

ST. MARY'S UNIVERSITY SCHOOL OF LAW

Policies and Practices Manual

Practicing Faculty



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TABLE OF CONTENTS

Preface.....	1
Policies and Practices Manual.....	2
Mission Statement.....	2
Employment Issues.....	2
New Hire Paperwork.....	2
Employee I.D. Cards.....	3
Getting Paid.....	3
About Pay and Other Options.....	3
Parking.....	3
Other Items Required Before Classes Start.....	4
Online Communication Tools.....	4
Assignments for the First Class Meeting.....	4
During the Semester.....	5
Staff Support.....	5
Teaching and Advising.....	5
Permanently Changing Class Times or Rooms.....	5
Availability.....	5
Attendance.....	5
Canceling/Rescheduling a Class.....	6
Privacy Protections.....	6
Problems with a Student.....	6
Auditing.....	7
University Closures.....	7
Academic Assessment.....	7
Accommodations for Students with Disabilities.....	7
Title IX and Related Issues.....	7
Speakers in Class.....	8
Independent Study.....	8
Writing Requirements.....	8
Employment Opportunities for Students.....	8
Past or Sample Exams.....	8

Violations of the Honor Code	9
Student Organizations	9
Law Library	9
Dining.....	9
Semester’s End.....	9
Course Evaluations.....	9
Exams.....	9
Scheduling.....	9
Drafting	9
Exam Writing Tips.....	10
Exam Model Instructions.....	11
Logistics	13
Anonymous Grading	13
Proctoring	13
Grades and Grading.....	13
Deadlines.....	13
The Letter Grading Scale.....	14
Grading Curve.....	14
Other Factors in Grading	16
Exam Reviews	17
Exam Review Tips	17
Changing Grades	17
Retention of Exams	18
Practicing Faculty Teaching Trial Advocacy, Legal Research & Writing or Alternative Dispute Resolution	18
Other	18
Guidelines for Submitting a Course Proposal	18
Thank You	19

Preface

Dear Practicing Faculty,

Whether you teach your first course this semester or your fortieth, please know how very important you are to St. Mary's. There is no way that our comparatively small full-time faculty can provide our students with the variety of courses or the small-group environment that Practicing Faculty-led courses allow.

Much more important, the unique experiences you and your colleagues in the practicing faculty bring to the classroom expose our students to practical problems and solutions — and sometimes to the necessary truths — of the daily practice of law. Of course, St. Mary's practicing faculty teach the ideal, the manner in which the best practitioners with the highest professional values solve problems according to law.

We know that you are here to do more than teach rules; you are helping to form professionals. The faculty and I are grateful for your donation of your time, your care, and your knowledge to help create a new generation of lawyers who love the law, seek justice for all, and care for their clients.

This manual was first created in 2015 by Dean Victoria Mather. She drew together the many instructions and communications that have been the staple of Practicing Faculty management for many years. She has consulted with many people and tried to answer, here in advance, many questions. It is a step forward, one of many the School of Law plans to improve the quality of your experience and the support you receive in helping our students. If you have suggestions for further improvements, please let us know.

Stephen M. Sheppard
Dean

Policies and Practices Manual

On behalf of the administration of St. Mary's University School of Law, thank you for agreeing to teach as a Practicing Faculty member. We value your contribution to legal education and the School of Law. Should you have questions concerning any aspect of your teaching or grading duties, please contact me at 210-436-3713 (my direct dial line) or at ahardberger@stmarytx.edu.

The purpose of this manual is to provide you with information regularly requested by Practicing Faculty in past years. Many of the questions that practicing faculty routinely ask are answered in the current edition of the *Student Handbook*. Additionally, the *Student Handbook* is also posted on the St. Mary's website which can be found online at <https://www.stmarytx.edu/policies/policy/law-student-handbook/>.

Although this manual provides you with a summary of the information most often requested by Practicing Faculty, it does not replace or supersede the *Student Handbook*.

Amy Hardberger
Associate Dean for the School of Law
Professor of Law

Mission Statement

The Law School's Mission Statement informs every aspect of its work. It states:

“St. Mary's University School of Law, a Catholic Marianist institution, prepares its graduates for the competent and ethical practice of law in a community of faith that encourages and supports educational excellence, scholarship, public service, and the promotion of justice.”

Employment Issues

New Hire Paperwork

The first step in your paperwork process is to visit the St. Mary's University Human Resources Department, which is located in St. Louis Hall, Room 12, (in the basement), One Camino Santa Maria, San Antonio, TX 78228, 210-436-3725, Fax 210-431-2223, Monday through Friday, 8:00 a.m. – 12:00 p.m. or 1:00 p.m. – 5:00 p.m. (A campus map is available online at <https://www.stmarytx.edu/map/>.) You will be asked to complete an employee data sheet, Form W4, and Form I9, and to sign two policy signature pages. Please bring with you a valid picture I.D. AND your Social Security Card OR Birth Certificate OR Passport. A background check will also be conducted. Once your background check is cleared, an employee I.D. number will be issued to you by Human Resources. Background checks generally take between three and five business days to complete.

