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Educational Policy Committee Meeting – Packet 02/27/2020

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HASTINGS
COLLEGE
OF THE LAW

BOARD OF DIRECTORS

-

**EDUCATIONAL POLICY
COMMITTEE**

-

SPECIAL MEETING

February 27, 2020



NOTICE OF MEETING

The Educational Policy Committee of the University of California Hastings College of the Law Board of Directors will hold a Special Meeting on Thursday, February 27, 2020.

EVENT: Special Meeting of the University of California
Hastings College of the Law Board of Directors
Educational Policy Committee

DATE: Thursday, February 27, 2020

PLACE: UC Hastings College of the Law
Office of the General Counsel
A. Frank Bray Board Room
198 McAllister Street, Room M-115
San Francisco, CA 94102

STARTING TIME: 9:00 a.m.

AGENDA: See Attached

This notice is available at the following University of California Hastings College of the Law website address: <http://www.uchastings.edu/board>

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Secretary to the Board of Directors John K. DiPaolo at (415) 565-4850 or sending a written request to the Secretary at 200 McAllister Street, San Francisco, CA 94102. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.



**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW
BOARD OF DIRECTORS
EDUCATIONAL POLICY COMMITTEE
SPECIAL MEETING
AGENDA**

Thursday, February 27, 2020 at 9:00 a.m.

UC Hastings College of the Law
Office of the General Counsel
A. Frank Bray Board Room
198 McAllister Street, Room M-115
San Francisco, California 94102

1. Roll Call

Chair Simona Agnolucci
Director Denise Bradley-Tyson
Director Tom Gede
Director Claes Lewenhaupt
Director Mary Noel Pepys
Director Chip Robertson

2. Public Comment (Oral)

*3. Approval of Minutes – November 14, 2019 (Written)

4. Report of Provost and Academic Dean Morris Ratner

4.1 Bar Exam Update – Provost and Academic Dean Morris Ratner, Assistant Dean Stefano Moscato, and Director of Bar Passage Support Margaret Greer (Written & Oral)

4.2 Strategic Planning Update – Provost and Academic Dean Morris Ratner and Communications Director Sybil Wyatt (Written & Oral)

4.3 Title IX and Faculty Rules – Provost and Academic Dean Morris Ratner, General Counsel John DiPaolo, Title IX Coordinator Andrea Bing (Written & Oral)

4.4 Ladder Faculty Hiring Update – Provost and Academic Dean Morris

- | | | |
|------|--|--------------------|
| | Ratner | (Written) |
| 4.5 | Center-Related Faculty Staffing – Provost and Academic Dean Morris Ratner, Professor of Law Alina Ball, Professor of Law Heather Field, and Associate Professor of Law Manoj Viswanathan | (Oral and Written) |
| *4.6 | Approval of Sabbaticals – Provost and Academic Dean Morris Ratner and Chancellor and Dean David Faigman | (Written) |
| * 5. | Adjournment | (Oral) |

Agenda Item: *3
Educational Policy
February 27, 2020



**UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW
BOARD OF DIRECTORS
EDUCATIONAL POLICY COMMITTEE
MINUTES OF NOVEMBER 14, 2019 SPECIAL MEETING**

Thursday, November 14, 2019 at 9:00 a.m.

UC Hastings College of the Law
A. Frank Bray Board Room
198 McAllister Street, Room M-115
San Francisco, California 94102

1. Roll Call

The Chair called the meeting to order at 9:08 a.m., and the Secretary called the roll.

Committee Members Present

Director Simona Agnolucci, Chair
Director Tom Gede
Director Claes Lewenhaupt (by telephone)
Director Mary Noel Pepys
Director Chip Robertson (by telephone)

Committee Members Absent

Director Denise Bradley-Tyson

Staff Participating

Academic Dean Morris Ratner
Chief Financial Officer David Seward
General Counsel and Secretary to the Board John DiPaolo
Executive Director of Operations Rhiannon Bailard
Associate Dean for Research Scott Dodson
Academic and Professional Success Lecturer Margaret Greer
Chief of Staff to the Chancellor & Dean/Assistant Chancellor & Dean Jenny Kwon
Director of Legal Education Opportunity Program Elizabeth McGriff
Assistant Dean for Academic Skills Instruction and Support Stefano Moscato

2. Public Comment (Oral)

The Chair invited public comment. No member of the public offered comment.

- *3. Approval of Minutes – August 22, 2019 (Written)

The Chair called for a motion to approve the minutes. Upon motion made and seconded, the minutes were approved.

4. Report of Academic Dean Morris Ratner

- 4.1 Adaptibar Update -
Report by Academic Dean Morris Ratner, Assistant Dean of
Academic Skills, Instruction and Support Stefano Moscato, and Director of Bar
Passage Support Margaret Greer (Written & Oral)

Academic Dean Morris Ratner reported that following the July 2016 bar results, the College analyzed the causes of the decline in first-time bar pass rates and implemented a number of reforms based on the evidence collected. One of these was Adaptibar. Our understanding of the efficacy of Adaptibar has changed since our prior analysis because Adaptibar initially gave us an incomplete dataset. However, Adaptibar is still materially helpful, and the company gave us a \$10,000 discount per year and reduced the after-graduation purchase price. Now, students are being introduced to Adaptibar in their courses. The 1L class completion rate is higher than that for 2L and 3L students. Professors are going to make completion of Adaptibar questions part of their courses.

- 4.3 LEOP Academic and Bar Support -
Report by Academic Dean Morris Ratner, Assistant Dean of
Academic Skills, Instruction and Support Stefano Moscato, Director of Bar
Passage Support Margaret Greer, and Director of Legal Education Opportunity
Program Elizabeth McGriff (Written & Oral)

This item was moved out of order and discussed before item 4.2. Ms. McGriff presented on the current state of LEOP. She noted that writing skills are one proxy for likelihood of academic success. She has also increased her focus on professional development, including time management, for example by implementing orientation programs called “getting it together” and “corridor competence” regarding navigating professional environments. She generally does a good deal of career development assistance and academic workshops, such as an MPRE workshop, workshops on exam taking and a program for first-generation law students

LEOP class size grew from 44 last year to 77 this year. The program has been modified to accommodate more students, through professors adding special office hours for LEOP students; bringing in Richard Sakai, an academic skills specialist, to assist with Saturday practice exams and feedback and bar support in spring and summer informal assistance; and working one-on-one with students.

The LEOP social component includes brunches at faculty homes. There has been cultural change, with students in taking pride in being LEOP members.

Dean Ratner reported that he studied LEOP class statistics for the last three years. In the last two years, LEOP status no is longer associated with lower GPA when compared with non-LEOP students with similar LSAT and undergrad GPAs. 54-55% of LEOP students were in the top 60% of their classes by GPA.

Ms. McGriff stated there are about 160 total LEOP students at UC Hastings. Attention focuses on 1Ls, but she also interacts with upper division students on academic counseling and bar prep. Responding to a question, Ms. McGriff stated one thing she might ask of the Board would be a mentorship program.

Assistant Dean Moscato stated that LEOP students take part in an orientation that is heavy on academics the week before general orientation. This gives LEOP students a strong foundation to support them as they head into the general orientation, and helps to address imposter syndrome among the students. Students now feel supported by faculty and community in way they didn't before. LEOP tutoring was previously done internally by upper division LEOP students who were hired to tutor, but there was little quality control or oversight. There is now a full-time staff member who has formalized the student TA hiring process, training sessions, and lesson plan review, which standardizes and professionalizes the tutoring service.

Dean Ratner noted that the College tracks who attends and takes practice exams and measures for how it affects performance. Not surprisingly, the data show that practice exams are effective.

4.2 Student and Staff Welfare - Police Services -
Report by Executive Director of Operations
Rhiannon Bailard

(Oral)

Executive Director of Operations Rhiannon Bailard reported that the College had met with two firms that can provide support on security: Margolis Healy, which specializes in security analysis and planning; and Covered 6, which provides security services and could increase our security presence on the street. Covered 6 is willing to work with UCSF.

Ms. Bailard reported she met with the chief of staff to Mayor Breed. The City implemented a program last week assigning an additional 20 officers a week to the Tenderloin and asked us for feedback. There is a longer-term plan to set up facilities for people currently on the street to go to. Urban Alchemy, which places rehabilitated convicted felons (who did not commit a sexual assault crime) in areas for presence and establishment of relationships, will be coming to the area

as well. Ms. Bailard stated that we currently have no data on the impact of security issues on student recruitment and retention.

* 5. Adjournment

(Oral)

The meeting was adjourned at 10:19 a.m.

Respectfully submitted,

John K. DiPaolo, Secretary

4.1 Bar Exam Update

**By Academic Dean Morris Ratner, Assistant Dean Stefano Moscato, and
Director of Bar Passage Support Margaret Greer**

UC Hastings Law graduates had an 80% first-time pass rate on the July 2019 administration of the California Bar Exam. As indicated on the State Bar's attached statistics page, that performance puts the College in seventh place among ABA-accredited law schools in California, tied with UC Irvine and Loyola and up from tenth place last year and fourteenth place two years before that.

The following chart shows UC Hastings' trajectory since the July 2016 exam relative to peer law schools:

Year (July Exam)	UCH First-Time Pass Rate	State Average for ABA	Delta	YoY Delta	UCH Rank	YoY Rank
2015	68%	68%	0%	NA	13	NA
2016	51%	62%	-11%	-11%	14	-1
2017	61%	70%	-9%	+2%	14	0
2018	60%	64%	-4%	+5%	10 (tied)	+4
2019	80%	71%	+9%	+13%	7 (tied)	+3

While July 2019 represented a big step forward for the College and our graduates, it is part of a trend of improved outcomes relative to peer law schools over the past three years.



