

**STANDARDS AND PROCEDURES FOR RETENTION, PROMOTION, AND  
TENURE DECISIONS**

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**I. GENERAL**

A. These standards apply only to the Law School.

B. Tenure-track faculty position(s)

1. To create a new tenure-track faculty position, the Dean of the Law School makes a recommendation to the President. If s/he concurs, the President recommends creation of such a position to the Board of Trustees which makes the final decision.
2. A tenure-track position may be offered at Assistant Professor, Associate Professor, or Full Professor rank, depending on the individual's background and experience.

C. JURISDICTION

1. All recommendations concerning retention, promotion, and tenure for J.D. Program faculty shall be made in the first instance by the J.D. Program Evaluation Committee. The J.D. Program Evaluation Committee (sometimes hereinafter the "J.D. Committee") shall make its recommendation to the Dean of the Law School who shall forward the recommendation along with his/her own recommendation to the University President who shall have the final decision.
2. All recommendations concerning retention, promotion, and tenure for faculty members hired and/or appointed primarily to teach in one or more of the Law School's LL.M. programs, and all recommendations concerning contract renewal for long-term contract faculty, shall be made in the first instance by the LL.M. Program Evaluation Committee. The LL.M. Program Evaluation Program (sometimes hereinafter the "LL.M. Committee") shall make its recommendation to the Dean of the Law School who shall forward the recommendation alone with his or her own recommendation to the University President who shall have the final decision.

D. MEMBERSHIP

1. The J.D. Program Evaluation Committee shall consist of all tenured members of the Law School's J.D. Program faculty. A faculty member

who is on an approved Leave of Absence is calculated in the membership total only when that member is physically in attendance at a meeting. A faculty member on an approved Leave of Absence who wishes to participate in meetings shall provide the chair with a current address for receipt of notice of meetings. The Dean of the Law School shall be an ex-officio member of the J.D. Committee without voting rights, except as provided in Section 8, Retention, below.

2. The LL.M. Program Evaluation Committee shall consist of the J.D. Committee plus all Tenured-in-Position faculty members from all of the Law School's LL.M. programs.

#### E. THE EVALUATION FILE

1. When a tenure-track faculty member is first hired, his or her eligibility for tenure in the J.D. Program or in one or more of the LL.M. programs shall be specified in writing. The J.D. Program Evaluation Committee or the LL.M. Program Evaluation Committee, as appropriate, shall initiate an Evaluation File for that faculty member. (Hereafter, references to the "Evaluation Committee" or the "Committee" mean either the J.D. Program Evaluation Committee, or the LL.M. Program Evaluation Committee, as appropriate.)
2. The Evaluation File is to be confidential and access shall be limited to the Dean of the Law School, members of the appropriate Evaluation Committee and, to the extent necessary to accomplish the purposes of C.9.a., those enumerated in the second paragraph of Section C.9.a. However, an individual's Evaluation File shall be open to inspection by the individual during regular business hours upon 24 hours' notice to the Dean of the Law School.
3. The Evaluation File will contain all relevant information to be used in the retention, promotion and tenure decisions made by the Evaluation Committee. This will include, but not necessarily be limited to, student evaluations; reports of faculty visitations; materials submitted by the faculty member; evidence of University, community and professional service; and scholarly publication. In addition, copies of all official communications between the Dean, and/or the Evaluation Committee and the faculty member will be included.

#### F. QUORUM

1. A majority of the membership of the J.D. Program Evaluation Committee or the LL.M. Program Evaluation shall constitute a quorum of that Committee for all purposes other than a decision pertaining to an individual faculty member. There can be no discussion or vote concerning

the retention, promotion or tenure of a particular faculty member unless two-thirds of the membership of the appropriate Committee is present.

#### G. VOTING PROCEDURES

1. In the case of either the J.D. or LL.M. Program Evaluation Committee, each member of the committee has one vote and may not vote by proxy.
2. All votes pertaining to the promotion, retention or tenure of an individual shall be by secret ballot. Two committee members appointed by the Chair shall each count the ballots in the presence of the Committee and shall each sign and date the record of the vote which record shall be given to the Dean for retention in the particular faculty member's Evaluation File.

