

# **REPORT OF THE WASC SPECIAL VISIT TEAM**

## **UNIVERSITY OF CALIFORNIA-HASTINGS COLLEGE OF LAW**

April 25, 2013 (Revised May 10)

### *Team Roster*

Judith Welch Wegner, Professor and Dean Emerita, University of North Carolina at Chapel Hill School of Law, Chair

Beatrice Yorker, Dean, College of Health and Human Services, California State Los Angeles, Assistant Chair

Maureen Maloney, WASC Staff Liaison

The team evaluated the institution under the WASC Standards of Accreditation and prepared this report containing its collective evaluation for consideration and action by the institution and by the Accrediting Commission for Senior Colleges and Universities. The formal action concerning the institution's status is taken by the Commission and is described in a letter from the Commission to the institution. This report and the Commission letter are made available to the public by publication on the WASC website.

## **Table of Contents**

Section I.	Overview and Context	3
	A. Description of the Institution and Visit	3
	B. The Institution’s Special Visit Report: Quality of the Report and Supporting Evidence	4
	C. Description of the Team’s Review Process	5
Section II.	Evaluation of Issues under the Standards	5
	A. Student Learning Outcomes	5
	B. Program Review	8
	1. JD Program	8
	2. Master’s Programs	12
	C. Strategic Planning	24
Section III.	Findings and Recommendations	29

## SECTION I. OVERVIEW AND CONTEXT

### A. Description of the Institution and Visit

University of California Hastings College of the Law (“Hastings” or “the College”), founded in 1878, is a free-standing law school that is affiliated with the University of California system (but is not under the Board of Regents). It offers traditional three-year law degrees (Juris Doctor, or JD) as well as an increasing number of masters-level degrees including a Master’s in Law (LLM) geared to foreign students, a new Master’s of Studies in Law (MSL) currently focused on individuals with background in health and science, and a new Master’s in Law (LLM) in health law and science (geared to those who already possess a JD) anticipated to commence in 2014. The Hastings JD program has long been accredited by the American Bar Association.

The College has historically enrolled approximately 1300 students (including students enrolled in the first, second, and third years of the program), but as part of its recent strategic planning process decided to reduce its JD population by approximately 20 percent. Its fall 2012 entering class in the JD program numbered 317 students (reflecting this decrease). The class was drawn from an applicant pool of 4811 (a 6.8% decrease from the prior year and a decrease of 21.7% from three years prior). This declining pool reflects national trends (national applications were down 13.7% in the last year). Hastings employed an admissions fee waiver system in the most recent year and that program may have helped it maintain its applicant pool.

The 2012 Hastings entering class included 19.9% Asian-Americans, 4.9% African-Americans, 12.7% Hispanic/Latinos, and 2.6% foreign nationals. These numbers compare with 20.5%, 7.0%, 9.7% and 1.0% respectively in the fall 2011 entering class. Hastings enrolled 26 students in its LLM program for foreign students and 13 students in its initial M.S.L. class in fall 2012 (one the MSL students has now deferred).

The College applied for WASC accreditation in March 2011, was granted eligibility in June 2011, and received initial accreditation in June 2012. At the time that it granted initial accreditation, WASC ordered a Special Visit in March 2013 to focus on three areas: (1) assessment of student learning; (2) program review; and (3) strategic plan.

B. Institution's Special Visit Report: Quality of Report and Supporting Evidence

Hastings submitted its Special Visit report in January 2013. The report was drafted by the Associate Dean for Library Services and Educational Effectiveness and Assessment and Institutional Research Analyst (“AIR Analyst”), with substantial input from faculty committees and other administrative personnel. The report provides a clear record of the ongoing engagement of Hastings faculty members in teaching and learning, including those areas that were the focus of this Special Visit.

The report reflects considerable care in moving concertedly forward in each of the specified areas. The report reflects the College's substantial commitment to enhancing its educational effectiveness, as evidenced by its commitment of resources and personnel to build a leadership team capable of leading ongoing improvement plans and efforts. The report also reflects a growing sense of clarity about what meaningful assessment entails, and increasing confidence about how to proceed. The evidence included in the report's appendix (particularly its narrative descriptions of program review initiatives), and additional materials prepared by the Associate Dean as part of her participation in the WASC Assessment Leadership Academy (ALA) program clearly demonstrate that Hastings is at the cutting edge of American law schools when it comes to efforts to incorporate outcomes-based assessment into its operations.

### C. Description of the Team Review Process

The two Special Visit team members were the external members of a larger team that visited Hastings in April 2012. The Special Visit team was joined by the College's WASC staff liaison who participated in the team's pre-visit conference call and the first half of the visit (before departing for other WASC-related obligations). The team chair also participated in a helpful pre-visit conference call with the Hastings Chancellor/Dean, Associate Dean and AIR Analyst.

The Special Visit lasted one full day, which provided ample time to pursue the very focused lines of inquiry. During that time, the team met with the Dean, Associate Dean, AIR Analyst, Chief Information Officer, current Academic Dean and her designated successor, personnel responsible for the MSL and LLM programs, the faculty Educational Effectiveness Committee, the Curriculum Committee, professors involved in the first year statutory elective program and tax concentration, others involved in strategic planning, regular faculty members, and an adjunct faculty member. Times were also provided for drop-ins by students and staff.

## **II. EVALUATION OF ISSUES UNDER THE STANDARDS**

The Commission charged the College and the Special Visit team to focus on three issues: (1) assessment of student learning; (2) program review; and (3) strategic planning.

