



**Peoples College of Law
Faculty
Handbook**

With Amendments Adopted by Board 6/19/21

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I. Mission, Principles and History of Peoples College of Law

The mission of Peoples College of Law (PCL) is to educate students to become politically and socially progressive attorneys. We strive to attract students and faculty who are socially conscious, dedicated to social change, and who demonstrate their commitment to serving the legal needs of the poor, the oppressed, and people underserved by the legal professionals. We also strive to admit people of color, working-class people, women, LGBTQ people and members of poor and disadvantaged communities. PCL was established in 1974. It is a 501(c)(3) tax-exempt nonprofit corporation.

II. Academic Freedom; Non-Discrimination and Fairness Policy

Peoples College of Law is committed to upholding and preserving principles of academic freedom. These principles help promote PCL's fundamental mission, and develop students' critical thinking.

PCL is committed to equality of opportunity, academic freedom, and human dignity requiring that all affairs of the school be free, to the fullest extent the law allows, from invidious discrimination and harassment in all its forms, including discrimination based on race, color, ethnicity, national origin, ancestry, nationality, immigration status, gender, sex, gender identification, gender expression, sexual orientation, marital status, disability, age, religion, military and veteran status, genetic information, medical condition (as defined by the California Fair Employment and Housing Act), pregnancy, childbirth, breastfeeding or related medical conditions of any female member of the PCL Community. This applies to admissions, employment, and our Academic programs and extracurricular activities.

III. Student Attendance

Faculty members are responsible for distributing Attendance Sheets to the students at each class session and delivering them to the Administrator at the end of the class, after the students have signed. The students must fill out the Attendance Sheets with the time they arrive in class and the time they leave. These Attendance Sheets are critical in complying with the State Bar's attendance requirements.

PCL operates on the quarter system, sometimes referred to as the trimester system, with fall, winter, and spring quarters. A quarter is 10 weeks, one three-hour class per week, plus the final exam in the 11th week, if there is a final. PCL students normally take three courses each quarter, but first year students have four courses in two of their quarters. (In some years there are one or two classes in the summer.)

State Bar 80% Attendance Rule: State Bar Guideline 5.3(A)(1) "requires regular and punctual attendance of not less than eighty (80) percent of the regularly scheduled class hours in each course." For a course that extends over more than one quarter -- two quarters for example -- this Guideline means that the student must attend 80% of the regularly scheduled class hours *in each quarter* of the course (The Guideline does *not* mean that the student may attend 80% of the total combined regularly scheduled class time of the two quarters.)

If a student falls below the 80%, the time must be made up in an additional class session with *some* instructor, if PCL can arrange for an instructor to teach the make-up class. PCL does not ask the faculty member who taught the course to conduct the make-up class, although we may ask if the instructor is willing.

If a faculty member is informed by PCL that a student is not in good standing and the student appears in class, PCL asks the faculty member to advise the student to report to the administrator and asks that the faculty member advise the Administrator or the Dean of the situation.

IV. GRADING

It is vitally important for faculty members to transmit the students' final quarter grades to the PCL Administrator promptly, because delay or lack of grades can disqualify students from taking the California Bar Exam or First Year Law Students Exam, and can result in other serious problems for the students and PCL.

For each class, the Instructor must submit students' grades for the quarter and the final exam (if any) to the Administrator in writing no later than two weeks after the last session of the quarter, or earlier if PCL notifies the Instructor that it is necessary so that students will be eligible to take the California Bar Exam or FYLSX. The "last session of the quarter" is when the final exam is given, or if there is no final, simply the last class session of the quarter.

With respect to exams, quizzes and assignments other than the final exam, the Instructor must notify the students of their grades promptly in writing, or ask the Administrator to do so, no later than two weeks after the exam or quiz or due date for the assignment.

Avoiding Grade Inflation; Administrative Review of Grades

The State Bar is strongly against grade inflation. The State Bar has notified PCL and many other schools to guard against grade inflation. That led to the grade scale below.

The Bar also urged us to adopt what's called Administrative Review of Grades. Thus, In August, 2020, the PCL Community Board adopted this Administrative Review policy:

When faculty members have determined what grades they intend to give, the next step would not be to release the grades to the students, but instead to send the grades to reviewers. The reviewers very likely would include the Dean. Others could be members of the Faculty- Curriculum Committee and current or former faculty members, but faculty would not, of course, review their own grades, and students would not participate without consent of the student between reviewed.

The reviewers would study the grades for adherence to PCL grading policies. ... If the grade reviewers find deficiencies, they would communicate with the faculty member about curing the deficiencies and changing the grades. The Dean or the Faculty- Curriculum Committee or both would participate in those discussions and decisions on changing grades. When the decisions are made, the grades would then be sent to the Administrator for release to students.