#### H. RETENTION

1. A tenure-track faculty member shall be retained upon an affirmative vote of a majority of those members of the Evaluation Committee voting yes or no. In the event of a tie-vote an immediate re-vote will be held with the Dean voting.

#### I. TENURE

1. Subject to Part D.2., a tenure decision shall be made in the fifth year of full-time teaching under a tenure-track appointment. In the event that tenure is denied, the faculty member will be entitled to remain on the faculty for one additional year beyond the then-current contract and will have no further rights of employment.
2. At the request of the faculty member, the tenure decision will be deferred for one additional year. In such event, the notice requirements of Section D.3. will be deemed waived and, if tenure is denied, the member will not be entitled to remain on the faculty beyond the faculty member's contract year in which tenure is denied.
3. Subject to Part D.2., if, during, the five (or, at the option of the faculty member, six) year period, the member is on leave for a total of less than one academic year, such leave will not affect the timing of the tenure decision. If the member is on leave for one academic year or more, the tenure decision will be made at the end of the year in which s/he has completed five years of full-time teaching under a tenure-track appointment. If the faculty member who was on a Leave of Absence wishes to defer the decision for one additional year beyond the optional year referred to in part b., he or she may do so only with the concurrence of a majority of the Committee at a meeting at which at least two-thirds of the Committee members are present. In the event that such a request is

made and granted, the notice provisions of Section D.3. will be deemed waived, and, if tenure is denied, the member will not be entitled to remain on the faculty beyond the faculty member's contract year in which tenure is denied.

4. The granting of tenure shall be recommended to the Dean upon an affirmative vote of two-thirds of those voting yes or no, provided, however, that no one shall be recommended for tenure upon an affirmative vote of less than a majority of the members of the Committee including those absent and/or not voting. If two of those voting yes or no is not an even number, then any fraction of one or more shall require an additional yes vote.

## II. THE EVALUATION PROCESS

### A. Law Faculty Evaluation

1. Unless impractical, all class visits will be made during the 9th and 10th week of a semester.
2. During the first year of teaching, a non-visiting, faculty member will be visited by two Evaluation Committee members for three hours each, all visits being made during one semester.
3. During the second year of teaching, a non-visiting faculty member will be visited by four Evaluation Committee members for three hours each, all visits being made during the first semester of the contract year of the faculty member to be visited.
4. During each successive year up to but not including the year in which a faculty member is being considered for tenure or, in the case of long-term contract, renewal, a faculty member will be visited by two Evaluation Committee members for three hours each, one visiting during the first semester, and the other visiting during the second semester.
5. During the year in which a faculty member is being considered for tenure, or, in the case of a long-term contract faculty, renewal, a faculty member will be visited by all members of the Evaluation Committee with the exception of those who are unable to do so, as approved by the Committee. These visits will be made during the 9th, 10th or 11th week of either semester unless an alternative time is arrived at by mutual agreement between the Committee member and the faculty member being evaluated. No written reports are required to be submitted as a result of these visits; however, they may be submitted at the option of the Committee member. In the case of faculty clinical directors, a Clinical Tenure Subcommittee appointed by the chair of

the Evaluation Committee shall visit the classes of the faculty member. In addition, all members of the Evaluation Committee may, but are not required to, visit the classes of the clinical director. Such visits shall be coordinated through the Clinical Tenure Subcommittee. In the case of legal research and writing directors, a Legal Research and Writing Subcommittee appointed by the chair of the Evaluation Committee shall visit the classes of the faculty member. In addition, all members of the Evaluation Committee may, but are not required to, visit the classes of the legal research and writing director. Such visits shall be coordinated through the Legal Research and Writing Subcommittee. In the case of academic support directors, an Academic Support Subcommittee appointed by the chair of the Evaluation Committee shall visit the classes of the faculty member. In addition, all members of the Evaluation Committee may, but are not required to, visit the classes of the academic support director. Such visits shall be coordinated through the Academic Support Subcommittee.