A. Assessment of Student Learning. (CFRs 2.2, 2.3, 2.4, 2.6, 4.6-4.8). In its July 2012 letter, the WASC Commission observed that, during the Special Visit, the "team would expect to see any refinements to the learning outcomes for the programs, including outcomes for the planned LLM; assessment plans for all programs; and initial results of assessment."<sup>1</sup>

---

<sup>1</sup> The Commission also commented as follows:

In reviewing whether Hastings had met this expectation, the visiting team considered syllabi for fall 2012 courses, information included in the Special Visit report, and comments from those interviewed (in particular the outgoing and incoming Academic Deans, Educational Effectiveness Committee, Curriculum Committee, and a number of regular and adjunct faculty members).

The team was impressed by the extent to which course learning outcomes are now included in course syllabi. Indeed, as stated in the Special Visit report, members of the Educational Effectiveness Committee sought out colleagues who had not submitted syllabi with the requisite information and cajoled them to do so. Law library personnel were also available to assist faculty in developing such outcome statements.

The Associate Dean and AIR Analyst also developed and delivered a special training program for adjunct faculty in conjunction with the annual adjunct faculty reception, during February 2013, in an effort to help them appreciate the importance of and techniques for developing learning outcome statements.

In discussions with Educational Effectiveness Committee and Curriculum Committee members, as well as with individual faculty members, it is clear that there has been a widespread adoption of student learning outcomes in courses throughout the College. New course proposals are closely reviewed by the Curriculum Committee and must include student learning outcome

---

**Developing and refining assessment of student learning.** As noted above, the Commission commends the faculty and academic leadership at Hastings for developing an appropriate set of learning outcomes for the JD and existing LLM program, which have been modified to serve as the outcomes for the new MSL program to be launched in fall 2012. The next stage of Hastings' growing capacity for assessment will be to finalize its plans for assessment of these outcomes and to create useful methods and tools to effectuate those plans. The Commission supports the team's recommendation that Hastings adopt "formative and summative assessment techniques to measure student learning..., including the use of multiple strategies...." (CFRs 2.2, 2.3, 2.4, 2.6, 4.6-4.8)

statements. Adjunct faculty members receive feedback if their initial statements of student learning outcomes are not up to par (and have been very willing to adopt improved versions). Moreover, materials relating to program review of targeted academic programs (particularly the tax concentration, the first year statutory elective, and the torts/civil procedure initiative) also demonstrated that faculty members in general are more fluent in the use of learning outcomes in individual courses and are gradually using such outcomes to guide student assessment. The open meeting with regular faculty members and a discussion with an adjunct faculty member confirmed that a culture of assessment is now well rooted at Hastings.

The harder task will be continuing the progress toward integration of effective assessment practices geared to stated learning outcomes throughout the curriculum. It is likely that such progress will depend on concerted efforts by all concerned over a number of years. Students will also need to be included in these changes more than they have to date, since it is not uncommon that they may resist innovation that seems out of sync with standard practices. It appears, however, that a foundation is in place to move forward, with the continued encouragement of the Dean, Academic Deans, Educational Effectiveness Committee, and a growing cohort of faculty members who have gained experience in new models that link outcomes to assessment tools.

The team was also heartened to hear that more attention is being given to reviewing syllabi and course materials in connection with tenure and promotion review, since it will be important to support faculty innovation and assure that junior colleagues who engage in thoughtful innovation are not penalized if students are initially uneasy with changing assessment strategies (as some more senior faculty reported in conversations). Adoption of a post-tenure review policy (which the team learned was under consideration) will also provide a further

opportunity to encourage and engage with colleagues about innovations in teaching and assessment.

Hastings is very clearly in the forefront within American legal education in pursuing such changes in its institutional culture and prides itself on its progress to date and ongoing commitments to educational effectiveness.

B. Program Review. (CFRs 2.7, 4.4). In its July 2012 letter, the Commission noted that the Special Visit team “would expect that a program review process will have been adopted and a cycle of program reviews established with special attention to the new programs.”<sup>2</sup>

Hastings continues to revise program learning outcomes for the JD degree and has also commenced several pilot assessment initiatives for small targeted programs on an experimental basis. It has also revised its program learning outcomes for the LLM and MSL programs, while further refining the scope and focus of these programs.

#### JD Program

*Program Learning Outcomes.* The JD program learning outcomes had been thoroughly vetted by the Educational Effectiveness Committee, and then were submitted to the Curriculum

---

<sup>2</sup> The Commission also commented as follows:

**Formalizing program review and extending it to all academic programs.** As a single-discipline professional school, Hastings has conducted systematic review of its JD and LLM programs on an ongoing cyclical basis in conjunction with its strategic planning and renewal of ABA accreditation every seven years. Given that it will soon be offering four degree programs, three of which do not fall within the purview of ABA approval, Hastings needs to develop a formal program review process that can be extended to all programs. Under WASC Standards, this process should encompass a wide variety of evidence relating to program effectiveness, including data on student learning, and should include comparative data, utilize external reviewers, and be connected to planning and budgeting. The Commission was encouraged by the strong institutional support to develop and adopt a formal program review process. (CFRs 2.7, 4.4)

Committee for its consideration (these two committees include large numbers of faculty members, constituting approximately 20 percent of the faculty as a whole). Each of the committees struggled with the precise terms of the outcome statements, and despite concerted efforts, no consensus has yet been reached. While it might be desirable to bring closure to the debate on program learning outcomes, the lack of closure does not seem to be problematic since the faculty is significantly engaged in the process. The College has also recognized that it was naïve to assume that thorough-going assessment on two broad program outcomes would be feasible immediately or indeed in any given year.

