

Fredric G. Levin College of Law
Office of the Dean

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October 30, 2018

MEMORANDUM

TO: Voting Faculty

FROM: Laura A. Rosenbury, Dean *LAR*

RE: Faculty Meeting Agenda, November 6, 2018

I have scheduled a Faculty Meeting for Tuesday, November 6, 2018, in the Faculty Lounge, beginning at 3:00 p.m. The agenda will be as follows:

1. Approve Faculty Meeting Minutes for October 16, 2018, material attached.
2. Proposed action item: Academic Standards Committee's recommendation for changes in grading policy, material attached
3. Proposed action item: Non Tenure Track, Promotions and Retention Committee recommendation for changes to the Faculty Policy Manual to allow submission of more than one candidate for hiring approval, material attached.

Law Faculty Meeting Minutes

September 25, 2018, 3:00 p.m.

PRESENT: Seth Brostoff, Karen Burke, Dennis Calfee, Jonathan Cohen, Jeffrey Davis, Robin Davis, Mark Fenster, Ben Fernandez, Jeff Grater, Bill Hamilton, Jeffrey Harrison, David Hasen, Berta Esperanza Hernandez, Darren Hutchinson, Joseph Jackson, Joan Johnsen, Shani King, Christine Klein, Liz Lear, Sarah Lewis, Charlene Luke, Pedro Malavet, Merritt McAlister, Grayson McCouch, Silvia Menendez, Peter Molk, Jason Nance, Lars Noah, Jane O'Connell, William Page, Meshon Rawls, Laura Rosenbury, Betsy Ruff, Katherine Russell-Brown, Amy Stein, Stacey Steinberg, Danaya Wright, Jennifer Zedalis

NOT PRESENT: Mary Adkins, Mary Jane Angelo, Thomas Ankerson, Stephanie Bornstein, YARIV Brauner, Charles Collier, Deborah Cupples, Shamika Dalton, Nancy Dowd, Teresa Drake, Joan Flocks, Alyson Flournoy, Monique Haughton Worrell, Mindy Herzfeld, Michelle Jacobs, Lea Johnston, Leslie Knight, Taryn Marks, Gail Mathapo, Timothy McLendon, Jon Mills, Patricia Morgan, Fred Murray, Kenneth Nunn, Leanne Pflaum, Rachel Purcell, Teresa Reid, Robert Rhee, Elizabeth Rowe, Sharon Rush, Daniel Sokol, John Stinneford, Margaret Temple-Smith, Diane Tomlinson, Lee-Ford Tritt, Chris Vallandingham, Henry Wihnyk, Steven Willis, Michael Wolf, Wentong Zheng

Meeting called to order at 3:05 p.m.

I. Announcements

Dean Rosenbury announced the history relating to desegregation at UF and UF Law and an upcoming event commemorating 60 years of desegregation. The College of Law would like to honor George Starke as the first matriculant with Distinguished Achievement Award and an honorary degree. Dean Rosenbury discussed a process to obtain faculty input – through the Diversity Committee. Dean Rosenbury asked for feedback on this process and invited comments to Chair Robin Davis before the application deadline, October 31.

Information Item Only

Both appointment chairs, David Hasen and Berta Hernandez-Truyol, provided updates on appointments and callback interviews and requested faculty participation.

II. Approve Faculty Meeting Minutes for September 25, 2018

Faculty considered September 25, 2018 minutes.

Unanimously approved.

III. Information Item: Digital Measures software for faculty activities

Associate Deans Liz Lear and Jane O'Connell introduced the Digital Measures database and proposed use. Krista Vaught made a presentation on use and how faculty can update the database and obtain tutorials.

Information Item Only

IV. Designation of AALS Representatives

Dean Rosenbury requested nominations of AALS Representatives. Joe Jackson, Pedro Malavet, and Amy Stein were nominated; Pedro Malavet withdrew his name.

Joe Jackson and Amy Stein designated as representatives.

V. Approve adjunct professor Stephen Pennypacker to teach a second course in the 2018-2019 academic year

Chair Betsy Ruff proposed approval of Stephen Pennypacker to teach a second course in the spring. Chair Ruff explained the evaluation process and proposed approval.

Recommendation Unanimously Approved

Discussion ensued with regard to the import of this course.

VI. Approve emeritus status for Sharon Rush

Dean Rosenbury explained that Professor Sharon Rush will retire in November. Pursuant to University rules, Dean Rosenbury sought the recommendation of the faculty pertaining to the emeritus status for Sharon Rush to submit to Provost Glover. Discussion ensued with regard to recommendations.

Unanimously Supports Grant of Emeritus Status to Sharon Rush

Meeting adjourned at 3:34 pm.

