

Indiana University
Request for a New Credit Certificate Program
To be awarded by Indiana University Robert H. McKinney School of Law

Campus: IUPUI

Proposed Title of Certificate Program: Graduate Certificate in Civil and Human Rights

Projected Date of Implementation: August 2015

TYPE OF CERTIFICATE: (check one)

☐ UNDERGRADUATE CERTIFICATES – These programs generally require 12-29 credits of undergraduate-level academic work.

☒ GRADUATE CERTIFICATES – These programs generally require 12-29 credits of graduate-level academic work or undergraduate academic work carrying graduate credit.

☐ POST-BACCALAUREATE CERTIFICATES –These programs generally require 12-29 credits of undergraduate-level academic work, although students enrolling in these programs must have completed their baccalaureate degrees.

I. Why is this certificate needed? (Rationale)

The overall objective of the Graduate Certificate in Civil and Human Rights¹ is to offer students an opportunity to conduct detailed study and analysis of legal, theoretical, and policy perspectives on civil rights and human rights law, as well as provide the opportunity for direct participation in the effort to enforce existing laws protecting civil and human rights.

A significant number of IU McKinney Law students enter our school with a keen interest in civil rights and human rights, eager to follow in the footsteps of lawyers who have embraced this field as a platform for changing our nation and our world for the better. These students then enroll in our many doctrinal courses, clinical courses and externships devoted to civil rights and human rights study. These students work hard to hone their understanding of the many challenges in articulating and enforcing fundamental rights in our community and beyond. Then, many of our graduates go on to careers in this field,

¹ The IU McKinney faculty members proposing this Certificate are aware that civil and political rights are encompassed within the broader term “human rights,” as are economic, social and cultural rights. However, the rich legacy of the struggle for rights in the U.S. is normally indicated solely by the “civil rights” label. We believe that including both terms will demonstrate, to students and those who later recognize their credential, that the Certificate is designed in the spirit of both the global and national traditions of rights articulation and enforcement. Toward that end, it is worth noting that the important U.S. organizations linking those movements include the Center for Civil and Human Rights, <http://www.civilandhumanrights.org/about-us> and the Leadership Conference on Civil and Human Rights, <http://www.civilrights.org/>.

ranging from service as a public defender in local courts to advocacy within international human rights organizations.

The Certificate requires the study of both domestic and international rights. Even for law students who are interested in pursuing civil rights careers where their practice will occur solely in the U.S., a working knowledge of international human rights law is a must. Students with the benefit of this knowledge will be more effective civil rights advocates. Increasingly, public interest advocates in the U.S. are urged to build their arguments on international human rights instruments in addition to domestic sources of law.² That is excellent advice, as U.S. courts from the Supreme Court on down are referencing international human rights law in decisions on U.S. issues ranging from the death penalty to discrimination on the basis of sexual preference.³

This Certificate will provide a coherent template for students to follow in pursuit of a complete study of civil rights and human rights, along with a clear signal to their future colleagues and employers that they have attained a thorough understanding of the challenges in this field.

II. List the major topics and curriculum of the certificate.

A Certificate in Civil and Human Rights will be awarded to JD candidates who complete at least 6 approved courses totaling at least 15 credit hours in Civil and Human Rights Law and closely-related subjects (specified below) while maintaining a minimum grade point average as described in V. below. Upper level courses that have been approved by the faculty may be added to or removed from all of these lists from time to time by the Vice Dean and the Academic Affairs Committee. This Certificate will commence in August 2015.

To qualify for a Certificate in Civil and Human Rights, a JD candidate must satisfy all general requirements for the JD degree, and also:

1. Complete at least three required core courses, one of which must be International Human Rights Law and at least two of the following four courses: Civil Rights Law; International Criminal Law; Law and Social Change--the Civil Rights Movements; and Race and the Law.
2. Complete at least **two** upper-level courses from the approved list. (See below for listing and designation of courses that engage civil rights and human rights law.)
3. Complete at least **one** capstone experiential course – writing, practical, cultural immersion, or skills – from the approved list (see below)

² See, e.g., Florence Roisman, "Using International and Foreign Human Rights Law in Public Interest Advocacy," 18 *Indiana International & Comparative Law Review* 1 (2008), and Martha F. Davis, "Human Rights in the Trenches: Using International Human Rights Law in 'Everyday' Legal Aid Cases," 41 *Clearinghouse Review Journal of Poverty Law and Policy*, 414 (November/December 2007).

³ See, e.g., *Atkins v. Virginia*, 536 U.S. 304 (2002); *Roper v. Simmons*, 543 U.S. 551 (2005) and *Lawrence v. Texas*, 539 U.S. 558, 576–77 (2003).

4. Maintain a 3.2 cumulative GPA in all of the required core, upper level, and capstone courses applied toward the Certificate.⁴

Note that the cumulative credit hours for requirements 1, 2, and 3 must total at least 15 hours.