The Associate Dean and others have also come to realize that it may be both necessary and helpful to begin to develop concrete assessment strategies for each of the individual draft program outcome statements. Taking that concrete approach will help the faculty move from debating in the abstract about how outcome statements should be articulated to grappling with how metrics for assessment may inform the best approach to articulating the outcomes themselves.

In discussing the JD program outcomes with the Academic Deans, committee members, and the faculty more generally, the team noted considerable engagement. The College intends to appoint a Curriculum Policy Review Committee for the coming academic year in order to engage in “curriculum mapping” and to learn more about the extent to which individual course outcomes are aligned with stated program outcomes. The team also noted that while various versions of proposed JD program learning outcomes have been articulated, there remain small disagreements relating to the particular terminology employed in different drafts. The team believes that further efforts to debate terminology are unlikely to bear great fruit and sensed that the College (through its academic leadership and Educational Effectiveness Committee) will soon move toward

deploying some experimental assessment strategies, perhaps relating to student writing and analytical ability, in order to gain real experience in implementing the process of program review on a more comprehensive basis within the J.D. program.

*Pilot Program Reviews.* Hastings also provided summaries describing program review efforts being undertaken in three specific aspects of the JD program, and the team was able to discuss these initiatives with at least some of the affected faculty members.

The first such initiative involves an innovative first-year experiment in linking a section of civil procedure and a section of torts. This project was designed to integrate instruction in a substantive area (torts), with insights relating to court processes (civil procedure), while also providing students with opportunities for experiential learning (including opportunities to develop the theory of a case and to interview witnesses). This collaborative approach involving two distinct courses and instructors was inspired by a desire to create synergies in student understanding, and to provide students in the first semester with the opportunity to experience what “real lawyers” actually do. One final shared exam question was used by both courses and evaluated by both instructors in order to determine how student learning may have been enhanced by this approach.

A second first-year initiative is also noteworthy. The College was concerned about its first year statutory/administrative state elective program. It has historically offered several sections in substantive areas with heavy statutory and administrative law overlays (e.g. tax and environmental law) from which students can elect. Enrollments were uneven, staffing was difficult because such courses also had to be offered separately to upper-division students, and despite the requirement that all students enroll in one section of the course, course objectives and assessment strategies were not shared. A special committee was appointed, and a new approach

was adopted whereby shared learning outcomes must be stated and are expected to be a systematic focus for all courses satisfying this first-year requirement. One common question is also to be included in the final examination for each section, regardless of its specific substantive focus. In discussing this effort with the faculty, the team learned that efforts are well underway to implement improvements in the statutory elective program this spring (particularly insofar as one shared exam question will be employed in all sections). That approach seems to have really engaged the faculty involved in this effort and they recognize the great potential this approach has to provide them with insight about student learning and related instructional approaches.

The College has also begun careful work to review its tax concentration, a series of courses taken by approximately 100 students, with approximately 20 of those completing substantial credits and enrolling in a “capstone” experience. The two faculty members who teach tax courses recognized the need for careful curriculum mapping and clearly stated objectives after experiencing the challenges arising when a visitor taught the foundational income tax course without covering the anticipated content. They have therefore framed outcomes for each of the courses in the tax sequence in complementary but distinctive terms. The result is that they will be better able to guide students to develop their understanding and skills progressively. In talking with the tax faculty members about this initiative, the team learned that they are currently planning on engaging in a more comprehensive review of the program by looking closely to student capstone papers.

In sum, for the JD program, it appears that the College has transitioned in a way that takes into account the inherent challenges of the enterprise of program assessment. Although they are engaged in ongoing work to revised their program learning outcomes (building on substantial work and faculty consultation last year), the faculty and academic leaders have begun to

recognize that they may need to pause in that process and begin to grapple with possible assessment strategies as a means of clarifying the outcome statements and begin to gain information about how well their desired outcomes are being achieved. Moreover, they have wisely begun to experiment with small pilot initiatives (which could be described as “programs” but at a more microscopic level in some cases). By adopting such an approach they will be able to continue to build faculty expertise and enthusiasm, and will gain shared experience with the challenges of actually implementing program review strategies. This approach is a reasonable one, and in no way reflects a lack of commitment to an ongoing agenda of implementing more comprehensive forms of program review for parts if not all of the broader curriculum.

### Master’s Programs

*Overview.* The WASC Commission stated in its letter of June 2012 that Hastings was approved to offer the JD, a Master of Laws (LLM)/International, a Master of Laws (LLM) in Law and Science, and a Master of Studies in Law (MSL).<sup>3</sup> The team noted that there appeared to have been some shifts in focus and plans for all three authorized master’s level programs since

---

<sup>3</sup> The Commission’s letter of July 2012 to the Chancellor and Dean stated:

The Commission acknowledged that Hastings is accredited by the American Bar Association (ABA), its designated institutional accreditor, and by the Association of American Law Schools. [*sic*; the Association of American Law Schools does not “accredit” schools but asks member schools to comply with membership requirements and makes related determinations by participating in ABA site inspections.] Hastings is seeking accreditation by WASC because it is diversifying its programs beyond the traditional Juris Doctor and LLM degree for foreign students and intends to offer a new Master of Studies in Law (MSL) degree for health professionals and a Master of Laws in Law and Science as an advanced degree for lawyers.