6. Any member of the Committee may make an informal visit to any non-tenured law faculty member's class during the 9th week of either semester or by pre-arrangement at any other time.
7. Committee members who make the evaluation visits referred to in b., c. and d. above are required to submit written reports.
8. All reports of visits are to be submitted to the Evaluation Committee no later than one week after the visits have taken place.
9. The faculty member being evaluated shall be provided a copy of any report written by any Committee member following a class visit pursuant to these rules. As soon as the person who was visited has received a copy of an evaluator's report, that person and the evaluator are urged to discuss the contents thereof.
10. Official visits on behalf of the Committee shall be made by its members; however, if the Committee Chair perceives a need, and in special circumstances, others may also be asked to visit classes for the purpose of evaluating the faculty member. No official Committee visit shall be made by the Dean, but the Dean may visit any class at any time.

#### B. Student Evaluations

1. The student evaluation form used by the Law School must be approved by a majority of the tenured, tenure-track and long-term contract faculty of the Law School. The Law Dean's office distributes, collects and tallies these evaluations.

2. Student evaluations shall normally take place during the thirteenth week of class in a fifteen-week semester and the twelfth week of class in a fourteen-week semester.

### C. Librarian Evaluation

Since the Law Librarian's position is also one which may provide for tenure, both teaching quality and performance as Law Librarian must be evaluated.

1. With respect to classes taught by the Law Librarian, the same procedures described above shall pertain.
2. The following materials will be solicited and considered in evaluating the performance of the Law Librarian.
  - a) ABA evaluations and other accrediting agency evaluations of the library.
  - b) The Chairperson of the Evaluation Committee will solicit all members of the faculty for their appraisal of the work of the Law Librarian.
  - c) The Dean of the Law School will evaluate the performance of the Law Librarian.
  - d) During the 9th or 10th week of each semester, students will be requested to fill out evaluation forms in the Library as to their view of the functioning of the Library. These forms will be prepared, distributed, collected and tallied by the Law Dean's Office.
  - e) During promotion and tenure-decision years, the Law Librarian will prepare a written self-evaluation consisting of the items listed below under C.2. and, if desired, C.3.
  - f) Under special circumstances, an evaluation may be made by use of one or more outside Law Librarian(s).

### D. Evaluation of Faculty Clinical Directors

1. The administrative performance of a clinical faculty director shall be evaluated by the Clinical Tenure Subcommittee referred to in Section B(1)(e), above.
2. The Dean of the Law School also will evaluate and report to the Evaluations Committee the administrative performance of clinical faculty directors.

E. Evaluation of Legal Research & Writing Directors

1. The administrative performance of a legal research & writing director shall be evaluated by the Legal Research & Writing Tenure Subcommittee referred to in Section B(1)(e), above.
2. The Dean of the Law School also will evaluate and report to the Evaluation Committee the administrative performance of legal research & writing directors.

F. Evaluation of Academic Support Directors

1. The administrative performance of an academic support director shall be evaluated by the Academic Support Subcommittee referred to in Section B(1)(e), above.
2. The Dean of the Law School also will evaluate and report to the Evaluation Committee the administrative performance of academic support directors.

### III. THE DECISIONAL PROCESS

- A. The primary materials for assessing an individual's teaching abilities are the student evaluations and written reports of classroom visitations made by other faculty members. The student evaluations and copies of the faculty visit reports will be made a permanent part of the individual's Evaluation File.
- B. Each faculty member under consideration must prepare a written self-evaluation including evidence of University, community and professional service and scholarly publication(s).
- C. A faculty member may, at any time, submit to the Evaluation Committee additional materials which he or she believes will be useful to the Committee. Such materials will become a permanent part of that individual's Evaluation File.
- D. If an adverse recommendation of the Evaluation Committee appears likely, the faculty member under consideration will be given the opportunity to appear personally before the Committee before a vote is taken.
- E. All adverse recommendations by the Evaluation Committee must be accompanied by a written report stating the reasons for the Committee's judgment. This report shall become a permanent part of the individual's Evaluation File.
- F. After an adverse vote has been taken, the faculty member may request a reconsideration of the decision. Such reconsideration will be given in the case of a retention decision upon the affirmative vote of a majority of the membership of

the Committee, or upon the request of the Dean, and in the case of a tenure decision, upon the affirmative vote of two-thirds of the membership, or upon the request of the Dean.