General Statistics Report
July 2019 California Bar Examination¹
Overall Statistics for Categories with More Than 11 Applicants Who Completed the Examination

Applicant Group	First-Timers			Repeaters			All Takers		
	Took	Pass	%Pass	Took	Pass	%Pass	Took	Pass	%Pass
General Bar Examination	4938	3157	63.9	2826	732	25.9	7764	3889	50.1
Attorneys' Examination	260	155	59.6	182	71	39.0	442	226	51.1
Total	5198	3312	63.7	3008	803	26.7	8206	4115	50.1

Disciplined Attorneys Examination Statistics

	Took	Pass	%Pass
CA Disciplined Attorneys	8	1	12.5

General Bar Examination Statistics

Law School Type	First-Timers			Repeaters			All Takers		
	Took	Pass	%Pass	Took	Pass	%Pass	Took	Pass	%Pass
CA ABA Approved	3073	2194	71.3	1017	371	36.5	4090	2565	62.7
Out-of-State ABA	826	603	73.0	351	102	29.1	1177	705	59.9
CA Accredited	233	61	26.2	506	73	14.4	739	134	18.1
CA Unaccredited	65	16	24.6	227	26	11.5	292	42	14.4
Law Office/Judges' Chambers	*			*			*		
Foreign Educated/JD Equivalent + One Year US Education	111	22	19.8	165	27	16.4	276	49	17.8
US Attorneys Taking the General Bar Exam ²	247	181	73.3	165	80	48.5	412	261	63.3
Foreign Attorneys Taking the General Bar Exam ³	360	72	20.0	344	48	14.0	704	120	17.0
4-Year Qualification ⁴	*			22	4	18.2	25	4	16.0
Schools No Longer in Operation	19	7	36.8	26	1	3.8	45	8	17.8

*Fewer than 11 Applicants

¹ These statistics were compiled using data available as of December 20, 2019.

² Attorneys admitted in other jurisdictions less than four years must take and those admitted four or more years may elect to take the General Bar Examination.

³ Attorneys admitted in foreign jurisdictions must take the General Bar Examination.

⁴ Applicants may qualify to take the General Bar Examination through a combination of four years of law study without graduating from a law school.

July 2019 California Bar Examination
Number of Applicants Completing the Examination and Percent Passing by Racial/Ethnic Group

General Bar Examination First-Time Takers Only**

School Type	White		Black		Hispanic		Asian		Other***	
	Took	%Pass	Took	%Pass	Took	%Pass	Took	%Pass	Took	%Pass
CA ABA Approved	177	66.7	20	50.0	69	39.1	69	50.7	2688	73.6
Out-of-State ABA	170	72.9	18	38.9	22	59.1	76	68.4	495	76.6
CA Accredited	22	13.6	*		*		*		179	29.1
CA Unaccredited	33	39.4	*		13	15.4	*		*	
Other	216	60.6	29	27.6	37	35.1	262	22.9	175	36.6
Total	618	62.9	78	32.1	148	37.8	423	35.5	3541	69.9

Number of Takers and Percent Passing by Racial/Ethnic Group: Repeaters**

School Type	White		Black		Hispanic		Asian		Other ***	
	Took	%Pass	Took	%Pass	Took	%Pass	Took	%Pass	Took	%Pass
CA ABA Approved	414	41.1	98	24.5	217	33.2	234	36.3	27	40.7
Out-of-State ABA	109	29.4	66	18.2	63	28.6	99	36.4	*	
CA Accredited	227	19.8	58	8.6	109	11.9	94	8.5	*	
CA Unaccredited	107	15.9	32	3.1	35	14.3	38	7.9	*	
Other	236	28.0	64	9.4	84	22.6	329	19.8	*	
Total	1093	30.2	318	15.1	508	25.0	794	24.8	53	28.3

*Fewer than 11 Applicants

**Numbers do not include those who selected decline to state.

***Numbers are for those reporting racial/ethnic group other than White, Black, Hispanic or Asian, more than one racial/ethnic group, or who did not provide any response.

Number of First-Time and Repeaters by Gender*

School Type	First-Timers				Repeaters			
	Males		Females		Males		Females	
	Took	%Pass	Took	%Pass	Took	%Pass	Took	%Pass
CA ABA Approved	1243	73.5	1637	69.6	449	39.9	558	33.7
Out-of-State ABA	338	76.9	425	72.7	177	31.1	170	27.1
CA Accredited	91	27.5	122	26.2	232	12.9	270	15.6
CA Unaccredited	35	14.3	27	40.7	124	11.3	103	11.7
Other	274	42.3	396	35.1	311	24.4	399	20.3
Total*	1981	66.6	2607	62.5	1293	27.4	1500	24.6

*Number are for those reporting gender

July 2019 California Bar Examination
Number of First-Timers and Repeaters Taking and Passing and the Percent Passing:
California ABA Approved Law Schools with 11 or More Takers

LAW SCHOOL	FIRST-TIMERS			REPEATERS		
	TOOK	PASS	%PASS	TOOK	PASS	%PASS
CALIFORNIA WESTERN SCHOOL OF LAW	149	76	51	65	26	40
CHAPMAN UNIVERSITY SCHOOL OF LAW	149	88	59	45	21	47
GOLDEN GATE UNIVERSITY	74	31	42	49	12	24
LOYOLA LAW SCHOOL – LOS ANGELES	289	231	80	50	24	48
MCGEORGE SCHOOL OF LAW	123	79	64	48	22	46
PEPPERDINE UNIVERSITY	141	115	82	40	22	55
SANTA CLARA UNIVERSITY	175	111	63	56	33	59
SOUTHWESTERN LAW SCHOOL	167	100	60	99	35	35
STANFORD UNIVERSITY LAW SCHOOL	86	81	94	*		
THOMAS JEFFERSON SCHOOL OF LAW	60	13	22	120	21	18
UNIVERSITY OF CALIFORNIA – BERKELEY	245	219	89	15	12	80
UNIVERSITY OF CALIFORNIA – DAVIS	133	112	84	18	11	61
UNIVERSITY OF CALIFORNIA – IRVINE	122	98	80	*		
UNIVERSITY OF CALIFORNIA – LOS ANGELES	261	230	88	20	9	45
UNIVERSITY OF LA VERNE COLLEGE OF LAW	73	29	40	44	8	18
UNIVERSITY OF SAN DIEGO	147	110	75	40	22	55
UNIVERSITY OF SAN FRANCISCO	101	40	40	81	25	31
UNIVERSITY OF SOUTHERN CALIFORNIA	195	168	86	14	8	57
UNIVERSITY OF CALIFORNIA HASTINGS COL	266	212	80	63	27	43
WESTERN STATE UNIVERSITY	77	45	58	44	17	39
WHITTIER COLLEGE SCHOOL OF LAW	38	4	11	97	14	14
TOTAL	3073	2192	71	1017	371	36

*Fewer than 11 Applicants

July 2019 California Bar Examination
Number of First-Timers and Repeaters Taking and Passing and the Percent Passing:
Out-of-State ABA Law Schools with 11 or More Takers

LAW SCHOOL	FIRST-TIMERS			REPEATERS		
	TOOK	PASS	%PASS	TOOK	PASS	%PASS
AMERICAN UNIVERSITY	19	7	37	*		
ARIZONA STATE UNIVERSITY	*			*		
BOSTON COLLEGE	*			*		
BOSTON UNIVERSITY	12	9	75	*		
BRIGHAM YOUNG UNIVERSITY	14	11	79	*		
COLUMBIA UNIVERSITY	44	41	93	*		
CORNELL UNIVERSITY	15	13	87	*		
DEPAUL UNIVERSITY	*			*		
DUKE UNIVERSITY	16	16	100	*		
EMORY UNIVERSITY	11	6	55	*		
GEORGE WASHINGTON UNIVERSITY	28	21	75	15	1	7
GEORGETOWN UNIVERSITY	47	38	81	*		
HARVARD UNIVERSITY LAW SCHOOL	88	85	97	*		
HOWARD UNIVERSITY	*			*		
INDIANA UNIVERSITY – BLOOMINGTON	*			*		
LEWIS & CLARK COLLEGE	*			11	5	45
MICHIGAN STATE UNIVERSITY COLLEGE OF LAW	*			*		
NEW YORK UNIVERSITY	26	25	96	*		
NORTHEASTERN UNIVERSITY	14	8	57	*		
NORTHWESTERN UNIVERSITY	20	17	85	*		
PHOENIX SCHOOL OF LAW	*			11	0	0
THOMAS M. COOLEY LAW SCHOOL	*			18	1	6
TULANE UNIVERSITY	11	5	45	*		
UNIVERSITY OF CHICAGO LAW SCHOOL	25	25	100	*		
UNIVERSITY OF MICHIGAN	34	33	97	*		
UNIVERSITY OF NOTRE DAME	20	13	65	*		
UNIVERSITY OF PENNSYLVANIA	22	21	95	*		
UNIVERSITY OF TEXAS	14	11	79	*		
UNIVERSITY OF VIRGINIA	21	20	95	*		
VANDERBILT UNIVERSITY	13	9	69	*		
WASHINGTON UNIVERSITY	15	9	60	*		
YALE UNIVERSITY	34	31	91	*		
ALL OTHER OUT-OF-STATE SCHOOLS	214	102	48	183	50	27
TOTAL	826	603	73	351	102	29

*Fewer than 11 Applicants

July 2019 California Bar Examination
Number of First-Timers and Repeaters Taking and Passing and the Percent Passing:
California Accredited Law Schools with 11 or More Takers

