EMORY

LAW

Faculty Handbook
2026

Foreword to 2026 revision

This 2026 revision replaces the 2025 Emory Law School Faculty Handbook.

This updated edition incorporates policies approved by the Faculty since the 2025 revision, including revisions regarding continuous appointment.

Matthew B. Lawrence
Associate Dean of Faculty and Professor of Law
June 16, 2026

Foreword to 2025 revision

This 2025 revision replaces the 2024 Emory Law School Faculty Handbook.

This updated edition incorporates policies approved by the Faculty since the 2024 revision, including a policy on advising of independent scholarly work, a policy on AI, a policy on academic freedom and open expression, and certain curricular policies. It also addresses University policy mandates regarding faculty continuing education and hiring practices.

Foreword to 2024 revision

This 2024 revision replaces the 2017 Emory Law School Faculty Handbook.

This updated edition incorporates policies approved by the Faculty since 2017, excluding limited term amendments which have since expired (e.g. pandemic-related provisions) or which were superseded by University policy mandates. It also contains new material, including revised tenure and promotion standards for tenure-stream faculty, a new "Teaching Professor" faculty category, clarification of review procedures for other renewable contract faculty, and several other miscellaneous items. Please note that any title for an Associate or Vice Dean refers to that title or the Dean's designate, as titles may change over time.

A few academic policies continue to be provided in the Appendix for convenience, including (1) requirements for faculty supervision for all for-credit student writing gathered in one place, and (2) the Professional Conduct Code.

Margo A. Bagley
Vice Dean and Asa Griggs Candler Professor of Law
May 7, 2024

Table of Contents

I. Policies Relating to Faculty Generally

A. Faculty Defined

The faculty at Emory University School of Law is defined as follows:

"Faculty" includes all full-time faculty, visiting professors, dean's professors, teaching professors, and adjunct faculty.

1. "Voting faculty" includes (a) all full-time tenure track or tenured faculty holding professorial rank and (b) all other full-time faculty who are engaged in regular teaching or student academic supervision and who hold a three-year or longer contract (as defined in the Non-Tenure Track and Contract Faculty Security of Position Policy) or have been in continuous service for at least three years. Visiting professors, adjunct professors, and teaching professors with contracts shorter than three years, are not part of the voting faculty.

2. "Tenure-stream" faculty are all faculty with professorial rank who have, or who are in progress to obtain, tenure at Emory University.

3. The "Executive Committee" is composed of tenured faculty holding professorial rank at Emory University.

4. The "Professors Committee" is composed of all tenured faculty holding the rank of full professor of law at Emory University. The Professors Committee does not include associate professors of law with tenure; untenured, tenure-stream faculty; contract faculty; teaching professors; dean's professors, visiting professors; nor adjunct faculty.

B. Faculty Voting Rights

1. Visiting professors, dean's professors, teaching professors with contracts shorter than three years, and adjunct professors may not vote on any matters.

2. "Voting Faculty" on matters except for those noted in paragraphs (3), (4), and (5) below consists of (a) full-time tenure track or tenured faculty holding professorial rank (not including visiting professors, dean's professors, adjunct professors, nor teaching professors with contracts shorter than three years) and (b) all other full-time faculty who are engaged in regular teaching or student academic supervision and who hold a three-year or longer contract (as defined in the Non-Tenure Track and Contract Faculty Security of Position Policy) or have been in continuous service for at least three years.

3. Pursuant to the processes in section III.G, the Professors Committee alone votes to recommend to the Dean the promotion of tenured associate professors of law to full professors of law.

4. Pursuant to the processes in section III.F, the Executive Committee alone votes to recommend the grant of tenure to untenured associate professors of law and to promote assistant professors of law without tenure to associate professors of law without tenure.

5. The tenure-stream faculty alone votes to appoint a faculty candidate into a tenure-stream position and to appoint tenure stream "look see" visiting professors. For all tenure-stream faculty appointments, votes shall be taken of the tenure-stream faculty or a designated sub-committee thereof for appointments made necessary over the summer.

6. Although only tenure-stream faculty will vote to appoint a faculty candidate into a tenure-stream position, full-time faculty who are engaged in regular teaching or student academic supervision and are otherwise invited to attend faculty meetings will not be asked to leave the faculty meeting during the vote on tenure-stream appointments candidates.

7. For any vote with respect to the selection of a Dean, the voting faculty shall vote. Separate votes shall be taken of the following categories of faculty: (a) full-time tenure track and tenured faculty holding professorial rank (not including visiting or adjunct professors), (b) full-time contract faculty eligible to vote pursuant to Section A(1) above, and (c) any other full-time faculty who are engaged in regular teaching or student academic supervision.

8. The voting faculty votes on all other matters, including but not limited to, the appointment of contract faculty, curriculum changes, and policy recommendations. For all non-tenure-stream faculty appointments, votes shall be taken of the voting faculty or a designated sub-committee thereof for appointments made necessary over the summer.

9. Appointments, promotion, and tenure decisions shall be subject to roll call votes. Voting on any other matters shall be by open ballot, unless any faculty member indicates a preference for a secret ballot.

10. The voting provisions prescribed in this handbook shall be subject to amendment by vote of the Executive Committee, if the ratio of tenured faculty to voting faculty who are not tenured or tenure track is less than two to one.

C. Faculty Meetings

1. Regular meetings of the faculty are scheduled at intervals throughout the semester by the Dean. In addition, the Dean may call special meetings of the faculty to take up special matters.

2. The "faculty" for the purpose of participating in faculty discussion at faculty meetings consists of all full-time faculty engaged in regular teaching or student academic supervision. It may also include visiting professors, adjunct professors, and others as the Dean deems appropriate.

3. Faculty members having items for the agenda should notify the Dean in advance of the meeting. Committee reports and recommendations are circulated in advance of the meeting if at all possible and are taken as being moved for adoption at the meeting without the necessity of an individual motion.

4. Pursuant to ABA requirements, minutes are taken at meetings by a person designated by the Dean. These minutes are circulated in advance of the next meeting for approval at that meeting. As a matter of faculty practice, the names of faculty members moving adoption of any resolution are recorded. Votes are recorded numerically except that votes on appointment matters are not entered in the minutes.

5. Faculty members are expected to attend faculty meetings in person and attendance is recorded at each meeting. A quorum of the faculty is a simple majority of faculty authorized to vote on the question presented. (A quorum of the Executive Committee is a simple majority of tenured professors present at the meeting.) There is no provision for voting in absentia. However, individual faculty members experiencing exigent circumstances may request an exception from the Dean to attend and vote online.

II. Faculty Appointments

A. Faculty Appointments Committee

1. The Faculty Appointments Committee shall be composed of at least six voting members of the faculty and the Dean or Dean's designee (typically the Associate Dean of Faculty) ex-officio. The Dean shall appoint the members of the committee and shall designate one member each year to serve as chair.

2. The Faculty Appointments Committee and the Dean shall regularly discuss opportunities for appointment and possible candidates for appointment, including candidates for visiting faculty.

B. Tenure-Stream Appointments

Tenure-stream appointments must satisfy the criteria in section III.D below, and any appointment must follow the voting procedures relevant to the proposed rank of the candidate as described in section III.

C. Renewable-Contract Faculty Appointments

For any renewable-contract faculty position, the Dean may charge either the Faculty Appointments Committee or a special committee created for that purpose to conduct a search and report its recommendations to the voting faculty.

D. Visiting Professors, Teaching Professors, Dean's Professors, and Adjunct Professors

The Dean may appoint persons as dean's professors, teaching professors (with contracts shorter than three years), visiting professors, or adjunct professors, as the needs of the institution may dictate from time to time. The appointment of "look see" visiting professors who are tenure stream professors at another institution, is normally by vote of the tenure-stream faculty, upon recommendation of the Faculty Appointments Committee.

E. Department of Equity and Civil Rights Compliance Requirements

All Law School searches must comply with state and federal nondiscrimination laws. To this end, the following rules and procedures shall be applicable:

1. All searches should follow Emory Policy 4.6.
2. Communications, training programs and DEI practices must not include labor market assessments, hiring goals, or differentiated recruitment practices for women and/or underrepresented minorities.
3. Search committees should be composed without regard to race, sex or other protected class characteristics. Rather, they must include at least three peers who can provide various insights and diverse perspectives when assessing the candidate's scholarship and credentials.
4. Recruitment plans (submitted via the Faculty Recruitment webform on the DECRC webpage) should be reviewed by DECRC prior to launching a search to ensure affirmative action and legal obligations are being met. (Searches approved before May 16, 2025 do not need to submit a new recruitment plan but must follow the updated Policy 4.6.)
5. Search committees should work closely with Human Resources representatives throughout the search process.
6. Targeted outreach or advertising based on race, sex or gender is not permitted. However, outreach to individuals with disabilities or veterans may be conducted as part of an Affirmative Action Plan.
7. Diversity statements should not be required of any candidates. Candidates should not be asked about their commitment to diversity in hiring or admissions either in writing or verbally.

III. Promotion and Tenure of Tenure-Stream Faculty Members

Pursuant to the provisions of paragraph 2(a) of the Statement of Principles Governing Faculty Relationships, approved by the University Board of Trustees, it is the responsibility of the Dean to establish and to communicate to the Faculty the procedures for expressing Faculty opinion in matters of individual appointment, promotion, and termination. Article IV, Section 3 of the By-Laws of Emory University provide that a limited appointment "shall be made by the Dean of the academic unit primarily concerned and shall be reported annually to the Provost and Executive

Vice President of Academic Affairs." A continuous appointment "shall be made by the Board of Trustees or its Executive Committee upon the recommendation of the President who shall have conferred regarding such recommendation with the Dean of the academic unit primarily concerned and the appropriate academic Executive Vice President." Additionally, "The deans shall establish and communicate to their faculty the procedures for expressing faculty opinion in matters of individual appointment, promotion and termination. The precise terms and conditions of each appointment shall be stated in writing, shall be in accordance with the principles approved and published by the Board of Trustees, and shall be in possession both of the University and the appointee before the appointment is final."

The following procedures and criteria for appointment, promotion, and tenure, as revised, became effective May 1, 2012, and apply to all candidates who joined the faculty after that date.

Rules and regulations of the University intended for University-wide application are controlling if there is any conflict with Law School policy.

A. Faculty Review and Promotion Committee

The Faculty Review and Promotion Committee shall be composed of at least six members of the Executive Committee and the Dean or the Dean's designee (usually the Associate Dean of Faculty) ex officio. The Dean shall appoint the members of the committee and shall designate one member each year to serve as chair. The duties of the Faculty Review and Promotion Committee are described below.

B. Limited Appointment

A faculty member who is on "tenure-track" is a faculty member who is hired with the expectation that he/she will eventually be considered for continuous appointment. For example, the following are not tenure-track faculty: faculty in the legal writing program and clinical and renewable-contract faculty. This part applies only to tenure-track faculty.

1. Depending upon the prior experience of a candidate, initial appointment to the faculty of the Law School for a tenure-track faculty member shall be at the rank of assistant or associate professor of law upon the recommendation of the Faculty Appointments Committee, majority vote of the tenure-stream faculty, and recommendation of the Dean.

2. Except as otherwise agreed in a particular case, such a limited appointment shall be presumed to be for an initial term of three years.

3. Each candidate for a limited appointment on tenure track must satisfy the following minimum requirements:

   (a) An undergraduate degree from an accredited institution or the equivalent thereof.

   (b) A first professional degree in law from an American law school that is fully accredited by the American Bar Association and that is a member of the Association of American Law Schools; a first professional degree in law from an accredited law school in another country whose legal system and legal education are based on the common law, or the equivalent thereof in another discipline or under a different system of education; or a PhD in another field that directly advances the scholarly and teaching interests of the law school.

(c) A superior academic record.

(d) Evidence of aptitude for or demonstrated competence in professional scholarly writing.

(e) At least two supportive letters or reports from persons familiar with the work of the candidate.

4. The Faculty Appointments Committee is responsible for confirming that a candidate has met the requirements listed in subparagraph 3, and, in addition, the Faculty Appointments Committee shall evaluate each candidate with respect to each of the following:

   (a) the candidate's understanding of the role of a professor in a research university with respect to research, teaching, and service;

   (b) the candidate's commitment to legal scholarship and to the education of law students;

   (c) the candidate's commitment to objectivity in scholarship and teaching;

   (d) the candidate's commitment to collegial enterprise;

   (e) the candidate's commitment to service through the profession and related activities, and

   (f) the candidate's ability to satisfy the particular institutional needs of Emory University.

5. Such appointment may be renewed thereafter upon recommendation of the Dean to the President of the University, subject to University regulations fixing the maximum aggregate term of any limited appointment, and subject to approval by the President. Unless otherwise recommended, such a renewal will be presumed to be for an additional three years and at the rank of associate professor without tenure. The review for renewal of an initial appointment and promotion usually will occur during the sixth semester of the initial limited appointment. In an appropriate case a limited appointment may be renewed for one year or more at the rank of assistant professor after the review described in this subparagraph.

6. In determining whether to recommend the renewal of any limited appointment, the Faculty Review and Promotion Committee will perform a review of the candidate's scholarship, teaching, and service. Although contract renewal and promotion from

assistant professor to associate professor without tenure does not require the approval of the Board of Trustees, the process for promotion will closely mirror that of the grant of tenure and promotion to full professor. The Faculty Review and Promotion Committee will compile the report, described in section III.E. After preparing a report, the Faculty Review Committee will vote whether to recommend the candidate for contract renewal and promotion to associate professor of law without tenure.

7. The Faculty Review and Promotion Committee's report and recommendation will then be transmitted to the Executive Committee. At a first meeting, the Executive Committee will consider the candidate's qualifications and can seek additional clarification or information about the candidate from the Faculty Review and Promotion Committee. At a second meeting, the Executive Committee will consider the candidate's qualifications and then provide a recommendation to the Dean pursuant to a vote. In the case of exigent circumstances, the Dean may waive the "two meeting" rule to permit a consideration and vote at a single meeting. Typically, a recommendation of promotion requires a two-thirds vote of those present, excluding abstentions.

8. The Dean shall give due consideration to the reports of the Faculty Review and Promotion Committee. If the Dean's decision differs from that of the recommendation of the Executive Committee, the Dean will provide his/her reasoning in writing to the Executive Committee within two weeks of the Executive Committee's vote. If the Dean's recommendation is favorable, the Dean will transmit that information to the Provost, President, and Board of Trustees.

C. Continuous Appointment

1. When a Law School faculty member who previously has held a limited appointment is granted continuous (tenured) appointment, such appointment shall initially be at the rank of associate professor of law. In the case of a faculty member whose initial appointment is continuous, the appointment may be at the rank of associate professor of law or professor of law as specifically agreed at the time of appointment.

2. By University regulation, continuous appointment is made by the Board of Trustees or its Executive Committee upon recommendation of the President, and the President shall confer with the Dean of the Law School regarding any recommendation for the continuous appointment of a member of the Law School faculty. In conferring on any such recommendation, the Dean shall convey to the President the recommendation of the Executive Committee.

3. A faculty member on limited appointment at the rank of associate professor of law without tenure may seek to pursue continuous appointment after consulting with the Dean or the Dean's designate. The Faculty Review and Promotion Committee coordinates the preparation of the tenure file. The tenure file must comply with the requirements of the Grey Book and Emory University's promotion and tenure requirements as set forth by the Office of the Provost. After compiling the tenure file, the Faculty Review and Promotion Committee will vote as to whether to recommend the candidate for tenure. If the

recommendation is negative, the Faculty Review and Promotion Committee will consult with the Dean. If the tenure candidate is seeking tenure early, then the Dean will consult with the candidate to consider withdrawing from consideration. If the candidate is not seeking tenure early, then the negative recommendation will be reported to the Executive Committee.

4. A report by the Faculty Review and Promotion Committee recommending for or against tenure consideration shall be discussed at a meeting of the Executive Committee called for the purpose. After the initial discussion, the Executive Committee will reconvene for a second meeting where there shall be a vote, by roll call, of those present. Under exigent circumstances, the Dean may waive the "two meeting" rule to allow consideration of the candidate and a vote at a single meeting.

5. In deciding how to vote regarding a recommendation for continuous appointment, each member of the Executive Committee will consider the Criteria for Reappointment, Promotion, and Tenure in section III.D, below, and whether the continuous appointment of the candidate would serve the best interests of the Law School and the University.

6. In determining whether to recommend a faculty member for continuous appointment, the Dean shall give due consideration to the report of the Faculty Review and Promotion Committee, the discussion and recommendations of the Executive Committee, and the reasons expressed by those voting. By traditional presumption, a favorable vote of two-thirds of the Executive Committee, without regard to abstentions, is necessary for a favorable recommendation to the Dean. Should the recommendation of the Dean to the President differ from that of the Executive Committee to the Dean, then the Dean will explain his/her reasons for a different recommendation to the members of the Executive Committee in writing.

7. The Dean will compose a letter that, in accordance with the University's guidelines, contains the Dean's recommendation as to tenure and the reasons for that recommendation. The Dean will then transmit his/her recommendation and the candidate's file, as required by the University, to the Provost for submission to the Presidential Advisory Committee and the President.

8. Appeals

A Law School Faculty Candidate for tenure (or promotion to full professor) has a right to appeal the recommendation of the Faculty Review and Promotion Committee ("the PT Committee") when a majority of the PT Committee recommends against tenure or promotion for that Candidate. An appeal is limited to one of the following enumerated grounds:

(1) The PT Committee's process was inconsistent, in a material way, with the process explained in the Emory Law faculty handbook, resulting in a substantial and negative effect on the process

(2) The decision process constituted a violation of their academic freedom such that the recommendation against tenure or promotion was made as a result of the Candidate expressing views that are protected by academic freedom

(3) The decision process constituted discrimination on the grounds enumerated in Emory University's Discrimination and Harassment Policy

This appeal must be made within thirty (30) calendar days after the Candidate receives the PT Committee's negative recommendation. The appeal must be sent in the form of a written letter to the Law School dean, stating the reasons for making the appeal. If the Candidate does not appeal, the PT Committee's recommendation will go directly to the Executive Committee (or the Committee of Full Professors in the case of a promotion to full professor) of the Law School faculty for its deliberation and vote.