The Commission’s letter of July 2012 included the following “List of Approved Degrees” as of June 2012 (quoting from the letter):

- Juris Doctor (JD)
- Master of Laws (LLM)/International
- Master of Laws (LLM) in Law and Science
- Master of Studies in Law (MSL)

the original visit in April 2012. Plans are also currently underway by the University of California at San Francisco (UCSF) to develop an additional Master in Health Policy and Law (LLM in Health Policy and Law with degrees to be conferred jointly by UCSF and Hastings) with likely submission for WASC review in 2014-2015 and anticipated implementation in fall 2015.

*Master of Studies in Law (MSL).* At the time of the 2012 visit, the sole initial focus of the MSL program was on providing health and science professionals with a one-year experience focused on providing them with legal training. Meaningful and distinctive program outcomes had not yet been developed for the M.S.L. program in its initial form prior to the visit. The College initially proposed to apply the program learning outcomes associated with the JD program to the MSL program, and the team discussed with academic leaders and faculty the importance of a more tailored approach to program learning outcomes and review.

Hastings has developed new MSL program learning outcomes that focus directly on what students who are trained professionals in non-law fields might expect to gain from the one-year “master in the study of law” program. Over the months between the initial visit in April 2012 and the current Special Visit, the College has begun to consider expanding its MSL program to encompass a growing number of possible focal areas that track closely against its several existing JD “areas of concentration” (rather than only to health and science through its work with UCSF). Accordingly, Hastings’ program learning outcomes for the MSL program do not narrowly address health and science, but more broadly address development of master’s-level critical thinking, writing and research abilities as they relate to legal issues and the law.

The College has enrolled the first dozen students (all with health or science backgrounds) in the program’s initial class, and has one semester’s experience with the program. Everyone

seems delighted with the success to date. One of the current MSL students met with a team member during the student drop-in period. She reported that the first class was a diverse group of impressive professionals who had developed a cohesive collaborative learning environment that supported students' various interactional and learning styles. She felt she spoke for the group in describing the first term as a good transition to legal thinking with an outstanding Legal Writing and Research class that helped build community. She appreciated the nurturing structure of the first term, followed by a demanding and rigorous second semester. She stated that "the advising is excellent", elaborating that the faculty who teach the statutory courses that the MSL students take are very available to all of the large number of JD students plus the small number of MSL students beyond what they experienced in their prior undergraduate and graduate education. She mentioned the outstanding pedagogy that MSL students are exposed to, specifically appreciating one professor for influencing her teaching at UCSF to be more interactional and engaging.

The team had an informative meeting with the outgoing and incoming Academic Deans, the acting director of graduate programs, the directors of the health-related MSL program and the LLM program for international students, and other support personnel. The team learned from that conversation that, as of the site visit, Hastings had not adopted a formal plan for program review of the MSL program. In the course of the discussion, however, it appeared that faculty and academic administrators had begun to consider possible program review strategies, and had identified a number of strategies that might be pursued. The team suggested that the College formalize its commitment to engaging in program review of the MSL program and suggested that it consider identifying a range of possible approaches to that task that might be pursued in the coming year. The College seemed amenable to that suggestion and the team was pleased to

receive an updated program evaluation plan covering both the MSL and LLM programs shortly after it completed its visit and before it submitted this report.

The recently submitted new evaluation plan calls for use of several strategies for assessing program learning outcomes for the MSL program:

- *Exit interviews.* At the end of the current year, students enrolled in the MSL program will be asked to participate in “exit interviews” that will focus on several dimensions of the educational program (overall experience in the program, quality of teaching, relevance of MSL curriculum to students’ perceived needs, adequacy of administrative and other support systems, perceived benefits of taking classes with J.D. students, perceived benefits of the M.S.L. program, and areas where the program could be improved).
- *Post-graduation survey.* Beginning in the 2013-2014 year, Hastings will deploy a second survey tool to determine MSL graduates’ views on similar questions a year following their graduation, as well as perceptions on the impact of the MSL degree on their professional and academic goals and careers.
- *Modified grading system for MSL students.* Hastings expects to change its MSL grading protocols in 2013-2014 from a pass-fail system to a system that employs designations of “High Honors, Honors, Pass and Fail.” The College expects that this refined grading system will allow better measurement of student progress in meeting program learning outcomes. The College is also discussing how rubrics in some courses might tie grades to program learning outcomes and provide students with enhanced feedback.
- *Faculty and JD surveys.* Hastings anticipates developing two additional survey tools for use beginning in the 2014-2015 academic year. The faculty will be asked to assess the MSL program generally, consider how their courses address program learning outcomes, rate MSL

student success in meeting the pertinent program learning outcomes, and comment on the benefits (or challenges) posed by having MSL students in classes primarily developed for JD candidates. A survey question will also be added to class evaluations used by JD candidates, asking JD candidates about the perceived benefits associated with enrollment of MSL students in their class(es).

- *Transcript review.* As a longer-term strategy, Hastings anticipates having faculty or appropriate staff work with MSL students to review student transcripts in order to determine which program learning outcomes students think are or are not developing sufficiently and in which courses. This approach will enable Hastings to determine whether additional courses are needed or existing courses should be modified for alignment purposes.
- *Additional use of rubrics to assess program learning outcomes.* Hastings also anticipates that it will develop rubrics that relate to successful achievement of MSL program learning outcomes and will offer such rubrics for possible use by faculty members teaching MSL students in their classes. This approach will facilitate uniformity in student assessment and enhance the effectiveness of program review.