- G. Time requirements for notices of non-reappointment are satisfied by the first notice of an adverse decision.
- H. All rules which require a super-majority require the same super-majority of the membership of the Committee to change such a rule.
- I. Disclosure Rules:
  - 1. Permissible disclosure
    - a) Content of any discussion of any matter not bearing on a specific faculty member may be disclosed by any member of the Evaluation Committee. Any member of the Evaluation Committee may disclose the tenor of the general discussion on matters affecting a specific faculty member to the specific faculty member under consideration.
    - b) At the discretion of the Dean of the Law School or the Chair of the Committee, the University President and/or Vice Presidents may be consulted and these University Officers may consult with the Director of Personnel, members of the Board of Trustees or legal counsel about any matter under consideration by the Committee before, during, or after deliberations of any kind.
    - c) In preparation for or response to legal matters at the discretion of the University President, any matter under consideration by the Committee before, during, or after deliberations of any kind may be disclosed.
  - 2. Any member of the Evaluation Committee may disclose to any party who is neither a Committee member nor the faculty member being evaluated, (1) his or her individual opinion and votes and/or (2) the tenor of the general discussion on matters affecting a specific faculty member, but only if the Evaluation Committee has received a general waiver from such specific faculty member.
  - 3. No member of the Evaluation Committee shall disclose (1) the position or vote of any other individual member of the Committee or (2) the content of student evaluation forms submitted on faculty members or summaries thereof.
  - 4. Except as provided for in Section C.9.a., while a specific faculty member is under discussion, a rule of absolute confidentiality will be

observed. Rule C.9.b. above become operative only after a decision has been reached.

#### **IV. STANDARDS AND PROCEDURES FOR RETENTION, PROMOTION AND TENURE FOR J.D. PROGRAM TENURE-TRACK FACULTY**

##### **A. Standards for J.D. Program Faculty**

Decisions regarding reappointment, promotion and tenure shall be based on a comprehensive and objective assessment of a faculty member's qualifications and performance. The two primary criteria for retention, promotion and tenure are teaching performance and scholarship.

##### **1. Teaching, performance**

The standard for tenure is excellence. The standard for promotion and retention prior to tenure is potential for excellence at the time the tenure decision is to be made. The determination whether a faculty member has met such standards will be based primarily upon the faculty and student evaluations conducted as described in Section B.

##### **2. Scholarship**

- a) The standard for tenure is publication of a reasonable amount of high quality legal and law-related material, including traditional law review articles, casebooks, treatises, contributions to treatises, and works directed to the needs of the practicing bar. The standard for promotion and retention prior to tenure is a demonstrated potential for compliance with the tenure standard at the time the tenure decision is to be made.
- b) Each Committee member shall make an independent judgment as to the quality of the scholarly material submitted pursuant to subsection (b), below. In addition, all such material shall be sent to at least three impartial outside evaluators. Evaluations which are returned in timely fashion shall be considered by the Committee. The Committee shall make every effort to assure that such evaluators' expertise is consistent with the nature of the material submitted.

(1) [Effective July 1, 1994] A faculty member being considered for tenure shall submit to the committee such scholarly material as s/he wishes to be part of the evaluation process no later than December 1 of the academic year in which the tenure decision is to be made.

- (2) [Effective July 1, 1994] A faculty member being considered for tenure shall choose from among his/her scholarly material those two items which s/he wishes to be submitted for review by outside evaluators. This election shall be made no later than December 1 of the academic year in which the tenure decision is to be made.
  - (3) The following procedure shall govern the choice of outside evaluators: The candidate may submit names of proposed evaluators. In addition to the names, the candidate should provide a brief description of the qualifications of the proposed evaluator, his/her relationship, if any, with the evaluator and the evaluator's previous involvement, if any, with drafts of the submitted scholarly material. The Committee shall provide the applicant with the names of the outside evaluators chosen by the Committee and shall consider any reasonable objections raised by the candidate to any of the proposed evaluators.
3. Matters other than teaching, performance and scholarship, such as other writing, and the faculty member's contribution to outside communities, shall be considered affirmatively. Involvement in the operation of the Law School and/or the University, or lack thereof, shall also be considered.

