

# Notre Dame Law School

## STANDARDS AND PROCEDURES ON APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION

I.	Faculty Appointments Committee.....	3
A.	Membership.....	3
B.	Responsibilities.....	3
1.	Appointments to the Teaching and Research and Clinical Faculties.....	3
2.	Visiting and Adjunct Appointments.....	4
C.	Committee Procedures.....	4
1.	Vice Chair.....	4
2.	Meetings.....	4
3.	Quorum.....	4
4.	Voting.....	5
5.	Confidentiality.....	5
6.	Emergencies.....	5
II.	Faculty Promotions Committee.....	5
A.	Membership.....	5
B.	Responsibilities.....	5
C.	Committee Procedures.....	6
1.	Vice Chair.....	6
2.	Meetings.....	6
3.	Quorum.....	6
4.	Voting and Disqualification.....	6
5.	Confidentiality; Records.....	6
a.	Confidentiality.....	6
b.	Maintenance of Central Files.....	6
c.	Destruction of Materials by Individual Committee Members.....	7
III.	Teaching and Research Faculty.....	7
A.	Faculty Qualifications and Periods of Service.....	7
1.	Initial Appointment Without Tenure.....	7
2.	Initial Appointment With Tenure.....	7
3.	Reappointment.....	7
4.	Tenure.....	8
a.	Teaching.....	8
b.	Scholarship.....	8
c.	Service to the Institution, the Profession, and the Community.....	9
5.	Promotion to the Rank of Professor.....	9
B.	Procedures Governing Annual Reviews and Reappointment, Tenure, and Promotion Decisions.....	9
1.	Annual Review Procedures.....	9

a.	Faculty Member’s Responsibilities .....	9
b.	Committee’s Responsibilities.....	10
2.	Reappointment Procedures .....	10
a.	Candidate’s Responsibilities .....	10
b.	Committee’s Responsibilities.....	10
c.	Dean’s Responsibilities.....	11
3.	Tenure Procedures .....	11
a.	Candidate’s Responsibilities .....	12
b.	Committee’s Responsibilities.....	12
c.	Dean’s Responsibilities.....	13
4.	Promotion to the Rank of Professor .....	13
IV.	Clinical Faculty.....	14
A.	Faculty Qualifications and Periods of Service .....	14
1.	Initial Appointment.....	14
2.	Initial Appointment as Clinical Professor .....	14
3.	Reappointment.....	14
a.	Teaching .....	14
b.	Professional Activities .....	14
c.	Service to the Institution, the Profession, and the Community.....	15
4.	Promotion to the Rank of Clinical Professor.....	15
5.	Reappointment as Clinical Professor .....	15
6.	Reappointment of the Director of the Legal Aid Clinic .....	16
B.	Procedures Governing Annual Reviews and Reappointment and Promotion Decisions .....	16
1.	Annual Review Procedures.....	16
a.	Faculty Member’s Responsibilities .....	16
b.	Committee’s Responsibilities.....	16
2.	Reappointment Procedures .....	17
a.	Candidate’s Responsibilities .....	17
b.	Committee’s Responsibilities.....	18
c.	Dean’s Responsibilities.....	18
3.	Promotion and Reappointment to the Rank of Clinical Professor .....	19
V.	Amendment.....	19
A.	Committee Structure.....	19
B.	Other Amendments.....	19

1 The following standards and procedures govern decisions in the Law School as to  
2 (1) appointment, reappointment, tenure, and promotion of members of the teaching and  
3 research faculty; and (2) appointment, reappointment, and promotion of members of the  
4 clinical faculty. Decisions relating to appointment, reappointment, tenure, and promotion are  
5 also subject to University-wide procedures and requirements, which are controlling and take  
6 precedence in the event of actual conflict.

7 Unless otherwise indicated, for purposes of this document, the term “faculty” means all  
8 teaching and research, clinical, and library faculty, except that for purposes of an advisory vote  
9 on an appointment to the teaching and research faculty or the clinical faculty, a vote for  
10 election of the membership of the Faculty Appointments and Promotions Committees, or a  
11 vote to adopt or amend this document, the term “faculty” shall mean only teaching and  
12 research and clinical faculty.

## 13 **I. Faculty Appointments Committee**

### 14 **A. Membership**

15 The Faculty Appointments Committee (FAC) is a standing committee of the faculty,  
16 consisting of the dean, who shall serve as chair; two elected members; and two members  
17 appointed by the dean. All members of the committee must be tenured and must not be on  
18 leave of absence. Except for the dean, no faculty member shall serve simultaneously on both  
19 the Appointments Committee and the Promotions Committee. Except for the dean, terms shall  
20 be for two years, with one member elected and one member appointed each year. The faculty  
21 also elects an alternate to serve *pro tem* whenever one of the elected or appointed members is  
22 temporarily unable to serve during the current academic year. If at the end of the first year of  
23 his or her term a member resigns or is otherwise unable to serve the remainder of the term,  
24 another person shall be elected or appointed as the case may be to fill the unexpired term.

### 25 **B. Responsibilities**

26 The FAC shall be responsible for recruiting and interviewing candidates for faculty  
27 appointment, soliciting faculty and student opinions regarding such candidates, and  
28 recommending them to the University. This committee also shall be responsible for the faculty  
29 affirmative action program.