The College is to be commended for framing a solid initial program review strategy for the MSL program. The proposed approach will allow key lessons to be gleaned from the current focus on health and science, before broadening the program as seems to be the College's intent. The proposed approach will also facilitate future accreditation review by WASC and will help the College play a leading role if (as anticipated) the American Bar Association adopts a more focused approach to reviewing program learning outcomes as part of its work as an accreditor of J.D. programs in the United States.

Hastings may also benefit from assessing one particular feature of the current MSL program, namely its use of some courses that include both online and in-person instruction (as well as some one-unit online modules that might be compared to parallel multi-unit offerings delivered in person). While the current use of such hybrid techniques is relatively modest, and does not rise to the level that requires specific evaluation by WASC, the College is clearly considering the possibility of expanding its MSL curriculum in the future to include additional areas of concentration and is exploring the viability of offering certain modules or courses wholly online. The team was impressed by the thoughtful planning being done by faculty members who are beginning to explore such teaching and learning venues, and by the Chief Information Officer who is clearly assisting the College in moving forward to plan for requisite infrastructure and other support to make such initiatives possible if the College decides to pursue them.

To the extent that the College plans to expand its use of hybrid courses that rely, in part, on online delivery, or to engage in more extensive use of modules or courses offered solely online, it will be important to assure program quality and sustainability as such offerings are scaled up. While it does not appear that the current initiatives involve “distance education” offerings that would implicate WASC’s substantive change review of such programs, the team discussed related issues with the Chief Information Officer and with the Academic Deans and suggested that special attention to assessing such offerings may be desirable as a focus of future program review initiatives.

*LLM Programs (for those who already have a JD or equivalent degree).*

*LLM program focused on preparing foreign law graduates.* The Special Visit report describes the College’s efforts to engage those responsible for its LLM program (which for more than a decade has focused on international students) in the development of program learning

outcomes and in program review. Leadership of this program has been in flux because one of its key faculty members has been on leave, but that faculty member has now returned to active participation. Hastings provided a list of program outcomes for this program that now reflect its distinctive nature (rather than simply using its previously framed JD program learning outcomes).

The team met with academic leaders, faculty, and staff associated with the College's graduate programs (both MSJ and LL.M offerings) and learned a good deal about Hastings' plans for the future. Three points should be made, in particular, regarding Hastings' plans for its LL.M degrees going forward.

First, the College's long-standing LL.M program has historically focused on recruiting international students who have already achieved an initial law degree in their home countries. At present, the program has enrolled approximately 27 students a year, in offerings that may extend for a single year, or that may continue into a third semester (depending on the students' English skills, desires to concentrate in particular substantive fields, or intentions to sit for the bar examination to be licensed to practice in the United States). The College hopes to expand this program by adding an additional 10 students per year to its traditional cohort (that is, to grow the program so that approximately 37 students per year enroll). That growth may require the College to split the traditional cohort into more than one section. The College is aware that "scaling up" the program will likely result in growing pains. Faculty members involved in related offerings (particularly those involved in orientation and legal writing/research offerings geared to international students) are well aware of the possible challenges that might ensue.

Second, it is clear that faculty members involved with the existing LL.M program (that has focused on foreign students as its primary student complement) have been considering ways to

engage in program review, and were clearly well aware of possible program review strategies that could involve consideration of student writing and analysis, foreign students' contributions to the cross-disciplinary and international perspectives of JD students, bar performance, and other possibilities as yet to be considered. The team suggested (as with the MSL program) that those involved with the existing LLM program focused on international students should try in the near future to identify, articulate, and commit to an initial approach to program review for the LLM program. The team was delighted to learn that Hastings had adopted a set of program review strategies for the LLM program very promptly following the team's visit. The strategies for the LLM program and those for the MSL program are well-coordinated and appear to tap the best insights from those involved in leadership of both programs. For the LLM program focused on international students, the following assessment strategies have been adopted or are likely to be implemented in the foreseeable future:

- *Exit survey for LLM students.* Hastings is currently developing a survey tool that will be employed to collect information on the LLM student experience from the student's perspective beginning in 2013-2014. The survey will be given to all LLM students at the completion of their first year (2 semesters) of study. The survey will ask students to rate the following: (1) their overall experience in the program, (2) the quality of the teaching, (3) the extent to which the LLM curriculum has met their needs, (4) the extent to which administrative and other support systems have met their needs, and (5) the areas in which the program might be improved (with regard to curriculum, teaching, administration and support).
- *LLM student assessment.* LLM students take a variety of courses and are assessed in keeping with course objectives. An important unifying focus of the existing LLM program (geared to

foreign students) concerns developing skills in legal research and writing in English. All LLM students must fulfill a minimum writing requirement under faculty supervision before graduation. The majority of current LLM students participate in a first-semester legal writing and research class that evaluates improvement of writing over the semester. Additionally, some LLM students elect to take a writing seminar during their second semester. Both of these courses can be tailored so that the writing evaluates whether the specific writing in the program learning outcomes are being addressed. The LLM program faculty already engages in this sort of careful assessment of student writing, research, and analysis.

