

Brothly rec'd 10/20/03

- c) If there is disagreement between the Dean and the Committee Part F, Section 10, subsection f, shall apply.

Section 8. Failure to Recommend Promotion

If the committee votes not to recommend promotion, the procedures of Part F, Section 10 (a)-(f) shall apply.

Section 9. Timing of Notices

A faculty member who has applied for promotion will ordinarily receive a written decision from the Board by March 31. The Dean may inform the concerned faculty member that additional time is necessary before final action can be taken by the Board (for example, where the procedures of Part F, Section 10 apply or where the faculty has only recently acted and the Board is not scheduled to meet before March 31), but in no event may notice be given after May 31.

Part F. Tenure and Specialized Tenure

Section 1. Role of Faculty Status Committee

- a) The Faculty Status Committee shall recommend to the Dean, for transmission to the Board, whether to grant tenure or specialized tenure to any faculty member holding an appointment with eligibility for tenure or specialized tenure.
- b) The Faculty Status Committee will ordinarily make its recommendations on tenure and specialized tenure to the Dean by March 1 of each academic year; however, a recommendation of tenure or specialized tenure for a visiting professor must be made by March 15 and a recommendation for initial tenure or specialized tenure may be made at any time.

Section 2. Timing of Application

- a) A faculty member holding an appointment with eligibility for tenure or specialized tenure may apply for tenure or specialized tenure after he or she has completed three full years of full-time service as a faculty member holding an appointment with eligibility for

tenured status (except as provided in subsection c, *infra*), but must apply for tenure or specialized tenure no later than the sixth year of full-time service as a faculty member holding an appointment with eligibility for tenured status.⁴⁴

b) Any such application for tenure or specialized tenure must be made by September 15.

c) A faculty member who receives an initial appointment with the rank of associate or full professor may apply for tenure or specialized tenure at any time but must apply no later than the sixth year of full-time service as a faculty member holding an appointment with eligibility for tenured status.⁴⁵

d) For the purposes of determining full-time service under subsection a):⁴⁶

1) A period of time spent on leave of absence shall not be counted in computing years of full-time service, except when the leave was spent as a visitor at another ABA-approved law school in a position which would be the equivalent of a tenure-eligible position at this law school.⁴⁷

2) Time spent teaching at another ABA-approved law school in a position which would be the equivalent of a tenure-eligible position at this law school before appointment to the faculty may be counted in computing full-time service. The number of years to be counted, if any, shall be determined by the Dean, after consultation with the concerned faculty member, at the time he or she is appointed to the faculty,⁴⁸ and shall be memorialized as a part of the faculty member's statement of appointment.

3) Upon written notice by the concerned faculty member to the Status Committee, time spent in an administrative position shall not be considered in computing years of full-time service or shall be considered on a proportionate basis.

Such notice must be given to the committee within six months after the concerned faculty member assumes an administrative position.⁴⁹

4) A faculty member holding an appointment with eligibility for tenure or specialized tenure whom the Dean allows to become a part-time faculty member shall be credited with the proportionate number of years of service for the duration of the part-time appointment.⁵⁰

Section 3. Tenure or Specialized Tenure Accompanying Initial Appointment

The Committee may recommend to the Dean tenured status to accompany an initial appointment only:

- a) when the applicant is a professor who is tenured at another ABA-accredited law school and who has held a visiting appointment at the law school for at least one semester; or
- b) in exceptional circumstances.⁵¹

Section 4. Limitations on Successive Applications

A faculty member may not apply for tenure or specialized tenure more than twice. A faculty member who has received from the Board a final denial of tenure or specialized tenure is not eligible for reappointment, except pursuant to Part D, Section 4(c), *supra*.⁵²

Section 5. Standards for Tenure

In connection with an application for tenure, the applicant must show:

- a) effective teaching ability;
- b) significant and substantial scholarship;
- c) significant professional service; and
- d) promise of continued future achievement⁵³.

Section 6. Standards for Specialized Tenure⁵⁴

a) In connection with an application for specialized tenure for a law librarian, the applicant must show:

- 1) effective law librarianship;
- 2) significant professional service; and
- 3) promise of continued future achievement.

b) In connection with an application for specialized tenure for a clinical professor, the applicant must show:

- 1) effective clinical teaching ability;
- 2) significant and substantial scholarship;
- 3) significant professional service; and
- 4) promise of continued future achievement.

c) In connection with an application for specialized tenure for the Director of the Writing Program, the applicant must show:

- 1) effective teaching ability;
- 2) significant and substantial scholarship;
- 3) significant professional service;
- 4) effective administration of the Writing Program; and
- 5) promise of continued future achievement.

Section 7. Conduct Incompatible with Obligations to the Law School

In considering any application for reappointment, promotion, a long-term contract, tenure or specialized tenure, the Faculty Status Committee shall have the right to take into account any conduct by an applicant which is fundamentally incompatible with a faculty member's obligations to the Law School. Conduct which is or may be subject to civil or criminal sanctions is not per se incompatible with a faculty member's obligations to the Law School.

by the Board (for example, where the procedures of Part F, Section 9 apply or where the faculty has only recently acted and the Board is not scheduled to meet before March 31), but in no event may notice be given after May 31. A visiting professor who has applied for tenure or specialized tenure must receive a written decision by March 15. A final decision on initial tenure or specialized tenure may be made at any time.

b) The failure of the Board to act upon an application for tenure or specialized tenure by May 31 shall not confer upon a concerned faculty member any rights or entitlement to the status sought by the application.

Section 12. Specialized Tenure Terms

If specialized tenure is conferred upon a law librarian, clinical professor, or director of the writing program such person cannot resign from the specialized position and retain his or her position at the law school unless the Status Committee (as defined in Part C, Section 3, subsection (a) *supra*) votes to recommend to the Dean, and the Dean agrees to recommend to the Board, that such person receive an appointment with tenure.⁵⁶

Section 13. Continuing Obligation

A faculty member holding a tenured appointment shall have a continuing obligation to meet the standards set forth in Section 5 or 6 and the Dean shall take into account fulfillment of this obligation in determining salary, research stipends and other emoluments.⁵⁷

Part G. Long-Term Contracts

Section 1. Role of Faculty Status Committee

a) The Faculty Status Committee shall recommend to the Dean, for transmission to the Board, the grant or denial of a long-term contract for all faculty members holding appointments with eligibility for a long-term contract.

b) The Faculty Status Committee will ordinarily make its recommendations on long-term contracts to the Dean by November 15 of each academic year.

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Criteria for Evaluating Tenure for a Law Librarian

The criteria that should be used to evaluate a law librarian are contained in the following broad areas:

1. administration and general librarianship;
2. teaching;
3. scholarship; and
4. professional associations / community service.

1. Administration and General Librarianship

The primary function of the law library director is to efficiently run a library that is integral to the educational mission of the law school. Clear administrative ability and proficiency in the technical skills of law librarianship are essential to tenured faculty status as the law library director. Successful development of the library's collection, resources, and staff as well as bibliographic control of the law library's resources along with the provision of meaningful reader services should be part of the assessment of the law library director's performance as an effective administrator and law librarian. The library director should aggressively pursue library problems of all types and exercise creativity and flexibility in their solution. Professional competence as an administrator will include written assessments of other tenured law librarians. These assessments will contain evaluative comments on the administrative ability and proficiency in the technical skills of law librarianship including the development of the collections, the utilization of the resources, the training, oversight and deployment of the staff, and bibliographic control of the library's resources and management of other library functions.

2. Teaching

The law library director will be expected to be engaged in the teaching program of the law school and to cooperate with research and writing program instructors in the presentation of legal and bibliographic research methods and to provide specialized research training for substantive courses. The law library director will teach and/or oversee coordination of library seminars, presentations, and workshops on legal research techniques and/or use of library materials. Evaluations of the library director's formal teaching should be assessed by the same criteria that apply to the regular teaching faculty and must include student evaluations plus at least one other method of evaluation, e.g. peer review, development of a portfolio, etc.. The law school shall develop methods for evaluating the informal teaching.

3. Scholarship

The director is expected to vigorously participate in the intellectual interchange of law librarianship and is expected to write and publish and otherwise disseminate in the areas of law, legal education, or librarianship. In addition, the director of the law library should demonstrate initiative and resourcefulness in developing creative library publications including guides, manuals, and other user aids for in-house publication. The library director is responsible for writing and maintaining an up-to-date development plan for the law library. The director shall write and present an annual report to the dean of the law school and, in accreditation years, the director is responsible for writing a self-study of the library.

Evaluation of this standard shall include a review by external reviewers including professional librarians and scholars in the area of publication.

4. Professional Associations / Community Service

The law library director should be actively involved in both regional and national professional associations relating to library science, law, or legal education. Moreover, the library director is expected to participate in law school governance, university and law school functions, and service to the law school, university, and greater community. Because of librarianship's natural service character, building information and resource sharing networks is a vital component of supporting the research and curricular needs of law library users.

This will be assessed utilizing information available internally and seeking, where useful, comments from practitioners outside the university.

Recognizing that the expectations of a law librarian require a distribution of effort different from most regular faculty members, the law librarian and the dean shall discuss on an annual basis the proportion of effort to be devoted to each of the four categories outlined above. The average across the probationary period for the areas of teaching and scholarship shall not be less than thirty (30), with no less than ten (10) percent in each of these two categories. The Dean will have final authority to assign the distribution of effort, should there be disagreement between the dean and the law librarian. A written memo stating the distribution of effort shall be placed in the personnel file of the law librarian on an annual basis. This memo and the annual memos on distribution of effort will be submitted as part of the tenure dossier.

- b. The Dean shall, as soon as possible, inform the faculty member under consideration for renewal, promotion or tenure of the decision. The Dean shall give the faculty member two copies of the statement prepared by the Committee on Renewal, Promotion and Tenure. The faculty member shall sign one copy immediately below the text, signifying that the faculty member has read it; the Dean shall retain this copy. The faculty member may retain the other. The faculty member may respond, in writing, to the statement. The response shall be included in the faculty member's personnel file.
- c. The Dean shall, as soon as possible, inform the College of Law community about the results of meetings regarding retaining, promoting, or granting tenure to faculty members.

ARTICLE III. CRITERIA

Section A. Initial Appointment

- 1. **Instructor of Law** A candidate must have a sufficient background and experience to justify the expectation that he or she will be able to meet the criteria for reappointment at the end of the contract term.
- 2. **Assistant Professor** A candidate must have a sufficient background and experience to justify the expectation that he or she will be able to meet the criteria for tenure within the time period established by these rules.
- 3. **Rank above Assistant Professor or with Tenure** A candidate must meet the criteria established by these rules for promotion to that rank or for tenure or must possess equivalent experience in law practice or other related work.
- 4. **Years of Service** At the time of appointment, the Dean may grant a candidate credit toward promotion and tenure for experience at an academic institution.

Section B. Renewal, Promotion and Tenure of Faculty

1. Faculty (except Law Librarian)

a. Definitions

- (1) **Publication** Publication, unless otherwise defined, includes books, articles in law reviews, or articles in other scholarly journals in the fields of law, legal education or related areas. When a completed work has been accepted for publication, the acceptance will suffice. A book may be considered the equivalent of two publications.
- (2) **Service** Service to the College of Law, the University, the profession, and the community includes:
 - (a) **Development of New Course or Program** A new course or program will usually be one which affects the curriculum of the University. Other new programs may not affect directly the curriculum, but may nonetheless be important contributions to the scope of legal education.
 - (b) **College of Law and University Service** Service, as distinguished from mere membership, on college and university committees and governing bodies, as well as performance of other non-teaching responsibilities within the college or university including administrative service are included in this factor.
 - (c) **Professional and Community Activity** Professional or academic service (as distinguished from institutional affiliation) in the public interest.

- (3) **Teaching** For the purpose of assessing teaching ability, the following are relevant: conduct of the class which is calculated to induce intellectual stimulation among students; comprehensive knowledge of the field, including theoretical and practical developments; ability to communicate knowledge to students; thorough class preparation; presentation of materials appropriate to the subject matter; appropriate allocation of class assignments; availability and willingness to discuss the subject matter with students; maintenance of regular advertised office hours; reasonable and fair evaluation of the student; willingness to engage in innovative teaching methods; and evaluations of teaching.
 - (4) **Writing** Writing includes: Book reviews, essays and commentaries published in law or other scholarly journals in the fields of law, legal education or related areas; scholarly papers and speeches in the fields of law, legal education or related areas presented to meetings of learned or professional societies; papers, reports or testimony presented to legislative, administrative, executive or judicial bodies; course materials of a high quality; and technology of a high quality in the fields of law, legal education, or related areas.
- b. **Threshold Criteria** Threshold criteria for renewal, promotion, tenure and appointment of faculty at a rank above assistant professor or with tenure are:
- (1) **Renewal, Without Tenure** A faculty member shall be renewed, without tenure, on the basis of demonstrated progress toward the next promotion and tenure, taking into account the length of the faculty member's experience at the time that the renewal vote occurs.
 - (2) **Promotion to Associate Professor of Law** To be promoted to associate professor, a faculty member must at least:
 - (a) have a minimum of two years of law teaching experience at The University of Toledo or at another institution by the effective date of such promotion; however, three years shall be the norm;
 - (b) have produced a publication; and
 - (c) have demonstrated progress toward tenure under the criteria for that status.
 - (3) **Promotion to Professor of Law** To be promoted to professor, a faculty member must at least:
 - (a) have held the rank of Associate Professor or Visiting Associate Professor of Law for at least two years at The University of Toledo or at another institution by the effective date of such promotion;
 - (b) have published three publications;
 - (c) have demonstrated excellence in either teaching or publication and at least significant achievement in the other and significant achievement in a combination of service and writing; and
 - (d) have demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.
 - (4) **Tenure** To be recommended for tenure, a faculty member must at least:
 - (a) hold at least the rank of Associate Professor or have been recommended for appointment to that rank;
 - (b) have produced two publications;

- (c) have demonstrated significant achievement in two of the following categories and satisfactory achievement in the third: publication, teaching, and a combination of service and writing; and
- (d) have demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.

2. Law Librarian

a. Definitions

- (1) **Publication** Publication consists of the publication of books; articles in law reviews; articles in other scholarly journals in the field of library science, law, legal education or related areas; bibliographies and bibliographic materials of high quality; book reviews, essays and commentaries published in law or other scholarly journals in the fields of law, legal education or related areas; scholarly papers and speeches in the fields of law, legal education, library science, or related areas presented to meetings of learned or professional societies; papers, reports or testimony presented to legislative, administrative, executive or judicial bodies; course materials of a high quality; and technology of a high quality in the fields of law, legal education, library science, or related areas.
- (2) **Administration** For purposes of evaluating administration, the following are relevant but not exclusive:
 - (a) mastery of bibliographic resources and information technology appropriate to law libraries,
 - (b) creative design and production of information standards, products, services or technologies for use by legal researchers or law librarians,
 - (c) preparation of high-quality administrative studies, and
 - (d) significant application of expertise as a law librarian to resolve library problems or improve library collections and services.
- (3) **Service** Service to the University, the profession and the community may be judged by:
 - (a) involvement and leadership in the internal affairs of the University beyond the duties of the position held on the faculty,
 - (b) participation on statewide or national committees, and
 - (c) professional or academic service (as distinguished from institutional affiliation) in the public interest.
- (4) **Teaching** For the purpose of assessment of teaching ability the following are relevant: any formal classroom teaching to which the law librarian has been assigned and informal teaching through daily work with students and faculty. Informal teaching means the special kind of teaching, either group or individual, direct or indirect, that law librarians customarily perform. Such instruction may include:
 - (a) providing specific information needed by students and faculty, and
 - (b) providing instruction in the use of the library, and in bibliographic techniques in general.

- b. **Threshold Criteria** Threshold criteria for renewal, promotion, tenure and appointment of the law librarian at a rank above Assistant Professor or with tenure are:

- (1) **Renewal Without Tenure** The law librarian shall be renewed, without tenure, on the basis of demonstrated progress toward the next promotion and tenure, taking into account the length of the faculty member's experience at the time that the renewal vote occurs.
- (2) **Promotion to Associate Professor of Law** To be promoted to Associate Professor the law librarian must at least have:
 - (a) five years of law library experience (or its equivalent), some of which includes significant administrative duties, at one or more institutions;
 - (b) demonstrated significant achievement in the areas of teaching and administration; and
 - (c) published a publication of a substantial nature.
- (3) **Promotion to Professor of Law** To be promoted to Professor of Law the law librarian must hold the rank of Associate Professor of Law and at least have:
 - (a) seven years of law library experience (or its equivalent), some of which includes significant administrative duties, at one or more institutions;
 - (b) participated actively in the Law Library and the College of Law;
 - (c) demonstrated excellence in either teaching or administration and at least significant achievement in the other;
 - (d) demonstrated significant achievement in service and publication; and
 - (e) demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.
- (4) **Retention with Tenure** The law librarian may achieve tenure as to rank, but not as to administrative position or individual assignment. To be recommended for appointment with tenure, the law librarian must hold the rank of Associate Professor of Law, or have been recommended for appointment to that rank, and at least have:
 - (a) participated actively in the Law Library and the College of Law,
 - (b) demonstrated excellence in either teaching or administration and at least significant achievement in the other,
 - (c) demonstrated significant achievement in service and publication; and
 - (d) demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.

Section C. Reappointment of Instructors of Law in Clinical Education

1. Definitions

- a. **Clinical Teaching** Clinical teaching includes active supervision of groups of students and individual students in carrying out the lawyering skills that are part of the students' clinical work. It also includes: (1) instilling in students the habits of careful research, rigorous analysis, thorough

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POLICY FOR EVALUATION OF DIRECTOR OF THE LAW LIBRARY

A recommendation by the full faculty to award promotion and/or tenure will be based on the finding of competent performance in each of three categories and a high quality of performance in at least two of the three categories. The categories are: (1) Service; (2) Contribution to the educational function of the School of Law; (3) Scholarship and professional development. They are described below.

SERVICE

The primary responsibility of the Director of the Law Library is to provide library services; therefore, service will be given the greatest weight in the evaluation process. Service includes general effectiveness in the provision of library services, as well as all the types of service to the law school, university, and community that are recognized for other faculty members. Quality of service shall be evaluated using appropriate criteria, including, but not limited to, the following:

LIBRARIANSHIP

- Whether the library offers competent, friendly reference service most of the hours the library is open.
- Whether the collection is being developed in a systematic manner that is consistent with the curriculum, the research needs of the faculty, and the mission of the School of Law. "Collection development" includes judicious use of non-print materials in various formats, both as substitutes for books and as alternatives to books in the collection. "Collection development" also includes judicious deaccessioning of unneeded library materials.
- Whether the library makes effective use of technology for information dissemination and retrieval, technical processing, and administrative functions.
- Whether library materials are ordered, cataloged, and made available in a timely manner.
- Whether faculty are notified individually of new library materials in their areas of interest and expertise within a short time after the materials are added to the collection.
- Whether faculty research is supported through administration of available funds to purchase materials for individual offices and appropriate documentation is provided to encourage continuation of special research funds.
- Whether the library provides written research aids and individual or small-group training in use of library resources.
- Whether the Director of the Law Library fosters cooperative relationships with the University of Georgia Libraries and with other law libraries in order to increase the services available to the students and faculty of the law school.
- Whether the library receives positive evaluations from the ABA, AALS,

United States GPO, and the University's internal review committee when those groups perform their regular inspections.

- Whether the library has a good reputation among law schools and law libraries because the collection and service are known to be excellent, and the professional staff are well-known and active in the profession.
- Whether library staff members are competent, effective, and productive, and whether their professional growth is well supported.
- Whether the Director fosters positive working relationships among library staff.
- Whether the Director works well with library staff, law school administration, faculty, and staff, and professional colleagues outside the law school.

OTHER SERVICE

- Whether the Director of the Law Library serves willingly on law school committees as appointed by the dean.
- Whether the Director of the Law Library serves willingly on university committees as appointed by the appropriate university official.
- Whether the Director of the Law Library renders creditable service to the profession of law librarianship and/or the profession of law. Such service may be evidenced by, e.g., election to office in professional associations, committee service in professional associations, participation in continuing legal education programs, and attendance at association meetings.
- Whether the Director of the Law Library promotes positive relationships with other units of the University and the library community.
- Whether the Director of the Law Library renders service to the local community by participation in charitable organizations and other projects intended to promote the general welfare.

