whether to adopt the report of the Faculty Status Committee as the Report of the Faculty, or to direct the preparation of a separate Report of the Faculty.
- (e) If the Status Voting Faculty directs the preparation of a separate Report of the Faculty, a subcommittee selected by the Status Voting Faculty at the meeting considering the application will prepare a written report for or against tenure or promotion, reflecting the views expressed at the meeting.
- (f) Following circulation of the subcommittee's written report, the Status Voting Faculty will vote to adopt the report by majority vote
- (g) Upon approval by the Status Voting Faculty, the Report of the Faculty will be included in the applicant's file and forwarded, along with a record of the faculty vote to the Dean.
- (h) The Dean will communicate the Faculty's recommendation to the Provost with the Dean's views on the recommendation. If the Dean disagrees with the Faculty's recommendation, the Dean will, in writing, inform the applicant and the Status Voting Faculty of the nature of the disagreement and meet with the Status Voting Faculty in an effort to resolve the disagreement. If the disagreement cannot be resolved, the Dean will communicate his/her objection to the Provost along with the Faculty's recommendation.

#### § 8. Amendment

These Bylaws may be amended by a two-thirds vote of the Faculty Entitled to Vote who are present and constitute a quorum at any meeting of the Faculty. A copy of any proposed amendment must be sent to every member of Faculty Entitled to Vote at least seven days before the meeting.

#### § 9. Effective Date

These Bylaws and any amendments to them become effective upon approval by the Board.

Adopted by the Law Faculty, May 11, 2006

Approved by the Board of Visitors, September 14, 2006



Appendix D: Procedures for Retention, Promotion, Security of Position, and Tenure

Approved November 1987  
Approved May 1993  
Approved as revised, February 1994  
Recorded April 12, 1994  
Approved as revised, March 1996  
Approved as Revised, February 27, 1997  
Recorded April 17, 1997  
Approved as Revised, January 28, 1998  
Amended May 11, 2011  
Amended May 8, 2014  
Amended May 14, 2015  
Amended March 17, 2016  
Amended September 8, 2017  
Approved by PPC, March 29, 2018

I. Faculty Status Committee

- A. Composition: Beginning with the 1988-89 academic year, the Faculty Status Committee (the “Committee”) shall consist of five tenured faculty members elected for two-year terms. The terms of the Committee members shall be staggered so that no more than three members are elected each year. Committee members shall be elected by the faculty in May of each year for terms commencing immediately. The chairperson, chosen by the Committee for a one-year term, shall be a full professor. The chairperson shall appoint a secretary, who will maintain records of Committee meetings. The Dean shall be an *ex officio* member of the Committee with the right to attend all Committee meetings, but without the right to vote.
- B. Functions: According to the procedures and criteria hereinafter set forth, and in accordance with the standards and procedures prescribed by the Bylaws, the Committee shall make recommendations to the faculty concerning retention, promotion, security of position, and tenure. The Committee shall prepare a written report reflecting its deliberations, recording votes of Committee members, setting forth its recommendations, and containing findings with respect to the criteria for retention, promotion, tenure, and security of position, as applicable. The Committee shall act by majority vote. The individual views of Committee members may be appended to the Committee report.

The Committee shall, in conjunction with the Dean, conduct post-tenure periodic reviews as provided in Section VIII.

- C. Procedures: The procedures hereinafter set forth are intended to direct the Committee in the performance of its functions. Failure by the Committee to follow the prescribed procedures shall not deprive the faculty of its ultimate authority to make recommendations regarding retention, promotion, security of position, and tenure.

Such failure may be considered by the faculty in determining the weight it accords a recommendation by the Committee.

## II. Functions of the Faculty and Dean

- A. According to the procedures and criteria hereinafter set forth, upon receipt of the Committee's recommendation and report, the faculty shall make recommendations to the appropriate university officials concerning retention, promotion, tenure, and security of position.
- B. According to the procedures and criteria hereinafter set forth, the Dean shall make independent recommendations to the appropriate university officials concerning retention, promotion, tenure, and security of position.

## III. Definitions

- A. "Tenure" as used in these Procedures is intended to have the same meaning as that given to the term in the College's Faculty Handbook.
- B. "Security of position" as used in these Procedures means the issuance of a long-term contract that is presumptively renewable. Such contract may be terminated for good cause, including the termination or material modification of the program of which the faculty member is a part. Security of position does not entitle the faculty member to Tenure.
- C. "Presumption of continuation" as used in these Procedures means the issuance of a contract with a presumption of renewal that may be terminated or not renewed in accordance with the notice and procedural requirements of the College's Faculty Handbook. Presumption of continuation does not entitle the faculty member to Tenure or to Security of position.

## IV. Criteria for Retention, Promotion, and Tenure for Tenured and Tenure-Eligible Faculty

- A. General Criteria: All decisions regarding retention, promotion, and tenure will be based on an evaluation of a candidate's achievements with respect to the following factors:
  - 1. Teaching Effectiveness: Retention, promotion, and tenure decisions will be based, in part, on an evaluation of a candidate's competence as a teacher, including teaching-related activities outside the classroom. Evaluation of teaching effectiveness will be based on both peer and student opinion. Evaluation of teaching effectiveness will involve class visitations by faculty members, review of course evaluations, and solicitation of written student opinion. The Committee shall establish class visitation guidelines designed to minimize classroom disruption.
  - 2. Scholarship: Retention, promotion, and tenure decisions will be based, in part, on an evaluation of a candidate's contributions to the body of legal or other scholarly literature. Evaluation of scholarly works will be based on both internal and

external professional comment, except that the Committee may choose not to seek internal professional comment when, in its judgment, there is insufficient subject-matter expertise among the tenured faculty.

3. **Other Factors:** Retention, promotion, and tenure decisions will be based, in part, on an evaluation of a candidate's contribution to the internal governance process of the Law School and the university. While not required as a condition for retention, promotion, or tenure, a faculty member's positive scholarly or service contributions to the Law School, the university, the legal profession, the judicial system or local, state or national government will be considered in the evaluation process. A candidate's assistance to students in achieving academic and professional goals will also be considered in the evaluative process.
- B. Application of Criteria to Tenure and Tenure-Eligible Faculty
1. General Provisions
    - a. The burden of demonstrating fulfillment of the criteria for retention, promotion, or tenure shall be upon the candidate. Application of the criteria will necessarily involve a higher standard of performance for faculty members considered for promotion to the rank of professor and/or for an award of tenure than for retention.
    - b. The criteria shall be applied in such a manner that improvement in the overall quality of the faculty will be fostered. Therefore, retention, promotion, and tenure decisions shall not necessarily reflect a comparative judgment in relation to decisions made in prior years.
  2. Tenure
    - a. The award of permanent tenure signifies the attainment of academic excellence, and shall be based on the criteria specified in Section IV(A). A recommendation for the award of tenure requires a judgment that the candidate has achieved excellence in teaching or scholarship, and has achieved proficiency with respect to all other applicable criteria. A recommendation for the award of tenure also requires a judgment that the scholarly publications of the candidate constitute a significant contribution to the body of legal or other scholarly literature.
    - b. Consideration for tenure normally shall be made during the candidate's sixth year of credited teaching experience. Tenure will be granted to a full-time faculty member who has attained the rank of assistant professor or higher upon the faculty member's continuation beyond seven years credited teaching experience, including authorized leaves of absence except as affected by the College Faculty Handbook provisions governing extension of the probationary period, and except that the Law School may require a faculty member to spend at least two years as a member of the William &

Mary faculty, regardless of the number of years of credited teaching experience, prior to consideration for an award of tenure to become effective at the beginning of the faculty member's fourth year on the faculty. The term "credited teaching experience" means that number of years a faculty member has taught full-time on the tenure track at William & Mary or any other accredited law school, plus the number of years of credit for experience in lieu of actual teaching experience given to a faculty member at the time hired at William & Mary.

- c. Consideration for tenure shall be made when requested by a faculty member by written notice given to the Dean not later than June 1.

3. Promotion to Professor

- a. No faculty member shall be recommended for promotion to Professor who is not a tenured member of the faculty or who is not concurrently recommended for tenure by the faculty. In the case of a faculty member who was denied promotion to Associate Professor in the third-year review described in Section IV(B)(4) and who was therefore not promoted to Associate Professor until the award of tenure, consideration for promotion to Professor shall not occur earlier than the faculty member's third year in the rank of Associate Professor.
- b. Consideration for promotion to the rank of full Professor shall be made when requested by a faculty member by written notice given to the Dean not later than June 1.
- c. A recommendation of promotion to the rank of Professor requires achievement over and above that required for tenure. A finding that this level of accomplishment has been attained requires a judgment that the candidate:
  - i. has achieved excellence as both a scholar and a teacher; or
  - ii. at the time of application satisfies the criteria for an award of tenure and has demonstrated, over a sustained period, excellence as either a scholar or a teacher; or
  - iii. at the time of application satisfies the criteria for an award of tenure and has achieved a substantial national reputation for excellence as a scholar or a teacher; or
  - iv. at the time of application satisfies the criteria for an award of tenure and has demonstrated leadership in and produced a significant impact upon the development of law or public policy.

4. Promotion to Associate Professor

- a. Unless previously reviewed for promotion to Associate Professor, all untenured faculty members shall be reviewed for promotion in the second semester of their third year of teaching at William & Mary (which shall be counted as including any years credited to the faculty member by William & Mary for teaching elsewhere). A faculty member who is not promoted at this stage cannot seek promotion to the rank of Associate Professor until the faculty member applies for tenure. At that time, the faculty member must seek promotion to the rank of Associate Professor.
- b. Promotion to the rank of Associate Professor signifies the attainment of academic proficiency and shall be based on the criteria specified in Section IV(A). A recommendation for promotion to the rank of Associate Professor requires a judgment that the candidate has achieved proficiency as a teacher, a scholar, and with respect to all other criteria for retention, promotion and tenure, and has made satisfactory progress toward tenure, demonstrating potential for excellence as a scholar or a teacher.

5. Retention

- a. All untenured faculty members shall be reviewed for retention in the second semester of their third year of teaching at William & Mary (which shall be counted as including any years credited to the faculty member by William & Mary for teaching elsewhere).
- b. A recommendation for retention requires a judgment that the faculty member has achieved proficiency in either teaching or scholarship and has made satisfactory progress toward achieving proficiency as a teacher, a scholar, and with respect to all other criteria for retention, promotion and tenure. Findings shall be based on the factors specified in Section IV(A).
- c. A faculty member who satisfies the standards for retention but not the standards for promotion to Associate Professor will be retained but with no change in title.

V. Criteria for Retention, Promotion, and Security of Position for Full-Time Non-Tenure-Eligible Faculty Eligible for Security of Position

- A. General Criteria: All decisions regarding retention, promotion, and security of position will be based on an evaluation of a candidate's achievements with respect to the following factors:

1. Teaching Effectiveness

- a. Full-Time Clinical Faculty Eligible for Security of Position: A clinical faculty member's primary responsibilities are to teach substantive law, lawyering skills, and professionalism to law students, supervise those

students as they represent or furnish advice to clients, and provide skilled and ethical representation to clinic clients.

Decisions regarding retention, promotion, and security of position will be based, in part, on an evaluation of a candidate's competence as a clinical teacher. Clinical teaching may take many forms, including classroom teaching, supervision of in-house clinic students in their work representing or advising clients, supervision of students on legal projects not directly involving clients but that require substantial lawyering skills, and supervision of students in other professional settings.

Evaluation of teaching effectiveness shall consider supervision of student casework and legal writing; preparation and selection of teaching materials; case selection, case management, and client representation; instruction in classroom sessions, clinical fieldwork, and supervision meetings, including incorporation of ethical issues; and mastery of subject matter.

Evaluation of teaching effectiveness shall be based on both peer and student opinion, and shall include review of course evaluations, solicitation of written student opinion, and class visitations by faculty members, including doctrinal presentations, case rounds, and supervision meetings with students, giving due regard to client confidentiality. The Committee shall establish class visitation guidelines designed to minimize classroom disruption, particularly given the small size of clinic classes. In addition to class visitations by faculty members, the Committee may evaluate teaching effectiveness by, for example, contacting former students; former clients in closed cases (provided that the former client has given permission to be contacted); and/or members of the legal or clinical community who can comment on the candidate's ability as a clinical teacher/supervisory attorney for students and the candidate's subject matter expertise. The identity of any individual submitting comments shall not be provided to the candidate. To the extent that clinical faculty teach doctrinal courses, the course evaluations may be considered in the review of professional productivity.

- b. Full-Time Legal Writing Faculty Eligible for Security of Position: A legal writing faculty member's primary responsibilities are to assist students in becoming skilled in critically analyzing legal problems and conveying that analysis to others in writing; to provide feedback to students on the quality of their writing in a manner that effectively stimulates learning and development; to train students to recognize and correct weaknesses in their own writing; and to prepare students to be capable of performing legal work effectively.

Decisions regarding retention, promotion, and security of position will be based, in part, on an evaluation of a candidate's competence as a legal

writing teacher, including teaching-related activities outside the classroom, in a manner consistent with legal writing pedagogy. Effective legal writing instruction may take various forms, including a combination of process-oriented and product-oriented approaches, and may vary given a particular student's stage of development at a particular point in time.

