

**UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
POLICY ON THE PROFESSIONAL OBLIGATIONS OF FULL-TIME FACULTY**

Full-time faculty members of the University of South Carolina School of Law, as academics and members of the legal profession, have obligations to the University community and to the profession. A faculty member's primary obligation must be to the University community.

The School of Law is required by accreditation standards of the American Bar Association and the Association of American Law Schools to offer a course of instruction taught primarily by full time faculty members. A full time faculty member is defined by both ABA and AALS standards as a person who devotes substantially full time during the academic year to academic responsibilities [ABA Standard 402; AALS By-Law Section 6-5(f)].

I. GENERAL ACADEMIC RESPONSIBILITIES

A faculty member's primary obligation is to the University and its students. Fulfilling this obligation is a full-time commitment.

A. ACADEMIC RESPONSIBILITIES

Full-time faculty members must substantially comply with reasonable expectations of performance in each of the following areas, with due regard for rank, experience and interest.

1. Instructional Duties.

- a. Being an effective teacher; constantly seeking to improve instructional methods and techniques;
- b. Doing background reading, staying abreast of current legal developments, and allowing time for adequate class preparation;
- c. Being regular and prompt in class attendance; scheduling make-up classes as necessary;
- d. Being reasonably available for out-of-class conferences with students;
- e. Using evaluative criteria that adequately measure student performance against the teacher's stated expectations; being timely in providing grades; and
- f. Otherwise complying with the statement of policy on teaching responsibility contained in University of South Carolina Faculty Manual.

2. **Scholarship.** Scholarship means producing books, monographs, articles, reports, CLE presentations, or other scholarly publications that demonstrate an in-depth understanding of the law.

3. **Law School Governance.**

- a. Regular attendance at Faculty Meetings;
- b. Regular attendance at committee meetings; conscientious discharge of all committee responsibilities; and
- c. Participation in other administrative functions, such as the faculty interviewing process, the dean's selection process, and others.

4. **Service.**

- a. To the University — serving on university committees, being a member or officer of the University Senate, consulting with professors in other departments, serving generally as a university resource in one's area of expertise;
- b. To the law teaching profession — serving on AALS and relevant ABA committees;
- c. To the legal profession — serving on committees and boards, participating in CLE's, involvement in ABA activities, drafting bar examination questions, serving on accreditation teams, and other similar activities relating to the profession of law;
- d. To the administration of justice — doing pro bono and other court appointed work, and advising or serving on legislative and court committees; or
- e. To the community — any relevant public service activity.

5. **General Institutional Support.**

Providing general support to the institution, the students, and one's colleagues as evidenced by: attending faculty symposia and other scholarly functions, serving as an advisor to student groups, attending academic and other law school related functions, or contributing in other ways to the on-going activities of the law school community.

6. **Professional Ethics.**

As members of the legal profession, faculty must serve as exemplars of the Rules of Professional Conduct. A faculty member in violation of the ethical requirements may be subject to appropriate University disciplinary sanctions. As members of the teaching profession, the faculty must as well maintain appropriate professional relationships with colleagues, administrative staff, and students.

II. ADDITIONAL PROFESSIONAL ACTIVITIES

The University permits a reasonable amount of outside professional activity so long as it does not interfere with a faculty member's primary academic responsibilities [University of South Carolina Faculty Manual, pg. 43; University of South Carolina Policy on Outside Professional Activities for Faculty (1994)]. Indeed, such professional involvement may enhance the quality of the faculty member's contribution to the School of Law and the University. Compliance with applicable accreditation standards, University policy, this document and the conscientious discharge of a faculty member's academic responsibilities will normally determine the type of activities that are appropriate and the amount of time that can be devoted to them.

In addition, faculty engaging in outside professional activities are subject to the following:

A. Use of State Resources.

The physical facilities, equipment, and supplies of the Law School are intended to be used for educational purposes. Their use by a faculty member for activities that are not related to the discharge of that faculty member's academic responsibilities is subject to the following rules:

1. A faculty member may make reasonable use of his or her office facilities and state-owned office equipment;
2. The use of state funds, postage, and expendable supplies is prohibited;
3. ~~A faculty member may use copy machines and long distance telephone lines, provided the school is reimbursed for the cost;~~
4. A faculty member may hire Law School secretaries to do work before or after regular working hours; and
5. A faculty member using his or her own funds, may hire students to assist him/her in outside professional activities. Research and Teaching Assistants may not spend state-compensated time assisting a faculty member in these noneducational activities.

B. Effect on Accreditation Standards.

If a faculty member's outside professional activities are prima facie evidence under ABA Standard 402(b) that the faculty member does not meet the standard's definition of full time commitment, the faculty member must maintain adequate documentation to establish his or her full time status.

C. Maintaining a Separate Identity from the Law School.

Many problems can be avoided if faculty members will take reasonable steps to keep their identity as a consultant or attorney separate from their identity as a Professor at the University of South Carolina School of Law.

D. Professional Liability Insurance.

A faculty member engaged in any outside legal practice must maintain adequate professional liability insurance to cover potential malpractice. By maintaining professional liability insurance, a faculty member substantially reduces the risk that the University will be named as a codefendant in a legal malpractice action arising from the faculty member's outside activities.

E. Unauthorized Practice of Law.

Faculty members shall not engage in the unauthorized practice of law.

F. Good Standing.

Loss of good standing in any bar of which a faculty member is a member as a result of an ethical violation, may result in disciplinary action by the University and loss of the privilege to use Law School facilities for outside legal practice.

G. Conflicts of Interest

Faculty members shall seek approval of the Dean prior to accepting representation that might reasonably create a conflict of interest for the University or the Law School. Representations which may give rise to conflicts of interest include civil actions against the State, University, or Law School.

IV. REPORTING:

Each full-time member of the faculty shall submit an annual report to the Dean providing information on the faculty member's performance of his/her academic responsibilities and outside activities. The report shall be on a form approved by the Provost's office.

V. COMPLIANCE

Compliance with this policy is the primary responsibility of the faculty member. The Dean shall take non-compliance into account in setting salaries, approving sabbaticals, recommending chairs, or in taking any other appropriate matter.