Employee I.D. Cards

With your employee I.D. number in hand, please go to the Cottrell Learning Commons, which is located on the first floor of the Louis J. Blume Library. The person at the Help Desk at the back of the Commons will make your I.D. card. This desk is staffed from 8:00 a.m. to 6:00 p.m., Monday through Friday. You will also be provided with your *Gateway* user name and password and St. Mary's email account. *Gateway* is the University's self-service portal, which you can reach via the St. Mary's University website (<https://gateway.stmarytx.edu/>). The portal allows you to see your personal and course information, view your class roster, and access your St. Mary's email account. Your new photo I.D. will allow you to check out books in the University and Law School libraries. It also entitles you to faculty discounts at Half Price Books.

Getting Paid

All paychecks are prepared and issued by the Payroll office. As a practice, payroll checks are disbursed by the Accounts Payable office located in St. Louis Hall room 121 on the designated pay dates. The checks are held one week and then, if not picked up, mailed to the permanent address of the employee. Practicing Faculty can request that their paycheck be mailed on pay day by contacting the Payroll office by email. A Practicing Faculty member can be paid through direct deposit that you set up electronically through *Gateway*. Practicing Faculty members are paid once monthly on 9/15, 10/15/ 11/15, and 12/15 for fall semester. The dates for spring semester are 2/15, 3/15, 4/15, and 5/15. If you do not receive compensation, please contact the Financial Records Director, Maria Rodriguez, at 210-431-4360 or mrodriguez@stmarytx.edu.

About Pay and Other Options

The Law School realizes the stipends we pay Practicing Faculty is far less generous than we would want. Indeed, it is likely that the time you lose from your employment is worth more in dollars than we pay, or could pay you. We are grateful to you for your donation of your time and care. Please see the offer of your stipend as a symbol of our thanks.

That said, some Practicing Faculty who are able to do so have contributed their pay for their work back to the school to establish a scholarship fund. If this is something you might be willing to do, you can contribute to a joint Practicing Faculty's Scholarship or to an individual scholarship in the name of your choosing. To discuss this option, please contact Dean Hardberger or the Director of Advancement, Joel Lauer.

Parking

To obtain a parking decal (and avoid a ticket), you need to present the following items at the University Police Department, which is located on the first floor of Treadaway Hall: your employee I.D. card; your driver's license; proof of auto insurance; and the license plate numbers for each vehicle you might bring to campus. You will receive a hang tag for your vehicle at the Police Department, and you must display this tag every time you park on campus. The decal entitles you to faculty parking or student parking, but not to visitor parking. If at some point you bring a vehicle to campus that is not on your registration (for example, a rental car), you must stop

by the Police Department before parking and obtain temporary permission to park that car on campus with your existing hang tag.

Other Items Required Before Classes Start

Before your class begins, you must submit three additional items to the Law School. One is a course syllabus. Consult the Academic Calendar on the Law School website for all relevant dates, such as the end and beginning of classes and holidays. The most recent version of class schedules and the law school calendar are posted on the St. Mary's website. Syllabi should be submitted to Dean Hardberger's assistant, Bebe Gonzalez, at bgonzalez4@stmarytx.edu. The syllabus should be distributed to the students at the beginning of the course and followed as closely as possible.

The second is an original J.D. transcript mailed to us *directly from* the law school where you received your J.D. Most law schools now allow you to request a transcript online, but you will need to check with your alma mater to determine how best to proceed with regard to this item.

You also must order your casebooks and any other course materials that the students will need for your class. Ms. Becky Adams coordinates the procurement of casebooks and other course materials through the University Bookstore. Ms. Adams offices in the Law Administration Building and can be reached at badams@stmarytx.edu or 210-431-5017. Ordering books early is important, so that the correct materials can be in stock for the students before the semester begins. Ms. Adams can also obtain, at no cost to the faculty member, desk copies of any book the professor considers as a potential required text. The Bookstore is located on the first floor of the University Center. Please do not ask your students to bear any copying or administrative costs unless you have determined from Ms. Adams that the Law School cannot provide the service or materials.

Online Communication Tools

Practicing Faculty members are encouraged to use online communication tools to perform tasks such as staying in touch with their students and posting class materials and announcements. Two such tools, The West Education Network (TWEN) and Blackboard, are available to Practicing Faculty. Blackboard is accessed through the University website; TWEN is available through Westlaw. If you wish to use either of these tools, please contact the staff in the Law Library for training. Most St. Mary's law professors use TWEN, although many students also are familiar with Blackboard.