CONTRIBUTION TO EDUCATIONAL FUNCTION

Although the Director's position normally includes very little formal classroom teaching, the Director of the Law Library nevertheless plays an important role in educating law students. The quality of the Director's performance in educating law students shall be evaluated using the appropriate criteria, including but not limited to the following:

- Whether the Director of the Law Library, in consultation with members of the faculty, provides an appropriate collection for teaching purposes, sets up support services to facilitate use of the appropriate sources, assists in preparation of lessons and lectures in legal research, assigns library staff to teach on-line and CD-ROM sources, and in all respects supports the curriculum of the law school.
- Whether the Director of the Law Library personally provides reference service, which presents valuable opportunities to give one-on-one instruction in use of library resources.

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- Whether the Director of the Law Library offers courses, on a credit or non-credit basis, in advanced legal research.
- Whether the Director of the Law Library offers to assist other faculty members by serving as a guest lecturer to teach specialized research techniques.
- Whether the Director of the Law Library teaches traditional law school courses.

SCHOLARSHIP AND PROFESSIONAL DEVELOPMENT

The Director of the Law Library is not required to publish traditional law review articles and books. However, the Director shall produce scholarship that makes a significant contribution to knowledge in the fields of law or library science. For purposes of evaluation, scholarship may include major written internal documents such as annual reports and self-studies; however, the Director must also produce published scholarship.

- Acceptable forms of published scholarship shall include, but not be limited to, articles in recognized journals in law, law librarianship, or librarianship; bibliographies and indexes; compilations of previously published but uncompiled documents; materials in electronic formats; and traditional books and law review articles.
- Acceptable forms of unpublished scholarship shall include, but not be limited to, internal reports and documents; reports on consultations with other law libraries; and instructional materials and library guides.
- Evidence of professional development will include, but not be limited to, presenting speeches at professional meetings; participating in or attending professional meetings, seminars, workshops, or institutes; being called as an expert witness; or receiving awards, grants, honors, scholarships, or fellowships.

*Gonzaga**Gonzaga University***302.00 CRITERIA FOR PROMOTION, REAPPOINTMENT, AND TENURE****302.01 General Criteria**

a. The essential criteria for promotion, reappointment, and tenure are teaching (or performance in the case of library faculty), professional development, advising, and academic citizenship. In the undergraduate programs of Gonzaga, more emphasis is placed upon teaching excellence and less upon research than is the practice in research institutions or in Gonzaga's graduate programs. It is clear that to maintain the standard of teaching which Gonzaga desires, research activity or similar continuing professional development is essential. To the extent that faculty are involved in graduate level education, there is a greater expectation for contribution to professional knowledge through scholarly writing. Effective advising and professional contact with students outside the classroom are also necessary to reappointment, promotion and tenure. Additional factors which are necessary for reappointment, promotion, and tenure include commitment to the specific objectives and goals of the department, college, or school, and to the missions of the University as demonstrated by service to and participation in the life and governance of the University.

b. All faculty members are advised, at the time of initial appointment, of the substantive standards and procedure generally employed in decisions affecting renewal and tenure. Any special standards of the faculty member's department or school are also brought to the individual's attention at this time. Each faculty member is advised of the time when decisions affecting renewal or tenure will be made and is given the opportunity to submit material which is believed will be helpful to an adequate consideration of the circumstances.

c. In its promotion, reappointment, and tenure procedures, the University seeks to insure both excellence in its faculty and fairness to individual faculty members under consideration. The University's administrators, appropriate committees, and the schools, divisions, and departments, bear responsibility for describing standards and procedures. The individual faculty member bears responsibility for becoming familiar with standards and procedures [see section 303]. The essential criteria for promotion, reappointment, and tenure are the following.

302.02 Teaching

~~a~~ Gonzaga University is committed to excellence in teaching. The development of the whole person and the pursuit of truth are fundamental components of its mission. Teaching is both an art and a science. It demands constant innovation and improvement.

~~b~~a. There are a variety of signs of teaching excellence including: presenting subject matter clearly while recognizing its complexity; enthusiasm for seeking, possessing, and sharing knowledge; bringing subject matter, when appropriate, to bear on the present human condition; encouraging students to explore, invent, and discover; inspiring in students a desire to continue studying and learning; and challenging them to grow beyond their present capacities; and, when appropriate, relating subject matter to human values,

issues of peace and justice, and other dimensions of the human condition.

c.b. The sources of evidence for such evaluation include the following: the written evaluations of appropriate administrators, students, and colleagues, supported by concrete evidence and examples; classroom visitation as deemed appropriate by departments and schools; the achievements of current and former students; a thoughtfully developed philosophy of teaching; evidence of continued development of pedagogical skills; directions of theses, dissertations, projects, internships, or other major works; program development; and preparation of new courses and course materials.

d.c. Corollary expectations for librarians

1. Gonzaga University is committed to excellence in library service. The library faculty shares with the teaching faculty a commitment to the development of the whole person and the pursuit of truth as stated in 302.02(a), but their specific duties usually do not involve formal classroom instruction. Librarianship, like teaching, is both an art and a science, and similarly demands constant innovation and improvement.
2. Excellence in librarianship is manifested in many ways, including, expertise in the content, context, selection and organization of information resources; skilled provision of instruction in and support of information use to the Gonzaga community; encouragement of commitment to lifelong learning; contributions to the development of the library profession; participation in the planning and design of systems for information access; advocating that contractual, legal and ethical obligations concerning information use are met; and provision of appropriate information services to facilitate personal and professional development within the Gonzaga community.
3. Members of the library faculty are evaluated according to standards which share the spirit of 302.02 a-c, but which recognize the differing nature of their contributions. Standards are based on generally accepted standards within the library profession for the performance of the assigned duties. References to "teaching" throughout this Handbook refer to professional performance in the case of library faculty. Individual evaluations are based on a varied range of evidence appropriate to assigned duties and responsibilities. Sources of evidence may include written evaluations of appropriate administrators, students, and colleagues, supported by concrete evidence and examples.

302.03 Professional Development

- a. Gonzaga University is devoted to the discovery and pursuit of knowledge and to academic excellence. Faculty members should share, particularly, in Gonzaga's commitment to responsible and ethical intellectual inquiry, respect for the positions of others, academic freedom, and the highest ethical norms of their disciplines.
- b. The University expects faculty to continue to grow and develop as members of their disciplines after they have completed their advanced degrees and evaluates their progress

in this area.

c. Important signs of professional growth are the formal activities usual to the discipline. These include publication of peer-reviewed research articles and books, or other writing normal to the discipline; juried exhibits and performances; invited presentations, exhibits, and performances; editorships and consultantships; invited evaluations and reviews of the work of other professionals; and presentations to professional groups.

d. Additional professional activities may include leadership of, committee work for, and participation in scholarly and professional organizations; sustained activity in course and/or program development; advanced study and participation in seminars and workshops; and selection for grants, fellowships and awards.

e. Schools and departments may develop more explicit or extensive requirements, but these must be based on specific needs related to program and the normal standards of the discipline, and must be consistent with the general criteria of this Handbook. These requirements must be described in writing and filed with the appropriate dean. They must be given to and clearly explained to the faculty member at the time of initial appointment and at appropriate times, such as reappointment evaluations, thereafter.

302.04 Advising

a. Advising and consulting with students are major faculty responsibilities. The central element in advising excellence is a genuine and sustained concern for students as persons and for their academic and personal growth. An effective advisor is available to students for consultation outside the classroom; familiar with current requirements of the University and the student's standing in relation to these requirements; and knowledgeable about other services available to students. An effective advisor also helps students in setting and achieving their goals while at the university.

b. Individual colleges, schools and departments develop their own methods for evaluating advising. Evidence used in evaluating advising may include a self-evaluation; the written evaluations of appropriate administrators, students, and fellow faculty members; the achievement of former students; and any other relevant information identified as appropriate.

302.05 Academic Citizenship and Service

a. Gonzaga University subscribes to the 1966 AAUP statement on Professional Ethics (See Appendix A) and expects faculty members to reflect its principles in their lives at Gonzaga.

b. Faculty members also must be familiar with the mission of the University. There are many ways in which faculty members may contribute to this mission according to their own gifts and beliefs. Faculty members should share, particularly, in Gonzaga's commitment to responsible intellectual inquiry and academic freedom, to the dignity of the person, to justice, and to ethical behavior. Academic citizenship entails showing respect for diverse ideas and opinions. Faculty members act with respect and fairness

toward others; they treat others as equals, with compassion, and tolerance.

c. Academic citizenship also entails service to the University, taking an active role in shaping the kind of community Gonzaga is and what it will become. Faculty members reflect their commitment to the mission in their participation in the life and governance of the University and in their relations to the civic community.

d. Evaluation of faculty as academic citizens includes assessment of the ways in which the individual faculty member has defined his or her own place in the life of the University. Evidence of academic citizenship includes patterns of respect and fairness toward others; participation in the University community through committee service and faculty and university governance; and attendance at functions such as convocations, faculty meetings, and commencement activities. Academic Citizenship may also include participation in and/or contributions to activities such as conferences and workshops on Jesuit and Catholic intellectual traditions and educational philosophies; such work may count as evidence of professional development when it has a scholarly dimension. Academic citizenship may be evidenced also by contributions to activities on the campus, both academic and related to student life and ministry; and service to the larger community.

U. of Hawaii
Hawaii

*HI's adaptation
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**TENURE AND PROMOTION STANDARDS
FOR THE DIRECTOR OF THE LAW LIBRARY**

A person appointed under this section shall be considered for tenure and promotion in accordance with the process provided for other members of the faculty, except that the following special conditions shall apply:

The law library plays a central role in the educational and scholarly mission of the law school. Effective administration of the library is essential to the successful performance of that mission. Consequently, the Director of the Law Library is necessarily involved, either directly or indirectly, in teaching and scholarship, as well as in the administration of the law library. However, the nature of the Director's participation in teaching and scholarship will be different from that of the teaching faculty. Therefore, the Director shall be evaluated for tenure and promotion under five criteria: (I) effectiveness as Director of the Law Library; (II) contribution to the educational function of the law school; (III) other service to the law school; (IV) service to the broader community; and (V) continued professional growth.

I. **Effectiveness of Performance As Director of the Law Library.** The primary responsibility of the Director of the Law Library is the administration and management of the law library. The Dean, as supervisor of the library director, evaluates the effective administrative performance of the Director. The Faculty's role, as part of the tenure and promotion process, is to determine whether the Director is administering the Library in a manner that serves the Law School's educational and scholarly mission. In evaluating compliance with these criteria, the Faculty shall consider the Director's responsibility to:

- (1) develop and maintain a library collection and information research services adequate to the needs of a law school, consistent with the library budget;
- (2) ensure that library operations effectively support instruction and research at the law school;
- (3) develop services for different library patron groups (including faculty, students, and the broader legal community);
- (4) direct the planning process for the library and define library goals to support the mission of the law school in coordination with faculty and administration.

II. **Contribution to the Educational Function of the Law School.** The Director of the Law Library is not expected to teach substantive law courses and the teaching of such courses is not a condition of tenure for the Director. Nevertheless, the Director is expected to contribute to the law school's educational functions. Activities which could satisfy this criterion include, but are not limited to:

- (1) contribution to the research and writing program and advanced research courses, including teaching, providing feedback, and advising;
- (2) other participation in classroom instruction;
- (3) library orientation programs for students and faculty;
- (4) organization of or participation in seminars, lectures, talks, or workshops for library patron groups;
- (5) continuing education for the library staff;
- (6) teaching students and faculty, formally and informally;
- (7) support to faculty teaching and research.

III. Service to the Law School. As is true for all tenured faculty, the Director is expected to participate in activities that will contribute to the improvement of the law school. Many of the activities relevant to the criterion concerning effectiveness of performance as Director will be relevant to this criterion as well. Additional activities that will be considered to determine satisfaction of this criterion include, but are not limited to:

- (1) service on regular and special committees;
- (2) participation in the recruitment of faculty, students, and staff;
- (3) participation in the governance of the law school;
- (4) fund-raising and other activities to support the law school and law library;
- (5) support of the educational and scholarly activities of the teaching faculty and students;
- (6) attendance at and participation in faculty colloquia, lectures on campus, and other school functions.

IV. Service to the Broader Community. Every faculty member, including the Director, is expected to provide professional service to communities beyond the law school. As with service to the law school, many of the activities relevant to the criterion concerning effectiveness of performance as Director will be relevant to this criterion. Other activities that will be considered to determine satisfaction of this criterion include, but are not limited to:

- (1) participation in library and professional organizations;
- (2) service as a member of a team of experts, task force, or review committee to evaluate law school or other libraries;
- (3) organization of and participation in professional workshops, seminars, and meetings;
- (4) representing the law school in the professional library community;
- (5) service as an officer or board member of a non-profit organization;
- (6) other participation in the library and legal professions.

V. **Scholarship and Continued Professional Growth.** Prior to receiving tenure, the Director shall have earned a law degree from an A.B.A. accredited law school and an M.L.S. degree from an A.L.A. accredited institution. In addition, the Director is expected to demonstrate continued professional growth as a condition of tenure. That demonstration may include some published work, whether scholarship of the type required for general tenure of the teaching faculty; publications concerning library science, information science, legal and law-related research and related areas; or publication of professional works of librarianship such as bibliographies and bibliographic essays, user guides, surveys of legal/library literature, and indices. Other activities that demonstrate continued professional growth include, but are not limited to:

- (1) presentation of professional papers;
- (2) continuing education in developments in library science and new technologies through course work at appropriately accredited institutions;
- (3) leadership of, committee work for, and participation in scholarly and professional organizations;
- (4) attendance at professional workshops, seminars, and meetings.

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**SECTION THREE HUNDRED
THIS AND THE THREE HUNDRED APPENDICES ARE THE
CONTRACTUAL PART OF THE HANDBOOK**

300.00 A. FACULTY RANK AND QUALIFICATIONS

300.01 1. Ranked Faculty

300.02 The Academic Ranks

- a. Faculty members who by reason of their qualifications have been appointed to one of the academic ranks constitute the ranked faculty of the University. The academic ranks are, in ascending order: Instructor, Assistant Professor, Associate Professor and Professor. Qualifications for the various ranks are given in Section 302.
- b. A full-time faculty member is defined as one who holds a ranked faculty appointment and is employed by the University on a full-time basis. The main duties of teaching faculty normally are instructional. The main duties of library faculty are the provision of professional library services.
- c. Except for fixed-term appointments, all appointments to the ranked faculty are either probationary or with tenure. Only ranked faculty are eligible for tenure.

300.03 Departmental (or school) Appointments

The University appoints all ranked faculty to specific departments (or schools, outside the College of Arts and Sciences) with rank and voting rights in those departments or schools and in the Faculty Assembly, and they may serve on committees listed in Section 200.

300.04 Joint and/or Split Appointments

Specific duties and voting rights for joint and/or split appointments are negotiated with the faculty of the involved departments or schools at the time of initial appointment. A ranked faculty member may also be appointed as adjunct faculty in another department; such faculty are considered to be full-time members of the department where they hold the ranked appointment.

300.05 Fixed-term Appointments

- a. The University uses fixed-term appointments to non-tenure track positions for four purposes:
 - to fill vacancies created by leaves and sabbaticals.
 - to respond to special enrollment or short-term curricular needs.
 - to staff instructional programs supported by time-limited funds.
 - to staff clinical and similar programs
- b. The designation and extent of fixed-term appointments are determined by Deans in consultation with the appropriate faculty of the college or school.
- c. The University does not renew fixed-term appointments automatically. A person given one appointment has no guarantee that another will follow. Faculty members on fixed-term contracts neither have tenure nor

are eligible for it. The same substantive standards for reappointment apply to fixed-term appointments. Faculty members holding fixed-term appointments do not have departmental or school voting rights unless these are specifically granted by a written vote of the tenured and tenure-track faculty of the department or division (or school, in the case of schools which do not have departments or divisions).

- d. Fixed-term appointments to the ranked faculty are not intended to be and are not used as a substitute for tenure. No person may have a series of fixed-term appointments for more than six years altogether, unless the President grants an extraordinary exception at the request of a college, school or department. (Nothing in the above sections shall affect the validity or effect of The Clinical Statutes pertaining to the long term status of clinical law teachers at the Gonzaga University School of Law.)

300.06 Administrators

The President, Academic Vice President, and deans of academic units hold faculty rank and are eligible for tenure, although they are not members of the Faculty Assembly. If they do not have tenure when the University appoints them, their application for tenure follows the procedures described in section 303.

300.07 NON-RANKED FACULTY

- a. Persons holding the positions listed below are not members of the ranked faculty. They do not qualify for tenure. They may qualify for benefits as described in Section Four of this Handbook. Non-ranked faculty are not permitted to vote on faculty assembly matters or to serve on any of the committees listed in Section 200.03 or Section 200.05(2)-(6).
- b. An individual school or department may permit non-ranked faculty assigned to that school or department to vote on internal matters and serve on internal committees. The University uses appropriate and published reappointment procedures to judge the non-ranked faculty member's academic performance.

300.08 Adjunct Faculty

An adjunct faculty member is one who teaches, performs library service, or does research part-time.

300.09 Visiting Faculty

A visiting faculty member is one who normally holds rank at another college or university, serves at Gonzaga full-time for one year or less, and does not expect to remain at Gonzaga. The University does not grant this designation to a faculty member in continuous service.

300.10 Emeritus Faculty

An emeritus faculty member is one who has given generous and distinguished service as a teacher or administrator. The title may be conferred by the President upon the faculty member's retirement from full-time duties after consultation with the Department (or School) and the Committee on Rank and Tenure.

301.00 APPOINTMENTS, REAPPOINTMENTS, AND TENURE

Appointments and reappointments are made and tenure is conferred by the President of the University as authorized by the Board of Trustees.

301.01 Initial Appointments and Reappointments

In making initial appointments to the faculty, the President is advised by the Academic Vice President, the appropriate Dean, the department chair (where applicable), and members of the department or school who hold ranked faculty positions. The rank granted at the initial appointment shall be determined according to the minimum qualifications for rank as specified in this Handbook (See section 302.09, ff.). In making reappointments of faculty, the President is advised by the Academic Vice President, the appropriate Dean, the department chair and a departmental or school committee on Reappointment. Section 303 explains the procedures for reappointment.

301.02 Contract Renewal

Contracts for ranked faculty normally run for one academic year. While tenured faculty receive their contracts automatically, untenured faculty receive notice of renewal or nonrenewal. Tenure-track faculty who are in their first-year will receive written notice of renewal or nonrenewal for the following year employment by March 1. Tenure-track faculty who are in their second-year will receive written notice of renewal or nonrenewal by December 1st for the following year employment. Tenure-track faculty who are completing their second or subsequent year will receive notice of renewal or nonrenewal for an additional year by June 1. Faculty with fixed-term appointments will receive written notice of renewal or nonrenewal for the next year by April 15. If in any case the University does not give notice by the required deadline, the faculty member's contract is automatically renewed.

301.03 Extraordinary Termination

Only four extraordinary reasons justify ending a contract before its specified term of appointment: major changes in the curriculum, financial exigency, disability, or cause. See sections 306, 308, and 309.

301.04 Probationary Appointments

The probationary appointment precedes the awarding of tenure. It provides time for individuals to develop and prove themselves as members of the University community and for their colleagues to observe and evaluate and to assist and advise them in their performance. The University does not award tenure lightly or automatically; the probationary period is real, not perfunctory.

301.05 Definition of Tenure

- a. Tenure means that the University continues to offer a faculty member a contract annually until he or she retires. Exceptions to this rule arise only for the following reasons which are explained in sections 306, 308 and 309: major changes in the curriculum, financial exigency, disability, or cause. The purposes of tenure are:
 - to encourage freedom in teaching and research
 - to protect faculty members from unwarranted pressure to conform to other people's views, especially political views held by people outside the University
 - to provide sufficient economic security to make academic service at the University attractive to talented men and women of ability
- b. Tenure carries duties to the University and its students, as well as rights for the faculty member. The University evaluates tenured faculty every year according to the procedures in section 304. It expects tenured faculty to maintain good performance throughout their service and to continue to take an active role in the life of the University.

