STANDARDS AND PROCEDURES FOR RETENTION, PROMOTION, AND TENURE

[THE APPENDIX DOCUMENT OF THE SCHOOL OF LAW]

OKLAHOMA CITY UNIVERSITY SCHOOL OF LAW

OKLAHOMA CITY, OKLAHOMA

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PREAMBLE

The OCU Faculty Handbook ("Faculty Handbook") provides that each academic unit of the university is to develop its own procedures for making recommendations on promotion, retention, and tenure matters. To implement this directive, and to implement the appropriate professional standards of the American Bar Association, the dean and tenured faculty of the School of Law have adopted these Standards and Procedures for Retention, Promotion, and Tenure (the "Standards"). As the Standards are an Appendix to the Faculty Handbook, the Standards are also known as the "Appendix Document of the School of Law."

The original standards took effect on April 23, 1983. In 2007, the Standards were revised to conform to the "Template for Appendix Document" dated July 25, 2006, issued by the Office of the Vice President for Academic Affairs of OCU. The current Standards include all amendments approved by the School of Law's Promotion and Tenure Board through October 1, 2008.

I. GENERAL STANDARDS AND PROCEDURES FOR RENEWAL, PROMOTION, AND TENURE

- A. Guidelines for Revising Appendix Document After Initial Approval
 - 1. Section I (General Standards and Procedures for Renewal, Promotion, and Tenure) may be amended by a vote of two-thirds of the tenured faculty eligible to vote.
 - 2. All other provisions of this document may be amended by a vote of a majority of the tenured faculty eligible to vote.
- B. Composition of Promotion and Tenure Board of the School of Law

The Promotion and Tenure Board of the School of Law (the "Board") shall be composed of all full-time members of the law school faculty who have been tenured except faculty members in law library science. Proxy votes are not permitted.

C. Voting Rights of Full-Time Non-Tenure Track Faculty Members of the School of Law

If duly appointed by the Dean of the School of Law (the "Dean") to serve on a faculty committee (not *ex officio*), a full-time non-tenure track faculty member of the School of Law may vote in committee meetings on matters coming before that committee, except as otherwise provided by faculty rule. Full-time non-tenure track faculty members of the School of Law have no other voting rights.

D. Equivalency Criteria at Time of Initial Appointment

For purposes of determining equivalency under Part V. D. 2. of the OCU Faculty Handbook, a person will be deemed to "have held the rank of Assistant Professor at another university," or equivalent, if such person has served in a position with substantially the same responsibilities as an Assistant Professor in the law school, whether such service occurred at OCU or at another university.

Before reasonable equivalency of teaching experience can be recognized for purpose of time in rank, it must be approved by the Dean and faculty eligible to vote on appointments. The basis of that decision must be in writing and inserted in the faculty member's permanent folder.

E. Definitions of Criteria

1. Teaching Effectiveness

a. For Tenure-Track Faculty (Other Than Law Library Science Faculty)

The faculty member must demonstrate effectiveness as a teacher. Normally, this standard will require a showing of excellent performance in the teaching of classes of moderate or substantial size. Under special circumstances with the prior consent of the Dean and the Board, this standard may be met, in whole or in part, by excellence in the teaching of small groups. The standards for effectiveness in teaching include, but are not limited to:

- i. Mastery of the subject matter;
- ii. Preparation for each class; and
- iii. Ability and willingness to communicate with students.
- b. For Faculty Members Holding the Academic Rank of Assistant Professor, Associate Professor, or Professor of Law Library Science.

Faculty members in law library science shall demonstrate effectiveness in teaching. This may be demonstrated in either formal or informal teaching through daily work with students and faculty. Formal teaching shall be evaluated as is other formal teaching under section I.E.1.a of this document. Informal teaching means either group or individual, direct or indirect teaching, and includes: (1) development and use of library resources; (2) providing specific information needed by students and faculty; and (3) providing instruction in the use of the library, its data-retrieval systems, and in bibliographic techniques in general.

c. For Clinical Instructors in Law

Every person holding the rank of clinical instructor in law must demonstrate effectiveness as a teacher. This standard normally will require a showing of effectiveness in the teaching of small groups. The standards for effectiveness in teaching include, but are not limited to:

- i. Mastery of the subject matter;
- ii. Preparation for each class; and
- iii. Ability and willingness to communicate with students, and provide them effective individual instruction.

In addition, clinical instructors are expected to contribute to the administration and design of the clinical program, including compliance with program guidelines and policies.

d. For Law Library Professors

Every person holding the rank of law library professor must demonstrate effectiveness as a teacher. This standard normally will require a showing of effectiveness in the teaching of small classes. The standards for effectiveness in teaching include, but are not limited to:

- i. Mastery of the subject matter;
- ii. Preparation for each class; and
- iii. Ability and willingness to communicate with students, and provide them effective individual instruction.