- *Faculty and JD surveys.* Hastings plans to add two additional survey tools in 2014-2015, in order to facilitate faculty assessment of the LLM program generally, the relation of individual courses to program learning outcomes, and LLM student success in meeting program learning outcomes. The addition of questions to standard JD student course evaluations will allow peer evaluation of the role and contributions of graduate students including those in the LLM program.
- *Transcript review.* As described above, faculty and staff (as appropriate) will work with LLM students to walk through student transcripts in order to determine how individual course work relates to achievement of program learning outcomes.
- *Additional use of rubrics to assess program learning outcomes.* As discussed above, Hastings anticipates developing additional rubrics that might be used by faculty members in individual classes to track student achievement in ways that are linked to program learning outcomes for the LLM program.

In the team's view, Hastings has developed a thoughtful strategy for engaging in a multi-faceted, structured assessment of its existing LLM program in its current incarnation (focusing

on introducing international students to American legal systems). The College is to be congratulated for making a formal commitment to a solid strategy for program review in this area, and is encouraged to continue to refine this strategy based on what it learns as it proceeds with such evaluation in coming years.

*Recently Approved LLM in Law and Science.* Hastings received approval to offer an LLM in law and science as part of its initial WASC accreditation review in 2012. It has now determined that it would be best to delay its launch of this program until UCSF has developed course work that would likely be taken by students who would enroll in this LLM offering. UCSF intends to develop such coursework as part of a new initiative that would result in the establishment of a new Master of Health Policy and Law degree to be conferred jointly by UCSF and Hastings, following accreditation review as necessary.

The team sees no problem with regard to WASC accreditation should Hastings and UCSF decide to defer the formal launch of this new degree program beyond the date initially anticipated when the proposal was reviewed in 2012. At WASC's next full review of Hastings' graduate offerings, it would be appropriate to determine whether Hastings wishes to consider to pursue this possible graduate degree as one of its intended continuing offerings, or whether it has determined that other master's level offerings would be a preferable substitute.

*Possible LLM Program for American JD Students in Hastings' Areas of Concentration.* One other potential shift in focus affecting the College's masters' offerings is also underway. There appears to be some interest in expanding Hastings' LLM offerings to allow students with JD degrees from institutions in the United States to pursue a one-year advanced degree in substantive areas in which Hastings has particular strengths. In effect, the idea would be to build upon the basic concept underlying the new LLM in law and science (providing additional

instruction in a focused substantive field) but expand the areas in which advanced professional expertise could be garnered.

The College sought clarification during the visit as to whether its existing LLM program that now focuses on recruitment of students with first law degrees from institutions outside the United States could provide a platform for expanding its efforts to recruit students with JD degrees from American law schools who wish to pursue an advanced degree (LLM) in a substantive field. Whether current WASC accreditation of the LLM/International degree would cover such an expansion seems to be a matter for WASC's own determination, rather than for the team engaging in the current review.<sup>4</sup>

In response to the draft report submitted for the College's review, including comments by the peer reviewers,<sup>5</sup> Hastings stated in Dean and Chancellor Wu's letter of May 7, 2013 that:

---

<sup>4</sup> The site team deferred submission of its report in order to allow WASC staff to seek clarification on this point, but ultimately concluded it was best to submit the report while recognizing that additional time was required to reach closure on related points.

<sup>5</sup> In the April 25, 2013 version of this report submitted by the team to Hastings for factual corrections, the review team had commented in connection with Hastings' possible desire to expand the LLM program currently focused on international students to include JD graduates from American law schools seeking specialized advanced training. The team's comments, prior to the College's May 7 clarification, were as follows:

Whatever WASC's judgment on this point, the team simply urges that Hastings should be cautious in blurring program learning outcomes and program review strategies when dealing with distinctive substantive initiatives. For example, the existing LLM program that focuses on international students has given considered attention to the language skills, needs, and preparation of the enrolled foreign students. It also includes certain substantive offerings (a first year course, an "introduction to legal institutions" in the United States, and legal writing and research) that have already been mastered by JD graduates of law schools in the United States. If a more expansive LLM offering multiple specializations is developed, it will be important to continue to give adequate attention to targeting special student instructional needs such as these.<sup>5</sup>

The team also raised with Hastings's academic leaders and faculty the possibility that it might be advisable to initially develop "certificate programs" in substantive areas that could serve the needs of JD graduates seeking focused training in areas of special interest.

[W] would like to clarify and amend the conversation about the expansion of the LLM degree. We are not ready to offer this kind of change in our LLM program in US Legal Studies at this time. There is considerable internal discussion that needs to occur. We have certainly taken the Special Site Visit Team's thoughts under advisement and will seek further guidance from WASC, if we decide to pursue such an option in the future,

In light of Hastings' clarification, the team understands that Hastings is not seeking to expand or significantly modify its existing LLM geared to foreign students at this time, but instead will continue to consider how best to develop its range of graduate degree and graduate educational offerings. It leaves to WASC the determination how best to advise Hastings about future plans.

Conclusion. Hastings seems clearly committed to developing appropriate program learning outcomes, and is beginning to grapple with how actually to employ such outcomes to guide program review. Its current approach of engaging in small pilot review programs is commendable and offers a point of departure for developing more comprehensive strategies for program review involving the JD program. Hastings might also reasonably conclude that it would be wise to leave its current JD program learning outcomes in draft form and instead move

---

Developing associated courses and delivering them online might expand the range of students who could seek to expand their expertise by linking to Hastings existing faculty and programmatic expertise in the College's existing areas of concentration. The College would need to consider the possibility that students might wish to proceed using a phased strategy, through which those interested in a particular substantive field might initially satisfy certificate program requirements and then later complete additional course work to satisfy the requirements of an LLM degree.

forward by focusing on the creation of a program review plan for at least one of the stated JD program outcomes, rather than taking more time on word-smithing.