LAW SCHOOL	FIRST-TIMERS			REPEATERS		
	TOOK	PASS	%PASS	TOOK	PASS	%PASS
CALIFORNIA NORTHERN SCHOOL OF LAW	*			*		
EMPIRE COLLEGE SCHOOL OF LAW	17	6	35	17	1	6
GLENDALE UNIV. COLLEGE OF LAW	14	9	64	19	3	16
HUMPHREYS COLLEGE LAURENCE DRIVON SOL	*			36	9	25
JOHN F. KENNEDY UNIVERSITY	*			26	0	0
LINCOLN LAW SCHOOL OF SACRAMENTO	41	13	32	51	13	25
LINCOLN LAW SCHOOL OF SAN JOSE	*			20	0	0
MONTEREY COLLEGE OF LAW	*			22	4	18
PACIFIC COAST UNIVERSITY	14	2	14	49	3	6
SAN FRANCISCO LAW SCHOOL	*			12	3	25
SAN JOAQUIN COLLEGE OF LAW	34	6	18	25	7	28
SAN LUIS OBISPO COLLEGE OF LAW	*			*		
SANTA BARBARA COLLEGE OF LAW	*			*		
SOUTHERN CALIF. INST. – SANTA BARBARA	*			*		
SOUTHERN CALIF. INST. – VENTURA	*			14	0	0
TRINITY LAW SCHOOL	18	8	44	69	7	10
UNIVERSITY OF W. LA – SAN FERNANDO VALLEY	23	2	9	58	9	16
UNIVERSITY OF W. LA – WEST LOS ANGELES	12	1	8	44	4	9
VENTURA COLLEGE OF LAW	*			22	6	27
TOTAL	233	61	26	506	73	14

*Fewer than 11 Applicants

July 2019 California Bar Examination
Number of First-Timers and Repeaters Taking and Passing and the Percent Passing:
California Unaccredited Law Schools, Fixed Facility with 11 or More Takers

LAW SCHOOL	FIRST-TIMERS			REPEATERS		
	TOOK	PASS	%PASS	TOOK	PASS	%PASS
CALIFORNIA SOUTHERN LAW SCHOOL	*			12	0	0
CALIFORNIA DESERT TRIAL ACADEMY COLLEGE	*			*		
IRVINE UNIVERSITY COLLEGE OF LAW	*			*		
LADY JUSTICE LAW SCHOOL	*			*		
PACIFIC WEST COLLEGE OF LAW	*			*		
PEOPLE'S COLLEGE OF LAW	*			11	2	18
UNIVERSITY OF NORTHERN CALIFORNIA	*			*		
WESTERN SIERRA LAW SCHOOL	*			14	0	0
TOTAL	14	3	21	56	5	9

*Fewer than 11 Applicants

California Unaccredited Law Schools, Distance Learning with 11 or More Takers

LAW SCHOOL	FIRST-TIMERS			REPEATERS		
	TOOK	PASS	%PASS	TOOK	PASS	%PASS
ABRAHAM LINCOLN UNIVERSITY	*			43	3	7
AMERICAN HERITAGE UNIVERSITY SOL	*			*		
CALIFORNIA SCHOOL OF LAW	*			*		
CONCORD UNIVERSITY SCHOOL OF LAW	17	5	29	48	8	17
ST. FRANCIS SCHOOL OF LAW	*			*		
TOTAL	31	9	29	104	12	12

*Fewer than 11 Applicants

California Unaccredited Law Schools, Correspondence with 11 or More Takers

LAW SCHOOL	FIRST-TIMERS			REPEATERS		
	TOOK	PASS	%PASS	TOOK	PASS	%PASS
AMERICAN INSTITUTE OF LAW	*			*		
AMERICAN INTERNATIONAL SCHOOL OF LAW	*			*		
CALIFORNIA SOUTHERN UNIVERSITY	*			*		
INTERNATIONAL PACIFIC SCHOOL OF LAW	*			*		
NORTHWESTERN CALIFORNIA UNIVERSITY	*			41	4	10
OAK BROOK COLL OF LAW & GOV'T POLICY	*			*		
TAFT LAW SCHOOL	*			*		
UNIVERSITY OF HONOLULU	*			*		
TOTAL	20	4	20	67	9	13

*Fewer than 11 Applicants

4.2 Strategic Plan

By Chief Communications Officer Sybil Wyatt

Strategic Planning Working Group Co-Chairs Academic Dean Morris Ratner and Chief Financial Officer David Seward previously circulated the draft operational strategic plan, which is an internal working document that memorializes the results of a year-long assessment and planning effort. At the February 27, 2020 committee meeting, Chief Communications Officer Sybil Wyatt will report on the progress toward an outward-facing plan.

4.3 Title IX and Faculty Rules

By Academic Dean Morris Ratner

Attached please find a redlined copy of Document VI of the Faculty Rules and Procedures (“Code of Faculty Rights and Responsibilities”), which shows how the faculty have amended their disciplinary rules to align with the College-wide Gender-Based Harassment, Discrimination and Sexual Misconduct Policy (“Title IX Policy”) adopted in December 2018.¹ UC Hastings Law’s Title IX Coordinator Andrea Bing and General Counsel John DiPaolo took the lead on drafting the revisions to the Faculty Rules necessary to align them with the College’s new Title IX Policy. The faculty voted to adopt these amendments at its January 24, 2020 faculty meeting.

¹ Title IX is a federal law that prohibits gender discrimination in any federally funded education program or activity. “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S. Code § 1681.



**Hastings Law
Faculty Rules and Procedures
2019-2020**

January 24, 2020

Deleted: December 5, 2019

Last revised 12/5/19

**UC HASTINGS COLLEGE OF THE LAW
FACULTY RULES AND PROCEDURES
2019-2020**

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**CODE OF FACULTY RIGHTS AND RESPONSIBILITIES
AND PROCEDURES FOR DISCIPLINE AND GRIEVANCES**

**(As enacted by the Faculty on May 4, 1992, amended by the Faculty on
April 13, 2018)**

PREAMBLE

Hastings College of the Law seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for wisdom. Effective performance of these functions requires that faculty members be free to research and teach in accord with appropriate standards of scholarly inquiry.

The Faculty's privileges and rights, including tenure, rest on the mutually supportive relationships among the Faculty's special professional competence, its academic freedom, and the central functions of the College. These relationships are also the source of the professional responsibilities of faculty members.

This Code is intended to foster the protection of academic freedom, the preservation of the highest standards of teaching and scholarship, and the advancement of the mission of the College as an institution of higher learning.

Part I of this Code contains a statement of both the rights and responsibilities of the Faculty. Part II of this Code deals with the enforcement processes to be utilized in resolving allegations of unacceptable faculty behavior or abridgement of faculty rights. Those processes must meet basic standards of fairness and must reflect significant faculty involvement. General guidelines for these enforcement procedures and sanctions are elaborated, and procedural arrangements are set forth which shall be employed to satisfy those guidelines.

The authority to discipline faculty members in appropriate cases derives from the shared recognition by the Faculty and the Administration that the purpose of discipline is to preserve conditions necessary to the College fulfilling its mission as an institution of higher learning. College discipline should be reserved for faculty misconduct that is either serious in itself or is made serious through its repetition or its consequences.

Faculty members who are appointed by the Board of Directors to serve as Deans of the College or in other administrative positions are subject to disciplinary proceedings under this Code only for conduct in their capacity as faculty members and not for conduct in their administrative capacity.

PART I

PROFESSIONAL RIGHTS AND RESPONSIBILITIES

Article 1 of this Part sets forth the professional rights of the Faculty and the concomitant responsibility of the College to maintain conditions supportive of the Faculty's pursuit of the College's central function as a learning institution.

Article 2 of this Part elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by the faculty as unacceptable because it is inconsistent with the mission of the College. The articulation of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings.

ARTICLE 1

PROFESSIONAL RIGHTS OF FACULTY

In support of the College's central function as an institution of higher learning, a major responsibility of the College is to protect and encourage the Faculty in its teaching, scholarly research, and public service, and to preserve conditions which facilitate these pursuits. Such conditions, as they relate to the Faculty, include, for example:

1. free inquiry and exchange of ideas;
2. the right to present controversial material relevant to a course of instruction;
3. enjoyment of constitutionally protected freedom of expression;
4. collective participation in the governance of the College, including:
 - (a) approval of course descriptions and manner of instruction,
 - (b) establishment of requirements for matriculation and for degrees,
 - (c) appointment and promotion of faculty,
 - (d) appointment and reappointment of Deans,
 - (e) the formulation and application of rules and procedures for discipline of the faculty and students,
 - (f) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement, and
 - (g) determination of the organization of the faculty;

5. the right to be judged by one's colleagues, in matters of promotion, tenure, and discipline, solely on the basis of the faculty member's professional qualifications and professional conduct and in accordance with fair procedures.

ARTICLE 2

I. PROFESSIONAL RESPONSIBILITIES

Faculty responsibilities and unacceptable conduct are organized in this Code around the individual faculty member's relation to teaching and students, to scholarship, to the College, to colleagues, and to the community. The following is an aspirational statement of each faculty member's professional responsibilities and is intended to serve as a general basis for the more specific articulation of faculty rules of conduct set forth below:

Faculty members should participate in and encourage the pursuit of knowledge, by teaching and research, in an intellectually honest fashion. Faculty members should demonstrate proper respect for students and colleagues and assure that their evaluations of others are based on merit. Faculty members should accept their share of responsibility for the governance of the College and public service.

During the course of disciplinary proceedings a faculty member may offer as a defense that the conduct in question is justified by rights and responsibilities of the faculty recognized either by this Code or by other statements of professional rights and responsibilities issued by the American Association of University Professors or national accrediting organizations for law schools.