#### B. Standards for Faculty Clinical Directors

Decisions regarding reappointment, promotion and tenure shall be based on a comprehensive and objective assessment of a faculty member's qualifications and performance. The three primary criteria for retention, promotion, and tenure are teaching performance, scholarship, and administrative performance.

A faculty clinical director hired before November 3, 2000, may, at his/her option, elect to be governed by the rules applicable to long-term contract faculty, as provided in Section F below, rather than the rules in this subpart. Such clinical director shall make the election of which standards s/he wishes to be governed by no later than September 1, 2002.

##### 1. Teaching Performance

The standard for tenure is excellence in clinical teaching and supervising students in clinical or similar settings. The standard for promotion and retention prior to tenure is potential for excellence at the time the tenure decision is to be made. The determination whether a faculty member has met such standards will be based primarily upon faculty and student evaluations conducted as described in Section B.

## 2. Scholarship

- a) The standard for tenure is publication or production of a reasonable amount of high quality legal and law related material. This scholarship requirement may be satisfied not only by traditional forms of scholarship, such as law review articles, casebooks, treatises, contributions to treatises and works directly related to the needs of the practicing bar, but also in other forms that evolve from clinical teaching and representation of clients. These include studies or reports, practice manuals, legislation, pleadings, briefs, memoranda of law, and other documents prepared in the course of representing clients. Scholarship in the latter context is to be evaluated in terms of the ingenuity and quality of the work product. The standard for promotion and retention prior to tenure is a demonstrated potential for compliance with the tenure standard at the time the tenure decision is to be made.
  - (1) Each Committee member shall make an independent judgment as to the quality of the scholarly material submitted pursuant to subsection (b), below. In addition, all such material shall be sent to at least three impartial outside evaluators. Evaluations which are returned in timely fashion shall be considered by the Committee. The Committee shall make every effort to assure that such evaluators' expertise is consistent with the nature of the material submitted.
  - (2) A faculty member being considered for tenure shall submit to the committee such scholarly material as s/he wishes to be part of the evaluation process no later than December 1 of the academic year in which the tenure decision is to be made.
- b) A faculty member being considered for tenure shall choose from along his/her scholarly material those two items which s/he wishes to be submitted for review by outside evaluators. This election shall be made no later than December 1 of the academic year in which the tenure decision is to be made.
- c) The following procedure shall govern the choice of outside evaluators: The candidate may submit names of proposed evaluators. In addition to the names, the candidate should provide a brief description of the qualifications of the proposed evaluator, his/her relationship, if any, with the evaluator and the evaluator's previous involvement, if any, with drafts of the submitted scholarly material. The Committee shall provide the applicant with the names of the outside evaluators chosen by the Committee and shall consider any reasonable objections raised by the candidate to any of the proposed evaluators.

### 3. Administrative Performance

The standard for tenure is the development and maintenance of a high quality clinical program. The standard for promotion and retention prior to tenure is potential for compliance with the tenure standard at the time the tenure decision is to be made. The determination whether a faculty member has met such standards will be carried out pursuant to Section B.4.

### 4. University and Community Service

The faculty member's involvement in the operation of the Law School and/or the University, or lack thereof, shall be considered. Community and public service shall also be considered affirmatively in promotion and tenure decisions. Community and public service includes contributions to community organizations and the organized bar; law-related public service; community outreach; and work related to the improvement of legal institutions and procedures and development of the law.

### 5. Rights and Responsibilities

Faculty who have been granted tenure under this section shall have the same rights and responsibilities as faculty granted such status under Section D.1. of these Standards. Faculty who have been granted tenure based on these standards shall have primary responsibility to teach clinical courses and shall be eligible to teach traditional classroom and seminar classes if, in the judgment of the Dean, there is a teaching need in the area and teaching the course will not have an adverse impact upon the clinical program.

## C. Standards for Legal Research & Writing Directors

A Legal Research and Writing Director is a faculty member who directs and administers one of the Law School's legal research and writing programs without any direct supervision by another member of the regular faculty, including another legal research & writing director.

Decisions regarding reappointment, promotion and tenure shall be based on a comprehensive and objective assessment of a faculty member's qualifications and performance. The three primary criteria for retention, promotion, and tenure are teaching performance, scholarship, and administrative performance.