If the Candidate appeals on time, the Law School Dean will appoint a Review Committee constituted of three tenured faculty members (or faculty members holding the rank of full professor for a promotion to full professor) who have not served on the PT Committee during that year. This Review Committee will have access to and will review all the materials in the Candidate's tenure (or promotion) file compiled by the PT Committee. Candidates will have the right to appear in person before this Review Committee and present their cases for appeal. A representative of the PT Committee also has the right to appear in person before the Review Committee and explain the PT Committee's recommendation.

On the basis of their review (and hearings if held), the chair of the Review Committee will send to the Dean and the chair of the PT Committee a written report affirming or dissenting from the decision of the PT Committee and setting out the reason for its judgment. The Review Committee shall limit its recommendation to whether the Candidate met one of the enumerated grounds for appeal and shall not substitute its judgement on the merits of the case for that of the PT Committee.

The Dean will send to the Executive Committee (or Committee of Full Professors) the full tenure or promotion file prepared by the PT Committee and the report and recommendations of the Review Committee. The Executive Committee (or Committee of Full Professors) will deliberate and vote on the Candidate's file and committee recommendations, following the procedures described in Section III.F (III.H in the case of promotion to full professor) of the Faculty Handbook. This final vote is a recommendation to the Dean who, per Section III.C.6 of the Faculty Handbook has the authority to make the final decision about whether to recommend the Candidate for tenure or promotion to the Provost.

Any appeal from the decision of the Dean shall be made in writing to the Provost, who shall determine the procedures to be employed in any further review of the case.

D. Criteria for Reappointment, Promotion, and Continuous Appointment

The following criteria apply when the Faculty Review and Promotion Committee and the Professorship Subcommittee are evaluating candidates for promotion or continuous appointment. In addition, the criteria apply when the Faculty Appointments Committee is evaluating candidates to be hired at the level of associate professor without continuous appointment and associate professor with continuous appointment. In evaluating the potential hiring of a candidate at the level of full professor with continuous appointment, the Faculty Appointments Committee must consider both these criteria and the criteria in section III.G, below, for promotion to full professor.

As required by the University, candidates for appointment or promotion to Associate Professor or to continuous appointment must show academic excellence, meritorious scholarship, and creative inquiry and teaching and have the demonstrated promise to become leaders who will transform their field as their career progresses. The committee or subcommittee that is evaluating a candidate should not be bound by limiting quantitative criteria but should consider the overall quality of the scholarship, teaching, and service of each person under review and the contributions of that person to the mission of the Law School and the University. However, there are particular factors that should be taken into account in the candidate's scholarship, teaching, and service.

(1) Scholarship:

Demonstrated excellence in scholarship is essential for any candidate to be promoted to continuous appointment with tenure. High performance in other areas cannot substitute for a lack of scholarly excellence.

In reviewing a candidate's scholarship, the appropriate committee should consider the specific contributions to legal scholarship of the candidate's major works, the significance of the works, and the quality of their execution. The committee also should take into account the relative standing of the candidate in comparison with other scholars of the same generation in the candidate's field.

Although scholarship may take many forms, a candidate will be expected to present for consideration publications of serious independent scholarly work that constitute significant contributions to learning in the candidate's area(s) of specialty as measured by national, or, where appropriate, international standards. Each candidate also will be expected to provide evidence that the candidate will exhibit a continuing and serious commitment to the scholarly enterprise after receiving tenure. That is, the candidate's record must demonstrate that he/she will continue to produce published scholarship of equal or higher quality throughout his/her academic career.

Quantity should not be the guiding criterion, but rarely will a candidate be recommended for continuous appointment unless the candidate has produced five substantial law articles in academic journals within their first five years on the tenure clock (with one completed substantial scholarly monograph with an academic press or reputable commercial press treated as the equivalent of three substantial law review articles). At least three of these are expected to be solo-authored law review articles.

Beyond the substantial scholarly works, additional scholarly works will also count positively in the candidate's file with respect to assessing their level of scholarly activity and engagement. Treatises and teaching materials, such as casebooks, may be considered additional scholarly works if they contribute substantially to the teaching and development of knowledge in a particular field of legal study.

For the purposes of the qualitative and quantitative standards, a scholarly work will be considered when it has been published or accepted for publication by October 10 of the academic year in which the candidate is being considered for continuous appointment. Works published or accepted for publication before the candidate received a tenure stream offer from their first law school will not be considered for quantitative purposes but will contribute to the assessment of their level of scholarly activity and engagement. Works that have neither been published nor accepted for publication will not be considered. The candidate's distribution of a work by posting a manuscript on the Social Science Research Network or other similar online repository, or by providing a copy of the manuscript to a library, does not constitute publication or acceptance for publication.

(2) Teaching:

Demonstrated dedication, rigor, and skill in teaching is essential for any candidate to be promoted to continuous appointment. The appropriate committee will consider the Student Evaluation of Teaching (SET) forms completed by students and will conduct periodic visits to the classrooms of each person under consideration, as specified below.

Teaching obligations go beyond the classroom. In addition to judging the candidate's classroom performance, the appropriate committee will also judge (a) the candidate's availability for and effectiveness in interactions with students outside the classroom, during regular office hours, for academic and professional counseling and (b) the availability and effectiveness of each candidate in serving as an advisor on law review and directed-study papers for students and as an advisor to one of the law journals or professional student societies such Moot Court or EPIC, or one of the clinics.

(3) Service:

The appropriate committee also will consider each candidate's service to the Law School, to the University, and to the profession through, for example, work on committees and as a member of professional organizations. The University's central mission is academic in nature and for purposes of reappointment, promotion, or tenure, the review of service should focus on activities that support or advance the mission. Public-spirited, usually uncompensated work on law assessment, law reform, or in public policy through participation in regulatory, legislative, and judicial venues is also a recognized and valuable form of service. Service is an important consideration for appointment and promotion. However, service should be viewed as a supplement to, not a substitute for scholarship or teaching. It is expected that both scholarship and teaching contributions will be weighted significantly and that service contributions will not be the primary basis for awarding tenure or promotion.

In judging each candidate, the appropriate committee should review the cumulative contribution of that candidate's scholarship, teaching, and service. The ideal is excellence in all three areas of contribution to the institution. No promotion to continuous appointment will take place without excellent performance in scholarship. Dedication, rigor, and skill in teaching is essential. Service is an important part of a successful promotion.

E. Process for Promotion to Associate Professor of Law without Tenure

1. The Faculty Review and Promotion Committee is responsible for preparing the report as to a candidate's promotion from assistant professor to associate professor without tenure. The Faculty Review and Promotion Committee will also provide the Executive Committee a recommendation of whether the candidate should be so promoted.

2. The process for promotion to associate professor of law without tenure should closely approximate the tenure process. The file shall contain, at a minimum, the following materials:

   (a) the candidate's CV and personal statement on scholarship, teaching, and service;
   (b) at least four external reviews of the candidate's scholarship;
   (c) an Emory External Reviewer Form from each reviewer, detailing the relationship, if any, between the reviewer and the candidate;
   (d) biographical summaries of the external reviewers;
   (e) the External Reviewer Tracking Form;
   (f) at least two internal reviews of the candidate's scholarship;
   (g) internal reviews of the candidate's teaching;
   (h) copies of the candidate's Student Evaluation of Teaching (SET) forms; and
   (i) copies of the candidate's scholarship.

3. Written reviews of scholarly work shall specifically address the extent to which, in the opinion of the reviewer, the work in question would weigh in favor of a recommendation for tenure on the ground of scholarship. The candidate shall provide the Faculty Review and Promotion Committee with a list of proposed reviewers. However, the Faculty Review and Promotion Committee is not limited to choosing outside reviewers from this list. The candidate shall provide a list of reviewers who the candidate would prefer not to perform a review if there is a reason such external reviewers will not be objective in their assessment of the candidate's work.

4. In seeking external reviews, the committee shall be guided by the following university requirements applicable to tenure promotion:

   (a) IDENTIFYING EXTERNAL REVIEWERS. A tracking form is used by all schools and colleges to record the name and institutional affiliation of potential external reviewers and their responses; those persons who decline to serve as an external reviewer will be asked for a reason. This form also shows the source(s) of the nomination.

   (b) LETTER REQUESTING EXTERNAL REVIEW. Letters requesting external review come from the Dean's office of the Law School. These letters can be tailored but at a minimum must include:

   a request for a statement on the candidate's scholarship, including its quality and impact, and, if feasible, a review of the candidate's teaching and service;

a request for a statement on the candidate's stature in the discipline(s) and the likelihood of the candidate's pre-tenure promotion at the top twenty institutions in the candidate's field of expertise, and at the reviewer's institution;

a copy (either in the letter or as an attachment) of the Criteria for Reappointment, Promotion, and Continuous Appointment in section III.D; and

the following language: "As required by Emory University, candidates for appointment or promotion to Associate Professor or to continuous appointment must show academic excellence, meritorious scholarship, and creative inquiry and teaching and have the demonstrated promise to become leaders who will transform their field as their career progresses."

(c) BIOGRAPHIC SKETCH OF THE EXTERNAL REVIEWER. Each external reviewer is asked to provide a brief biographic sketch that includes name, affiliation, title, area of specialization/research, and other pertinent information.

(d) STATEMENT BY EXTERNAL REVIEWER ON RELATIONSHIP WITH THE CANDIDATE. Each external reviewer will complete a form indicating the relationship to the candidate, the knowledge of the candidate's work, and any possible conflict.

5. Once the materials have been gathered, the Faculty Review and Promotion Committee will prepare a report reflecting the committee's view as to whether promotion to associate professor of law without tenure is appropriate. This recommendation and the report will then be reported to the Executive Committee, who will consider the candidacy pursuant to section III.D, above.

F. Process for Award of Continuous Appointment (Grant of Tenure)

1. The Faculty Review and Promotion Committee is responsible for preparing the report as to a whether a candidate should be granted continuous appointment. The Faculty Review and Promotion Committee will also provide the Executive Committee a recommendation of whether the candidate should be awarded continuous appointment (i.e. tenure).

2. The file shall contain, at a minimum, the following materials:

   (a) the candidate's CV and personal statement on scholarship, teaching, and service;
   (b) at least six external reviews of the candidate's scholarship;
   (c) an Emory External Reviewer Form from each reviewer, detailing the relationship, if any, between the reviewer and the candidate;
   (d) biographical summaries of the external reviewers;
   (e) the External Reviewer Tracking Form;
   (f) internal reviews of the candidate's teaching;
   (g) copies of the candidate's Student Evaluation of Teaching (SET) forms;

(h) a listing of the candidate's funding history;
(i) sample syllabi showing pedagogical innovation; and
(j) copies of the candidate's scholarship.

3. Written reviews of scholarly work shall specifically address the extent to which, in the opinion of the reviewer, the work in question would weigh in favor of a recommendation for tenure on the ground of scholarship. The candidate shall provide the Faculty Review and Promotion Committee with a list of proposed reviewers. However, the Faculty Review and Promotion Committee is not limited to choosing outside reviewers from this list. The candidate shall provide a list of reviewers who the candidate would prefer not to perform a review if there is a reason such external reviewers will not be objective in their assessment of the candidate's work.

4. In seeking external reviews, the committee shall be guided by the following University requirements.

   (a) IDENTIFYING EXTERNAL REVIEWERS. A tracking form is used by all schools and colleges to record the name and institutional affiliation of potential external reviewers and their responses; those persons who decline to serve as an external reviewer will be asked for a reason. This form also shows the source(s) of the nomination.

   (b) LETTER REQUESTING EXTERNAL REVIEW. Letters requesting external review come from the Dean's office of the Law School. These letters can be tailored but at a minimum must include:

   a request for a statement on the candidate's scholarship, including its quality and impact, and, if feasible, a review of the candidate's teaching and service;

   a request for a statement on the candidate's stature in the discipline(s) and the likelihood of the candidate's tenure at the top twenty institutions in the candidate's field of expertise, and at the reviewer's institution;

   a copy (either in the letter or as an attachment) of the Criteria for Reappointment, Promotion, and Continuous Appointment in section III.D; and

   the following language: "As required by Emory University, candidates for appointment or promotion to Associate Professor or to continuous appointment must show academic excellence, meritorious scholarship, and creative inquiry and teaching and have the demonstrated promise to become leaders who will transform their field as their career progresses."

   (c) BIOGRAPHIC SKETCH OF THE EXTERNAL REVIEWER. Each external reviewer is asked to provide a brief biographic sketch that includes name, affiliation, title, area of specialization/research, and other pertinent information.

(d) STATEMENT BY EXTERNAL REVIEWER ON RELATIONSHIP WITH THE CANDIDATE. Each external reviewer will complete a form indicating the relationship to the candidate, the knowledge of the candidate's work, and any possible conflict.

5. Once the materials have been gathered, the Faculty Review and Promotion Committee will prepare a report reflecting the committee's view as to whether continuous appointment is appropriate. This recommendation and the report will then be reported to the Executive Committee, who will consider the candidacy pursuant to III.D above.

H. Promotion to Professor: Criteria and Process

1. Promotion from the rank of associate professor of law to professor of law is conferred by the Board of Trustees, initiated by recommendations by the Dean to the President. Promotion is based upon the Law School's needs and upon the faculty member's growth in professional competence and increased service to the University.

2. The Professorship Subcommittee shall be composed of the members of the Faculty Review and Promotion Committee holding the rank of professor of law and the Dean or the Dean's designee (typically the Associate Dean of Faculty) ex officio.

3. The Professorship Subcommittee shall meet once a year to review the teaching, scholarship, and other professional activities of all members of the faculty holding continuous appointment at the rank of associate professor of law to consider whether they should be promoted to the rank of full professor. The Associate Dean of Faculty shall consult with each such faculty member beforehand to provide the Professorship Subcommittee with the current status of the faculty member's scholarship, teaching, and service.

4. If the Professorship Subcommittee, by majority vote, believes the faculty member has a prima facie case for promotion to full professor, then the Professorship Subcommittee shall seek independent external reviews of the candidate's publications since being granted tenure, obtaining at least as many external reviews as may be required by the University. The University currently requires at least six external reviews. The candidate shall provide the Professorship Subcommittee with a list of proposed reviewers. However, the Subcommittee is not limited to choosing external reviewers from this list. The candidate shall provide a list of reviewers who the candidate would prefer not to perform a review if there is a reason such external reviewers will not be objective in their assessment of the candidate's work.

5. A report by the Professorship Subcommittee recommending promotion shall be similar in content to a report by the Faculty Review and Promotion Committee advising

consideration of tenure, and the candidate under consideration shall be afforded an opportunity to participate in the process and to review, correct, or add to the reports and other written materials under consideration by the Professorship Subcommittee. Discussion and voting shall be carried out in the same manner as in the case of a tenure recommendation; however, only those members of the Executive Committee who hold the rank of professor of law shall participate in the meeting and the vote.

6. Criteria for Promotion to Professor of Law

   An associate professor is to be considered for promotion to full professor upon the basis of research, teaching, and service that have not been taken into consideration previously in connection with promotion or tenure in the Law School. As required by the University, candidates for appointment or promotion to Professor must show scholarly excellence and be established, nationally or internationally, as among the most distinctive and recognized voices in their disciplines, consistently examining and addressing their fields' most pressing questions.

   Specifically, associate professors are to be promoted to the rank of full professor upon satisfaction of the following standards:

   1. Continued, frequent scholarly achievement of high quality, accompanied by unmistakable evidence that the candidate is a nationally and, where applicable, internationally recognized legal scholar in the field;

   2. Consistent record of dedication, rigor, and skill in teaching; and

   3. A record of significant and effective service to the department, college, University, and/or the profession.

   As with promotion to continuous appointment, demonstrated excellence in scholarship is essential for any candidate to be promoted to full professor. High performance in other areas cannot substitute for a lack of scholarly excellence. Service should be viewed as a supplement to, not a substitute for, scholarship or teaching. It is expected that both scholarship and teaching contributions will be weighted significantly and that service contributions will not be the primary basis for awarding promotion.

7. In seeking external reviews, the committee shall be guided by the University requirements set forth in section III.F.4. In addition, the letter requesting external review must include:

   a request for a statement on the candidate's stature in the discipline(s) and the likelihood of the candidate's promotion to full professor at the top twenty institutions in the candidate's field of expertise, and at the reviewer's institution;

   a copy (either in the letter or as an attachment) of the Criteria for Promotion to Professor of Law in section III.G.6.

the following language, “As required by Emory University, candidates for appointment or promotion to Professor must show scholarly excellence and be established, nationally or internationally, as among the most distinctive and recognized voices in their disciplines, consistently examining and addressing their fields’ most pressing questions.”

8. If, in the judgment of the Subcommittee, the needs of the Law School and the faculty member’s growth in professional competence and service to the University justify promotion, the Subcommittee, by written report, shall so advise those members of the Executive Committee holding the rank of professor of law.

I. Annual Reports for Tenure-Track Faculty on Limited Appointment

The Faculty Review and Promotion Committee shall make an annual written report to the Dean and the Executive Committee on the work of each tenure-track faculty member on limited appointment, except in the year when such faculty are being considered for promotion and contract renewal.

1. An annual report by the Faculty Review and Promotion Committee will review the scholarly work, teaching, and other professional accomplishments of the faculty member during the period since the most recent report and since the faculty member’s initial appointment.

2. In performing teaching reviews, it is expected that Executive Committee members who observe a candidate’s teaching will meet with the candidate to discuss the candidate’s teaching effectiveness.

3. Each annual report shall express the sense of the Faculty Review and Promotion Committee as to the faculty member’s overall accomplishments and professional development at the Law School.

4. The Dean shall consult with each such faculty member on limited appointment at least once each year to communicate the conclusions of the Faculty Review and Promotion Committee and to review that faculty member’s professional accomplishments and development. The Dean will make available to each such faculty member on limited appointment the report of the Faculty Review and Promotion Committee written evaluations of teaching and other reports or reviews considered by the Faculty Review and Promotion Committee or the Dean in appraising the work of the faculty member under review. When appropriate, the Dean or the Dean’s designee may redact the written materials to protect confidentiality. The faculty member will be invited to comment, to correct any factual errors, and to offer additional relevant materials for consideration.