301.06 The Probationary Period and the Date of Tenure

- a. The University awards tenure after a faculty member successfully completes a seven-year probationary period serving in the ranked faculty.
- b. The University and the faculty member may agree to shorten the probationary period when a faculty member comes to the University with experience as a full-time teacher or librarian at an accredited college or university. In such cases, up to three years may count as part of the University's probationary period. The University may make other rare exceptions, for example, tenuring a faculty member upon initial appointment.
- c. An initial appointment granting tenure as a faculty member must be evaluated by the University's Rank and Tenure Committee prior to the appointment. The faculty member's first contract shows any such exceptional conditions. Notice not to grant tenure will be given by the University in writing before the last day of the faculty members' contract for the sixth year of employment.

302.00 CRITERIA FOR PROMOTION, REAPPOINTMENT, AND TENURE

302.01 General Criteria

- a. The essential criteria for promotion, reappointment, and tenure are teaching (or performance in the case of library faculty), professional development, advising, and academic citizenship. In the undergraduate programs of Gonzaga, more emphasis is placed upon teaching excellence and less upon research than is the practice in research institutions or in Gonzaga's graduate programs. It is clear that to maintain the standard of teaching which Gonzaga desires, research activity or similar continuing professional development is essential. To the extent that faculty are involved in graduate level education, there is a greater expectation for contribution to professional knowledge through scholarly writing. Effective advising and professional contact with students outside the classroom are also necessary to reappointment, promotion and tenure. Additional factors which are necessary for reappointment, promotion, and tenure include commitment to the specific objectives and goals of the department, college, or school, and to the missions of the University as demonstrated by service to and participation in the life and governance of the University.
- b. All faculty members are advised, at the time of initial appointment, of the substantive standards and procedure generally employed in decisions affecting renewal and tenure. Any special standards of the faculty member's department or school are also brought to the individual's attention at this time. Each faculty member is advised of the time when decisions affecting renewal or tenure will be made and is given the opportunity to submit material which is believed will be helpful to an adequate consideration of the circumstances.
- c. In its promotion, reappointment, and tenure procedures, the University seeks to insure both excellence in its faculty and fairness to individual faculty members under consideration. The University's administrators, appropriate committees, and the schools, divisions, and departments, bear responsibility for describing standards and procedures. The individual faculty member bears responsibility for becoming familiar with standards and procedures [see section 303]. The essential criteria for promotion, reappointment, and tenure are the following.

302.02 Teaching

Gonzaga University is committed to excellence in teaching. The development of the whole person and the pursuit of truth are fundamental components of its mission. Teaching is both an art and a science. It demands constant innovation and improvement.

- a. There are a variety of signs of teaching excellence including: presenting subject matter clearly while recognizing its complexity; enthusiasm for seeking, possessing, and sharing knowledge; bringing subject matter, when appropriate, to bear on the present human condition; encouraging students to explore, invent, and discover; inspiring in students a desire to continue studying and learning; and challenging them to grow beyond their present capacities; and, when appropriate, relating subject matter to human values, issues of peace and justice, and other dimensions of the human condition.
- b. The sources of evidence for such evaluation include the following: the written evaluations of appropriate administrators, students, and colleagues, supported by concrete evidence and examples; classroom visitation; the achievements of current and former students; a thoughtfully developed philosophy of teaching; evidence of continued development of pedagogical skills; directions of theses, dissertations, projects, internships, or other major works; program development; and preparation of new courses and course materials.
- c. Corollary expectations for librarians
 1. Gonzaga University is committed to excellence in library service. The library faculty shares with the teaching faculty a commitment to the development of the whole person and the pursuit of truth as stated in 302.02(a), but their specific duties usually do not involve formal classroom instruction. Librarianship, like teaching, is both an art and a science, and similarly demands constant innovation and improvement.
 2. Excellence in librarianship is manifested in many ways, including, expertise in the content, context, selection and organization of information resources; skilled provision of instruction in and support of information use to the Gonzaga community; encouragement of commitment to lifelong learning; contributions to the development of the library profession; participation in the planning and design of systems for information access; advocating that contractual, legal and ethical obligations concerning information use are met; and provision of appropriate information services to facilitate personal and professional development within the Gonzaga community.
 3. Members of the library faculty are evaluated according to standards which share the spirit of 302.02 a-c, but which recognize the differing nature of their contributions. Standards are based on generally accepted standards within the library profession for the performance of the assigned duties. References to "teaching" throughout this Handbook refer to professional performance in the case of library faculty. Individual evaluations are based on a varied range of evidence appropriate to assigned duties and responsibilities. Sources of evidence may include written evaluations of appropriate administrators, students, and colleagues, supported by concrete evidence and examples.

302.03 Professional Development

- a. Gonzaga University is devoted to the discovery and pursuit of knowledge and to academic excellence. Faculty members should share, particularly, in Gonzaga's commitment to responsible and ethical intellectual inquiry, respect for the positions of others, academic freedom, and the highest ethical norms of their disciplines.
- b. The University expects faculty to continue to grow and develop as members of their disciplines after they have completed their advanced degrees and evaluates their progress in this area.
- c. Important signs of professional growth are the formal activities usual to the discipline. These include publication of peer-reviewed research articles and books, or other writing normal to the discipline; juried exhibits and performances; invited presentations, exhibits, and performances; editorships and consultantships; invited evaluations and reviews of the work of other professionals; and presentations to professional groups.

- d. Additional professional activities may include leadership of, committee work for, and participation in scholarly and professional organizations; sustained activity in course and/or program development; advanced study and participation in seminars and workshops; and selection for grants, fellowships and awards.
- e. Schools and departments may develop more explicit or extensive requirements, but these must be based on specific needs related to program and the normal standards of the discipline, and must be consistent with the general criteria of this Handbook. These requirements must be described in writing and filed with the appropriate dean. They must be given to and clearly explained to the faculty member at the time of initial appointment and at appropriate times, such as reappointment evaluations, thereafter.

302.04 Advising

- a. Advising and consulting with students are major faculty responsibilities. The central element in advising excellence is a genuine and sustained concern for students as persons and for their academic and personal growth. An effective advisor is available to students for consultation outside the classroom; familiar with current requirements of the University and the student's standing in relation to these requirements; and knowledgeable about other services available to students. An effective advisor also helps students in setting and achieving their goals while at the university.
- b. Individual colleges, schools and departments develop their own methods for evaluating advising. Evidence used in evaluating advising may include a self-evaluation; the written evaluations of appropriate administrators, students, and fellow faculty members; the achievement of former students; and any other relevant information identified as appropriate.

302.05 Academic Citizenship and Service

- a. Gonzaga University subscribes to the 1966 AAUP statement on Professional Ethics (See Appendix A) and expects faculty members to reflect its principles in their lives at Gonzaga.
- b. Faculty members also must be familiar with the mission of the University. There are many ways in which faculty members may contribute to this mission according to their own gifts and beliefs. Faculty members should share, particularly, in Gonzaga's commitment to responsible intellectual inquiry and academic freedom, to the dignity of the person, to justice, and to ethical behavior. Academic citizenship entails showing respect for diverse ideas and opinions. Faculty members act with respect and fairness toward others; they treat others as equals, with compassion, and tolerance.
- c. Academic citizenship also entails service to the University, taking an active role in shaping the kind of community Gonzaga is and what it will become. Faculty members reflect their commitment to the mission in their participation in the life and governance of the University and in their relations to the civic community.
- d. Evaluation of faculty as academic citizens includes assessment of the ways in which the individual faculty member has defined his or her own place in the life of the University. Evidence of academic citizenship includes patterns of respect and fairness toward others; participation in the University community through committee service and faculty and university governance; and attendance at functions such as convocations, faculty meetings, and commencement activities. Academic Citizenship may also include participation in and/or contributions to activities such as conferences and workshops on Jesuit and Catholic intellectual traditions and educational philosophies; such work may count as evidence of professional development when it has a scholarly dimension. Academic citizenship may be evidenced also by contributions to

activities on the campus, both academic and related to student life and ministry; and service to the larger community.

302.06 SPECIFIC CRITERIA FOR PROMOTION, REAPPOINTMENT, AND TENURE

In addition to the general criteria outlined above, the following specific criteria are used for reappointment, promotion, and tenure:

302.07 Criteria for Reappointment

- a. Teaching and advising excellence are the primary criteria for reappointment in the first years of service for ranked faculty on tenure track. Sustained professional development and responsible academic citizenship become progressively more important as the individual advances toward tenure.
- b. If a faculty member's teaching performance is judged to be unsatisfactory, such factors as the likelihood of future improvement and the extent of the person's contributions in professional development and University service are considered, but they will not substitute for a continued lack of excellence in teaching.
- c. Besides judgments about the individual made on professional grounds, other institutional considerations such as long-range academic needs and the financial condition of the University may lead to non-reappointment.
- d. For ranked faculty on fixed-term appointments, teaching and advising excellence are the primary criteria for reappointment or contract renewal in the first years of service. Depending on the nature of the appointment, sustained professional development and responsible academic citizenship become progressively more important as the individual remains in service at the University.
- e. Faculty appointed for a fixed term will be advised at the time of their appointment of the extent to which professional development and academic citizenship are, or will become, factors in their reappointment or contract renewal.
- f. If a fixed-term faculty member's teaching performance is judged to be unsatisfactory, such factors as the likelihood of future improvement and the extent of the person's contributions in professional development and University service are considered, but they will not substitute for a continued lack of excellence in teaching. Besides judgments about the individual made on professional grounds, long-range academic plans and needs of the University and the financial situation of the University may lead to non-reappointment or non-renewal.

302.08 Criteria for Promotion

In addition to the general criteria, the following special criteria are used for promotion:

302.09 To Assistant Professor

To be promoted to the rank of Assistant Professor, a faculty member should possess the doctorate or the usual terminal degree of the profession, or have had other appropriate professional experience. The candidate should also have demonstrated satisfactory performance in teaching and advising and shown evidence of professional growth and responsible academic citizenship as described under general criteria in sections 302.00 - 302.04.

302.10 To Associate Professor

- a. To be promoted to the rank of Associate Professor, a faculty member should exhibit evidence of a substantial extension of the record on which the assistant professorship was based, and must have served at least five years at the rank of Assistant Professor, at least one year of which must have been at Gonzaga University. (Candidates may apply in their fifth year, except that candidates hired before September, 1999 may apply in their fourth year.)
- b. The faculty member must have demonstrated excellence in teaching or library performance and advising and shown evidence of continuing professional development and responsible academic citizenship as described under general criteria in sections 302.00 - 302.04.

302.11 To Professor

- a. To be promoted to the rank of Professor, a faculty member should exhibit evidence of a substantial extension of the record on which the associate professorship was based, and must have served at least five years at the rank of Associate Professor, at least one year of which must have been at Gonzaga University. (Candidates may apply in their fifth year, except that candidates hired before September, 1999 may apply in their fourth year.)
- b. The faculty member must have continued to maintain excellence in teaching or library performance, advising, and responsible academic citizenship as described under general criteria in sections 302.00 - 302.04, and must have achieved recognition as a mature and established scholar or professional based on significant research and publication in the normal channels of the discipline, or by distinguished work in the practical or fine arts.

302.12 Criteria for Tenure

- a. Tenure is one of the most important commitments which Gonzaga makes to its faculty. The decision to confer or deny tenure is made in the last year before the completion of the probationary period. The process of evaluation for tenure is a continuous one, from the initial appointment through the final tenure review. The decision to award tenure represents the judgment of the department or school and the university community that the faculty member has achieved a high level of performance and will continue to grow, that the faculty member is and will continue to be a desirable permanent colleague, and that the faculty member will continue to make significant contributions to the university in the future.
- b. The successful candidate will have demonstrated satisfactory progress during the probationary period. Although the conferral of tenure is a separate decision from advancement in rank, candidates for tenure must demonstrate a high level of performance in all the criteria described in sections 302.00 through 302.04. They must show evidence of excellence in teaching or library performance and advising. They must contribute actively to their discipline and have some publications or other formal activity normal to their discipline. They must be positive and responsible colleagues who have taken an active role in the life of the whole university community, as well as in their departments or schools.
- c. Evidence of serious deficiencies in meeting any of the criteria will act as a bar to the awarding of tenure. Besides judgments about the individual made on professional grounds, long-range academic plans and needs of the University and the financial situation of the University may lead to the denial of tenure.

303.00 PROMOTION, REAPPOINTMENT, AND TENURE PROCESSES

- a. Reappointment cases arise automatically at scheduled intervals (see section 301.02⁰¹). Tenure cases arise automatically at the end of the probationary period. Individual faculty members decide, however, when they wish to seek promotion. A faculty member who chooses to apply for promotion in the same academic year as the tenure review will submit a single petition in the spring semester, following the deadlines for the tenure application (see 303.23).
- b. The Academic Vice President maintains and sends to the Deans a checklist of requirements and helpful suggestions for candidates. The Deans will disseminate up-to-date procedural descriptions to the department chairs and the individual under consideration in time to meet deadlines. The Academic Vice President normally holds informational meetings to review guide lines and procedures for faculty seeking either reappointment, promotion, or tenure.
- c. It is the responsibility of the individuals under consideration to make sure that they thoroughly understand the procedures and their part in them, to make sure that the material which they want included has in fact been included, and to supply any additional relevant information to the committee by the appropriate deadline.

303.01 School and Department Committees on Promotion, Reappointment, and Tenure

303.02 Election of Committees

- a. Normally schools, divisions, or departments have a committee of three or more members, elected yearly by the full-time faculty (see b below) and chaired by the department or division chair (except when his or her own case is pending) whose responsibility is to consider applications for promotion, reappointment, and tenure. This committee is the principal departmental voice in making recommendations regarding promotion, reappointment, and tenure. Elections of members for the school, division, department committees must take place prior to September 15; terms are from one to three years as established by the department or school.
- b. The entire committee reviews each case according to the procedures described in the following sections. A school or department may separate this committee into two: one for reappointment and one for promotion and tenure. Probationary and fixed-term faculty members may not vote for or serve on committees making decisions on reappointment, tenure, or promotion unless the tenured faculty members of the department or school specifically vote to grant them those rights. Probationary and/or fixed term faculty cannot constitute a majority of such committees.

303.03 Departments that are too small to be organized into committees may select faculty from other departments to serve on the committee. Faculty members whose duties include significant involvement in interdisciplinary programs or other programs which take them outside their departments will be evaluated by a committee consisting of representatives from their departmental committee and from the allied department(s) or program(s). The faculty members, the appropriate departments, and the Dean will establish the details of the selection and operation of this committee on a case by case basis. These departments may exclude probationary and fixed term faculty members, as noted above.

303.04 Descriptions of Procedures

- a. Departments, divisions, or schools will submit written descriptions of their committee structure and procedures to their Dean and to the Academic Vice-President for the approval of both. The Dean or the Academic Vice-President may request that these be amended for practical reasons or to assure consistency

and equity. If the nature or procedures of the committee are changed in the future, a written description of the changes must be submitted to the Dean and the Academic Vice-President for approval.

- b. Procedures within a school or college must be communicated to all faculty members of the school or college. The Academic Vice-President will be responsible for maintaining up-to-date records of procedures of each school, division, or department and for making these available to the Rank and Tenure Committee as it deliberates. If the Dean or the Rank and Tenure Committee feel that problems are occurring with individual committee structures or procedures they may recommend that the Academic Vice-President ask the school, division, or department for amendment. The Academic Vice-President also may initiate a request for such an amendment.

303.05 Committee Responsibilities

All departmental or school promotion, reappointment, and tenure committees must do at least the following as they consider cases:

- They must meet and formally deliberate as a body.
- They must receive and consider relevant and appropriate evidence concerning the case in question.
- They must inform the candidate of the general nature of the evidence they are considering and give the candidate the opportunity to respond to specific evaluations or descriptions of alleged fact.
- They must develop procedures that will allow for input from all department or school members in decisions regarding tenure and promotion.
- They must ensure that evaluations include classroom visitations.
- They must vote. The vote total, but not the specific votes of committee members, must be reported by the Committee's chair to the candidate and to the Dean.

303.06 Candidate's Responsibilities

- a. It is the responsibility of the candidates for promotion, reappointment, and tenure to make sure that they thoroughly understand the procedures and their part in them, and to make sure that the material which they want considered has in fact been included in the application portfolio by the appropriate deadline.
- b. All candidates and referees must submit material to be considered for promotion, reappointment, and tenure to the chair of the departmental or school committee by the appropriate deadline.
- c. It is the responsibility of the chair of the promotion, reappointment, and tenure committee to make sure that all committee members receive the same, complete set of materials for consideration. It is also the responsibility of the chair to elicit the participation of department and school faculty in the evaluation in cases of promotion and tenure and to make available these same materials to them.

303.07 PROCEDURES FOR REAPPOINTMENT

303.08 Candidate's Responsibilities

Candidates for reappointment should submit to the appropriate committee within their school or department a self-evaluation and personal statement, a current resumé, teaching evaluations and other appropriate material as specified by the school or college. (see above)

303.09 Committee and Administrative Evaluators' Responsibilities

- a. On the basis of the evidence submitted, the committee shall prepare its evaluation of the faculty member and by vote make its recommendation. The chair of the committee shall either write the recommendation or appoint another member to do so. After approval of the letter by the committee, the chair shall inform the candidate of the contents of the letter.
- b. The committee's letter, supporting documents, evaluation, minority reports (if any) and a record of the vote shall be given to the Dean. The Dean will evaluate the file, make a recommendation and forward the entire record to the Academic Vice President. The Dean shall advise the candidate of her or his recommendation.
- c. After studying the record, the Academic Vice President will present it and his recommendation to the President.
- d. The President will decide to reappoint or not reappoint and promptly notify the candidate of the decision. If the decision is to not reappoint, the reasons for that action will be given in writing to the candidate by the Academic Vice President at the candidate's request.

303.10 Committee and Administrative Evaluators' Responsibilities in Cases of Disagreement

If either the Dean or the Academic Vice President's recommendation on reappointment differs from that of the preceding evaluators, he or she will notify those evaluators of the difference and the reasons for it in writing, before sending the recommendation to the next level of evaluation.

303.11 Candidates' Rights

- a. The candidate has the right to receive all the considerations and processes, including the right to respond, as specified in sec.303.01 through 303.03.02
- b. In the event of a negative recommendation, the candidate has the right to submit counter statements to the evaluators who have made that recommendation. Those statements will become part of the record. The right to respond applies only at the first level of decision-making at which a negative recommendation is made, unless decisions at subsequent levels are negative for different reasons.

303.12 PROCEDURES FOR PROMOTION AND TENURE

303.13 The University Committee on Rank and Tenure

- a. The Committee on Rank and Tenure has responsibility for recommending to the President members of the faculty for promotion in academic rank and for tenure. Through its recommendations, the University Committee on Rank and Tenure carries the responsibility for upholding the academic standards of the university and strives to ensure fairness and consistency of the process.
- b. The Committee on Rank and Tenure consists of six faculty members, and the Academic Vice President. Three members are elected by the faculty; three are appointed by the president. The Academic Vice President will serve as chair, but will not vote except in case of a tie.
- c. Only full-time tenured faculty members are eligible to serve. Except for the Academic Vice President, Deans and Administrators are not eligible to serve on the committee. At least two faculty members in any year must be full professors. The terms of office are three years, and the terms are staggered so that at least two members are elected or appointed each year.

303.14 If a voting member of the committee is unable to serve a full term, a new member shall be elected by the Faculty Assembly or appointed by the President (as in the initial selection) to fill the remainder of the term.

303.15 Members of the Rank and Tenure Committee are not eligible for promotion. A committee member who chooses to apply for promotion must resign from the committee.

303.16 The election of committee members normally takes place as part of the faculty election process.

303.17 During the first two weeks in September the committee will meet to determine its schedule. The committee shall convene by the second Wednesday in November to consider promotion in rank, and by the first Wednesday in March to consider tenure cases. Other meetings will be called by the Academic Vice President as necessary.

303.18 Six voting members, together with the Academic Vice President, shall constitute a quorum.

303.19 Application for Promotion in Rank

303.20 The provisions of paragraphs 303.08-303.11 establishing evaluators' responsibilities and candidates' rights in retention decisions will be followed in promotion and tenure decisions as well.