In addition, law library professors are expected to contribute to the administration and design of the advanced legal research program, including compliance with program guidelines and policies, as well as to carry out the responsibilities of their administrative appointments in the law library.

e. For Legal Research and Writing Professors

Every person holding the rank of legal research and writing professor must demonstrate effectiveness as a teacher. This standard normally will require a showing of effectiveness in the teaching of small classes. The standards for effectiveness in teaching include, but are not limited to:

i. Mastery of the subject matter;

- ii. Preparation for each class; and
- iii. Ability and willingness to communicate with students, and provide them effective individual instruction.

In addition, legal research and writing professors are expected to contribute to the administration and design of the legal research and writing program, including compliance with program guidelines and policies.

f. For Instructors in Law

Every person holding the rank of instructor in law must demonstrate effectiveness as a teacher. This standard normally will require a showing of effectiveness in teaching in accordance with section I.E.1.a of this document. For every instructor, the standards for effectiveness in teaching include, but are not limited to:

- i. Mastery of the subject matter;
- ii. Preparation for each class; and
- iii. Ability and willingness to communicate with students, and provide them effective individual instruction.

2. Scholarship

a. For Tenure-Track Faculty (Other Than Law Library Science Faculty)

All faculty members must make significant contributions to the development of the law, legal education, or the improvement of legal institutions and procedures, and must clearly show both the capacity and the intention to continue to make such contributions. This requirement normally shall be met by original legal research which culminates in the authorship of original written material of publishable quality. Under special circumstances, with the prior consent of the Dean and the Board, this requirement may be met by other outstanding intellectual contributions. These may take the form of innovations in research techniques, drafting of difficult and important statutes, effective advocacy on the frontiers of the law

involving a substantial public interest, or other similar outstanding intellectual contributions. For these activities to meet the standard for promotion or tenure, they must be carried on in a way which will redound to the advantage of the intellectual life of the law school.

b. For Faculty Members Holding the Academic Rank of Assistant Professor, Associate Professor, or Professor of Law Library Science

Faculty members in law library science may meet this standard (contributions to the development and improvement of the law and its institutions and procedures) in the form of creativity and initiative in bibliographic control; development of library manuals or procedure guides or related publications in the area of law or legal libraries; active participation in national, regional, state and local organizations which promote learning in this discipline; or other evidence of significant contributions to the general body of knowledge in the fields of law, legal education, or law librarianship through research in one or more of these three disciplines.

3. Professional Growth

See Section I.E.2 above.

- 4. Contributions to University and Professional Communities
 - a. For Tenure-Track Faculty (Other Than Law Library Science Faculty)
 - i. Direct Contributions to the Law School, the Legal Profession, and the Community

All tenure-track faculty members must demonstrate at least a minimum level of excellence in respect to standards I.E.1 and I.E.2 above. In cases of uncertainty as to whether or not those standards have been met, the Dean and the Board may take into account other outstanding contributions made by the faculty member to the work of the law school in performance of administrative and committee functions, development of law school programs, working with

students, supervision of cocurricular activities, and undertaking other functions which are directly beneficial to the law school. Also appropriate for consideration are superior contributions to the work of governmental or community organizations, and to the professional activities of the organized Bar. The degree to which these activities were undertaken primarily for personal financial gain may be taken into consideration but the fact that compensation was paid does not mean that the activity may not meet the standard.

ii. Performance of Duties

All tenure-track faculty members are expected to faithfully perform the duties inherent in their position, including but not limited to the punctual meeting of classes, timely grading of examinations and other papers, availability at school for consultation with students and colleagues, attendance at faculty and committee meetings, performance of administrative and committee assignments, attendance at commencement and the university workshop, and constructive participation in collegial activities, which are important to the work of the law school and the university.

- b. For Faculty Members Holding the Academic Rank of Assistant Professor, Associate Professor, or Professor of Law Library Science.
 - i. Direct Contributions to the Law School, the Legal Profession, and the Community

All faculty members in law library science must demonstrate at least a minimum level of excellence in respect to standards I.E.1 and I.E.2 above. In cases of uncertainty as to whether or not those standards have been met, the Dean and the Board may take into account other outstanding contributions made by the faculty member to the work of the law school and performance of administrative and committee functions, development of law school programs, working with students, supervision of cocurricular activities and undertaking other functions which are directly beneficial to the law school. Also

appropriate for consideration are superior contributions to the work of governmental or community organizations, and to the professional activities of the organized Bar. The degree to which these activities were undertaken primarily for personal financial gain may be taken into consideration, but the fact that compensation was paid does not mean that the activity may not meet the standard.

ii. Performance of Duties

Faculty members in law library science are expected to faithfully perform the duties inherent in their position, including availability for consultation with students and colleagues, attendance at faculty and committee meetings, performance of administrative and committee assignments, attendance at commencement and the university workshop, and constructive participation in collegial activities, which are important to the work of the law school and the university. Additionally, faculty members in law library science are expected to possess and demonstrate a high level of administrative ability. For purposes of assessment of administrative ability the following is a non-exhaustive list of relevant considerations:

- (1) Performance of library operations supporting instructional and research programs;
- (2) Preparation of administrative studies;
- (3) Performance and creativity in areas of administrative responsibility;
- (4) Vigorous pursuit of library problems and promotion of their solutions:
- (5) Creative achievement in library design;
- (6) Skillful development of the library collection; and
- (7) Bibliographic organization and control.
- c. For Clinical Instructors in Law

i. Direct Contributions to the Law School, the Legal Profession, and the Community