Evaluation of teaching effectiveness shall consider the faculty member's breadth and depth of knowledge in the field of legal writing; organization of classroom sessions; engagement with students in conferences; innovations in teaching methodology; contributions to the pedagogical development of the Legal Practice program; incorporation of legal research in the writing process; development of legal writing exercises and preparation of teaching materials; and the nature and quality of feedback provided to students on their writing.

Evaluation of teaching effectiveness shall be based on both peer and student opinion, including review of course evaluations, solicitation of written student opinion, class visitations by faculty members, and Committee review of audio recordings of writing conferences with students supplemented, at the option of the candidate, by written comments provided to students in the conference. The Committee shall establish class visitation guidelines designed to minimize classroom disruption. To the extent that Legal Writing faculty teach doctrinal courses, the course evaluations may be considered in the review of professional productivity.

2. **Scholarship:** Scholarship is not a requirement for full-time non-tenure-eligible faculty members. To the extent a full-time non-tenure-eligible faculty member produces scholarship, it may be considered in the category of Service and Professional Productivity.
3. **Service and Professional Productivity**
  - a. **Full-Time Clinical Faculty Eligible for Security of Position:** Decisions regarding retention, promotion, and security of position will be based, in part, on an evaluation of a candidate's service contributions and professional productivity. Service may include, but is not limited to, participation on Law School and university committees; leadership and participation in state and local bar activities; participation in community and academic organizations; contributions to continuing professional education; and law reform. Professional productivity may include, but is not limited to, preparation of amicus briefs; curriculum and program development; law reform activities; legislative drafting and advocacy; publication of law review or other articles; effective teaching of doctrinal courses at the Law School or elsewhere; publication of handbooks and related materials; serving as a resource on legal issues for organizations or the press; presentations at academic and legal conferences and to legal and community



groups; offering technical and consultant service to private and governmental entities; and engaging in law reform, legislative, research or other activities that benefit the legal system, the law school or university, the academy, the profession, and the community.

- b. Full-Time Legal Writing Faculty Eligible for Security of Position: Decisions regarding retention, promotion, and security of position will be based, in part, on an evaluation of a candidate's service contributions and professional productivity. Service may include, but is not limited to, participation on Law School and university committees; participation in state and local bar activities; leadership and participation in community and academic organizations; contributions to continuing professional education; and law reform. Professional productivity may include, but is not limited to, preparation of amicus briefs; curriculum and program development; law reform activities; legislative drafting and advocacy; publication of law review or other articles; effective teaching of doctrinal courses at the Law School or elsewhere; publication of handbooks and related materials; serving as a resource on legal issues for organizations or the press; and presentations at academic and legal conferences and to legal and community groups.

B. Application of Criteria to Full-Time Non-Tenure-Eligible Faculty Eligible for Security of Position

1. General Provisions

- a. The burden of demonstrating fulfillment of the criteria for retention, promotion, or security of position shall be upon the candidate. Application of the criteria will necessarily involve a higher standard of performance for faculty members considered for promotion and/or for an award of security of position than for retention.
- b. The criteria shall be applied in such a manner that improvement in the overall quality of the faculty will be fostered. Therefore, decisions as to retention, promotion, and security of position shall not necessarily reflect a comparative judgment in relation to decisions made in prior years.
- c. In appropriate cases, the Dean may appoint a faculty member who has received security of position to serve as an *ex officio* member of the Status Committee for the purpose of reviewing a full-time non-tenure eligible faculty member in a security of position track for retention, promotion, or security of position.



## 2. Security of Position

- a. The award of security of position signifies the attainment of excellence, and shall be based on the criteria specified in Section V(A). A recommendation for the award of security of position requires a judgment that the candidate has achieved excellence in teaching and proficiency in service and professional productivity.
- b. Consideration for security of position normally shall be made during the candidate's sixth year of credited teaching experience on a security-of-position track. The term "credited teaching experience" means that number of years a faculty member has taught full-time at William & Mary or any other accredited law school in a security of position track, plus the number of years of credit for experience in lieu of actual teaching experience given to a faculty member at the time hired at William & Mary.
- c. Consideration for security of position shall be made when requested by a faculty member by written notice given to the Dean not later than June 1 of the year in which the candidate seeks consideration.

## 3. Promotion to Clinical Professor

- a. No faculty member shall be recommended for promotion to Clinical Professor who does not have security of position or who is not concurrently recommended to receive security of position by the faculty. In the case of a faculty member who was denied promotion to Clinical Associate Professor in the third-year review described in Section V(B)(4) and who was therefore not promoted to Clinical Associate Professor until the award of security of position, consideration for promotion to Clinical Professor shall not occur earlier than the faculty member's third year in the rank of Clinical Associate Professor.
- b. Consideration for promotion to the rank of Clinical Professor shall be made when requested by a faculty member by written notice given to the Dean not later than June 1 of the year in which the candidate seeks consideration.
- c. A recommendation of promotion to the rank of Clinical Professor requires achievement over and above that required for security of position. A finding that this level of accomplishment has been attained requires a judgment that the candidate has achieved excellence in teaching and has made a substantial contribution to clinical education or the professional legal community through service and professional productivity, which may include a substantial national reputation for excellence as a clinical or subject matter expert or demonstrated leadership in and impact on the development of law or public policy.

4. Promotion to Clinical Associate Professor
  - a. Unless previously reviewed for promotion to Clinical Associate Professor, all full-time clinical faculty members in a security-of-position track shall be reviewed for promotion to Clinical Associate Professor in the second semester of their third year of teaching at William & Mary in a security-of-position track (which shall be counted as including any years credited to the faculty member by William & Mary for teaching elsewhere). A faculty member who is not promoted at this stage cannot seek promotion to the rank of Clinical Associate Professor until the faculty member applies for security of position. At that time, the faculty member must seek promotion to the rank of Clinical Associate Professor.
  - b. Promotion to the rank of Clinical Associate Professor signifies the attainment of academic proficiency and shall be based on the criteria specified in Section V(A). A recommendation for promotion to the rank of Clinical Associate Professor requires a judgment that the candidate has achieved proficiency as a teacher and with respect to service and professional productivity, and has made satisfactory progress toward security of position, demonstrating potential for excellence as a teacher.
5. Retention of Clinical Faculty
  - a. All clinical faculty in a security-of-position track shall be reviewed for retention in the second semester of their third year of teaching at William & Mary (which shall be counted as including any years credited to the faculty member by William & Mary for teaching elsewhere).
  - b. A recommendation to retain a clinical faculty member requires a judgment that the candidate has achieved proficiency as a teacher and has achieved, or has made satisfactory progress toward achieving, proficiency with respect to service and professional productivity. Findings shall be based on the factors specified in Section V(A).
  - c. A faculty member who satisfies the standards for retention but not the standards for promotion to Clinical Associate Professor will be retained but with no change in title.
6. Promotion of Full-Time Legal Writing Faculty Eligible for Security of Position to Clinical Professor of Legal Writing
  - a. No faculty member shall be recommended for promotion to Clinical Professor of Legal Writing who does not have security of position or who is not concurrently recommended to receive security of position by the faculty. In the case of a faculty member who was denied promotion to Clinical Associate Professor of Legal Writing in the third-year review described in Section V(B)(7) and who was therefore not promoted to

Clinical Associate Professor of Legal Writing until the award of security of position, consideration for promotion to Clinical Professor of Legal Writing shall not occur earlier than the faculty member's third year in the rank of Clinical Associate Professor of Legal Writing.

- b. Consideration for promotion to the rank of Clinical Professor of Legal Writing shall be made when requested by a faculty member by written notice given to the Dean not later than June 1 of the year in which the candidate seeks consideration.
- c. A recommendation of promotion to the rank of Clinical Professor of Legal Writing requires achievement over and above that required for security of position. A finding that this level of accomplishment has been attained requires a judgment that the candidate has achieved excellence in teaching and has made a substantial contribution to legal writing education or the professional legal community through service and professional productivity, which may include a substantial national reputation in the legal writing community.

7 Promotion of Full-Time Legal Writing Faculty Eligible for Security of Position to Clinical Associate Professor of Legal Writing

- a. Unless previously reviewed for promotion to Clinical Associate Professor of Legal Writing, All full-time legal writing faculty members eligible for security of position shall be reviewed for promotion to Clinical Associate Professor of Legal Writing in the second semester of their third year of teaching at William & Mary on a security-of-position track (which shall be counted as including any years credited to the faculty member by William & Mary for teaching elsewhere in a security-of-position track). A faculty member who is not promoted at this stage cannot seek promotion to the rank of Clinical Associate Professor of Legal Writing until the faculty member applies for security of position. At that time, the faculty member must seek promotion to the rank of Clinical Associate Professor of Legal Writing.
- b. Promotion to the rank of Clinical Associate Professor of Legal Writing signifies the attainment of academic proficiency and shall be based on the criteria specified in Section V(A). A recommendation for promotion to the rank of Clinical Associate Professor of Legal Writing requires a judgment that the candidate has achieved proficiency as a teacher and with respect to service and professional productivity, and has made satisfactory progress toward security of position, demonstrating potential for excellence as a teacher.

8. Retention of Full-Time Legal Writing Faculty Eligible for Security of Position

- a. All full-time legal writing faculty members eligible for security of position shall be reviewed for retention in the second semester of their third year of

teaching at William & Mary on a security-of-position track (which shall be counted as including any years credited to the faculty member by William & Mary for teaching elsewhere in a security of position track).

- b. A recommendation for retention requires a judgment that the candidate has achieved proficiency as a teacher and has achieved, or has made satisfactory progress toward achieving, proficiency with respect to service and professional productivity. A finding of proficiency shall be based on the factors specified in Section V(A).
  - c. A faculty member who satisfies the standards for retention but not the standards for promotion to Clinical Associate Professor of Legal Writing will be retained but with no change in title.
9. Retention of Director of Clinical Programs and Director of the Legal Practice Program

The Dean evaluates the administrative performance of a clinical faculty member who serves as the Director of Clinical Programs to determine whether that person should remain as Director. The Dean evaluates the administrative performance of a member of the legal writing faculty who serves as the Director of the Legal Practice Program to determine whether that person should remain as Director. The criteria that the Dean shall use in each instance are listed in Appendix F.

## VI. Evaluation Process

- A. Committee Review for Tenure, Security of Position, Promotion to Full Professor, Promotion to Clinical Professor and/or Promotion to Clinical Professor of Legal Writing
- 1. By June 15, candidates shall submit to the chair of the Committee all materials deemed relevant to the review process, including a current curriculum vitae and, if applicable, a list of all publications, copies of the publications themselves, and a list of proposed outside reviewers. Not later than August 15, the Dean shall notify the faculty of the names of faculty members to be considered for tenure, security of position, and promotion. On such date, the Dean also shall give notice to faculty members subject to or requesting review. Candidates for tenure or promotion to Professor may submit additional scholarship for external review no later than September 1. The candidates shall submit a personal statement to the chair of the Committee by October 1 and also may submit additional relevant material for Committee consideration until October 1. The Committee shall solicit written comment from students and other faculty.
  - 2. Prior to making its final recommendation, the Committee shall provide the candidate an opportunity to review and respond to all documentary material which will be considered by the Committee and to appear personally before the Committee to present his or her case. The Committee may request and shall

permit students and faculty members to appear personally before the Committee to comment upon their written materials regarding the merits of a case. The candidate shall be permitted to be present during such appearances and shall have an opportunity to comment thereon.

3. The Committee's review process shall be completed and its recommendation to the faculty shall be made by November 15, at which time it shall file its written report with the Dean, the candidate, and the faculty authorized to vote. The Committee report shall contain findings with respect to the criteria for tenure, security of position, and promotion, as applicable. Supporting data shall be available to the faculty for review. The candidate shall have the right to append an additional statement to the record and report of the Committee.
4. All Committee deadlines not mandated by the Provost may be altered to meet unanticipated circumstances.

B. Committee Review for Retention and/or Promotion to Associate Professor or Clinical Associate Professor or Clinical Associate Professor of Legal Writing

1. Not later than October 15, the Dean shall notify the faculty of the names of faculty members to be considered for retention and/or promotion. On such date, the Dean shall also give notice to faculty members subject to or requesting such review. Candidates shall submit to the chair of the Committee all materials deemed relevant to the review process. Candidates shall, if applicable, submit publications and a list of suggested outside reviewers no later than November 1 or, in the case of a publication that is not complete on that date, no later than December 1. Candidates may submit additional relevant materials for Committee consideration until February 1. The Committee shall solicit written comments from students and other faculty.
2. Prior to making its final recommendation, the Committee shall provide the candidate an opportunity to review and respond to all documentary material which will be considered by the Committee and to appear personally before the committee to present his or her case for retention or promotion. The Committee may request and shall permit students and faculty members to appear personally before the Committee to comment upon their written materials regarding the merits of a case for retention or promotion. The candidate shall be permitted to be present during such appearances and shall have an opportunity to comment thereon.
3. The Committee's recommendation to the faculty shall include two written reports filed with the Dean, the candidate, and the faculty authorized to vote: a retention review report and a mentoring report. The retention review report shall be made by February 18 and shall contain findings and conclusions with respect to the criteria for retention and/or promotion, as applicable. Supporting data shall be available to the faculty for review. The candidate shall have the right to append

an additional statement to the record and retention review report of the Committee. The mentoring report shall be finalized after consultation with the faculty and shall reflect the Committee's and the faculty's views about the candidate's progress in teaching, scholarship (as applicable), and other factors customarily considered in considerations of tenure and security of position. The mentoring report shall provide the candidate with information about faculty perceptions of the candidate's teaching and scholarship (as applicable), including steps the candidate needs to take to demonstrate excellence. The mentoring report will be shared with the candidate but will not be part of the candidate's tenure/security of position file.