303.21 Initial Deadlines

- a. Deans will distribute the necessary instructions and deadlines for submission of materials regarding promotion to the department chairs prior to April 15. Prior to the last day of class in the spring semester, faculty members considering promotion should review their progress with the appropriate department chair or Dean. (see section 302 for criteria for promotion.) Faculty members who apply for promotion and tenure in the same year will submit a single petition in the spring semester, following the deadlines for the tenure application (see 303.23). Application forms and guidelines will be available from the Academic Vice President.
- b. By September 1, department chairs will send the Deans: 1) a list of those who wish to be considered for promotion that year; and 2) the deadlines for the department's committee processes. The chairs also will disseminate this information to the candidates and to the other members of the department. Faculty members who apply for promotion and tenure in the same year will submit a single petition in the spring semester, following the deadlines for the tenure application (see 303.23). The candidate will submit her or his application file to the department or school evaluation committee by the deadlines established by the committee. Following the guidelines in section 303.01, the department or school evaluation committee will meet to vote and make a recommendation written by the committee chair and approved by the whole committee.

303.22 Actions of the Chair and Dean

- a. The chair will summarize the contents of the recommendation in writing to the candidate. The candidate may respond to the committee evaluation in writing within five working days. This response will become part of the application file.
- b. The recommendation and all materials gathered in departments, whether by the chairperson or the candidate, will be sent to the Dean by the previously announced deadline. The Dean will evaluate the record, make a recommendation, and inform the candidate in a written summary of the contents of the recommendation. The candidate may respond to the Dean's recommendation in writing within five working days. This response will become part of the application file.

- c. The Dean will send the application file to the chairperson of the University Committee on Rank and Tenure together with the Dean's own evaluation and recommendation prior to November 1.
- d. Normally, material will not be added to a candidate's file after the deadline for submission of materials to the departmental committee. Any additional material or information submitted after the departmental recommendation will be added to the file only with the approval of the candidate, the departmental committee, the Dean, and the University Committee on Rank and Tenure. If they do not agree, the application will be returned to the department or school committee which will determine whether the additional material will become part of the file.
- e. If the departmental or school committee decides to exclude the additional material, the application will proceed without it. If the departmental or school committee decides that the new material should be included in the candidate's file, the departmental or school committee and the Dean will review the new file and may reaffirm or revise their original recommendations. They will report to the candidate, and the candidate may respond to these, as above. In such a case, the Academic Vice President will set new deadlines for the process.

303.23 Application for Tenure

- a. By September 15 of each year the Dean will notify the department chair of those who will be considered for tenure in March. The Dean will distribute instructions and deadlines for the submission of materials to the department chairs and the faculty members under consideration by October 1. Prior to November 1, the department chair will notify the candidates and the dean of the deadlines for the department's committee processes. The candidate will submit her or his application file to the department or school evaluation committee by the previously announced deadline. Following the guidelines in section 303.01, the department or school evaluation committee will meet to vote and make a recommendation written by the committee chair and approved by the whole committee.
- b. The chair will summarize the contents of the recommendation in writing to the candidate. The candidate may respond to the committee evaluation in writing within five working days. This response will become part of the application file.
- c. The recommendation and all materials gathered in departments, whether by the chairperson or the candidate, will be sent to the Dean by the previously announced deadline. The Dean will evaluate the record, make a recommendation, and inform the candidate of the contents of the recommendation in a written summary. The candidate may respond to the Dean's recommendation in writing within five working days. This response will become part of the application file.
- d. The Dean will send the application file to the chairperson of the University Committee on Rank and Tenure together with the Dean's own evaluation and recommendation prior to March 1.
- e. Normally, material will not be added to a candidate's file after the deadline for submission of materials to the departmental committee. Any additional material or information submitted after the Departmental recommendation will be added to the file only with the approval of the candidate, the Departmental Committee, the Dean, and the University Committee on Rank and Tenure. If they do not agree, the application will be returned to the Department or school committee which will determine whether the additional material will become part of the file.
- f. If the departmental or school committee decides to exclude the additional material, the application will proceed without it. If the departmental or school committee decides that the new material should be included in the candidate's file, the departmental or school committee and the Dean will review the new file

and may reaffirm or revise their original recommendations. They will report to the candidate, and the candidate may respond to these, as above. In such a case, the Academic Vice President will set new deadlines for the process.

303.24 The Action of the University Committee on Rank and Tenure

- a. The deliberations of the committee are confidential. After deliberating on the materials submitted by the Deans and the candidates, the committee shall vote on each case by secret ballot. The Academic Vice President shall tally the vote and announce the results to the committee. The majority vote shall prevail. In case of a tie, the Academic Vice President shall exercise a tie-breaking vote.
- b. The Academic Vice President will prepare a summary of the Committee's conclusions on each candidate. After the Rank and Tenure Committee approves it, he shall forward it, the candidate's complete file, and the record of the vote to the President.
- c. The President normally abides by the committee's recommendation. If he disagrees with it, he shall specify the reason for his objections and return the matter to the committee. The committee will then reconsider and return another recommendation or affirm its previous recommendation.
- d. In all cases of promotion and tenure, the President shall make the final decision and promptly relay his decision to the candidates.

303.25 Denial of Promotion or Tenure

The Academic Vice President will give the reasons for denial of promotion or tenure to the candidate in writing at the candidate's request.

303.26 Notification of Denial

Nothing in these sections regarding procedures for the review of faculty contract renewals, promotion, and the granting or denial of tenure shall affect the obligation of the University to grant written notice of denial by specified dates, as provided in section 301.02. The granting of timely notice shall fulfill the University's obligation, and the continuation of review or appellate procedure after the prescribed date shall not increase the obligation of the University. (Example: if a faculty member is notified a full year in advance and by the appropriate date, e.g. May 31, that tenure will not be granted, the fact that review procedure may extend beyond June 1 of that year does not impose upon the University the obligation of automatically granting tenure.)

304.00 EVALUATION OF TENURED FACULTY

304.01 Evaluation of Tenured and Fixed-Term Faculty

Evaluation procedures for faculty who are candidates for reappointment, promotion, and tenure are described above. Tenured and fixed-term faculty also are evaluated regularly, using the following procedures. Tenured and fixed-term faculty whose departments (or divisions or schools) do not have regularly scheduled evaluations are evaluated every three years. The purpose of these reviews is to help assure the continuation of excellence among the long-term faculty, to stimulate faculty development, to help provide a record of achievement for promotion and for merit pay, and to help faculty solve emerging difficulties before they become serious. Schools and departments will establish staggered schedules for these evaluations and will inform their faculty members of them.

304.02 Materials for Evaluation of Tenured and Fixed-term Faculty

Materials for evaluation of tenured and fixed-term faculty not seeking promotion include the following: at least the numerical portion of student course evaluations since the last evaluation; an up-to-date curriculum vitae; a self-evaluation of the faculty member's performance in teaching, professional development, advising, academic citizenship, and any other relevant activities or achievements; a report on progress in overcoming any problems noted in the previous evaluation; and a description of goals and anticipated activities for the coming years.

304.03 Submission of Materials for Evaluation

- a. These materials are submitted by the faculty member to the department or divisional chair by February 1. The faculty member and the chair will discuss the self-evaluation prior to March 1. The chair will prepare a summary of the discussion and will provide the faculty member with a copy of the summary before submitting it to the Dean. The chair will forward the faculty member's material and a summary of the discussion to the appropriate Dean. The faculty member may respond to the summary in writing either to the chair or to the Dean.
- b. If the evaluation indicates continued satisfactory performance or only minor or temporary difficulties, the evaluation and summaries will be filed in the Dean's office and the evaluation will be concluded. In schools without departments or divisions, the faculty member will submit the evaluation materials directly to the Dean and will discuss the evaluation and receive a summary from the Dean.

304.04 Addressing Problems Revealed in the Evaluation

- a. If the evaluation indicates that there are serious or persistent problems, the faculty member and the chair will discuss strategies for overcoming them and prepare a plan of action to address them. The chair will forward this plan of action to the Dean along with the other material. The Dean may then consult with the faculty member about the problems and the proposed course of action. If the faculty member and the chair cannot agree, they will each file reports to the Dean who will arrange a meeting to discuss and resolve the disagreement and to produce a plan of action.
- b. In the case of schools without departments or divisions, the faculty member and the Dean will discuss strategies and prepare the plan of action. If they cannot agree, they will each file reports with the Academic Vice President who will arrange a meeting to discuss and resolve the disagreement and to produce a plan of action.

c. Serious and Persistent Problems

If the evaluation indicates there are serious and persistent problems, the faculty member must give evidence of substantial progress toward the correction of these deficiencies within two years of the date of the evaluation. If the department chair or dean conclude that substantial progress has not been made, the department or school committee(s) on promotion, reappointment, and tenure will review the faculty member's performance. If, in its judgment, evidence of substantial progress is lacking, it will inform the Dean and Academic Vice President that grounds exist for more extensive remedial action, sanctions short of termination, or termination (see section 309.00).

305.00 ACADEMIC FREEDOM FOR FACULTY

- 305.01** The faculty and administration of the university agree that the protection of academic freedom is crucial to realizing the missions of the University.

305.02 Gonzaga University accepts the 1940 AAUP Statement on Academic Freedom and Tenure, which is adapted and printed below (305.03), as descriptive of the core of its Academic Freedom Policy. The original statement is printed in its entirety in Appendix 300B. A complete understanding of Gonzaga's Academic Freedom Policy includes the correlative professional responsibilities described in the AAUP Statement on Professional Ethics, incorporated in this Handbook as Appendix 300A.

305.03 Adaptation of 1940 AAUP Statement on Academic Freedom and Tenure

Academic freedom is essential to the purposes of a university and applies to both the teaching and research activities of all faculty.

Freedom in research is fundamental to the advancement of truth. Academic freedom is fundamental for the protection of the rights of the teacher in teaching and of the student's freedom to learn. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar.

305.04 The protection of academic freedom requires the University to avoid infringing on the privacy of faculty communications, papers, and electronic documents. The use of equipment and supplies provided by the University in no way diminishes the university's obligation to avoid infringing on the privacy of faculty communications, papers, and documents. The University notifies faculty immediately when the management of electronic resources requires viewing specific pieces of e-mail or monitoring faculty use of network resources.

305.05 Allegations of Violations of Academic Freedom

- a. If a faculty member alleges an infringement of academic freedom in matters not involving non-renewal of contract or dismissal for cause, the matter will be handled by the Grievance Committee following the procedures described in section 307.00 and Appendix F.

Hofstra

Hofstra Law School

RESOLUTION

WHEREAS the University's standards for tenure in the University Library do not apply to the law library; and

Whereas the tenured faculty of the School of Law may, subject to approval by the Provost and President and adoption by the University, make reasonable interpretations of the standards for tenure of law school faculty, including the Director of the Law Library;

NOW, THEREFORE, it is resolved:

As interpreted by the tenured faculty of the School of Law, the standards for tenure for the Director of the Law Library ("Director") shall be understood to include all of the following. The Director shall demonstrate continuing excellence in teaching and administering the law library. Continuing excellence as a teacher and administrator means that:

1. The Director shall demonstrate continuing excellence in librarianship and in meeting academic responsibilities. Aspects of librarianship to be considered include all those appropriate to the Law Library, including substantial ability to:

- a. review, evaluate and organize the operating procedures of the law library and the performance of its personnel;
- b. preserve and build the law library collection and technological resources in a systematic and efficient manner;
- c. motivate the staff to respond to faculty and student demands for efficient library services;
- d. develop law library services as a part of the University's library system;
- e. assist and enhance the scholarly activities of the faculty;
- f. develop and take steps toward meeting long-range goals for enhancing the excellence and reputation of the law library; and
- g. make efficient use of budgeted resources.

2. The Director shall demonstrate continuing productivity in some combination of the following: research, scholarly publication, professional activities, contributions to university life and the University's standing in the community. The Director's scholarly and research products may be related to issues of law library

administration or to legal research problems.

3. If the Director teaches classes in legal research or other law school offerings, the Director shall meet the same standard for teaching excellence applied to all candidates for faculty tenure.

4. In cases of early consideration for tenure, when teaching and publication while employed at this law school is impracticable, the standards may be shown to have been met while employed at another law school.

5. The Director shall also be an excellent teacher of library staff colleagues, and student and non-student users of the law library.

6. The Director shall provide excellent service to the law school and to the university community.

*Marquette**Marquette Law School***LAW SCHOOL PROMOTION AND TENURE STANDARDS****Proposed Special Standards
for****Tenure-Track Faculty in Director Positions****November 17, 1994****Director of the Law Library**

The usual standards for promotion and tenure apply except that:

- 1) Classroom teaching is not required in the position. If the director is a candidate for promotion and/or tenure and has no classroom teaching experience while in the position of director, the teaching standards ordinarily applied in the promotion and tenure process are not applicable. If the director is a candidate for promotion and/or tenure and has classroom teaching experience while in the position of director, the teaching standards ordinarily applied will be applicable, but their weight will be proportionate to the extent of the director's teaching experience in relation to the extent of teaching experience of the usual full-time faculty member with the same years of service. Thus, teaching will generally receive substantially less weight than in the usual promotion and tenure case. Additional weight generally will be given to the service criterion, as discussed below.
- 2) The usual standards for scholarship and publication apply, but it is recognized that the director may publish in fields, formats, and journals that are different than the usual faculty member's publications, including for example, research and publications concerning law library management, information sources and services, and law or law library-related bibliographies. Research and publications of this sort are accorded full and equal recognition and respect, subject to the usual standards and procedures for review and evaluation by recognized scholars in the field (for example, by scholars in law library management for publications in that field).
- 3) The usual standards for service apply, except that it is recognized that the director position centrally partakes of a service component particularly related to the law library. As such, the director's performance in the full range of service and administrative responsibilities incumbent in the position becomes a primary criterion for promotion and/or tenure. Very

Mississippi

U. of Mississippi

APPENDIX A: LAW LIBRARIAN

I. The Law Librarian position is a tenure-track position. The Law Librarian's role is unique among Law School tenure-track positions, however. Standard 605 of the American Bar Association's standards for the approval of Law Schools mandates that:

The law library shall be administered by a full time law librarian whose principal activities are the development and maintenance of the library and the furnishing of library assistance to faculty and students and may include teaching courses in the law school.

The standards and procedures contained in the University of Mississippi School of Law Tenure Policy apply to the Law Librarian, except to the extent modified in this appendix. In evaluating the Law Librarian for tenure, performance in administration and general librarianship will be the most significant factor.

II. Administration and General Librarianship

A. The Law Librarian is expected to demonstrate administrative ability. For purposes of assessment of administrative ability, the following are relevant but not exclusive:

1. Performance of library operations supporting instructional and research programs.
2. Preparation of administrative studies and long-range plans.
3. High level performance and creativity in areas of administrative responsibility.
4. Diligent pursuit of library problems and the promotion of their solutions.
5. Creative achievement in library design and configuration.
6. Within the resources available, skillful development of the library collection.
7. Within the resources available, recruitment, training, and retention of qualified library staff.
8. Maintaining knowledge of, and, within the

resources available, applying contemporary library science and techniques.

B. With respect to evaluating performance of the Law Librarian in the areas of administration and general librarianship, the following sources and materials will be consulted:

1. ABA evaluations and other accrediting agency evaluations of the library, if available.
2. The chairperson of the tenured faculty's evaluation committee will seek the evaluation of all members of the faculty regarding the work of the Law Librarian.
3. After advance notice, the library staff, the Law Journal staff and the Moot Court Board will be requested to fill out anonymous, confidential evaluation forms. These forms will be prepared, distributed and collected by the chairperson of the tenured faculty's evaluation committee.
4. Under special circumstances, an evaluation may be made by use of an outside law librarian.

III. Evaluation of Teaching Effectiveness

A. If the Law Librarian does not teach, the teaching factor shall not apply.

B. If the Law Librarian teaches only a course or courses of legal research and/or legal writing, an evaluation of teaching effectiveness will be made, using the procedures and standards in the Law School Tenure Policy, but taking into account both the special nature and content of the course(s) and the administrative demands place upon the Law Librarian.

IV. Evaluation of Scholarship

It is expected that the scholarship and creative work of the Law Librarian will make a contribution to general knowledge and expertise in the field of law librarianship or legal research. The equivalent of one substantial article will be required from the Law Librarian. The results of research and creative activity of academic law librarians often manifest themselves in innovative approaches to problem-solving and information retrieval, however, in addition to traditional avenues. Examples of acceptable scholarship or creative work include:

- A. books, journal articles, and chapters contributed to

books;

- B. editorship or acknowledged contributing editorial services for professional journals, series, or other published compilations;
- C. development of classification schemes, bibliographic controls and related works, bibliographies, handbooks, or other guides to library collections, having significant value beyond local application.

V. Evaluation of Service

The Law Librarian's professional duties involve service to the School of Law, University, legal profession, and library profession. The Law Librarian directs a department the mission of which is service. In this way more than any other, the Law Librarian's role in legal education differs from that of other law faculty members. In addition to those activities listed in Part II above, appropriate service includes:

- A. active participation in professional library organizations, including committee assignments and elective office;
- B. leadership at library conferences, institutes, or workshops at the state, regional, and national level;
- C. work on faculty or institutional projects beyond the normal expectations for the position;
- D. provision of consulting services to other libraries or academic institutions;
- E. service as a member of an accreditation inspection team of the American Bar Association and the Association of American Law Schools.

VI. Resignation from Librarianship

If tenure is conferred upon the Law Librarian, the contract of employment between the Law Librarian and the University shall contain a provision stating that the Law Librarian cannot resign from the librarianship and assume a full-time teaching role with tenure, unless the tenured faculty at the time of such resignation votes to recommend that such person be a member of the tenured faculty. An affirmative vote of two-thirds of those voting is necessary for the Law Librarian to receive an affirmative recommendation from the tenured faculty, as on any tenure question at the Law School.

PROMOTION, TENURE AND RETENTION

A. Procedures for Promotion, Tenure and Retention.

The following are procedures applicable to promotion, tenure and retention decisions of the law school. These are in addition and complementary to those procedures mandated by The University of Memphis (the university) and the Tennessee Board of Regents (TBR) as set forth in (i) the Faculty Handbook of the university, (ii) interpretations from the office of the President of the university including the Provost, and (iii) the Policy on Academic Freedom, Responsibility and Tenure of the TBR, including interpretations by the TBR. (Since the law school functions as a college of the university, but does not have departments, the law school procedures are, of necessity, different from other colleges of the university which colleges have a departmental structure.)

1. PROMOTION AND TENURE.

- a. Notice Regarding Tenure. On or before the first day of classes of each fall semester, the dean shall inform in writing each faculty member eligible to apply for tenure under university policies of his or her eligibility and the time within which application must be made. An eligible faculty member who intends to make application shall give notice of such intention within two weeks of such notice from the dean in order that the tenure procedure may be implemented. The applicant must file his or her completed application with the dean on or before October 1st of the fall semester.
- b. Notice Regarding Intent to Apply for Promotion. Those faculty members intending to apply for promotion must give notice in writing to the Chair of the Promotion and Tenure Committee on or before the first Monday in September of the fall in which application will be made. The applicant must file his or her completed application with the dean on or before October 1st of the fall semester.
- c. Promotion and Tenure Subcommittee. For each faculty member who timely makes application for tenure or promotion, or both, a subcommittee of three (3) tenured faculty members shall be appointed by the Chair of the Promotion and Tenure Committee. This subcommittee shall be known as the Tenure and Promotion Subcommittee for the applicant. In selecting members for such subcommittee, the Chair shall appoint from the tenured faculty those who, in his or her judgment, are most experienced and knowledgeable in the areas of specialty of the applicant or whose own experience and knowledge best equip them for making value judgments as to the merits of the qualifications of the applicant.

The dean may not serve on such subcommittee, and a subcommittee member may not be below the rank of the applicant in the case of tenure or below the rank to which the applicant is seeking promotion in the case of promotion.

- (1) As set forth hereinafter, each Promotion and Tenure Subcommittee shall evaluate the applicant's accomplishments, applying to each all relevant criteria (law school, university and TBR). Each Promotion and Tenure Subcommittee shall report and make recommendations, together with its reasons for such recommendations, to the Promotion and Tenure Committee. The applicant may, at this point, withdraw his or her application in the case of promotion only.
- d. Promotion and Tenure Committee. The Promotion and Tenure Committee shall consider each application and the recommendations presented to it by each Promotion and Tenure Subcommittee. A tenured faculty member may not vote (serve) as a member of the Promotion and Tenure Committee, if such tenured faculty member is below the rank of the applicant seeking tenure or below the rank to which the applicant is seeking promotion. The Promotion and Tenure Committee shall consider the recommendation of each Promotion and Tenure Subcommittee and shall make its recommendation to the dean of the law school. Such recommendation may accept the report of the subcommittee, may reject the report of the subcommittee or may accept it with amendments. In addition to the recommendations of each subcommittee, the Promotion and Tenure

Committee may independently appraise the faculty member's qualifications for promotion and/or tenure to the extent necessary in making its decision and recommendation.

