

# MEMORANDUM

August 2013

TO: All Faculty  
FROM: Associate Dean for Academic Affairs Bobby Chesney  
SUBJECT: Reminder of Certain Rules and Policies

Welcome back everyone! With the start of another academic year, it's time for the annual memo reminding us of key rules and policies adopted by the UT System, the University, the Faculty Council, and the School of Law itself. Please note that this memo is *not* exhaustive of all relevant rules and policies. That said, here are the ones we traditionally highlight:

## **1. Announcing Methods of Evaluating Student Performance.**

UT's Handbook of Operating Procedures ("HOP") 2-3110 states in relevant part:

"Faculty members are free to develop their own methods of evaluating the performance of students in their courses, but they are required to make the methods of evaluation to be used known to their classes in writing before the end of the first four class days of each long-session semester and the first two days of the summer terms."

<http://policies.utexas.edu/policies/final-examinations>

Please do not deviate from your announced method of evaluation. Nothing is more certain to arouse the ire of your class than a mid- or late-course announcement that you have decided to alter the way you will grade the course. If you have told students that grading will be completely anonymous based on a written examination, for example, do not add a graded in-class group project. If you announce you will give an open-book exam, do not switch to a closed-book exam. If you announce that your exam will be all essays, do not switch to a multiple-choice exam. And so forth.

## **2. Grading Policy**

The School of Law's grading policy—including the rules relating to the curve and to curve relief—is posted here: <http://www.utexas.edu/law/sao/academics/gradingpolicy.html>. It provides:

### **I. Mean Grade Requirement; Grounds for Exception**

1. The expected mean grade in all courses other than seminars shall be 3.30.
2. The Law School shall not record grades for a class in which the mean is more than .05 above or below the expected mean grade (i.e., between 3.25 and 3.35), unless the professor requests an exception and submits adequate justification.

In classes with 20 or fewer students (counting only JD's if non-JD students are graded separately), faculty can request an exception from the Associate Dean on the ground that (a) the method of evaluation for the class renders it inappropriate to conform to the mean requirement or (b) the class did not generate an appropriate grade distribution. In classes of more than 20, faculty can request an exception from the Associate Dean for some other truly exceptional reason.

In short, the only classes that are automatically exempt from the mean requirement are seminars. All other deviations must have the approval of the Associate Dean before the grades can be recorded.

## II. Distribution of Grades

1. Mandatory Distribution of Grades in First-Year Large Sections:
  - 30 to 40% of grades must be A+, A, or A-; and,
  - at least 5% of grades must be C+, C, D, or F.
2. Recommended Distribution of Grades in Other Courses:
  - about 35% of grades should be A+, A, or A-;
  - about 55% of grades should be B+, B, or B-; and,
  - about 10% of grades should be C+, C, D, or F.
3. A maximum of 6% A+ grades (rounded up to the next whole number) may be awarded in classes other than seminars.

## III. Exemption for Seminars

1. The rules established in Part I and II shall not apply to seminars. But even in seminars, there should be a distribution of grades from A+ to B or below. A maximum of 15% A+ grades (rounded up to the next whole number) may be awarded in seminars.

## IV. Treatment of First-Year Students in Upper-Class Courses and Non-J.D. Candidates

1. Professors may calculate separate curves for first-year and upper-class students in courses that enroll both. Each curve considered separately shall be subject to these rules.
2. If a class includes students who are not J.D. candidates, and if those students are graded in a way that does not place them in direct competition with J.D. candidates, then in calculating the mean grade, the grades of those students shall be disregarded.

If you discover at the end of the add-drop period that you have 20 or fewer students, and you wish to seek curve-relief based on I.2(a) above, please send me an email to that effect, explaining why your grading approach qualifies. In any event, please do *not* tell your students that the class will be off curve until a formal decision on the matter is made.

Also, please note that obtaining curve relief does not mean that anything goes; in most cases the nature of the relief is to raise the maximum mean for that class by some suitable amount, not to eliminate limits entirely.

### 3. Office Hours.

All teachers are expected to hold office hours. These scheduled times should be included in the course syllabus.

### 4. Authorization to Use Textbooks Written by a Member of the Faculty.

From the *Regents' Rules and Regulations*:

“Textbooks, notebooks, manuals or other materials for the use of students of a component institution, written or prepared by a member of the faculty of that institution, shall not be prescribed for the use of students in that institution or sold to such students until such books, notes, manuals, or materials shall have been approved with reasons stated, by the departmental faculty, the dean or deans concerned, and transmitted to the institutional head for approval and inclusion in the next regular docket. All such requests shall indicate the proposed prices and profits, and their authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given.”

To download the appropriate form, please see: [http://www.utexas.edu/provost/policies/faculty\\_textbook/](http://www.utexas.edu/provost/policies/faculty_textbook/). Completed forms should be forwarded to the Dean's Office, care of Sylvia Hendricks.

### 5. Writing Seminars and Directed Research and Study.

Writing seminar rules are posted here: <http://www.utexas.edu/law/sao/academics/writingseminar.html>. Directed Research and Study (DRS) rules are here: <http://www.utexas.edu/law/sao/academics/paperwork/drsrules.pdf>.

Please remember that students must complete all requirements for a DRS in one semester. Thus, you cannot give students an “incomplete” or otherwise allow them to complete a Fall DRS after final grades for the fall are due.