Assignments for the First Class Meeting

Practicing Faculty may post assignments for their first class meetings on TWEN or Blackboard. The use of hard copy postings of first assignments is now rare, and most students will not check for such postings. Also bear in mind that the first week of each semester is the add/drop period for the Law School, so the roster for your class will not be finalized until the second week of classes.

During the Semester

Staff Support

You will be assigned an administrative assistant in case you need staff support related to your class. Her name and contact information will be emailed to you before the semester begins. If you have not yet received this information and require assistance, please call Ms. Aurelia Vincent 210-431-2251 or avincent@stmarytx.edu. Ms. Vincent is located on the second floor of the Raba Law Faculty Building (the “round” building). She can assist you with typing and photocopying needs and can help you determine what services are available at the Law School and the University.

The law school administrative staff also is available to assist you. Two persons on staff may be of particular interest to you. Ms. Yvonne Olfers, the Director of Student Records, yolfers@stmarytx.edu or 210-436-3531, will answer questions about the law school calendar, grades and grading (including deadlines, grading standards, and student exam numbers), and a myriad of other administrative matters. Ms. Catherine Mery, the Director of Student Enrollment, 210-436-3522 or cmery@stmarytx.edu can provide information about course registration.

Teaching and Advising

As a law school teacher, you have a number of obligations and expectations to satisfy. Some of these are requirements imposed on all teaching faculty by the ABA approval process or by local policies adopted by the University or the Law School faculty. Others reflect student expectations. A guiding principle for all teachers is this: If I were a student again, what would I expect of a competent teacher?

Permanently Changing Class Times or Rooms

You may not permanently change class times or rooms without permission from Dean Hardberger. Given class schedules and room availability, making such changes is difficult and rare.

Availability

You will not have an office on campus, but you should be reasonably available to students before or after class, or at other times during the week, to answer questions about the course content or procedures.

Attendance

ABA rules require all faculty members to take attendance. You can do so either through sign-in sheets or visual observation. Sign-in sheets are preferable because they provide a paper trail should a dispute arise. If a student stops attending class, please notify Ms. Mery so that she can determine the student’s status. If a student has been absent from one-third or more of the scheduled class meetings in a course, the student *shall* be withdrawn from the course, irrespective

of the reason for such absences. This rule is not subject to professorial or administrative discretion. Please notify Dean Hardberger if you have a student who has missed more than one-third of the class. (For example, if a class meets 45 times during the semester, a student who misses 15 classes will be automatically withdrawn from the course. If a class meets 30 times, a student who misses 10 classes will be automatically withdrawn. And if a class meets 15 times, a student who misses 5 times will be automatically withdrawn.) You may reduce grades if a student misses too many classes. This is addressed in the “Grading” section of this manual. Information concerning grade reductions due to absences must be provided to Ms. Yvonne Olfers when grades are submitted. You should maintain your attendance records for one year after the completion of the course.

Canceling/Rescheduling a Class

It is important to meet classes as scheduled and on time. The ABA requires courses to meet for a specified number of minutes in order to qualify for credit. Moreover, students expect to receive the number of hours of class time for which they have paid. Avoid keeping students beyond the time allotted for the course, because they don’t want to be late for the next class.

Do not cancel or reschedule individual classes unless it is absolutely necessary to do so. If you must cancel/reschedule a class, please announce that fact as far in advance as possible and send your students a message – for example, through TWEN - about any changes. To cancel and/or reschedule, please contact Ms. Vincent so that she can post a notice on your classroom door, and you should promptly arrange with Ms. Olfers for a room and time for the rescheduled class. Normally, you should reschedule classes that you cancel, and all make-up sessions must be held at times that are convenient for the students.

Privacy Protections

Students enjoy a variety of privacy rights, many of which are conferred in the Family Educational Rights Privacy Act (FERPA). A short guide to FERPA is available on the St. Mary’s website at <https://www.stmarytx.edu/about/offices/registrar/ferpa/ferpa-faqs/>.

Problems with a Student

St. Mary’s values your safety and the safety of all of those on campus. If you ever feel physically unsafe with a student or anyone else while you are on campus, immediately contact the University Police. From an on-campus telephone, simply dial 1911. From an off-campus telephone, dial 210-431-1911. The University Police also provide non-emergency safety assistance, such as safety escorts on campus, and unlock and jumpstart assistance on campus. The telephone number for these non-emergency services is 210-436-3330.

Much more common are situations where students need additional help with various academic problems. For example, if you notice that a student has consistent technical problems (*e.g.*, reading cases, making outlines, or establishing good study habits), please direct him or her to the Office of Academic & Student Affairs. This Office is located on the Raba Building’s first floor and may be reached at 210-431-4340 or at academicaffairs@stmarytx.edu.