In addition, Hastings has now framed program learning outcomes for its master's level programs, and has committed itself to multi-faceted program review strategies for use in the existing graduate programs in the immediate future. The College is to be congratulated on its hard work to date, and is encouraged to consider whether lessons learned in pursuing pilot program reviews and developing considered strategies for its existing master's programs might prove helpful in kick-starting more intensive program review of its JD program in coming years.

C. Strategic Plan. (CFRs 3.5, 3.7, 4.1-4.3, 4.5). In its July 2012 letter, the Commission stated that, during the Special Visit, the team "would expect to see an analysis of the implementation of the plans, including financial and enrollment data, and other impacts on the law school, and to learn of progress in building a more robust institutional research function and developing an information technology plan."<sup>6</sup>

The Special Visit report included extensive information on the work of a number of committees that had been charged to follow up with implementation of the College's strategic plan. The Appendix to that Report also included some relevant financial data, much of it relating to the situation at the start of the 2012-2013 academic year. While on site, the team was able to

---

<sup>6</sup> The Commission's letter also stated:

**Monitoring the strategic plan and enhancing capacity for data-based planning and decision making.** Hastings has created a bold strategic plan to reduce the size of the JD program and offer new, law-related programs in important, emerging areas of need. The collaboration with the University of California, San Francisco that has led to this innovation is commendable. As the plan gets underway, careful monitoring will be required so that Hastings can make adjustments to "key financial assumptions" and can understand the impact of the plan on the diversity of the student body and the support for student success. Related is the need to have a "robust institutional research enterprise" that will provide data for planning and decision making and to build out the technology components of the strategic plan. (CFRs 3.5, 3.7, 4.1-4.3, 4.5)

meet with the College's Dean, Comptroller, Chief Information Officer, Academic Deans, Educational Effectiveness Committee, and Admissions Officer to follow up on related questions. Four areas of special importance warrant attention here.

Financials. Hastings reduced the size of its entering JD class in fall 2012 and its revenue fell accordingly. It had anticipated that result when it made the decision, and implemented staff layoffs and other economies to cover the resulting financial loss. It had also anticipated a modest tuition increase for the 2013-2014 academic year, but is now facing a situation in which California's Governor has asked all parts of the University of California system to forego tuition increases in the coming year. The team discussed related issues with the College's Chief Financial Officer and Comptroller and is convinced that the College has a long-term plan in place that will allow Hastings to survive any impending financial storms.

Admissions. Two dimensions of the admissions picture deserve attention. At the time of the 2012 Site Visit, the team flagged the importance of maintaining a diverse student body notwithstanding the reduced class size. As noted in part I of this report, the College has continued to strive for diversity in its admitted JD class and has been reasonably effective, notwithstanding current challenges associated with a declining applicant pool and pressures on financial aid resources.

The strategic plan's assumptions regarding student body size are being put to the test once again during the current admissions cycle. The Law School Admissions Council has recently reported that applications to take the LSAT are down significantly nationwide. Hastings' admissions officer reported that applications for the class entering in 2013 are down more than 20% (as is the case nationally). Admissions data and related decisions are still in flux as to the class to be admitted for fall 2013. It appears, however, that Hastings is doing all it can to recruit

and admit a diverse class. Based on discussions with Hastings personnel, it seems apparent that there is no plan to decrease the size of the entering class (for fall 2013) further, but the College is instead prepared to ride out the storm of declining applications that is currently buffeting nearly all American law schools, following Hastings' substantial reduction in the J.D. class size that took effect in fall 2012.

The team engaged in a forthright discussion of the importance of diversity as part of its conversation with academic and other leaders who have worked very hard to implement the College's strategic plan. The team is convinced that Hastings retains a firm commitment to maintain a diverse student body, and hopes to achieve that objective not only through its traditional admissions strategies but also through its enduring commitment to the College's LEOP (Legal Educational Opportunity) program. It is possible, indeed, that the College will be better positioned to address issues relating to diversity in admissions in coming days given its experience with California's Proposition 209 (limiting the use of affirmative action) as compared to law schools elsewhere which may find it challenging to respond to the anticipated ruling by the United States Supreme Court in *Fisher v. University of Texas*. Whatever may happen in coming days, the team is convinced that Hastings has a deep commitment to educating a diverse population of students and believes that there is little risk that the current strategic plan would compromise that commitment.

Information Technology. Hastings hired a new Chief Information Officer (an Oxford PhD in computer science who also possesses an MBA) in spring 2012. The team met with the CIO to determine how changes in the College's information technology strategies would likely affect its efforts to engage in data-driven planning and analysis, as required under WASC standards and guidelines. The team discussed a wide range of issues, including how well the data systems at

Hastings support comprehensive reporting and assessment efforts, how learning management systems support teaching and learning, and how IT personnel might support assessment efforts to be undertaken by the College's designated institutional research team

The team came away with the impression that Hastings' IT support system has been significantly enhanced since the new CIO took the helm. It will be very important for Hastings to set priorities going forward and to assure that there is adequate support for work at the intersection of information technology and institutional research (since often expertise in these two areas does not overlap). The team accordingly recommends to the College that considered planning be undertaken to assure that those involved in institutional research can claim appropriate priorities within the universe of multiple demands for IT assistance. The team also recommends that particular attention be given to developing data systems that can communicate accurate information as between different organizational units, and that priorities be carefully established so that appropriate attention is given not only to operational issues affecting line units, but also to broader institutional objectives related to educational effectiveness.