A legal research and writing director hired before February 9, 2001, may, at his/her option, elect to be governed by the rules applicable to long-term contract faculty, as provided in Section F below, rather than the rules in this subpart. Such legal research and writing director shall make the election of which standards s/he wishes to be governed by no later than January 1, 2003.

## 1. Teaching Performance

The standard for tenure is excellence in teaching legal research and writing. The standard for promotion and retention prior to tenure is potential for excellence at the time the tenure decision is to be made. The determination whether a faculty member has met such standards will be based primarily upon faculty and student evaluations conducted as described in Section B.

## 2. Scholarship

- a) The standard for tenure is publication of a reasonable amount of high quality legal and law related material. This scholarship requirement may be satisfied not only by traditional forms of scholarship, such as law review articles, casebooks, treatises, contributions to treatises and works directly related to the needs of the practicing bar, but also in other written works concerning legal research, legal writing, or concerning the teaching of legal research or legal writing. The standard for promotion and retention prior to tenure is a demonstrated potential for compliance with the tenure standard at the time the tenure decision is to be made
- b) Each Committee member shall make an independent judgment as to the quality of the scholarly material submitted pursuant to subsection (b), below. In addition, all such material shall be sent to at least three impartial outside evaluators. Evaluations which are returned in timely fashion shall be considered by the Committee. The Committee shall make every effort to assure that such evaluators' expertise is consistent with the nature of the material submitted.
  - (1) A faculty member being considered for tenure shall submit to the committee such scholarly material as s/he wishes to be part of the evaluation process no later than December 1 of the academic year in which the tenure decision is to be made.
  - (2) A faculty member being considered for tenure shall choose from among his/her scholarly material those two items which s/he wishes to be submitted for review by outside evaluators. This election shall be made no later than December 1 of the academic year in which the tenure decision is to be made.
  - (3) The following procedure shall govern the choice of outside evaluators: The candidate may submit names of proposed evaluators. In addition to the names, the candidate should provide a brief description of the qualifications of the proposed evaluator, his/her relationship, if any, with the evaluator and the evaluator's previous involvement, if any, with drafts of the submitted scholarly material. The Committee shall provide the applicant with the names of the outside evaluators chosen

by the Committee and shall consider any reasonable objections raised by the candidate to any of the proposed evaluators.

3. Administrative Performance

The standard for tenure is the development and maintenance of a high quality legal research and writing program. The standard for promotion and retention prior to tenure is demonstrated potential for compliance with the tenure standard at the time the tenure decision is to be made. The determination whether a faculty member has met such standards will be carried out pursuant to Section B.5.

4. University Service

Matters other than teaching performance, scholarship, and administrative performance, such as the faculty member's contribution to outside communities, shall be considered affirmatively. Involvement in the operation of the Law School and/or the University, or lack thereof, shall also be considered.

5. Rights and Responsibilities

Faculty who have been granted tenure under this section shall have the same rights and responsibilities as faculty granted such status under Section D.1. of these Standards. Faculty who have been granted tenure based on these standards shall have primary responsibility to teach legal writing and research courses and shall be eligible to teach traditional classroom and seminar classes if, in the judgment of the Dean, there is a teaching need in the area and teaching the course will not have an adverse impact upon the legal research and writing program.

D. Standards for Academic Support Directors

Decisions regarding reappointment, promotion and tenure shall be based on a comprehensive and objective assessment of a faculty member's qualifications and performance. The three primary criteria for retention, promotion, and tenure are teaching performance, scholarship, and administrative performance.

1. Teaching Performance

The standard for tenure is excellence in teaching in the academic support program, including classes (such as Legal Analysis and Legal Methods), workshops, and individual skills sessions with students. The standard for promotion and retention prior to tenure is potential for excellence at the time the tenure decision is to be made. The determination whether a faculty

member has met such standards will be based primarily upon faculty and student evaluations conducted as described in Section B.