GRADE SCALE

Students' ideas about their chances on the First Year Law Students Exam (FYLSX) and the Bar Exam are very likely influenced by their law school grades. If a student receives high grades, those grades are likely to raise the student's expectations of passing the FYLSX and the Bar Exam, but because of the low pass rates on those exams, the heightened expectations could well be unrealistic, and could lead the student to be overconfident and thus study less than necessary for the FYLSX and Bar Exam.

Thus PCL has adopted the following Grading Standards for all examinations and final grades (grades for the full quarter) in all courses that are not graded pass-fail. NOTE that in the grouping of grades in the table below, C-- grades are grouped with the D grades. That is because at PCL, in order for a student to advance to the next academic year and graduate, the student must have a grade point average of C or better.

90 - 100 (A+, A and A-)	Grades in this range should be only for very superb, outstanding work, not merely the best work among the students. The best work is often not in the A range. On an essay exam, the student should not only have identified all issues, but should have done a very superb, outstanding job of analyzing the issues. Sometimes there will be no grades in this range on an exam or for a quarter. This range should be under 10% of the grades, occasionally as much as 10%.
80 – 89 (B+ , B and B-)	Grades in this range should be only for excellent work, not merely good work. On an essay exam, the student should have identified all issues, and should have done an excellent job of analyzing the issues. This range should be under 20% of the grades, occasionally as much as 20%.
73 – 79 (C+ and C)	Grades in this range should comprise by far the largest share of the grades, often higher than 50%. But these grades are for good work, not necessarily average work, because the average might be less than good. A PCL student must have a C average or better, not C-, for all quarters, in order to advance to the next academic year and in order to graduate.
60 – 72 (C- to D-)	Grades in this range are for work that is somewhat less than good (C-) to work that is poor (D+ and D) to work that is marginally passing (D-). Unfortunately, this range will often comprise 15% to 20% of the grades, sometimes higher than 20%.
59 and below (F)	Failing. Unfortunately, there will often be multiple failing grades, even in a small class. A failing grade is not just for work that is entirely lacking – it is also for work that shows some grasp of the subject of the exam or course, but very little. On an essay exam, the student might have identified and discussed some issues but still receive an F. In a multiple choice exam, if a student has correctly answered up to 59% of the questions, the grade will still be an F.

Faculty are encouraged to discuss grading with present and former faculty members, the Faculty-Curriculum Committee, the Dean and the Administrator, and at the twice yearly faculty meetings

Grades must be numerical. In order to facilitate calculation of a grade point average, Instructors must give numerical grades, although they may in addition designate the corresponding letter grade.

Grading to be Anonymous: Grading of examinations in all PCL subjects is to be anonymous to the grader.

Written Final Exams Required in Bar Exam Subjects: Written final examinations are required in all subjects tested on the Bar Exam.¹ If an Instructor wishes to substitute some other assignment, the Instructor must make a request to the Faculty-Curriculum Committee (FCC). If the request is denied, the Instructor may request review by the Dean. In all courses, the Instructor

¹ **Subjects Tested on the California Bar Exam** are Business Associations (formerly “Corporations”), Civil Procedure, Community Property, Constitutional Law, Contracts, Criminal Law and Criminal Procedure (listed together on the Bar’s website as of 2020), Evidence, Professional Responsibility , Property, Remedies, Torts, and Wills and Trusts (listed separately on the Bar’s website in 2020).

has the choice whether to give midterms and quizzes, and on non-Bar Exam subjects the Instructor has the choice whether to give a final examination.

Faculty Comment and Advice to Students: Faculty members must give written or oral comments to students on their individual performance on exams, in addition to grades. For example, the comments could be notations on a student's exam answers, or by email to the student, or by a telephone call with the student. Comments should address major shortcomings in the student's performance, if any. Faculty members must provide means for students to communicate with them in addition to the classroom, such as email, chat rooms, telephone or regular office hours.

Pursuant to a State Bar requirement, class participation must not count for more than three percent (3%) of the final grade in a course, and attendance must not be counted at all towards the final grade, inasmuch as minimum 80% attendance is required.

Pursuant to advice by the State Bar, in order to create the most reliable record of grades on exams, quizzes and written assignments, **the instructor should write the grades directly on the student's exam and quiz answers and on their assignments**, even if the grades are also reported to the Administrator or students in another way.

Student Unable to Take Examination When Scheduled: If a student is unable to take an examination at the time scheduled, the student must notify the Instructor promptly, and must do so before the exam if possible. The student must explain to the Instructor the reason the student cannot take the exam at the scheduled time, and if the Instructor finds the reason acceptable, the student must discuss alternate times with the Instructor, and the Instructor must assign the student a different time to take the exam.