All clinical instructors in law must demonstrate at least a minimum level of excellence in respect to standard I.E.1. In cases of uncertainty as to whether or not this standard has been met, the Dean and the Board may take into account other outstanding contributions made by the faculty member to the work of the law school and performance of administrative and committee functions, development of law school programs, working with students, supervision of cocurricular activities and undertaking other functions which are directly beneficial to the law school. Also appropriate for consideration are superior contributions to the work of governmental or community organizations, and to the professional activities of the organized Bar. The degree to which these activities were undertaken primarily for personal financial gain may be taken into consideration, but the fact that compensation was paid does not mean that the activity may not meet the standard.

ii. Performance of Duties

Clinical instructors in law are expected to faithfully perform the duties inherent in their position, including availability for consultation with students and colleagues, attendance at faculty and committee meetings, performance of administrative and committee assignments, attendance at commencement and the university workshop, constructive participation in collegial activities, which are important to the work of the law school and the university. Additionally, clinical instructors in law are expected to demonstrate excellence in the performance administrative functions. For purposes of assessment of administrative performance, the following should be considered:

A. Administration and organization of clinical programs, including externships;

- B. Relationships with externship supervisors and mentors;
- C. Supervision of quality of instruction and work experience provided by externship supervisors and mentors;
- D. Communication with students regarding clinical and externship placements;
- E. Vigorous pursuit of opportunities to expand clinical and externship opportunities; and
- F. Any other factor relevant to the operation of the clinical program.

d. For Law Library Professors

i. Direct Contributions to the Law School, the Legal Profession, and the Community

All law library professors must demonstrate at least a minimum level of excellence in respect to standard I.E.1. In cases of uncertainty as to whether or not this standard has been met, the Dean and the Board may take into account other outstanding contributions made by the faculty member to the work of the law school, performance of administrative functions, development of law school programs, working with students, supervision of cocurricular activities and undertaking other functions which are directly beneficial to the law school. Also appropriate for consideration are superior contributions to the work of governmental or community organizations, and to the professional activities of the organized Bar. The degree to which these activities were undertaken primarily for personal financial gain may be taken into consideration, but the fact that compensation was paid does not mean that the activity may not meet the standard.

ii. Performance of Duties

Law library professors are expected to faithfully perform the duties inherent in their position, including availability for consultation with students and colleagues, performance assignments, attendance of administrative commencement and the university workshop, and constructive participation in collegial activities, which are important to the work of the law school and the university. Additionally, law library professors are expected to demonstrate excellence in the performance administrative functions of the advanced legal research program.

e. For Legal Research and Writing Professors

i. Direct Contributions to the Law School, the Legal Profession, and the Community

All legal research and writing professors must demonstrate at least a minimum level of excellence in respect to standard I.E.1. In cases of uncertainty as to whether or not this standard has been met, the Dean and the Board may take into account other outstanding contributions made by the faculty member to the work of the law school, performance of administrative functions, development of law school programs, working with students, supervision of co-curricular activities and undertaking other functions which are directly beneficial to the law school. appropriate for consideration are superior contributions to the work of governmental or community organizations, and to the professional activities of the organized Bar. The degree to which these activities were undertaken primarily for personal financial gain may be taken into consideration, but the fact that compensation was paid does not mean that the activity may not meet the standard.

ii. Performance of Duties

Legal research and writing professors are expected to faithfully perform the duties inherent in their position, including availability for consultation with students and colleagues, performance of administrative assignments, attendance at commencement and the university workshop, and constructive participation in collegial activities, which are important to the work of the law school and the university. Additionally, legal research and writing professors are expected to demonstrate excellence in the performance of administrative functions of the legal research and writing program.

F. Standards for Evaluation Tools

1. Self-Evaluations

a. Criteria

All faculty members subject to any type of review must prepare a self-evaluation in accordance with the form provided in Appendix E hereto.

b. Procedures

The procedures for requiring a self-evaluation are set forth in Sections II.B.1.b.iv, II.B.2.b.iii., II.B.3.b.iii, II.B.4.b.iii, II.C.2.a.iv, III.A.1.a.iv, III.A.2.b.i, III.B.1.a.iv, III.B.2.b.i, III.C.1.a.iv, III.C.2.b.i., IV.C.2.b.i, IV.C.3.b, IV.C.4., and V.C.2.b.i of the Standards.

2. Student Evaluations

a. Criteria

Written student evaluations are completed on the forms provided by and in accordance with instructions from the Associate Dean for Academic Affairs of the School of Law.

b. Procedures

The procedures for use of written and oral student evaluations in reviews are set forth in Sections II.B.1.b.iii, II.B.3.b.iii, II.B.4.b.iv, II.C.2.a.iii, III.A.1.a.vi, III.A.2.b.i, III.B.1.a.iii, III.B.1.a.vi.D, III.B.2.b.i.C-D, III.C.1.a.vi, III.C.2.b.i.C, IV.C.2.b.i, IV.C.3.b, IV.C.4.b, and V.C.2.b of the Standards.