If a student is struggling with personal problems of a family nature or of a time management nature, please refer him or her to the law school dedicated counselor Ileana Velazquez at 210-431-4225 or ivelazquez@stmarytx.edu or to the University Student Psychological & Testing Center at 210-436-3135. The Center is located in the building directly behind Raba and has trained educational psychologists who will provide professional support at no cost to the student. Any problems with a student may be referred to Alan Haynes, Associate Dean for Law Student Affairs or Dean Hardberger.

Auditing

A professor may not give permission to audit a course. The Law School sets out the requirements for auditing a course in Section II.L. of the *Student Handbook*.

University Closures

Weather or other adverse events may cause the cancellation of classes. Sign up on *Gateway* to get these alerts.

Academic Assessment

In order to improve student learning and to comply with new accreditation requirements, the Law School now requires many of its professors to perform academic assessment in their courses. Dean Hardberger will inform you in advance if you are required to perform academic assessment. In addition, step-by-step help is available to guide you through the assessment process. For more information on assessment, you may contact Dean Hardberger.

Accommodations for Students with Disabilities

Students seeking accommodations for disabilities (for example, a learning disorder) under the Americans with Disabilities Act (ADA) must present at the Student Psychological & Testing Center. No faculty member may grant any disability adjustment to assignments, deadlines, or final examinations. You will not be informed of the identity of any student who receives accommodations pursuant to the ADA. The Associate Dean's office through Ms. Bebe Gonzalez, bgonzalez4@stmarytx.edu will administer final examinations to those students with exam accommodations.

Title IX and Related Issues

St. Mary's University School of Law does not discriminate on the basis of sex, handicap, race, color, religion, creed, or national or ethnic origin in its educational programs, admissions, policies, employment policies, financial aid, or other school administered programs. St. Mary's demands strict compliance with Title IX, which protects you, faculty, staff, and students from sexual discrimination, harassment, assault, or violence. Inquiries regarding compliance or violation of these policies should be directed to the Director of Human Resources, in person in St. Louis Hall or by telephone at 210-436-3725. If you have been the victim of sexual harassment/misconduct/assault we encourage you to report this. If you report this to a faculty or staff member, she or he must notify the University's Title IX coordinator about the basic facts of the incident (you may choose whether you or anyone involved is identified by name). The Title

IX coordinator will assist you in connecting with all possible resources both on and off campus. For more information please go to <https://www.stmarytx.edu/about/title-ix/>.

Speakers in Class

Exposing law students to practicing lawyers and members of the judiciary can greatly enhance students' learning experiences. At the same time, the University must be mindful of the limits on what could be construed as political activity and of not placing undue burdens on the time of dignitaries. As a result, invitations to political figures and dignitaries must comport with relevant University policies. These policies may be found online at www.stmarytx.edu or <https://www.stmarytx.edu/policies/policy/political-campaigns-and-political-activities/>.

Independent Study

A student may ask a practicing faculty to supervise an independent study project or paper. By faculty policy, only full-time faculty members may supervise an independent study. (Please refer the student to the *Student Handbook* section entitled "Independent Study.") You may work with a student and a full-time faculty member to assist a student with an Independent Study, with Dean Hardberger's permission.

Writing Requirements

If you teach a class requiring or permitting a research paper, students will want to know if the paper satisfies the "writing requirement." You will know whether your class can fulfill the students' writing requirements by checking the online course listing; all classes in which students may satisfy this requirement are so denominated there. If you are teaching a class that can fulfill this requirement, the *Student Handbook* section entitled "Required Courses" describes what is entailed. In order for a student to satisfy the writing requirement, he or she must successfully complete a "research paper of at least 6,000 words (approximately 25 double-spaced pages) plus footnotes or endnotes." At the end of the semester, you will be asked to certify any of your students whose work satisfies this requirement. Lesser papers, or those that do not involve "research," do not qualify.

Employment Opportunities for Students

If you have or know of an employment opportunity for law students, please contact the Office of Career Services, 210-436-3511, or send an email to Kimberly Underdown at kunderdown@stmarytx.edu. The Law School appreciates the many opportunities that practicing faculty have brought to the students' attention through Career Services.

Past or Sample Exams

Sample, practice, or old exams are useful to students studying for your exam. You may give those exams directly to your students or to the Law Library staff, the Office of Academic and Student Affairs, or both. The Library and the Office both keep such exams for student use.

Violations of the Honor Code

A professor who believes that a violation of the Honor Code has occurred (for example, that a student has intentionally plagiarized material), should contact Dean Haynes or Dean Hardberger. More information about the Honor Code is available in the *Student Handbook*.