5. The report for any given period shall include at a minimum (i) a personal statement detailing the candidate’s scholarship, teaching, and service; (ii) a current curriculum

vitae, with a list of teaching and committee assignments; (iii) Student Evaluation of Teaching forms; and (iv) written reports on the faculty member's teaching by at least two members of the Executive Committee. The Faculty Review and Promotion Committee shall consult with the faculty member before preparing the report to ensure that the faculty member's activities and accomplishments are properly described, and the faculty member will be invited to correct any factual errors and to add additional relevant information. The review process is intended to be constructive and consultative.

IV. Promotion and Review Procedures for Renewable-Contract Faculty

A. Non-Tenure Track and Contract Faculty Security of Position Policy

Upon the initial appointment of a non-tenure track clinical or contract faculty member (including legal writing instructors), the employee will receive an annual renewable contract with a presumptive probationary period of three years. Those employees whose positions are tied to external funding and support will be advised that their positions are contingent upon continued funding. At the time of the appointment, the faculty member will be given a job description sufficient to convey the faculty member's responsibilities and performance expectations. The Contract Faculty Review Committee (CFRC), described in part B below, will be charged with annually reviewing the employee and counseling the employee appropriately. At the conclusion of the probationary period, the CFRC will recommend to the Dean whether the employee will be given a renewable three-year contract. At the conclusion of the first three-year contract, the CFRC will recommend to the Dean whether the employee will be given a renewable five-year contract.

During any renewable three-year or five-year contract, the employee can be removed only for cause. Additionally, as is the case for an initial long-term contract or any renewal period, the contract may be terminated based on material modification of or the availability of continued funding for the specific program or position. At the end of each five-year contract period, the review committee will recommend to the Dean whether the employee's five-year contract be renewed.

Contract faculty, equally with tenured and tenure-track faculty, are entitled to academic freedom in teaching and publication, as provided in the "Statement of Principles on Academic Freedom and Responsibility," approved by the Emory University Board of Trustees in November 2012.

B. Contract Faculty Review Committee

1. The Contract Faculty Review Committee (CFRC) shall be composed of at least five members of the voting faculty, two of whom should be members of the Executive Committee, and the Dean or the Dean's designee ex officio. In any year in which a member of the legal writing faculty is eligible for contract renewal, at least one member of the CFRC must be a member of the legal writing faculty. Contract faculty members serving on the CFRC should hold a five-year contract. The Dean shall appoint the members of the CFRC and shall designate one member each year to serve as chair.

2. The duties of the CFRC include review of faculty eligible for contract renewal, under the appropriate criteria and procedures set forth in the policies below for Legal Writing Faculty, and for Clinical and other Renewable-Contract Faculty.

3. Unless the Dean designates a special committee for the purpose, the Contract Faculty Review Committee will conduct a review for renewal or promotion of the Director of the Law Library.

C. Promotion Procedures for Clinical and Other Renewable-Contract Faculty

This part does not apply to faculty in the Legal Writing program, who are instead governed by part D below.

The Voting Faculty as defined in section I.B votes on the initial appointment of all full-time clinical and other renewable-contract faculty who fall within this policy. Following the faculty vote in support of hiring, the Dean may hire a new full-time clinical or other renewable-contract faculty member on a one-year contract, a three-year contract, or a five-year contract, commensurate with the candidate's skills and experience.

1. Standard Procedures

Contract Terms and Titles

(a) Full-time clinical or other renewable-contract faculty are eligible for one-year, three-year, and five-year contract terms. An initial appointment may be for any contract term, depending on the faculty member's experience, but most initial appointments will be for a one-year term.

(b) The title for full-time clinical or other renewable-contract faculty with one-year appointments is Assistant Professor of Practice; for those with three-year appointments, Associate Professor of Practice; and for those with five-year appointments, Professor of Practice. "Clinical Professor of Law" may be substituted as appropriate.

Reappointment, Review, and Promotion

(c) A clinical or other renewable contract faculty member who is teaching under a one-year contract is eligible twice for reappointment for additional one-year contracts. At the conclusion of this original three-year probationary period, the faculty member is eligible for promotion to a three-year term.

(d) A clinical or other renewable contract faculty member who is teaching under a three-year contract is eligible for promotion to a five-year term or for reappointment for one additional three-year term. Alternatively, the faculty member can request reappointment for a one-year extension term. After two three-year terms or one three-year term and one one-year extension term, the faculty member may only be eligible for promotion to a five-year term.

(e) A clinical or other renewable contract faculty member who is teaching under a five-year contract is eligible for reappointment for additional five-year terms. Each additional five-year contract is presumptively renewable, as defined in part 2(d) below. Promotion to a five-year term is subject to the Dean's conclusion that (1) he/she has amassed an excellent record of substantial, significant, and continued accomplishment in the areas of teaching, clinical advocacy, and service to the Law School and other relevant communities and (2) there is adequate funding for the position. This policy is meant to serve as a supplement to the Non-Tenure Track and Contract Faculty Security of Position Policy.

2. Standards for Reappointment

(a) For renewals during the probationary period: satisfactory performance in the areas of "teaching and advocacy" or "teaching and other duties as assigned by the Dean in the appointment letter."

For promotion to a three-year contract: for clinical faculty- "demonstrated success as a clinical teacher and advocate and demonstrated capacity for making significant contributions to clinical education and the legal profession." For other renewable contract faculty – "demonstrated success as a teacher and contributor in other duties as assigned by the Dean in the appointment letter." In consultation with the faculty, as described in section 4 of this policy, the Dean may grant the title of Associate Clinical Professor of Law, or Associate Professor of Practice, along with the promotion to a three-year contract.

(b) For promotion to an initial five-year contract: for clinical faculty - "an excellent record of substantial, significant, and continued accomplishment in the areas of teaching, clinical advocacy, and service to the Law School and other relevant communities." For other renewable contract faculty - "an excellent record of substantial, significant, and continued accomplishment in the areas of teaching and service to the law school and in other duties as assigned by the Dean in the appointment letter." In consultation with the faculty, as described in section 4 of this policy, the Dean may grant the title of Clinical Professor of Law, or Professor of Practice, along with the promotion to a five-year contract. After the initial appointment to a five-year contract, any subsequent faculty contracts are presumptively renewable as defined below.

(c) A five-year contract is presumptively renewable. A faculty member eligible for reappointment to a five-year contract shall prepare the self-evaluation portfolio described in section 4(c) below and submit it to the CFRC no later than November 15 of the final year of the existing five-year contract. The CFRC shall review the portfolio and shall recommend the faculty member for reappointment unless concerns are raised about continued satisfaction of the standards for appointment to a 5-year contract, as enumerated in section 2(c) above, such that a more thorough review is appropriate.

(d) For reappointments following the probationary period, the CFRC should also consider the candidate's internal service to the Law School, including whether the faculty member regularly attends scheduled meetings of the Law School faculty, meetings of any committees to which the faculty member has been appointed, colloquia and workshops, and other professional events at the Law School. Internal service to the Law School may also include serving as an advisor for students' journal comments; serving as a judge in moot court or other Law School competitions; and/or serving as an advisor for a student group.

Nothing in these standards should be construed to prohibit the Dean from appointing or promoting persons to the various positions described above without regard to the time periods set forth, so long as the person appointed or promoted meets the relevant substantive standard for appointment or promotion.

3. Inapplicability of Standard Procedures to Terminal Contract Employees

(a) Post-Doctoral Fellows

The Dean may hire post-doctoral fellows to work, on an annual basis, in any of the Law School's clinics or programs provided the clinical program is predominantly staffed by full-time faculty members or is an experimental program of limited duration. Such employees receive terminal one-year contracts and thus fall outside the scope of this policy, even if they receive successive terminal contracts for satisfactory work.

(b) Teaching Professors

The Dean may hire employees under the classification of Teaching Professor, Associate Teaching Professor, or Assistant Teaching Professor, based on qualifications, to perform teaching and other duties as assigned by the Dean in the appointment letter. Such employees may receive terminal contracts of from one to seven years. Teaching Professors with contracts of one or two years will be hired by the Dean. Teaching Professors with contracts of three to seven years in length will be hired upon recommendation of a faculty committee established for that purpose by the Dean and an affirmative vote of the voting faculty. Whether to award successive contracts, and the length of such contracts, is within the discretion of the Dean. Any successive contracts may be for the same or a different term and the determination of term and duties may be made according to whatever retention determination process is established by the Dean. Teaching Professors who serve on a contract of one or two years are not part of the voting faculty, even if they receive successive contracts of comparable length.

4. Process for Reviewing Full-Time Clinical and Renewable-Contract Faculty for Promotion to a Three-Year or Five-Year Contract or Renewal of a Five-Year Contract

(a) Faculty Involvement

In order to make a recommendation to the Dean concerning promotions to three-year or five-year contracts or renewals of five-year contracts, the Contract Faculty Review Committee will gather data from appropriate constituencies to evaluate the relevant faculty member's performance of his/her job duties.

For decisions on reappointment, the CFRC shall make a recommendation to the Dean for further action. For decisions on promotion, the CFRC shall make a recommendation to the faculty for a vote of all tenured faculty and tenure-track faculty at the rank of Associate Professor or Professor, and all clinical, contract, or legal writing faculty who have attained the rank sought by the faculty member being voted upon, to be submitted to the Dean for further action. After presentation and discussion at a first faculty meeting, the faculty shall vote on the promotion recommendation at a second faculty meeting. In the case of exigent circumstances, the Dean may waive the "two meeting" rule to permit consideration and vote at a single meeting. A recommendation of promotion requires a two-thirds vote of those present, excluding abstentions.

(b) Projected Timeline

The committee should begin to gather data no later than September 1 of the terminal academic year of the contract and should share its findings with the relevant faculty member no later than January 15. The committee should make its recommendation to the Dean and/or the faculty no later than February 1 of the terminal academic year. The Dean and/or the faculty should then render a decision and inform the relevant faculty member no later than February 15, barring unforeseen circumstances. This timeline is designed to allow the faculty member to make alternative plans for the following academic year, if appropriate.

(c) Data to Be Gathered

i. One-, Three-, and Initial Five-Year Contract Reviews

a. Faculty member: the faculty member under review should submit a self-evaluation describing his/her accomplishments and challenges with respect to relevant job duties; the faculty member should provide names and contact information for all relevant constituencies (including but not limited to clients, community partners, Advisory Board members, clinicians in the same field, and judges).

b. Students: collect and analyze Student Evaluation of Teaching forms; interview at least five students who have taken the faculty member's class/clinic during the relevant time period.

c. Clients (for clinical faculty): to the extent practical and consistent with maintaining the attorney-client relationship, interview at least two clients about the faculty member's performance and professionalism on their matters.

d. Professional contacts: interview (or receive reference letters from) at least four professional contacts, drawn from the following groups, as appropriate: co-counsel, community partners, Advisory Board members, judges.

e. Fellow clinicians in the field (for clinical faculty): interview (or receive reference letters from) at least two fellow clinicians to determine the faculty member's reputation in the relevant professional community. Gathering this information may be appropriate only in connection with the five-year promotion or renewal.

f. Emory faculty: request information from faculty members who work closely with the faculty member under review concerning that faculty member's job performance and professionalism. The faculty members to be solicited will be selected in consultation with the faculty member under review.

g. Fundraising: for clinic directors or other clinical faculty whose job duties include fundraising, obtain data from the Law School's chief financial officer and/or Development Office concerning fundraising performance.

h. Classroom visits: at least two, by different members of the tenured/tenure-track faculty.

i. Clinic meeting visits (for clinical faculty): at least one; if more than one, visits should be by different members of the tenured/tenure-track faculty. If for some reason fewer than two classroom visits are performed, there should be at least two clinic meeting visits.

ii. Renewal of Five-Year Contract

a. Solicit Emory faculty (and, where appropriate, adjunct faculty) for comments.
b. Collect and evaluate Student Evaluation of Teaching forms.
c. Review the candidate's self-evaluation describing his/her accomplishments and challenges with respect to relevant job duties.

5. Process for Review of Faculty on Renewable One-Year Contracts During the First Two Years of the Probationary Period

The procedures outlined in section 4 do not apply to the review of faculty on renewable one-year contracts during the first two years of the probationary period of their employment. During their first two years of employment, the review of faculty on one-year renewable contracts shall be conducted by the Contract Faculty Review Committee, who will in turn provide a recommendation to the Dean. This review will include the preparation by the faculty member of an annual report of a kind appropriate for the position, a review of student evaluation forms, and a review of other indicators of progress toward achieving the standard for promotion and contract renewal. The review of the faculty member should occur during the early spring semester of each year. The faculty member shall be informed of the renewal decision no later than February 15, barring unforeseen circumstances.

D. Review and Promotion Policy for Legal Writing Faculty

This policy applies to members of the Law School faculty with full-time, non-tenure-track appointments whose primary responsibility is teaching courses related to legal writing ("legal writing faculty").

The Voting Faculty as defined in section I.B. votes on the initial appointment of all legal writing faculty who fall within this policy. Following the faculty vote in support of hiring, the Dean may hire a new full-time legal writing faculty member on a one-year contract, a three-year contract, or a five-year contract, commensurate with the candidate's skills and experience.

1. Contract Terms and Titles

   (a) Legal writing faculty are eligible for one-year, three-year, and five-year contract terms. An initial appointment may be for any contract term, depending on the faculty member's experience, but most initial appointments will be for a one-year term.

   (b) The title for legal writing faculty with one-year appointments is Assistant Professor of Practice; for those with three-year appointments, Associate Professor of Practice; and for those with five-year appointments, Professor of Practice.

2. Reappointment, Review, and Promotion

   (a) A legal writing faculty member who is teaching under a one-year contract is eligible twice for reappointment for one-year contracts. At the conclusion of this original three-year probationary period, the faculty member is eligible for promotion to a three-year term.

   (b) A legal writing faculty member who is teaching under a three-year contract is eligible for promotion to a five-year term or for reappointment for one additional three-year term. Alternatively, the faculty member can request reappointment for a one-year extension term. After two three-year terms or one three-year term and one one-year extension term, the faculty member may only be eligible for promotion to a five-year term.

   (c) A legal writing faculty member who is teaching under a five-year contract is eligible for reappointment for additional five-year terms. Each additional five-year contract is presumptively renewable, in accordance with section 7 below.

3. Standards for Reappointment to a One-Year Term

   (a) For reappointment to a one-year term, a legal writing faculty member must reflect satisfactory teaching performance and potential for continued growth as a teacher.

   (b) In assessing a faculty member's teaching performance, the following criteria should be considered.

i. Whether the faculty member a) challenges and inspires students; b) conducts well-organized, rigorous classes; c) creates a classroom atmosphere conducive to learning; d) treats all students fairly and with respect; and e) develops effective written or online teaching materials.

ii. Whether the faculty member interacts effectively with students both in class and during conferences or other meetings.

iii. Whether the faculty member provides timely and constructive feedback on student work.

iv. Whether the faculty member is sufficiently available to students outside class time.

4. Standards for Promotion or Reappointment to a Three-Year Term

(a) For promotion or reappointment to a three-year term, a legal writing faculty member must reflect a record of excellence in teaching and actively participate in and contribute to the Law School community.

(b) In assessing a faculty member's teaching performance, the criteria listed in section 3(b) above should be considered.

(c) In assessing the faculty member's participation in and contribution to the Law School community, the following criteria should be considered:

i. Whether the faculty member regularly attends and actively participates in meetings of the legal writing faculty and takes on a share of the collective work of that group.

ii. Whether the faculty member engages in productive critique and constructive suggestions for ways of expanding and improving the legal writing curriculum at the Law School.

iii. Whether the faculty member demonstrates professionalism in his/her relationships with students, faculty, and staff at the Law School.

iv. Whether the faculty member regularly attends scheduled meetings of the Law School faculty, meetings of any committees to which the faculty member has been appointed, colloquia and workshops, and other professional events at the Law School.

5. Standards for Promotion to a Five-Year Term

(a) For promotion to a five-year term, a legal writing faculty member must

i. reflect a record of excellence in teaching;

ii. actively participate in and contribute to the Law School community; and

iii. achieve high distinction in one or more of three areas: a) teaching; b) internal service to the Law School; or c) external service to academic or legal communities beyond the Law School.

(b) In assessing a faculty member's teaching performance, the criteria listed in section 3(b) above should be used.

(c) In assessing the faculty member's participation in and contribution to the Law School community, the criteria listed in section 4(c) above should be used.

(d) In assessing whether the faculty member's performance reflects achievement with high distinction, the following criteria should be considered:

(1) For high distinction in teaching, whether the faculty member has made a sustained, outstanding contribution to students' educational experience at the Law School, through efforts such as a) implementing successful teaching methods; b) implementing curricular innovations; c) developing and teaching additional new courses; d) participating in teaching workshops or enrichment programs; and/or e) receipt of awards or grants.

(2) For high distinction in internal service to the Law School, whether the faculty member has made a sustained, outstanding contribution to the Law School community through efforts such as a) participating in Law School committee work; b) serving as an advisor for students' journal comments; c) serving as a judge in moot court or other Law School competitions; d) serving as an advisor for a student group; and/or e) attendance and participation at colloquium presentations.

(3) For high distinction in external service, whether the faculty member has made a sustained, outstanding contribution in academic and/or legal communities outside the Law School in the form of one or more activities such as a) presentations at academic or legal conferences; b) publication of articles in legal writing journals or other publications; c) service on academic or legal committees; d) participation in a leadership role in an academic or legal organization; e) contributions to the public legal arena; f) organization of guest speakers, panels, or conferences; g) receipt of grants or awards; and/or h) participation in an editorial or advisory capacity on a legal writing or other journal.

6. Review Conducted by Contract Faculty Review Committee

(a) The review of any legal faculty member seeking (1) reappointment to a one-year contract; (2) promotion to a three-year contract; (3) reappointment to a three-year contract; or (4) promotion to a five-year contract shall be coordinated by the Contract Faculty Review Committee (CFRC) as described below. (Reappointment to a five-year contract is addressed in section 7 below.)