3. Peer Evaluations

a. Criteria

See Section I.E of the Standards.

b. Procedures

See Sections II.B.1.b, II.B.2.b, II.B.3.b, II.B.4.b, II.C.2.a, III.A.1.a.ii, III.A.2.b.i, III.B.1.a.ii, III.B.1.a.vi.B, III.B.2.b.i, III.C.1.a.ii, III.C.2.b.i, IV.C.3.b, IV.C.4., and V.C.2.b.i of the Standards.

i. Procedures, If Any, Specific to Promotion or Tenure of Deans

See Section IV.C.5.

4. Department Chair's Evaluation

Not applicable to the School of Law.

5. School of Law's Faculty Committee Evaluation

a. Criteria

See generally Section I.E of the Standards. In addition, the review committee for a faculty member for promotion or tenure shall prepare a report in the form provided in Appendix F hereto.

b. Procedures

See Sections II.B.1.b.i, II.B.3.b.i, II.B.4.b.i, II.C.2.a.i, III.A.1.a.i, III.A.2, III.B.1.a.i, III.B.1.a.vi, III.B.1.b, III.B.2.a, III.B.2.c, III.C.1.a.i, III.C.1.a.vi, III.C.1.b, III.C.2, IV.C.2.b.i, IV.C.2.b.ii, IV.C.3.b, IV.C.4.b, and V.C.2 of the Standards.

6. Dean or Director's Evaluation and Consultation

a. Criteria

See Section I.E of the Standards.

b. Procedures

See Sections II.B.1.b, II.B.2.c, II.B.3.b-d, II.B.4.b.vii, II.B.4.c, II.B.4.d, II.C.2.b, III.A.1, III.A.2.c, III.B.1.a.vi.A, III.B.2.b, III.C.1, III.C.2.c, IV.C.2.b, IV.C.3.b, IV.C.4.b, and V.C.2.b of the Standards.

i. Procedures for Consultation

The progress of each nontenured, tenure-track member of the faculty shall be reviewed with the faculty member by the Dean during the fall of each year.

ii. Procedures, If Any, Specific to Promotion or Tenure of Deans

Not applicable to the School of Law.

G. Annual Distribution to Faculty

These Standards shall be distributed annually to all members of the faculty.

H. Termination of the Law Library Science Division of the Faculty; Grandfather Clause

All provisions of this Appendix Document that pertain only to faculty members in law library science are terminated effective April 4, 2008, provided, however, that such provisions shall continue in force for Judith Morgan and Lee Peoples for so long as they remain employees of the University. Such provisions include (but are not limited to) parts I.E.1.b, I.E.2.b, and I.E.4.b of this document, and the references in part IV.C of this document to faculty in law library science.

II. CRITERIA FOR ANNUAL REVIEW OF FACULTY

A. School of Law Timetable That Adheres to the University-Wide Timeline

See Sections II.B.1.b, II.B.2.b, II.B.3.b, II.B.3.d, II.B.4.b, II.B.4.d, and II.C.2.b of the Standards.

- B. Annual Review of Non-Tenure Track Faculty
 - 1. Clinical Instructors in Law

a. Criteria for Review

Clinical Instructors in Law shall be evaluated in conformity with the criteria in Section I.E of these Standards.

b. Procedures for Review

During the first three years of service, each clinical instructor of law shall be reviewed annually. The review shall be completed by February 1. By February 15, the Dean shall meet with the Board and make recommendations regarding the retention of the clinical instructor in law. Retention of a clinical instructor in law requires a majority vote of the tenured faculty present and voting (excluding abstentions and absences) and the approval of the Dean. All reviews shall be conducted in general conformity with the law school's standards and procedures for promotion set forth in section III.A.1 of this document, with the following special guidelines and exceptions:

- i. The composition of the investigating committee and notice to the clinical instructor in law shall be controlled by sections III.A.1.a.i and III.A.1.a.ii;
- ii. The general guidelines of the investigation shall conform to sections III.A.1.a.iv, III.A.1.a.v, and III.A.1.a.vi;
- iii. Section III.A.1.a.iii may be omitted in the investigating committee's discretion. Classroom teaching effectiveness shall be measured by any or all of the following methods:
 - A. Student evaluations,
 - B. Peer evaluations, and
 - C. Personal interviews with students.
- iv. Section III.A.1.a.vi is omitted, and replaced as follows:
 - A. Each investigating committee shall investigate the teaching, administrative and other contributions of the clinical instructor in law. A written report and

recommendation regarding retention shall be submitted to the Board by the investigating committee, which shall consist of the following items:

- (1) Teaching effectiveness as measured by section I.E.1.c;
- (2) Review of administrative performance;
- (3) Contributions to the law school, general university community and the community at-large; and
- (4) The faculty member's self-evaluation.

Notice of renewal or non-renewal shall be made only after the foregoing investigation and report has been completed.