Student Organizations

The Law School has many Registered Student Organizations (RSO) where students who have similar interests or backgrounds may find social and professional opportunities. For information on those organizations, please contact Dean Haynes.

Law Library

Many support services are available to you from the Law Library staff. Professor Robert H. Hu, Law Library Director, can assist you in obtaining materials or services from the Law Library. Do not hesitate to identify yourself to any member of the Library staff as a Practicing Faculty when you request help.

Dining

A cafeteria and a Chick-fil-A are located in the University Center. A Subway store is also on campus. Check the University website for their operating hours. Vending machines also are available in the Law Classroom Building and in the Raba building.

Semester's End

Course Evaluations

All courses are evaluated by students at the end of the semester. Ms. Maria Vega, Legal Secretary, is the administrator of those evaluations. She will contact you about scheduling a date and time for evaluations. Ms. Vega works on the second floor of the Raba Building and can be reached at 210-431-2250 or mflores@stmarytx.edu.

Exams

Scheduling

The final exam schedule for each class is posted on the Law School website. Rescheduling exams is disfavored; do not reschedule your exam without permission. If a student asks for permission to take an exam at a time not designated on the schedule, please refer the student to Dean Hardberger.

Drafting

Drafting appropriate exams can be a daunting task. Ordinarily, you will have one hour scheduled for an examination at the end of the semester for each credit hour earned in the course.

(*E.g.*, a three-credit-hour course usually has a three-hour exam.) The examination may be shorter or longer, but if it is longer, you need to reserve room space with Ms. Olfers for the extra time and ensure that your exam does not conflict with other exams scheduled on the same day. You are free to choose the format of the exam. It may be objective or essay, a combination of both, or something altogether different. You must provide Dean Hardberger with a copy of your exam well before giving the test, to allow for review to ensure that it meets all procedural requirements for exams at St. Mary's University School of Law. Substantively, the exam must be of sufficient length and complexity to justify the awarding of academic credit. At the end of each semester, a faculty committee reviews all examinations anonymously and calls to the attention of the Dean any examinations which appear to be deficient. Appropriate remedial action is then taken to address examination deficiencies.

Exam Writing Tips

Today law teachers often mix objective and essay examination questions. Some of us use only objective examination questions. With that in mind:

Make any true/false questions worth 20% or less of the examination. True/false questions are somewhat disfavored in law school examinations, since a student should answer half of the questions correctly merely by guessing. Also, the testing technique tends to emphasize memorization, rather than analysis. However, it is useful for covering some material on the test.

Multiple choice questions can be a great way to get coverage and analysis into an easy-to-grade format. The best multiple choice questions force students to think through the problem and make a decision, not just fill in a blank or do a modified true false analysis. If you do ask complex multiple choice questions, please remember that the Multistate Bar Examination (MBE) provides a test taker about 2 minutes per question. Further, research indicates that test takers should be given four (4) options in multiple choice questions, not 3 or 5 or more. The MBE gives a student 4 options per question.

Short answer questions are another good way to get coverage, but you cannot expect much in the way of analysis from the students. Bullet-type answers are probably all you can accomplish with these.

If you ask complicated (not short answer) essay questions, we suggest that you allow a minimum of 25-30 minutes to answer each question. Anything shorter will not allow the student an opportunity to write a coherent statement about the question. Of course, many law school essay questions are designed to be answered in a much longer period – perhaps 60-90 minutes. Essay questions may be structured as “issue spotter” questions, in-depth analytical questions, or open-ended thought pieces.

Please make clear to the students the approximate value of each part of your examination. For example, do not make students guess whether Section One is more important than Section Two, or vice-versa. In general, most faculty accord a weight to a question or section of the examination based on the proportion of that question or section to the total examination time. For example, a 30 minute essay question takes up 25% of the time in a two hour (120 minute) examination, and so should be valued that approximately that amount in the total exam grade. Or,

one hour of multiple choice questions in a two-hour examination should be accorded approximately half the value of the exam grade.

Exam Model Instructions

The exam instructions indicate some basic ideas – the length of the exam, the basic structure of the exam, and the approximate value of each portion of the exam. You should adapt the below model exam instructions to your exam. They are useful for the Administration when there is a need to give an alternate or special accommodations exam.

An example of exam instructions is on the next page.