#### 30 **1. Appointments to the Teaching and Research and Clinical Faculties**

31 The FAC shall identify candidates and review applications for appointments to the  
32 teaching and research faculty and the clinical faculty. The FAC shall also select those  
33 candidates to be interviewed, if any, at the annual faculty recruitment conference of the  
34 Association of American Law Schools (“AALS”). Prior to the AALS conference, the FAC  
35 shall make available to the faculty a list of those candidates the FAC expects to interview.

36 The FAC shall invite to campus those candidates that the FAC believes should be  
37 considered for appointment. The FAC shall arrange for each such candidate to be interviewed  
38 by the whole faculty, or by such members of the faculty as may be available for such

1 interviews; and, if appropriate, to deliver a colloquium to the faculty on a topic of his or her  
2 choice and to be interviewed by members of the student body.

3 Before making recommendations to the University, the FAC shall call a meeting of the  
4 faculty. The FAC shall report to the faculty as to such opinions and information as the FAC  
5 has gathered with respect to the candidate. The FAC shall also advise the faculty of the FAC's  
6 views as to the rank for which it believes that the candidate might appropriately be considered.  
7 The candidate shall then be discussed by the faculty and shall be the subject of an advisory  
8 vote by members of the teaching and research and clinical faculties. The ballot shall be in a  
9 form that the FAC deems appropriate for soliciting the views of the faculty, and the vote shall  
10 be by secret ballot. The person counting the votes shall announce the result at the meeting, but  
11 the result shall not be recorded in the faculty minutes. Following the meeting of the faculty at  
12 which a candidate has been considered for appointment, the FAC shall make a  
13 recommendation as to whether the University should offer an appointment to the candidate  
14 and, if so, at what rank.

## 15 **2. Visiting and Adjunct Appointments**

16 The Law School may wish to make visiting and adjunct appointments to the faculty. A  
17 visitor is a non-regular faculty member who assumes duties similar to a regular faculty  
18 member with an analogous title for a fixed term with no right of reappointment. The Law  
19 School may make a visiting appointment either for the purpose of course coverage or for the  
20 purpose of considering a candidate for a further appointment to a teaching and research or  
21 clinical position. If the visiting appointment is being made for the purpose of considering a  
22 candidate for an appointment to the teaching and research faculty or the clinical faculty, all of  
23 the procedures described in part I.B.1 shall be followed. If the visiting appointment is being  
24 made for the purpose of course coverage, the appointment may be made by the dean after  
25 consultation with the FAC. Adjunct appointments, which are part-time appointments, also  
26 may be made by the dean after consultation with the FAC.

## 27 **C. Committee Procedures**

### 28 **1. Vice Chair**

29 The FAC shall elect by ballot a vice chair, who shall preside in the absence of the chair,  
30 and who shall perform such other duties as may be delegated by the chair or by the committee.

### 31 **2. Meetings**

32 The chair shall call a meeting of the committee promptly upon hearing of any situation  
33 that may call for appointment to the faculty or other exercise of the powers of the committee.  
34 The chair may call a meeting at any other time, and shall do so on the written request of the  
35 vice chair or any two other members.

### 36 **3. Quorum**

37 A majority of the members of the committee shall constitute a quorum.

1                   **4.     Voting**

2                   Each member of the FAC shall have an equal vote.

3  
4                   **5.     Confidentiality**

5                   The file compiled by the FAC with respect to each candidate, and all of the documents  
6 contained therein, as well as the deliberations of the FAC and faculty, shall be confidential.

7                   **6.     Emergencies**

8                   In the case of an emergency requiring an appointment to the faculty before a meeting of  
9 the FAC can be held, the chair shall promptly notify the vice chair, who shall ascertain the  
10 sense of the FAC by contacting the members as far as is practicable and shall report to the  
11 chair. The sense shall be submitted to the provost in the same manner as for submitting the  
12 sense of the FAC as ascertained in a meeting.

13 **II.    Faculty Promotions Committee**

14                   **A.     Membership**

15                   The Faculty Promotions Committee (FPC) is a standing committee of the faculty,  
16 consisting of the dean, who shall serve as chair; two elected members; and two members  
17 appointed by the dean. All members of the committee must be tenured and must not be on  
18 leave of absence. Except for the dean, no faculty member shall serve simultaneously on both  
19 the Appointments Committee and the Promotions Committee. Except for the dean, terms shall  
20 be for two years, with one member elected and one member appointed each year. The faculty  
21 also elects an alternate to serve *pro tem* whenever one of the elected or appointed members is  
22 temporarily unable to serve during the current academic year. If at the end of the first year of  
23 his or her term a member resigns or is otherwise unable to serve the remainder of the term,  
24 another person shall be elected or appointed as the case may be to fill the unexpired term.

25                   **B.     Responsibilities**

26                   The FPC shall be responsible for evaluating candidates or potential candidates for  
27 reappointment, tenure, or promotion regarding their teaching, scholarship, and service to the  
28 University, the profession, and the community. The FPC is also responsible for soliciting  
29 faculty, student, and outside evaluations and for making recommendations to the University  
30 concerning such candidates. Before making recommendations to the University, the FPC shall  
31 solicit the comments and recommendations of all members of the faculty concerning a  
32 candidate. The FPC shall also evaluate annually the performance of each untenured member  
33 of the teaching and research faculty and each associate clinical professor and shall report its  
34 evaluation to that faculty member in writing.