## 2. Scholarship

- a) The standard for tenure is publication of a reasonable amount of high quality legal and law related material. This scholarship requirement may be satisfied not only by traditional forms of scholarship, such as law review articles, casebooks, treatises, contributions to treatises and works directly related to the needs of the practicing bar, but also in other written works concerning academic support or the teaching of academic support. The standard for promotion and retention prior to tenure is a demonstrated potential for compliance with the tenure standard at the time the tenure decision is to be made.
- b) Each Committee member shall make an independent judgment as to the quality of the scholarly material submitted pursuant to subsection (b), below. In addition, all such material shall be sent to at least three impartial outside evaluators. Evaluations which are returned in timely fashion shall be considered by the Committee. The Committee shall make every effort to assure that such evaluators' expertise is consistent with the nature of the material submitted.
  - (1) A faculty member being considered for tenure shall submit to the committee such scholarly material as s/he wishes to be part of the evaluation process no later than December 1 of the academic year in which the tenure decision is to be made.
  - (2) A faculty member being considered for tenure shall choose from among his/her scholarly material those two items which s/he wishes to be submitted for review by outside evaluators. This election shall be made no later than December 1 of the academic year in which the tenure decision is to be made.
  - (3) The following procedure shall govern the choice of outside evaluators: The candidate may submit names of proposed evaluators. In addition to the names, the candidate should provide a brief description of the qualifications of the proposed evaluator, his/her relationship, if any, with the evaluator and the evaluator's previous involvement, if any, with drafts of the submitted scholarly material. The Committee shall provide the applicant with the names of the outside evaluators chosen by the Committee and shall consider any reasonable objections raised by the candidate to any of the proposed evaluators.

### 3. Administrative Performance

The standard for tenure is the development and maintenance of a high quality academic support program. The standard for promotion and retention prior to tenure is demonstrated potential for compliance with the tenure standard at the time the tenure decision is to be made. The determination whether a faculty member has met such standards will be carried out pursuant to Section B.6.

### 4. University Service

Matters other than teaching performance, scholarship, and administrative performance, such as the faculty member's contribution to outside communities, shall be considered affirmatively. Involvement in the operation of the Law School and/or the University, or lack thereof, shall also be considered.

### 5. Rights and Responsibilities

Faculty who have been granted tenure under this section shall have the same rights and responsibilities as faculty granted such status under Section D.1 of these Standards. Faculty who have been granted tenure based on these standards shall have primary responsibility to teach academic support and shall be eligible to teach traditional classroom and seminar classes if, in the judgment of the Dean, there is a teaching need in the area and teaching the course will not have an adverse impact upon the academic support program.

- E. Except in special circumstances, tenure shall not be granted to a faculty member who has had less than five (5) years of full-time teaching experience under a tenure-track appointment, at least three years of which shall have been at Golden Gate University. This rule shall not apply, however, to faculty clinical directors who were originally appointed prior to November 3, 2000 under long-term faculty contracts and who subsequently became eligible for tenure-track appointments as a result of amendments to these Tenure Standards, or to legal research and writing directors who were originally appointed prior to February 9, 2001 under long-term faculty contracts and who subsequently became eligible for tenure-track appointments as a result of amendments to these Tenure Standards.
- F. A decision not to retain a tenure-track faculty member shall be made and given to the faculty member in writing by the Dean by the following dates:
  - 1. Not later than March 1 of the first academic year of full-time teaching under a tenure track appointment at Golden Gate University, if the appointment expires at the end of that academic year, or, if a one-year appointment terminates during the academic year, at least three months in advance of its termination;

2. Not later than December 15 of the second academic year of full-time teaching under a tenure track appointment at Golden Gate University, if the appointment expires at the end of that year, or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination;
3. At least twelve months before the expiration of an appointment after two or more years of full-time teaching, under a tenure track appointment at Golden Gate University.

## V. STANDARDS AND PROCEDURES FOR RETENTION, PROMOTION AND TENURE-IN-POSITION OF LL.M. FACULTY

### A. GENERAL

1. The rules in this Section E apply to faculty members hired or appointed primarily to teach in one or more of the Law School's LL.M. programs, when such status is made clear in the individual faculty member's employment contract.
2. Retention, promotion or tenure-in-position for LL.M. faculty shall create employment rights within the relevant LL.M. program (e.g., Taxation, International Legal Studies, Environmental Law, or American Legal Studies) only. No rights arise in other LL.M. programs or in the regular J.D. faculty.
3. Except as provided in 2 below, all rules pertaining to regular J.D. faculty shall apply also to LL.M. faculty. Specifically, provisions A, B, C and D shall apply.