To enable PCL to comply with State Bar requirements, **faculty members must submit to the Administrator copies of all exams and students' answers to exams and all assignments written by faculty and students.**

Faculty members should meet with and counsel students whose grasp of course work reflects insufficient understanding of the course material. If appropriate, the Faculty member should refer the student to the Administrator, the Dean, or the Faculty-Curriculum Committee for assistance or counseling.

If a faculty member comes to believe that a student is likely to fail a course or, in the words of State Bar Guideline 5.27, "clearly lacks the ability or the educational background to study law," **the faculty member must report that belief to the Dean.**

If, despite efforts by the faculty member and PCL, a student's performance in a course continues to be poor, it can be necessary to give the student a failing grade. In cases where a student's prospects for success are very dim, it benefits a student not to pass their courses, so that they do not spend valuable time and money on their studies to no avail.

V. Syllabus, Books

Each faculty member must prepare a course syllabus and send it to the Administrator for distribution to students before the quarter begins. The syllabus must identify what textbook and other course materials will be used. Some textbook publishers will provide a book to a law school faculty member at no charge, although it is becoming common that they will provide for free only electronic access to the books.

The syllabus must explain the extent to which each the following will be used in determining a grade for the quarter:

- (1) The final examination;
- (2) Intermediate, midterm, or other examinations and quizzes;
- (3) Class participation (3% maximum)
- (4) Evaluation of examinations or other performance by other than the course Instructor; and
- (5) Any other consideration that might affect the grade in any course. The other considerations must, of course, be based on academic performance.

VI. Instruction with Respect to the Bar Exam and First Year Law Students Exam

PCL encourages faculty members to use, as exams and quizzes, the types of essay and multiple choice questions that appear on the First Year Law Students Exam (FYLSX) and the California Bar Exam. Past FYLSX and Bar Exam questions can be found on the website of the State Bar. However, **State Bar rules prohibit the use of actual past FYLSX and Bar Exam questions for grading purposes. They may be used for practice purposes.**

Good sources of information on this are the faculty members who teach the first year and fourth year writing classes. In 2020-2021 they are Magda Madrigal, Tristan Scremin and Naomi Cruz.

VII. Methods of Instruction

Instruction at PCL consists primarily of lectures and discussions in a classroom environment. In addition, but during the COVID-19 crisis, classes are remote. They have been Zoom meetings, but we are transitioning to Microsoft Teams meetings in the Fall Quarter, 2020. Also in the Fall Quarter, 2020, PCL is transitioning to use of Populi, an electronic Student Information System for communication and for posting and storage of academic and other records and documents.

We also encourage Instructors to incorporate competency training assignments in their courses, pursuant to a relatively new State Bar rule, Rule 4.2 of the Unaccredited Law School Rules. It reads in part: “Such competency training must teach and develop those skills needed by a licensed attorney to practice law in an ethical and competent manner.”

Each faculty member has flexibility in structuring course content and methodology. At the same time, instruction must be consistent with academic standards established by the State Bar’s Committee of Bar Examiners and not in conflict with the principles and mission of PCL.

Good sources of information on this are the faculty members who teach the first year and fourth year writing classes. In 2020-2021 they are Magda Madrigal, Tristan Scremin and Naomi Cruz.

State Bar Rules and mandatory Guidelines pertaining to PCL are the Rules for Unaccredited Law Schools and the Guidelines for Unaccredited Law Schools. Both can be found on the State Bar’s website at <http://www.calbar.ca.gov/Admissions/Law-School-Regulation/Law-Schools>.

VIII. Accommodations for Disabilities

Whether or not the Americans with Disabilities Act or California laws on disability and disability discrimination apply to PCL, PCL encourages students, faculty, and our entire community to know the California and Federal laws pertaining to the rights of people with disabilities. Per our mission statement, we are training lawyers and advocates to defend and expand the rights of those traditionally underserved, and that includes people with disabilities.

Students, faculty, employees and volunteers who need accommodations for their disabilities should notify the Administrator. and may consult the Dean for additional assistance in obtaining accommodations. PCL will provide reasonable accommodations in classes, exams and other matters at PCL.

It is not uncommon for students at PCL to request disability accommodations for exams. The procedures for requesting and deciding on accommodations are in the Student Handbook & Catalog, which is on the PCL website. The Dean makes the decision, but it is reviewable by the Executive Committee. That committee is composed of the officers of PCL, including the Dean.