1           **C.     Committee Procedures**

2                   **1.     Vice Chair**

3           The FPC shall elect by ballot a vice chair, who shall preside in the absence of the chair,  
4 and who shall perform such other duties as may be delegated by the chair or by the committee.

5                   **2.     Meetings**

6           The chair shall call a meeting of the committee promptly upon hearing of any situation  
7 that may call for exercise of the powers of the committee. The chair may call a meeting at any  
8 other time, and shall do so on the written request of the vice chair or any two other members.

9                   **3.     Quorum**

10          A majority of the members of the committee shall constitute a quorum.

11                  **4.     Voting and Disqualification**

12          Each member of the FPC shall have an equal vote, except that:

13           a. A member of the FPC who is an associate professor is disqualified from the FPC's  
14 consideration of the qualification of any current or prospective member of the teaching and  
15 research faculty for the rank of professor and shall not attend, participate, or vote at a  
16 committee meeting concerning such consideration.

17           b. A member of the FPC who is serving or has served as an officially designated  
18 mentor to a person being considered for tenure, and who was so designated prior to September  
19 20, 2006, is disqualified from considering that person's tenure and shall not attend, participate,  
20 or vote at a meeting concerning that person's tenure.

21           c. The dean shall not vote on the FPC's formal recommendation with respect to the  
22 question of reappointment, tenure, or promotion.

23                  **5.     Confidentiality; Records**

24                   **a.     Confidentiality**

25           The files compiled by the FPC in connection with annual reviews, reappointment,  
26 tenure, and promotion of individual faculty members, as well as the deliberations of the FPC,  
27 shall be confidential, except that the FPC shall have access to materials collected and prepared  
28 by prior FPCs as it considers necessary for further evaluation of the faculty member who is the  
29 subject of those reviews or reports.

30                   **b.     Maintenance of Central Files**

31           The dean's office shall retain copies of annual reviews. It shall also maintain a file of  
32 all materials used in the formal review of candidates considered for reappointment, tenure, or  
33

1 promotion. At the request of the Provost's Advisory Committee, the Provost, or the President,  
2 such file will be made available to that body or that individual to assist in their deliberations.  
3 At a minimum, the dean's office shall maintain the file until a positive decision regarding  
4 advancement has been made or all avenues for appeal of a negative decision have been  
5 exhausted, and shall continue to maintain any materials that may be useful in the FPC's  
6 consideration of further advancement of the faculty member concerned.  
7

8 The FPC may maintain on a secure server electronic copies of annual reviews, reports,  
9 and other materials used in connection with annual reviews or with reappointment, tenure, or  
10 promotion cases, for so long as, and only so long as, those materials may be useful in the  
11 FPC's consideration of further advancement of the faculty member concerned.  
12

### 13 c. Destruction of Materials by Individual Committee Members

14 After the FPC has transmitted an annual review to a faculty member or has submitted a  
15 final report on reappointment, tenure, or promotion through the dean to the Provost, individual  
16 members of the FPC shall return to the dean's office any original materials and shall destroy  
17 all hard and electronic copies of drafts and supporting materials in their possession.

## 18 III. Teaching and Research Faculty

### 19 A. Faculty Qualifications and Periods of Service

#### 20 1. Initial Appointment Without Tenure

21 Normally, an appointment without tenure will be made at the rank of associate  
22 professor for a term of three years. After consultation with the FAC, the dean may recommend  
23 to the Provost appointment at a different rank or for a different term.

#### 24 2. Initial Appointment With Tenure

25 Subject to regular University procedures, at the time of initial appointment, the dean  
26 may negotiate with a candidate for appointment with tenure. After a recommendation of  
27 appointment has been approved by the FAC, the FPC must make an advisory recommendation  
28 regarding whether the candidate has satisfied the requirements for tenure set forth in part  
29 III.A.4, which determination must be made in general accordance with the procedures for  
30 tenure set forth in part III.B.3. If the candidate is considered for appointment at the rank of  
31 professor, the FPC must make an advisory recommendation regarding whether the candidate  
32 has satisfied the requirements for that rank set forth in part III.A.5, which determination must  
33 be made in general accordance with the procedures for promotion set forth in part III.B.4.

#### 34 3. Reappointment

35 The FPC shall recommend reappointment for a second three-year term if the FPC  
36 concludes that the faculty member has made substantial progress toward satisfying the  
37 requirements for tenure.

1                                   **4.     Tenure**

2                   The FPC shall recommend that the University award tenure if the faculty member has  
3 demonstrated outstanding teaching ability, notable achievement as a scholar, and meaningful  
4 service. The decision to award tenure is not simply a determination as to the excellence of a  
5 faculty member’s past performance, but is also a predictive judgment that a faculty member  
6 will continue to be an outstanding teacher, a productive scholar, and an active member of the  
7 University, Law School, and professional communities throughout the faculty member’s  
8 career. The faculty member’s record of teaching, scholarship, and service provides evidence  
9 for these forward-looking judgments.