II. UNACCEPTABLE CONDUCT

A. Teaching and Students

1. Failure to meet the responsibilities of instruction, including:
 - (a) arbitrary denial of access to instruction;
 - (b) significant failure, without legitimate reason, to meet class, or to keep office hours;
 - (c) evaluation of student work by criteria not directly reflective of course performance;
 - (d) failure to report dishonest academic conduct on the part of students;
 - (e) failure to respect the duty of confidentiality in evaluating the work of students and in reporting student grades;

- (f) failure to acknowledge significant academic or scholarly assistance received from students;
 - (g) undue and unexcused delay in evaluating student work; and
 - (h) incompetent teaching as defined in Section II(F), below.
2. Discrimination against a student or group of students on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, citizenship, age, marital status, disability,¹ or status as a veteran.
 3. Accepting professional responsibility within College programs as teacher, supervisor, or employer for any student with whom the faculty member has a close familial or analogous relationship.
 4. Sexual or romantic relationships between faculty and students. Such relationships are prohibited. The one exception is if such a relationship predates adoption of this amendment or the student's admission to the College, in which case the relationship must be disclosed to the Academic Dean immediately upon adoption of this amendment or the student's admission, so that the Academic Dean may take appropriate action to ensure that the faculty member has no professional responsibility with regard to the student. As used in this subsection, the term "professional responsibility" includes but is not limited to teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for employment, fellowships or awards.

B. Scholarship

1. Violation of canons of intellectual honesty, such as intentional misappropriation of the writings, research, and findings of others; and
2. Incompetence with regards to scholarship as defined in Section II(F), below.

C. The College

1. Intentional disruption of classes, functions, or activities sponsored or authorized by the College.

¹ As defined by federal regulations issued pursuant to 29 USC Section 794.

2. Intentional damage to or destruction of property belonging to the College or located on its premises.
3. Incitement of others to disobey College rules when such incitement is likely to produce imminent action in violation of College rules under circumstances that constitute a clear and present danger that violence against persons or property will occur.
4. Unauthorized use of College resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
5. Allowing any outside professional activity to interfere with the performance of College duties. For this purpose, the term "outside professional activity" shall include (but not be limited to) teaching at another institution, consulting and the practice of law, but shall not include the preparation of books or articles for publication or comparable activity of an academic nature that enriches the faculty member's capacity as a scholar and teacher.
6. Sexual harassment as defined in the Gender-Based Harassment, Discrimination and Sexual Misconduct Policy² ("Sexual Misconduct Policy").

Deleted: of another member of the College community³ as defined in the College's Policy on Sexual Harassment

D. Colleagues

1. Making evaluations of the professional competence of faculty members by criteria not reflective of professional performance. In making evaluations of colleagues a faculty member may not discriminate for or against others on political grounds, or for reasons of race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, citizenship, age, marital status, disability,³ or status as a veteran.
2. Breach of College rules governing confidentiality in personnel matters.

E. The Community

Intentional misrepresentation of personal views as a statement of position of the College or any of its agencies. (An institutional affiliation appended to a faculty member's name in a public statement or appearance is permissible, if used solely for purposes of identification.)

² Reference to this policy includes any revisions and/or successor policies.

³ As defined by federal regulations issued pursuant to 29 U.S.C. Section 794.

F. Determining Incompetence; Standards

1. Determination

A faculty member may be disciplined for demonstrated incompetence in the performance of his or her duties. Reviewers – including the Academic Dean, Faculty Executive Committee, Hearing Committee, and full faculty, as indicated in Part II, below – should look at the faculty member’s job as a coherent whole and examine comprehensively the individual’s contributions in all areas of faculty responsibility, including evaluation of clinical competence for faculty with clinical responsibilities. After this comprehensive evaluation, reviewers may consider whether, in the particular circumstances of the individual case, incompetence in a single area is sufficient grounds for discipline.

2. Standards

a. Research or Creative Activity

A tenured faculty member will be deemed to have performed incompetently in research or creative activity: (1) if, for three years, he or she has not engaged in bona fide research or creative activity (and is not serving in an administrative role that precludes such activity), and (2) if he or she gives no satisfactory evidence that he or she will engage in research or creative activity in the foreseeable future. The absence of frequent publication or the lack of recent funding does not per se mean the research is incompetent. Because norms of productivity and standards of active scholarship vary, the norms appropriate to the faculty member’s current research area should be used. In evaluating research and creative work, reviewers should use the guidelines for the award of tenure as set forth in our Faculty Rules.

b. Teaching

The content of a course and pedagogy are not entirely independent of each other. However, for the purposes of this policy, there are two distinct standards for evaluating teaching. Teaching performance can be judged incompetent either because the substance of what is taught is unacceptably deficient or because the processes and methods of instruction are inadequate. A tenured faculty member’s teaching shall be deemed incompetent if it meets either of the following standards:

i. Intellectual Content

The intellectual content of the faculty member’s teaching as judged from such sources as evaluations by current and former students, colleagues’ assessments, and teaching portfolios, is so far below the professional standards of university-level instruction in the discipline that it is a disservice to students to permit the faculty member to continue to teach; or

ii. Pedagogical Skills

The pedagogical skills of the faculty member, judged from sources such as evaluations by current and former students, assessments by faculty colleagues, and teaching portfolios, are so far below the professional standards of university-level instruction that it is a disservice to students to permit the faculty member to continue to teach. The intellectual content of the faculty member’s teaching shall be excluded from consideration when applying this criterion.

Assessment of pedagogical skills will entail evaluation of such factors as clarity of presentation, diligence as a teacher, availability to students, and willingness and capacity to communicate effectively with students and to support their efforts to learn. These factors

should be assessed through such means as student and faculty evaluations. Students who enrolled but dropped out of a faculty member's class may also be contacted; if the decision is made to contact such students, then an effort must be made to contact all such students within certain specified years.

In evaluating teaching, reviewers shall use the guidelines for the award of tenure or, for LTCF, the award or renewal of LTCF status, as set forth in our Faculty Rules.

c. College Service, Public Service, and Professional Service

Teaching and research are the main responsibilities of members of the professorial series, but reviewers shall also examine the quality and quantity of the individual's contributions in the areas of University service, public service, and professional service as part of the assessment of an individual's overall performance. As a guide in evaluation, reviewers shall use the guidelines for the award of tenure [or, for LTCF, the award or renewal of LTCF status] as set forth in our Faculty Rules.

PART II

PROCEDURES RELATING TO THE ADMINISTRATION OF DISCIPLINE AND TO FACULTY GRIEVANCES

ARTICLE 1 - DISCIPLINE PROCEDURES

I. GENERAL PROVISIONS FOR THE ADMINISTRATION OF DISCIPLINE

The types of discipline provided herein may be imposed on a faculty member only in accordance with the procedures set forth in this Article. Without invoking the procedures in this part, the Dean or Academic Dean may issue a reprimand, orally or by a writing that is not placed in the personnel file of the faculty member, as an informal warning about improper conduct.

With respect to the imposition of disciplinary sanctions, this Code deals only with professional conduct or misconduct. Faculty members, however, in common with all other members of the College community, are subject to the general rules and regulations of the College, e.g., those pertaining to parking, library privileges, health and safety, and use of College facilities.

Disciplinary action is to be distinguished from certain other administrative actions taken as the result, for example, of physical or mental disability rather than willful misconduct.

II. TYPES OF DISCIPLINE

The types of discipline that may be imposed on a member of the Faculty, in increasing order of severity, are as follows: warning, censure, exclusion from activities, suspension with pay, reprobation, suspension without pay, demotion, and dismissal. The

severity and type of discipline selected for a particular offense must be appropriately related to the nature and circumstances of the case. An imposition of discipline may include a combination of more than one type and may also include a requirement of restitution.

- A. Warning. Written notice to the faculty member that future conduct of a particular nature will be cause for further disciplinary action.
- B. Censure. Written reprimand placed in the faculty member's personnel file as a formal expression of institutional rebuke.
- C. Exclusion from activities. Exclusion from participation in designated activities or areas of the College for a specified period of time.
- D. Suspension with pay. Termination of employment for a specified period, not to exceed six (6) months, with pay. Suspension may include exclusion from designated areas of the campus.
- E. Reprobation. Written reprimand placed in the faculty member's personnel file as a formal expression of institutional rebuke combined with a reduction in salary of five percent (5%) or less.
- F. Suspension without pay. Termination of employment for a specified period, not to exceed six months, without pay. Suspension may include exclusion from designated areas of the campus. This type of discipline may be imposed only upon the affirmative vote to suspend without pay by two-thirds (2/3) of the regular tenured faculty members who are present and voting at a special meeting to consider the case.
- G. Demotion. Reduction to lower rank, a reduction in salary of more than five percent (5%), or both. This type of discipline may be imposed only upon the affirmative vote to demote by two-thirds (2/3) of the regular tenured faculty members who are present and voting at a special meeting to consider the case. If demotion includes the revocation of tenure, the decision of the faculty to demote shall be subject to the approval of the Board of Directors.
- H. Dismissal. The termination of employment by the College. This type of discipline may be imposed only upon the affirmative vote to dismiss by two-thirds (2/3) of the regular tenured faculty members who are present and voting at a special meeting to consider the case. If dismissal includes the revocation of tenure, the decision of the faculty to dismiss shall be subject to the approval of the Board of Directors. With regards to incompetence, termination is an extraordinary remedy designed to address gross performance deficiencies in extremely rare cases.

III. RESTITUTION

As part of discipline that may be imposed after a finding that the Code has been violated, the faculty member may be ordered to make reimbursement to the injured person, organization, or the College for any financial loss caused by the violation. The faculty member also may be required to disgorge any unjust enrichment gained by the violation. The inclusion of this form of discipline within this Code does not preclude the College from pursuing all available remedies in courts of law.

IV. INTERIM SANCTIONS

Before final action on an alleged violation, the Academic Dean⁴ may impose a sanction on an interim basis when there is reasonable cause to believe that such action is necessary for protection of health, safety, or welfare of members of the College community or to avoid disruption of the academic process. Interim sanctions shall be limited to warning, temporary suspension with pay, and exclusion from designated activities or areas of the campus. When such action is necessary the Academic Dean must explain the reasons for the interim sanction and insure that disciplinary procedures are initiated within seven days and promptly concluded. The Academic Dean shall consult with the Executive Committee except where the circumstances render such consultation impracticable. In cases involving the Sexual Misconduct Policy, the Academic Dean shall consult with the Title IX Coordinator.