2. Law Library Professors

a. Criteria for Review

Law library professors shall be evaluated in conformity with the criteria in Section I.E of these Standards.

b. Procedures for Review

During the first three years of service, each law library professor shall be reviewed annually. The review shall be completed by February 1. By February 15, the Dean shall meet with the Board and make recommendations regarding the retention of the law library professor. Retention of a law library professor requires a majority vote of the tenured faculty present and voting (excluding abstentions and absences) and the approval of the Dean. All reviews shall be conducted in general conformity with the law school's standards and procedures for promotion set forth in section III.B.1 of this document, with the following special guidelines and exceptions:

- i. The composition of the investigating committee shall be controlled by sections III.B.1.a.i;
- ii. The general guidelines of the investigation shall conform to sections III.B.1.a.ii-v;
- iii. Section III.B.1.a.vi is omitted, and replaced as follows:

Each investigating committee shall investigate the teaching, administrative, and other contributions of the law library professor. A written report and recommendation regarding retention shall be submitted to the Board by the investigating committee, which shall consist of the following items:

- (1) Teaching effectiveness as measured by sections I.E.1.d;
- (2) Review of administrative performance;
- (3) Contributions to the law school, general university community, and the community at-large;
- (4) The faculty member's self-evaluation; and
- (5) The report of the director of the law library.

Notice of renewal or non-renewal shall be made only after the foregoing investigation and report has been completed. The retention report shall be given to the law library professor.

c. Report of Director

The director of the law library shall submit an annual evaluation of each law library professor to the Dean and to the committee reviewing law library professors. A copy of the evaluation shall also be given to the law library professor under review.

3. Legal Research and Writing Professors

a. Criteria for Review

Legal Research and Writing Professors shall be evaluated in conformity with the criteria in Section I.E of these Standards.

b. Procedures for Review

During the first three years of service, each legal research and writing professor shall be reviewed annually. The review shall be completed by February 1. By February 15, the Dean shall meet with the Board and make recommendations regarding the retention of the legal research and writing professor. Retention of a legal research and writing professor requires a majority vote of the tenured faculty present and voting (excluding abstentions and absences) and the approval of the Dean. All reviews shall be conducted in general conformity with the law school's standards and procedures for promotion set forth in section III.C.1 of this document, with the following special guidelines and exceptions:

- i. The composition of the investigating committee shall be controlled by sections III.C.1.a.i;
- ii. The general guidelines of the investigation shall conform to sections III.C.1.a.ii-v;
- iii. Section III.C.1.a.vi is omitted, and replaced as follows:
 - A. Each investigating committee shall investigate the teaching, administrative and other contributions of the legal research and writing professor. A written report and recommendation regarding retention shall be submitted to the Board by the investigating committee, which shall consist of the following items:
 - (1) Teaching effectiveness as measured by sections I.E.1.e:
 - (2) Review of administrative performance;
 - (3) Contributions to the law school, general university community and the community at-large;

- (4) The faculty member's self-evaluation; and
- (5) The report of the director of the legal research and writing program.

Notice of renewal or non-renewal shall be made only after the foregoing investigation and report has been completed. The retention report shall be given to the legal research and writing professor.

c. Report of Director(s)

The director or co-directors of the legal research and writing program shall submit an annual evaluation of each legal research and writing professor to the Dean and to the committee reviewing legal research and writing professors. A copy of the evaluation shall also be given to the legal research and writing professor under review.

d. Evaluation of Director(s)

Any legal research and writing professor who also has the status of director of the program, will be reviewed, in his or her administrative capacity, annually by the Dean. In evaluating a director, the Dean should solicit information from students, faculty, and administrators, and shall apply standards and criteria appropriate to assessing the director's management of his or her program, center or other institution. The Dean shall determine whether the individual will be retained as director by February 1.

4. Other Instructors in Law

a. Criteria for Review

Other Instructors in Law shall be evaluated in conformity with the applicable criteria in Section I.E.1 of these Standards.

b. Procedures for Review

All instructors in law shall be evaluated annually for effectiveness in teaching. The review shall be completed by February 1, and shall be conducted according to the following procedures and standards:

- i. Each year a committee shall be constituted to review instructors. Each of these committees shall consist of two tenure-track faculty members appointed by the tenured faculty and one appointed by the Dean. Two of the committee members must be tenured faculty members. No faculty member currently serving as associate Dean, assistant Dean, or in a comparable administrative position shall serve on a committee. The committee to review shall be appointed by September 15th.
- ii. All full-time members of the faculty shall be invited to attend classes taught by instructors under review and shall be given an opportunity to submit information and evaluations to the appropriate review committee.
- iii. Each instructor under review shall provide a written selfevaluation to the appropriate committee, and may be permitted to make an oral presentation.
- iv. Each committee shall obtain information in any or all of, but not limited to, the following ways:
 - A. Interview faculty members who have observed the instructor in the classroom or who can provide information on the instructor's satisfaction of the standards in section I.E.1.f;
 - B. Observe classes taught by the instructor;
 - C. Interview present and past students and consider student evaluations; and/or
 - D. Examine the effectiveness in evaluating the quality of student work.
- v. Each member of a committee shall fill out a faculty evaluation form.