10                                   **a.     Teaching**

11                   Teaching is a central mission of the Law School. To warrant an award of tenure, the  
12 faculty member must demonstrate outstanding teaching ability. Individuals are outstanding  
13 teachers for different reasons, but outstanding performance as a teacher includes the following:  
14 the ability to communicate complex ideas; depth and breadth of knowledge relevant to the  
15 fields of teaching; thoughtful and thorough organization of individual class sessions and  
16 overall course content; the ability to stimulate the intellectual interests of students; the ability  
17 to direct student work both inside the classroom and out; the ability to devise methods of  
18 determining a student’s progress and achievement appropriate to the courses taught; and  
19 demonstrated accessibility to, and interest in, students.

20                                   **b.     Scholarship**

21                   Scholarship is a central mission of the Law School. To warrant an award of tenure, the  
22 faculty member must present work that reflects notable achievement as a scholar and must also  
23 demonstrate the capacity and commitment for continued, significant contributions to  
24 scholarship.

25                   A scholar is expected to have a wide, deep, and critical command of a field of study,  
26 the best evidence of which consists of a record of original and high-quality contributions to  
27 that field. A scholarly piece, in whatever form or length, should demonstrate a solid grounding  
28 in the scholar’s area of study; the scholar’s originality, creativity, and ability to identify  
29 important avenues of inquiry; sustained and careful research and analysis; and the ability to  
30 communicate effectively and persuasively. Scholarship, in sum, is informed, reflective, and  
31 analytical, and demonstrates the intelligence, care, and insight one would expect of a person  
32 advancing his or her field of study.

33                   A life of scholarship entails the ongoing search for knowledge and understanding,  
34 which suggests a regularity of research and publication. Although no bright line defines the  
35 quantity of written work necessary to constitute sufficient evidence of scholarly attainment and  
36 future promise, the successful candidate for tenure normally will have completed at least three  
37 important pieces of scholarship.





1                   **b.       Committee’s Responsibilities**

2           The FPC shall solicit relevant materials for consideration in the annual review, giving  
3 the faculty member at least one month to respond. When the faculty member’s submission  
4 includes scholarship not previously evaluated, the FPC ordinarily will arrange reviews by  
5 members of the FPC or other members of the tenured faculty. Each academic year the FPC  
6 ordinarily will arrange up to two class observations by members of the FPC or other members  
7 of the tenured faculty. In arranging class observations in connection with annual reviews, the  
8 FPC will select courses with a view toward developing, over time, a comprehensive picture of  
9 the faculty member’s contributions in varied settings (for example, in required courses, other  
10 large service courses, smaller upper-level lecture courses, and seminars).

11           Following completion of the annual review conducted by the FPC, the vice chair of the  
12 FPC shall summarize the FPC’s review in a letter to the faculty member and meet with the  
13 faculty member to discuss the review.

14                   **2.       Reappointment Procedures**

15           In the final academic year of the initial appointment, a University-level decision must  
16 be made as to whether the faculty member has made substantial progress towards satisfying the  
17 tenure standards, thus warranting appointment to a second three-year term. During the  
18 reappointment year, the FPC shall evaluate the faculty member’s teaching, scholarship, and  
19 service and make a recommendation to the dean, for transmission to the Provost, as to whether  
20 the candidate has made such progress.

21                   **a.       Candidate’s Responsibilities**

22           Upon solicitation by the FPC under part III.B.2.b, the candidate shall submit the  
23 required University Form P (or such similar form as the Provost may require), including a  
24 detailed statement concerning the candidate’s teaching, scholarship, and service, and a  
25 curriculum vitae. The candidate should submit any other material relevant to the FPC’s  
26 deliberations with respect to reappointment. Such material should include copies of any  
27 published scholarship, scholarship accepted for publication, or works-in-progress that the  
28 faculty member wishes the FPC to consider in its review.  
29

30           Evaluation of the candidate’s teaching will address course design, course  
31 implementation, evaluation of student work, and student perceptions. Accordingly, the  
32 candidate should submit any material that he or she believes will assist in the FPC’s evaluation  
33 of these elements, including course syllabi, other course materials prepared to aid students, and  
34 copies of final examinations.

35                   **b.       Committee’s Responsibilities**

36           The FPC shall solicit relevant materials for consideration of reappointment, giving the  
37 candidate at least one month to respond. Where appropriate, the FPC shall arrange class  
38 observations and scholarship reviews to supplement those that have previously occurred. The

1 FPC shall send memoranda to faculty and students soliciting relevant information and opinions  
2 concerning reappointment, and the FPC shall consider such information in its deliberations.

3 The FPC shall prepare a written report to the Provost concerning the trajectory of the  
4 candidate's teaching, scholarship, and service, including a recommendation whether the  
5 candidate should be reappointed for a second three-year period. The reasons for the FPC's  
6 recommendation shall be stated clearly and candidly, and in reasonable detail, with specific  
7 reference to the evidence and inferences upon which the FPC relied. The report shall be signed  
8 by each member of the FPC and shall indicate the numerical vote of the FPC. If required by  
9 the Provost, members of the FPC shall submit separate reports with respect to teaching,  
10 scholarship, and service. At least two of these reports shall be prepared by different members  
11 of the FPC.

12 **c. Dean's Responsibilities**

13 The dean shall prepare a letter to the Provost containing the dean's personal  
14 recommendation and reasons as to whether the faculty member should be reappointed for a  
15 second three-year period. The letter shall contain detailed reasons as well as conclusions. In  
16 making the recommendation, the dean shall take into account the recommendation of the FPC  
17 as well as the dean's own knowledge and review of the candidate's file.