(b) The review of any legal writing faculty member shall be conducted by at least one member of the CFRC who is not a legal writing faculty member and at least one legal writing faculty member serving a contract term of at least the length of the faculty member being reviewed (collectively, the "reviewers"). After conducting the review, the reviewers shall present the candidate's file to the CFRC for review and recommendation. For decisions on reappointment, the CFRC shall make a recommendation to the Dean for further action. For decisions on promotion, the CFRC shall make a recommendation to the faculty for a vote of all tenured faculty and tenure-track faculty at the rank of Associate Professor or Professor, and all clinical, contract, or legal writing faculty who have attained the rank sought by the faculty member being voted upon, to be submitted to the Dean for further action. After presentation and discussion at a first faculty meeting, the faculty shall vote on the promotion recommendation at a second faculty meeting. In the case of exigent circumstances, the Dean may waive the "two meeting" rule to permit consideration and vote at a single meeting. A recommendation of promotion requires a two-thirds vote of those present, excluding abstentions.

(c) In assessing the faculty member's teaching performance, the reviewers should undertake the steps listed below. In assessing the faculty member's participation and contribution to the Law School community and the faculty member's engagement with external communities, the reviewers should consult the documentation included in the faculty member's self-evaluation portfolio (described in section 6(d) below), as well as any other relevant materials.

i. The reviewers should visit the faculty member's classroom to observe at least one class session and meet with the faculty member to discuss the observation.

ii. The reviewers should review a representative sample of the faculty member's written review of and comments on students' written work.

iii. The reviewers should review the faculty member's Student Evaluation of Teaching forms and any other course surveys.

iv. The reviewers should review the teacher's self-evaluation statement (described in section 6(d) below).

v. The reviewers may take any other steps necessary to confirm that the faculty member satisfies the criteria enumerated for the particular reappointment or promotion sought, including observing or recording a faculty member's performance in conferences, classes, or oral arguments.

(d) As an integral part of the evaluation process for reappointment or promotion, the faculty member being reviewed shall provide to the reviewers and the CFRC a self-evaluation portfolio. The faculty member is to provide this self-evaluation portfolio to the CFRC no later than November 15 of the final year of the contract term. (Note, however, that no self-evaluation portfolio shall be required for the initial reappointment to a one-year contract.)

i. The self-evaluation portfolio for any reappointment or promotion should include a teaching section responsive to section 3(b) above. The teaching section of the portfolio should also include a) a detailed description of the faculty member's teaching philosophy and methodology; b) an overview of the course coverage; c) teaching and professional goals for the new contract term; d) representative fall and spring semester syllabi; e) examples of teaching materials or exercises; and f) representative samples of critiqued student writing.

ii. For promotion or reappointment to a three-year contract, the faculty member's self-evaluation portfolio should also include a section responsive to section 4(c) above, describing the ways in which the faculty member has participated in and contributed to the Law School community.

iii. For promotion or reappointment to a five-year contract, the faculty member's self-evaluation portfolio should also include a section responsive to section 4(c) above, describing the ways in which the faculty member has participated in and contributed to the Law School community, and a section responsive to section 5(d) above, describing the faculty member's record of achievement with high distinction in one or more of the three areas (teaching, internal service, or external service). Any relevant documentation (e.g., published works) shall also be included with the self-evaluation.

7. Reappointment to a Five-Year Contract Term

   A five-year contract is presumptively renewable. A faculty member eligible for reappointment to a five-year contract shall prepare the self-evaluation portfolio described under 6(d) above and submit it to the CFRC no later than November 15 of the final year of the existing five-year contract. The CFRC shall review the portfolio and shall recommend the faculty member for reappointment unless concerns are raised about continued satisfaction of the standards for appointment to a five-year contract, as enumerated in section 5 above, such that a more thorough review is appropriate.

8. Timing

   The review process is to occur primarily during the fall semester of each academic year, although it may continue into the spring semester. The reviewers must present the candidate's file to the CFRC for review in sufficient time for the CFRC to share its findings with the candidate no later than January 15. After the faculty member has had the opportunity for review and comment, the CFRC should report its recommendation to the Dean and/or the faculty no later than February 1 of the terminal academic year. The Dean and/or the faculty should then render a decision no later than February 15, barring unforeseen circumstances.

E. Professor of the Practice of Law and Director of the Law Library

This section sets forth the standards for hiring and promotion for the position of Professor of the Practice of Law and Director of Hugh F. MacMillan Law Library at Emory University School of Law.

1. Candidate for Initial Appointment

Emory University School of Law conducts an open national recruitment for the position of Director of the Hugh F. MacMillan Law Library to identify and appoint the most qualified individual.

2. Procedures for Promotion

The Director shall hold the title of Professor of Practice, which has an attendant rank of Assistant, Associate, or full Professor of Practice, depending on the qualifications of the candidate. Determinations of promotion or contract renewal are based on overall job performance as well as a combination of activities and accomplishment in at least two of three categories:

Scholarship and Creative Endeavors
Professional Development and Activity
Campus and Academic Service

These criteria are defined below. They are intentionally designed to be broad and flexible to accommodate diversity in career paths and a wide variety of professional activities and contributions within the changing environment of academic libraries and higher education.

A committee designated by the Dean will be in charge of performing promotion reviews of the Director. The committee should seek external reviews from qualified librarians or scholars, identified by the candidate for promotion or through the knowledge of members of the committee, to provide an assessment as to the achievements of the candidate.

Any promotion process will begin in the fall of an academic year and be concluded by the close of the spring semester of that same academic year, absent extenuating circumstances.
(a) Scholarship and Creative Endeavors Criteria

This category is defined by activities beyond the primary job duties. Activity in this category must demonstrate quality as well as quantity.

Illustrative examples of such activities include, but are not limited to:

- publications in any format;
- digital scholarship products or resources;
- research activities;
- teaching (such as a "for credit" course);
- grant-related activities including participating in the development of grant applications, management of grants, etc.;
- special projects outside of primary job duties;
- curation of exhibitions; and
- collaborations external to the library or University.

(b) Professional Development and Activity Criteria

This category is defined as professional outreach and growth.

Illustrative examples of such activities include, but are not limited to:

- additional degrees or professional credentials;
- continuing education (both informal and "for credit" activities);
- professional association/organization membership;
- professional association/organization conference and meeting attendance/participation;
- professional association/organization activity (volunteer, appointed, or elected positions);
- editorial board service;
- lectures and presentations beyond primary job assignment duties; and
- workshop attendance or presentation.

Growth as a professional librarian requires ongoing continuing education and engagement within the profession. Directors are expected to seek opportunities to continue learning in informal and formal ways to ensure they can actively contribute to the improvement of service. Professional engagement and leadership is demonstrated when an individual identifies potential operational improvements or new ideas, generates a plan of action, seeks and receives approval to proceed, and brings ideas to fruition. Although not all ideas may be approved for implementation, committed professionals continuously seek ways to improve operations, services, and collections; introduce efficiencies; maximize effectiveness; develop colleagues and staff; and improve services for users.

(c) Campus and Academic Service Criteria

This category is defined as significant contributions and service at Emory or other academic institutions. Recognition should be given to those who participate effectively and imaginatively in library-wide and University-wide service, including service on administrative or academic committees in the library or on campus in addition to professional service to external communities or organizations.

Illustrative examples of such activities include, but are not limited to:

- service on campus (or comparable) committees or task forces;
- campus (or comparable) volunteering; and
- active community service with a leadership role that enhances the stature of the University and is relevant to libraries.

Although there is no single recommended pattern of development and performance for advancement through the ranks, there is an expectation of increasing and significant contributions beyond the primary job assignment. It is understood that the level of competence and scope of contribution required for advancement becomes greater as the Director advances from Assistant Professor of Practice to Associate Professor of Practice and to Professor of Practice.

The committee shall compile the required information detailing a candidate's performance using the above criteria, including a self-evaluation portfolio prepared by the candidate. The committee by majority vote will provide a recommendation to the faculty. A faculty vote is submitted to the Dean for further action. Faculty eligible to vote include all tenured and tenure-track faculty at the rank of Associate Professor or Professor and all clinical or legal writing faculty who have attained the analogous rank of the Director. A recommendation of promotion requires a two-thirds vote of those present, excluding abstentions.

3. Rank Structure

(a) Assistant Professor of Practice

Given the responsibilities of the Director, the appointment of a director at the rank of Assistant Professor of Practice would rarely, if ever, occur. There may be extenuating circumstances, however, that would justify such an appointment. This section would govern the promotion of such a candidate. The rank of Assistant Professor of Practice is for a librarian who is new to the profession or early in his/her career, generally individuals with less than six years of appropriate professional experience.

To be appointed to this rank, an individual is expected to meet the minimum qualifications for the position and show the potential for professional growth.

An Assistant Professor of Practice is appointed to a one-year contract, renewable for up to three years, for a maximum of three years in rank.

Each annual review may result in:

- renewal of the one-year appointment;
- award of a three-year appointment; or
- non-renewal.

A Director may seek promotion-in-rank to Associate Professor of Practice after serving the initial three, one-year appointments.

An Assistant Professor of Practice must achieve promotion-in-rank to the Associate Professor of Practice rank by the conclusion of the third one-year contract, or the candidate will not receive a subsequent appointment.

(b) Associate Professor of Practice

The rank of Associate Professor of Practice is for Directors who demonstrate success at the Assistant Professor of Practice rank within the Emory University School of Law MacMillan Library or who have held a comparable rank at another university. Although this rank is generally for individuals with more than six years of professional experience, candidates who are especially meritorious may be appointed to this rank with fewer than six years of experience, although such appointments are rare.

Candidates for the rank of Associate Professor of Practice have moved beyond the expectations of an Assistant Professor of Practice and can demonstrate sustained and meaningful contributions (ongoing and impactful for the organization and the profession) in a combination of activities and accomplishment in at least two of three categories:

- Scholarship and Creative Endeavors
- Professional Development and Activity
- Campus and Academic Service

Associate Professors of Practice, when compared to Assistant Professors of Practice, are expected to have increased their involvement in professional and scholarly associations and should begin to demonstrate active involvement in one or more of a broad range of activities including, but not limited to, chairing committees; convening meetings; contributing as speaker, panelist, or presenter on professional topics and scholarly papers; writing articles or books; and enhancing the profession through the development of innovative services and operations.

Associate Professors of Practice are appointed on three-year contracts. The initial or subsequent appointment review may result in either:

- renewal and a subsequent three-year contract;
- award of a five-year contract; or
- non-renewal.

Generally, an individual will serve at least one full three-year appointment at the rank of Associate Professor of Practice prior to seeking promotion-in-rank to Professor of Practice. An individual may elect to seek promotion-in-rank after serving at least one year in a second or subsequent three-year appointment period.

An individual may elect to remain at the rank of Associate Professor of Practice indefinitely and without prejudice as promotion to the rank of Professor of Practice is not required. If an individual seeks promotion to the Professor of Practice rank and the promotion-in-rank is denied, denial of the promotion-in-rank does not, in itself, constitute a judgment of unsatisfactory performance at the rank of Associate Professor of Practice, nor does it preclude an individual from being considered for promotion-in-rank at a later time.

(c) Professor of Practice

The rank of Professor of Practice is for Directors who perform with excellence above the expectations of the Associate Professor of Practice rank within the Emory University School of Law MacMillan Library or who have held a comparable rank at another university. Although this rank is generally for individuals with more than nine years of professional experience, candidates who are especially meritorious may be appointed to this rank with fewer than nine years of experience, although such appointments are rare.

To be appointed or promoted to this rank, an individual is expected to meet the minimum qualifications for the position and to have attained a record of excellence at the rank of Associate Professor of Practice within Emory University School of Law MacMillan Library or at another university.

In addition, candidates for the rank of Professor of Practice have moved beyond the expectations of an Associate Professor of Practice and demonstrate sustained meaningful contributions and leadership in a combination of activities and accomplishment in at least two of three categories:

- Scholarship and Creative Endeavors
- Professional Development and Activity
- Campus and Academic Service

An individual at the rank of Professor of Practice demonstrates active involvement in one or more of a broad range of activities including, but not limited to, chairing committees; convening meetings; contributing as speaker, panelist, or presenter on professional topics and scholarly papers; writing articles or books; and enhancing the profession through the development of innovative services and operations. A Director should demonstrate these activities as well as show evidence of a significantly expanding depth of professional achievement via increasing senior leadership roles within the areas of involvement.

A Professor of Practice is appointed on five-year contracts. Appointments after the initial promotion to Professor of Practice are presumptively renewable. The committee shall recommend the Director for reappointment unless concerns are raised about continued satisfaction of the standards for appointment to a five-year contract. The initial or subsequent presumptive appointment review may result in either:

- renewal and a subsequent five-year appointment, or
- non-renewal.

V. Faculty Committees: Appointment and Jurisdiction

A. Generally

Each academic year, the Dean circulates a list of committees and their proposed memberships. An effort is made to ensure that each member of the faculty participates on at least one of the standing committees but that an individual is not overburdened by excessive committee responsibilities. Faculty members wishing to change committee assignments may request reassignment. In the Dean’s discretion, one or two students may be appointed to many of the faculty committees.

The number of committees, both standing and ad hoc, varies from year to year. Those listed below are the major committees that have had continuing existence over several years and have specific responsibility for implementation of policies contained herein. There are and have been other committees.

B. Standing Committees

The Faculty Review and Promotion Committee and the Contract Faculty Review Committee are described above in sections III.A and IV.B, respectively.

1. Admissions and Scholarships

   Admissions policies are implemented in coordination with the Assistant Dean for Admissions, and committee members review admissions files consistent with those policies. Scholarship policies are also promulgated by this committee.

2. Academic Standings

   The Academic Standings Committee consists of at least three faculty members appointed by the Dean to serve designated terms.

   The committee has jurisdiction over students petitioning for relief from the "good standing" requirements or any other "non-good standing" matters assigned to the committee by faculty action or the Dean.

3. Curriculum Committee

   (a) General Curricular Development

   The Curriculum Committee of the faculty is responsible for overseeing curricular development and for making recommendations both general and specific with regard to changes in the Law School program and in individual courses. Most curricular changes, therefore, are initiated through the Curriculum Committee. When appointed by the Dean, an Online Programs Committee may exercise the Curriculum Committee's curricular responsibility for online courses and programs.

   (b) Policies Governing Course/Program Changes

   i. Sequence Courses

      a. A faculty member teaching a sequence course has the authority to require that courses be taken in sequence, provided that the appropriate notice is given no later than the commencement of the course and provision is made for any administrative problems that might occur.

      b. It is within the discretion of the faculty to establish prerequisites for their courses and to waive the prerequisites on an ad hoc basis.

   ii. Changes in Hours

      a. Faculty members are not permitted unilaterally to increase a two-credit course to a three-credit course or a three-credit course to a four-credit course.

b. Faculty members may add a one-hour “lab” option to a substantive course through which some number of students can engage in clinical-type projects, drafting experiences, scholarly research, or the like.

iii. Seminars

Seminars are offered for three credits. The Dean may approve a seminar proposal or refer it to the Curriculum Committee for review.

iv. Special/Experimental Courses

a. The Dean has the discretion to arrange for experimental or new courses on an ad hoc basis without the necessity for prior approval of the committee.

b. The committee may initiate recommendations for new or experimental course offerings to enrich areas of the curriculum.

c. New or experimental courses only become a part of the regular curriculum after Curriculum Committee action.

v. Skills and Experiential Learning Courses

The Curriculum Committee also approves all courses in clinical programs, simulation programs, practicums, and externship placement programs. The committee may recommend changes in the credit hours afforded, supervisory personnel, and the structure or format of any program. The committee may approve new programs or recommend discontinuation of unsatisfactory programs.

4. Committee of Chairs

(a) There shall be a committee of tenure and tenure-track faculty consisting of all tenure and tenure-track faculty who hold either law school or university-level chairs. This committee shall be known as the "Committee of Chairs."

(b) Before awarding a law school or university-level chair to any faculty member (whether already on the Law School faculty or newly-hired), the Dean shall in the ordinary course consult with the Committee of Chairs.

(c) In the event that exigent circumstances make compliance with paragraph (2) impossible, the Dean shall, as possible, consult with the Committee of Chairs while an application for chair approval is pending with the University Board of Trustees, and shall in all events notify the Committee of Chairs as soon as an application for chair approval has been submitted.

VI. Annual Reports

All full-time faculty will submit an annual report of activities to the Dean, usually electronically by Facet or successor submission systems, which will be kept on file by the Dean’s office. This annual report will detail each faculty member’s activities in scholarship, teaching, service, and/or activities as appropriate to clinical and other contract faculty, for the preceding academic year.

the reports may be released for review by other faculty members, as well as staff charged with publicizing law school activities.

On scholarship, the annual report will list all publications that went into print and all scholarly lectures and presentations during the previous academic year, as well as publications accepted but not yet in print and scholarship in progress. The annual report also will contain the professor's scholarly agenda for the upcoming year, including a description of scholarship in progress.

On teaching, the annual report will list the professor's courses taught and all student writing supervised during the previous academic year.

On service, the annual report will list all professional service and service at Emory, at both the Law School and University levels, including committee and other administrative service. This report will also include all activities of public scholarship, such as op-ed pieces in newspapers and magazines, media interviews, and legislative testimony.

For faculty members whose primary obligations do not involve scholarly publication, faculty members should include, as appropriate, clinical advocacy, significant projects, teaching innovations, or curricular contributions.

Based in part on the substance of the annual report, along with teaching evaluations, all tenure-track and tenured faculty will receive evaluation and feedback from the Dean annually either by face-to-face meeting or letter in advance of the following academic year. Assistant and associate professors will be evaluated on their progress toward attainment of the next stage of promotion and the associated criteria for scholarship, teaching, and service for that stage as articulated above. Full professors will be evaluated on the continued excellence in scholarship, teaching, and service by the standard articulated in section III.G for full professorship.

VII. Administrative Policies Affecting Faculty

A. Generally

University faculty relations are governed by the Faculty Handbook promulgated by the University. From time to time, the Dean will issue administrative policy statements to supplement or clarify those in the Faculty Handbook, to reflect ABA standards or to facilitate the internal operation of the Law School.

Such administrative policies have included:

A timetable for the submission of grades each semester. Deadlines are staggered to reflect the number of students each faculty member grades. Deadlines for certification of graduating students are independently established.

Guidelines for faculty travel. General guidelines are set by the University and implemented by the Law School Financial Administrator in coordination with the Dean's office.