- vi. Each committee (and the Board) shall carry on its work as discreetly as possible so as to give protection to sensitivities to the delicate area of evaluation. Publicity should be avoided and no public comments should be made by any one other than the chair of the Board on the authority of the Board.
- vii. The committee may discuss any matter with the instructor under review, and shall discuss its tentative findings with the Dean prior to putting its recommendations in final written form.
- viii. After completing its inquiry, the committee shall furnish a confidential written recommendation and report to the Board and the Dean.

c. Evaluation of Directors

Any instructor in law who also has the status of director of a program, center, or other institution of the law school will be reviewed, in his or her administrative capacity, annually by the Dean. In evaluating a director, the Dean should solicit information from students, faculty, and administrators, and shall apply standards and criteria appropriate to assessing the director's management of his or her program, center or other institution. The Dean shall determine whether the individual will be retained as director, and submit a written report to the Board by February 1.

d. Timing of Decisions

By February 15, the Dean shall meet with the Board and inform the Board of his or her recommendations as to renewal or nonrenewal of instructors. The decision to renew an instructor's appointment requires a majority vote of the tenured faculty present and voting (abstentions and absences not counting) and the approval of the Dean.

C. Annual Review of Probationary Faculty

1. Criteria for Review

All nontenured, tenure-track faculty shall be evaluated in conformity with the applicable criteria in Section I.E of these Standards.

2. Procedures for Review

- a. All non-tenured, tenure-track faculty shall be evaluated each year in general conformity with the law school's standards and procedures for promotion set forth in section IV.C of this document, with the following special guidelines and exceptions:
 - i. The composition of the investigating committee and notice to the non-tenured faculty member shall be controlled by sections IV.C.2.b.i(A) and (B);
 - ii. The general guidelines of the investigation shall conform to sections IV.C.2.b.i(D), (E), and (F);
 - iii. Section IV.C.2.b.i(C) may be omitted in the investigating committee's discretion. Classroom teaching effectiveness shall be measured by any or all of the following methods:
 - A. Student evaluations,
 - B. Peer evaluations, and
 - C. Personal interviews with students.
 - iv. Section IV.C.2.b.i.F is omitted, and replaced as follows:

Each investigating committee shall investigate the teaching, research and other contributions of the nontenured, tenure-track faculty member. A report shall be submitted to the Board by the investigating committee, which shall consist of the following items:

- A. Teaching effectiveness as measured by section I.E.1.a;
- B. Review of written scholarship;
- C. Contributions to the law school, general university community and the community at-large; and

D. The faculty member's self-evaluation.

Notice of renewal or non-renewal shall be made only after the foregoing investigation and report has been completed. Procedures regarding retention shall be controlled by section II.C.2.b of this document.

b. Timing of Decisions

By November 15 of each year the Dean shall meet with the Board. The Dean shall inform the Board as to his or her recommendations for non-renewal of probationary appointments and obtain the advice of the Board on these recommendations and other recommendations of the Board. If it is evident that the probationary appointee is unlikely to meet the standards for promotion with tenure at the normally-scheduled time, or if in the opinion of the Dean and the Board the appointee is performing below minimum standards of adequacy, the appointee should be advised before December 1 that a contract for the next academic year will not be offered. Where the Board and the Dean judge appropriate, a probationary teacher in the first year of teaching may be told by December 1 that he or she will be advised whether they will be retained by March 1. In cases of appropriate severity, the Dean may seek termination of the contract during the academic year by paying the appointee for the remainder of the contract term. The decision to renew probationary appointments requires a majority vote of the tenured faculty present and voting "renew" or "do not renew" (abstentions and absences not counting), and the approval of the Dean.

D. Abbreviated Annual Review of Tenured Faculty

Not applicable to the School of Law.

III. CRITERIA FOR RENEWABLE THREE-YEAR CONTRACTS FOR CERTAIN NONTENURE-TRACK FACULTY

A. Clinical Instructors in Law

1. Offer of Renewable Three-Year Contract

In their fourth year of service, clinical instructors in law shall be considered for an offer of a renewable three-year contract. All decisions regarding the offer of renewable three-year contracts shall be made according to these standards and procedures.

- a. In preparation for making a decision regarding the offer of a renewable three-year contract, the Board shall gather information concerning the person under consideration and obtain an evaluation, as follows:
 - i. By September 15 of each year, the Board shall constitute a committee of two of its members to conduct the investigation and report to the Board. The identity of the members of the investigating team(s) shall be disclosed to the individual under review, and with the approval of the Board may be made known to the law school community.
 - ii. All members of the faculty with the rank of assistant professor or higher shall be informed of the pendency of the decision and be given an opportunity to submit information and evaluations to the investigating team.
 - iii. Steps must be taken by the investigating team to obtain information and evaluation from students in a manner to be determined by the Dean and the Board, including student evaluation forms.
 - iv. The person under consideration shall provide a written selfevaluation to the investigating team, and may be permitted to make an oral presentation.
 - v. Each investigating team (and the Board) shall carry on its work as discreetly as possible so as to give every protection to sensitivities in the delicate area of evaluation. All publicity should be avoided and no public comments should be made by any one other than the chair of the Board on the authority of the Board.
 - vi. Each investigating team shall investigate the teaching, administrative performance and other contributions and accomplishments of the candidate in accordance with the

standards contained in sections I.E.1.c and I.E.4.c of this document. Based upon a careful sifting of all available evidence, the investigating team shall furnish a confidential written recommendation and report to the Board and the Dean. In carrying out its work, each investigating team should perform the following steps, and keep a careful, detailed record of each step performed in a file to be given to the Dean:

- A. Interview as many faculty members as possible who have observed the candidate in the classroom;
- B. Arrange for class visitations where this has not already adequately been done;
- C. Interview selected students as follows: procure copies of the class list of all courses and seminars taught by the candidate in the year in question and in, at least, the immediately preceding academic year; place these lists in chronological order by term (in alphabetical order by course name within a term); strike from these lists the name of all students on them who are no longer enrolled in school; select on a suitable scientific random basis between ten and fifteen names: arrange for an with student selected. interview each SO individually, concerning the candidate's teaching effectiveness and administration of the clinical program. The investigating team may supplement these interviews with additional student interviews where necessary to secure an adequate number and to obtain balance from the point of view of the students' academic qualifications. Contact with former students is appropriate where the investigating team finds it would be helpful. The team shall consider written student evaluations:
- D. Procure and read all materials relevant to evaluating the performance of the candidate in the administration of the clinical program and interview as many clinical supervisors and mentors as possible who may possess relevant information

regarding the administrative and teaching performance of the candidate;

- E. Identify the active law school and university faculty and administration committees upon which the candidate has served in the year in question and in, at least, the immediately preceding academic year, and interview the chair, and, if warranted, other members of the committee, concerning the nature and value of the candidate's contribution to the committee's work. (The same should be done with key administrative personnel if the candidate has performed administrative assignments.);
- F. Identify professionally-significant outside activities of the candidate, and investigate each in whatever way is most appropriate, seeking to determine the nature of the activity and the candidate's contribution to it; and
- G. Receive information forwarded to the Dean's office and, where possible, obtain evidence corroborating or refuting implications of such information.

Each investigating team may discuss any matter with the candidate, and is expected to discuss its tentative findings with the Dean prior to putting its recommendation(s) in final form.

b. obtaining information and the evaluations and recommendations of the above, by February 1, the investigating team shall make a written report and recommendation to the Board and the Dean. The chair of the Board shall convene the Board by February 15 to consider the recommendations of the investigating team(s). The Dean shall be invited to attend and participate fully at all such meetings of the Board. (If tenured, the Dean shall also vote as a member of the Board). The Board, after due consideration of the team's report, shall make written recommendations to the Dean on issues involved or approve the team's report based upon a majority vote of Board members present and voting. (A tie vote constitutes a failure to recommend.)

c. The offer of a renewable three-year contract requires a positive recommendation by the Board and approval of the Dean. Upon personal request, a faculty member will be given a copy of the recommendation and report of the Board.

2. Renewal of Three-Year Contract

- a. During the third year of each renewable three-year contract each clinical instructor in law serving under such a contract shall be reviewed by a three-person committee composed of tenured faculty members. Additional reviews may be initiated by a written request from the president, vice-president for academic affairs, law school Dean, or three tenured faculty members stating the reasons for the request. The written request shall be effective when delivered to the chair of the Board, the Dean, and the faculty member to be reviewed. The review committee shall be appointed (by September 15 for regular renewal review) as follows:
 - i. One by the members of the Board;
 - ii. One by the Dean; and
 - iii. One by the faculty member being reviewed.
- b. The committee shall be chaired by the Dean's appointee, who shall be responsible for the administrative work of the committee.
 - i. For the regular review, the committee shall first invite written or oral confidential comments from the faculty and Deans of the law school, and shall at the same time notify the person being reviewed of a deadline for providing a required written self-evaluation to the committee. After reviewing the self-evaluation and confidential comments, the committee shall then pursue any of the following to the extent appropriate:
 - A. Arrange to visit classes of the faculty member;
 - B. Receive additional documentation on administration of the clinical program, prepared course materials,

and information concerning professional activities, university activities and community activities;

- C. Review student evaluations; and/or
- D. Interview randomly selected students enrolled in the faculty member's courses for the current academic year and the prior one.
- ii. In the case of a special review, the committee shall use those procedures in section III.A.2.b.i of this document that are appropriate to investigate the stated reasons given for the review.
- c. In the case of regular review, by February 1 of the academic year in which review takes place the committee shall submit to the Board and Dean a written report evaluating the performance of the clinical instructor of law and recommending either the renewal or non-renewal of the contract. By February 15, the Dean shall meet with the Board and make recommendations regarding the renewal of the three year contract. Renewal of a three-year contract requires a majority vote of the tenured faculty present and voting (excluding absences and abstentions) and the approval of the Dean.
- d. With regard to special review, within 90 days from the date the committee is constituted for special review, the committee shall prepare and file with the Dean a report of its conclusions. If deficiencies deemed worthy of report are perceived, the report shall list the perceived deficiencies. It shall also list the investigative procedures undertaken in determining those deficiencies. All relevant documentation shall be attached to the report.
 - i. If deficiencies are perceived, the committee shall conduct an interview with the faculty member at the end of the investigation and prior to the written report to the Dean. A copy of the report shall be given to the faculty member at the time it is filed with the Dean.
 - ii. The Dean and the chair of the Review Committee shall jointly counsel the faculty member as to any negative results of the review.