18 The dean shall forward that letter and all other materials to the Provost. If the dean's  
19 recommendation is contrary to that of the FPC, he or she shall consult formally with the FPC  
20 and shall forward an account of that consultation with the rest of the file to the Provost.

21 Whenever a recommendation by the FPC is not accepted by the Provost or the  
22 President, the reasons for such nonacceptance shall be conveyed to the FPC through the dean.  
23 Whenever the ultimate decision concerning reappointment is negative, the dean, upon request  
24 of the faculty member, shall convey the reasons for the negative decision to the faculty  
25 member in writing. In other cases, after completion of the University review procedure, the  
26 dean shall convey the essence of the FPC and University-level evaluations in writing so as to  
27 guide the faculty member's future development.

28 **3. Tenure Procedures**

29 The tenure decision is a University-level decision. In accordance with part III.B.3.a, a  
30 faculty member may request, or the FPC may invite the faculty member to request,  
31 consideration for tenure in the penultimate academic year of a second appointment without  
32 tenure. Otherwise the FPC shall consider a faculty member for tenure in the final year of the  
33 second appointment without tenure (or at such other time as may be specified in the letter of  
34 appointment). During the year that a candidate is considered for tenure, the FPC shall evaluate  
35 the faculty member's teaching, scholarship, and service and make a recommendation to the  
36 dean, for transmission to the Provost, as to whether the candidate has satisfied the standards for  
37 tenure.

1                   **a.       Candidate’s Responsibilities**

2                   In the event that a faculty member wishes to seek tenure in the penultimate academic  
3 year of the second appointment without tenure, the faculty member shall provide notice to the  
4 FPC of his or her intent to do so no later than July 15 preceding the start of classes for that  
5 academic year.

6                   No later than August 10 preceding the start of classes for that academic year in which  
7 tenure consideration is to occur, a candidate for tenure may submit names of up to three  
8 external reviewers from whom the FPC may seek evaluations of the candidate’s scholarship  
9 and names of up to two potential reviewers to whom the candidate objects. Upon solicitation  
10 by the FPC under part III.B.3.b, a candidate for tenure shall submit all the materials listed in  
11 part III.B.2.a.

12                   **b.       Committee’s Responsibilities**

13                   The FPC shall solicit from the candidate relevant materials for consideration of tenure,  
14 giving the candidate at least one month to respond. Where appropriate, the FPC shall arrange  
15 class observations and scholarship reviews to supplement those that have previously occurred.  
16 The FPC shall send memoranda to faculty and students soliciting relevant information and  
17 opinions concerning the candidate, and the FPC shall consider such information in its  
18 deliberations.

19                   The FPC shall initially generate a list of potential external reviewers without consulting  
20 the candidate’s list. After reviewing the candidate’s list, the FPC shall solicit at least six letters  
21 evaluating the candidate’s scholarship, including at least four from reviewers not selected by  
22 the candidate. Generally, an external reviewer should hold the rank of professor at a highly  
23 regarded law school. At the time each external reviewer agrees to serve, the FPC shall  
24 transmit to that reviewer the full portfolio of the work submitted by the candidate and indicate  
25 the date by which the letter is requested. In transmitting external reviews to the Provost, the  
26 FPC shall include the candidate’s list, a descriptive list of evaluators approached (including  
27 those who were asked to serve but declined), the date each review was solicited, and a sample  
28 copy of the contact letter. When the external reviews are transmitted to the Provost, the first  
29 page of each letter should indicate whether the reviewer was selected by the candidate, the  
30 FPC, or both.

31                   The FPC shall prepare a written report to the Provost concerning the trajectory of the  
32 candidate’s teaching, scholarship, and service, including a recommendation whether the  
33 candidate should be granted tenure. The reasons for the FPC’s recommendation shall be stated  
34 clearly and candidly, and in reasonable detail, with specific reference to the evidence and  
35 inferences upon which the FPC relied. The report shall be signed by each member of the FPC  
36 and shall indicate the numerical vote of the FPC. If required by the Provost, members of the  
37 FPC shall submit separate reports with respect to teaching, scholarship, and service. At least  
38 two of these reports shall be prepared by different members of the FPC.

1                   **c.     Dean’s Responsibilities**

2           The dean shall prepare a letter to the Provost containing the dean’s personal  
3 recommendation and reasons as to whether the candidate should be awarded tenure. The letter  
4 shall contain detailed reasons as well as conclusions. In making the recommendation, the dean  
5 shall take into account the recommendation of the FPC as well as the dean’s own knowledge  
6 and review of the candidate’s file.

7           The dean shall forward the dean’s letter and all other materials to the Provost. If the  
8 dean’s recommendation is contrary to that of the FPC, he or she shall consult formally with the  
9 FPC and shall forward an account of that consultation with the rest of the file to the Provost.

10          Whenever a recommendation by the FPC is not accepted by the Provost or the  
11 President, the reasons for such nonacceptance shall be conveyed to the FPC through the dean.  
12 Whenever the ultimate decision concerning tenure is negative, the dean, upon request of the  
13 faculty member, shall convey the reasons for the negative decision in writing to the faculty  
14 member. In other cases, after completion of the University review procedure, the dean shall  
15 convey the essence of the FPC and University-level evaluations in writing so as to guide the  
16 faculty member’s future development.