2. RETENTION.

- a. Retention Committee. The Retention Committee shall function as advisory to the dean and shall render its advice to the dean as provided herein and at such times so that the dean may notify each non-tenured faculty member of his or her retention by the dates required by university regulations. In the event that a non-tenured faculty member is an applicant for promotion or tenure, the Promotion and Tenure Subcommittee appointed for promotion or tenure purposes shall function as the Retention Committee for such faculty member and its report to the Promotion and Tenure Committee shall also be forwarded to the dean with its advice and recommendation as to retention.

The Retention Committee shall consist of three tenured faculty members, appointed by the dean. At least one member of the Committee shall have been a member of the Committee in the previous year. The Dean shall appoint one member as the chair of the Committee, and that person shall be ineligible to serve as a member of the Committee in the year following his or her service as chair.

- b. Evaluation. The Retention Committee shall evaluate each non-tenured faculty member for which it has responsibility as assigned by the dean. The following criteria and procedures will be followed in making the evaluation. In addition, the Retention Committee will take into account the special criteria contained in section IV,B,3 when evaluating the Director of Legal Writing, and the special criteria contained in section IV,B,2 when evaluating the Associate Dean for Information Resources and Director of the Law Library.

(1) Teaching: In making its evaluation, the Retention Committee shall apply the criteria for evaluating teaching skill and effectiveness set forth in Section IV(B)(3)(a) below. Members of the Retention Committee will attend fall and spring classes taught by the faculty member being evaluated, and may view video tapes of such classes. At least one member of the Committee will visit each teacher in each semester, and that member will visit two classes if possible. If scheduling permits, a different member of the committee will visit fall and spring classes. In addition, the Committee may request that other members of the faculty view such classes or tapes on the Committee's behalf. Such viewer or visitor will set forth his or her evaluation in a written report which will be given to the faculty member under review and included in the Committee's file. The Committee shall review the student teaching evaluations for each faculty member.

(2) Scholarship: The Committee shall review scholarship as defined in Section IV(B)(4)(b)(1)-(6) & (9) below brought to its attention by the faculty member. The Committee may review completed works or works in progress and may review works regardless of whether they have been accepted for publication. The purpose of this review is to provide continuing feedback to each faculty member on the quality of his or her scholarly work. The quality of the scholarship will be measured by the criteria set forth in IV(B)(4)(a).

The Committee will not solicit evaluations from persons outside the law school and will not review works published while the faculty member was not employed by The University of Memphis. Each year's Committee will not evaluate completed scholarship evaluated in past years.

(3) Service: The Retention Committee will apply the criteria for evaluating law school and university service set forth in Section IV(B)(5)(a) below, and shall apply the procedure and criteria for evaluating service set forth in Sections IV(B)(6)(a) through (e) below.

- (4) Faculty Comments: The Retention Committee shall provide the faculty with the opportunity to submit signed comments concerning the teaching, scholarship, and service of each faculty member under review. The written comments will be considered by the committee and made available to the non-tenured faculty member, upon request.
 - (5) Student Comments: The Retention Committee shall provide the student body through officers of the Student Bar Association, Law Review, and Moot Court organizations with the opportunity to submit signed comments concerning the evaluation of each faculty member under review. The written comments will be considered by the committee and summarized for the non-tenured faculty member, without identifying the student writers by name.
 - (6) Records: Each year, the Committee's files on non-tenured faculty will be forwarded to the new chair of the Retention Committee, and these files will be retained for subsequent use by the Promotion and Tenure Committee.
 - (7) Meetings: The Committee will meet with each faculty member under review in both the fall and spring semesters. The fall meeting will be a general discussion of the faculty member's plans for the year. The spring meeting will discuss the Committee's evaluation of the faculty member's performance. The Committee may choose to combine the planning and evaluative meetings or to meet more than once over the course of the year.
- c. Effect of Retention. The fact that a faculty member is retained should not necessarily be regarded as evidence that such non-tenured faculty member is making satisfactory progress toward promotion or tenure. Promotion and tenure are separate decisions and are made only pursuant to the procedures and criteria as set forth herein.

B. CRITERIA AND PROCEDURES FOR EVALUATION.

1. GENERAL.

The procedures described below are in addition to the rules prescribed by the University and described in the Faculty Handbook, and those rules promulgated by the Tennessee Board of Regents (TBR) and made applicable to The University of Memphis (University) generally or the Law School specifically. To this end these rules should, where possible, be construed to be consistent with and supplemental to the University and TBR rules.

2. CRITERIA FOR ASSOCIATE DEAN FOR INFORMATION RESOURCES AND DIRECTOR OF THE LAW LIBRARY.

To the extent that they are not inconsistent with the provisions of this section, the general criteria for teaching, scholarship, and service are applicable. Because a significant portion of the Director's time is typically devoted to overseeing the law library and information technology resources in the law school, however, his or her professional performance as reflected in the success of the program is to be given substantial weight.

- a. Teaching. Given the time required to direct the law library and information technology resources in the law school, the Director is not expected to carry a full teaching load. The Director's teaching effectiveness shall be judged under the same criteria as other tenured and tenure-track faculty, with due consideration for the unique aspects of the subject matter.
- b. Scholarship. Although the Director is expected to engage in legal scholarship, he or she must have the flexibility to address issues specifically related to law library and information technology resources. Thus, the Director's scholarship obligations may be satisfied through research and publication directed toward legal information and research, information technology, legal bibliography, and other topics related to law libraries and

information technology resources in law schools.

c. Service. The general criteria of service shall apply.

d. Professional Performance. For purposes of assessment of such performance, the following factors are relevant but not exclusive: management of the law library and information technology in the law school; personnel management; identification and resolution of problems in the law library and use of information technology in the law school; and general administrative skills.

In assessing the professional performance of the Director, the subcommittee will seek a written report by the Director reviewing her or his own work during the pertinent period. The subcommittee will also consult with the Dean regarding the Director's professional performance and may consider information from other relevant sources.

3. CRITERIA FOR DIRECTOR OF LEGAL WRITING

To the extent that they are not inconsistent with the provisions of this section, the general criteria for teaching, scholarship, and service are applicable. Because a significant portion of the Director's time is typically devoted to overseeing the legal writing program, however, his or her professional performance as reflected in the success of the program is to be given substantial weight.

a. Teaching. Given the time required to direct the legal writing program, the Director is not expected to carry a full teaching load. The Director's teaching effectiveness shall be judged under the same criteria as other tenured and tenure-track faculty, with due consideration for the unique aspects of the subject matter.

c. Scholarship. Although the Director is expected to engage in legal scholarship, he or she must have the flexibility to address issues specifically related to legal writing. Thus, the Director's scholarship obligations may be satisfied through research and publication directed toward pedagogy, programmatic considerations, and other topics related to legal writing and research.

c. Service. The general criteria of service shall apply.

d. Professional Performance. For purposes of assessment of such performance, the following factors are relevant but not exclusive: development and implementation of an effective program of legal research and writing instruction, in accordance with the curricular objectives of the law school - establishment of clear teaching and program goals; personnel management; effective assignment, training, and evaluation of legal writing instructors; identification of problems in the legal writing program and the promotion of their solution; and general administrative skills.

In assessing the professional performance of the Director, the subcommittee will seek a written report by the Director reviewing her or his own work during the pertinent period; and written or oral

evaluations by members of the adjunct legal writing faculty. The subcommittee will also consult with the Dean regarding the Director's professional performance and may consider information from other relevant sources.

3. **TEACHING SKILL AND EFFECTIVENESS.**

a. Criteria. The faculty member's skill and effectiveness are demonstrated by:

- (1) The faculty member's command of the subject matter and ability to organize and present it to the students in a logical, meaningful, interesting, practical and scholarly manner.
- (2) The faculty member's ability to encourage students to learn and apply the subject matter being presented.
- (3) The faculty member's ability to relate the subject matter to the practical aspects of the practice of law.
- (4) The faculty member's ability to measure the student's mastery of the subject matter.
- (5) In addition, since the law school graduate must be prepared to embark immediately upon a professional career, a law teacher must assist the student to acquire the skills necessary to apply the knowledge acquired by the law student. Furthermore, since the legal profession is governed by a strict code of professional conduct, a law teacher must strive to develop in the law student an awareness of the importance of abiding by the Code of Professional Responsibility.

b. Student Participation.

- (1) A committee of students shall be consulted before any final decisions relative to tenure and promotion are made. The student committee shall consist of the Editor-in-Chief of the Law Review, the Chief Justice of the Moot Court Board and one student from each class to be elected by the Bar Governors.

The student committee will meet with the Promotion and Tenure Subcommittee at least once in connection with each faculty member under consideration. The student committee shall be free to vote its advisory opinion on matters of tenure and promotion and the Promotion and Tenure Committee will consider and carefully weigh the student's opinions, but shall not be bound by the opinions expressed by the student committee.

The student committee should make every effort to insure that the various views of the students are reflected in their report, although the committee is free to form its own conclusion without regard to what it perceives to be the majority student view.

- (2) Student evaluation forms shall be reviewed and evaluated by

the Promotion and Tenure Subcommittee, and the results of that evaluation reported to the full Promotion and Tenure Committee.

c. Peer Review.

- (1) The members of the Promotion and Tenure Subcommittee will attend classes taught by the applicant and report to the full committee their assessment of the applicant's teaching effectiveness as evidenced by the classes attended. The evaluation of the visitor will be set out in a report written by the visitor and included in the applicant's application file.

At least two members of the Promotion and Tenure Subcommittee shall each visit at least two classes of the applicant in the semester in which the application is made. In the discretion of the subcommittee additional visits can be made. In the event schedule conflicts prevent a member of the subcommittee from visiting classes of the applicant or in the event the subcommittee believes another tenured faculty member or members are better qualified to evaluate the teaching effectiveness of the applicant, the subcommittee may appoint other members of the tenured faculty to visit classes of the applicant in substitution for one or both visits by subcommittee members.

- (2) Any member of the Promotion and Tenure Committee may attend classes of the applicant during the semester of application. The scheduling of classroom visits will be the responsibility of the subcommittee and must be done in a manner designed to minimize classroom disruption.
- (3) The subcommittee will arrange for videotaping of two classes of each course taught by the applicant in the semester of application and will have the responsibility of making the videotapes of those and previously taped classes available for review by the Promotion and Tenure Committee.
- (4) The Promotion and Tenure Subcommittee will review and evaluate examinations given by the applicant. The results of this evaluation will be reported to the full committee in a written report to be included in the applicant's application file.
If the applicant has taught a non-examination course, student work product submitted for credit will be randomly selected for review and evaluation by the subcommittee. The results of this review and evaluation will be reported to the full committee in the form of a written report to be included in the applicant's application file.
- (5) The Promotion and Tenure Subcommittee will review and evaluate any additional relevant evidence of teaching effectiveness submitted to it by the applicant. By way of

example this may include videotapes of classes, materials distributed to the class, or evaluations by persons, whether on this faculty or not, other than members of the subcommittee or persons selected by the subcommittee. The results of this review and evaluation will be reported to the full committee in a written report to be included in the applicant's application file.

- d. Outside Evaluation. Former students of the law school will be selected on a random basis (provided, however that an equal number will be selected from each quadrant of each graduating class selected) and requested to submit written evaluations of the teaching effectiveness of the applicant. The letter requesting this evaluation will ask the former student to specify the courses taken from the applicant or other contact with the applicant which forms the basis for the evaluation, and will notify the former student that the response will be made available to the applicant should the applicant desire to review his or her file. The responses received will be placed in the applicant's application file and will be made available to the applicant and the full committee.

4. RESEARCH AND SCHOLARLY ACTIVITY

- a. Criteria. The quality of a faculty member's research and scholarly activity is measured by the significance of the issue or issues addressed to the evolution of legal thought within the subject area of the activity, the thoroughness of the research undertaken, the depth of the analysis engaged in, the accuracy with which the research is used, the logical nature of the presentation and the comprehensibility and the readability of the expression. The extent to which the research and scholarly activity is shown to be of value to law faculty as a research or teaching aid or is shown to be of value to attorneys, judges, legislators, or executive office holders is also a measure of the quality of a faculty member's research and scholarly activity.
- b. Activities Considered. Manifestations of research and scholarly activity that will be considered:
 - (1) Articles authored by the applicant and published in regularly published law reviews and professional journals.
 - (2) Research reports authored by the applicant and submitted to the organization that sponsored the research.
 - (3) Treatises and contributions to treatises authored by the applicant. In this context the applicant must be identified in the publication as the author or as the author of an identifiable portion of the treatise.
 - (4) Papers presented at professional meetings or seminars if the papers were reproduced and distributed to the attendants.
 - (5) Reports or memoranda authored by the applicant and submitted to a governmental entity and published by that

governmental entity in a form that clearly identifies the applicant as the contributor of an identifiable portion of the publication.

- (6) Teaching materials that have been produced and used in the teaching of a law school course. In this context if the material is not commercially reproduced by an established publisher the applicant must submit the names and schools of the users in order for the materials to be considered.
- (7) Work in progress will be considered if it has been unconditionally accepted for publication by an established publisher.
- (8) It is the responsibility of the Subcommittee on Promotion and Tenure to decide whether a writing submitted by the applicant qualifies as evidence of research and scholarly activity as provided in paragraphs (1) through (7) above. Should the subcommittee decide that the writing does not qualify, it will be considered except as provided in paragraph (9) below.
- (9) The applicant may submit for consideration written material not provided for herein if the applicant believes the material to be relevant evidence of the applicant's research and scholarly activity. In this event the applicant must also provide a written justification for the consideration of the submitted material for the purposes of tenure or promotion.

c. Evaluation of Research and Scholarly Activity.

- (1) Each publication considered for the purposes of promotion or tenure, that has not been evaluated in connection with a previous application for promotion or tenure, will be read and evaluated according to the criteria provided in 4.a., above, by two members of the Promotion and Tenure Subcommittee. The evaluation of each reader will be set out in a report written by the reader and included in the applicant's application file, and will be available to the applicant and the full Promotion and Tenure Committee.
- (2) Each publication considered for the purposes of promotion or tenure will be submitted to at least two faculty members of ABA approved schools, who have indicated a willingness to review the publication, for evaluation. The selection of the outside faculty members shall be by the subcommittee and shall be made from among those whose professional expertise includes the subject matter of the publication to be evaluated. The subcommittee will request the outside faculty members selected to submit a written evaluation to the subcommittee which will be included in the applicant's application file. Any report received under this provision will be made available to the applicant and the full Promotion

and Tenure Committee.

- (3) The evaluations required by paragraphs (1) and (2), above, will apply to those publications of the applicant published during the five year period immediately preceding the date of the application being considered.
- (4) The evaluations required by paragraph (2), above, shall not apply to writings published before the applicant became a member of this faculty if the applicant was hired with credit toward tenure.
- (5) The applicant may provide the subcommittee with additional written evaluations of any publication considered for the purposes of promotion or tenure which the subcommittee will consider and include in the applicant's application file to be considered by the full committee.

5. **LAW SCHOOL AND UNIVERSITY SERVICE.**

- a. Criteria. The faculty member's contribution to the Law School and University is measured by:
 - (1) The faculty member's level of participation and general availability to colleagues and students in carrying out the advisory and administrative functions and duties of the Law School and University.
 - (2) The extent to which the particular services rendered further the goals and improve the quality of the Law School and University. Among the activities to be considered are Law School and University committee work, recruiting efforts, student placement contributions, contributions to the Law School's Continuing Legal Education programs and student advisory contributions, both formal and informal. Other activities which the applicant wishes to bring to the Committee's attention will be considered.
- b. Student Participation. The student committee referred to in paragraph 3.b.(1), with the addition of a representative of all student organizations for which the faculty member has been an advisor, shall be consulted on this issue before any final decisions relative to tenure, promotion or retention are made. The student committee should make every effort to insure that the various views of the students are reflected in their report, although the committee is free to form its own conclusion with regard to what it perceives to be the majority student view.
- c. Peer Review. The members of the Promotion and Tenure Subcommittee will consult Law School and University faculty, administration and staff who have worked with the applicant on a given committee, program or activity to obtain information regarding the extent and nature of the faculty member's contribution. The results of this process will be reported to the full committee in a written report to be included in the applicant's file.

6. PROFESSIONAL AND PUBLIC SERVICE.

- a. Procedure. The applicant shall provide the Promotion, Tenure and Retention Subcommittee with a list of public and professional activities, including a description of work performed, offices held, length of service, and names of individuals who are familiar with the applicant's service.
- b. Evaluation. The subcommittee shall review the information in order to evaluate the applicant's contribution to his profession through public and professional service. In the event that the subcommittee is unfamiliar with an activity, a member of the subcommittee shall contact the individuals named by the applicant for clarification, and make a report to the full Subcommittee. Evaluation shall be based upon the following factors:
 - (1) length of service;
 - (2) whether applicant held an office in the organization;
 - (3) Whether applicant served in any administrative capacity;
 - (4) whether the applicant contributed positively to the profession by involvement with the activity; and
 - (5) whether the applicant provided a service to the community.
- c. Professional Service. Professional service shall include services rendered to the executive, legislative, and judicial branches of government; federal, state and local Bar activities, especially committee service; services rendered in connection with legal education organizations or journals; and institutional service which requires commitment of professional expertise.
- d. Public Service. Public Service shall include pro-bono legal services, educational activities conducted to benefit the general public, and activities designed to inform students in secondary and elementary schools about the legal profession.
- e. Excluded Services. Professional or public service shall not include compensated legal services or activities not listed in c. and d. above. The applicant may submit additional evidence of involvement in a professional activity or public service not enumerated above, if the applicant believes the activity substantially contributes to the advancement of the profession or is a public service. In this event, the applicant shall provide a written justification to the subcommittee of the activities for consideration in promotion and tenure.
- f. Report. The subcommittee's evaluation of the applicant's professional and public service shall be included in a written report to be made part of the applicant's file.

ARTICLE V

SELECTION, INITIAL APPOINTMENT, REAPPOINTMENT, AND PROMOTION OF THE CLINICAL FACULTY; PARTICIPATION IN FACULTY GOVERNANCE

A. Process for Selection and Appointment of Clinical Faculty

1. Recruitment of Clinical Faculty. Full-time clinical faculty shall be recruited and screened by the Faculty Recruitment Committee.

2. Report and Recommendations. The Faculty Recruitment Committee shall report and make recommendations to the full-time faculty, including full-time clinical faculty, for consideration. These full-time faculty, at a meeting called for such purpose, shall consider such reports and recommendations and shall determine whether, in the case of each candidate, the candidate is qualified for appointment to the clinical faculty.
3. Approval Requirements: Appointment. To be deemed qualified for appointment as a clinical faculty member, an applicant must receive approval of at least two-thirds of the full-time faculty, including full-time clinical faculty, present and voting at the meeting. The applicant will be appointed to the rank of Assistant Professor of Clinical Law unless a second vote is taken to determine if the candidate should be appointed to a higher initial rank. If a second vote is required, an applicant must receive approval of at least two-thirds of the full-time faculty, including full-time clinical faculty, holding the rank at or above that proposed for the candidate. Such approval or approvals shall be forwarded to the Dean for further action pursuant to University policies.