V. PROCEDURES RELATING TO DISCIPLINE

Procedures for discipline are designed to provide safeguards against arbitrary or unjust disciplinary actions and a means for arriving at fair and accurate decisions. No disciplinary sanction for professional misconduct shall be imposed except in accordance with the following procedures:

A. Pre-Proceeding Notification and Opportunity for Rehabilitation in Cases of Incompetence

When the Academic Dean determines that the Professor's performance is so inadequate as to raise a serious question of recommending discipline, Academic Dean shall notify the Professor in writing: (1) concerning the areas of alleged deficiency; (2) that the possibility of discipline is being considered; and (3) that the Professor's defined period of time for the improvement of his or her performance has begun. For a period that shall be no less than one year in duration, the Academic Dean shall offer guidance and support, including, with regard to research and scholarship, by conferring with the Associate Dean for Research to select an appropriate person with relevant subject matter expertise to provide

⁴ If a complaint is filed against the Academic Dean, the function to be performed by the Academic Dean under this section shall be assumed by the Dean.

support, and with regard to teaching, either directly observing and offering constructive criticism of and a performance plan to the faculty member, or assigning another highly-regarded faculty member to perform that supportive role. The Professor provided written notification of incompetence need not accept any of this support.

In cases where the faculty member has indicated there is a physical or mental disability, and if requested, has provided medical certification, provisions should be made for reasonable accommodation as required by law and University policy.

After the mandated period for improvement, the Academic Dean in consultation with the Chancellor & Dean shall make a determination whether there has been satisfactory improvement and shall notify the Professor in writing. The only determination made at this point is whether there has been such marked improvement in performance as to render further proceedings unnecessary. A determination regarding discipline, including termination, requires further proceedings as set forth below.

B. Initiation of Disciplinary Proceedings for Matters not Covered by the Sexual Misconduct Policy

1. Disciplinary proceedings shall be initiated by the forwarding of a complaint by the Academic Dean to the Faculty Executive Committee. The Academic Dean⁵ may act at his or her own initiative or in response to information provided by others. The complaint shall be in writing and shall contain a full statement of the facts underlying the charges.

2. The Executive Committee may, if it deems mediation to be appropriate, direct the complainant and the respondent to meet with a mediator selected by the committee in an attempt to resolve the matter. The thirty (30) calendar day period in Paragraph 4, below, shall be stayed during the mediation process.

3. If a member of the Executive Committee is the respondent in the complaint, that member shall be recused from participating in the Executive Committee's consideration of the complaint. The Academic Dean shall appoint another member of the faculty, with the advice and consent of the Executive Committee, to serve as an acting member of the Executive Committee for the purpose of performing all committee functions relating to the complaint.

4. Within thirty (30) calendar days after receipt of a complaint, the Executive Committee shall determine whether the alleged facts contained in the complaint, if true, would constitute a violation of the Code. If a complaint is received at a time when classes are not in session, the Executive Committee may extend the time for making the determination required under this paragraph for a period of up to thirty (30) additional days.

⁵ If a complaint is filed against the Academic Dean, those functions to be performed by the Academic Dean under these discipline procedures shall be assumed by the Associate Academic Dean except where otherwise specifically provided.

5. If the Executive Committee determines that the complaint does not state a violation of the Code, it shall advise the complainant to that effect in a written communication containing the reasons for its determination.

6. If the Executive Committee determines that the complaint does state a violation of the Code, the Chair of the Executive Committee shall promptly deliver a copy of the complaint and written notice of the committee's determination to the respondent (either personally or by certified mail with return receipt requested), the complainant, and the Academic Dean.

7. The respondent shall have fourteen (14) calendar days from the date of receipt of the notice specified in Paragraph 6 to file an answer in writing with the Executive Committee. Upon receipt of a written application, the Chair of the Executive Committee may grant a reasonable extension of time, not exceeding thirty (30) calendar days, for filing of an answer.

8. Within thirty (30) calendar days after receipt of the answer or expiration of the time allowed if no answer is filed, the Executive Committee shall determine whether there is probable cause to believe that a violation of the Code has occurred. The finding of probable cause shall require a reconfirmation that the alleged facts, if true, would constitute a violation of the Code and a determination that a reasonable hearing panel could conclude that the complaint has been proven by clear and convincing evidence.

9. If warranted by the circumstances, the Executive Committee may direct the production of affidavits, offers of proof, and files and documents under the control of the complainant, respondent, or administration. Any confidential documents shall remain confidential within the committee.

10. If probable cause is not found to exist, the Executive Committee shall dismiss the complaint. Written notice of the dismissal and the reasons for it shall be delivered to the complainant, respondent, and Academic Dean.

11. If probable cause is found to exist, the Executive Committee shall refer the case for formal hearing as provided in section V.B. of this Article. The Chair of the Executive Committee shall give the respondent written notice of the time and place of the hearing at least thirty (30) calendar days in advance. The hearing notice shall be delivered personally or by certified mail with return receipt requested.

12. At any time before a final resolution of the case, the Academic Dean and the respondent may agree to informal resolution of the complaint provided that the Executive Committee approves of the terms of such resolution.

C. Initiation of Disciplinary Proceedings for Matters Covered by the Sexual Misconduct Policy⁶

In matters covered by the Sexual Misconduct Policy, all sections of the Sexual Misconduct Policy through “Informal Resolution” shall apply (including all definitions, procedures for investigation, interim measures, informal resolution, advisor responsibilities, and notification requirements). The Sexual Misconduct Policy procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another, etc.).

At the close of an investigation, for all contested allegations that are not resolved through informal resolution, the Title IX Coordinator shall so notify the parties⁷ and shall refer the case for a formal hearing as provided in Section V.D. of this Article. The parties shall receive written notice of the time and place of the hearing at least seven (7) calendar days in advance. If a reporting party requests that no formal resolution be pursued or declines to continue to participate in resolution proceedings, the Title IX Coordinator will evaluate whether the College should continue proceedings in light of the duty to ensure the safety of the campus and to comply with federal law.

All parties are entitled to an advisor of their choice who is permitted to be present in all meetings and proceedings. The rules and responsibilities governing advisors are set forth in the Sexual Misconduct Policy.

Retaliation against an individual filing a complaint or participating in a discrimination or harassment proceeding is prohibited. Retaliation is defined in the Sexual Misconduct Policy. University of California Hastings College of the Law is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. Retaliation includes threats, intimidation, reprisals, and adverse employment or educational actions.

D. Hearing Procedures for All Matters

1. The Executive Committee⁸ shall transmit the file to a hearing committee consisting of either a panel of the Committee on Faculty Conduct or a specially appointed outside hearing panel (the “Hearing Committee”) constituted under this section. If replacement of a Hearing Committee member becomes necessary due to incapacity or disqualification before final resolution of the complaint, the Executive

⁶ This section will apply to any complaints involving a faculty respondent. The Sexual Misconduct Policy in its entirety will govern any complaints by a faculty member against a non-faculty respondent.

⁷ All mention of “parties” in Part II shall be referencing the participating complainant(s) and respondent(s).

⁸ In Title IX cases, in order to limit the sharing of confidential information, the Title IX Coordinator will transmit the file to the appointed hearing committee.

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Committee shall determine whether a new hearing must be convened. A replacement Hearing Committee member shall be chosen in the same manner as initial appointments under this section.

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a. Each year the Executive Committee, in consultation with the Academic Dean, shall appoint a panel of six (6) members of the regular tenured faculty to serve as the Committee on Faculty Conduct. If a Hearing Committee is required, it shall consist of three (3) members chosen by lot. If a complaint is made against a member of the Committee on Faculty Conduct, that member shall be recused from service in that proceeding. If there are fewer than four (4) members of the Committee on Faculty Conduct eligible for a Hearing Committee, the Executive Committee shall appoint acting committee members, as needed, in consultation with the Academic Dean.

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b. If the Executive Committee determines that the complaint should be referred to an outside hearing panel in order to ensure impartiality, in fact or in appearance, then the Academic Dean shall appoint a panel of three outside hearing officers at the College's expense with the advice and consent of the Executive Committee.

c. In cases brought under the Sexual Misconduct Policy ("Title IX cases") where there is a complaint by a non-faculty member against a faculty member, the complaint will be referred to a Hearing Committee consisting of one member from the Executive Committee (appointed by the Executive Committee in consultation with the Academic Dean) and two Title IX-trained hearing officers (appointed by the Academic Dean at the College's expense and with the advice and consent of the Executive Committee). Decisions will be made by a two-thirds (2/3) majority of the Hearing Committee.

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2. The Hearing Committee shall choose one member to serve as chair. All members of the Hearing Committee must be present at each hearing or meeting.

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3. Except in Title IX cases, the case against the respondent shall be presented by the College. The Academic Dean shall designate a staff or faculty member to act as College representative in the disciplinary proceedings. In Title IX cases, there is no College representative except after a finding of responsibility when the College representative may advocate a view as to the appropriate sanction, or as a stand-in when the complainant has withdrawn or does not wish to participate in a proceeding, and the College has determined to proceed with the case.

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4. In non-Title IX cases, the College representative and respondent shall be entitled to be present at all sessions of the Hearing Committee when evidence is being received. The respondent has the right to be represented and accompanied by counsel paid for by respondent. In Title IX cases, any process made available to one party shall be made equally available to the other party, including the right to be accompanied by an

advisor of the party's choosing; the advisor may be counsel paid for by the party. The rules and responsibilities governing advisors, including limitations on their role and participation during proceedings are set forth in the Sexual Misconduct Policy.