Course Name
PROFESSOR name

FINAL EXAMINATION
Semester year

ST. MARY'S UNIVERSITY SCHOOL OF LAW

DIRECTIONS

- Number of pages:
1. This examination consists of **number of (#)** pages including this page as the first. **BEFORE YOU BEGIN, MAKE SURE YOU ARE IN POSSESSION OF A COMPLETE AND LEGIBLE COPY.**
- Exam number reminder:
2. Place your exam number on the exam, on your scantron sheet(s), and on the blue book(s).
- Honor code reminder:
3. St. Mary's Law School prohibits the disclosure of information that might aid a professor in identifying the author of an examination. Any attempt by a student to identify himself or herself in an examination is a violation of this policy and of the Code of Student Conduct.
- Time reminder:
4. Do not begin until time is called.
- Description of open/closed book and any other conditions:
5. This is an **open/closed** book exam. You may/may not use any outside written materials. (If the students must use Exam Soft software to block the hard drive, please indicate that. If the students may use a statutory code or other limited open book materials, indicate what they are.)
- Description of the exam itself and any special instructions on taking the exam:
6. The exam consists of (**number of**) parts. Describe the parts: It contains a scantron-answer true/false and multiple choice section. The other part is an essay section, with short answer and longer essay questions. **Use a separate scantron sheet for the true/false and the multiple choice sections.** Write on every other line in the blue book for your essay answers.
- Instructions on what to turn in:
7. Return the exam with your scantrons and blue book. A failure to do so will automatically result in a failing grade.
- Time allowed for the completion of the exam:
8. You have **time (#)** hours to complete the exam. Time suggestions are given for each section.
- Proctor reminder - the proctor is not in charge of the instructions or the exam itself, professor instructions must control:
9. The person administering the exam cannot answer any questions.
- Honor code oath:
10. After reading the oath, place your exam number in the space below. If you are prevented by the oath from placing your exam number in the space below, notify the proctor of your reason when you turn in the examination.

I HAVE NEITHER GIVEN NOR RECEIVED UNAUTHORIZED AID IN TAKING THIS EXAMINATION, NOR HAVE I SEEN ANYONE ELSE DO SO.

Logistics

Help is available with the logistical side of administering exams. You may copy your exams on your own, or Alice Contreras can make copies for you. If you want Ms. Contreras to copy the exam, you must give it to her at least a week before the exam date. In any event, keep your exam secure before administering it in order to prevent cheating. Ms. Contreras also can assist you in securing Scantron sheets, pencils, and bluebooks.

Anonymous Grading

Almost all courses at the Law School are graded anonymously. Students are supplied with exam numbers, which should be the only identifying information on the exam. Please remind students not to put their names on their exams. Law students receive examination numbers from the Office of the Director of Student Records to identify their exams. If you wish students to obtain exam numbers early in the semester (*e.g.*, for use on a mid-term examination), please notify Ms. Olfers at least one week in advance. Every effort should be made to avoid knowing the identity of the author of an examination and to preserve the confidentiality of his or her number. After all grades are complete, you will receive a grade sheet correlating examination numbers, the names of the students, and the grades. Prior to that time, you may not learn the name of the holder of an exam number.

Proctoring

All mid-term and final examinations must be proctored by an official proctor. Please contact Ms. Olfers, 210-436-3531, yolfers@stmarytx.edu or Dean Haynes 210-436-3930, ahaynes5@stmarytx.edu for additional information.

Students are obligated to comply with all exam protocols. An up to date list of Proctoring Guidelines and Procedures for all examinations can be found at <https://11903-presscdn-0-75-pagely.netdna-ssl.com/wp-content/uploads/2014/12/2016ExamPoliciesForStudents.pdf>.

Grades and Grading

Deadlines

Grading is among the most important responsibilities that a faculty member performs. The evaluation of students enables the faculty to certify graduates of the school as being qualified to assume the serious responsibilities of the legal profession. This chapter includes rules that bear upon grades and grading.

Because evaluation through grading has a significant effect on students, many of the rules are designed to protect students from unfairness. On the other hand, it is widely agreed that professors must have the freedom to exercise independent judgment in making difficult decisions relating to teaching and testing. The rules here reflect a balance between professorial discretion and the urge to restrict that discretion on behalf of students.

The deadline for submission of grades by faculty members is dependent on class year and semester. For the Fall semester, 1L grades are due by 5:00 pm the first working day the University reopens after the Christmas break. Upper level (2L and 3L) grades are due by 5:00 pm three (3) business days later. For the Spring semester, graduating 3L grades are due by 5:00 pm the Tuesday before graduation, while all other 1L and 2L grades are due three (3) weeks after the last exam for that term. For summer sessions, all grades are due three (3) weeks after the last exam for that term.

Failure to complete grading on time will be regarded by the Administration as a very serious problem.

The Letter Grading Scale

“Graded courses” are evaluated according to a ten-level system using letter grades. The letter grades are assigned numerical values on a four-point scale for the purpose of calculating grade point averages. The letter-grading system and its numerical scale is:

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

If a student receives a grade of *D* or higher, the credit hours assigned to the course are earned. The only failing grade is *F*, and receipt of this grade causes a student to lose the credit hours otherwise available for the course. Even though no hours are earned, a failing grade is used in calculating the student’s grade-point average and is included on the student’s transcript.