To: Faculty
From: Academic Standards Committee
Re: Committee Recommendation
Date: November 5, 2018

The Committee believes that our mandatory grading curve has permitted a number of our students not to strive for excellence in their course work. In their experience, a modest amount of effort is all that is required in order to receive satisfactory grades of at least a C or better. Thus graduation is assured. The Committee believes that too many of them carry this attitude into preparation for the BAR exam. They may or may not exert increased effort in preparing for the BAR exam, but even if increased, the effort too often turns out to be insufficient.

The Academic Standards Committee recommends that we change the way in which we determine whether a professor's grades comply with the mandatory mean. We recommend that grades of D be treated the same as grades of E are currently treated, in that they should not be included in the calculation of the professor's mean grade. Under the current calculation, there is great disincentive to give grades of D because, in order to achieve the required mean, grades of D must be counterbalanced by too many undeserved high grades. So students who perform poorly are misled by receiving grades of C (satisfactory) when they should receive grades of D, clearly reflecting their unsatisfactory performance.

To illustrate, the grade distribution given by Professor Davis to his Fall '17 Contracts class was as follows:

Points out of 100	Grade	Number receiving
72 to 85	A	14
62 to 71	A-	15
52 to 61	B+	31
40 to 50	B	21
33 to 38	B-	10
28 to 32	C+	8
24	C	2
16	C-	2

As you can see, he gave 14 grades of A, 15 grades of A- and 31 grades of B+, out of 103 students. One can also see that two students scoring 16% received grades of C-, and two scoring 24% received grades of C. He believes giving grades of C to students who performed this poorly misleads them. He believes these students should have received grades of D, and some of the students scoring 50% or worse should have received lesser grades. However, since we currently include D grades in the

calculation of the mean, if he had given these lower grades, in order to achieve the mandatory mean, he would have had to raise twenty-five of the B+ grades to A and A-. This would also mislead these students into thinking they performed far better than in fact they did.

If grades of D or D+ were not included in the calculation of the mean, the poorest performing students would know their performances were unsatisfactory, and there would also be no need to unduly inflate the grades of twenty five of the B+ students, who performed well but not exceptionally.

The Committee has consulted with the Curriculum Committee on this recommendation. That committee supports this recommendation. However, some of the members of that Committee voiced a concern that some of our colleagues might react excessively to this expanded grading flexibility and award D grades to too many students. We thought about imposing a limit on the percentage of D grades permitted, or perhaps borrowing from the mandatory grade distribution imposed first-year courses and imposing a ceiling of 15% on combined C and D grades in all courses. Ultimately, we decided not to try to fix a problem that we do not know exists. We believe it best, at least initially, to trust one another to act reasonably, and if a problem surfaces, to deal with it at that time.

The Committee recommends the following amendment to the Policy Manual indicated by *italics* to take effect in the Spring semester, 2019:

Grades—Mandatory Mean and Distribution

- 2(d) The mean grade for all courses will be calculated without including the following:
- ii. Grades of *D+*, *D*, *D-*, and *E*.

To: The Faculty

From: Non Tenure Track Appointments, Promotion and Retention Committee (Profs. Menendez, Wolf, Knight, Grater, Adkins, Temple-Smith and Russell-Brown)

Date: October 31, 2018

Re: Number of Candidate Names to Submit to Faculty

The Non Tenure Track Appointments, Promotion and Retention Committee is in the process of interviewing candidates for a Legal Skills Faculty position as Director of Externships and the Prosecution Clinic. Currently the Faculty Policy Manual states the following:

3. Faculty- Non-Tenure Track

Hiring, Employment Contracts, and Protocol for Promotion

A. Hiring Non-Tenure Track Faculty

5. Offer of employment: From faculty present at the interview, the committee shall solicit feedback on each candidate. The committee shall then select **a candidate** whose name shall be submitted to the faculty for hiring approval. Following discussions, the faculty shall vote on the committee's recommendations. The recommendations of the committee, and the results of the faculty vote, shall be reported to the Dean. Final authority to hire a non-tenure track faculty member, or not, shall rest with Dean.

In past years, in order to allow for more flexibility in the hiring process, the Committee has asked for authority to submit more than one candidate to the faculty for hiring approval, and the faculty has authorized it.

Once again, the Committee would like to be able to submit more than one candidate to the faculty. Rather than continue to ask for authority to do so with each hiring, the Committee recommends that the faculty amend the policy as follows

5. Offer of employment: From faculty present at the interview, the committee shall solicit feedback on each candidate. The committee shall then select **one or more candidates whose names** shall be submitted to the faculty for hiring approval. Following discussions, the faculty shall vote on the committee's recommendations. The recommendations of the committee, and the results of the faculty vote, shall be reported to the Dean. Final authority to hire a non-tenure track faculty member, or not, shall rest with Dean.