4. All Committee deadlines not mandated by the Provost may be altered to meet unanticipated circumstances.

#### C. Faculty Review

1. The ultimate responsibility for faculty recommendations regarding retention, promotion, security of position, and tenure shall reside in the Law School faculty authorized to vote on such matters ("the Participating Faculty") as prescribed in the Bylaws of the faculty.
2. Upon receipt of the recommendation and report of the Committee on tenure and/or promotion to full Professor, or the recommendation and report of the Committee on security of position and/or promotion to Clinical Professor, or the recommendation and report of the Committee on security of position and/or promotion to Clinical Professor of Legal Writing, the Participating Faculty shall, not later than the Friday preceding the Thanksgiving holiday, assemble in executive session to consider the recommendation and report of the Committee. Upon receipt of the recommendation and report of the Committee on retention and/or promotion to Associate Professor, or Clinical Associate Professor, or Clinical Associate Professor of Legal Writing, as appropriate, the Participating Faculty shall, not later than February 25, assemble in executive session to consider the recommendation and report of the Committee. Prior to the meeting, Participating Faculty members shall review the Committee report and supporting data and may independently undertake such teaching and scholarship review as they deem appropriate. At the meeting, the candidate may appear personally to present his or her case for retention, promotion, security of position, or tenure. The Participating Faculty may also make whatever additional inquiry it deems appropriate under the circumstances, including additional classroom visitations and solicitation of additional student and expert professional comment, and may accept or reject, in whole or in part, the findings and/or recommendation of the Committee.
3. According to the standards and procedure prescribed by the Bylaws, the Participating Faculty shall, not later than December 1 for cases involving tenure, security of position, promotion to full Professor, and/or promotion to Clinical

Professor, and/or promotion to Clinical Professor of Legal Writing, and not later than February 28 for retention and/or promotion to Associate Professor, or Clinical Associate Professor, or Clinical Associate Professor of Legal Writing cases, make its recommendation and report to appropriate university officials. Any dissenting report shall be submitted not later than one week after the majority report is approved by the Participating Faculty.

4. All Faculty deadlines not mandated by the Provost may be altered to meet unanticipated circumstances.

D. Dean Review

1. According to the criteria for retention, promotion, security of position, and tenure set forth in Sections IV(A) and V(A), the Dean shall make an independent recommendation and report to appropriate university officials. In making the recommendation and report, the Dean shall consider all data and information developed during the Committee and faculty review process, including the recommendation and report of the Committee, and may attend all faculty meetings regarding the matter; provided, however, the Dean shall not be bound by the recommendation and reports of the Committee or the faculty. Prior to the Dean's final decision on the matter, the candidate shall be afforded the opportunity to present his or her case for retention, promotion, security of position and/or tenure to the Dean, and the Dean may, in his or her discretion, solicit additional student, faculty and outside expert professional comment.
2. The Dean shall make his or her recommendation in accordance with the dates set for such recommendation by the Provost. Copies of the recommendation and report shall be given to the candidate and made available to all Participating Faculty members.

E. Related Matters

Faculty members who, under the by-laws, are not authorized to vote on matters involving retention, promotion, security of position and tenure ("Non-participating Faculty") shall not formally participate in the evaluation process. Non-participating Faculty shall not be furnished evaluation data or reports or attend executive sessions except upon express direction or invitation of the particular faculty member being evaluated.

VII. Full-Time Non-Tenure-Eligible Faculty Not Eligible for Security of Position but with a Presumption of Continuation

A. Teaching Effectiveness

Decisions regarding retention will be based, in part, on an evaluation of a candidate's competence as a teacher, including teaching-related activities outside the classroom. Evaluation of teaching effectiveness will involve, at a minimum, a review of all class



evaluations during that year. Should circumstances suggest that additional review is warranted, the Dean may, in consultation with any appropriate program director, visit one or more class sessions, review syllabi, or employ other review mechanisms, and may designate a faculty member or members with tenure or security of position to assist in this process.

B. Service and Professional Productivity

While not required as a condition for retention, a full-time, non-tenure-eligible faculty member's positive scholarly or service contributions to the Law School, the university, the legal profession, the judicial system, or local, state, national, or international government will be considered in the evaluation process.

C. Retention

Full-time non-tenure-eligible faculty not eligible for security of position but with a presumption of continuation shall be evaluated annually with a view toward determining whether any such faculty member is failing to engage in conscientious and effective teaching, such that continuation is not warranted.

D. Review Process

Full-time non-tenure-eligible faculty other than those eligible for security of position shall be evaluated each year by the Dean (or his or her designate), in consultation with any appropriate program director.

## VIII. Post-Tenure Periodic Reviews

A. Purpose

The purpose of post-tenure review is to encourage, support, and monitor the continued career development of tenured faculty.

B. Post-Tenure Reviews.

The Dean annually conducts merit evaluations of each faculty member in such manner and with such consultation with others, if any, as he deems appropriate. If a faculty member's performance during the most recent three-year period has been unsatisfactory overall, the Committee shall be directed by the Dean to perform a post-tenure review before the end of the next semester. Such unscheduled review shall be conducted in accordance with the standard for tenure as to teaching, scholarship, and other factors. The review shall be conducted by the Committee and the Dean without submission to the faculty. In evaluating a tenured faculty member's performance, "other factors" shall include, in addition to those factors already considered under the tenure standard, the faculty member's performance in advising and mentoring of students, involvement in faculty governance and service related to the mission of the Law School and the College, mentoring of junior faculty, and leadership in collegial interactions.



Factors such as the tenured faculty member's mastery of new disciplines and/or materials, and his or her creation of new professional relationships within or beyond the College, may also be considered. The Committee and the Dean shall determine whether such criteria have been met during the preceding six years. The review may result in a commendation, in recommendations for improved performance or in suggestions for faculty development.

If such review results in an express finding that the faculty member's overall performance is unsatisfactory, a plan for improving performance must be submitted by the faculty member by February 1 and approved by the Committee and Dean prior to March 1. The Committee will assess progress on this plan after one year. If such assessment results in a finding that performance has not improved satisfactorily, sanctions, including institution of dismissal proceedings, may be imposed in accordance with College procedures as stated in the College Faculty Handbook.

C. Related Matters.

The Dean shall report to the Provost findings that a faculty member's overall performance is unsatisfactory or that a faculty member has received an overall unsatisfactory merit evaluation, and shall inform the Provost of the nature of the deficiency, and proposed remedial action and the results of subsequent monitoring. Where a performance plan is required to be submitted or developed by a faculty member, failure of that faculty member to cooperate in timely submitting and developing a plan acceptable to the Committee and Dean may be a basis for imposition of sanctions.

IX. Periodic Reports and Interpretative Opinions

The Committee and the Dean shall promptly communicate to the faculty any changes made in student evaluation procedures, peer evaluation procedures, and significant changes in interpretation of the criteria for retention, promotion and tenure. The Committee may render an interpretative opinion on the procedures and criteria upon request of a faculty member.

## Appendix E: Status Committee Interpretive Opinions

### Interpretive Opinion No. 1 – Para. I(A):

To avoid potential conflicts of interest, current faculty mentors shall not sit on the Faculty Status Committee during the semester that their mentees are being considered for retention, promotion, or tenure. [Approved by the Faculty May 12, 2011.]

### Interpretive Opinion No. 2 – Part III(A):

When performing a tenure review, the Faculty Status Committee should consider the candidate's entire record. [Approved by the Faculty May 12, 2011.]

### Interpretive Opinion No. 3 – Para. III(A)(2):

When the Faculty Status Committee is undertaking retention, promotion, or tenure review of a faculty member, it should make best efforts to obtain three outside letters evaluating each piece of scholarship being considered in that review. Of these three outside letters, one should come from a list of names submitted by the candidate and two should come from reviewers independently identified by the Faculty Status Committee. [Approved by the Faculty May 12, 2011.]

### Interpretive Opinion No. 4 – Part IV(B), External and Internal Reviews:

Identifying details in both the external and internal reviews of the scholarship of a candidate for promotion or tenure who was hired after April 10, 2008, will be expunged from those materials shown to the candidate. The original reviews should be kept in a separate, clearly marked folder that may be shared only with those voting in the case, but not the candidate. The folder should be added to the tenure or promotion file when it goes to the Dean. Any revelation of identifying detail by a voting member of the faculty will be treated as a serious breach of confidentiality. Report and recommendations may use quotations from the reviews but should not attribute these quotations to the reviewers except in general terms. [Approved by the Faculty, April 10, 2008.]

### Interpretive Opinion No. 5 – Part VII(B):

When a scheduled periodic review of a tenured faculty member would occur during an academic year during which such member is visiting away from the Law School or on an authorized leave of absence for the entire academic year, such periodic review shall be scheduled for the next academic year that such member returns to teaching at the Law School. [Faculty Status Committee, September 14, 2001.]

### Interpretive Opinion No. 6 – Para. III(A)(2), External Review Letters:

When soliciting external review letters, the Committee will ask the reviewer to assess the strengths and weaknesses of a piece of scholarship and the overall contribution of the scholarship to the relevant field. The reviewer will not be asked whether the piece of scholarship meets the

Law School's qualitative standards for retention, promotion, or tenure. [Faculty Status Committee, February 17, 2016.]

Interpretive Opinion No. 7 – Paras. IV.A.1 and V.A.1:

Student course evaluations for the Spring 2020 semester are presumptively ineligible for consideration in decisions about promotion, retention, security of position, and tenure; provided, however, that a candidate may choose to include these evaluations for consideration after reviewing the evaluations. [Faculty Status Committee, May 15, 2020.]

## Appendix F: Procedures for Review and Retention of the Director of Clinical Programs and the Director of the Legal Practice Program

The Dean evaluates the administrative performance of a clinical faculty member who serves as the Director of Clinical Programs to determine whether that person should remain as Director. The Dean evaluates the administrative performance of a member of the Legal Writing faculty who serves as the Director of the Legal Practice Program to determine whether that person should remain as Director.

### I. Evaluation Method

On an annual basis, the Director of each program shall prepare a summary of professional productivity detailing past and planned future activities and describing how such activities are intended to accomplish the goals of the Director's program.

### II. Criteria

#### A. Director of Clinical Programs

In evaluating the performance of the Director of Clinical Programs, the Dean shall assess whether the Director effectively engages in each of the following activities:

1. Supervising clinical faculty and clinic administrative staff.
2. Recruiting and recommending for hire qualified clinical faculty with the potential to serve as excellent clinical teachers, as needed.
3. Providing training and support to all clinical faculty in clinical pedagogy and clinic design.
4. Overseeing and evaluating clinical faculty based on observations of teaching and review of student evaluation forms.
5. Providing regular feedback to clinical faculty as to their teaching and clinic design.
6. Overseeing the caseload of the clinics to ensure that pedagogical goals are being met.
7. Coordinating with the Administration to ensure that resources are available for client needs to be met during the school year and over breaks.
8. Planning and administering the clinics' budgets and coordinating with the Administration regarding budgetary needs.
9. Maintaining good relations with lawyers, judges, professional organizations, and community members who interact with the clinics.
10. Establishing and enforcing policies for operation and administration of the clinics.

11. Engaging with the clinical teaching community to ensure continued professional development, such as participating in clinical conferences and workshops for clinical faculty, and maintaining membership in the AALS Section on Clinical Legal Education and the Clinical Legal Education Association.
12. Seeking outside sources of funding for the clinical program.
13. Advancing the national reputation of the program in the academy.

**B. Director of the Legal Practice Program**

In evaluating the performance of the Director of the Legal Practice Program, the Dean shall assess whether the Director effectively engages in each of the following activities:

1. Supervising full-time Legal Writing faculty and adjunct Legal Practice faculty and administrative staff.
2. Recruiting and recommending for hire qualified Legal Writing and Legal Practice faculty with the potential to serve as excellent teachers, as needed.
3. Providing training and support to all Legal Writing and Legal Practice faculty in legal research and writing pedagogy and course design.
4. Overseeing and evaluating Legal Writing and Legal Practice faculty based on observations of teaching and review of student evaluation forms to ensure pedagogical goals are being met.
5. Providing regular feedback to Legal Writing and Legal Practice faculty as to their teaching and course design.
6. Planning and administering the Legal Practice Program's budget and coordinating with the Administration regarding budgetary needs.
7. Effective design of the program to ensure successful integration of practical skills, legal research, and writing into a comprehensive curriculum that meets the goals of the program.
8. Engaging with the legal writing teaching community to ensure continued professional development, such as participating in legal writing conferences and workshops for legal writing program directors, and maintaining membership in the Legal Writing Institute.
9. Organizing and overseeing the orientation program for first-year students.
10. Establishing and enforcing policies relating to the operation of the Legal Practice Program.
11. Advancing the national reputation of the program in the academy.

## Appendix G: Rules & Procedures for the Faculty Appointments Process

[Adopted September 10, 1998; amended April 10, 2003; amended January 17, 2013; amended March 5, 2021; amended January 21, 2022.]