B. Leave Policy

Below is the leave policy as adopted by the Law School. This policy supplements the University leave policy, which is contained in the University Faculty Handbook.

1. Sabbatical Leave

(a) A sabbatical is granted by the Law School in accordance with Law School policies. A faculty member on continuous appointment who has served Emory Law continuously for 12 full semesters is eligible to apply for a sabbatical leave of one semester at full pay or one year at half pay. Ordinarily, time spent on leave will not be included in the 12 semesters necessary for sabbatical leave nor will time spent as a faculty member at educational institutions other than the Law School be included in the 12 semesters.

(b) The Dean of the Law School has the authority to approve requests for sabbatical leave.

(c) The purpose of sabbatical leave is to enhance the value of the professor's future service to the Law School. Ordinarily, this purpose is to be accomplished by the pursuit of matters of scholarship such as formal study, research, and writing. Accordingly, professors eligible for sabbatical leave shall by December 1 of the academic year preceding the academic year of the proposed leave submit a proposal stating a leave project.

(d) Should the qualified candidates for sabbatical leave exceed the number of such leaves available in a given year, then the Dean will choose the order and timing of the leaves requested, taking into account the nature of each project proposal and the needs of the Law School.

(e) Should an otherwise qualified candidate's request for sabbatical leave be postponed, then that period of postponement shall be counted toward the 12 full semesters necessary for eligibility for the next succeeding sabbatical leave.

(f) The grant of a sabbatical leave carries with it the commitment to teach a normal load of courses the following semester. In general, it is expected that a faculty member shall serve at the Law School for at least one year following the year of the sabbatical leave.

(g) While on sabbatical leave, a faculty member may receive modest remuneration from external sources, but in no circumstances will the leave be granted primarily for the purpose of augmenting income.

(h) When a professor is on sabbatical, it is presumed that the professor is not in residence and has no ongoing, day-to-day responsibilities. If a professor seeking a sabbatical anticipates being physically in residence and using his/her office, such expectation should be confirmed at the time of application for the sabbatical.

(i) A professor on a sabbatical continues to have all voting privileges and responsibilities as a member of the faculty. Should a faculty member on sabbatical leave so desire, he/she may participate in faculty matters such as committee work or attending and voting at faculty meetings.

2. Medical Leave

Emory University policy governs Medical Leave through either Family and Medical Leave Act (FMLA) Policy or Medical Leave Policy (Non-FMLA). Persons needing medical leave should contact the school of law human resources department for assistance in initiating the appropriate process. The Law School human resources department coordinates the process to ensure the needs of the person requesting leave are addressed and expectations of both the person requesting leave and the school are documented.

3. Research Leave

A research leave is a leave granted at the discretion of the Law School to a faculty member on continuous appointment for a specific period of time, not to exceed one semester, without reduction in compensation. During the research leave semester, the professor is relieved of regular course responsibilities. While on research leave, the professor continues to have responsibilities as a member of the faculty with respect to committees and voting on faculty matters and has a limited degree of ongoing responsibility for supervision of student journal comments or directed research. The professor will generally be "in residence." The grant of a research leave carries with it the commitment to teach a normal load of courses the following semester. Absent written authorization by the Dean or the Dean's designate, research leave is not included in the calculation for Sabbatical Leave.

4. Leave of Absence

A leave of absence is granted at the discretion of the Law School for a period of six months or 12 months. During the period of the leave of absence, the Law School provides no compensation or benefits unless and except the amount of such compensation and benefits is paid to the Law School by another institution. Payment of any such compensation by the Law School presupposes a written commitment executed in advance by the other institution to make appropriate payments to the Law School. When a professor is on a leave of absence his/her office is available to be used for Law School purposes. A professor on a leave of absence is not eligible to vote on faculty matters.

5. Leave without Pay

Faculty on a continuous appointment may request leave without pay. Requests for leave without pay shall be submitted to the Dean of the Law School no later than March 1 of the academic year preceding the academic year in which such leave is requested. Ordinarily such leave will not be granted for a period of greater than one year. A request should include details about the purpose of the leave, any funding for a nominal salary or continuation of benefits, and the requested duration. Provision for payment of salary, if any, and continuation of health insurance and other benefits for a faculty member on leave is made in accordance with university policy through the Dean's office in coordination with the Law School human resources department.

When a professor is on leave without pay, his/her office is available to be used for law school purposes. A professor on leave without pay is not eligible to vote on faculty matters.

6. Professors seeking grant or other funding that will require release time from teaching must seek permission from the Dean before applying for such funding.

C. Faculty Evaluation

Classroom performance is evaluated by means of (a) class room visitations and (b) Student Evaluation of Teaching forms completed by the students in a particular course.

1. Classroom Visitations

The Dean and/or any committee considering a faculty member for reappointment, promotion, or tenure shall establish a systematic program of classroom visitation each semester. Reports of classroom visitations shall be submitted in writing to the Dean, the appropriate reviewing committee, and the affected faculty member.

2. Student Evaluation

The Office of the Registrar administers student evaluation of all courses, currently via online assessment available to each student. Student evaluations are not released until after a faculty member has submitted final grades for the course. The Registrar retains student evaluation data. Student evaluations of teaching are confidential and the content is only released to the faculty member, the Dean, and/or the appropriate faculty committee.

All courses are evaluated, including clinical courses, simulation courses, and legal writing courses. The voting faculty may change the format, questions, and process for student evaluations.

D. Faculty Teaching Loads

The normal teaching load for tenure stream faculty members is three courses per academic year.

Individual faculty teaching packages are a matter for the Dean after consultation with the faculty member and consideration of institutional needs.

In the case of a new professor with no previous teaching experience, the Dean may exercise his/her discretion to light-load that new professor in his/her first semester. The Dean may also light-load a faculty member in order to support a major scholarly project.

E. Faculty Advising Requirement

Each member of the full-time faculty (other than at the rank of assistant professor or faculty on a full-year sabbatical) is required to advise a minimum of 3 and a maximum of 5 students each year in the production of independent scholarly work. The Dean or designee may, in unusual circumstances, grant a waiver to a faculty member concerning the minimum and maximum. Faculty members with fractional appointments, where service duties are split between the law school and another Emory unit, must discuss their number of advisees with the Dean during the annual review process.

For purposes of this requirement, supervision of students' independent scholarly work includes advising journal comments, directed research, and serving as an SJD student's primary advisor. It does not include serving as the advisor to student groups, teaching seminars, or signing off on international student's summer papers.

E. Summer Research Grants

Grants may be made available each year for faculty members, although the number and amounts of the grants depend upon budgetary constraints and the number of requests. Summer research grants are awarded to pre-tenure faculty as a matter of course. The Dean shall establish each year the criteria for the award of summer research grants. Tenured faculty members seeking summer research grants submit research proposals to the Dean. Faculty holding chairs are not eligible for summer research grants.

F. Faculty-Student Relations

1. Office Hours

Each faculty member is expected to post on his/her door a schedule of office hours and indicate thereon a minimum of five hours a week over a period of at least two days during which he/she will be available to students. Faculty members may, but are not required to, schedule appointments for student meetings during these five hours. Faculty members are expected to be available to students by appointment, at times other than posted office hours.

2. Class Cancellation and Make-Up Classes

Cancellation of class is discouraged. When illness, religious observations, or pressing professional responsibilities cause a class cancellation, every effort to make up the cancelled class is expected. Professors should provide notice to their students of any cancellations, preferably on Canvas and by email. There is no express University policy on the cancellation of classes because of religious holidays. Class cancellation for this reason is at the discretion of individual faculty members, but faculty are urged to be sensitive to the needs of students to honor the requirements of their faith.

Any faculty member wishing to deviate from the published schedule, other than for individual make-up classes, must clear that deviation with the Associate Dean for Academic Affairs before announcing the change to the students.

Each member of the faculty makes individual arrangements in advance with the Facility Operations Coordinator to reserve rooms for make-up classes.

3. Communication with Students

Faculty members have access to the first-floor bulletin boards to post notices, including class assignments for students. All students have individual mail drops on the first floor of the Law School. All faculty, staff, and students have email accounts and are encouraged to use email as the primary communications vehicle. Faculty also have access to Canvas to coordinate their classes and communications online, which is strongly encouraged.

3. Faculty Grading

Mandatory Mean

The mandatory mean of 3.3 applies to courses that satisfy all of the following criteria:

(1) There are more than 10 Emory J.D. students (i.e. 11 or more) taking the class for a grade;
(2) It is not a seminar; and
(3) No part of the grading criteria includes a shared grade for group work.

For courses satisfying these criteria, the mean must fall within the permissible range generated by the Grade Distribution Report provided to the faculty member by the Registrar. For classes with 80 or more Emory J.D. students taking the class for a grade, the permissible range is 3.28-3.32. For smaller classes, the range has been scaled to maintain a consistent standard deviation from the 3.30 mandatory mean.

For grades of a C- and below in a course, the law school will assign 2.0 quality points for purposes of calculating and establishing the overall mean.

Non-J.D. Student Grading

With respect to S.J.D., M.C.L., and LL.M degree candidates who are enrolled in courses along with J.D. candidates, grades for J.D. degree candidates are curved to the mandatory 3.3 mean, without the grades of these other degree candidates being considered. After that J.D.-only curve is established, then the grades for the other degree candidates are assigned using the J.D.-only curve. S.J.D., M.C.L., and LL.M degree candidates do not differ in terms of learning objectives in traditional J.D. courses. As such, they all appropriately take the same courses and exams (or other assessment exercises) as do J.D. degree candidates, and those assessments all appropriately are evaluated using the same criteria and rubric, all as if there was no difference in the degree being pursued by each cohort of degree candidates. Thus, the student handbook should reflect:

The proposed procedure would work as in this example: if the raw score needed to earn a B+ within the J.D.-only curve is 85, then an S.J.D., M.C.L., or LL.M degree candidate with a raw score of 85 also would receive a B+. No special curve would be developed for, and no inflation of grades would be granted to, any of these other degree candidates. Establishing a J.D.-only curve, without considering the grades of these other degree candidates, avoids issues that might arise if there were disproportionate numbers of these other degree candidates in a particular class (most especially the first-year courses that meet in multiple sections). For example, if one first-year Contracts section was made up exclusively of J.D. degree candidate, students might assume that their curve might differ from that of another Contracts section that had a substantial number of other degree candidates. Formulating the J.D.- only curve to establish the performance criteria for all grade exams would eliminate concerns that one section’s grades might differ significantly from the other. This policy eliminates the impact of these other degree candidates' performance on either section's curve.

5. Juris Doctor (J.D.) Program General Requirements Academic Standing

Academic standing is computed on the basis of work done at Emory Law alone. To remain in good standing, students must maintain an overall cumulative minimum average of 2.50 on all coursework completed at the conclusion of the second term (i.e. the term in which the student completes at least 25 semester hours). In each term beyond the second, a student must have a cumulative average of at least 2.50 to be in good standing.

Any student not in good standing is presumptively ineligible to continue in the J.D. program. Such a student may petition the Academic Standing Committee for continuation in the program. Students granted continuation remain in the program on probationary status. Students on probation must raise their averages to at least 2.50 by the end of the probationary period. It is the obligation of the student to petition for continuation and probationary status and to monitor their own probation and eligibility to continue in the program.

Students who are advised administratively at the conclusion of their first semester that their performance indicates possible academic standing problems in the future may, subject to other rules regarding withdrawal, withdraw in good standing during the second semester and thereby avoid possible academic exclusion at the conclusion of the first-year program.

Non-Good-Standing Petition Procedures and Practices Petition Procedures

A student seeking relief from any requirement submits a written petition to the Associate Dean for Academic Affairs or his/her designee containing a short statement of the circumstances which have led to the student requiring relief, how these circumstances have or will be corrected, and the good cause upon which relief is sought. The Associate Dean refers this petition and the student's file to the duly appointed Academic Standing Committee. The student may appear in person before the committee. The committee considers the petition, the student's file, and all other materials presented by the student. The committee votes to grant or deny the petition; the affirmative vote of a majority of the entire membership of the committee is required to grant a petition. The petition, the student's file, and copies of the documents are available in the Office of the Assistant Dean for Academic Engagement & Student Success for review.

If the committee has granted probation prior to a J.D. student's fifth term, an S.J.D. student's fifth term, an LL.M. student's second term, or a J.M. student's third term, the committee action becomes final.

If the committee has denied probation or granted probation beyond the associated term limit, the committee action becomes final and is not subject to any further review by faculty (but may be reviewed by the Dean).

6. Learning Objectives

J.M. degree candidates have (1) different learning objectives, (2) should not be evaluated on the same basis as J.D. degree candidates, and (3) should be graded with rubrics that are unique to J.M. degree candidates, using a unique curve. These different learning objectives must apply equally to all residential and on-line J.M. degree candidates, and all law school offerings in which J.M. degree candidates are enrolled must be evaluated to establish whether these differences properly are reflected in their learning objectives, evaluations, and grading.

G. Emory Law Professional Development Funds Guidelines

To encourage faculty members to engage in scholarly research and other creative activity that will increase their scholarly achievement and their capacity for service to the Law School, the Law School provides tenure and tenure-track faculty with a professional development allowance, as described below. Non-tenure-track faculty may be reimbursed for expenses as determined by the Associate Dean of Faculty on a case-by-case basis.

Purpose: The primary purpose of the professional development budget, and other research funds associated with endowed chairs not otherwise restricted in use, is to make available to each faculty member opportunities for research and professional development that otherwise may not be available. The faculty are encouraged to use such funds in a way that will lead to professional contacts with others outside of the Emory Law community. It is generally expected that such funds will be used to allow a faculty member to attend at least one professional meeting each year. The particular expenditure of funds in any given year, however, is left to the discretion of the faculty member, provided that a full accounting of such expenditures is given to the administration. If it appears with experience that individual faculty members are not using the funds to establish contacts with the larger academic community, there may be some limitation on expenditures.

Monetary Allowance: Subject to modification by the Dean prior to the commencement of a new fiscal year, the amount of funds available to tenured and pre-tenured faculty shall be the amount of $3,000 annually. An unexpended balance may be carried forward to the immediately following year, for a maximum of reimbursable amount of $6,000 in any two-year period. Expenses in excess of these limits will not be reimbursed. Reimbursable expenses of faculty members with endowed chairs, resources or restricted funds shall first be charged against such funds with the balance charged against the available professional development accounts. In the case of faculty members serving as visiting professors at other institutions, the amount of funding available from Emory Law shall be prorated based on the time in residence at Emory during a given academic year.

Non-travel expenditures: Common uses of these funds include:

UPS and Federal Express charges,
nonstandard office supplies,
individual dues and memberships in professional organizations,
attendance at professional conferences, and

acquisition of books and other professional materials.

In addition to travel, meals, and lodging expenses for professional meetings, faculty members may also use their monetary allowance for other expenses related to their research or teaching interests.

Tangible items purchased with such funds belong to the Law School.

Professional development funds may not be used for:
1) the travel expenses of anyone other than the faculty member;
2) travel other than travel that is directly related to a professional Law School purpose;
3) to reimburse the expenses of food and beverages other than those incurred during out-of-town travel, without prior permission of the Dean; or
4) for any purpose that would be inconsistent with the tax-exempt status of the University.

Postage Policy for Article/Scholarly Writing Submissions:
The Law School will pay first-class US mail postage expense for article or other scholarly writing submissions by tenured and tenure-track faculty. If overnight delivery service (such as Federal Express) is preferred, or some other method of delivery that is more expensive than standard first-class US mail charges, faculty may charge these expenses to the faculty member's professional development fund. The Law School has purchased institutional subscriptions to ExpressO and Scholastica for submissions of articles to law reviews. Additionally, some law reviews have their own submission webpages. It is expected that faculty will avail themselves of these electronic options.

H. Guidelines for Reimbursement of Other Out-of-Pocket Expenses

Implementation is through the Law School Financial Administrator in coordination with the Dean and in consideration of the budget. Areas for reimbursement have included (a) faculty participation in ABA-AALS workshops and programs, (b) entertainment of faculty candidates, and (c) entertainment of student advisees (small section mentoring program).

The Law School does not routinely reimburse faculty members for membership fees in professional organizations. The Law School does provide the faculty with membership in the ABA.

I. Guidelines on the Use of Law School Administrative Assistants

Each faculty member has a particular administrative assistant identified for his/her primary use, but no faculty member has exclusive claim on a particular assistant. Therefore, faculty members should let their administrative assistant know what the time requirement is on any work, so that he/she may handle multiple assignments efficiently. Absent communication to the contrary, work is to be done in the order in which it is received with no special priority over other work received. The executive administrative assistants are available to redistribute work when a professor's regular administrative assistant is overburdened.

Law School administrative assistants are to be used ONLY for Law School–related activities such as scholarship and teaching. It is inappropriate to ask an administrative assistant to do personal work during the normal work day. A faculty member may contract with an administrative assistant to do personal work after hours, and administrative assistants are permitted to use Law School equipment after the business day for such work.

In distinguishing between professional and personal work, there is room for some judgment and flexibility. Short documents in the one- to three-page range for personal use can be done by the administrative assistants for faculty convenience, but similar documents being drafted for a client who is paying for services are not to be done on Law School time for Law School pay. A speech for an honorarium can be treated as an appropriate Law School activity; a memorandum of law done for a client or law firm for a fee is not a Law School activity. Faculty may use a Law School administrative assistant for a case handled on a pro bono basis but not for a case for a fee.

It is not the administrative assistant's responsibility to monitor faculty on the nature of the work that is given. The administrative assistant should be able to assume that anything handed to him/her during the course of the normal work day is an appropriate work assignment to be done on Law School time and at Law School expense. In cases that are not clear, faculty should consult the Associate Dean for Academic Affairs.

VIII. Policy on Private Consulting by Faculty and Conflicts of Interest

Law School faculty are subject to the University policy on consulting as well as ABA and AALS guidelines. Outside consulting should not interfere with the performance of a faculty member's obligations to the Law School. As a rule of thumb, no more than the equivalent of one day per week is acceptable; ABA standards specify no more than 400 hours per year for full-time faculty.

"Private Consulting" is defined as services performed or products created and/or sold for which remuneration in any form is received from a person, firm, or corporation other than Emory University.