5. In Title IX cases, the Committee will call witnesses to the hearing as it deems necessary for a full and fair adjudication of the complaint, taking into consideration witnesses suggested by the parties. Barring extenuating circumstances, the Hearing Committee will not call a witness who was not interviewed by the investigator or proffered by a party during the investigation, or both.

6. In Title IX cases, the Committee will permit the parties to provide relevant evidence and arguments in turn and permit questioning of and by the parties. The parties will each be allowed to submit questions for the witnesses and the other party to the Hearing Committee. Questions are usually directed to the parties and witnesses through and at the discretion of the Hearing Committee. If alternative attendance or questioning mechanisms are desired, due, for example, to the parties' not wishing to be in the same room together, the parties should request such alternatives from the Hearing Committee at least two (2) days prior to the hearing. Alternatives may include visual screens, videoconferencing, or questions directed through the Hearing Committee, etc.

7. In Title IX cases, the findings of the investigation are not binding on nor given deference by the Hearing Committee, though any undisputed findings of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. The Hearing Committee may have the Investigator⁹ participate in the hearing or may accept the investigative report into evidence.

8. In non-Title IX cases, the College representative and respondent shall have the right to present documentary evidence and witnesses, to submit rebuttal evidence, and to conduct cross examination. The College representative and respondent shall provide each other with all documents and names of all witnesses that are to be introduced at any hearing. This material shall be provided at least seven (7) calendar days prior to the hearing, but the Hearing Committee may grant exception for good cause shown. The Hearing Committee has the authority to order further offers of proof and other summaries of intended testimony in the interest of justice.

9. In non-Title IX cases, the College shall bear the burden of proof by clear and convincing evidence. In Title IX cases, The College shall bear the burden of proof by a preponderance of the evidence, except that a sanction of suspension without pay, dismissal, or demotion may be imposed only where the violation has been proved by clear and convincing evidence.

⁹ The investigator will be chosen and the investigation will be conducted as set forth in the Sexual Misconduct Policy.

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10. In order to preserve the confidentiality of the hearing, the hearing shall be closed to all persons whose presence is not essential to the conduct of the hearing. The complainant, respondent, and College representative, however, may jointly agree to an open hearing. In Title IX cases, the investigator and Title IX Coordinator may also be present.

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11. The College shall make an adequate record of the hearing by tape recording or otherwise. If a tape recording of the hearing is made, the College representative, the respondent, the complainant (in Title IX cases), and the party's or parties' representatives shall have the right to listen to and receive a copy of the tape. They shall be entitled to a written transcript upon request. In addition the respondent may make provisions, including the payment of all costs, for a stenographic report.

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12. The Hearing Committee shall have the discretion to prescribe procedures for matters not addressed herein. The hearing need not be conducted according to the rules of evidence that would apply in a court of law. For example:

a. The Hearing Committee may admit any relevant evidence if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.

b. The Hearing Committee may admit hearsay evidence for the purpose of supplementing or explaining other evidence, but hearsay evidence shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

c. In Title IX cases, the following rules apply:

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i. Any evidence that the Hearing Committee believes is relevant and credible may be considered, including history and pattern evidence, as well as collateral misconduct occurring in conjunction with harassing or discriminatory conduct, subject to subparts (ii)-(vi), below. The Hearing Committee will address any evidentiary concerns prior to and/or during the hearing, will disregard irrelevant or immaterial evidence, and will disregard evidence lacking in credibility or that is improperly prejudicial. Any response to a question at the hearing must be provided by the person being asked; no person will be permitted to answer questions at the hearing on behalf of another person.

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ii. Evidence cannot be used to prove or assess character. Evidence regarding past acts may only be used as specifically provided herein. In its discretion, the Hearing Committee can admit evidence of

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past acts that may indicate a pattern¹⁰ if those acts relate directly to the allegations in the instant case and it is the sort of evidence on which hearing officers are accustomed to rely in Title IX matters.

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iii. Evidence related to the prior sexual history between the parties is generally not used in determining whether a violation of policy has occurred and will only be considered when a determination is made that the evidence is directly relevant to the investigation.¹¹ As set forth in the Sexual Misconduct Policy Consent definition, previous relationships or prior consent cannot imply consent to future acts.

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iv. Prior sexual history of the complainant with individuals other than the respondent shall only be admitted if the evidence is directly relevant to the allegations¹² and its probative value substantially outweighs the danger of harm to any victim and unfair prejudice to any party.

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v. The sexual history of the complainant or respondent shall not be used as evidence of character or reputation.

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vi. The Hearing Committee should consult with the Title IX Coordinator to assess whether evidence related to prior sexual history is relevant and shall give the parties notice and an opportunity to respond before admitting such evidence.

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13. The Hearing Committee may, upon an appropriate showing of need by the College representative or respondent (or complainant in Title IX cases), or at its own initiative, direct the production of files and documents under the control of the administration, complainant, or respondent. Any confidential documents shall remain confidential within the committee. In Title IX cases, all documents obtained by the committee shall be shared with the Title IX Coordinator in order to support the ability to coordinate and ensure compliance.

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14. The Hearing Committee may call witnesses not identified by the parties. The Hearing Committee shall provide the College representative and the respondent (and

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¹⁰ In order to determine if a pattern exists, the Hearing Committee should evaluate whether careful investigative methods were used to identify repeat elements or details and if those elements or details are sufficient in quantity and significance to constitute a pattern. If pattern evidence is identified, it may be used in evaluating the information obtained in the current report (to aid in credibility assessments and/or to aid in determining whether the evidence makes the current reported misconduct more likely to have occurred).

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¹¹ For example, prior sexual history between the parties may be relevant to assess the manner and nature of communication between the parties, which may inform the determination of whether consent was sought and reasonably given during the incident in question.

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¹² For example, to explain an injury or physical finding, to address motive or bias, or to address a material issue.

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the complainant in Title IX cases) with at least three (3) days advance notice of such witnesses.

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15. All witnesses shall be sworn under oath to provide truthful testimony. Before offering testimony witnesses should also be advised of the serious nature of the proceedings and that the offering of false testimony may subject the witness, if a member of the Hastings community, to College disciplinary proceedings.

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16. No evidence other than that presented at the hearing shall be considered by the Hearing Committee or have weight in the proceedings, except that notice may be taken of any judicially noticeable fact. The parties shall be informed of matters thus noticed and each party shall be given a reasonable opportunity to refute such matters.

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E. Post-hearing Procedures

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1. Within fourteen (14) days after the conclusion of the hearing process, the Hearing Committee shall render a written decision containing its findings of fact, conclusions on violation of the Code, and the discipline to be imposed, if any. The Hearing Committee is not limited by any type of discipline proposed in the complaint.¹⁴ In Title IX cases, the report should specify the finding on each alleged policy violation, evidence and rationale supporting the essential findings, and any evidence the Hearing Committee excluded from its consideration and why.

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2. A copy of the Hearing Committee's written decision shall be delivered¹⁵ to the College representative, the complainant, the respondent, the Academic Dean, the Title IX Coordinator (in Title IX cases), and the Dean.¹⁶ The written decision and record of the proceedings shall be confidential; the Hearing Committee, however, may authorize a complete or partial release of the decision or record for good cause or with the joint consent of the complainant, respondent, and College representative.

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3. The Hearing Committee may reopen a case if before its decision is rendered either the College representative or the respondent (or the complainant in Title IX cases) presents newly discovered facts or circumstances that might significantly affect the impending decision.

4. Except in cases where the Hearing Committee imposes suspension without pay, demotion, or dismissal, the respondent (or the complainant in Title IX cases) may submit a written appeal of the Hearing Committee's decision to the Dean within fourteen

¹⁴ In Title IX cases, a College representative may be assigned to consult with the Hearing Committee on appropriate sanctions.

¹⁵ In Title IX cases, the parties shall receive notification simultaneously or without significant delay between the parties. Notification of the hearing findings must also include any appeal options that are available.

¹⁶ If a complaint is filed against the Dean, those functions to be performed by the Dean under these disciplinary procedures shall be assumed by the Academic Dean.

(14) calendar days of the issuance of the decision on the grounds either that proper procedures were not applied, that the decision is not supported by the evidence presented, or that the recommended discipline is inappropriate, or (in Title IX cases) that there is new or unknown evidence that was previously unavailable. In Title IX cases, the appeal will be shared with the other party who may file a response within fourteen (14) calendar days and/or bring their own appeal on separate grounds within the original timeframe.

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5. In the event of appeal, the Dean shall review the Hearing Committee's written decision and issue a written ruling. The Dean's review shall be based on the hearing record. The Dean may request written argument from the College representative and respondent (and complainant in Title IX cases). The Dean's ruling shall be rendered no later than thirty days after receipt of the appeal. Copies of the Dean's ruling shall be delivered to the complainant, respondent, College representative, and Academic Dean.

a. The ruling of the Dean shall state the disposition of the case, the reasons for the disposition, and whether a new hearing is required. The Dean's ruling on the need for a new hearing shall be final in cases not involving an imposition of suspension without pay, demotion, or dismissal.

b. The Dean shall have the power to reduce (or increase in Title IX cases) the amount of restitution and any type of discipline other than suspension without pay, demotion, or dismissal. The decision of the Dean shall be final in cases not involving suspension without pay, demotion, or dismissal.

6. If there is no appeal by a party to the Dean, then the decision of the Hearing Committee shall be final in cases not imposing suspension without pay, demotion, or dismissal.

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7. Suspension without pay,¹⁷ dismissal, or demotion may be imposed only upon approval by an affirmative vote of two-thirds (2/3) of the regular tenured faculty that are present and voting at a special meeting to consider the case, and, in cases involving long-term contract faculty with ABA Standard 405(c) tenure-like status, other LTCF with that status. In a Title IX case before the faculty, unless both parties have voting rights, neither party may vote.