### A. The Faculty Appointments Committee

In accordance with the Faculty By-Laws, an Appointments Committee (Committee) will be elected for each academic year and the Committee will elect a Chair (Chair). However, the Dean may submit a slate of candidates, equal to the number of elected positions on the Committee that need to be filled, which slate the faculty will vote upon at the faculty meeting at which the Committee is elected. If the slate does not receive a favorable vote, any member of the Faculty entitled to vote may nominate candidates. At the time the Dean submits the slate, the Dean may also announce his or her preference that a specified Committee member serve as Chair for the upcoming year.

The Committee will act by majority vote. The Law School Dean (Dean) or the Dean's designee is to serve as an ex officio Committee member with no voting rights on the Committee.

The Committee is charged in the Faculty By-Laws with the responsibility to "guide and advise" the Faculty "concerning employment of Faculty members including the law librarian" (faculty position). The Committee will conduct the search and initial screening of potential candidates as described below. All applications to the Faculty will initially be considered by the Committee. When the Committee determines that a candidate should be considered by the Faculty, it will submit the candidacy to the Faculty accompanied by a report as described below.

### B. Student Appointments Committee

The Chair will request that the President of the Student Bar Association constitute a "Student Appointments Committee" (Student Committee) and identify a chair of the Student Committee (Student Chair). The Chair will consult with the Student Committee, generally through the Student Chair, during the Screening Process. When candidates are identified for interviews, the Chair will assure that the Student Committee has an opportunity to interview the candidates. The Student Chair will provide the Chair with a written report communicating the student evaluation of each candidate at the earliest possible opportunity.

### C. Determinations of Search Objectives

The Dean will determine the faculty positions which may be available and set forth the nature of those positions, including the highest rank, any considerations with respect to experience or special qualifications, and such other information as may be relevant. The Committee, in consultation with the Dean, will identify faculty needs. In order to do so, it should consult with the Faculty in a manner it deems appropriate under the circumstances.

D. Affirmative Action Coordination

The Law School endeavors to comply with the College's Instructional and Administrative Search and Selection Procedures. For that purpose, the Chair will prepare a written charge to the Committee with respect to its search goals. The Chair will submit this charge and "Search and Selection Plan" to the office designated in the above-referenced procedures.

The Chair will also advise that office of all planned advertising and file all required reports. The Dean is authorized to request from such office any necessary exemptions from the College's regular open search procedures.

E. Preliminary Screening

The Committee will take active steps to identify potential faculty candidates. It will screen the candidates identified by its search, by recommendations of the Faculty, from applications received by the Law School, and from candidates identified by the AALS placement service. If appropriate, the Committee should identify a number of candidates to be interviewed at the AALS recruiting convention. The Committee may otherwise conduct initial interviews of candidates. The Chair will maintain and make generally available files with information about all current applicants for faculty positions.

F. Procedure for Screening by the Faculty

The Committee will identify candidates for final consideration. The Committee will give notice of this list along with all supporting information.

Ordinarily, candidates will interview with the Faculty, the Student Committee, appropriate administrative officials, and the Dean. The Chair will take the necessary steps to invite the candidates, schedule the interviews, and provide notice with supporting documents. The Chair will solicit evaluations of the candidate from the Faculty, the Student Committee, and other appropriate individuals. From these interviews and evaluations, the Committee will determine whether a candidate should remain under active consideration. If so, it will take whatever additional steps it feels are appropriate to provide the necessary information for Faculty consideration.

G. The Committee Report to the Faculty

The Committee will prepare a report to the Faculty in support of each appointment recommendation. The Report must be distributed to the Faculty 48 hours before the vote of the Faculty unless otherwise agreed by a majority of the Faculty present at the time of Faculty action. The Report will provide all information the Committees deem necessary to adequately advise the Faculty, including, as appropriate, the candidate's resume, examples and evaluation of scholarship, such teaching evaluations as are available, the Student Committee Report, reference reports, and written Faculty evaluations.

#### H. Recommendation on Tenure or Advanced Status

The Committee will recommend the status, including tenure, for which the candidate is to be hired. The Committee may also recommend to the Dean that the candidate be awarded a chair. If the recommendation includes tenure and/or status above assistant professor, the Chair will consult with the Faculty Status Committee, usually through the Chair of that Committee, in order to agree as to the procedures necessary to support that recommendation.

#### I. Faculty Decision

Decisions on appointments matters will be made by Faculty entitled to vote as defined by the Faculty By-Laws who are present at the meeting. The Faculty, including the Dean, will vote by secret ballot on an appointment. An appointment must be approved by a majority of such Faculty. An appointment will be rejected if 1/3 or more of such Faculty vote negatively on the appointment. A separate vote will be taken on a decision to grant tenure and/or status above assistant professor. Decisions to grant status above assistant professor and to grant tenure will be made according to the By-Laws provisions regarding promotion and tenure and the “Procedures for Retention, Promotion, and Tenure.”

#### J. Recommendation to the Provost

The Dean will transmit a positive recommendation by the Faculty to the Provost. If the Dean disagrees with the Faculty’s recommendation, he or she may forward a separate recommendation as provided by the By-laws.

#### K. Procedures for the Appointment of Non-Tenure-Eligible (NTE) Faculty

1. Security of Position: The appointment of a full-time NTE faculty member eligible for or having security of position shall be subject to the full procedures described in these Rules and Procedures for the Faculty Appointments Process, except that the tasks assigned to the Committee may be performed by an ad hoc committee constituted for such purpose.
2. Presumption of Continuation<sup>[27]</sup>: The appointment of a full-time NTE faculty member not eligible for security of position but hired with a presumption of continuation shall be subject to the full procedures described in these Rules and Procedures for the Faculty Appointments Process, except that the tasks assigned to the Committee may be performed by an ad hoc committee constituted for such purpose. The Committee’s report to the Faculty in support of the appointment shall include the Committee’s recommendation that the appointment come with a presumption of continuation.
3. Specified term: With the concurrence of a majority of the Committee (or an ad hoc committee constituted for such purpose) and a majority of the Faculty Entitled to Vote reasonably available for consultation (which may be by notice and opportunity for dissent), the Dean may recommend to the Provost the appointment of a full-time NTE

---

<sup>27</sup> [Note from Dean’s Office, June 2021: The Provost has restricted future appointments in this category. Consult with the Provost before undertaking a hiring process for a position that may have been hired with this status in the past.]



faculty member hired for a specified term. Upon the request of an eligible voting faculty member, any such appointment will be subject to the voting procedures described in Section I of these Rules and Procedures for the Faculty Appointments Process. Any renewal of the term of a full-time NTE faculty member hired for a specified term shall require the same procedure as the initial hiring decision.

If, however, a full-time NTE faculty member is hired with the contemplation that the faculty member will be considered for a tenured or tenure-eligible appointment (a “look-see visitor”), such appointment may not be made without a recommendation from the Appointments Committee and approval by the Faculty Entitled to Vote. The Committee and the Faculty shall each be apprised of the full-time status of the appointment and of the proposed termination date of the specified term before making any decision on the appointment of any full-time NTE faculty member hired for a specified term.

4. Part-time: With the concurrence of a majority of the Committee, the Dean may recommend to the Provost the appointment of a part-time faculty member for a term not to exceed one academic year. Any renewal of the term of a part-time NTE faculty member shall be left to the discretion of the Dean (or his or her designee), except that the Dean may not increase the teaching load of any part-time NTE faculty member in a successive term without the concurrence of a majority of the Committee. The failure of a Committee member to communicate his or her vote within five business days of notification of the proposed part-time NTE appointment, or such shorter time as required by exigent circumstances, shall be treated as an approval of the proposed appointment. In all cases, the Committee shall be apprised of the part-time status of the appointment before making any decision on the appointment.

#### L. Procedures for Extending a Courtesy Faculty Affiliate Appointment

Faculty affiliate status at William & Mary is a courtesy appointment that comes with no rights or privileges; it is purely honorific, given to designate a faculty member’s interdisciplinary interests, work, and cross-institutional connections. With the concurrence of a majority of the Committee (or an ad hoc committee constituted for such purpose) and a majority of the Faculty Entitled to Vote reasonably available for consultation (which may be by notice and opportunity for dissent), the Dean may recommend to the Provost the appointment of a William & Mary faculty member as a Faculty Affiliate of the Law School for a term of three years. Any renewal of Faculty Affiliate status shall require the same procedure as the initial appointment process. A person appointed as a Faculty Affiliate may only use the designation “Faculty Affiliate, Law School” to indicate the appointment and may not employ the title “Professor of Law.”

## Appendix H: Law School Policies on Non-Tenure-Eligible Faculty

[Adopted January 17, 2013; amended October 2017]

### General Policies

Each motion or recommendation pertaining to a new NTE faculty hire, or to a renewal of an existing NTE faculty member's term, shall indicate whether the proposed employment (1) is full-time or part-time and (2) if full-time, is with a presumption of continuation or for a specified term. If the proposed full-time employment is for a specified term, the motion or recommendation shall indicate the proposed expiration date of the employment.

### Hiring

The Law School's policies governing the appointment of NTE faculty are located at Appendix G of the Law School's Faculty Handbook. They provide that full-time NTE faculty eligible for or having security of position, and full-time NTE faculty not eligible for security of position but hired with a presumption of continuation, shall be hired on motion or recommendation of the Appointments Committee or an ad hoc committee constituted for such purpose. Such faculty may not be hired without majority approval of the Faculty Entitled to Vote and shall not be hired if more than one-third of the Faculty Entitled to Vote votes against the motion or recommendation. Such vote shall be by secret ballot.

Full-time NTE faculty not eligible for security of position who are hired for a specified term shall be hired with the concurrence of a majority of the Appointments Committee, or an ad hoc committee constituted for such purpose, and with notice to the Faculty Entitled to Vote with an opportunity for dissent. Upon the request of an eligible voting faculty member, any such appointment will be subject to a faculty vote as described in the full Appointments procedures. Any renewal of the term of a full-time NTE faculty member hired for a specified term will require the same procedure as the initial hiring decision. If, however, such a faculty member is hired with the contemplation that the faculty member will be considered for a tenured or tenure-eligible appointment (a "look-see visitor"), such appointment may not be made without a recommendation from the Appointments Committee and approval by the Faculty Entitled to Vote.

Part-time NTE faculty shall be hired with the concurrence of a majority of the Appointments Committee for a term not to exceed one academic year. Any renewal of the term of a part-time NTE faculty member shall be left to the discretion of the Dean (or his or her designee), except that the Dean may not increase the teaching load of any part-time NTE faculty member in a successive term without the concurrence of a majority of the Committee. The failure of a Committee member to communicate his or her vote within five business days of notification of the proposed appointment, or such shorter time as required by exigent circumstances, shall be treated as an approval of the proposed appointment.

### Retention and Evaluation

Full-time NTE faculty who are eligible for security of position or who are not so eligible but are hired with a presumption of continuation shall be evaluated pursuant to the procedures in Sections

IV and VI, respectively, of Appendix D to the Faculty Handbook (Procedures for Retention, Promotion, and Tenure).

All other NTE faculty shall be evaluated each year by the Dean (or his or her designee), in consultation with any appropriate program director, with the evaluation consisting of, at minimum, a review of all class evaluations during that year. Should circumstances suggest that additional review is warranted, the Dean may, in consultation with any appropriate program director, visit one or more class sessions, review syllabi, or employ other review mechanisms, and may designate a tenured faculty member or members to assist in this process. The review should be conducted with a view toward determining whether the faculty member is engaging in “conscientious and effective teaching.”

#### Committee Eligibility

Full-time NTE faculty eligible for (or who have attained) security of position are eligible to serve on all Law School committees other than the Appointments Committee and Status Committee.

Full-time NTE faculty not eligible for security of position but hired with a presumption of continuation are eligible to serve on all Law School committees other than the Appointments Committee and the Status Committee. The Curriculum Committee and Dean’s Advisory Committee may have no more than one such faculty member each.

Full-time NTE faculty not eligible for security of position and hired for a specified term longer than one academic year are eligible to serve on all Law School committees other than the Appointments Committee, the Status Committee, the Curriculum Committee, and the Dean’s Advisory Committee.

Full-time NTE faculty hired only for a specified term of an academic semester or an academic year and part-time NTE faculty are not eligible for any Law School committee service.

Full-time NTE faculty eligible for (or who have attained) security of position and full-time NTE faculty not eligible for security of position but hired with a presumption of continuation are eligible to serve on university committees, to the extent permitted by university regulations, except that they are not eligible to serve on the Procedural Review Committee or the Faculty Hearing Committee.

#### Voting Rights

Full-time NTE faculty eligible for (or who have attained) security of position are eligible to vote on all matters except matters related to tenured and tenure-eligible faculty appointments, retention, promotion, and tenure. Such faculty are eligible to vote on matters related to the hiring and retention of NTE faculty members.

Full-time NTE faculty not eligible for security of position and hired with a presumption of continuation or for a specified term longer than one academic year may participate in the internal committee votes of committees of which they are members but hold no other voting rights.

Full-time NTE faculty hired only for a specified term of an academic semester or an academic year and part-time NTE faculty hold no voting rights at the Law School.