17                   **4.     Promotion to the Rank of Professor**

18          The decision to promote a member of the teaching and research faculty to the rank of  
19 professor is a University-level decision. A faculty member may request, or the FPC may invite  
20 the faculty member to request, promotion to the rank of professor when considered for tenure  
21 or at any time thereafter, without regard to time as associate professor. In the event that a  
22 faculty member wishes to seek promotion to full professor, the candidate shall provide notice  
23 to the FPC of his or her intent to do so no later than July 15 preceding the start of classes for  
24 that academic year in which the faculty member wishes consideration to begin. When  
25 considering the tenure case of a candidate who has not sought promotion to the rank of  
26 professor, the FPC may, on its own motion and with the assent of the candidate, recommend  
27 promotion to full professor at the time of tenure.

28          The FPC shall evaluate the candidate’s teaching, scholarship, and service and make a  
29 recommendation to the dean, for transmission to the Provost, as to whether the candidate has  
30 satisfied the standards for promotion to the rank of professor. In considering a case for  
31 promotion of a tenured faculty member, the FPC, in its discretion, may rely on whatever  
32 methods are appropriate in the individual case to determine whether the standards for  
33 promotion to the rank of professor have been achieved, including the solicitation of external  
34 evaluations in addition to those secured during the tenure review. The procedures for  
35 promotion to the rank of professor shall otherwise be the same as the tenure procedures set  
36 forth in part III.B.3.

1 **IV. Clinical Faculty**

2 **A. Faculty Qualifications and Periods of Service**

3 **1. Initial Appointment**

4 Normally, the appointment of an entry level candidate will be made at the rank of  
5 associate clinical professor for a term of three years. At the time of initial appointment, the  
6 dean may negotiate with a candidate for appointment at a different rank or for a different term.

7 **2. Initial Appointment as Clinical Professor**

8 Subject to regular University procedures, at the time of appointment the dean may  
9 negotiate with a candidate for appointment to a presumptively renewable five-year term as  
10 clinical professor. After a recommendation of appointment has been approved by the FAC, the  
11 FPC must then make an advisory recommendation regarding whether the candidate has  
12 satisfied the requirements for the rank of clinical professor set forth in part IV.A.4, which  
13 determination must be made in general accordance with the procedures for promotion set forth  
14 in part IV.B.3.

15 **3. Reappointment**

16 Subject to the rule in part IV.A.6 for the reappointment of the director of the Legal Aid  
17 Clinic, the FPC shall recommend reappointment for another three-year term as associate  
18 clinical professor if the FPC concludes the faculty member has demonstrated outstanding  
19 ability in teaching, professional activities, and service and has made substantial progress  
20 toward the requirements for promotion to the rank of clinical professor.

21 **a. Teaching**

22 Teaching is a central mission of the Law School. To warrant reappointment as associate  
23 clinical professor, the faculty member must demonstrate outstanding teaching ability.  
24 Individuals are outstanding teachers for different reasons, but outstanding performance as a  
25 teacher includes the following: the ability to communicate complex ideas; depth and breadth of  
26 knowledge relevant to the fields of teaching; thoughtful and thorough organization of  
27 individual class sessions and overall course content; the ability to stimulate the intellectual  
28 interests of students; the ability to direct student work both inside the classroom and out; the  
29 ability to devise methods of determining a student's progress and achievement appropriate to  
30 the courses taught; and demonstrated accessibility to, and interest in, students. Outstanding  
31 performance as a clinical teacher includes the selection of appropriate cases, proper guidance  
32 in ethical issues encountered in clinical practice, and effective supervision of students' legal  
33 work.

34 **b. Professional Activities**

35 To warrant reappointment as associate clinical professor, the faculty member must  
36 demonstrate outstanding ability in professional activities that contribute to the development of

1 the law or the development of methods of legal education, including particularly clinical legal  
2 education. Because a clinical faculty member is active in both the academy and the practicing  
3 bar, such activities may take a variety of forms. A faculty member may produce scholarly  
4 articles, empirical studies, or other writings directed to law reform efforts or the advancement  
5 of legal education. A faculty member may engage in major legal arguments or other  
6 significant advocacy efforts addressed to legal reform or the improvement of legal institutions.  
7 A faculty member may also develop significant case or pedagogical studies or innovative  
8 assessment tools that contribute to the advancement of legal education.

9 **c. Service to the Institution, the Profession, and the Community**

10 To warrant reappointment as associate clinical professor, the faculty member must  
11 show a record of meaningful service, both within and outside the University, as measured by  
12 the importance and extent of the faculty member's contributions. The individual should  
13 contribute in concrete ways to the intellectual life, institutional governance, or overall  
14 improvement of the Law School and the University. Common examples of such contributions  
15 would be serving on Law School and University committees, advising student organizations,  
16 assisting in co-curricular activities, and participating in Law School and University-sponsored  
17 programs, colloquia, and organizations. Relevant service outside of the University would  
18 include involvement in the legal academy, professional organizations, and other activities that  
19 draw upon the candidate's professional abilities and benefit the community or the general  
20 public.

21  
22 Any clinical faculty member who is not reappointed will, in the normal course, receive  
23 a one-year, terminal contract to close out or transfer outstanding cases in an orderly fashion.