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a. If the decision of the Hearing Committee is to impose suspension without pay, demotion, or dismissal, the Dean shall promptly forward the written decision to the eligible voting faculty¹⁸ for approval. The written decision shall be

¹⁷ In Title IX cases, if the Hearing Panel imposes suspension without pay, but not dismissal or demotion, that sanction will be reviewed by the Executive Committee rather than the faculty, and may be imposed only upon approval by an affirmative vote of two-thirds (2/3) of the Executive Committee present and voting. In considering such a case, any member of the Executive Committee who served on the Hearing Committee will be recused from the deliberation and the vote.

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¹⁸ In a Title IX case involving suspension without pay, the "eligible voting faculty" would consist of the Executive Committee members less any member who served on the Hearing Committee.

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presented with at least two (2) weeks advance notice of the special meeting. The hearing record shall be made available for review by any faculty member eligible to vote on the matter.

b. During the course of Faculty consideration but no later than five (5) days before the special meeting, the College representative and respondent may submit written argument for Faculty consideration. Such written arguments shall be made available by the Dean with the hearing record.

c. The Faculty may sustain the Hearing Committee's imposition of suspension without pay, demotion, or dismissal only upon an affirmative vote by two-thirds of the eligible faculty members present and voting. Alternatively, the Faculty may impose either a less severe discipline that includes demotion by a two-thirds (2/3) majority of those present and voting or a less severe discipline that does not include demotion or suspension without pay by a simple majority of those present and voting.

d. The voting in special meetings to consider the imposition of discipline shall be by secret ballot.

e. The decision of the Faculty shall be final in cases not involving the revocation of tenure.

f. In Title IX cases, the written decision, hearing record, written and/or oral arguments, and all other information related to the matter that is shared with the Faculty through these proceedings shall be treated as confidential and may not be shared or discussed with anyone who is not an eligible faculty member present and voting or who is otherwise authorized to have access to the confidential information; except that the parties will not be bound by this rule.

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8. If a decision of the Faculty to demote or dismiss includes the revocation of tenure, such decision shall be subject to the approval of the Board of Directors. The decision of the Board in approving demotion or dismissal including revocation of tenure shall be final. If the Board does not approve demotion or dismissal including revocation of tenure, then the Dean, acting in consultation with the Executive Committee, may impose any less severe type of discipline permitted under this Article other than demotion or dismissal. The decision of the Dean in such cases shall be final.

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**Policies and Procedures for Establishing A Research Center or
Institute at UC Hastings**
(approved by Board of Directors, 3/1/2013)

Governing Principles

1. Faculty members who are interested in and have opportunities to obtain outside funding for research on a continuing basis may seek to have the College establish a Research Center or Institute, as an umbrella organization with the College, to receive funds from outside foundations, individuals, firms or governmental agencies to support the defined activities of the Center or Institute. [The procedure for establishing a Center or Institute is set out below.]
2. The purpose of the Center or Institute is to provide research in a particular field or subject matter. Legislators or other governmental bodies responsible for the development of public policy may use research undertaken by a Center or Institute. Research Centers and Institutes are precluded from engaging in lobbying. Centers and Institutes may create clinical programs that are designed to have students learn and apply the Center's or Institute's field of study.
3. Research Centers and Institutes should be primarily self-supporting. The College will provide minimal administrative support and space, when feasible. The College will also provide for the management of the accounting and financial record keeping for the projects undertaken by the Center or Institute. In turn, overhead will be taken from the funds received by the Centers and Institutes. The amount of support provided by the College to the Centers and Institutes and the overhead taken by the College from the Centers and Institutes should be memorialized in writing and reviewed regularly by the administration, and in any event, no less frequently than every five years. Changes in support and overhead should be made to reflect the current state of the College's finances and space availability.
4. Research Centers and Institutes should be titled and defined broadly enough to capture a wide range of activities so as to allow faculty colleagues who have related interests to participate when and if funding opportunities for particular projects present themselves.
5. There should be some clear benefit or tie-in into the UC Hastings curriculum and course of study supporting the decision to establish a Research Center or Institute to ensure that its activities over time may benefit not only the individual faculty members who initiate the Center or Institute, but also the students and UC Hastings community generally.
6. Insofar as any of the projects undertaken by a Center or Institute contemplate the

creation of a clinic or the award of credit to students for externships, the creation of new classes, or teaching responsibilities for members of the Center's or Institute's staff, the faculty members proposing the project will follow the normal rules regarding such curricular additions and seek approval of the Curriculum Committee and of the Faculty Appointments Committee as needed.

7. Recognizing that it may be desirable for the Centers and Institutes to create new staff positions, at least for certain projects that may be undertaken in a particular Center or Institute, the College will create titles for these staff. Such titles include, but are not limited to, fellow, researcher, staff attorney, director and project manager.

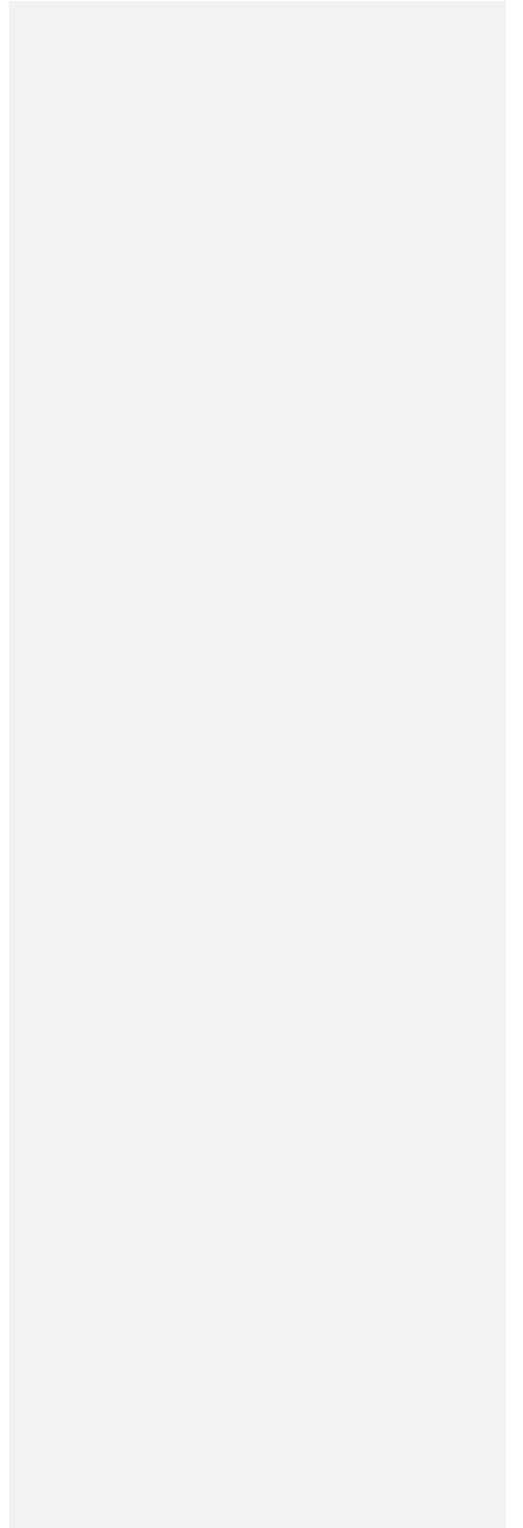
8. All established policies and procedures of the College shall be applicable to any Research Center or Institute that is established pursuant to these procedures, including but not limited to UC Hastings personnel policies and the policies in the UC Hastings Branding and Identity Manual.

9. If at any time an approved Research Center or Institute either lacks the outside funding necessary to carry on its operations or engages in activities or conduct inconsistent with the preceding principles or with the College's policies and procedures, the faculty or the Board of Directors may terminate the authorization for that Center or Institute and it shall cease its operations.

Procedures

1. Faculty member(s) desiring to establish a Research Center or Institute shall submit a proposal defining the scope and objectives of the Center or Institute to the Chancellor and Dean and the Academic Dean.
2. The Deans shall review the proposal to make sure that it is consistent with the above principles and shall consult the Faculty Executive Committee about the proposal.
3. When fully refined, the Deans shall bring the proposal to the full faculty for its approval.
4. The Deans shall report to the Board of Directors the faculty's action in establishing the Center or Institute.
5. Once a Center or Institute is established, faculty members seeking grants and other funding to support proposed projects at the Center or Institute must notify the Chancellor and Dean and the Academic Dean. If the Deans determine that the funding is not appropriate with the scope of the Center's or Institute's activities or otherwise within the approved guidelines, and faculty members disagree with that determination, they shall seek the advice of the Executive Committee, although the ultimate

determination to sign a funding proposal on behalf of the College rests with the Chancellor and Dean.



4.4 Faculty Staffing Update

By Academic Dean Morris Ratner

Public defender and criminal procedure scholar Jonathan Abel will join the UC Hastings Law faculty as a tenure-track associate professor on July 1.¹ He will teach Criminal Law and Criminal Procedure starting in the 2020-2021 academic year. Abel is currently an assistant federal public defender in San Francisco, where he works primarily on appeals. Previously, he was a Visiting Assistant Professor at UC Irvine Law in 2019, and worked for four years as an attorney at the Habeas Corpus Resource Center² in San Francisco. Before that, Abel served as a fellow at Stanford's Constitutional Law Center. Abel's scholarly research focuses on informational asymmetries in the criminal justice system and the structural injustices these asymmetries produce. His research on police misconduct records and their availability to criminal defendants has been widely cited in scholarly journals, newspapers, and court cases. Abel has also written about the unexpected role police officers play in plea bargaining, the discriminatory use of peremptory challenges, and the retroactive sealing of public records, among other topics. His articles have appeared in the *Yale Law Journal*,³ *Columbia Law Review*,⁴ and *Stanford Law Review*.⁵

Accompanying Report 4.5 provides additional, center-related faculty hiring updates.

¹ We announced this hire on the UC Hastings website. See <https://www.uchastings.edu/2020/01/24/welcome-jon-abel/>.