## Appendix I: Policy of William & Mary on Academic Freedom and Professional Ethics

The College of William and Mary subscribes to the Statement of Principles on Academic Freedom and Tenure, adopted jointly in 1940 and interpreted in 1970 by the Association of American Colleges and by the American Association of University Professors. According to these principles, the purpose of academic freedom is to ensure the “common good” by encouraging the “advancement of truth” via the cultivation of academic inquiry in both research and teaching. To that end, faculty members must be free to conduct research and to publish the results of the research, subject to the adequate performance of their other academic duties and compliance with College policies. Because controversy is often at the heart of academic inquiry, they must also be free to foster open discussion, but with the understanding that they should be careful not to introduce into their teaching controversial matters that have no relation to course content.<sup>28</sup>

The faculty member’s right to academic freedom entails the concomitant ethical responsibility to foster an environment conducive to the advancement of knowledge. The creation of new knowledge is one of the intrinsic functions of the university; research extends faculty members’ knowledge and sets an example of proper academic inquiry for colleagues and students. Faculty members must maintain the highest ethical standards when conducting research: they must “avoid fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the [academic] community for proposing, conducting, or reporting research”<sup>29</sup>; and they must adhere to the relevant policies of any granting agency<sup>30</sup> as well as of the College (see, e.g., policies on “External Paid Employment,” and “Intellectual Property”).

Freedom to teach and freedom to learn are inseparable components of academic freedom.<sup>31</sup> Faculty members should encourage free discussion, inquiry, and expression. Faculty members must adhere to their proper professional roles as instructors and counselors, and must ensure that their evaluation of students’ performance is fair and impartial. Student performance should be evaluated solely on an academic basis, and not on opinions or conduct in matters unrelated to academic standards. By the same token, every faculty member can expect to be evaluated—and shall accept responsibility for evaluating colleagues, administrators, and other personnel—based solely on those individuals’ appropriately assigned duties (and for tenured and tenure-eligible faculty, see III.C.1 [of the university’s Faculty Handbook]). All members of the College community are protected from illegal or unconstitutional discrimination, including discriminatory harassment.

Faculty members are also entitled to their political rights and should be free from institutional censorship or discipline for exercising them; however, their special position in the community imposes special obligations. As members of a learned profession and officers of an educational institution, when representing that institution they should at all times endeavor to be accurate in their assertions, they should exercise appropriate restraint, they should show respect for the opinions of others, and they should make every effort to indicate that they are not institutional spokespersons.

---

<sup>28</sup> American Association of University Professors. “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments.” *Policy Documents and Reports*, 10th ed. Washington, D.C., 2006: 3. 1 June 2008.

<sup>29</sup> United States. Office of Research Integrity. “Guidelines for Institutions and Whistleblowers: Responding to Possible Retaliation against Whistleblowers in Extramural Research.” 1995. 1 June 2008.

<sup>30</sup> See “Institutional and Federal Compliance Requirements.”

<sup>31</sup> American Association of University Professors. “Joint Statement on Rights and Freedoms of Students.” *Policy Documents and Reports*, 10th ed. Washington, D.C., 2006: 273. 1 June 2008.

## Appendix J: William & Mary Law School Summer Research Grant Application

This application is due to the Associate Dean for Research and Faculty Development by March 20.

Name: \_\_\_\_\_

Is this a request for a full or half grant? \_\_\_\_\_

If granted a full summer research grant, other summer employment will need to be approved by the Dean. Review Appendix A for instructions on how to seek such approval.

A report on progress of grants made will be due to the Associate Dean by October 1 of the year awarded.

On a separate page, please describe the project or projects upon which this application is based. The description should allow for an evaluation of the scope and nature of the proposal. Ordinarily, one page will be sufficient.

In your view, what would constitute completion of this grant?

---

---

List summer grants from either the College or Law School for the previous four years. For each, provide a brief description of the projects that supported each grant and the product of each grant, including whether it has been published or submitted for publication:

<u>Year</u>	<u>Proposal</u>	<u>Product</u>
20_		
20_		
20_		
20_		

List reduced course loads awarded for research purposes or semester or year research leaves supported by either the College or Law School for the previous four years. For each, provide a brief description of the projects that supported each and the product that resulted from each, including whether it has been published or submitted for publication:

<u>Year</u>	<u>Proposal</u>	<u>Product</u>
-------------	-----------------	----------------

### **Tracking and disseminating scholarship**

For assistance with the matters below, you may contact FASC for updates to your webpage or for posting items on SSRN and the Associate Dean for Research and Faculty Development for Google Scholar.

Initial here to indicate that all of your published works are listed with full citations on your webpage:

---

Initial here to indicate that all forthcoming articles that have been accepted by a journal are listed on your webpage:

---

Initial here to indicate that you have created a publicly viewable Google Scholar profile:

---

Have you updated your CV and posted it on your faculty webpage? If no, briefly state why not.

---

Have all of your scholarly articles, chapters, and books published in 2017 or later been posted on SSRN? (For books, this means posting some excerpt like the table of contents and introduction. The requirement to post on SSRN does not apply to items like study aids or annual updates to treatises, nor to popular writing like op-eds.) Indicate yes or no. If no, briefly state why not. (E.g., the press or journal will not permit it.)

---

Appendix K: William & Mary Law School Application for Scheduled Semester Research Leave (SSRL)

Deadline: October 15. Before submitting this form, you should have requested a determination of research-active status by September 15.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. Eligibility

Provide the date of the determination from the Associate Dean for Research and Faculty Development that you are research active.

2. Timing

Provide the length of time since your last research leave, whether at the Law School or at a different institution. If you have never received a research leave, provide the number of years you have been employed as a faculty member, whether at the Law School or at a different institution. If you deferred a previous leave for which you were deemed eligible, provide that information here. Contact the Associate Dean for Research and Faculty Development with any questions.

3. Teaching Contributions

Describe your teaching contributions to our students during the last three years. Such contributions include student contact hours through classroom instruction (roughly the number of credits times number of students), supervision of independent research and writing projects, directed readings, advising journals or other academic activities, judging oral arguments or trials, teaching a course outside your normal course package to help us meet curricular needs, and any other information that may be relevant.

4. Scholarly Record

Describe the nature, length, and publication plans of any scholarly activities that were not included in your request for a determination of research-active status.

5. Timing and Structure of Requested Leave

List the semester(s) that you are requesting to be on leave. If you are seeking to be relieved of teaching responsibilities for a year (whether academic or calendar), please indicate whether you are requesting 80 percent compensation or 100 percent compensation by cashing in banked credits. See the SSRL Policy for details. If you are not going to teach for a full academic year, it is helpful to the Law School for you to supervise an independent writing (Law 704, 705, or 706), lead a directed reading (Law 703), or engage a student to conduct directed research for credit (Law 700). Although not required to take a leave, indicate



whether you are willing to do one of these things, which semester, and the topic. The Associate Dean for Research and Faculty Development can help you devise a plan.

6. SSRL Proposal

Fully describe the research project or projects that you plan to pursue while on leave and the probable publications, creative activities, or other products of the research to be conducted while on leave. Please note that within three months from the start of the semester following the SSRL, you are required to submit a leave-activity report to the Associate Dean for Research and Faculty Development summarizing the results of your work during the leave. Failure to submit the report may lead to denial of future SSRL applications.

## Appendix L: Summary of Travel Reimbursement Regulations

This travel summary highlights some of the regulations that employees must follow when planning and seeking reimbursement for travel. Additional information may be found using the website links listed at the end of this summary.

Travel Pre-Approval: A travel pre-approval is required for any overnight travel, any travel with expenses exceeding \$500, or travel funded by a grant. A Pre-Approval is also required if you use a rental car during your travel, regardless of the cost or duration. Travel Pre-Approvals must include estimated costs and be completed and approved through Chrome River prior to departure. The Financial Operations Office staff can prepare the Pre-Approval on behalf of an employee if provided with the following information: travel departure and return dates, destination, purpose of travel, and the department or account that should be charged for the travel.

### Transportation

Personal Vehicle: For travel under 200 miles per day, mileage will be reimbursed at the 2023 IRS rate of 65.5 cents per mile. For mileage equal to or greater than 200 miles per day, the reimbursement rate is 24.6 cents per mile. The origination address and destination address must be included with reimbursement requests, as well as an indication of whether the travel was one-way or roundtrip. A Google Maps or MapQuest should be provided if a unique route was taken due to traffic or construction.

Rental Car: The Law School has an account with Enterprise Rent-a-Car for use by employees only. Law School guests may not rent vehicles on the W&M Law School Enterprise account. Contact the Financial Operations Office staff for information needed to reserve a vehicle and have it direct billed to the Law School. Employees must reserve an economy-rate vehicle or provide a business justification for renting a larger vehicle. Employees who rent cars for business travel purposes must fill the gas tank before returning the car and submit the gas receipt along with the rental car receipt showing payment of actual charges (not estimated charges). Employees will not be reimbursed for fuel service charges by rental companies (i.e., charges for refueling cars returned without a full tank). State regulations do not consider personal convenience or accompanying family members as justification for renting a larger vehicle.

Rental Car Cost/Benefit Analysis: If travel is equal to or greater than 200 miles in a single day, a cost/benefit analysis must be conducted before the travel is taken to determine if a rental car or personally owned vehicle is best used. A rental car cost calculator may be found on the College's Procurement Office website. State regulations do not consider personal convenience or accompanying family members as justification for using a personal vehicle.

Airfare and Rail Travel: Employees who book their airfare or rail travel personally will not be reimbursed until after the travel has occurred. For reimbursement, please submit the airfare or rail itinerary that shows economy/coach class travel and proof of payment. The Financial Operations Staff can book flights and trains for employees to be charged directly to the Law School. All flights should be booked at least 30 days prior to travel to ensure reimbursement.

Other Transportation Charges: An explanation of the business purpose of the transportation (e.g., “taxi from hotel to conference site”) must accompany the reimbursement request. A maximum tip of 15% of the taxi cab or shuttle service fare is reimbursable as a transportation cost.

Lodging: Lodging (room rate and taxes) will be reimbursed according to the State of Virginia’s allowable rate for the lodging location. (A link to the approved lodging and *per diem* rates is included at the end of this summary.) For lodging rates that exceed the allowed rate, please contact the Financial Operations Office at least two weeks prior to your trip so that up to 150% lodging rate can be approved by the Associate Dean for Administration and Finance. For lodging reimbursement, please submit the original hotel folio showing a zero balance. For hotel rooms obtained through Internet providers (such as Priceline, Expedia, Orbitz, or Travelocity), the traveler must submit a printout of the final page from the Internet site showing total cost and confirmed services. These regulations also apply to lodging reservations for guests of the Law School. Alternative lodging, such as AirBnB or VRBO, is prohibited by the Commonwealth of Virginia for state business travel and will not be reimbursed.

Travel Meals: In the absence of original receipts, faculty member meals during business-related travel will be reimbursed on a per diem basis. The traveler should submit all receipts for which they are seeking reimbursement within 30 days. Travelers may reference the per diem calculator for an indication of the maximum allowed reimbursement of meals during travel. When meals are provided, e.g., on an airline flight or at a conference, *per diem* rate for that day is reduced to the allowed *per diem*, less meals provided. When a meal is offered as part of a conference and the traveler has medical restrictions, the traveler should make every effort to have the conference facilitate his/her needs by the deadline specified by the conference. However, if the conference does not honor the request, the traveler is not required to deduct the applicable meal allowance from the *per diem*, if the traveler includes a note that documents this information when submitting travel receipts. No meals will be reimbursed for single day travel.

Business Meals: A business meal is defined as a meal between two or more people involving a specific business discussion. The employee must pay for at least one other person (in addition to the employee) in order to qualify for business meal reimbursement. In order to be reimbursed for a business meal, please submit the table check and proof of payment (credit card receipt), list of attendees and their employer affiliations, and description of the business purpose for the meal. Business meals may occur locally or when an employee is on travel status. A business meal is reimbursable according to the *per diem* rates for the locality where the meal takes place.

Per the William & Mary website, the functions or events at which it is considered appropriate for food and beverages to be served to College personnel are limited to the following:

- Official Business Function: Food and beverages may be provided at business meetings that involve substantive and bona fide business discussions with an outside party or parties in attendance. The primary beneficiaries of such functions are non-W&M employees. Meals at which interview candidates are hosted are included in this category. Additionally, there are campus-wide and/or departmental activities where it may be appropriate for food and beverages to be provided, such as annual school start-up planning meetings.

- Internal Training Function: Food and beverages may be provided to participants of a formal training session when business is conducted through the time of the meal and the training session lasts for a minimum of *two hours*. The determination of whether a departmental retreat is an appropriate internal training function at which food and beverages may be provided will require consideration of the factors surrounding the event. Departmental retreats must be conducted primarily as training functions, be at least two hours in length, and not occur more frequently than once per semester. The type of training provided will depend on the particular department involved. In order to limit expenditures for rental facilities, retreats should be held at properties owned or leased by W&M. Retreats held at off campus locations require advance written approval, Travel Authorization, by the approving authority (either the Senior Vice President, Associate/Assistant Vice President, Dean, or Associate/Assistant Dean). College employees are the primary beneficiaries at such events.
- Student Academic Function: Food and beverages may be provided at student functions that contribute to the academic mission of W&M. Current and prospective students are the primary beneficiaries at such events. Food and beverages provided at commencement or annual award ceremonies are examples of this category.