B. Terms and Conditions of Appointment to Clinical Faculty

1. Initial Appointment. The initial appointment of a faculty member with no prior clinical experience to a clinical track position will be at the rank of Assistant Professor of Clinical Law. Persons who have prior clinical teaching experience may be appointed to the rank of Associate Professor of Clinical Law. Persons who have extensive previous clinical law teaching experience may be appointed as Professor of Clinical Law.
2. Term of Initial Appointment and Reappointments. The initial appointment of clinical faculty to any rank shall be a term appointment for two years. Following completion of the initial two year term, clinical faculty shall be eligible for reappointment to successive three-year contracts pursuant to the criteria and procedures set forth in part V.E. *infra*.
 - a. Appointments Are Non-Tenure Track. Appointments to the rank of Assistant Professor of Clinical Law, Associate Professor of Clinical Law, and Professor of Clinical Law, are term appointments and do not involve service leading to tenure.
3. Clinical Faculty Appointed to Fulfill Grant Obligations. The contract of a clinical faculty member who was hired principally to fulfill obligations under a grant shall be deemed to expire upon the termination of such grant. Under such circumstances, such faculty member shall be afforded at least one month's notice of termination.
4. Full-Time: Fiscal Year Appointments. Regular appointments and reappointments at the ranks of Assistant Professor of Clinical Law, Associate Professor of Clinical Law, and Professor of Clinical Law normally will be full time and on a fiscal year basis that entails a full twelve-month obligation to the Clinic. Such appointees shall be entitled to the prevailing fringe benefits of twelve-month employees of the university.
5. Teaching Loads; Supervision (Handling) of Cases. Clinical faculty members under a fiscal-year contract shall not normally be required to supervise more than eight students per term during the Fall and Spring academic terms. At other times during the fiscal year, clinical faculty members will be responsible for handling the cases that had been assigned to students during the Fall and Spring terms but which had not been closed.
6. Summer Term Teaching and Compensation. Clinical faculty members will be eligible to receive extra compensation if they supervise student attorneys in clinical classes during the Summer term(s). Such extra compensation will be pursuant to policies of the university as administered by the Provost which policies include, among other matters, compensation based on credit hours taught.
7. Summer Term Research Activities. Clinical faculty members are encouraged to engage in research activities between the end of the Spring term and the beginning of the Fall term.
8. Dismissal. Assistant Professors of Clinical Law, Associate Professors of Clinical Law, and Professors of Clinical Law are subject to dismissal during the term for cause, subject to any applicable university regulations, or where there has been a discontinuation or reduction of the clinic program for budgetary or curricular reasons. If the size of the clinic program is reduced, any termination of existing appointments shall occur in the order of ascending rank, and, within rank, in the order of ascending length of service at the Law School.

C. Qualifications for Initial Appointment as Assistant Professor, Associate Professor or Professor of Clinical Law.

1. All Candidates; Admission to Practice Law in Tennessee. Candidates for initial appointment at any rank must be admitted to practice law in Tennessee or eligible for admission to practice pursuant to Tennessee Supreme Court Rule 7, Article V, Section 5.01 or Article X, Section 10.02 thereof as amended by the Supreme Court from time to time.
 2. Assistant Professor of Clinical Law. Candidates for initial appointment to the rank of Assistant Professor of Clinical Law shall demonstrate, on the basis of academic record and relevant experience, their superior ability in the practice of law and clinical teaching. Candidates shall be expected to demonstrate:
 - (a) Clinical insight and orientation.
 - (b) Communication skills, creativity and resourcefulness.
 - (c) A minimum of five years experience as a licensed attorney engaged in the active practice of law.
 - (d) Maturity and good professional judgment.
 - (e) Professional responsibility and dedication.
 - (f) A strong likelihood for promotion.
 3. Associate Professor of Clinical Law. Candidates for initial appointment as Associate Professor of Clinical Law must satisfy the qualifications for initial appointment as Assistant Professor of Clinical Law and must have a history of clinical teaching experience, legal research, and public service, equivalent to that expected of current Clinic faculty who are applying for promotion to the rank of Associate Professor of Clinical Law. (See F.3.b. *infra*.)
 4. Professor of Clinical Law. Candidates for initial appointment as Professor of Clinical Law must satisfy the qualifications for initial appointment as Assistant Professor of Clinical Law and must have a history of clinical teaching experience, legal research, and public service, equivalent to that expected of current Clinic faculty who are applying for promotion to the rank of Professor of Clinical Law. (See F.4.b. *infra*.)
- D. Annual Evaluation of Clinical Faculty.
1. Annual Evaluation of Clinical Faculty by the Clinic Director. Each clinical faculty member shall be evaluated by the Clinic Director on an annual basis as set forth hereinafter. Upon appointment, a clinical faculty member will be provided with a copy of the Governing Rules of the Law School and the most recent edition of The University of Memphis Faculty Handbook so that he or she is aware of the standards by which he or she will be evaluated. The Faculty Clinic Director will meet during the spring semester with each clinical faculty member to review her or his performance. Thereafter, the Faculty Clinic Director shall make a preliminary written report for each clinical faculty member reviewing the faculty member's work both in the classroom and in supervisory sessions. The report shall evaluate the faculty member pursuant to the standards for reappointment applicable to the faculty member. The report shall indicate the nature and amount of supervisory contact upon which the report is based and shall include student evaluations. The Faculty Clinic Director will furnish a copy of the preliminary written report to the clinical faculty member who may respond thereto. Thereafter, the Faculty Clinic Director will prepare an Annual Performance Report and forward such report to the Dean.
 2. Annual Performance Report: Meeting with Dean. Following submission of the Annual Performance Report to the Dean, the Dean shall, at the Dean's request or at the request of the clinical faculty member, meet with the clinical faculty member to discuss the clinical faculty member's Annual Performance Report. Both the Dean and the clinical faculty member shall have the right to submit written comments to the clinical faculty member's Annual Performance Report. The clinical faculty member shall be furnished a copy of her or his Annual Performance Report including any comments thereto.
- E. Reappointment of Clinical Faculty and Non-Reappointment.
1. Criteria for Reappointment.
 - a. Assistant Professor of Clinical Law. For reappointment, a clinical faculty member holding the rank of Assistant Professor of Clinical Law must have demonstrated a high degree of competence with respect to the criteria for persons appointed to the rank of Assistant Professor of Clinical Law and must be making satisfactory progress toward promotion to the rank of Associate Professor of Clinical

Law.

b. Associate Professor of Clinical Law. For reappointment, a clinical faculty member holding the rank of Associate Professor of Clinical Law must have demonstrated a high degree of competence with respect to the criteria for persons promoted or appointed to the rank of Associate Professor of Clinical Law.

c. Professor of Clinical Law. To qualify for reappointment, a clinical faculty member holding the rank of Professor of Clinical Law must have demonstrated a high degree of competence with respect to the criteria for persons promoted or appointed to the rank of Professor of Clinical Law.

2. Evaluation of Clinical Faculty for Reappointment.

a. Evaluation of Clinical Faculty for Reappointment. The Clinical Studies Committee will have the primary responsibility for carrying out evaluations for clinical faculty members and determining whether a clinical faculty member's performance warrants a recommendation for reappointment. If more than one clinic faculty member is being considered for reappointment, the chair of the Clinical Studies Committee may appoint a Reappointment Subcommittee for each such clinic faculty member. The Reappointment Subcommittee shall consist of two tenured faculty members and one clinical faculty member at or above the rank at which the clinical faculty member is seeking reappointment. If the clinical faculty member is also being considered for promotion, one subcommittee shall act as both the Reappointment Subcommittee and the Promotion Subcommittee as set forth hereinafter. The Reappointment Subcommittee shall make its written report to the Clinical Studies Committee which shall in turn make its Reappointment Report as set forth in paragraph c. infra. In evaluating a clinical faculty member's performance for reappointment, the following shall be considered.

(1) Annual Performance Report by the Clinic Director including written comments thereto, if any, by the clinical faculty member or Dean.

(2) Student Evaluations.

(3) Input from the Clinic and Tenure Track Faculty, Clients, and Others: Input from the clinical and tenure track faculty shall be gathered and considered. Input from the Clinic's client population, members of the legal community, and others may be considered.

(4) Review of Publications and Other Work: Each clinical faculty member subject to review shall provide a statement of the work and other items which she or he wants evaluated and considered under this procedure. This should include publications, statements of service, unique forms of teaching methods, class materials, and anything else that she or he deems will be of value in evaluating her or his work. The clinical faculty member should, in the statement, discuss the purpose and value of the items being submitted. Evaluation of traditional publications such as law reviews, clinically oriented law reviews and treatises being considered as scholarship shall include review and evaluation by at least two faculty from other law schools.

b. Notice to Clinical Faculty. A clinical faculty member who is being evaluated by the Clinical Studies Committee or a Reappointment Subcommittee shall receive a copy of the Committee's preliminary report or the Reappointment Subcommittee's report, as the case may be, and shall be given an opportunity to meet with the Director and the Clinical Studies Committee for discussion and response prior to the Committee's preparation of a final report.

c. Reappointment Report; Faculty Approval of Reappointment. Thereafter, the Clinical Studies Committee shall prepare a "Reappointment Report" and submit it to the faculty. To be eligible for a recommendation for reappointment, the applicant must be approved by a majority of the faculty present and eligible to vote at a faculty meeting called for such purpose. In order to be eligible to vote at such faculty meeting, a faculty member must be at or above the rank of the faculty member being considered for reappointment.

3. Notice of Non-Reappointment; Failure to Give Notice of Non-Reappointment. If the faculty does not approve the clinical faculty member for reappointment, notice of non-reappointment shall be given as follows:

- a. Two-Year Contract Appointments. A clinical faculty member on a two-year contract, who was not hired principally to fulfill obligations under a grant, shall be notified by January 1 of the second year of her/his two year contract if she/he will not be reappointed at the end of the contract term. If this notice is not given, that clinical faculty member will be given a subsequent reappointment at the same rank for one year.
- b. Three-Year Contract Appointments. A clinical faculty member on a three-year contract, who was not hired principally to fulfill obligations under a grant, shall be notified by September 1 of the last year of her/his three-year contract if she/he will not be reappointed at the end of the contract term. If this notice is not given, that clinical faculty member will be given a subsequent reappointment at the same rank for one year.
- c. One-Year Contract Extensions. A clinical faculty member on a one-year contract, who was not hired principally to fulfill obligations under a grant, shall be notified by January 1 of her/his one-year contract if she/he will not be reappointed at the end of the contract term. If this notice is not given, that clinical faculty member will be given a subsequent reappointment at the same rank for one year.

F. Promotion of Clinical Faculty.

1. Procedures.

- a. Application of Article IV. Except where otherwise provided, promotions of full-time Clinic faculty shall be governed by Article IV of the Law School's Governing Rules. Under Article IV, the role of the Promotion and Tenure Subcommittee in the promotion process for clinical track faculty shall be performed by the Clinical Studies Committee. If more than one clinic faculty member is being considered for promotion, the chair of the Clinical Studies Committee may appoint a Promotion Subcommittee for each such clinic faculty member. The Promotion Subcommittee shall consist of two tenured faculty members and one clinical faculty member at or above the rank at which the clinical faculty member is seeking promotion. The Promotion Subcommittee shall make its written report to the Clinical Studies Committee for further action as set forth hereinafter.
- b. Clinical Studies Committee. To be eligible to serve on a Clinical Studies Committee reviewing an application for promotion of a clinical faculty member, the faculty member of the committee must be at or above the rank to which the applicant seeks promotion. In the event that there are no clinical faculty members at or above the rank to which the applicant seeks promotion, the Dean will appoint one tenured faculty member, at or above the rank to which a candidate seeks promotion.
- c. Recommendation for Promotion. A recommendation for promotion to the rank of Associate Professor or Professor will require a majority vote of the full-time faculty and clinical faculty who are at or above the rank to which a candidate seeks promotion and who are present and voting at the meeting. This recommendation shall be forwarded to the Dean for further action pursuant to University policies. A clinical faculty member not recommended for promotion may be reappointed at his or her same rank as set forth in Part V.E. supra.

2. Criteria for Promotion. The following criteria shall apply to clinical faculty seeking promotion to Associate Professor or Professor of Clinical Law and shall be considered in conjunction with the Standards set forth hereinafter for such promotion:

- a. Clinical Teaching. In evaluating a candidate's teaching ability, the Clinical Faculty Promotion Committee shall consider, among other factors: (a) evaluations from students currently enrolled in legal clinic and from former students, including those who have graduated; (b) evaluations by colleagues, particularly those who have significant clinical teaching experience. The Clinical Faculty Promotion committee may also consider information from others, such as judges or lawyers, who have had the opportunity to observe the candidate. Clinical teaching will be evaluated by the following criteria:
 - (1) an ability to define teaching objectives and identify alternative means for their achievement;
 - (2) an ability to relate theories of the lawyering process to the development of legal skills;
 - (3) an ability to integrate effectively the various components of clinical teaching (individual supervision and critique, small group discussions, seminars, simulations and

fieldwork);

(4) a familiarity with the literature on lawyering and legal skills.

b. Progress and Welfare of Students. A concern for the welfare and progress of their students by being reasonably accessible to students outside the formal teaching schedule; an ability to provide students with structured feedback on a continuing basis; and an ability to promote the capacity of students to engage in legal reasoning and analysis, to become self-critical and reflective about their experience, to exercise sound professional judgment, and to acquire superior competence in lawyering skills.

c. Contribution to the Clinical Education Program. A candidate's contribution to the clinical education and lawyering skills programs at the Law School shall be evaluated by the following criteria:

(1) a recognition of and the participation in the cooperative and collaborative nature of the clinical enterprise;

(2) a willingness to consult with all colleagues, including those with less experience, about teaching objectives and methodology;

(3) a desire to advance both their own and their colleagues' understanding of clinical methodology and alternative approaches to teaching and supervision;

(4) a willingness to accept responsibility commensurate with their rank and experience for program planning and administration; and

(5) a manifest desire to achieve the full potential of the clinical programs and excellence in the law students' professional education.

d. Professional and Public Service. Candidates must demonstrate significant involvement in professional and public service.

e. Scholarship.

(1) Types of Scholarship. For purposes of this evaluation, scholarship may include traditional scholarship or "clinical scholarship." "Clinical scholarship" is intended to include material of a nature significantly different from traditional academic scholarship produced by tenure track faculty. Clinical scholarship derives from work in a clinical setting in which clinical faculty engage in a teaching practice and includes: articles about substantive topics or legal education published in professional journals; books; treatises; practice manuals; research studies or reports submitted to the organization that sponsored the research; revisions; supplements; statutes; and drafts of legislative bills. Clinical scholarship also includes papers presented at professional meetings or seminars if the papers were reproduced and distributed to the attendees. Where a candidate has prepared a portion of a treatise, this work will not be considered for promotion unless the portion written by the applicant is clearly identifiable and has been attributed to the applicant in the treatise. Clinical scholarship also includes, but may not be entirely satisfied by, (i) teaching materials for courses, (ii) simulations that have been produced and used in teaching of a law school course, and appellate and pre-trial briefs prepared by the clinical faculty member.

(2) Quantity. The quantity of scholarship required of clinical faculty may be less than the quantity of traditional scholarship expected of tenure track faculty.

(3) Quality. The quality of a clinical faculty member's research and scholarly activity is measured by the significance of the issue or issues addressed to the evolution of legal thought within the subject area of the activity, the thoroughness of the research undertaken, the depth of the analysis engaged in, the accuracy with which the research is used, the logical nature of the presentation and the comprehensibility and the readability of the expression. The extent to which the research and scholarly activity is shown to be of value to law faculty as a research or teaching aid or is shown to be of value to attorneys, judges,

legislators, or executive office holders is also a measure of the quality of a clinical faculty member's research and scholarly activity.

(4) Evaluation of Research and Scholarly Activity.

(a) Each publication considered for the purposes of promotion that has not been evaluated in connection with a previous application for promotion will be read and evaluated by two members of the Clinical Studies Committee or Promotion Subcommittee. The evaluation of each reader will be set out

in a report written by the reader and included in the applicant's application file, and will be available to the applicant and the full-time and clinical faculty who are at or above the rank to which the candidate seeks promotion.

- (b) Each publication considered for the purposes of promotion will be submitted to at least two faculty members of ABA approved schools, who have indicated a willingness to review the publication, for evaluation. The selection of the outside faculty members shall be by the Clinical Studies Committee or Promotion Subcommittee and shall be made from among those whose professional expertise includes the subject matter of the publication to be evaluated. The Committee will request the outside faculty members selected to submit a written evaluation to the Committee which will be included in the applicant's application file. Any report received under this provision will be made available to the applicant and the full-time and clinical faculty who are at or above the rank to which the candidate seeks promotion.
- (c) The evaluations required by paragraphs (a) and (b), above, will apply to those publications of the applicant published during the five year period immediately preceding the date of the application being considered.
- (d) The evaluations required by paragraph (b), above, shall not apply to writings published before the applicant became a member of this faculty if the applicant was initially appointed at the rank of Associate Professor of Clinical Law or Professor of Clinical Law.
- (e) The applicant may provide the subcommittee with additional written evaluations of any publication which the applicant wishes to be considered for the purposes of promotion. The Clinical Studies Committee or Promotion Subcommittee will consider such additional written evaluations and include these in the applicant's application file to be considered by the full-time and clinical faculty who are at or above the rank to which the candidate seeks promotion.

3. Promotion from Assistant Professor of Clinical Law to Associate Professor of Clinical Law.

- a. Eligibility for Promotion. Clinical faculty appointed as an Assistant Professor of Clinical Law will be eligible for consideration for promotion to the rank of Associate Professor of Clinical Law during their second year of employment, with the promotion to be effective at the start of their third year of employment. A promotion application may, however, be made earlier or later.

- b. Standards. Candidates for promotion from Assistant Professor of Clinical Law to Associate Professor of Clinical Law must satisfactorily fulfill all Criteria for Promotion (See F.2. *supra*).

4. Promotion from Associate Professor of Clinical Law to Professor of Clinical Law.

- a. Eligibility for Promotion. Clinical faculty holding the rank of Associate Professor of Clinical Law will be eligible for consideration for promotion to the rank of Professor of Clinical Law during the fifth year of service as an Associate Professor of Clinical law, to commence at the beginning of the following year of service. A promotion application may, however, be made earlier or later.

- b. Standards. A candidate for promotion to the rank of Professor of Clinical Law must satisfactorily fulfill all Criteria for Promotion (See F.2. *supra*).

G. Participation in Faculty Governance. A full-time holder of the rank of Assistant, Associate, or Professor of Clinical Law shall be eligible to and be expected to:

- 1. Serve as a voting member on all standing law school faculty committees on which she or he is eligible to serve and to which she or he is appointed or elected.
- 2. Serve as a voting member on those law school ad hoc committees to which she or he is appointed or elected.
- 3. Attend law school faculty meetings and vote on matters coming to the faculty at such meetings except any motion, resolution, or other action involving the hiring, retention, tenure or promotion of any tenure track or tenured faculty member. If a clinical faculty member is not eligible

to vote on a matter before the faculty, the clinical faculty member shall not be counted for purposes of a quorum.

H. Effective Date.

This ARTICLE V approved as an amendment to the Governing Rules shall be effective for clinical faculty to be appointed to start their terms of appointment on or after July 1, 2002.

NY Law

New York Law School

C. A full time faculty member who experiences a major change in family responsibility may request that the tenure or long-term contract decision be tolled for a semester even though no leave of absence is requested. Major family responsibilities include the birth of a child, the adoption of a child, death in the family, and the care of a seriously ill family member. The term "family" shall include non-traditional relationships. The request should be made in writing to the Dean in the semester in which the events justifying the tolling occur, but in no event later than the first day of the following semester. The Dean shall decide if the faculty member's request satisfies this standard. Except for extraordinarily compelling reasons, the Dean shall not grant a tolling of more than one semester for the same event. A faculty member who invokes this provision shall teach a full teaching load and perform faculty committee work. Nothing in this provision shall affect the School's policy on leaves without pay.

D. Leaves without pay shall, at the request of the faculty member, toll the tenure or long-term contract decision, except that leaves for scholarly research or teaching shall not toll the tenure decision. The Dean shall determine if the leave is for scholarly research or teaching purposes.

E. The law library director shall hold a law faculty appointment, normally a tenure or tenure track appointment. If a director is granted tenure, this tenure is not in the administrative position of director. The tenured faculty, in a meeting chaired by the Dean, shall determine the faculty status of any director of the law library appointed to the faculty after the effective date of these rules. Tenure may be granted only in accordance with the procedure described in section IV.D-E.

IV. PROCEDURE FOR TENURE

A. Biographical statement

Each candidate for tenure shall submit to the Dean and the Chairperson a biographical statement containing at least the following items: a list of all college and university degrees, with honors if any; a list of all courses taught in each semester, with special mention of any new courses or teaching techniques, etc., developed; a list of scholarly research, writing and other creative works, published and unpublished; reviews of and citations to the candidate's scholarly works; plans for future scholarly projects; a list of significant activities at New York Law School; a list of all prior and current employment; a list of memberships and activities in professional associations; and a list of significant current and past activities in the field.

B. Appraisal

The Committee shall appraise the candidate's performance in each of the following areas:

1. Teaching

The Committee shall conduct its evaluation by class visits by all or some of its members. In addition, if no member of the Committee teaches in any of the areas taught by the candidate, the Chairperson shall select a faculty member who teaches in one of those areas to visit the candidate's classes and evaluate the candidate's teaching. The Committee shall review any other information that is relevant to the evaluation of teaching effectiveness and give appropriate consideration to student evaluations.