PCL's policies and procedures on accommodations for disabilities are in the Student Handbook & Catalog, located on the PCL website.

IX. Student Advancement in Good Standing, Requirements for Graduation

PCL has minimum academic requirements for students to advance to the next academic year and to graduate and receive the J.D. degree, and to be eligible to take the First Year Law Students Exam and the Bar Exam:

- The student must have complied with the State Bar's 80% attendance rule in all the student's courses at PCL (see below).
- The student must have received a passing grade for all quarters of each course the student took, except for courses from which the student withdrew using proper procedures.
- In the student's first year courses, the must not have more than one grade lower than 70 (C-) for any course in any quarter.
- The student must have a grade point average of 73 (C) or better for all final grades for the quarter in all the student's courses combined.
- The student must have completed 270 hours (18 units) minimum per year in each of the student's four years.

X. Plagiarism and Cheating; Disciplinary Code

Faculty must be alert to possible plagiarism and cheating. PCL has a policy on plagiarism, set out in PCL's Disciplinary Code, which is the last several pages of the Student Handbook & Catalog, That document is on the PCL website. **The Discretionary Code applies to faculty and administration, as well as students.**

XI. Sexual Misconduct

PCL also has a policy against sexual misconduct, which is also set out in PCL's Disciplinary Code, the last several pages of the Student Handbook & Catalog, located on the PCL website.

XII. Academic Calendar and Schedule of Courses

The Academic Calendar shows the dates for the start of each quarter, vacation breaks, and final exams weeks. The Schedule of Courses shows the names of all courses during the academic year, the Faculty Members who teach each course, the quarters and day of the week when each course is taught. Both documents are on the PCL website.

XIII. Faculty Support and Assistance

Faculty members are encouraged to consult others at PCL to discuss questions, problems, anything about being a faculty member. Good sources are the Administrator, the Registrar, the Dean, the Faculty and Curriculum Committee (FCC) members, and members of the Community Board, which is PCL's governing board.

XIV. MCLE Units for Faculty Members

Under the California State Bar's attorneys receive a large number of MCLE hours for teaching at a law school. The units take into account both preparation time and instruction time. Usually an attorney can satisfy the entire 25 units required for a three-year reporting period, except for the specialized units, professional responsibility, elimination of bias, and substance abuse. To find out how the units for teaching are calculated, see the State Bar's MCLE rules, which are State Bar Rules 2.50 et seq. on the State Bar's website at:

http://www.calbar.ca.gov/Portals/0/documents/rules/Rules_Title2_Div4-MCLE.pdf.

XV. Evaluation of Faculty

State Bar rules require evaluation of faculty members. PCL asks faculty members to submit a periodical Self-Evaluation Form to the Administrator, who will provide a copy to the FCC. A State Bar rule, Guideline 4.7, states: "Faculty members must continually strive to improve their teaching skills and expertise in the subject(s) they teach. Faculty members are expected to keep informed of changes in the law and include in their course(s) a discussion of recent significant statutory changes and case law developments." Faculty members are also evaluated by their students at the end of each course on a form provided by the FCC. Also, the FCC evaluates all faculty members during each course, and the FCC may enlist qualified persons who are not on the FCC to perform evaluations.

Pursuant to State Bar rules: the criteria for evaluation are:

- (A) The faculty member's education, knowledge, and experience in the subject matter;
- (B) The faculty member's competence in the classroom or in other instructional activities;
- (C) The faculty member's teaching skills given the technology and methodology used in instruction, and the quality of participatory experiences employed;
- (D) The faculty member's organization of the course as demonstrated by outlines or syllabi;
- (E) The quality, nature, and type of examinations, and other assignments and the quality of grading;
- (F) The relation between the field of instruction and the area of specialization, if any, of the faculty member in private practice; and
- (G) The years of experience, both in teaching and in practice.

XVI. School Governance and Administration

PCL's affairs are governed by a 15 member Community Board elected annually. It is composed of six Student Members and nine members who can be faculty, alumni, or other Members of the PCL Community. The Bylaws are on the PCL website. All current faculty members, and students in good standing, are voting members of the corporation. The Board selects the officers, namely the Chair of the board, Vice-Chair, Secretary, Treasurer and Dean.

PCL has several committees composed of students, faculty, administration, and alumni. The committees do a great deal of the work of PCL. The Faculty-Curriculum Committee is the most important one for faculty members, and faculty members are invited to serve on it. A paid Administrator, normally PCL's sole employee, administers PCL's day-to-day operations subject to oversight by the Community Board and its Chair and Dean. All others, including all officers, the Dean, all faculty, and all committee members serve as volunteers without pay.

PCL has regular faculty meetings, and asks that all faculty members attend.