Reimbursement: To ensure reimbursement, original travel receipts must be submitted to the Financial Operations Office within 30 days after completion of travel. Financial Operations staff will prepare a Travel Expense Report through Chrome River.

Any questions prior to or after travel should be directed to Financial Operations staff. Jacqueline Gullickson is the main contact for all travel-related questions.

This is only a summary of some of the travel regulations. Additional detailed information on travel planning and regulations, including information on allowable lodging and *per diem* rates in the 48 contiguous states and *per diem* rates for international travel, may be found on the university website.<sup>1</sup>

---

<sup>1</sup> <https://www.wm.edu/offices/financialoperations/travel/travelpolicy/index.php>

### Appendix M: Independent Legal Research and/or Legal Writing Guidelines

Second- and third-year students may receive credit for supervised research leading to a substantial independent research paper. LAW 704-01 is a one-credit paper, while LAW 705-01 and LAW 706 are two-credit papers. LAW 704-02 is the designation for the Moot Court Spong problem and the tournament brief.

The following mandatory guidelines govern independent writing projects. Additional requirements may be imposed by supervising faculty.

1. A student may earn a maximum of four credit hours for LAW 705-01 and LAW 706, combined, to be applied towards the 86 required credits for the J.D. degree. There is no limit to the number of credits a student may earn for LAW 704. LAW 704-01, LAW 705-01, and LAW 706 are all graded courses.
2. The completed registration form must be received by the Registrar no later than the last day of Add/Drop in the semester in which the project is undertaken. No extension of this deadline will be granted except under extraordinary circumstances and then only with the permission of the instructor *and* the Vice Dean.
3. Any professor teaching at the Law School may supervise a writing project.
4. Faculty should require regular consultations regarding the writing project and the submission of a draft. Specifically for LAW 705-01 and LAW 706, the student will be expected to interact and consult throughout the writing process with the faculty supervisor. At a minimum, the student will be expected to submit a topic statement, an outline, a first draft, and a revised final draft to the faculty supervisor. The faculty supervisor will comment on the submitted documents and suggest, if needed, additional avenues for research, alternative arguments, changes in organization, and other revisions. Attention will be given both to the substance and the form of the written product. Though one may enroll in LAW 704, LAW 705, and/or LAW 706 simultaneously, distinct papers must be produced. *It is not permissible to combine the credits to create a longer paper.*
5. Moot Court team members will be awarded one graded credit of LAW 704-02 for writing the Spong problem. Moot Court team members will be awarded one pass/fail credit of Law 704-02 for writing a tournament brief. Moot Court team members should register for Law 704-02 in the semester in which they participate in a tournament.
6. The following paper lengths are minimum requirements. Faculty are free to require papers in excess of the lengths below in order for the student to receive credit, so long as that requirement is communicated to the student before registration.

Course	Paper Length	Credit Earned	Grade Type
LAW 704-01 Independent Legal Research	10-19 pages	1 credit hour	Graded

<b>Course</b>	<b>Paper Length</b>	<b>Credit Earned</b>	<b>Grade Type</b>
LAW 705-01 Independent Legal Writing	20-40 pages	2 credit hours	Graded
LAW 706 Independent Legal Writing that Satisfies the Upper-level Writing Requirement	30 pages	2 credit hours	Graded
LAW 704-02 Moot Court Spong Problem	N/A	1 credit hour	Graded
LAW 704-02 Moot Court Tournament Brief	N/A	1 credit hour	P/F

## Appendix N: Sample Exam Cover Sheet

**Course name & number:**

**Exam ID No.:**

**Semester & year:**

**Professor's name:**

**Date, time, & length of the exam:**

### **Instructions [in no particular order]**

- [Information on the total page count of the exam (please number the pages), a reminder that credit will not be given for anything written on the question sheet (unless you so design the question sheet), and a reminder to turn in exam questions at the conclusion of the exam.]
- [Information on the total time allotted for the exam, the points or weight allocated to each question, and suggested time limits for each question.]
- [Instructions on whether students may leave the classroom during in-class exam.]
- [Instructions on what materials or tools may be consulted or employed during the exam.]
- [A reminder that students are subject to the Honor Code at all times during the exam. You may also wish to remind students that they should not discuss the exam with others afterward, as some students may be taking the exam at a later time.]
- [Instructions on any particular formatting of exam answers. If answers are subject to a word limit, indicate the limit for each question and/or for the entire exam answer. Include instructions for handwriting also.]
- [A reminder that exam grading is anonymous and that students should use only their exam ID number to identify themselves in their answer.]
- [Information on what students should do if they believe the exam contains a typographical or other error; information on what students should do if they believe additional facts are necessary to provide a complete answer.]
- [A reminder that students who become ill during the exam and cannot continue should consult the Registrar's Office immediately.]

## Appendix O: William & Mary Law School Course and Professor Evaluation

### **Evaluation questions for non-clinical courses**

Relative to other courses I took this semester, the course workload was:

- |          |             |          |
|----------|-------------|----------|
| 1. Light | 2. Moderate | 3. Heavy |
|----------|-------------|----------|

Relative to other courses I took this semester, the level of student participation was:

- |          |             |          |
|----------|-------------|----------|
| 1. Light | 2. Moderate | 3. Heavy |
|----------|-------------|----------|

I attended class in this course:

- |           |               |           |
|-----------|---------------|-----------|
| 1. Seldom | 2. Frequently | 3. Always |
|-----------|---------------|-----------|

Please indicate the number of hours, on average, that you spent preparing for class or engaging in other course-related work each week, not counting the time spent in the classroom.

- |                   |                      |                  |                  |
|-------------------|----------------------|------------------|------------------|
| Under 1 hour      | 1.0 to 2.0 hours     | 2.0 to 3.0 hours | 3.0 to 4.0 hours |
| 4.0 to 5.0 hours  | 5.0 to 6.0 hours     | 6.0 to 7.0 hours | 7.0 to 8.0 hours |
| 8.0 to 10.0 hours | More than 10.0 hours |                  |                  |

Class sessions contributed considerably to the content of the course.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor had high expectations for students in the course.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor was invested in student learning of the material.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor effectively organized the course to promote student learning.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor's class preparation was thorough.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor effectively managed the pace and the direction of class sessions, including student participation in class sessions.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor used examples well to illustrate important points.



1=Strongly disagree

5=Strongly agree

The overall teaching of this professor was effective.

1=Strongly disagree

5=Strongly agree

What did the professor do well that contributed to your learning? What improvements could the professor have made to enhance your learning?

Belonging, curiosity, and respect are core values at William & Mary. Please describe the professor's efforts to foster, and success in fostering, an open academic environment that embraces diverse perspectives and treats students with respect.

Please comment on whether you sought out the professor outside of class, and if so, whether the professor was available.

Please comment on the course materials, including textbooks, supplements, and in-class materials (if applicable).

If you would like to comment further on any of your answers to the questions or on the course, you may do so here.

### **Externship Questions**

The professor was available to assist me with problems and concerns that arose during my externship.

1=Strongly disagree

5=Strongly agree

The professor effectively organized the course to promote student learning.

1=Strongly disagree

5=Strongly agree

The professor's class preparation was thorough.

1=Strongly disagree

5=Strongly agree

The professor effectively managed the pace and the direction of class sessions, including student participation in class sessions.

1=Strongly disagree

5=Strongly agree

The overall teaching of this professor was effective.

1=Strongly disagree

5=Strongly agree

Relative to other courses I took this semester, the course workload (including externship hours, class attendance, and preparation of journals and the final report) was

1=light                      2=moderate                      3=heavy

Please indicate the number of hours, on average, you spent each week preparing your bi-weekly journals, supplemental journals, and final report.

Class discussions raised and provided an opportunity to consider broader issues related to my externship experience.

1=Strongly disagree                      5=Strongly agree

My externship placement was a worthwhile learning experience.

1=Strongly disagree                      5=Strongly agree

The externship manual, syllabus, and forms clearly explained policies, procedures, and course requirements.

1=Strongly disagree                      5=Strongly agree

The ABA requires that externship programs include opportunities for student reflection about their externship experiences. Please evaluate how each of these course components provided opportunities for reflection about your externship experience.

Journals                      1=Strongly disagree                      5=Strongly agree

Classes                      1=Strongly disagree                      5=Strongly agree

Final Report                      1=Strongly disagree                      5=Strongly agree

What did the professor do well that contributed to your learning? What improvements could the professor have made to enhance your learning?

Belonging, curiosity, and respect are core values at William & Mary. Please describe the professor's efforts to foster, and success in fostering, an open academic environment that embraces diverse perspectives and treats students with respect

Please comment on whether you sought out the professor outside of class, and if so, whether the professor was available.

Please comment on whether your externship experience contributed to the quality of your education.

If you would like to comment further on any of the questions or on the course, you may do so here.

### **Clinic Questions**

Relative to other courses I took this semester, the course workload was

- |          |             |          |
|----------|-------------|----------|
| 1. Light | 2. Moderate | 3. Heavy |
|----------|-------------|----------|

I attended class in this course

- |           |               |           |
|-----------|---------------|-----------|
| 1. Seldom | 2. Frequently | 3. Always |
|-----------|---------------|-----------|

Please indicate the number of hours, on average, spent preparing for class or engaging in other ~~course~~ clinic-related work each week, not including class time.

- |                   |                      |                  |                  |
|-------------------|----------------------|------------------|------------------|
| Under 1 hour      | 1.0 to 2.0 hours     | 2.0 to 3.0 hours | 3.0 to 4.0 hours |
| 4.0 to 5.0 hours  | 5.0 to 6.0 hours     | 6.0 to 7.0 hours | 7.0 to 8.0 hours |
| 8.0 to 10.0 hours | More than 10.0 hours |                  |                  |

Class sessions contributed considerably to achieving the learning objectives of the clinic.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The clinic contributed considerably to my professional development.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

Supervision meetings contributed considerably to achieving the learning objectives of the clinic.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor effectively organized the clinic.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor's class preparation was thorough.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor effectively managed the pace and the direction of class sessions, including student participation in class sessions.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The professor used examples well to illustrate important points.

- |                     |                  |
|---------------------|------------------|
| 1=Strongly disagree | 5=Strongly agree |
|---------------------|------------------|

The overall teaching of this professor was effective.

1=Strongly disagree

5=Strongly agree

The clinic was successful in the following respects:

Support for case work, including feedback and critique

1=Strongly disagree

5=Strongly agree

Fostering responsibility, striking balance between giving direction and allowing independence

1=Strongly disagree

5=Strongly agree

Challenging you to perform to the best of your ability

1=Strongly disagree

5=Strongly agree

Putting experiences in broader social and legal contexts

1=Strongly disagree

5=Strongly agree

Establishing good working relationships with you and with clinic clients

1=Strongly disagree

5=Strongly agree

Please comment on how important you believe this clinic to have been in contributing to the quality of your education.

How would you describe the impact that the clinic had on improving your practical lawyering skills?

What did the professor do well that contributed to your learning? What improvements could the professor have made to enhance your learning?

Belonging, curiosity, and respect are core values at William & Mary. Please describe the professor's efforts to foster, and success in fostering, an open academic environment that embraces diverse perspectives and treats students with respect.

Please comment on whether you sought out the professor outside of class, and if so, whether the professor was available.

Please comment on the course materials, including textbooks, supplements, and in-class materials (if applicable).

If you would like to comment further on any of your answers to the questions or on the clinic, you may do so here.

### Appendix P: Course Approval Guidelines

1. Proposals for new courses in the curriculum of a Law School degree program should be submitted to the Vice Dean no later than February 1<sup>st</sup> for adoption for the subsequent fall semester and October 1<sup>st</sup> for adoption for the subsequent spring term.
2. Each new course proposal should contain the following supporting information in order to be considered for approval:
  - A. A course title
  - B. A description of course content and its relationship to other law courses
  - C. A course syllabus, if possible
  - D. A listing of course texts, readings, or other teaching materials
  - E. Course requirements (e.g. attendance, tests, papers, and presentations)
  - F. Course prerequisites or preferred courses, if any
  - G. The basis for grading in the course
  - H. A justification for the number of credits to be awarded that includes out-of-class work, as well as the time to be spent in class sessions.
  - I. The professor's CV.
3. Upon receipt of a new course proposal, the Vice Dean shall review the supporting material to determine its adequacy and whether or not it substantially duplicates existing course offerings. After making this threshold determination, the Vice Dean will provide notice to the Faculty of the new course proposal, with access provided to supporting information.
4. The new course will be deemed approved by the Faculty if no objection is received by the Vice Dean within 72 hours of the notice to the faculty referenced in paragraph 3.

If within 72 hours of the Vice Dean's notice, two or more faculty members request that the proposed new course not be approved, the proposal shall be referred to the Curriculum Committee for consideration. The Curriculum Committee should review the proposed new course and reach its conclusion in an expeditious manner. Those objecting to the proposed new course will be invited to attend the Curriculum Committee's meeting in order to present their concerns about the proposal. If the Curriculum Committee approves the proposed new course, those objecting to it may bring the approval before the Law School faculty at a faculty meeting. However, pending full faculty review, the new course shall be provisionally approved and scheduled for the upcoming academic year.

When a course is approved, the Vice Dean shall consider whether the course should satisfy a concentration requirement, consulting relevant faculty as needed.