Institutional Research. Hastings had made a significant commitment to enhancing its institutional research capacity. In July 2012, its Associate Dean for libraries was given expanded institutional research responsibilities and promoted to the position of Associate Dean for Library Services and Educational Effectiveness. She also participated in the WASC ALA in summer and fall 2012, and used the development of enhanced assessment capacities at Hastings as her "in house" project. A recent JD graduate was appointed on a full-time, permanent basis as Assessment and Institutional Research Analyst (AIR Analyst). She has recently been advised that she will be included in the next cohort of the WASC ALA, and as a result will undoubtedly

bring to bear more insights and expertise that will support Hastings' institutional assessment efforts going forward.

Key functions relating to data collection, analysis, and reporting have now been centralized in this two-person team. There is a substantial range of data that must be collected, synthesized, and submitted to a variety of external offices (including IPEDS, the American Bar Association, the National Association for Legal Career Professionals (NALP), the Law School Survey of Student Engagement (LSSSE) and *U.S. News and World Report* (among others).

As one of their priorities this year, the Associate Dean and AIR Analyst have reviewed all data collection and analysis efforts, and corrected associated problems in order to assure that they have "clean" and accurate data from a variety of sources including admissions, placement, registrar, financial aid, budget, human resources, and other offices. This effort to assure that data is clean and correct is of immense importance and Hastings is to be commended for its efforts to assure that it has accurate and meaningful data going forward.

Hastings' institutional research team has also engaged in outreach activities, including providing training to adjuncts and meeting with individual faculty members. The Associate Dean has also chaired and subsequently participated in the Educational Effectiveness Committee, and she and the AIR Analyst have provided significant associated support.

Hastings will undertake an institutional self-study in 2013-2014 in preparation for the sabbatical accreditation site inspection by the American Bar Association (ABA). That process will undoubtedly place additional demands on its institutional research team. It is widely anticipated that the ABA is expected soon to revise its accreditation standards to incorporate an emphasis on lawyer competencies, learning outcomes, and enhanced assessment practices. Happily, Hastings is well positioned to demonstrate that it is far ahead of the pack in these areas.

### III. FINDINGS AND RECOMMENDATIONS

#### A. Findings

1. Student Learning Assessment. Hastings has

- a. Helped its faculty build and demonstrate a strong commitment to incorporating student learning outcomes on a consistent basis in course syllabi.
- b. Developed and delivered training for adjunct faculty in order to provide them with the tools they need to incorporate student learning outcomes in their courses as well.
- c. Begun in some cases to link desired student learning outcomes to course assessment practices, but needs to continue its work in this regard in coming years.

2. Program Review. Hastings has

- a. Continued to refine its program learning outcomes for the JD program since its original WASC site visit in spring 2012.
- b. Begun to experiment with “program review” of targeted initiatives, including experimentation with an innovative first-year effort that links civil procedure and torts, reviewing and refining assessment practices for courses meeting the first year statutory/administrative law requirement, and undertaking curriculum mapping and assessment in the tax concentration.
- c. Not as yet committed itself significantly to engage in more complex program review on a more comprehensive level in the JD program, but through faculty committees is identifying possible strategies in this regard;

d. Adopted distinctive program learning outcomes for the MSL and LLM programs, and has committed itself to multi-faceted strategies for program review of these two existing master's programs.

3. Strategic Plan. Hastings has

a. Implemented a 20 percent decrease in its entering J.D. class, as anticipated by its strategic plan.

b. Remained on solid financial footing, but may need to forego its anticipated tuition increase for the 2013-2014 academic years, in light of California's possible state budget policies.

c. Maintained substantial diversity and high credentials in its 2012 entering class, but like others in legal education, faces challenges on these fronts due to the drop-off in law school applicants nationally. It needs to remain vigilant in its efforts to analyze and act upon changes in the current volatile climate affecting legal education.

d. Engaged in significant planning relating to its information technology needs, under the leadership of its new Chief Information Officer.

e. Substantially enhanced its capacity for effective institutional research.

**B. Recommendations**

1. The site team recommends that Hastings be commended for

- Its ground-breaking commitment to incorporate key principles of educational effectiveness into its overall program;
- The ongoing work of its faculty members to develop student learning outcomes and to employ more innovative assessment strategies in individual courses;

- Its attention to the potential for using faculty experiments in such areas as the first-year statutory elective and the tax concentration as a means of learning how best to frame and implement program review strategies within the JD program as a whole.
- Its adoption of multi-faceted program review strategies for the existing MSL and LLM programs.
- Its attention to key areas in its strategic plan relating to such issues as maintaining diversity in student enrollment, creating solid financial strategies in a time of high volatility, developing enhanced strategies for addressing information technology needs, and creating a solid approach to institutional research.

2. The site team encourages Hastings to set important but achievable goals in the following areas:

a. Link student learning outcomes to assessment strategies in an increasing number of courses and bring students into the conversation on this point.

b. Move beyond small-scale experiments in program assessment and articulation of master's degree program review strategies by selecting one program area for concerted review each year in its JD program (for example, assessment of one of the overall JD program outcomes).

c. Continue to track student diversity and financial issues in light of the volatile admissions climate.