24 **4. Promotion to the Rank of Clinical Professor**

25 The candidate for promotion to clinical professor should have demonstrated both  
26 continued qualification for reappointment to associate clinical professor and substantial  
27 contributions to the academic or professional legal community that establish widespread  
28 recognition for excellence in the field. Such contributions may be demonstrated through  
29 successful leadership in working, preferably with students, on significant efforts to improve  
30 our laws or legal institutions; the publication of substantial scholarly articles or their equivalent  
31 related to a substantive area of law, clinical education, or an improvement to the system of  
32 justice or the legal profession; or comparable activities.

33 The University appoints a clinical professor for a presumptively renewable, five-year  
34 term.

35 **5. Reappointment as Clinical Professor**

36 Subject to the rule in part IV.A.6 for the reappointment of the director of the Legal Aid  
37 Clinic, the FPC shall recommend another presumptively renewable, five-year term if the FPC,  
38 applying a presumption in favor of reappointment, concludes that the faculty member

1 continues to meet the criteria for promotion to clinical professor. Any clinical professor who is  
2 not reappointed in the normal course should receive a one-year, terminal contract to close out  
3 or transfer outstanding cases in an orderly fashion.

#### 4 **6. Reappointment of the Director of the Legal Aid Clinic**

5 In addition to the above requirements, the reappointment of the director of the Legal  
6 Aid Clinic is contingent upon continuing satisfactory performance as director. If the director is  
7 not reappointed as director, his or her continuing status on the clinical faculty will be  
8 considered on a case-by-case basis by the dean after consultation with the FPC.

#### 9 **B. Procedures Governing Annual Reviews and Reappointment and** 10 **Promotion Decisions**

##### 11 **1. Annual Review Procedures**

12 The FPC shall conduct an annual review as to the progress of each associate clinical  
13 professor. When a faculty member is being considered for a University-level decision as to  
14 reappointment or promotion, that consideration replaces the annual review process.

##### 15 **a. Faculty Member's Responsibilities**

16 Upon solicitation by the FPC under part IV.B.1.b, the faculty member shall submit a  
17 current curriculum vitae. The faculty member should submit any other material relevant to the  
18 FPC's evaluation of the faculty member's teaching, professional activities, and service since  
19 the last annual review. Such material should include any completed writings or works-in-  
20 progress, including scholarly articles, briefs, case studies, assessment tools, or other material,  
21 reflecting major legal arguments or significant efforts addressed to legal reform, a substantive  
22 area of law, or the methods of clinical legal education.

23 Evaluation of the faculty member's teaching will address course design and content,  
24 including selection of teaching materials and actual or simulated cases; delivery and  
25 implementation, including instruction in classroom settings and in clinical fieldwork,  
26 consideration of ethical issues in legal practice, and supervision of students' casework and  
27 writing; evaluation of student work; and student perceptions. Evaluation of the candidate's  
28 professional activities will address major legal arguments, scholarly articles, or other  
29 significant efforts addressed to legal reform or the improvement of legal institutions; a  
30 substantive area of law; or the methods of clinical legal education. Accordingly, the faculty  
31 member should submit any material that the faculty member believes will assist in the FPC's  
32 evaluation of these elements, including course syllabi, other course materials prepared to aid  
33 students, and copies of final examinations; and scholarly articles, briefs, published or widely  
34 used case or pedagogical studies, or innovative assessment tools.

##### 35 **b. Committee's Responsibilities**

36 The FPC shall solicit relevant materials for consideration in the annual review, giving  
37 the faculty member at least one month to respond. When the faculty member's submission



1 includes scholarship not previously submitted, the FPC ordinarily will arrange reviews by  
2 members of the FPC or other members of the tenured faculty. Each academic year the FPC  
3 ordinarily will arrange up to two class observations by members of the FPC, other members of  
4 the tenured faculty, or the director of the clinic. In arranging class observations in connection  
5 with annual reviews, the FPC will select courses with a view toward developing, over time, a  
6 comprehensive picture of the faculty member's contributions in varied settings (for example, in  
7 required clinical courses, including both lecture and small-group components, and in any  
8 substantive non-clinical courses the faculty member may offer).

9 The FPC shall ask the director of the clinic to provide a written evaluation of the  
10 candidate's clinical teaching, professional activities, and service.

11 Following completion of the annual review conducted by the FPC, the vice chair of the  
12 FPC shall summarize the FPC's review in a letter to the faculty member and meet with the  
13 faculty member to discuss the review.

## 14 **2. Reappointment Procedures**

15 In the final academic year of an initial or subsequent appointment of an associate  
16 clinical professor, a University-level decision must be made as to whether the faculty member  
17 has made substantial progress towards the clinical professor standards, thus warranting  
18 appointment to another three-year term. During the reappointment year, the FPC shall evaluate  
19 the faculty member's teaching, professional activities, and service and make a recommendation  
20 to the dean, for transmission to the Provost, as to whether the candidate has made such  
21 progress.

### 22 **a. Candidate's Responsibilities**

23 Upon solicitation by the FPC under part IV.B.2.b, the candidate shall submit the  
24 required University Form P (or such similar form as the Provost may require), including a  
25 detailed statement concerning the candidate's teaching, professional activities, and service, and  
26 a curriculum vitae. The candidate should submit any other material relevant to the FPC's  
27 deliberations with respect to reappointment. Such material should include any completed  
28 writings or works-in-progress, including scholarly articles, briefs, case studies, assessment  
29 tools, or other material, reflecting major legal arguments or significant efforts addressed to  
30 legal reform, a substantive area of law, or the methods of clinical legal education.