5. If a course proposal is received after the course approval deadlines have passed, and upcoming registration or scheduling related deadlines or the time of year make it difficult for the Vice Dean to give, or the faculty to consider, notice in a meaningful way as defined by the procedures outlined above (for example, the course proposal is received in late July or when the Curriculum Committee does not have time to meet prior to a registration deadline), the Vice Dean may approve a new course for inclusion in the Law School curriculum for a one-time approval. Notice of the provisional approval will be given to the faculty as soon as possible. In order for this course to become part of the Law School curriculum thereafter, the Vice Dean will follow the general procedures set forth in these guidelines.

### Appendix Q: Course Weighting Guidelines

In an effort to achieve the twin objectives of (1) offering our J.D. students a high-quality, broad-based professional education, and (2) effectively allocating faculty teaching resources and Law School classroom space, the usual credit weighting will be three credit hours for most upper-level Law School courses. While most Law School instructors could expand their course coverage to four or more credit hours, the Law School's limited teaching resources must be allocated in ways to achieve the common interests of the faculty, students, and the Law School. Law School courses will be accorded credit weighting according to the following considerations:

1. Maximizing the range of course material that the J.D. students will take for their degree in order to provide them with the broadest foundation for their legal education and professional lives.
2. Effectively using available faculty teaching resources to offer a wide range of law course material within the limits of individual faculty teaching loads.
3. Utilizing Law School classroom space in an efficient way to accommodate the greatest number and the broadest range of law courses each semester.
4. Following the general norms regarding course weighting prevalent in American legal academia at schools similar to William & Mary.

## Appendix R: Law School's Distance Education Policy\*

[as amended by the Faculty on March 4, 2022]<sup>2</sup>

At the Law School, a “distance education course” is defined as a course in which students are separated from all faculty members for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction between the students and all faculty members, either synchronously or asynchronously. “Distance education courses” do not include courses in which an occasional guest speaker appears via technology from a remote location; courses in which an instructor uses technology to teach an occasional class session from a remote location; or courses in which an instructor prerecords material to be viewed or heard by students in advance of a class session.

No J.D. student may graduate with more than 28 of their credits toward the J.D. degree coming from distance education courses or more than 10 of their credits coming from distance education courses in their first year. In addition to compliance with any applicable ABA Standards, all distance education courses offered in the J.D. program at the Law School must comply with the following requirements:

1. All distance education courses must provide for significant synchronous interaction between the instructor(s) and the students. “Synchronous interaction” means that the instructor(s) and the students engage with one another at the same time despite spatial separation.
2. Credit toward the J.D. degree for study offered through a distance education course will be awarded only where (1) the academic content, (2) the method of course delivery, and (3) the method of evaluating student performance are approved as part of the Law School's regular curriculum approval process. However, in the case of a course that is already part of the approved J.D. curriculum but was not initially approved as a distance education course, approval need be sought only from the Associate Dean for Academic Affairs to offer the course as a distance education course.
3. The Associate Dean for Academic Affairs will work closely with instructors of distance education courses to ensure that such courses provide (1) ample interaction with the instructor(s) and other students both inside and outside the formal structure of the course throughout its duration, such that students in distance education courses have opportunities to interact with the instructors and other students that equal or exceed the opportunities for such interaction in a traditional classroom setting; and (2) ample monitoring of student effort and accomplishment as courses progress. The Associate Dean for Academic Affairs will also assess, after the conclusion of each distance education course, whether continued offering of the course in a distance education format is appropriate.

---

<sup>2</sup> Note: To account for changes in administrative structure since adoption of this document, references to the Associate Dean for Academic Affairs should be read as references to the Vice Dean.



4. The Associate Dean for Administration and Finance, the Registrar, and the Associate Dean for Academic Affairs are responsible for maintaining an effective process to verify the identity of students taking distance education courses and to protect student privacy.

Although these requirements govern the J.D. program, they should be viewed as guidelines and best practices for distance education courses that may be offered solely to students in the residential LLM program, which may require more flexibility in course delivery than the J.D. program.

<p>*To the extent there is any conflict between the Law School's distance education policy and the university's distance education policy, attached as Appendix S, the university's policy prevails.</p>
--

## Appendix S: William & Mary Distance Education Policy

[Approved: May 7, 2024; effective date: July 1, 2024. Responsible Office: Office of the Provost]

### I. SCOPE

This policy applies to William & Mary (W&M) as a whole university, including the School of Marine Science at Virginia Institute of Marine Science. The policy is applicable to all credit-bearing distance learning courses and programs offered by W&M, including both asynchronous and synchronous courses that are fully online and those that employ distance education instructional methods. The policy is also applicable to all individuals teaching distance education courses for institutional credit, as well as to all W&M students.

### II. PURPOSE AND POLICY STATEMENT

The purposes of this policy are to: (1) define distance education; (2) establish minimum requirements regarding regular and substantive interaction between instructors and students in distance education courses; and (3) establish minimum requirements regarding the verification of student identity in distance education courses at W&M. This policy aligns with definitions and provisions within the U.S. Code of Federal Regulations, the Virginia Administrative Code, and the requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) concerning distance education.

### III. DEFINITIONS

A. W&M's definition of distance education aligns with the Code of Federal Regulations in 34 C.F.R. 600.2, the Virginia Administrative Code in 8VAC40-31-10, and the *Distance Education and Correspondence Courses Policy Statement* of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

*Distance education* is a formal educational process of providing planned teaching and learning activities to deliver instruction when instructors and students are in different locations, whether the instruction and activities occur synchronously or asynchronously.

B. *Online* means "by means of the internet or other computer network."

C. An *online* course is a course in which all learning and assessment activities for the course are provided online.

At William and Mary, online courses can be taught synchronously or asynchronously.

- a. *Synchronous Online Courses* are courses in which faculty and students meet via online technology at scheduled times in a live, “in-real-time” framework, much like in-person courses meet. These courses require student participation at a set time each week, and they allow for real-time communication, discussion, and interaction between faculty and students. The required weekly meeting time(s) for synchronous courses must be disclosed prior to student registration in the course.
- b. *Asynchronous Online Courses* do not have required meeting times, though they may include optional live electronic meetings and/or virtual office hours. Asynchronous courses generally employ flexible schedules with weekly deadlines, allowing students to complete the week’s coursework at times within that week that work for their own schedules.
- D. An *online program* is a program for which all courses required for completion of the program are available as fully online courses. Exceptions to this requirement include short-term in-person capstone/practicums/other similar required courses. Such exceptions must provide added educational value, must be approved by the Dean of the primary academic unit (school), and must be made clear to potential students prior to their enrollment in the program.
- E. In alignment with [The Glossary of Education Reform](#), *direct instruction* refers to instructional approaches that are structured, sequenced, and led by qualified instructors, and/or the presentation of academic content to students by qualified instructors. Examples of direct instruction include synchronous class sessions, intentionally sequenced course modules, and instructor-created or instructor-selected videos that are relevant to the content.
- F. *Substantive interaction* is defined according to 34 C.F.R. 600.2 as instruction that engages students in “teaching, learning, and assessment, consistent with the content under discussion,” and also includes at least two of the following:
1. Providing direct instruction (see definition above);
  2. Assessing or providing feedback on a student’s coursework;
  3. Providing information or responding to questions about the content of a course or competency;
  4. Leading or facilitating discussion forums or group discussion regarding the content of a course or competency;
  5. Providing information, content, and asynchronous activities through announcements, e-mail, media, and/or other relevant technologies;
  6. Providing and engaging in other instructional activities outlined by a program’s accrediting agency.

G. “*Regular interactions*” are defined according to 34 C.F.R. 600.2 as interactions that (1) provide opportunities for substantive interactions between the faculty member and a student on a “predictable and scheduled basis commensurate with the length of time and the amount of content in the course;” and (2) demonstrate that an instructor “promptly and proactively engag[es] in substantive interaction with the student” when needed based on the instructor’s monitoring of the student’s academic engagement and success, or upon request by the student.

## **IV. POLICY**

### **A. Distance Education**

1. Courses which do not meet this policy’s definition of an online course but plan to employ instructional elements meeting the definition of distance education are subject to this policy. All distance education components of such courses must comply with the requirements of this policy.
2. Regardless of the mode of delivery, all courses offered for W&M credit must meet the requirements of W&M’s Academic Credit Hour Policy.
3. Distance education courses covering the same content at the same level and receiving the same number of credit hours as in-person courses must be demonstrably similar in course content, expectations, and workload.
4. All online courses and other courses utilizing planned distance education instructional methods must be able to demonstrate that they employ both substantive interactions and regular interactions.
5. Online courses can require in-person examinations or laboratories. In such cases, all in-person requirements must be included in the syllabus and must be communicated to all students prior to the end of the term’s add-drop period.
6. Faculty should use a variety of instructional strategies and resources to facilitate an engaging and accessible learning environment.
7. Educational technology tools and resources used for delivering content via distance education and for assessing student learning must:
  - a. Facilitate substantive and regular interactions between students and faculty;
  - b. Verify student identity (see below); and
  - c. Ensure course material accessibility. See [W&M’s Course Accessibility webpage](#) for information and resources.
8. Educational technology tools and resources used for assessing student learning must:

- a. Verify student identity (see below); and
  - b. Ensure course material accessibility. See [W&M's Course Accessibility webpage](#) for information and resources.
9. Instructors of courses offered by distance education must meet the same instructor qualifications as those established by W&M for on-campus courses; see [W&M's Faculty Qualifications and Credentialing Policy](#) and the [W&M Faculty Qualifications Manual](#).
10. For online programs, courses must be offered frequently enough to enable students to progress through and complete the program in a timely manner. Any requirements for in-person participation must impart added educational value that cannot be achieved online. Information regarding any required face-to-face and on-ground/in-person work (e.g., practicums, internships, residencies, practicums, specialized laboratory work, etc.) must be provided to students prior to their enrollment in the program.
11. Schools/primary academic units and departments or programs must notify the Office of the Provost and Office of Institutional Accreditation & Effectiveness prior to engaging in services with an outside partner that may provide recruitment and/or enrollment services (where there is direct contact with current or potential students), course design, student support and retention, student employment, and academic/student support services. Further, the following requirements must be met and must documented, where possible, as part of a contract or similar memorandum of understanding between the outside partner and the W&M unit(s) involved:
  - a. W&M faculty retain control of the curriculum.
  - b. All individuals teaching courses in the program must meet W&M's faculty qualifications requirements as outlined in [W&M's Faculty Credentials and Qualifications Policy](#) and in the [W&M Faculty Qualifications Manual](#).
  - c. Any non-W&M faculty must provide evidence of their qualifications and credentials, including transcripts and other documentation, as outlined in [W&M's Faculty Credentials and Qualifications Policy](#) and in the [W&M Faculty Qualifications Manual](#).
  - d. All appropriate library and learning/information resources must be made available to students.
  - e. All appropriate academic and student support services and physical resources must be made available to students.
  - f. Recruitment materials and presentations must accurately represent the practices, policies, and accreditation status of W&M. Contact the Assistant Provost for Institutional Accreditation & Effectiveness for more information.

- g. The online program management (OPM) provider and any other independent contractors or agents used for recruiting purposes, admissions activities, instructional engagement, etc. on behalf of W&M must be under contract with W&M and must be governed by the same principles and policies as institutional employees, including but not limited to the protection of student privacy and student data.

## 12. Responsibilities

- a. Faculty hold primary responsibility over the content, quality, and effectiveness of courses and curricula, regardless of the instructional modality.
- b. Faculty are responsible for delivering course content and for ensuring that their distance education courses meet course accessibility requirements. See [W&M's Course Accessibility webpage](#) for information and resources.
- c. Faculty shall ensure that each of their distance education courses meets this policy's requirements regarding substantive interaction and regular interaction.
- d. Faculty who teach distance education courses for W&M credit are responsible for ensuring they meet any school-specific training requirements related to providing distance education instruction. Further, faculty are responsible for ensuring that they have acquired necessary and appropriate skills for teaching effectively in a distance education environment. W&M's Studio for Teaching and Learning Innovation (STLI) provides resources for faculty regarding online instruction.
- e. Deans are responsible for making and implementing decisions regarding the instructional modality of courses being offered (or to be offered).
- f. Deans are responsible for ensuring that the requirements of this policy have been met and that the availability of course offerings in various modalities align with student demand and program modes of delivery.
- g. The Office of the Provost shall monitor university-wide compliance with this policy and shall ensure that deans are informed of any changes in a timely fashion.