According to University policy, each private consulting arrangement must be disclosed in writing to and reviewed by the Dean in advance to determine whether any actual or potential conflict of interest exists and to assure that the arrangement does not interfere with the faculty member's duties and responsibilities to the University.

University policy also states that faculty may not use University resources in their private consulting activities, as such use violates the "private inurement" and/or "private benefit" restrictions imposed on the University as a tax-exempt entity and could result in the University's becoming involved in litigation. For example, use of University letterhead and other University identifiers that may lead the public to believe that the faculty member is acting within the scope of his/her employment with the University in connection with such private consulting is expressly prohibited. Traditional faculty University responsibilities such as preparing papers, speeches, evaluations, articles, scripts, musical scores, books, and graphic works for publication, performance, oral presentation, peer review, or display, for which royalties, honoraria, or the like are received, is considered a part of a faculty member's University employment and is not subject to these restrictions.

Library use may be permissible for private consulting, except that certain library databases are contractually limited to use for University or Law School purposes. These databases may not be used for private consulting. Disclosure to library staff is the responsibility of the faculty member.

Faculty who cannot disclose adequate information to the Dean for him/her to make an informed decision without violating requirements of confidentiality to their client, patient, or sponsor must forego the consulting arrangement.

Faculty are reminded that there is a specific policy governing conflicts of interest in sponsored research which may be found at the following URL address of the Office of Research Administration: http://www.or.emory.edu.

A. Policy on Conflicts of Interest

This policy addresses the responsibilities specific to Emory Law of all full-time faculty. The professional responsibilities of all adjunct professors and visiting and administrative appointment faculty shall be consistent with these responsibilities except where expressly modified by the Dean.

1. Conflicts of Interest in the Practice of Law

    a. All faculty members, whether admitted to the State Bar of Georgia or the bar of another jurisdiction, are expected to govern their professional activities in accordance with the Model Rules of Professional Conduct, or the Code of Professional Responsibility, as adopted in the applicable jurisdiction.

    b. All faculty members who enter into attorney-client relationships are governed by the Georgia Rules of Professional Conduct as adopted by the State Bar of Georgia, or the analogous code of the applicable jurisdiction.

    c. Faculty members who engage in attorney-client relationships should also observe the following:

        i. The faculty member must take such steps as may be necessary to ensure that there is no possible confusion in the minds of the clients or other parties but that the faculty member is acting solely in his/her individual capacity (or as affiliated with third parties) and that neither the Law School nor the University is providing such representation.

        ii. In connection with any such attorney-client relationship, the faculty member shall not use any Law School or University resources (such as stationery, supplies, photocopying), research assistants paid by the Law School, or Law School support staff. The incidental de minimis use of telephone and office equipment is acceptable. Use of library resources and electronic legal research facilities for such attorney-client activities is subject to policies of the Hugh F. MacMillan Law Library, or other University libraries, as appropriate.

iii. The professional employment relationship of the faculty member to the University must be considered in evaluating a potential conflict of interest or the appearance of a conflict of interest. It is recommended that each faculty member having an ongoing relationship with a law firm create a conflict of interest diary entry at the law firm reflecting the names of Emory Law, Emory University, and Emory University affiliates to trigger review of potential matters. A list of all divisions, affiliates, centers, and institutes is available from the Dean's office.

iv. If, in any potential attorney-client relationship and during the course of any attorney-client relationship, there is the possibility of a conflict or appearance of a conflict with Emory University or its affiliates, such matter must be disclosed to the Dean and to the University Counsel.

B. Professional Responsibilities of Faculty Members

The primary professional obligation of each faculty member is to Emory University. The responsibilities of a faculty member of the Law School are in teaching, research and scholarship, and service as defined by the University and in the Law School Faculty Handbook. Faculty members should refrain from undertaking other commitments that interfere with the performance of these responsibilities, regardless of the number of hours devoted to such other commitments.

Faculty members who engage in professional activities other than the practice of law covered in part 1 above outside Emory University, regardless of compensation, also should observe the following:

1. The faculty member must take such steps as may be necessary to ensure that there is no possible confusion in the minds of other parties but that the faculty member is acting solely in his/her individual capacity (or as affiliated with third parties) and that neither the Law School nor the University is providing such representation.

2. The faculty member shall not use any Law School or University resources (such as stationery, supplies, photocopying), research assistants paid by the Law School, or Law School support staff. The incidental de minimis use of telephone and office equipment is acceptable. The use of library resources and electronic research facilities is subject to the policies of the Hugh F. MacMillan Law Library, or other University libraries, as appropriate.

3. The professional employment relationship of the faculty member to the University must be considered in evaluating potential conflicts of interest or the appearance of a conflict of interest.

A faculty member must obtain prior approval of the Dean and, where appropriate, the Office of Sponsored Programs or the University Counsel before accepting or entering into any grant, contract, or similar award from a governmental agency (local, state, or federal), a foundation, or other public or private entity if such grant, contract, or award: (i) provides that the Law School or the University will be a party; (ii) provides that payments will be made to or through the Law

School or the University; (iii) contemplates the use of University facilities, equipment, or personnel other than the affected faculty member; or (iv) creates the reasonable appearance that the Law School or the University is a party.

C. Reporting Requirement

In accordance with University policy, in 2009, the Law School instituted an annual conflict of interest and conflict of commitment reporting requirement. This form is submitted with the annual reports for all full-time faculty. Faculty must report significant outside time commitments and business interests as requested in the disclosure form. Faculty annual reports will be considered a report of non-compensated professional activities.

Faculty who conduct "sponsored research" must *also* complete the Emory University ECOI form.

The conflicts reporting form is provided in Appendix C.

IX. Academic Freedom and Open Expression Policy

A. Purposes

Emory Law is committed to the mission of a university to promote the "discovery, improvement, and dissemination of knowledge. Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions."[1] Criticism, dissent, and discovery are essential to research, teaching, and service. To pursue these ends successfully, Emory Law must be open to a wide diversity of viewpoints and beliefs. This precondition to the Law School's purposes is secured through the twin, sometimes overlapping pillars of academic freedom and open expression.

B. Definitions

1. "Hearing Committee" refers to the Law School Academic Freedom and Open Expression Hearing Committee described in section E.1.
2. "Standard 208 Committee" refers to the Standard 208 Committee described in section E.2.
3. "Publication" includes but is not limited to all academic journals, monographs, op-eds, conference presentations, opinion pieces, court filings, amicus briefs, libguides, blog posts and other social media, pre-print servers, works of fiction, biographies, or other methods of sharing research.

---

[1] Harrey Kalven, "Kalven Committee: Report on the University's Role in Political and Social Action," Chicago: The University of Chicago, 1967. Available at: https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf

4. "Research" includes but is not limited to all stages of knowledge development and dissemination, including conceptualization, reference development, access to materials, sharing drafts, and publication.
5. "Teaching" includes but is not limited to formal classroom instruction, teach-ins, presentations, roundtables, development of libguides and other research materials, discussions of coursework during office hours, hosting panel discussions related to current events or law school topics, answering questions in office hours, and any other expressive activity with the purpose of conveying knowledge.
6. "Service" includes but is not limited to service to the Law School, to the University, and to the profession through, for example, work on committees and as a member of professional or civic organizations. Service also includes public-spirited, usually uncompensated work on law assessment, litigation, law reform, or in public policy through participation in regulatory, legislative, and judicial venues.
7. "Covered individuals" means all individuals eligible for protection under either subpart C (Academic Freedom) or subpart D (Open Expression).

C. Academic Freedom

1. Applicability

This policy's academic freedom protections apply to all individuals or associations of individuals who engage in Publication, Research, Teaching, or Service in connection with their Law School responsibilities, including but not limited to all faculty of any status, librarians, staff (including full-time and part-time employees), students in any degree program, and post-docs. This policy's academic freedom protections apply to these individuals whenever they engage in Publication, Research, Teaching, or Service in connection with their Law School responsibilities.

2. Protections

a. Guidance on the meaning of academic freedom can be found in the American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments, Washington D.C.: AAUP, 1940; available at, https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure
b. Academic freedom includes the ability of every individual who engages in Publication, Research, Teaching, or Service in connection with their Law School responsibilities to publish, speak, engage in research they choose in the manner they choose, teach the content they choose in the courses they are assigned to teach, express themselves in performing service in connection with their Law School responsibilities, and engage in extramural speech in academic and public settings that is related in any way to their Law School responsibilities, without fear of retaliation, censorship, or other adverse consequences by the university and without actual such retaliation, censorship, or other adverse consequences.

c. Individuals who engage in Publication, Research, Teaching, Service, or extramural speech in connection with their Law School responsibilities are entitled to academic freedom, including in the topics they research, the viewpoints they adopt, and the publication of their results. Such individuals shall not be retaliated against, subjected to discipline, or subjected to other adverse consequences based on their exercise of academic freedom..
d. Academic freedom protected by this policy includes, but is not limited to, the entitlement of individuals to engage in the research they choose in the manner they choose.
e. Academic freedom protected by this policy includes, but is not limited to, the entitlement of individuals who engage in teaching to present the content of the course and related matters (such as current events that directly or indirectly impact instruction) in the manner they choose.
f. For the avoidance of doubt about the interaction of academic freedom protections with other applicable authorities and requirements:

    (i) This policy is consistent with and shall be interpreted consistent with the authority of the University (including the Law School) to determine and manage the Law School curriculum and course offerings. This includes the authority to (A) approve courses for inclusion in the curriculum, (B) identify the courses that will be taught by an instructor, (C) establish the particular topics required to be covered in courses, and (D) specify the logistical aspects of courses (including the teaching modality of a course, mandating written syllabi stating course policies, adhering to grading deadlines and standards, etc.).

    (ii) This policy does not supersede federal, state, or local law.

    (iii) This policy is consistent with and shall be interpreted consistent with the standards for appointment, reappointment, and promotion set forth in the Emory Law Faculty Handbook. For example, a promotion committee may consider the quality of a candidate's teaching pursuant to the standards set forth in the Emory Law Faculty Handbook without violating this policy, but it could not treat the candidate's particular teaching choices about controversial content or terminology as an adverse factor in doing so, nor could it consider individual student evaluations targeting such choices. So too, a promotion committee may consider the quality of a candidate's scholarship pursuant to the standards set forth in the Emory Law Faculty Handbook without violating this policy, but it could not treat the candidate's viewpoint on controversial topics as an adverse factor in doing so, nor could it consider external reviews that target such choices.

    (iv) The line between permissible application of an existing authority or promotion standard, on the one hand, and impermissible interference with academic freedom, on the other, may in some cases depend on subtle application of this policy and governing standards to particular circumstances by a promotion committee, Hearing Committee, Dean, or decanal designee as appropriate. In some cases, however, it is possible to draw this line more broadly. Thus, in all cases, the following shall be treated as protected exercises of academic freedom that may not be a basis for adverse consideration in any appointment, reappointment, or promotion process: (1) an instructor's choice of terminology motivated by the purpose of conveying knowledge that is not intended to single out an individual student or group of students, (2) an instructor's or researcher's expression of a viewpoint motivated by the purpose of conveying knowledge.

D. Open Expression

1. Applicability

This policy's open expression protections apply to all Emory Law faculty, staff, and students, for purposes of this policy, including but not limited to all full-time or part-time employees, students in any degree program, faculty of any status, and post-docs. This policy's open expression protections also apply to speakers invited by the Law School or by student groups consistent with content-neutral restrictions the Law School might impose on such invitations and presentations. This policy's open expression protections apply to individuals or associations of individuals described in this paragraph regardless whether those individuals would be members of the "Emory Community" as described in Emory University's open expression policy, 8.14, as revised effective March 20, 2025.

2. Protections

This policy's protections incorporate in full all the protections described in Emory University's open expression policy, 8.14, as revised effective March 20, 2025.
https://emory.ellucid.com/documents/view/19648,

E. Adherence

1. Law School Academic Freedom and Open Expression Hearing Committee

The process set forth in the following paragraphs is to be used by the Law School Academic Freedom and Open Expression Hearing Committee ("the Hearing Committee") when a person protected by this policy complains that the Law School has violated their academic freedom or open expression rights, as defined in this policy.

a. Composition. The Hearing Committee will be composed of three full-time Law School faculty or staff members. The party bringing the complaint (the "Complainant") and the party or parties with formal authority over the matter addressed in the complaint (the "Named Party" or "Named Parties") will each select one willing full-time Law School faculty or staff member for the Hearing Committee, and together those two Hearing Committee members will select a third willing member from among the full-time faculty of the Law School. The parties have 10 business days after receiving notice from the Law School dean that an eligible complaint has been filed to select a willing member of the Hearing Committee, and those Hearing Committee members have an additional 10 business days to select a third willing member. The Law School dean may extend each of these deadlines once for up to 10 business days for good cause (such as difficulty in finding willing members) and, if these deadlines are not met, will appoint any outstanding Hearing Committee members.

If the alleged violation of academic freedom or open expression rights involves an adverse employment action or relates to comments in Student Evaluation of Teaching ("SET") forms which may impact the Complainant's employment, then the Hearing Committee shall also include:

a. If the Complainant is tenured or tenure-stream faculty, one member of the Promotion and Tenure Committee; or
b. If the Complainant is 405(c) or (d) faculty, or any other renewable contract faculty, one member of the Contract Faculty Review Committee.

If the alleged violation involves a student, the Hearing Committee will include the Associate Dean of Academic Programs and Students or their designee, acting as a non-voting *ex officio* member.

b. Jurisdiction. The Hearing Committee's jurisdiction shall be limited as described below. A primary limit shall be that jurisdiction shall reach only matters alleging that a person or entity formally performing a Law School function has violated or is reasonably expected to violate a complainant's academic freedom or open expression rights. Law School functions and the person(s) and entities who perform them are ordinarily described in written handbooks, bulletins, policies, or other Law School governing materials. The exercise of academic freedom under section C of this policy is not a Law School function for purposes of this section. Thus, while the Hearing Committee would have jurisdiction over a claim that a person's exercise of a Law School function violated another's academic freedom, the Hearing Committee would not have jurisdiction over a claim that a person's exercise of academic freedom itself violated another's academic freedom or open expression.

Matters over which the Hearing Committee would have jurisdiction would include but not be limited to a complaint that a Law School committee's non-promotion recommendation infringes on open expression or is likely to do so, a complaint that a Law School administrator's refusal to approve an event infringes on open expression, or a complaint that a Law School student organization has violated a student's open expression rights by expelling them from leadership for refusal to sign a petition. Matters that fall outside the Hearing Committee's jurisdiction and are not permissible subjects of a complaint include a complaint challenging a decision by a student or group of students not to take a particular class due to disapproval of a viewpoint of the instructor and a complaint related to an instructor's teaching of a course including, but not limited to, selecting course material, lecture and discussion pedagogy, providing feedback to students, and grading. A purpose of this jurisdictional limit is prophylactic, so the matters listed in the preceding sentence fall outside the Hearing Committee's jurisdiction regardless whether they entail an exercise of academic freedom.

c. Complaint. An individual who believes their academic freedom or open expression rights have been or are reasonably likely to be violated by a person or entity formally performing a Law School function may file a complaint with the office of the Law School dean specifying exactly how the Complainant's academic freedom or open expression has been violated or is expected to be violated. The complaint must specify the person(s) or entity(s) whose exercise of a Law School function allegedly contributed to (or would likely contribute to) the violation ("Named Party"), must be brought by and name a person whose academic freedom or open expression rights were (or would be) allegedly violated, and must specify the associated Law School function. Complaints may not be anonymous. If the Law School dean or the dean's designee, acting in consultation with the Chair of the Standard 208 Committee, determines that the Complaint alleges facts which, if true, would come within the jurisdiction of the Hearing Committee, then the Law School dean shall establish a Committee according to the terms of the procedure set forth in subsection a. If the dean or the dean's designee makes a no-jurisdiction finding, the dean or the dean's designee shall promptly inform the Standard 208 Committee of the nature of the complaint and reason for the no-jurisdiction finding, though the Complainant and Named Party shall not specifically be identified.

d. Response. If the Hearing Committee determines that the Complaint states facts that, if proven, could constitute a violation of academic freedom or open expression, the Committee shall deliver a copy of the complaint to each Named Party. A Named Party may file a written response with the Committee within 10 days of receiving the complaint, but is not required to do so.

e. Pre-Hearing Meeting. The Hearing Committee will hold a pre-hearing meeting with the parties to (a) simplify the issues, (b) generate stipulations of facts, (c) provide for the exchange of evidence or information, and/or (d) achieve other appropriate pre-hearing objectives as will make the hearing fair and expeditious. At that meeting, with the consent of the parties, the Committee may try to achieve an amicable resolution of the complaint. The Hearing Committee may opt to hold this meeting before or after calling for or receiving a response from the Named Party, and may choose to hold multiple such meetings.

f. The Hearing. If a pre-hearing meeting has not resolved the dispute, the Committee shall:

(a) schedule a hearing on a date that is mutually acceptable to all parties;
(b) hold the hearing in private;
(c) permit the Complainant and each Named Party to be accompanied by a representative, who might be a lawyer, but if the Named Party is accompanied by a representative then the Law School dean shall endeavor to identify a

representative to assist the Complainant;
(d) make an audio-recording of the hearing;
(e) provide a copy of the recording to the parties after the hearing;
(f) permit the Complainant and each Named Party to produce witnesses and cross-examine other witnesses; and
(g) grant an adjournment if needed by anyone involved to investigate evidence produced at the hearing.

g. Burdens of proof. The Complainant has the burden of making a prima facie case that the Complainant's academic freedom or open expression has been or will be violated. If the Complainant makes a prima facie case and if a Named Party defends the actions complained of, the Named Party has the burden of proving by a preponderance of the evidence that those actions did not or would not violate the Complainant's free speech or academic freedom rights.

h. Evidence. The Hearing Committee is not bound by strict rules of legal evidence and may admit any evidence probative in determining the issues involved. The Law School shall make witnesses and evidence available if requested by the Complainant, the Committee, or a Named Party.

i. Report and findings. The Hearing Committee shall produce a written report explaining its findings of fact and its determination of whether the Complainant's free speech or academic freedom rights have been violated. The name of the Complainant and the Named Party shall not be included in the report. Unless a student (or group of students) is a Named Party, the Committee shall deliver its report to the Complainant, each Named Party, the Law School dean, and the Standard 208 Committee. Nothing precludes the Law School from making such a report available to the ABA during the accreditation process if the ABA requests it. The Law School dean, as appropriate, may refer the Committee's findings to the appropriate Law School body.

j. Professional Conduct Code. If a student or group of students is a Named Party, the Hearing Committee will share the report only with the Associate Dean of Academic Programs and Students or their designee. The Associate Dean or their designee may share the report, as appropriate, with the Honor Court. The findings of the Law School Open Expression and Academic Freedom Committee are not binding on the Honor Court and the normal procedure of a professional conduct code violation as set forth in the Student Bulletin shall be enforced. Statements made by students in complaints or other communications to the Hearing Committee are themselves subject to the Professional Conduct Code.

k. Interaction with other University and Law School processes. Pursuit of a complaint through the Hearing Committee is an optional supplement to other university and Law School processes. Complainants are free to pursue other processes if they wish, either before, after, or in parallel with filing and pursuing a complaint. That said, those responsible for other processes may suggest or require pursuit of a complaint with the Committee as part of their own process in their discretion if they have authority to do so. For example, a Law School promotion committee might suggest a candidate seek an advisory opinion about whether this policy precludes the promotion committee from considering particular matters or materials in its own process before rendering its own decision. Similarly, the Honor Court might suggest an advisory opinion be obtained through the Hearing Committee before completing its own consideration of a matter.

l. Confidentiality of the process, records, and reports. To protect Complainants, Named Parties, and witnesses, complaints dismissed for lack of jurisdiction or found to lack merit before or after a hearing shall be strictly confidential (including but not limited to confidentiality of Complainants and Named Parties) except as provided in (c) above. In cases ultimately found to be meritorious by the Hearing Committee, the proceedings shall be strictly confidential except for the report provided in Section (i) above. The Hearing Committee may share the nature of any complaints and anticipated timing of review as appropriate with the Law School dean and any relevant Law School committees or bodies, without sharing the identities of Complainants or Named Parties.

m. Limitation on jurisdiction over repeat filings. If a Complainant has previously filed two or more complaints within the preceding 12 months that were resolved for lack of jurisdiction or merit before or after a hearing, then the Dean, or the dean's designate, may (but need not) determine that the Complainant is a repeat filer and dismiss their subsequent complaints for lack of jurisdiction. In such a case, the Dean must inform the Complainant of this reason for dismissal. The Dean shall also inform the Standard 208 Committee of the dismissal, without revealing the name of the filer.

n. **Recusal.** If the Dean or a decanal designee is the Named Party in a complaint or has a similar conflict of interest, they should recuse from the matter and a decanal designee without such a conflict shall be identified.