Grading Curve

The Law School grades on a curve that is outlined in the *Student Handbook*. Please read Section IV of the *Student Handbook*, “Academic Regulations,” carefully before you begin grading.

Fundamentally, the Law School grades on a letter-grade system of A, A-, B+, B, B-, C+, C, C-, D, F, as described in the *Student Handbook*. You will note that second- and third-year courses, depending on their size, have mandatory median grades, and some percentage limitations. The rules are as follows:

Upper-Level Courses:

- (a) If more than twenty students are to be evaluated in a letter-graded course, the median grade must be B, and no fewer than 10% of the grades may be A-’s or A’s, and no more than 25% of the grades may be C-’s, D’s, and F’s.
- (b) In a letter-graded course or seminar of thirteen to twenty students, the median grade must be B and no other limit applies.

(c) In a letter-graded course or seminar of twelve or fewer students, the median grade must be B+ or B, and no other limit applies.

(d) In a letter-graded course or seminar of eight or fewer students, the Associate Dean for Academic and Student Affairs may, in extraordinary cases and at the request of the faculty member teaching the course, grant an exception to the median limitation.

4. LL.M. and M.Jur. Grades

Grades of LL.M. and M.Jur students enrolled in a course or seminar are not included in computing the median grade or compliance with percentage limitations.

Various medians and percentage limitations

A question has arisen as to how the grading standards are to be interpreted. For example, does "no more than 20%" mean NO MORE THAN 20%, or are there cases where fractional numbers are rounded and might exceed 20%?

Suppose that a professor teaches 89 students in an upper-division course that is subject to the 15% limits on grades at the top and bottom. Fifteen percent of 89 is 13.35. The professor may therefore give between 0 and 14 grades of A and A-, and between 0 and 14 grades of C-, D, and F.

“Incomplete” Grades. Ordinarily, you should not record an “I” or “Incomplete” for a student. If you do so, you will remain responsible for evaluating the student’s work at a later date. The rule provides:

At the request of a professor, a grade of “I” or “Incomplete” may be entered temporarily for a student who for some *legitimate and compelling reason* has not completed the course requirements (*e.g.*, an exam postponed due to illness or other good excuse). *The work not finished on time must be completed within 60 days of the last day of the examination period in which the course was offered.* In the event that a student does not complete all course requirements within the time required, the “I” or “Incomplete” automatically will be converted to a withdrawal and the student will receive no credit for the course. In such a case, the withdrawal will be treated as if the student had voluntarily withdrawn, and no tuition payment for the course will be refunded. The *faculty member* who requested the “Incomplete” may petition the Associate Dean for Academic and Student Affairs for an additional, specific period in which the student may complete the course requirements, but such an extension will not be granted except in *compelling circumstances.*

Pass-Fail. Ungraded or “pass/fail” credits are not available at the student’s election. A course either is designated “pass/fail,” or not so designated, when it is approved by the faculty. Your course will almost certainly be a graded one, but if you are unsure, please ask.

The Individual Grade Reports (IGR) that Ms. Olfers sends each professor at the end of the semester also outline the requirements of the curve. ***Please submit your grades on the excel IGR spreadsheet sent to you by Ms. Olfers.***

Other Factors in Grading

Class preparation may factor into a student’s grade. You may reduce a student’s grade for unpreparedness, and you may give credit for class participation, but only in accordance with the limits described in the *Student Handbook*, which states:

“Class participation and recitation” includes the routine recitation on appellate court opinions contained in the required course book and the routine participation of students in class discussion. This phrase does not include special oral or written presentations required by the professor.

A professor may not raise or lower a student’s final examination grade by more than one level because of class participation and/or recitation. For example, a student’s final examination grade of B may not be altered beyond B+ or B- because of class participation and recitation.

If a professor chooses to value class participation or class recitation, he or she must notify the class of this intention during the first week that a course meets. Once the final examination grades are determined, the professor must note on the class roster the values to be added or subtracted and forward this roster to the Director of Student Records. The professor’s examination grades will be included on a separate list of student examination numbers that does not identify students by name. The Director of Student Records, not the professor, will correlate the information contained on the two lists and calculate each student’s final grade in the course. Once all grades have been delivered to the Office of the Dean, the Director of Student Records will provide professors with a list containing the names of students and their final grades. Professors who choose to value class participation or recitation must ensure that the required median grade for the course is achieved *after* all points have been added or subtracted. That is, the median for the course is the median of the final grades in a course rather than the unadjusted grades.