### B. STANDARDS: In lieu of the standards for J.D. Program faculty, the following shall apply:

1. Decisions regarding retention, promotion and tenure-in-position of LL.M. program faculty shall be based upon a comprehensive and objective assessment of the faculty member's performance as well as the programmatic and economic needs of the Law School.
2. The primary criteria for judging performance are teaching performance and/or scholarship and/or administrative performance, where relevant. The standard for teaching and/or administrative performance is excellence. The standard for scholarship is that applicable to J.D. faculty. The secondary criterion is contribution to the Law School through participation on committees and similar activities.

### C. EVALUATION PROCESS

1. The programmatic needs of the Law School shall be determined separately by the full faculty. Teaching, scholarship and/or administrative performance shall be determined by the LL.M. Program Evaluation Committee.
2. The Director of the relevant LL.M. Program shall submit a separate recommendation to the Dean of the Law School.
3. The LL.M. Program Evaluation Committee and the Director of these relevant LL.M. Programs shall make their recommendations to the Dean of the Law School. The Dean of the Law School shall forward these recommendations, alone, with his/her own recommendation, to the University President, who shall have the final decision.
4. The process set forth in Parts B.1 and B.2 above shall apply, except that the student evaluation form adopted in B.2 may be revised or substituted by the LL.M. Program Evaluation Committee in consultation with the Dean of the Law School to reflect criteria of graduate course teaching more accurately.

## VI. STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION OF LONG-TERM CONTRACT FACULTY

### A. STANDARDS

1. Retention and promotion of contract faculty shall be based upon a comprehensive and objective assessment of the faculty member's performance as well as the programmatic and economic needs of the Law School.
2. The primary criteria for judging performance are teaching quality and administrative performance where relevant. The standard for each is excellence. (The standard for the initial three-year contract is potential for excellence.) The secondary criterion is contribution to the Law School through participation on committees and similar activities.
3. The programmatic needs of the Law School shall be determined separately by the full faculty. Teaching, and administrative performance shall be determined by the LL.M. Program Evaluation Committee.
4. The LL.M. Program Evaluation Committee shall make its recommendation to the Dean of the Law School who shall forward the recommendation alone, with his/her recommendation to the University President who shall have the final decision.

5. A decision to terminate a long-term contract faculty member prior to the expiration of his/her contract term may be made by the Dean for demonstrated disciplinary need. In such case, the procedures established by the personnel policies of the University for non-faculty employees apply.
6. All employment contracts governed by this Section F may be terminated by the Dean with one year's notice on the basis of economic exigency.

## B. The Evaluation Process

### 1. FACULTY EVALUATION

- a) Long-term contract faculty serving under either a two or three year contract shall be visited each year by two members of the LL.M. Program Evaluation Committee.
- b) Long-term contract faculty serving under five year contracts shall be visited in the 3<sup>rd</sup> and 4<sup>th</sup> years of such contracts by two members of the LL.M. Program Evaluation Committee members each year.
- c) Evaluation Committee members who make the evaluation visits referred to above shall submit written reports to the Committee. Student evaluations shall be administered and considered in accordance with section B(2) of these rules.

### 2. Voting

All long-term contracts shall be recommended upon an affirmative vote of the majority of those members of the LL.M. Program Evaluation Committee voting, yes or no. In the event of a tie, an immediate revote will be held with the Dean voting.

### 3. Notice Requirements

- a) If a long-term contract faculty member wishes to be considered for reappointment, s/he shall inform the Dean as early as possible in the last year of the contract term, and in any event, no later than September 15.
- b) A decision by the Committee not to reappoint a long-term contract faculty member shall be made and given to the faculty member in writing by the Dean by the following dates:
  - (1) Not later than March 1 of the second contract year for a faculty member serving, under a two-year contract;

- (2) Not later than December 15 of the third contract year for a faculty member serving under a three-year contract;
- (3) At least twelve months before the expiration of an appointment for a faculty member serving, under a five-year contract.