Civil and Human Rights Certificate Major Topics and Curriculum (all of the listed courses are already approved to be taught at Indiana University Robert H. McKinney School of Law)

Course
Required Core Courses—Must take International Human Rights Law and two of the four additional courses listed:
International Human Rights Law (3 cr.)
Civil Rights Law (3 cr.)
International Criminal Law (2-3 cr.)
Law and Social Change—the Civil Rights Movement (3—4 cr.)
Race and the Law (2-3 cr.)
Upper Level Courses – Must take either: a) two of the following, or b) one of the following plus an additional course from the required core course, provided that the required core course is not one of the three used to satisfy the core course requirement; or c) one of the following plus an additional course in the Experiential Course basket below, provided that the experiential course is not used to satisfy the Certificate capstone requirement :
Discrimination in Employment (2-3 cr.)
Domestic Violence and the Law (2-3 cr.)
Elder Law (2 cr.)
Election Law (2-3 cr.)
Environmental Justice (3 cr.)
First Amendment (3-4 cr.)
Health and Human Rights (3cr.) –Proposed
Health, Housing, and the Law (3 cr.)--Proposed
Housing Discrimination and Segregation (2-3 cr.)
Immigration Law and Procedure (2-3 cr.)
International and Comparative Family Law (2-3 cr.)
International Law (3 cr.)

⁴ This means that a student who has a low score in a core or upper level course that would otherwise apply toward the Certificate may take a different course or courses to meet Certificate requirements and substitute the grade from that course or those courses to meet the 3.2 cumulative GPA. The student must have a minimum of 15 Certificate-relevant cumulative credit hours with a 3.2 cumulative GPA but may have additional Certificate-relevant courses at a lower GPA.

Juvenile Law (2-3 cr.)
Labor Law (4 cr.)
Law and Public Health (2 cr.)
Law and Poverty (2-3 cr.)
Military Law (2-3 cr.)
Seminar in American Legal History: Racial Discrimination in the North (2 cr.)
Sex Discrimination (3 cr.)
Sexual Harassment Law (3 cr.)
State Constitutional Law (2 cr.)
Experiential Courses - Writing, Practical, Cultural Immersion, or Skills– Must take at least one of the following
International Human Rights Law Internship (4 cr.)
Immigration Law Clinic (2-3 cr.)
ACrE (Advanced Course Related Experience) (variable cr.) [Civil and Human Rights law topic]
ACLU Externship (2 cr.)
Advanced Field Research (2-4 cr.) [Civil and Human Rights law topic]
Center for Victim and Human Rights Externship (2 cr.)
Wrongful Conviction Clinic (2-3 cr.)
Civil Practice Clinic (3-4 cr.)
Disability Clinic (2-3 cr.)
Criminal Defense Clinic (3-4 cr.)
Health and Human Rights Clinic (3-4 cr.)
Appellate Clinic (2 cr.)
Law Review Note [Civil and Human Rights topic] (2 cr.)
Public Defender Externship (2 cr.)
Federal Court Externship (2-3 cr.)
Highly Recommended Courses
Administrative Law (3 cr.)
Federal Courts (3 cr.)

III. What are the admission requirements?

Any JD candidate enrolled at Indiana University Robert H. McKinney School of Law is eligible to seek the Certificate by filing a “Notice of Intent to seek Certificate in

Civil and Human Rights” in a form approved by the Law School Recorder’s Office. This form should be completed and filed during or before a student’s penultimate semester prior to graduation. In order to complete the Civil and Human Rights Certificate, students must meet minimum GPA requirements. Thus, students who file a notice of intent will be counseled to give attention to their GPA in order to assure that they have a reasonable prospect of completing the Certificate while meeting the minimum GPA requirement.

IV. List the major student outcomes (or set of performance based standards) for the proposed certificate.

Learning objectives

The overall objective of the Civil and Human Rights Certificate is to offer students an opportunity to acquire in-depth knowledge of, and to conduct detailed study and analysis of legal, theoretical, and policy perspectives on issues associated with civil and human rights.

Objectives of the core civil and human rights law courses include mastery of the nature of the law surrounding these rights, as well as the rights’ formation and status both internationally and domestically.

Through the upper level classroom and experiential course selections, students may choose to concentrate on particular sub-disciplines, such as immigration (Immigration Law, Immigration Clinic), international human rights law (International Criminal Law, International Human Rights Law internship), domestic criminal defense (Criminal Defense Clinic, Wrongful Conviction Clinic, Appellate Clinic), domestic family law (Law and Domestic Violence, Civil Practice Clinic), and workers’ rights (Labor Law, Health and Human Rights Clinic).

Upper division courses and the experiential requirement will allow students to pursue in-depth study of specific topics and thus gain deeper knowledge of international and domestic human rights issues, in part by immersing themselves in direct connection with actors and fields in which they have a particular interest.