² <http://www.hcrc.ca.gov>.

³ <https://www.yalelawjournal.org/essay/cops-and-pleas-police-officers-influence-on-plea-bargaining>.

⁴ <https://www.jstor.org/stable/26397695?seq=1>.

⁵ <https://www.stanfordlawreview.org/print/article/bradys-blind-spot-impeachment-evidence-in-police-personnel-files-and-the-battle-splitting-the-prosecution-team/>.

4.5 Center-Related Faculty Staffing Updates

By Academic Dean Morris Ratner

I. UCSF/UC Hastings Consortium Staffing Transition

Jaime King¹ is a Professor of Law and Associate Dean and Faculty Director of the UCSF/UC Hastings Consortium on Science, Law, and Health Policy,² and one of the leading scholars on the U.S. healthcare system and healthcare reform. She recently accepted an offer to become the John and Marylyn Mayo Chair in Health Law at the University of Auckland, New Zealand's leading and largest university. UC Hastings Law is grateful to her for her years of exemplary service to the College, our UCSF partners, and our students.

The UCSF/UC Hastings Consortium that Chancellor & Dean David Faigman founded and that Professor King helped to nurture and grow is in good hands. Consortium Executive Director Sarah Hooper³ and Visiting Professors Tim Greaney⁴ and Rob Schwartz⁵ will continue research and help administer and teach classes in the health law concentration. Sarah and others will also help us evaluate the future of the joint online Masters Program in Health Policy and Law. Chancellor & Dean David Faigman and I currently plan to charge next year's Appointments Committee with the project of identifying and hiring a senior lateral candidate to reinforce our research strength and capacity in health policy. We also hope to continue to partner with Professor King on projects even after she leaves at the end of this academic year.

II. New Center for Racial and Economic Justice

The College's draft operational strategic plan notes:

A core cross-cutting initiative of the Strategic Plan is that we will continue to build [programmatic] centers of excellence in subject-matter areas of particular strength. One approach to creating centers of excellence is to tie together the strands of our law school, including our students and student organizations, our faculty members and their scholarly communities, our alumni and other practitioners, and our concentrations/curriculum. Centers host special projects and events, including colloquia and create alumni engagement opportunities.

I am delighted to announce that Professor of Law and founding Director of the Social Enterprise & Economic Empowerment Clinic Alina Ball⁶ has agreed to serve as faculty Co-Director with Honorable Raymond L. Sullivan Professor of Law and former Academic Dean Shauna Marshall⁷

¹ See <https://www.uchastings.edu/people/jaime-king/>.

² See <https://www.uchastings.edu/academics/centers/consortium/>.

³ See <https://www.uchastings.edu/people/sarah-hooper/>.

⁴ See <https://www.uchastings.edu/people/thomas-greaney/>.

⁵ See <https://www.uchastings.edu/people/rob-schwartz/>.

⁶ See <https://www.uchastings.edu/people/alina-ball/>.

⁷ See <https://www.uchastings.edu/people/shauna-marshall/>.

of the Center for Racial and Economic Justice, which Professor Marshall started last year⁸ as the Center for Racial Justice. Their new center will work to advance equity through legal education, scholarship and collaboration, including by providing the College access to nationally renowned thinkers on issues of racial and economic inequality and to examine how law reinforces subordination. The new center's primary avenues for achieving its mission are:

- Reframing conventional doctrinal course instruction by situating cases and jurisprudence within a historical and structural context of racism and inequality;
- Convening scholars and practitioners to disseminate information and facilitate dialogue on issues of racial and economic injustice; and
- Coordinating course offerings and other educational opportunities that center critical perspectives of race, identity, and inequity through which Hastings Law students develop a deeper understanding of the complexities of racism and subordination.

To support the new center's efforts, we have created and are hiring for two visiting positions, which will work in tandem. First, we have created a new Visiting Assistant Professor (pre-market, entry-level) position that will provide the opportunity for the College to hire and cultivate emerging scholars focused on racial and economic justice issues.⁹ Second, and relatedly, we have created the Wiley Manuel Visiting Scholar and Professor position to bring an experienced racial and economic justice scholar to our campus to co-teach a seminar with and to help mentor the less experienced VAP and to participate in the intellectual life of our community.

III. Center on Tax Law: New Low Income Taxpayer Clinic Supported by IRS Grant

Senior Faculty Co-Director Heather Field¹⁰ and Faculty Co-Director Manoj Viswanathan¹¹ established and run the Center on Tax Law.¹² They successfully sought and obtained an Internal Revenue Service grant to fund a new Low Income Taxpayer Clinic (LITC). The grant will support a Visiting Assistant (Clinical) Professor (VAP)¹³ who will establish and direct the clinic in the coming year. This is a full-time, non-tenure track faculty position (lecturer) intended to support those interested in law school academic careers. Assuming successful renewal of the IRS grant, the Clinic Director position will be a two-year appointment, with possible extensions for subsequent years.

The clinic will give free legal assistance to low-income taxpayers with active tax controversies with the Internal Revenue Service and provide education and outreach to taxpayers who speak English as a second language. Clients will be represented by students earning course credit for their enrollment in the Clinic, volunteer pro bono attorneys, and the Clinic Director. The Clinic Director will manage all aspects of the clinic's operations, including conducting client intake,

⁸ See <https://www.uchastings.edu/2018/11/19/hastings-opens-new-innovative-academic-centers/>.

⁹ See https://www.uchastings.edu/wp-content/uploads/2020/01/VAP-position_01.31.2020.pdf.

¹⁰ See <https://www.uchastings.edu/people/heather-field/>.

¹¹ See <https://www.uchastings.edu/people/manoj-viswanathan/>.

¹² See <http://tax.uchastings.edu>.

¹³ See <https://www.uchastings.edu/wp-content/uploads/2019/12/2019.12.03-LITC-VAP-Posting.pdf>.

teaching students the relevant law and lawyering skills necessary for effective representation, placing clients with pro bono attorneys, and ensuring compliance with IRS grant requirements.

After a search, the Center on Tax Law and the College hired Amy Spivey ('13)¹⁴ as the inaugural LITC VAP.

¹⁴ See <https://www.linkedin.com/in/amynspivey/>.

Agenda Item: *4.6
Educational Policy
February 27, 2020

4.6 Sabbaticals (Voting Item)

By Chancellor & Dean David Faigman and Academic Dean Morris Ratner

I. Background and Standard

The administration respectfully seeks the Committee's and Board's approval of two research sabbaticals for academic year 2020-2021. The College's Standing Orders, at 102.4 and Document III of the Faculty Rules and Procedures ("Sabbatical Leave Policy") provide the framework for the review of requests for sabbaticals, including:

- Eligibility ("A regular full-time faculty member of the College may be considered for a sabbatical leave of absence after six (6) years of service");
- Approval procedure and constraints ("Subject to the availability of funding, sabbatical leaves may be granted by the Board of Directors, upon recommendation of the Dean"; and "[a] sabbatical leave of absence will be granted only after the faculty member's proposed activity has been approved by the Academic Dean");
- Purpose ("Sabbatical leaves are granted to enable recipients to be engaged in intensive programs of research and/or study, thus to become more effective teachers and scholars and to enhance their services to the college"; the phrase "intensive programs of research and/or study" mirrors UCOP APM 740-0);
- Other requirements ("The recipient, following the leave, will submit a written report on his or her sabbatical accomplishments and continue service at the College for a period at least equal to the period of the leave").

Pursuant to the Faculty Rules, the formula for determining priority is based on years of service minus a period of years for sabbatical and other leaves.¹ The formula is: (1) current year minus appointment year;² (2) minus the number of years associated with prior leaves (six years for every sabbatical, 4 years for every research leave, and .5 years for each semester not spent teaching at the College for reasons such as visiting at another institution)).

We recommend approval of sabbatical applications from Professor Scott Dodson,³ our outgoing Associate Dean for Research, and from Professor Jeff Lefstin,⁴ who completed a tour of service as Associate Academic Dean last year. Both faculty members had decanal appointments that included contractual sabbaticals upon completion of their service as associate deans. As indicated in the

¹ Per Standing Order 102.4, the College "shall follow the University of California Academic Personnel Policies in order to calculate the service credit earned toward a sabbatical leave."

² If no leaves were taken in the previous year, then the faculty member's net years credit should increase by one year.

³ See <https://www.uchastings.edu/people/scott-dodson/>.

⁴ See <https://www.uchastings.edu/people/jeffrey-lefstin/>.

following section, Professors Dodson's and Lefstin's applications meet the standards for grant of a sabbatical request.

II. Proposed Sabbaticals

Professors Dodson and Lefstin are both eligible for sabbaticals in terms of service credit. The College is able to temporarily staff their classes while they are away next year, and normally has at least two research faculty members on sabbatical in any given year. They are both productive scholars and plan to do promising and substantial research, described below, which the Academic Dean has evaluated and approved.

A. Associate Dean for Research and Professor Scott Dodson (Sabbatical in Fall 2020)

Professor Dodson's research proposals states relevant part:

I propose to write the definitive history of the Supreme Court Rules. I imagine this ultimately as a book project, but I plan to start by writing an article-length paper focusing on a discrete time period that might usefully be pitched to the peer-reviewed journals *American Journal of Legal History*, *Journal of Legal History*, *Law & History Review*, or the *Journal of Supreme Court History*. Depending upon the findings and conclusions, I may then seek external funding from the Supreme Court Historical Society.

B. Professor Jeff Lefstin (Sabbatical in Fall 2020)

Professor Lefstin will use his sabbatical to serve as a guest researcher at the Max Planck Institute. The Institute's letter appointing him notes: "[t]he purpose of your stay will be to conduct research in the field of IP licensing law as well as on the historical treatment of scientific discoveries in United States patent law, both in comparison with the German system."