Examples: The following examples illustrate typical potential complaint processes employing the process set out above.

i. Retaliation for speech. *A faculty member designs a classroom exercise that illustrates a class concept but includes a case that shows Emory Law in a bad light. The faculty member is placed on administrative leave. The faculty member challenges this action through existing personnel practices, but is unsuccessful. The faculty member then files a complaint with the Law School dean or the dean's designee. The complaint would indicate the administrator who placed the faculty member on leave as the Named Party. The Dean should find this complaint to be within the jurisdiction of the Hearing Committee and proceed with the complaint process. Ultimately, if the Hearing Committee issues an adverse report, that report must be distributed to the Complainant, each Named Party, the Law School dean, the Section 208 Committee, and nothing in this policy prevents release of the report to the ABA during the reaccreditation process if the ABA requests it.*

ii. Anticipatory complaint. *A faculty member writes a history article related to their research that shows several other law school faculties in a bad light. The faculty member becomes concerned when they go up for promotion to tenure that their external reviews may be prejudiced against them for their prior speech. While a complaint naming unknown or known reviewers directly would be beyond the jurisdiction of the Hearing Committee, the tenure and* *promotion committee could suggest the faculty member pursue an advisory complaint naming the tenure and promotion committee to obtain guidance on the appropriate treatment of allegedly prejudiced reviews in its own promotion process. This way, the matter could be resolved in advance, without the risk of tainting the promotion and tenure committee's process.*

<u>iii. Amicable resolution</u>. *A faculty member believes that negative comments in SET forms should be excluded from consideration in their application for promotion because some of the comments in the SET forms suggest a particular student's retaliation for the professor's use of the phrase "pro-life" to describe abortion opponents, or a group of students' such retaliation. The professor might include a sentence in their statement to the promotion committee noting this belief and asking the committee either to decline to consider those SET forms or, alternatively, to inform the faculty member if it plans to do so so that the faculty member might consider pursuing a complaint. Alternatively, the professor might ask the ex officio administrative member of the committee, or another member, to raise this concern informally and alert them if the promotion committee intends to consider the SET forms despite the concerns raised. If the committee indicated an intention to consider the forms despite the concerns raised, the professor could file a complaint alleging that such consideration would intrude upon their academic freedom and a Hearing Committee would be formed. The Hearing Committee would meet with the faculty member and, after discussions, all participants might agree amicably that, in lieu of blanket exclusion of the SET forms, the Hearing Committee would prepare a version of the SET forms that redacts potentially-retaliatory comments for the promotion committee's consideration and re-calculates quantitative measures removing the two lowest scores. The matter would then be amicably resolved. Alternatively, absent amicable resolution, a hearing could proceed to assess the promotion committee's violation of academic freedom or open expression through consideration of the SET forms.*

<u>iv. Offensive use of committee to interfere with academic freedom</u>. *A law journal student is disappointed about their journal's decision not to publish their comment, which employs "law and economics" to shed new light on medical malpractice. They file a complaint with the Law School dean naming the law journal as the Named Party and credibly alleging that an editorial board member stated, "I will never support any comment using law and economics, because I do not believe in it." They allege this constitutes impermissible viewpoint discrimination. If the Law School dean determines that the editorial board's judgment is protected academic freedom under this policy, then the dean should determine that the Hearing Committee lacks jurisdiction and set aside the complaint without constituting a committee. Under subsection b, exercises of academic freedom are not "Law School functions" within the jurisdiction of the Hearing Committee.*

2. ABA Standard 208 Committee

Each academic year, the Law School dean shall constitute an ABA Standard 208 Committee ("Standard 208 Committee"). The Standard 208 Committee shall be comprised of one member of the executive committee, one 405(c) or (d) faculty member, one staff member, and one student.

One of these four members shall be named as chair of the committee. Any *ex officio* member shall be non-voting except in the case of a split among the voting members. The charge of the Standard 208 Committee shall be determined by the dean but shall include at least the following three elements: First, at least every three years the Standard 208 Committee shall review the Law School's adherence to this policy and write a report of its review to be shared with the law faculty. Second, the Standard 208 Committee shall periodically review the Law School's academic freedom and open expression policy and recommend any appropriate changes to the faculty. Third, the Standard 208 Committee shall retain records related to the Law School's adherence to its open expression and academic freedom policies, including those designated in the last subsection. Members of the Standard 208 committee shall be eligible to serve as members of any Hearing Committee constituted pursuant to the last subsection.

X. Miscellaneous

A. Building Security and Emergency Information

Faculty members, adjunct faculty, and students are advised that, because of the long hours the building is open, security is a problem and belongings should be safeguarded.

1. The responsibility for building security rests with the Emory Police Department.

Emory Police:	404-727-6111
Norred Security:	404-207-5676

2. Building and office keys are issued by the Law School Operations Manager.

B. Use of Facilities for Other than Law School Activities

1. Other divisions of the University and student organizations thereof may request the use of rooms within the Law School. Such requests will be accommodated, if possible without disruption to the Law School program. The Law School reserves the right to decline to host any program that will create excessive noise or require extensive custodial help.

2. As a general rule, members of the public and bar may not use the Law School facility for meetings or programs unless those meetings or programs are cosponsored by the Law School as an entity. Ad hoc exceptions may be made by the Dean.

3. Reasonable room rental charges and costs for staff overtime and/or use of audio-visual equipment will apply to non-law school organizations according to a fee schedule established by the Dean's Office.

C. Library Policy

It is a faculty member's individual responsibility to learn about and follow MacMillan Law Library policies, which are available on the Law Library's website.

D. Animal Policy

In accordance with University regulations, no animals of any type are permitted in Law School buildings except assistance animals.

E. AI Policy

Faculty must include specific guidance in their syllabus on the use of generative AI.

Appendix A: Faculty Supervision of Student Writing

The Upper-Level Writing Requirement

Every student is required to research a topic in depth, submit drafts of a paper to the supervising faculty member for revision, and produce a substantial paper on a topic. A minimum grade of "C" is required to satisfy the writing requirement, which may be fulfilled through a seminar, directed research, or writing a journal article as a board candidate.

A. Guidelines for All Papers

Every paper must demonstrate the following:

1. Complete and thorough research of the topic with appropriate and accurate citation to sources used. Research must include reference to (a) primary sources such as case and statutory authority and (b) secondary materials including but not limited to legislative history materials, law review articles, and other works of legal scholarship and non-legal materials where appropriate;
2. Thorough analysis of the researched materials consistent with the logical development of an overall premise or theme;
3. Original analysis including identification of unresolved issues and suggestions for their resolution, conclusions based upon the analysis of the sources, and suggestions for likely future developments where appropriate; and
4. Clear, well-organized discussion of the topic with due regard to the fundamentals of good expository writing, including conformance with grammatical rules, accurate spelling and punctuation, and proper sentence and paragraph structure.

Plagiarism of any part of the paper will result in an "F" and/or other sanctions deemed appropriate by the Professional Conduct Court.

B. Mechanical Requirements

1. Papers must be a minimum of 30 pages in length, exclusive of footnotes and bibliography. Papers must be typed double-spaced on 8 ½" by 11" paper with one-inch margins and font no larger than 12 points.
2. Footnotes must conform to the rules of citation found in the *Uniform System of Citation* or *The ALWD Citation Manual*.
3. A bibliography of sources must be attached to the paper.

C. Supervisory Requirements

1. Students must submit a topic outline to the faculty supervisor in accordance with a deadline established by the faculty member.

2. Students must submit a first draft to the faculty member in accordance with a deadline established by the faculty member and must meet with the faculty member thereafter to discuss the draft.
3. A substantial draft must be submitted no later than the last day of classes in the semester.
4. The final paper is due no later than TWO weeks after the last day of examinations in that semester EXCEPT THAT GRADUATING STUDENTS MUST SUBMIT SEMINAR PAPERS ON OR BEFORE THE LAST DAY OF CLASSES IN THE SEMESTER.
5. With the exception of the minimum length requirement of 30 pages, individual faculty members may vary these requirements at their discretion or impose such additional requirements for outlines, drafts, or conferences as they see fit.

D. Directed Research

(Adopted by Faculty 3/31/2013)
Students may pursue a directed research project under the following conditions:

1. The student must demonstrate sincere scholarly interest in a subject in which no class or seminar is available during the semester the student would like to undertake the work;
2. The student must generally have taken at least one foundational course in the project's subject-matter area;
3. The student must secure a faculty advisor (other than an adjunct or visiting professor) who is in residence during the semester in which the student is enrolled in the directed research (unless otherwise approved by the Vice Dean); and
4. The student must obtain the written consent of both the faculty advisor and the Vice Dean (or the Vice Dean's designee). Such consent must be secured before the project is begun.

Directed research projects may be undertaken for one or two credit hours, depending on the scope of the project. (A one-credit-hour project requires a paper of at least 15 pages; a two-credit-hour project requires a paper of at least 30 pages.) To earn these credits, the student must submit, at the end of the relevant semester, a piece of independent writing—not duplicative of other written work completed or being completed for credit—that fulfills the terms of the original proposal, unless the faculty advisor has approved a revision in advance. The student must submit the finished paper to the faculty advisor before the end of the exam period for the relevant semester or seek and secure an Incomplete (I) from the faculty advisor.

Service as a research assistant does not qualify as a directed research project. Directed research credit is awarded for the student's own initiative and ideas and for a paper that is authored by the student, for the student's own purposes and use. A student who works on a faculty project, or with the understanding that the student's work will be incorporated into the faculty member's work, cannot receive directed research credit for that work.

If the student has elected to use the directed research project to fulfill Emory Law's writing requirement, the paper must comply with all applicable terms and conditions for papers designed to meet the writing requirement. A grade of "C" or above is required on the paper to satisfy the writing requirement. If the paper does not ultimately satisfy the writing requirement, the student can still receive directed research credit for the work, assuming the other conditions for directed research have been met.

E. Directed Study

(Adopted by Faculty 3/21/2013)
Students may pursue directed study—with prior written approval of an appropriate faculty member and the Vice Dean (or the Vice Dean's designee)—to earn one or two credit hours over the course of a semester. Directed study allows a student to learn material not currently available within the Emory curriculum, under the direct and regular guidance of a full-time member of the Emory faculty, other than an adjunct or visiting professor, who is in residence during the directed study semester. The content of the directed study program will vary based on the topic, but it should ordinarily involve a syllabus of readings agreed to by the student and the faculty member and weekly (for a two-unit directed study) or bi-weekly (for a one-unit directed study) meetings in which these readings are discussed. The directed study program must also include some form of written work by the student (or an examination) demonstrating the student's understanding of the materials and the larger themes implicated by these materials. The nature, volume, and frequency of the written work or exam will vary with the materials under consideration. An independent research paper is not required to earn directed study credit.

F. Curricular Practical Training

In order for foreign students holding an F-1 visa to participate in a semester internship or employment, a 12- to 15-page research paper, supervised by a full-time, non-adjunct faculty member is required.

Students must do the following:

- Seek out a full-time, non-adjunct faculty member (who teaches in a relevant field) to supervise a Practicum Research Paper. For example, if the student's job is with an intellectual property firm, the student would identify and approach a professor who teaches in the IP area and then complete a related research paper.
- Reach an agreement with their faculty supervisor on a specific paper topic that relates to the work the student will be doing. (If the student needs to adjust his/her topic once the semester starts, based on the actual work he/she is doing, the student may do so, in consultation with the faculty supervisor.)

CPT authorization is coordinated by the Emory Law Center for Professional Development and Career Strategy. As of July 2017, the contact for CPT credit is Laura Yearout, Laura.Yearout@emory.edu.

Appendix B: Professional Conduct Code

THE EMORY UNIVERSITY SCHOOL OF LAW PROFESSIONAL CONDUCT CODE

1. PREAMBLE

The Emory University School of Law School Professional Conduct Code has two important elements at its core. First, it is not confined to misbehavior or dishonesty, but instead begins by emphasizing the positive: specifically, the basic values shared by the entire Law School community. This feature is reflected in the Code's title—it is a "conduct" rather than "misconduct" or "honor" Code. Second, because of its ambitious scope, this Code requires Emory's students to think beyond the boundaries of the Law School, to understand themselves as part of a larger professional context. This too is acknowledged in the title: The Code is addressed to "professionals" rather than "students."

Because these unusual features are not cosmetic, the background for this Code, as well as its purpose and direction, deserve further elaboration.

The Conduct Code reflects the Law School's strong commitment to a set of sustaining, shared values that bind all its elements—students, faculty, and staff—into a true community rather than merely an accidental collection of individuals. These values are also not accidental—they are drawn from the best traditions of the practice of law: They permit us, like the membership of the legal profession generally, to remain connected and directed despite inevitable disagreement among ourselves on controversial social and legal policies. Indeed, our values cause us to welcome diversity of all kinds among us, enabling us to use it to our mutual advantage. Correspondingly, these values enable us to identify forms of behavior and interaction we will not tolerate because they are inconsistent with the mission we have all jointly set for the institution and ourselves.

A. The Values Underlying Emory's Legal Education

The values that characterize and animate the Emory Law School are essentially the following four:

Excellence. This quality is listed first for a reason: Without a fundamental and consistent commitment to it, all other aspects of the institution unravel. In the context of a professional education, information alone is never an end in itself. What we seek is the wisdom and judgment to use information to its fullest, most appropriate potential. This means that the key, unavoidable test to be applied to any decision made by any member of our community is whether it moves that person—and us as a whole—in the direction of distinction rather than the merely adequate.

This value is therefore an attitude, not a result. For practicing lawyers, excellence does not mean "success" in some narrow, marketplace sense of wealth; instead, it means one's dedication to one's professional craft. Similarly, for law professors, an ethic of excellence translates to a determination to contribute to the social institution of law by enhancing as best they can the many ways it can be analyzed, understood, and improved. Professors seek to make their classes interesting and challenging places to be, particularly as each attempts to link the perspective of his/her research to the subjects being discussed and to draw students into generating those ambitious perspectives themselves. Excellence means that the Emory Law School faculty's standards for itself and its students must be high.

For law students, a personal ethic of excellence will not be a function of grades, although academic success often follows from adopting this value seriously. Instead, it is again a matter of attitude—the sense of one's seriousness and dedication to this educational enterprise as a whole. That enterprise always has two parts: Law school is, of course, "school," which means that digesting vast quantities of information is inevitable, but it is also "law," making the value of excellence connect to something larger, more profound, and more demanding than just the data involved. A commitment to legal excellence, then, necessarily leads to additional fundamental principles.

Integrity. For everyone in our professional context—practicing lawyers, professors, staff, and students—an ethic of integrity is essential as well. This value means much more, however, than simply honesty. It is the consistent personal application of an inner ethic of excellence.

For practitioners, integrity means remaining faithful to the bedrock elements of the "rule of law" on which the legitimacy of their work depends. This can be summarized, in large part, by the idea that at some point a lawyer's responsibility is not to do what a client demands, but instead to say "no" because the system of law itself—and the lawyer's place within it—will be compromised unacceptably by any lesser response. It is an uncomfortable thing to have to do.

Similarly, for law professors, integrity means remaining faithful to the academic standards and scholarly perspectives on which the legitimacy of legal education depends, even when doing so becomes personally uncomfortable. Teaching, for example, must first be rigorous and thorough before it can appropriately be personable and relaxed. Although integrity requires a scholar to emphasize substance before popularity, these two qualities should, and often do, travel together. The best learning environments are not hostile and inhumane.