Professors also may lower grades for students with excessive absences. The Law School operates on the “Three-Five Rule.” On the ten-level grading scale, a professor *may* deduct no more than one grade level from a student’s final grade for three absences and *may* deduct another grade level if the total reaches five absences, irrespective of the reason for such absences. (For example,

if a student has three absences, a final grade of C+ may be reduced to C; if a student has five absences, a grade of C+ may be reduced to C-.) A professor who intends to apply this rule must notify students of this intention sufficiently in advance of the imposition of the sanction to permit the student to avoid the grade reduction.

Finally, professors may adjust grades downward based on student tardiness. A faculty member *may* treat a tardy as equivalent to an absence or a fractional part thereof, provided that notice of the practice is provided to students during the first week of class. A student who leaves before the conclusion of class *may*, at the professor's discretion, with notice, be treated as tardy. This includes students who leave class and return.

Exam Reviews

All students have a right to have their exams reviewed under the terms described in the *Student Handbook*. Students have a limited period in which to request review and have a right to appeal grades in extraordinary cases. You may not review an exam with a student until you receive notice from Ms. Olfers that you may do so. Exam review will not commence until grades have been submitted for all classes. You are not to review any component of a final grade with a student until you receive that email.

Exam Review Tips

Schedule an appointment with the student to review the exam. Discussing the exam by telephone, email or in person is acceptable.

For essay or short essay exams, have a key or rubric to show the particulars used to determine the grade. You may also use a redacted version of your best exam, eliminating the student's identification. If there is no "perfect" exam, excerpts from one that is good will suffice, but be sure to review the specific difference between the student's exam and the sample.

If you use a Scantron for multiple choice or true/false questions, you may provide the student with an individual summary, indicating the raw score and individual answers. You should have some way of showing the student how their exam compared with the rest of the class, as well as the correct answers.

Avoid debating the elements or merits of the grade. Professors use their best judgment and discretion in assigning a grade.

Changing Grades

A Practicing Faculty member cannot re-grade an exam once grades have been submitted to the Dean's Office and accepted. A grade change for any reason other than a simple recording or computational error must be approved by the full-time faculty. Very few requested changes are approved.

Retention of Exams

Professors are required to retain each student's exam for one year after the end of the semester in which the exam was administered, unless you have returned the examination paper to the student. If a professor leaves the Law School's employment during the retention period, the professor should deliver all retained exams to Dean Hardberger's office.

Practicing Faculty Teaching Trial Advocacy, Legal Research & Writing or Alternative Dispute Resolution

If you are teaching a Trial Advocacy, LR&W or an ADR course, some of the foregoing material on examinations may not apply to you, and other rules or policies may be inapplicable. Professor David Schlueter coordinates the Trial Advocacy program at the Law School, dschlueter@stmarytx.edu, or 210-431-2212. Those who teach Legal Research and Writing work with Professor Bonita Roberts, broberts@stmarytx.edu or 210-431-2210 and those who teach Mediation or Negotiations work with Professor Wayne Scott, wscott@stmarytx.edu or 210-431-2271. You may direct questions to their coordinator, but you may use all of the support services described in this manual.

Other

Guidelines for Submitting a Course Proposal

Proposals for new courses or modifications to existing courses are submitted to the Curriculum Committee for review. Following consideration of a proposal, the Committee presents it to the entire law faculty along with a recommendation that the proposal be adopted, not adopted, or adopted in some alternative form or with conditions.

In order for the Committee to make an informed decision about its recommendation, questions may be posed by members to the person making the proposal. Certain information, however, is always useful to the Committee and is required before a proposal will be considered. At a minimum, the following information must be provided prior to any action being taken by the Curriculum Committee:

1. The proposed title of the course.
2. A course description suitable for use in a course catalog. This description is usually no longer than a short paragraph.
3. A proposed course syllabus containing, at least, an outline of the topics and sub-topics that will be covered in the course. The syllabus should be sufficiently detailed to give the Committee a clear idea of course content and the relation of proposed topics to the law or processes of the course. It should provide an expanded and elaborated version of the course description.
4. A description of books and/or teaching materials that will be used in the course.

5. A description of the manner in which it is expected the course will be graded (e.g., single final essay exam; research paper(s) and written exam; multiple-choice midterm with final essay exam; etc.).
6. An indication of the number of credit hours the proposer suggests for the course.
7. Any prerequisites required.
8. The learning objectives for the course.
9. CV of person proposing the course if that person has not previously taught a course at the Law School.

Thank You

Thank you for contributing your valuable time and expertise to the educational enterprise at St. Mary's. I am proud of our students, facilities, staff, alumni, *and faculty*. You are always welcome on campus, and I hope you will spend as much time participating in campus activities as your schedule allows. If I can assist you in any way, please do not hesitate to call on me.