Learning Outcomes

Upon successful completion of this course of study, a student should be able to:

- Understand and identify the major tenets of civil rights and human rights law and their sources;
- Understand and identify the mechanisms for the international and domestic enforcement of civil rights and human rights law, including the role of the executive, legislature, judiciary, private citizens, and non-governmental organizations, along with the substantial challenges present for enforcing rights domestically and internationally;

- Understand, explain, and distinguish among the major global legal traditions and philosophies (including customary law and religious law) and their impact on global consensus on the scope of civil and human rights.

V. Explain how student learning outcomes will be assessed (student portfolios, graduate follow up, employer survey, standardized test, etc.) and describe the structure/process for reviewing assessment findings for the purpose of ensuring continuous improvement of the certificate.

Student learning outcomes will be assessed initially by reviewing overall course performance by students who are pursuing the Civil and Human Rights Certificate. A required minimum GPA (3.2 in Certificate-required courses) will serve as both a baseline and a motivator for student attention to the rigors of each class.

Each student will also have a member of the Civil and Human Rights Law faculty assigned as a Certificate Advisor. These faculty members will rely upon individual counseling to guide student curriculum choices, promote deeper understanding of course themes, and counsel decisions about the student's "capstone" experience.

The "capstone" experience will call upon each enrolled student to complete a written, skills/experiential or cultural immersion course or project in the civil rights and human rights field. The capstone experience will be tailored to the student's interests and capabilities. Assessing student performance in this capstone experience will be an important indicator of the Certificate's impact.

Longitudinal studies of Certificate graduates will provide raw data regarding adequacy of preparation for careers in this field, as well as a measurement of market demand for graduates with this credential.

VI. Describe student population to be served.

The Certificate will serve as a gateway for students wishing to work in the civil rights and human rights field in its many domestic and international iterations. The Certificate will signal prospective employers that a student has a serious interest in these fields and has engaged in a rigorous course of study that prepared her for success in civil rights and human rights practice.

VII. How does this certificate complement the campus or departmental mission?

The law school's strategic plan expressly embraces the goals of promoting social justice and training our students to serve the legal needs of our community. In our profession, there is no more important role than that of the civil rights and human rights advocate, both historically and currently. The Civil and Human Rights Certificate will complement

the law school's mission by advancing students' understanding of the law in this highly complex and evolving field, and by assuring that students have a solid foundation upon which to build their expertise.

Further, the path followed by past graduates shows us that many of our students will become policy and legislative leaders in Indiana and elsewhere, in the United States and abroad. The Civil and Human Rights Certificate will prepare them to examine issues, and make decisions, with respect for the role of civil and human rights as a defining feature of modern societies.

Beyond the direct professional benefits that this Certificate will offer to students, the exposure to critical questions of how legal systems and societies address civil and human rights will help students become better informed citizens and advocates, regardless of their future work. Simply put, students who complete the Civil and Human Rights Certificate will be well-prepared to engage in influential scholarship and service.

VIII. Describe any relationship to existing programs on the campus or within the university.

The Civil and Human Rights Certificate is designed to directly complement the Doctor of Jurisprudence (JD) degree. In addition, it may be of particular interest to students pursuing joint degrees such as JD/MSW (Masters of Social Work) and JD/MPA (Master of Public Affairs), which are jointly administered by the School of Law and the School of Social Work and the School of Public and Environmental Affairs, respectively.

As of Spring semester 2015, all of the courses proposed for the Civil and Human Rights Certificate are presently taught at the Law School. The Certificate does not require the creation of any new courses. While new courses will be proposed from time to time in response to educational priorities, and changes in the job market, the Certificate is designed principally as a means to tie existing courses together in an integrated and focused way rather than to expand course offerings.

IX. List and indicate the resources required to implement the proposed program. Indicate sources (e.g., reallocations or any new resources such as personnel, library holdings, equipment, etc.).

The Civil and Human Rights Certificate is designed to create no new teaching demand on Faculty or University resources. It will harness the existing plenitude of civil rights and human rights law resources at the law school, specifically faculty members who are experts in a diversity of human rights law areas and who teach courses in those areas, as well as the Program in International Human Rights Law and the overall Clinical program, both of which boast long traditions of training students for impactful careers in civil and human rights. The Certificate can be offered and sustained with existing Law Faculty teaching existing courses.

X. Describe any innovative features of the program (e.g., involvement with local or regional agencies, or offices, cooperative efforts with other institutions, etc.).

The “capstone” course requirement will ensure that students complete at least one innovative and original project or course that is either experiential or research-based. This feature of the certificate program includes clinical courses taught by existing full-time clinical faculty, placements with a wide array of public interest organizations working on civil rights and human rights issues, and supervised research topics that can address any area of civil rights and human rights law.