For law students, integrity requires a special insight: Law School is not simply an extension of undergraduate school, where students are so often encouraged to view themselves as mere consumers of education, waiting passively as others feed them agreeable morsels of information. Quite the contrary, law school demands that its students recognize that they are in different circumstances: As "professionals" rather than just "students," they must acknowledge, sometimes uncomfortably, their own individual responsibility for important elements of their education. When the study of law becomes less than convenient, inspiring, and satisfying, students in a professional context cannot legitimately attribute these difficulties simply to the school or its instructors. Cynicism and integrity are incompatible. Rather than being victims of their surroundings, Emory Law students are expected to be full-fledged participants in their professional development.

Respect. In the context of a professional education, the ethic of respect also has a more focused meaning than its conventional moral form. While all members of the Law School community should treat each other with personal respect, professional respect is dependent on a person's commitment to the values of excellence and integrity on which the institution's heritage depends. Interpersonal respect at Emory, in other words, is derived from factors such as the value each of us attributes to the law itself as a social institution, the esteem in which we hold the practice of law as a profession, and the recognition we give to those among us who exhibit the highest standards for themselves as teachers or students. As a consequence, ridicule of those who take their involvement in this educational community seriously has no place at Emory; by the same token, criticism of those who lack a commitment to excellence and integrity is entirely appropriate. Law students at Emory are entitled, then, to demand the professional and educational best from its faculty and their fellow students, just as faculty are entitled to demand the same from fellow faculty and students. And when these demands are met, as we believe they overwhelmingly are at Emory, respect becomes a natural and integral part of the environment.

Service. The legal system exists not for its own sake, but to regulate and facilitate social interaction. Lawyers operate within a service industry vital to the country's entire population, providing expert assistance in sometimes difficult and controversial circumstances. Lawyers consequently have a special responsibility to see that legal assistance is as widely available in society as it can be. The Emory Law community has long been characterized as emphasizing this ethic of professional service as a regular and expected part of legal education. We encourage faculty and students alike to participate in various activities that stretch the impact of our educational efforts well beyond Gambrell Hall, and in particular to segments of our society that have historically been underserved by the legal profession.

B. Values and Misconduct

These values provide the necessary perspective for the remainder of this Code, which identifies conduct the Emory Law community considers unacceptable and the procedures for responding to it. For example, it is certainly clear why the Code prohibits dishonesty in all its varied forms—lying, cheating, stealing, plagiarizing, taking unfair advantage, and so on. These actions are all fundamentally at odds with the values of excellence and integrity, and they manifest contempt for our community rather than the respect it, and all of us individually, deserve. In addition, tolerance of dishonesty becomes unacceptable, requiring those who take our values seriously to consider the painful personal responsibility of reporting those who do not. Even comportment, in and out of the classroom, becomes important as the degree to which we acknowledge the Law School's values both personally and practically. Unacceptable conduct by students is subject to prosecution before the Professional Conduct Court ("Conduct Court") as described in this Code.

2. JURISDICTION

All students registered at the Emory University School of Law are subject to this Code. Students include full-time and part-time students, students in degree courses in any division of the University, and special students such as visiting and transient students.

3. NOTICE

All students shall receive a copy of the Code upon matriculation.

4. PLEDGE

As a condition of registration, each student must file with the Office of the Law School Registrar a copy of the following pledge signed by the student:

I, _______________, as a student entering Emory University School of Law, understand that I am joining an academic community and embarking on a professional career. The Law School and the legal profession share important values that are expressed in the Emory University School of Law Professional Conduct Code. I have read the Code, I accept its terms and procedures as a condition of registration, and I will conduct my academic, professional, and personal life to honor those shared values.

If a student is mistakenly permitted to register without having a written pledge on file, this fact will not permit that student to contend that he/she is not subject to this Code.

5. OFFENSES

The following are acts of misconduct that will subject a student to prosecution under this Code.

A. Academic Misconduct:

1. Intentionally obtaining or giving information about the content of an examination, knowing that the release of that information has not been authorized, or otherwise intentionally giving or obtaining unauthorized assistance on any academic assignment or examination.
2. Failing to report to the Assistant Dean for Academic Engagement and Success unintentional receipt of information about the content of an examination, knowing that the release of that information has not been authorized.
3. Plagiarizing or plagiarism, which means using, intentionally or not, a written document or electronic record reflecting the ideas or words of another as one's own without proper attribution to the source of those ideas or words.
4. Intentionally using, giving, or obtaining unauthorized assistance on any academic assignment or examination.
5. Intentionally misshelving, hiding, or damaging library property or intentionally removing library property without authorization.
6. Intentionally misappropriating another student's books, notes, outlines, papers, or study materials without permission.
7. Intentionally giving false or misleading information to any member of the Law School community or a committee thereof for the purpose of gaining academic advantage or influencing a decision on an academic matter.
8. Intentionally violating the Law School's administrative policies or those of any of its programs, including, but not limited to, moot court, the law journals, the Law Library, the field placement program, the first-year legal writing program, the Kessler-Eidson

Program for Trial Techniques and the Center for Professional Development and Career Strategy with the intent of gaining unfair advantage or evading previously assumed obligations.

B. Unlawful Conduct:

1. Intentionally violating University rules and regulations applicable to law students.
2. Deception in University matters, including, but not limited to, knowingly furnishing false information to the University or to third parties regarding academic performance at the University or at any academic institution previously attended; counterfeiting, forging, or altering any University document, record, registration, or identification; knowingly furnishing false or misleading information to the University or its agents for the purpose of gaining financial assistance or avoiding payment of financial obligations; or falsely holding oneself out to be an employee of the University or an officer of a student organization.
3. Abusing the person or property of another, including conduct occurring on University property that threatens the personal safety or the property or the physical or mental health of a member of the University community; or stealing or misappropriating another person's property while that person is on University property.
4. Conviction for breach of the law of the United States or any state.

C. Unethical Conduct:

1. In the context of any field placement or any employment situation in which local legal ethics rules would apply if the student were a member of the local bar, engaging in conduct that would be sanctionable under those local rules.
2. Intentionally breaching the confidentiality of proceedings under this Code.
3. Giving false information or testimony to the Conduct Court.
4. Failing to report to the Assistant Dean for Academic Engagement and Success conduct that would subject a student to prosecution under this Code.
5. Acting in a manner not otherwise directly covered in this section that shows an intentional disregard for the ethical standards of the legal profession or the fundamental values of the Emory Law community.

6. SUMMARY SANCTION FOR MINOR OFFENSES

Offenses that do not rise to the level of professional misconduct, but which nevertheless merit sanction, may be summarily sanctioned by the faculty member or senior staff person who discovers the misconduct. Examples of this kind of misconduct include violation of course rules that do not involve academic dishonesty and violation of rules relating to decorum in the Law School or Law Library.

The faculty member or senior staff person sanctioning the conduct will provide in writing to the Assistant Dean for Academic Engagement and Success the name of the student, the offense sanctioned, and the sanction imposed. Summary sanctions will not become a part of the student's academic file. They may be considered by the Conduct Court only in determining the appropriate sanction should the student be convicted of a subsequent violation of this Code. Information about summary sanctions is not subject to the confidentiality requirements for proceedings under this Code.

Any student who is dissatisfied with the imposition of a summary sanction may appeal by contacting the Assistant Dean for Academic Engagement and Success and requesting that the sanction be vacated and that prosecution under this Code be undertaken.

7. NEGOTIATED RESOLUTION

Any prosecution may be resolved through a negotiated resolution. Resolution discussions may be initiated by the accused student, the complaining party, or the Assistant Dean for Academic Engagement and Success at any time prior to the meeting of the Conduct Court to hear the charge. Negotiations for the resolution of a dispute must be undertaken promptly and shall not be allowed to cause a substantial delay in the proceedings of the Court. If the negotiating parties fail to reach agreement within a reasonable period of time, prosecution of the offense shall proceed as described in this Code.

The parties to a negotiated resolution shall include the accused, the prosecutor, and the complaining party. Resolution discussions may take place only with the unanimous consent of all the negotiating parties. If parties consent to the negotiations, the prosecutor shall inform the Assistant Dean for Academic Engagement and Success, who will convene the negotiation session. If the complaining party is not a member of the faculty or senior staff, the Assistant Dean for Academic Engagement and Success shall recruit a member of the faculty to participate as a negotiating party.

Any sanction permitted under this Code may be imposed by agreement. All resolution agreements must include a short statement of the circumstances of the negotiated resolution. All parties must read and approve the statement before the resolution can be considered final. Any negotiated resolution must be approved by the Dean.

The statement will be maintained in the files of the Dean and will be kept confidential, except that it must be disclosed to negotiating parties in any future resolution negotiations relating to the same accused student or in any prosecution of the same accused student for a further offense under this Code. The Dean shall notify the Law School community generally of the fact of a negotiated resolution without revealing identifying information about the accused.

8. THE PROFESSIONAL CONDUCT COURT

Offenses will be prosecuted before the Professional Conduct Court. The Conduct Court will have five members.

Two members of the Court will be Law School faculty members appointed by the Dean. Appointments will be made no later than April of each year to run for 12 months. One faculty member shall be designated by the Dean as Chief Justice of the Court.

Two members of the Court will be law students elected from the student body. Elections will be held no later than April of each year with the term of office to be 12 months.

One member of the Court will be a member of the Emory Law Advisory Board. This member will be appointed by the Chief Justice of the Court on a case-by-case basis. The Advisory Board member appointed must be a Law School graduate and must not be an employee of Emory University.

9. INVESTIGATION

The Assistant Dean for Academic Engagement and Success shall investigate complaints under this Code. If the Assistant Dean for Academic Engagement and Success is personally a party or otherwise unavailable to serve in a particular case, the Dean shall appoint a substitute from the faculty of the Law School to investigate the case.

When a complaint of misconduct is made to the Assistant Dean for Academic Engagement and Success , he/she will investigate the complaint as expeditiously as possible and if he/she finds reasonable cause to believe that an offense has been committed, he/she will formally notify the accused of the charge and refer the charge to the prosecutor. The accused will be notified of the charge in writing by delivery of a sealed envelope in person or to his/her student mail file. A notice will be sent to the student by email to check his/her mail file.

10. PROSECUTION

The student body shall elect a rising third-year student for the purpose of serving as prosecutor under the Code. Elections will be held not later than April of each year with the term of office to be 12 months.

The student body shall also elect a rising second-year student as deputy prosecutor for the purpose of assisting the prosecutor as requested on a case-by-case basis and serving as prosecutor in the event that the prosecutor is a party or otherwise unavailable to serve in a particular case.

The deputy prosecutor shall be elected for a term of office of 12 months to run concurrently with the term of the prosecutor. The deputy prosecutor will be encouraged, but is not required, to run for election as prosecutor as a third-year student.

If for any reason both the prosecutor and deputy prosecutor are unable to serve in a particular case, the responsibilities of prosecution in that case will fall to the President of the Student Bar Association or his/her designee.

Concurrently with the election of the prosecutor, the student body shall elect a rising third-year student to serve as defense counsel in prosecutions under this Code. This student will be available to serve as defense counsel for any student accused of an offense under this Code if the student so requests.

11. CONFIDENTIALITY

All proceedings, except summary sanctions, up to the final resolution of the charge shall be kept confidential by all participants unless the accused chooses to waive confidentiality, in which case all parties are relieved of the responsibility of confidentiality. The accused shall not be presumed to have waived confidentiality by speaking to potential witnesses or student defense counsel about the allegation while preparing his/her defense. Confidentiality requirements also do not prevent an accused student from discussing his/her situation with his/her parent or guardian. Any breach of confidentiality shall be brought to the attention of the Court.

Information on summary sanctions may be shared amongst faculty and senior staff but not with students.

12. PROCEDURE

The prosecutor will ask the Chief Justice to convene the Court to hear the charge. The Chief Justice will convene the Court as promptly as possible but, in any event, during the academic term in which the offense occurred or was discovered. If the offense occurs or is discovered any time within 14 days of the beginning of, or during, the examination period, the hearing may be deferred until the beginning of the next semester.

If the accused is a student in his/her final semester, his/her diploma will be withheld pending resolution of the charge.

If a member of the Court is a party to the case, or otherwise unavailable to serve, the Dean or the President of the Student Bar Association, as appropriate, will appoint a substitute to hear the case.

13. THE HEARING

The accused may admit the charge. If the accused does so, the prosecutor will inform the Court of this admission and may make recommendations as to an appropriate sanction. The Court will then proceed to consider sanctions.

If there is no admission, the prosecutor will prosecute the charge before the Court.

All members of the Court must be present to constitute a quorum.

The accused may represent him/herself or he/she may ask another member of the Law School student body or the elected defense counsel to represent him/her at the hearing. All cases brought before the Court will be prosecuted and defended by members of the student body.

The prosecutor and the accused may present any relevant information, including witness testimony.

Hearings shall be closed.

The Court shall have the authority to maintain an orderly and efficient hearing.

The burden of proof for conviction shall be by clear and convincing evidence. Conviction must be by vote of at least four of the five members of the Court.

The Chief Justice shall inform the accused orally of the Court's decision immediately after a decision is reached.

If the accused is acquitted, the Chief Justice will notify the Dean of the acquittal as soon as possible. The Dean will make known the final resolution of the case to the Law School community. The accused shall have the option of having the Dean publish his/her name along with the fact of his/her acquittal.

If the accused is convicted, the Court shall then consider sanctions. A vote of at least four of five members of the Court is required to adopt a sanction or sanctions, except that a vote to expel a student must be unanimous.

14. SANCTIONS

One or more of the following sanctions may be imposed:

(a) an oral reprimand to be administered by the Dean;

(b) a written reprimand placed in the student's permanent file and reported to any bar to which the student seeks admission;

(c) suspension for not less than one semester nor more than four semesters, with a written reprimand in the student's permanent file to be reported to any bar to which the student seeks admission;

(d) delay in graduation for a specified period of time after normal completion of degree requirements with a written reprimand in the student's permanent file to be reported to any bar to which the student seeks admission; or

(e) expulsion with a written reprimand in the student's permanent file to be reported to any bar to which the student seeks admission.

Other sanctions may be imposed in the appropriate case such as, for example, termination from the staff of a law journal or a failing grade of "F." If a student is convicted of cheating or plagiarism, a grade of "F" in the course is presumed to be the appropriate sanction in addition to any other sanctions.

15. POST-CONVICTION

The Chief Justice will communicate the Court's decision and sanctions to the accused orally immediately after the decision is reached. He/she will also notify the Dean of the Court's decision and sanction(s) in writing as soon as possible after the hearing. He/she will forward to the Dean the verdict, the findings of fact, and any documentary evidence, notes, or tape recordings of the proceedings. Copies shall be provided to the accused.

The Chief Justice will also inform the accused that he/she has 10 calendar days from the date of the hearing in which to appeal the conviction and/or the sanction to the Dean. If the Dean is unavailable to hear the appeal, the appeal will be to the Associate Dean of Academic Affairs.

Appeals must be in writing. If the Dean does not receive a written appeal within 10 calendar days after the hearing, the conviction will stand and the sanction(s) of the Court will be imposed. This will be the final resolution of the case.

If the accused does appeal, the Dean shall have a further 15 calendar days after receipt of the written appeal to consider the appeal. He/she may grant the appeal and overturn the conviction, confirm the conviction and impose the sanction(s), or confirm the conviction and impose a lesser sanction. The Dean's decision on the appeal will be communicated to the Chief Justice and to the accused student in writing. The Dean's decision shall be final and not subject to further appeal.

The Dean will then notify the Law School community generally of the final resolution of the charge. If the accused student is convicted of a charge for which a period of suspension or expulsion or delay of graduation is imposed, the notice to the community will include the name of the convicted student.

The functions of the Dean under this subsection may be fulfilled by his/her designee.

16. AMENDMENTS

This Code may be amended by majority vote of the Law School faculty. Amendments will be proposed by a committee composed of faculty and students.

17. EFFECTIVE DATE

This Code supersedes the Student Honor Code adopted in August 1984. It has an effective date of March 1, 2000.

Appendix C: Conflict of Interest Form

Faculty Conflict of Commitment and Conflict of Interest Disclosure Form

First name:	
Last name:	
Emory email address:	

Overview
Please report significant outside time commitments and business interests as requested in the questions below. Your annual faculty activity report will be considered your report of non-compensated professional activities. Faculty who conduct "sponsored research" must *also* complete the Emory University ECOI form.

This report covers the academic year from April 30, 20__ to May 1, 20__.

"Private Consulting" is defined as services performed or products created or sold for which remuneration in any form is received from a person, firm, or corporation other than Emory University.

Potential Conflicts of Commitment

	Yes	No
Did you spend more than 20 percent of your time in private consulting, as defined above, during the period covered by this report? A "rule of thumb" expressing this 20 percent figure in the Emory Law Conflicts Policy suggests no more than one day per week should be devoted to private consulting; ABA standards specify no more than 400 hours per year for full-time faculty.		
Did you involve any of your students or support staff in your compensated professional or commercial activities?		
Did you use University resources (including facilities, equipment, and confidential information) in carrying out your outside compensated professional or commercial activities? The incidental de minimis use of telephone and office equipment is acceptable.		

Consulting and Other External Commitments
All consulting agreements, outside employment, expert witness services, membership on for-profit corporation boards, and other profit-generating external professional activities and any services performed or products created and/or sold for which remuneration in any form is received from a person, firm, or corporation other than Emory University must be disclosed in order to determine whether a conflict of interest is created. University policy stipulates that all such agreements must be reviewed and approved by the Dean of the Law School in advance.

Do not report honoraria or the like of a value of less than $10,000 received for traditional faculty responsibilities such as preparing papers, speeches, evaluations, peer review, or articles and books for publication.

	Yes	No
Have you received compensation in any form for consulting or other external activity as defined above?		

If you answer "Yes," then you must also fill out and return the detailed spreadsheet provided with this form.

Acknowledgement and Signature
I have read the Emory Law Policy on Faculty Conflict of Commitment and Conflict of Interest and the questions on this reporting form. I certify that I have no potential conflicts in any of the categories and that I am in compliance with the Emory policy. I supply this information for confidential review by the Dean of the Law School, and I do not authorize release of it for any other use.

______________________________ __________________________
Signature Disclosure date

Note: The spreadsheet referred to above asks for the following information for each reported activity:

Name of Entity or Other Employer
Agreement Duration
Previous Dean Approval (Y/N)
Approximate Number of Hours Committed