2. Scholarship

The Committee shall read and evaluate the candidate's scholarly writing. It shall compile a list of proposed outside evaluators and submit it to the candidate to determine whether there is reason to exclude or add one or more persons. The Committee shall then select at least two outside evaluators from the list and ask them to appraise the candidate's work. The Committee may decide by two-thirds vote not to seek outside evaluations of a candidate's scholarship.

Prior to final deliberation, the Chairperson shall communicate in writing to the candidate the substance but not the source of outside appraisals of scholarship. The candidate may respond to those appraisals in writing or in person at a meeting of the Committee.

Information provided by the outside evaluators shall be used only for the purpose of assisting members of the Committee and the tenured faculty in understanding and evaluating the candidate's scholarship, and not as a substitute for independent evaluation.

3. Contributions to the law school and service to the community

The Committee shall review all of the information in the candidate's biographical statement pertaining to contributions to the law school and service to the community. The Committee may obtain evaluations of the candidate's activities in these areas by any persons in position effectively to assess them. The candidate may also be asked to describe orally or in writing his or her future plans or interests in law school and community service.

4. Professional integrity

The Committee shall assess the candidate's professional integrity in light of AAUP standards.

Prior to final deliberation, the Committee may request the candidate to appear before it to obtain clarification of any matter or the candidate may request an appearance before the Committee to provide additional data for its consideration. If the candidate makes such a request, it shall be granted.

C. Recommendation of the Committee

The Committee shall deliberate and decide by majority vote whether or not to recommend to the tenured faculty and the Dean that the candidate be awarded tenure. Voting shall be by closed ballot. The Chairperson shall report orally at a meeting of the tenured faculty and the Dean the recommendation of the Committee, the reason for it and the vote.

D. Vote of the tenured faculty

The meeting of the tenured faculty to consider candidate(s) for tenure shall be chaired by the Dean. A quorum consisting of three quarters of the tenured faculty (not including those on leave who are absent from the meeting) shall be present when any votes are taken. Members of the tenured faculty who are on leave may attend the meeting and may vote; those who attend shall be counted in determining whether a quorum is present. The proceedings shall be kept confidential by the participants. Voting shall be by closed ballot. The Dean shall be counted as and considered a member of the tenured faculty for all quorum and voting purposes.

If two-thirds of those present and authorized to vote are in favor, the candidate shall be recommended to the Board of Trustees for tenure; otherwise the candidate shall be denied tenure and shall be offered a terminal one-year faculty appointment. The Dean shall report the decision to the candidate.

In the case of a candidate considered for tenure prior to the end of the probationary period, the candidate may make a written request to withdraw the application for tenure before the tenured faculty votes; in its sole discretion the tenured faculty, by majority vote, may refuse to discontinue the process. If the process continues (or if the candidate does not seek to withdraw), and the candidate is not recommended for tenure, the tenured faculty may then decide by a majority vote to restrict the candidate to a terminal one year faculty appointment.

Candidates considered at the end of the probationary period may withdraw from the process; the candidate shall then be offered a terminal one year faculty appointment.

E. Report to and decision by the Board of Trustees

The Board recognizes that the faculty and Dean, acting under these Standards and Procedures, must assume primary responsibility for evaluating a candidate for tenure. Accordingly, (1) the Dean shall report denials of tenure to the Board. The Board shall assure itself that proper procedures have been observed; it shall not engage in any review of the merits. (2) The Dean shall recommend to the Board the approval of grants of tenure. The Board shall assure itself that proper procedures have been observed and it shall accord substantial weight to the decisions of the tenured faculty with respect to the merits of each individual recommended for tenure.

V. PROCEDURE FOR PROMOTION

A. Appraisal

A faculty member may request a promotion decision at any time. The Committee in its discretion may refuse to act on any request. Each candidate for promotion shall submit to the Dean and the Chairperson a biographical statement containing the information described in section IV.A.

In arriving at its recommendations with respect to promotion, the Committee shall evaluate each candidate's teaching performance, scholarship, service to the law school and the community, and professional integrity. The Committee shall conduct its evaluation by class visits by all or some of its members; by reviewing student evaluations; by reviewing scholarly research and writing, and by such other means as it deems appropriate. The Committee, in its discretion, may seek outside evaluations of a candidate's scholarship; if it does, the Chairperson shall communicate in writing to the candidate the substance of the evaluations.

Prior to final deliberation, the Committee may request the candidate to appear before it to obtain clarification of any manner or the candidate may request an appearance before the Committee to provide additional information for its consideration. If the candidate makes such a request, it shall be granted.

B. Decisions concerning promotion to Associate Professor shall be made as follows:

If two-thirds of the Committee agree on a decision, whether in favor or against granting promotion, and the Dean concurs, their decision concludes the matter.

In all other circumstances, the committee shall submit a recommendation to the tenured

STANDARDS AND PROCEDURES FOR PROMOTION AND LONG-TERM APPOINTMENTS FOR LAW LIBRARY DIRECTOR AS A FACULTY MEMBER

University of Richmond Law School Promotion and Tenure Committee

1. Faculty Rank

The Director of the Law Library is eligible for appointment to the faculty with faculty rank as well as faculty status. The Director may be appointed to the faculty as an Assistant Professor of Law, Associate Professor of Law, or Professor of Law, depending on his or her qualifications.

2. Promotion

If the Law Library Director is initially appointed at the rank of Assistant Professor, he or she may apply for promotion during or after the third full year of service, or at such earlier time as was agreed to with the Dean. He or she may apply for promotion from Associate Professor to Professor at any time during or after the third full year following the promotion from Assistant Professor to Associate Professor. If the Director is initially appointed at the rank of Associate Professor, he or she may apply for promotion to professor during or after the third full year following the date of hire, or at such other time as is agreed to with the Dean.

The procedures used to evaluate an application by the Law Library Director for promotion will be the same as those used to evaluate applications for promotion by tenure-track faculty members. The criteria for promotion are as follows:

a. Excellence in administration of the library, including without limitation the following:

- (1) Quality of library operations;
- (2) Effectiveness of library administration;
- (3) Development of the library collection, including non-traditional resources;
- (4) Development of access to off-campus library resources;
- (5) Effectiveness in supervising and directing library personnel;
- (6) Effectiveness in utilizing available financial resources; and
- (7) Effective interaction with faculty, students, staff and administrators.

b. Excellence in carrying out any assigned teaching responsibilities. While the Library Director is not required to teach in order to be eligible for promotion, the Law Library Director should demonstrate competence in carrying out any teaching responsibilities assigned. Teaching should reflect depth of research, high standards of accuracy and creativity, precision in analysis, clarity in language and organization, and a spirit of healthy inquiry into the values and assumptions that underpin law and society. Different individuals are effective teachers for different reasons; it is not possible to define each of the essential components of teaching effectiveness. The following factors, however, shall be considered in evaluating a candidate's teaching: ability to communicate, enthusiasm for teaching and for interaction with students, degree of preparation for class, breadth and depth of relevant knowledge, thoughtful and creative organization of both individual class sessions and overall course content, ability to stimulate students to learn and to seek further knowledge independently, capacity to direct student work inside and outside the classroom, ability to devise methods of determining a student's progress and achievement appropriate to the courses taught, ability to stimulate students to engage in creative work, accessibility to students, and demonstrated interest and involvement in students' welfare. Circumstances such as teaching load, number of contact hours, class size, subject matter, methodologies, preparation of teaching materials, and years of experience will be considered in the evaluation.

c. Excellence in contributions to the Law School, the University, and the legal profession, including contributions to scholarship. As a member of the faculty, the Law Library Director is expected to be an active member of the Law School and the University community. The Director is also expected to be professionally active outside the University, especially with regard to matters involving legal education, law libraries, and information technologies. Inherent in the Director's professional and academic responsibilities are collegiality and courtesy to colleagues, students, and staff, as well as professional conduct in all aspects of the Director's service. The Director is expected to attend faculty and committee meetings and to assume responsibilities for improving the Law School. Although not required for promotion, contributions to the body of scholarly literature and the production of instructional materials will be viewed favorably in the promotion decision.

3. Appointments

The Law Library Director holds two kinds of appointments. His or her administrative appointment as Director is continuing in nature and is terminable at will by the University. His or her faculty appointment is for fixed terms of one or more years, as specified in the Director's annual reappointment letter setting his or her salary for the next academic year.

The first three years of the Library Director's appointment as a faculty member typically will serve as the probationary period during which he or she will be eligible for renewable one-year terms as a faculty member. Each year he or she will be reviewed for

reappointment as a faculty member by the Promotion and Tenure Committee and the Dean. Reappointment will be based on performance and the Law School's needs. If the Director's initial appointment is at the rank of Associate Professor or Professor, however, he or she may request early consideration for a three-year term, based on his or her prior experience. Denial of an early award of a multi-year term shall not preclude subsequent application.

After the probationary period, the Director will be eligible for subsequent three-year terms as a faculty member. Consideration for the first two such terms should normally coincide with consideration for promotion, and the criteria shall be the same as those for promotion. After the ninth year of employment, the Director will be eligible for successive three-year terms as a faculty member. Reappointment to a three-year term shall be determined according to the same criteria and procedures that govern applications for promotion.

During any one- or three-year term, the Director's appointment as a faculty member may be terminated only pursuant to the policies set forth in the University Faculty Handbook. Any decision not to grant or renew the Director's faculty appointment shall also be governed by the policies set forth in the University Faculty Handbook for such decisions.

Draft: 7/11/01

Approved by the Board of Trustees at its October 12, 2001 meeting

Rutgers

APPENDIX D

UNIVERSITY POLICY WITH RESPECT TO ACADEMIC APPOINTMENTS AND PROMOTIONS¹

I. Introduction

Paragraph 3.30 of University Regulations states:

Reappointments and promotions may be made in recognition of accomplishments: in teaching, scholarship, and service for general teaching/research faculty and for extension specialists in Cook College and/or the New Jersey Agricultural Experiment Station; in teaching, extension scholarship and service for all other extension specialists; in teaching, extension practice, and service for county agents; in teaching, scholarship and/or the arts, and service for faculty with appointments in the creative or performing arts; in librarianship, scholarship, and service for library faculty. The application of these criteria shall be in accordance with the University's published Policy with Respect to Academic Appointments and Promotions, as may be amended by the Board of Governors from time to time.

II. Criteria

Teaching

Effective teaching should be a fundamental endeavor of all members of the faculty. As teachers, members of the faculty are responsible for effective instruction, whether at the undergraduate, graduate, postdoctoral, extension or continuing education level. Teaching includes classroom, field, and non-credit instruction; supervision of research, student internships, professional practice, theses, and doctoral dissertations; academic advising and acting as a mentor; the training of extension volunteers and paraprofessionals; the improvement and enrichment of course offerings and other instructional activities within the faculty member's discipline or profession; participation in interdisciplinary courses, honors courses and other special courses offered through the undergraduate colleges and other units of the University; and, the writing of textbooks and the development of other instructional materials to enhance education in the faculty member's discipline or profession. Effective teachers must demonstrate depth and breadth of knowledge in their discipline, must communicate this knowledge to others, and must give evidence of a continuing development of their knowledge so as to insure their continued effective teaching over the duration of their appointment. They stay informed of advances and current thinking in their subject and relate them to their teaching in a meaningful and balanced way. Effective teachers communicate enthusiasm for their subject and have a responsibility to create a positive environment for learning and one that stimulates imaginative thinking. They maintain a critical attitude toward their teaching and strive continuously to improve it.

¹ Approved by the Board of Governors on March 10, 1989, and amended April 14, 1989, September 15, 1989 and April 12, 1991.

Scholarship

Active scholarship should be a fundamental endeavor of all members of the faculty. Scholarship, including basic and applied research, means in-depth study and learning in a specific field and inquiry and experimentation designed to make direct contributions to knowledge in that field. Scholarship, as measured by peer recognition of its originality, impact on, and importance to the development of the field, is demonstrated most typically by refereed publications, such as journal articles and books of high quality. Scholarship and research accomplishments are also demonstrated by the design and execution of applied research in the laboratory or in the field; through the presentation of papers at organized scholarly meetings, usually at the national or international level; through the attraction of external support or competitive fellowships and awards appropriate to the faculty member's field of study; through such activities as editing, translation, the acquisition of significant patents, the compilation of information, and the development of materials that make information more accessible to researchers, other scholars, and practitioners; and through publication in other academic or professional journals and lecturing in professional and other public forums. As the State University, Rutgers encourages appropriate applications in the discipline or profession to the issues and problems of the State and region. Such scholarship will be measured by equally rigorous standards as are applicable to all scholarship.

Service

Service includes the contributions a faculty member makes to the academic profession, to the University, and to society at large. Contributions to the advancement of the academic profession are most typically demonstrated by active participation in professional and scholarly associations; by service on editorial boards and as a reviewer of scholarly works and proposals; by participation on expert committees, such as NIH research study sections, NEH grant selection panels, research committees of the National Academy of Science, or practice committees of professional associations. Contributions to the effective operation of the University at all levels are most typically demonstrated by significant academic and professional service to the department, the discipline, the faculty, the undergraduate colleges, the graduate programs, the campus, or the University as a whole, through such activities as recruitment of scholars to the University, evaluation of peers, contributions as a fellow, contributions to important committees and other activities in support of the academic development of the University and the enhancement of student academic development and student life programs. Contributions to society at large are most typically demonstrated through the application of the faculty member's academic expertise and particular professional skills to the solution of international, national, state, county and local problems and by service for the public good on governmental and other special committees, boards, agencies, civic groups and commissions.

Artistic Accomplishment

The appointment of a faculty member in the creative or performing arts may permit the primary concentration of his/her efforts on scholarship, on artistic

accomplishment, or on a balance between the two that is appropriate both to the artist/scholar's appointment and to the particular stage of his/her career. For faculty members with such appointments, artistic accomplishment in the fields of literature, music, art, dance, or drama, which is most often demonstrated by dissemination of the artist's work through performance, publication or exhibition in professionally recognized settings, usually outside the University. The artist's work shall have an intrinsic value equal to scholarship and shall be subject to equally rigorous evaluation.

Librarianship

Faculty members with appointments as librarians are required to concentrate their primary efforts on achievements, as appropriate to their appointments, in one or more of the major areas of the library profession: collection development, technical and automated services, and user services. In general, excellence in librarianship is demonstrated most typically by formal assessment by library experts, both internal and external to the University, and by faculty and other users, of the effectiveness of systems, techniques, services, materials, and collections developed, implemented, and/or administered by the librarian alone and in concert with other librarians; by the adoption of those systems, techniques, services or materials by other excellent research libraries; and through published and other written acknowledgements of the quality of the librarian's support of the work of researchers and scholars. For example, contributions in collection development may be demonstrated by assessments of the library's holdings; contributions in technical and automated services may be demonstrated by assessments of the quality and cost effectiveness of automation, acquisition and bibliographic access functions and systems; contributions in user services may be demonstrated by assessments of the provision of assistance and instruction in the use of library and information resources, and the usefulness of library instructional aids, bibliographies, and other print and non-print finding aids. Librarians should stay informed of advances and current thinking in their major areas of librarianship and, where appropriate, in specialized subject fields, should have both a depth and breadth of knowledge in these areas, and should be able to demonstrate success in applying that knowledge directly to strengthening the library's support for the educational and scholarly mission of the University.

Extension Practice of County Agents

Faculty members with appointments as county agents are required to concentrate their primary efforts on extension practice, that is, the application of knowledge to the needs of the community. Extension practice is typically demonstrated by interpretation of research results, identification of ways of applying research, achieving the adoption of improved practices by client groups, participation in the design and execution of applied research in the laboratory and in the field, identification of problems requiring investigation by researchers, and attraction of appropriate external support or awards. As a faculty member, a county agent is obligated to make his/her contributions, as described above, available to others in the profession through publication in appropriate professional journals and lecturing in professional and other public forums.

Extension Scholarship

Active scholarship should be a fundamental endeavor of all members of the faculty. Faculty members with appointments as extension specialists are required, in their specific disciplines or professions, to have a mastery of the subject and be capable of developing and implementing quality programs of instruction and/or technical assistance. Effective extension scholarship is demonstrated by the assessment of client needs; the design, implementation, and dissemination of appropriate delivery systems; the recruitment, training, supervision, and evaluation of program personnel; the evaluation of program effectiveness; and the development of appropriate funding mechanisms. Extension specialists must stay informed of advances in their fields and must demonstrate the capacity to use new and existing information in program development, to interpret research results, and to implement them into extension programs. Effective extension scholarship, as measured by peer recognition of its originality, impact on, and importance to the development of the field is demonstrated most typically by publication in professional journals; presentation of papers at organized scholarly or professional meetings; attraction of external support; and compilation of information and development of materials that make information more accessible to researchers, other scholars, and practitioners. As the State University, Rutgers encourages appropriate applications in the discipline or profession to the issues and problems of the State and region. Such scholarship will be measured by equally rigorous standards as are applicable to all scholarship.

III. Application of Criteria

A. General Principles

Those faculty members who have made the most important contributions to the University and have discharged their duties with the greatest distinction will be considered for promotion. Continued growth and continued contributions are required for all ranks. Advancement to a higher rank is not automatic.

One of the responsibilities of department chairpersons, as set forth in University Regulations, is "to evaluate periodically members of their department and report these evaluations as required; ...to see that adequate supervision, advice, and training are afforded new members of the department and other members who might profit thereby; and generally to promote the effectiveness of the department, college, and University by every appropriate means." Since these are duties required of department chairpersons, junior members of the staff should not hesitate at any time to discuss with their department chairperson the quality of their own services and the outlook for their future.

Informed judgments concerning a faculty member's accomplishments can be made only by qualified colleagues. Such subjective judgment by persons competent to evaluate duties, responsibilities, services, and accomplishments will protect the interest of professors themselves,

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Informed judgments concerning a faculty member's accomplishments can be made only by qualified colleagues. Such subjective judgment by persons competent to evaluate duties, responsibilities, services, and accomplishments will protect the interest of professors themselves,

the department, the college, the University, and the students better than any objective rating that could be devised.

Finally, the several criteria described above are not mutually exclusive but rather overlapping and complementary. It should be noted that the criteria are expressed in terms of the individual's accomplishments and not in terms of earned degrees, although these are important. In regard to accomplishment in teaching, undergraduate instruction may be the primary teaching responsibility of some faculty members. Other faculty members may have their primary teaching responsibility in the guidance and development of advanced degree candidates. In either instance, the criteria set forth in section II. above shall apply equally.

B. Applicability of Criteria

The criteria applicable to the general teaching/research faculty and extension specialists in Cook College and/or the New Jersey Agricultural Station are:

Teaching
Scholarship
Service

The criteria applicable to faculty members with appointments in the creative and performing arts are:

Teaching
Scholarship and/or Artistic Accomplishment
Service

The criteria applicable to library faculty are:

Librarianship
Scholarship
Service

The criteria applicable to county agents are:

Teaching
Extension Practice
Service

The criteria applicable to extension specialist faculty are:

Teaching
Extension Scholarship
Service

C. Promotion to Associate Professor or Equivalent Ranks

The most critical step in the promotion process is the step from assistant professor (or equivalent rank) to associate professor (or equivalent rank), since this appointment normally involves academic tenure and means in effect that the University has abandoned its freedom of action with respect to the retention of a particular individual. After one has attained a tenured associate professorship, he or she still has freedom to resign, but the University no longer has freedom to dismiss, except as provided in University Regulations 3.90 to 3.99a.

For this reason the greatest care is exercised in promoting faculty members to the rank of associate professor or equivalent ranks. To attain this rank, a person must be adjudged to be someone who can be counted on to participate with colleagues in the determination or formulation of University policy and development with respect to his or her field of scholarship. There is something rather different in kind as well as in quality to be sought in an associate professor as distinct from an assistant professor.