## B. Verification of Student Identity

- 1. W&M ensures that a student who registers for credit-bearing distance education courses and/or programs is the same individual who participates in and completes the course or program and receives academic credit. Distance education courses at W&M use one or more of the following methods to achieve this:
  - a. A secure login and password;
  - b. Proctored examinations; and/or

- c. New or emerging technologies or practices that are effective at verifying student identity.
2. Students must never share their username and/or password with others. Further, students must not attempt to disguise their identity or the identity of their account or the device that they are using to engage in distance education course requirements. Use of technology such as masking an IP address or using VPN technology for the purpose of concealing one's identity while engaging in course requirements for distance education courses is forbidden, and offenses are subject to penalty under the Code of Student Conduct/Honor Code.
3. Methods used to verify student identity in distance education courses and programs at W&M must ensure the privacy and protection of student information.
4. If any fees will be charged to students in distance education courses and/or programs for the purpose of verifying student identity, students must be notified of all charges in writing at the time of registration or enrollment.
5. For purposes of verifying student identity, W&M may collect and use personally-identifiable information, so long as the collection and use of said information is in compliance with applicable university policies and state and federal laws and regulations.
6. Responsibilities
  - a. All users of W&M's learning management systems and other technologies used for verifying student identity must maintain the security of usernames, passwords, and other access credentials assigned to them by W&M. Such access credentials must never be shared with anyone other than the user to whom they have been assigned.
  - b. Users are responsible for all uses of their access credentials.
  - c. Users are responsible for changing passwords periodically to maintain the security of their access credentials and accounts.
  - d. Users are responsible for maintaining knowledge of university policies, guidelines, and requirements that are relevant to this policy. Failure to read these documents shall not exempt them from this responsibility.
  - e. Students must always provide complete and true information in any identity verification process. Failure to do so is a violation of the W&M Honor Code.
  - f. Faculty teaching distance education courses must ensure that their individual courses comply with the provisions of this policy.
  - g. Deans must inform the Office of the Provost, the Office of Institutional Accreditation & Effectiveness, and Information Technology of any new technologies for verifying student identity that are being used or are being considered for use within their

schools/primary academic units or within individual courses taught by the faculty in their primary academic unit.

- h. Deans of schools/primary academic units shall ensure that faculty comply with this policy.
- i. The Office of the Provost shall monitor university-wide compliance with this policy and shall ensure that deans are informed of any changes in a timely fashion.

## **V. AUTHORITY AND AMENDMENT, IMPLEMENTATION**

A. This policy is approved by the Provost in accordance with Article X Section C of the Bylaws of the Board of Visitors and the Policy on Creating Whole University Policies & Procedures.

## **VI. RELATED DOCUMENTS**

- [Code of Federal Regulations, 34 C.F.R. 600.2](#)
- [Virginia Administrative Code 8VAC40-31-10](#)
- Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); [Distance Education and Correspondence Courses Policy Statement](#)
- [The Glossary of Education Reform](#)
- [W&M's Faculty Qualifications and Credentialing Policy](#)
- [W&M Faculty Qualifications Manual](#)
- [W&M Course Accessibility webpage](#)



## Appendix T: William & Mary Law School Travel Reimbursement Procedures for Visitors in 2022-2023

We are excited to welcome you to Williamsburg, Virginia! Given that William & Mary is a state institution, there are certain rules we must follow in our spending and reimbursements. For questions regarding these procedures, please contact our Financial Operations Department. Please note you will be required to complete a Virginia-specific W-9 and a travel reimbursement release form in order to ensure prompt reimbursement. Also, please note that all requests for reimbursement must be made within 30 days of the conclusion of your travel to William & Mary, or reimbursement cannot be guaranteed.

### **Travel**

**By airplane:** You may book your own flight, or you may ask our financial operations department to do so in order for you to avoid paying the upfront ticket price. Please note that if you purchase your own tickets, you cannot be reimbursed until after your travel to Williamsburg concludes.

All flights must be booked at least 30 days in advance of the date of your arrival in Williamsburg to ensure reimbursement, unless there are exceptional circumstances that receive pre-purchase approval from the Associate Dean for Research and Faculty Development. William & Mary will only reimburse you for the cost of a nonrefundable coach plane ticket; all ticket upgrades are at your own expense.

Local airport options are as follows:

- Richmond Airport (RIC): 60 minutes from Williamsburg
- Newport News Airport (PHF): 30 minutes from Williamsburg
- Norfolk Airport (ORF): 75 minutes from Williamsburg

If you would like William & Mary to make your flight arrangements, please provide the following information to our Event Coordinator at least 30 days before your date of travel:

- Airline and Flight Number
- Your cell phone number or preferred contact number
- Your full name & date of birth
- Frequent Flyer No. and/or Known Traveler Number (if any)
- Seat preference (if any)

**By train:** You may purchase your own train ticket, or you may ask our financial operations department to do so in order for you to avoid paying the upfront ticket price. Please note that if

you purchase your own tickets, you cannot be reimbursed until after your travel to Williamsburg concludes.

All train tickets must be purchased at least 14 days prior to your arrival in Williamsburg. William & Mary will only reimburse you for the cost of a coach ticket; all ticket upgrades are at your own expense. There is an Amtrak station in Williamsburg that is very conveniently located and approximately 10 minutes from the Law School. The Amtrak stations in Richmond may be an option in some cases, though this would require separate transportation to Williamsburg.

**By car:** We are happy to reimburse for your mileage, under 200 miles per day, at the current IRS rate for travel to and from Williamsburg. Please submit a map showing your point of origin and your total roundtrip mileage with your receipts. Either electronic or hard copies are fine. William & Mary reserves the right to reduce your mileage reimbursement to the current fleet rate for mileage reimbursements that exceed 200 miles per day.

**Transportation to and from airports:** We will work with you to arrange transportation through our car service. Should you prefer to reserve your own transportation, through a car service app, such as Uber or Lyft, you may submit your receipts for reimbursement after travel.

**Hotel:** William & Mary will make your hotel reservations and pay the lodging charges directly for the night(s) required for your participation in the Law School's program. All incidentals and any additional night(s) lodging remain your responsibility.

**Meals:** We intend that your reimbursement check will cover expenses for your meals during your visit, when such meals are not provided by William & Mary. For your information, the current per diem rates for food reimbursement in Williamsburg total \$64.00 for full days and \$48.00 for travel days.

In the absence of original receipts, faculty member meals during business related travel will be reimbursed on a per diem basis. No meals will be reimbursed for one-day travel.

**Receipts:** Please save all original receipts to ensure reimbursement. All receipts must include proof of payment. If your receipt is only digital, such as an airfare receipt, you may email receipts directly to our Financial Operations Department at [lawfinops@wm.edu](mailto:lawfinops@wm.edu). For paper receipts, please mail original receipts within 30 days of your visit to:

William & Mary Law School  
c/o Financial Operations Department  
P.O. Box 8795  
Williamsburg VA 23187-8795

Please retain a copy of your original receipts for your records, and thank you in advance for your compliance with our procedures, including the requirement that any reimbursement requests be made within 30 days of the conclusion of your travel to William & Mary.

## Appendix U: Accessing Banner Self-Service (Pay Stubs and Tax Forms)

All employees can view their pay stubs, W-4 forms, and other personal information by going to myWM:

1. Open a web browser and go to: <https://my.wm.edu>. Login using your W&M user ID and password.
2. Click on the Banner icon on the upper right side of the screen.
3. Click on Personal Information to view or update your contact information. Then, click on Employee.

Back to  
myWM Home Tab

Personal Information

Addresses, contacts, e-mail, marital status, SSN

Employee

Time sheets, time off, benefits, leave or job data, pay stubs, W2 and T4 forms, W4 data.

4. Click on Pay Information.

Time Sheet

Benefits and Deductions

Update or view your retirement plans, Health insurance information, Flex spending accounts, miscellaneous deductions; Change your beneficiary information; Access open enrollment.

Pay Information

View your Direct Deposit breakdown; View your Earnings and Deductions History; View your Pay Stubs.

Tax Forms

Change W-4 information; View your W-2 Form or T4 Form.

Time Off Current Balances and History

View Employee Leave Balances

View the current leave balances of your direct reports

---

[ Time Sheet | Benefits and Deductions | Pay Information | Tax Forms | Time Off Current Balances and History |  
View Employee Leave Balances ]

---

5. To view details of your pay, click on Pay Stub.

Direct Deposit Breakdown


Earnings History

Pay Stub

Deductions History

6. Select the Pay Stub Year from the drop-down box, then click on Display.

### Select Pay Stub Year


 Select a year for which you wish to view your pay stubs and then click View Pay Stub Summary.

Pay Stub Year: 2009 ▼

Display

7. Click on the Pay Stub Date.

### View Pay Stub Summary

 Click on the underlined Pay Stub Date to view the Pay Stub.

#### ***Pay Stubs for 2009***

<b>Pay Stub Date</b>	<b>Pay Period Begin Date</b>	<b>Pay Period End Date</b>	<b>Gross Pay</b>	<b>Net Pay Message</b>
<a href="#">Aug 14, 2009</a>	Jul 16, 2009	Jul 31, 2009	315.00	284.87
<a href="#">Jul 31, 2009</a>	Jul 01, 2009	Jul 15, 2009	480.00	410.53
<a href="#">Jul 16, 2009</a>	Jun 16, 2009	Jun 30, 2009	390.00	343.26
<a href="#">Jul 01, 2009</a>	Jun 01, 2009	Jun 15, 2009	484.50	413.78
<a href="#">Jun 01, 2009</a>	May 01, 2009	May 15, 2009	48.00	48.00
<a href="#">May 15, 2009</a>	Apr 16, 2009	Apr 30, 2009	184.00	182.82
<a href="#">May 01, 2009</a>	Apr 01, 2009	Apr 15, 2009	240.00	237.70
<a href="#">Apr 16, 2009</a>	Mar 16, 2009	Mar 31, 2009	216.00	214.18
<a href="#">Mar 31, 2009</a>	Mar 01, 2009	Mar 15, 2009	172.00	171.06
<a href="#">Mar 16, 2009</a>	Feb 16, 2009	Feb 28, 2009	220.00	207.14
<a href="#">Feb 27, 2009</a>	Feb 01, 2009	Feb 15, 2009	224.00	210.66
<a href="#">Feb 13, 2009</a>	Jan 16, 2009	Jan 31, 2009	216.00	203.62
<a href="#">Jan 30, 2009</a>	Jan 01, 2009	Jan 15, 2009	156.00	150.82
<a href="#">Jan 15, 2009</a>	Dec 16, 2008	Dec 31, 2008	24.00	24.00

[Change Year](#)

8. To see all of the Pay Stub Detail, use the scroll bars in your browser.

### View Pay Stub Detail

#### **Pay Stub Summary**

<b>Pay Stub Date:</b>	Jul 01, 2009
<b>Gross Amount:</b>	4484.50
<b>Total Personal Deductions:</b>	70.72
<b>Net Amount:</b>	4413.78
<b>Total Employer Contributions:</b>	37.07

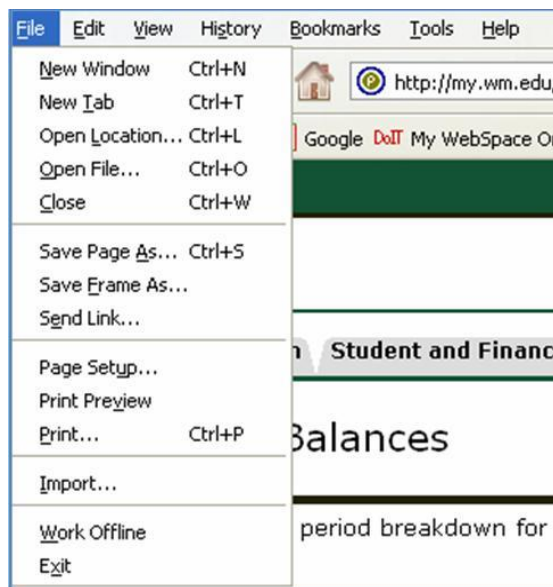
#### **Check or Direct Deposit**

Number	Document Type	Bank Name	Account Type	Amount
123456789	Direct Deposit	Navy Federal Credit Union	Checking	4413.78

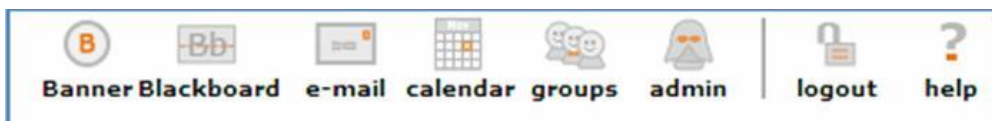
#### **Earnings**

Type	Hours	Rate	Amount
Regular Pay	80.00	40.000000	3200.00

9. To print the information you have displayed, click on File on your browser's menu and select Print or Print Preview to see exactly what will be printed.\



10. When you have finished, be sure to logout by clicking on logout on the menu on the upper right side of the screen.





## Appendix V: William & Mary Law School Default Generative AI Policy

Generative AI is software that can perform advanced processing of text at skill levels that at least appear similar to a human's. Examples of Generative AI include but are not limited to, Chat GPT, Perplexity, Google Gemini, Lexis +AI, and Westlaw (Practical Law) AI.

The Law School has adopted the following default rule, which enables some uses of Generative AI but also prohibits other uses.

The class of Generative AI software:

1. May not be used to compose (write, draft, outline, etc.) any portion of a submitted assignment.

Generative AI may be used to perform research in ways similar to search engines such as Google, for correction of grammar, and for other functions attendant to completing an assignment. The functions included in common word processing software are allowed. This includes spelling and grammar correction and auto-word complete functions of Microsoft Word, Google Docs, and Grammarly (but not Grammarly's generative AI function).

2. May not be used during a student's exam.

A student may use study materials prepared by Generative AI.

The functions included in common word processing software are allowed. This includes spelling and grammar correction and auto-word complete functions of Microsoft Word, Google Docs, and Grammarly (but not Grammarly's generative AI function). However, exam software such as Exam4 may not allow some of these functions.

**Instructors have discretion to deviate from the default rule, provided that they do so in writing and with appropriate notice.**