31 Evaluation of the candidate's teaching will address course design and content,  
32 including selection of teaching materials and actual or simulated cases; delivery and  
33 implementation, including instruction in classroom settings and in clinical fieldwork,  
34 consideration of ethical issues in legal practice, and supervision of students' casework and  
35 writing; evaluation of student work; and student perceptions. Evaluation of the candidate's  
36 professional activities will address major legal arguments, scholarly articles, or other  
37 significant efforts addressed to legal reform or the improvement of legal institutions; a  
38 substantive area of law; or the methods of clinical legal education. Accordingly, the candidate  
39 should submit any material that he or she believes will assist in the FPC's evaluation of these  
40 elements, including course syllabi, other course materials prepared to aid students, and copies

1 of final examinations; and scholarly articles, briefs, published or widely used case or  
2 pedagogical studies, or innovative assessment tools.

3 **b. Committee's Responsibilities**

4 The FPC shall solicit relevant materials for consideration of reappointment, giving the  
5 candidate at least one month to respond. Where appropriate, the FPC shall arrange class  
6 observations and scholarship reviews to supplement those that have previously occurred. The  
7 FPC shall send memoranda to faculty and students soliciting relevant information concerning  
8 reappointment, and the FPC shall consider such information in its deliberations. The FPC shall  
9 ask the director of the clinic to provide a written evaluation of the candidate's clinical teaching,  
10 professional activities, and service, and the candidate's progress toward the requirements for  
11 promotion to the rank of clinical professor.

12 The FPC shall prepare a written report to the Office of the Provost concerning the  
13 trajectory of the candidate's teaching, professional activities, and service, including a  
14 recommendation whether the candidate should be reappointed for an additional three-year  
15 period. The reasons for the FPC's recommendation shall be stated clearly and candidly, and in  
16 reasonable detail, with specific reference to the evidence and inferences upon which the FPC  
17 relied. The report shall be signed by each member of the FPC and shall indicate the numerical  
18 vote of the FPC.

19 **c. Dean's Responsibilities**

20 The dean shall prepare a letter to the Office of the Provost containing the dean's  
21 personal recommendation and reasons as to whether the faculty member should be reappointed  
22 for an additional three-year period. The letter shall contain detailed reasons as well as  
23 conclusions. In making the recommendation, the dean shall take into account the  
24 recommendation of the FPC as well as the dean's own knowledge and review of the  
25 candidate's file.

26 The dean shall forward that letter and all other materials to the Office of the Provost. If  
27 the dean's recommendation is contrary to that of the FPC, he or she shall consult formally with  
28 the FPC and shall forward an account of that consultation with the rest of the file to the Office  
29 of the Provost.

30 Whenever a recommendation by the FPC is not accepted by the Provost or the  
31 President, the reasons for such nonacceptance shall be conveyed to the FPC through the dean.  
32 Whenever the ultimate decision concerning reappointment is negative, the dean, upon request  
33 of the faculty member, shall convey the reasons for the negative decision to the faculty  
34 member in writing. In other cases, after completion of the University review procedure, the  
35 dean shall convey the essence of the FPC and University-level evaluations in writing so as to  
36 guide the faculty member's future development.

1           **3.       Promotion and Reappointment to the Rank of Clinical Professor**

2           The decision to promote an associate clinical professor to clinical professor is a  
3 University-level decision. Generally at the beginning of the final year of the second three-year  
4 appointment or at any time during a subsequent three-year reappointment period, an associate  
5 clinical professor may request, or the FPC may invite the faculty member to request,  
6 promotion to clinical professor. In the event that a faculty member wishes to seek promotion  
7 to full clinical professor, the candidate shall provide notice to the FPC of his or her intent to do  
8 so no later than July 15 preceding the start of classes for that academic year in which the  
9 faculty member wishes consideration to begin. The procedures for promotion to the rank of  
10 clinical professor shall otherwise be in general accordance with the reappointment procedures  
11 set forth in IV.B.2, except that the relevant question shall be whether the faculty member has  
12 met the standards for promotion to clinical professor, rather than the reappointment standards.  
13

14           In the final year of an appointment as clinical professor, a University-level decision  
15 must be made as to whether the faculty member, in accordance with part IV.A.5, continues to  
16 meet the criteria for promotion to clinical professor. The procedures for reappointment to the  
17 rank of clinical professor shall be the same as the reappointment procedures set forth in part  
18 IV.B.2, except that, in their deliberations, the FPC, the dean, and the Office of the Provost shall  
19 apply a presumption in favor of reappointment.  
20

21           **V.       Amendment**

22  
23           **A.       Committee Structure**

24           Parts I and II may be amended by adopting a new organization plan approved by the  
25 dean and by a majority vote of the faculty at a meeting called for that purpose.  
26

27           **B.       Other Amendments**

28           Parts III and IV may be amended by a majority vote of the faculty and approval of the  
29 dean, except that the FPC may amend part III.B, Teaching and Research Faculty: Procedures  
30 Governing Annual Reviews and Reappointment, Tenure, and Promotion Decisions, and part  
31 IV.B, Clinical Faculty: Procedures Governing Annual Reviews and Reappointment and  
32 Promotion Decisions, to bring those procedures into conformity with University guidelines.