## **6. Conflict of Interest, Conflict of Commitment, and Outside Activities.**

So...this one is complicated, for the relevant rules are in flux at the moment. The UT System adopted a new policy (“UTS 180”) recently in response to a change in Rule 30104 of the Regents’ Rules and Regulations. The System also promulgated a model policy statement for inclusion in the Handbook of Operating Procedures (HOP). UT Austin accordingly revised the HOP to include the new policy as [HOP 5-2011](#), “Conflicts of Interest, Conflicts of Commitment and Outside Activities.” But here is the catch: On one hand, we have been told that this policy takes effect on September 1, 2013. Yet we also were told that there likely would be modifications to it over the summer, and have not yet heard what those modifications might be or what their status is. We have pressed for clarification, and I will circulate a separate memo addressing this complex topic as soon as we know more. Stay tuned.

## **7. Employee Travel Expenses.**

The Office of Accounting has posted the rules relating to travel reimbursement here, along with other expense-reimbursement rules:

<http://www.utexas.edu/law/accounting/help.html#travel>

## **8. Use of University Physical Facilities, Equipment, or Other Resources by Faculty and Staff.**

Section 1, Chapter VII, Part Two, Regents’ Rules and Regulations, provides:

“Except as otherwise specifically authorized, property of the System shall be used only for official business. Further, University equipment may be removed from The University only if such equipment is necessary to carry on the official business of The University. In all instances in which equipment is removed, the individual removing it must assume pecuniary responsibility unless he or she is otherwise specifically relieved of such responsibility.”

For information and guidance, some examples of unauthorized and improper use of University personnel and property are:

- a. Use of University property for the benefit of a business or company in which the employee has a financial or participating interest;
- b. Use of a University office or equipment to make items for sale, or to perform non-University work for a private concern or for compensation;
- c. Use of any University personnel, supplies, or materials for other than official University business.

## **9. Sexual Harassment, Sexual Misconduct, and Consensual Relationships Policy.**

The University has a commitment to providing an educational environment that is free from inappropriate conduct of a sexual nature. Please see: <http://policies.utexas.edu/policies/sex-discrimination-and-sexual-harassment>.

### **Sexual Harassment:**

Is a form of sex discrimination that can occur when:

- a. the submission to unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made an implicit or explicit term or conditions of employment or education; or
- b. the submission or rejection to unwelcome physical conduct of a sexual nature, or to unwelcome request for sexual favors or other verbal conduct of a sexual nature, have the effect of creating an objectively hostile environment that interferes with employment or education on account of sex.

### **Verbal Conduct:**

Defined as oral, written or symbolic expression that:

- Personally describe or are personally directed at a specific individual or group of identifiable individuals; and

- Are not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.
- Verbal conduct that, depending on the totality of circumstances present, may constitute sexual harassment includes, but is not limited to:
  - Explicit or implicit propositions to engage in sexual activity;
  - Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
  - Gratuitous remarks about sexual activities or speculation about sexual experience;
  - Persistent, unwanted sexual or romantic attention;
  - Subtle or overt pressure for sexual favors;
  - Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
  - Deliberate, repeated humiliation or intimidation based upon sex.

### **Sexual misconduct:**

Defined as behavior or conduct of a sexual nature that is unprofessional and/or inappropriate for the educational and working environment.

Behaviors that may constitute sexual misconduct include but are not limited to:

- Repeatedly engaging in sexually oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office or classroom, even if such conduct is not objected to by those present.
- Gratuitous use of sexually oriented materials not directly related to the subject matter of a class, course or meeting even if not objected to by those present.
- Failure to observe the appropriate boundaries of the supervisor/subordinate or faculty/student relationship, including the participation of a supervisor, teacher, advisor or coach in an unreported consensual romantic or sexual relationship with a subordinate employee or student.

For more information, please see: <http://policies.utexas.edu/policies/sexual-misconduct>.

### **Consensual Relationships**

The University strongly discourages consensual relations between supervisors and subordinates, teachers and students, and advisors and students. Should such a relationship develop, the teacher, supervisor or advisor has the obligation to disclose its existence to an immediate supervisor and cooperate in making alternative arrangements for the supervision, evaluation, teaching, grading, or advising of the employee, student and/or student employee.

Please review the complete policy at <http://www.utexas.edu/provost/policies/harass/index.html> .

### **10. Faculty Sick Leave.**

Benefits eligible faculty members earn sick leave entitlement beginning on the first date of their payroll appointment period at the University (e.g., September 1 for most fall appointments and January 16 for most spring appointments) and terminating on the last day of duty. If you are ill and absent on a normal workday for regular employees during the academic year, please complete a "Report of Sick Leave Taken" form.

Sick Leave Form: [http://www.utexas.edu/provost/policies/leave/Sick\\_Leave\\_Taken%2012-13\\_FORM.pdf](http://www.utexas.edu/provost/policies/leave/Sick_Leave_Taken%2012-13_FORM.pdf).

### **11. Addresses and telephone numbers.**

Your home address and telephone numbers can be updated at [https://utdirect.utexas.edu/apps/utd/all\\_my\\_addresses/](https://utdirect.utexas.edu/apps/utd/all_my_addresses/). At this point, you will have to log in using your EID and password to access UT Direct. Please forward any changes made to the web to Sylvia Hendricks at [shendricks@law.utexas.edu](mailto:shendricks@law.utexas.edu) or 232-1473. Also, please provide your faculty assistant with your forwarding address or telephone number during holidays and/or summer months.

### **12. Biographical Data.**

If you have not recently done so, please send Sylvia Hendricks a copy of your current resume for your personnel file.