At Rutgers, as at other distinguished universities, the following considerations shall apply for tenure considerations and for promotion to associate professor, or equivalent ranks, which usually accompanies tenure:

1. General Teaching/Research Faculty and Extension Specialists in Cook College and/or the New Jersey Agricultural Experiment Station

For general teaching/research faculty, scholarship, including research accomplishment, is the primary criterion. Excellence in scholarship, as defined in the criterion above, is necessary to the achievement of tenure; effective teaching, as defined in the criterion above, is also normally a condition for the achievement of tenure. Only in rare instances where an individual's scholarship has enabled his/her teaching to achieve national recognition, that is, to make an impressive and recognized impact on teaching in the discipline as a whole, not limited to this University, may teaching become a principal basis for tenure. Significant accomplishments in the activities specified under the criterion of service will strengthen a candidacy for tenure. Such accomplishments are expected in a member of the profession, but cannot replace scholarship and research or teaching effectiveness as a justification for tenure.

2. Faculty Members with Appointments in the Creative and Performing Arts

For faculty with appointments in the creative or performing arts, scholarship and/or artistic accomplishment is the

primary criterion. Excellence in scholarship and/or artistic accomplishment, as defined in the criteria above, is necessary to the achievement of tenure; effective teaching, as defined in the criterion above, is also normally a condition for the achievement of tenure. Only in rare instances where an individual's scholarship and/or artistic accomplishment has enabled his/her teaching to achieve national recognition, that is, to make an impressive and recognized impact on the art form or on teaching in the discipline as a whole, not limited to this University, may teaching become a principal basis for tenure. Significant accomplishments in the activities specified under the criterion of service will strengthen a candidacy for tenure. Such accomplishments are expected in a member of the profession, but cannot replace scholarship and/or artistic accomplishment or teaching effectiveness as a justification for tenure.

3. Library Faculty

For library faculty, librarianship is the primary criterion. Excellence in librarianship, as defined in the criterion above, is necessary to the achievement of tenure; demonstrated scholarship, as defined in the criterion above, is also normally a condition for the achievement of tenure. Significant accomplishments in the activities specified under the criterion of service will strengthen a candidacy for tenure. Such accomplishments are expected in a member of the profession, but cannot replace librarianship and scholarship as a justification for tenure.

4. County Agents

For county agents, extension practice is the primary criterion. Excellence in extension practice, as defined in the criterion above, is necessary to the achievement of tenure; effective teaching, as defined in the criterion above, is also normally a condition for the achievement of tenure. Significant accomplishments in the activities specified under the criterion of service will strengthen a candidacy for tenure. Such accomplishments are expected in a member of the profession, but cannot replace extension practice or teaching as a justification for tenure.

5. Extension Specialists

For extension specialists, extension scholarship is the primary criterion. Excellence in extension scholarship, as defined in the criterion above, is necessary to the achievement of tenure; effective teaching, as defined in the criterion above, is also normally a condition for the achievement of tenure. Significant accomplishments in the activities specified under the criterion of service will

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
DEPARTMENT OF LEGAL STUDIES
TENURE AND PROMOTION PROCEDURES AND STANDARDS

I. PROCEDURES

- A. Chair of Tenured Faculty.** The Tenured Faculty of the Department of Legal Studies shall elect a Professor to serve as the Chair of the Tenured Faculty. The Chair may delegate duties to an Associate Dean.
- B. Meetings of the Tenured Faculty.** By September 15 of each year, the Chair shall notify the Tenured Faculty in writing of the date of the Fall meeting on tenure and promotions. The Chair may call a special meeting on three days' written notice.
- C. Eligibility for Tenure and Promotion.** Untenured Faculty are eligible for tenure consideration. Faculty below the rank of Professor are eligible for promotion consideration. The Tenured Faculty shall consider for tenure and promotion every eligible Faculty member who does not in writing waive consideration.
- D. Notification.** At least 60 days before a tenured faculty meeting on tenure and promotion, the Chair shall notify eligible Faculty members in writing.
- E. Preparation of Files.** A Candidate for promotion or tenure shall prepare a file with the assistance of the Associate Dean. The content and organization of this file shall comply with University rules. The Associate Dean shall insure that the file contains all items required by the University. All required information must be in the file at least one week before the meeting on the Candidate, except for a Candidate's responses to outside evaluations or to the report of the evaluation team. If critical information appears within the one-week period, the Chair may reschedule the meeting.
- F. Evaluation Teams.**
- 1. Appointment.** At least 30 days before a meeting on tenure and promotions, the Chair shall appoint a three-person evaluation team for each Candidate.
 - 2. Composition.** Only Faculty members eligible to vote on a Candidate may serve on that Candidate's evaluation team. Before appointing an evaluation team, the Chair shall consult with the Candidate about its composition. The Chair shall attempt to include on each team at least one Faculty member who teaches in the Candidate's primary field. In the case of the director of the law library, the team shall include a nonvoting representative of the Department of

Clinical Legal Studies.

3. Duties.

- (a) The team shall attend a representative sampling of the Candidate's classes, at times agreed upon in advance with the Candidate. If possible, each team member shall attend at least two classes of each of the Candidate's courses.
- (b) The team shall review the Candidate's teaching, scholarship, and service, exclusively according to these Standards and the Candidate's file.
- (c) In the case of the director of the law library, the team shall also evaluate the candidate's administration of the law library. In evaluating the Candidate's administration of the library, the team may interview library staff and gather such other information as it deems appropriate.
- (d) The team shall meet with the Candidate before the Tenured Faculty meeting to discuss their evaluation of the Candidate's record.
- (e) The team shall submit a written report and recommendation to the Tenured Faculty at least one week before the meeting on the Candidate and this report and recommendations shall be included in the Candidate's file.
- (6) At least one week prior to the meeting on the Candidate the team shall provide the Candidate with a copy of its written report and recommendation edited to remove any information that might identify the outside Evaluators of the Candidate's publications. The Candidate may at any time include in the file a written response to the written report and recommendation.

G. Student Evaluations. The file shall contain all student evaluations of the Candidate's classes since the Candidate's appointment, tenure, or last promotion, except for those conducted during the decisional semester. Evaluations shall be on a form approved by the Tenured Faculty, and shall be conducted under the supervision of the Dean.

H. Outside Review of Scholarship.

- 1. The Chair shall arrange for the review of each of the Candidate's publications not previously evaluated. The Chair shall *solicit* at least three outside evaluations for each publication. All solicited

- evaluations received by the Chair shall be included in the Candidate's file and the file shall include a minimum of five outside evaluations.
2. The Chair shall select a list of possible Evaluators. The Candidate shall not be entitled to nominate, but may upon inquiry by the Chair, suggest Evaluators for inclusion on this list. The file shall indicate which Evaluators, if any, were initially suggested by the Candidate. Whenever possible, Evaluators shall be established scholars from other law schools.
 3. The Chair shall discuss the list with the Candidate and consider the Candidate's views on possible Evaluators.
 4. The Chair shall make the final selection of Evaluators..
 5. The Chair shall provide Evaluators with a copy of these Procedures and Standards and ask the Evaluators to evaluate the Candidate's publications in terms of the applicable Standards.
 6. The Chair shall ask Evaluators to submit their evaluations in writing, not later than one week before the meeting. The Tenured Faculty will not consider oral comments from the Evaluators or any written evaluations received after that deadline.
 7. A Candidate is not entitled to know the names of the Evaluators chosen or to read their unedited evaluations. On request, however, the Chair shall give the Candidate copies of the evaluations edited to remove any information which might identify the authors. The Candidate may at any time include in the file a written response to those evaluations.
- I. Comments From Untenured Faculty Members.** At least 30 days before any meeting on tenure or promotion, the Chair shall solicit written comments about each Candidate from all untenured members of the Faculty and shall add those comments to the file at least one week before the meeting on the Candidate.
- J. Participation in Meetings.**
1. **Tenure Decisions.** All Tenured Faculty of rank equal to or higher than the Candidate may participate and vote.
 2. **Promotion Decisions.** All Tenured Faculty of higher rank than the Candidate may participate and vote.
- K. Method of Voting.**

1. Faculty members shall vote by secret ballot.
2. Only Faculty members present at the time the vote was called may vote.
3. Faculty members shall vote "yes," "no," or "abstain" on each issue presented. A "yes" vote by a majority of those voting "yes" or "no" is a favorable recommendation. Any vote less than a majority constitutes a negative recommendation.

L. Justifications of Ballots. Faculty members who voted on the Candidate must justify their votes on the ballots. If the Tenured Faculty's recommendation is favorable, or if the Candidate appeals an unfavorable recommendation, the Dean shall invite faculty members to submit justification letters to the Dean. Faculty members shall base their ballot justifications and justification letters exclusively on the extent to which the information in the Candidate's file satisfies these Standards. The Dean shall add to the file the ballot justifications and all justification letters.

M. Letters From Faculty Members Who Were Eligible to Vote but Unable To Attend Meeting. Faculty members who were unable to attend the meeting may submit letters to the Dean for inclusion in the file.

N. Favorable Recommendations.

1. **Forwarding of File.** If the recommendation of the Tenured Faculty is favorable, the Chair shall forward the Candidate's file to the Dean.
2. **Dean's Recommendations.** On the basis of the file, the Dean shall add a written recommendation to the file. The Dean shall then forward the Candidate's file to the Provost's Office.

O. Unfavorable Recommendations.

1. A Candidate who receives an unfavorable recommendation may file an appeal in writing with the Chair within the deadlines established by the University. The Chair shall add the appeal to the file.
2. The Chair shall distribute the appeal to the Faculty members who were eligible to vote on the candidate and invite additional letters. The Chair shall add these letters to the file.
3. The Chair shall forward the file to the Dean.

4. On the basis of the file, the Dean shall make a written recommendation and add it to the file. The Dean shall then forward the Candidate's file to the Provost's Office.

P. Confidentiality. All aspects of the tenure and promotion process are confidential, except that the Candidate is entitled to request and receive the following from the Dean, when available:

1. Copies of outside evaluations edited to remove any information which might identify the authors;
2. A copy of the evaluation team's report and recommendation, edited to remove any information that might identify the outside Evaluators of the Candidate's publications. See Paragraph I.F.3.(f), supra.
3. The Dean's written summary of the remainder of the file.

II. STANDARDS

A. Definitions.

1. **Good Teacher.** When evaluating a Candidate's teaching, the Faculty will consider peer visitations, student evaluations, and teaching awards. The indicia of a good teacher include:
 - (a) Command of the subject matter;
 - (b) Organization of the subject matter;
 - (c) Effective classroom presentation;
 - (d) Fulfillment of teaching responsibilities as specified in the Faculty Manual;
 - (e) Availability to advise and counsel students, to consult with them on research projects, and to provide them with professional guidance and support.
2. **Significant Publications.** Significant publications are normally articles between 30 and 50 pages length, published in law reviews and Internet journals, often with heavy footnote annotation. (A single, proportionately longer, comprehensive article or book may be considered the equivalent of two or more normal significant publications.) Law reviews and journals are extensively read by judges, practitioners, law professors, and other professions and can

have a decisive influence on the development and analysis of the law. Although law reviews and journals are usually not “referred” in the traditional sense, the process of review associated with acceptance of any article by a law review or journal is normally quite rigorous. In the case of the director of the law library, significant publications may include publications relating to law librarianship, even if shorter than 30 pages in length, that compare favorably with publications of a similar kind by head law librarians at other law schools, as well as publications on traditional legal topics. “Publication” includes manuscripts for which the Candidate has received a written commitment for publication, as well as those published prior to the Candidate’s service at the Law School. The factors indicating significance include:

- (a) The quality of the research and analysis. A significant publication demonstrates authoritative command of the chosen topic, familiarity with pertinent authorities, and careful evaluation of the authorities and issues.
- (b) The scope of the chosen topic. A significant treatment of a narrow topic usually will be more detailed or contain deeper or more incisive analysis than might be required for a significant treatment of a broader topic.
- (c) Reputation of the journal.
- (d) Impact. Among the indicia of a publication's impact are academics', judges', practitioners', or other professionals' use of the publication, frequency of citation, the publication's contribution to the Candidate's reputation for scholarship, and its positive reception by an informed audience.

3. Substantial Service Contributions to the Law School. Substantial service consists of effective contributions to the operation of the Law School. Examples include the following:

- (a) Diligently discharging Law School committee responsibilities; and
- (b) Advising Law School teams and student organizations.

4. Substantial Service Contributions Outside the Law School. Examples include the following:

- (a) Presenting papers at professional meetings;

- (b) Serving as a Reporter for a law reform project;
- (c) Editing a legal journal;
- (d) Serving on University committees;
- (e) Participating in scholarly organizations or bar associations;
- (f) Serving as a board member or officer of a public-service nonprofit organization; and
- (g) Providing *pro bono* legal representation.

Some substantial service contributions may also demonstrate a continuing commitment to scholarship and teaching.

5. **Effective Administration by the Director of the Law Library.** Effective administration of the law library means competence, creativity and initiative in overall administration of the law library as evidenced by effectiveness in building and organizing library collections, meeting user needs, stimulating wide use of library resources, and managing library personnel.
6. **Durability and Consistency of Performance.** Durability refers to a candidate's length of service in relevant academic or professional positions at the University or elsewhere. Consistency refers to a candidate's teaching, service, and scholarly productivity throughout his or her professional career.
 - (1) A candidate first appointed as an Assistant Professor shall normally be eligible to be considered for promotion to Associate Professor in the fourth, fifth or sixth year of service and for tenure in the fifth or sixth year of service.
 - (2) A faculty member awarded tenure shall normally be eligible to be considered for promotion to Professor after two years of service with tenure.
 - (3) A candidate first appointed as an Associate Professor or Professor shall normally be eligible to be considered for tenure and, if appropriate, for promotion to Professor in the fourth or fifth year of service.
 - (4) Relevant academic or professional experience elsewhere may accelerate the normal time for a Candidate to be considered

eligible for tenure or promotion. The Candidate may satisfy the requirements for tenure and promotion with work before and after the date of hire, but the Candidate must demonstrate a continuing commitment to the relevant standards of teaching, scholarship, and service.

- (5) There shall be no distinction in application of criteria to candidates for tenure in their last year of eligibility and those in any year prior to their last year.

B. Tenure at the Rank of Assistant Professor. The Tenured Faculty shall not recommend tenure at the rank of Assistant Professor.

C. Promotion from Assistant Professor to Associate Professor. For promotion from Assistant Professor to Associate Professor, the Candidate must demonstrate durability and consistency of performance and

- 1. Be a good teacher;
- 2. Have published two significant publications (or their equivalent), or in the case of the director of the law library,
 - (a) demonstrated effective administration of the law library; and
 - (2) published either one significant publication on a traditional legal topic or two significant publications (or their equivalent) relating to law librarianship; and
- 3. Have made substantial service contributions to the Law School.

D. Tenure at the Rank of Associate Professor. For tenure at the rank of Associate Professor, the Candidate must have met the requirements for promotion to Associate Professor and must have demonstrated a continuing commitment to teaching, scholarship, and service. A significant publication beyond that required for promotion to Associate Professor demonstrates a continuing commitment to scholarship. Beginning to make contributions outside the Law School of the sort described in Section II.A.4. demonstrates a continuing commitment to service. In the case of the director of the law library, the Candidate must also demonstrate a continued commitment to effective administration of the law library.

E. Promotion from Associate Professor to Professor. For promotion from Associate Professor to Professor, the Candidate must demonstrate durability and consistency of performance and:

1. Be a good teacher;
2. Have published two significant publications (or their equivalent) beyond those required for tenure if the candidate seeks promotion within four years after receiving tenure, and proportionately more scholarship if the candidate seeks promotion more than four years after receiving tenure, or, in the case of the director of the law library:
 - (a) demonstrated continuing effective administration of the law library;
 - (2) published either one significant publication on a traditional legal topic or two significant publications (or their equivalent) relating to law librarianship; and
3. Have made substantial service contributions to the Law School and outside the Law School;

F. Promotion and Tenure of Faculty Hired at the Rank of Associate Professor or Professor. A person hired at the rank of Associate Professor must meet these Standards, including a demonstration of consistency and durability of performance, for any subsequent promotion or tenure. To receive tenure, a person hired at the rank of Professor must satisfy the same requirements a person hired at another rank would have to meet to receive tenure and promotion to Professor. The Tenured Faculty shall require outside evaluation of the Candidate's scholarship at the University of South Carolina and may require outside evaluation of some or all of the Candidate's previous scholarship.

3. TRANSITION RULES

1. Faculty members initially hired on or before January 1, 1995 shall be promoted and tenured under the procedures and standards in effect at the time of their hire.
2. Faculty members initially hired after January 1, 1995 who are within their probationary period shall be promoted and tenured under the procedures and standards in effect at the time of their hire.
3. Subsequent promotions of faculty members initially hired after January 1, 1995 shall be under the procedures and standards in effect at the time of their application for promotion.
4. Any Faculty member eligible to be considered under earlier standards may elect in writing to be reviewed for tenure or promotion under sections I and II

of these standards.

Adopted by the Law School Faculty 11/22/91

Approved by the University Tenure and Promotion Committee .

**Director of Law Library Revisions adopted by the Department of Legal studies
11/19/97 [and revised 4/16/98].**

Revisions unanimously approved by the Department of Legal Studies 4/15/99.

**Revisions to paragraphs I.A, I.F.3(e)(f), I.H.I, I.H.2, I.H.4, I.H.5., I.P.2.
approved by the Department of Legal Studies on February 15, 2001.**

**Revisions to paragraphs I.L., I.P.2., and I.P.3 approved by the Department of
Legal Studies February 27, 2001.**

**Approved, as revised, by University Committee on Tenure and Promotion
effective April 1, 2001.**

The University of Tulsa College of Law

PROCEDURES FOR FACULTY APPOINTMENT, PROMOTION, AND TENURE

Adopted May 27, 1975

As Amended through February 23, 2001

Reviewed: March 2, 2001

PROCEDURES FOR FACULTY APPOINTMENT, PROMOTION, AND TENURE

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Amended March 15, 1979.

Amended March 15, 1983.

Amended October 16, 1984

Amended December 10, 1985,
Section X, (Review Committee findings);
Section X, (relettered).

Amended December 10, 1985,
Section X, Heading (deletion of "full");
Section X, Introduction (purpose of review);
Section X, (consideration of unique gifts of professors);
Section X, (consideration in conducting review);
Section X, (peer evaluations).

Amended September 9, 1986,
Section XI (Director of Law Library).

Amended November 17, 1987,
Section XI (Non-Tenure Track Director of Law Library).

Amended January 16, 1990,
Section X (Review Procedures).

Amended April 2, 1991,
Section XII (Legal Writing).

Amended April 7, 1992, Section V(B), (C), (D) and (E)
(various deletions and additions and renumbering);
Section XII (added Procedures for Outside Review);
Section VIII (renumber Appendix A);
Section IX renumber Appendix B);
Section X (renumber Appendix C);
Section XI (renumber Appendix D);
Section XII (renumber Appendix E);
Section XIII (Renumbered);
Section X (various revisions).

Amended August 25, 1992,
Section XIII (Director of Lawyering Skills);
Section XIV (renumbered Miscellaneous).

Amended November 6, 1992,
Section XIII (Review for Non-tenure Faculty);
Sections XIV and XV (renumbered Director
Lawyering Skills and Miscellaneous).

Amended November 17, 1995,
Section XIV (Director of the Legal Clinic);
Section XV (add Clinical Faculty section)
Sections XV and XVI (renumbered Miscellaneous).

Amended January 19, 1996,
Section XII (amend Full-Time Legal Writing Faculty).

Amended April 30, 1997,
Revised to Conform to Amended University's "Statement
on Academic Freedom, Responsibility, and Tenure."

Amended February 23, 2001,
Section VIII.B.4 (publication requirement).

XI. Director of Law Library

- A. The Director of the Law Library should be initially appointed a member of the faculty at the same rank that would be appropriate for any other faculty appointment, subject to Section III.C.
- B. The Director shall have the option of faculty status on either a tenure track or a non-tenure track. The Director may change from one track to the other upon notification to the faculty, Dean and Provost.
- C. The tenure track status of the Director shall be governed by the Procedures for Faculty Appointment, Promotion, and Tenure (Procedures). The standards contained in the Procedures shall be applied to the Director of the Law Library without modification.
- D. The non-tenure track status shall be governed by the following provisions:
 - 1. The Director shall have faculty status only during his or her appointment as Director of the Law Library.
 - 2. The Director shall be reviewed and promoted as a faculty member under the same timetable and guidelines contained in the Procedures, except that the Director shall not be subject to any scholarship requirement, and shall not be eligible for the rank of Professor while on the non-tenure track.
 - 3. During the Director's appointment as a member of the faculty, the Director shall serve as any other member of the faculty with respect to committee assignments and attendance and voting at faculty meetings.