iii. The faculty member shall be given a separate written notice, prepared jointly by the Dean and committee chair, concerning any perceived deficiencies which are to become part of the faculty member's permanent file; and if any perceived deficiencies are or might be a basis for termination for individual cause pursuant to the *Faculty Handbook*, these deficiencies shall be identified in writing as such, and the faculty member shall be given a specific reasonable time in which corrective action must be taken.

B. Law Library Professors

1. Offer of Renewable Three-Year Contract

In their fourth year of service, law library professors shall be considered for an offer of a renewable three-year contract. All decisions regarding the offer of renewable three-year contracts shall be made according to these standards and procedures.

- a. In preparation for making a decision regarding the offer of a renewable three-year contract, the Board shall gather information concerning the person under consideration and obtain an evaluation, as follows:
 - i. By September 15 of each year, the Board shall constitute a committee of two of its members to conduct the investigation and report to the Board. The identity of the members of the investigating team(s) shall be disclosed to the individual under review, and with the approval of the Board may be made known to the law school community.
 - ii. All members of the faculty with the rank of assistant professor or higher shall be informed of the pendency of the decision and be given an opportunity to submit information and evaluations to the investigating team.
 - iii. Steps must be taken by the investigating team to obtain information and evaluation from students in a manner to be determined by the Dean and the Board, including student evaluation forms.

- iv. The person under consideration shall provide a written selfevaluation to the investigating team, and may be permitted to make an oral presentation.
- v. Each investigating team (and the Board) shall carry on its work as discreetly as possible so as to give every protection to sensitivities in the delicate area of evaluation. All publicity should be avoided and no public comments should be made by any one other than the chair of the Board on the authority of the Board.
- vi. Each investigating team shall investigate the teaching, administrative performance, and other contributions and accomplishments of the candidate in accordance with the standards continued in sections I.E.1.d and I.E.4.d of this document. Based upon a careful sifting of all available evidence, the investigating team shall furnish a confidential written recommendation and report to the Board and the Dean. In carrying out its work, each investigating team should perform the following steps, and keep a record of each step performed in a file to be given to the Dean:
 - A. Review the report of and consult with the director of the law library.
 - B. Interview as many faculty members as possible who have observed the candidate in the classroom:
 - C. Arrange for class visitations where this has not already adequately been done;
 - D. Interview selected students as follows: procure copies of the class list of all courses taught by the candidate in the year in question and in, at least, the immediately preceding academic year; place these lists in chronological order by term (in alphabetical order by course name within a term); strike from these lists the name of all students on them who are no longer enrolled in school; select on a suitable scientific random basis between ten and fifteen names; arrange for an interview with each student so selected, individually, concerning the candidate's teaching effectiveness and administration of the law library program. The investigating team may

supplement these interviews with additional student interviews where necessary to secure an adequate number and to obtain balance from the point of view of the students' academic qualifications. Contact with former students is appropriate where the investigating team finds it would be helpful. The team shall consider written student evaluations:

- E. Procure and read materials relevant to evaluating the writing ability of the candidate and the performance of the candidate in providing input to students and in grading the quality of student work as set forth in sections III.B.2.b.i(F)-(H);
- F. Procure and read materials relevant to evaluating the performance of the candidate in the administration of the law library and the advanced legal research program;
- G. Identify the active law school and university faculty and administration committees upon which the candidate has served in the year in question and in, at least, the immediately preceding academic year, and interview the chair, and, if warranted, other members of the committee, concerning the nature and value of the candidate's contribution to the committee's work. (The same should be done with key administrative personnel if the candidate has performed administrative assignments.);
- H. Identify professionally significant outside activities of the candidate, and seek to determine the nature of the activity and the candidate's contribution to it; and
- I. Receive information forwarded to the Dean's office and, where possible, obtain evidence corroborating or refuting implications of such information. Each investigating team may discuss any matter with the candidate, and is expected to discuss its tentative findings with the Dean and the director of the law library prior to putting its recommendation(s) in final form.

- b. After obtaining information and evaluations the and recommendations of the above, the investigating team shall make a written report and recommendation to the Board and the Dean by February 1. The chair of the Board shall convene the Board by February 15 to consider the recommendations of the investigating team(s). The Dean shall be invited to attend and participate fully at all such meetings of the Board. (If tenured, the Dean shall also vote as a member of the Board.) Upon request of either the Board or the director of the law library, the director of the law library shall be invited to make a presentation and answer questions regarding the decision(s) before the Board. The Board, after due consideration of the team's report, shall make written recommendations to the Dean on issues involved or approve the team's report based upon a majority vote of Board members present and voting. (A tie vote constitutes a failure to recommend.)
- c. The offer of a renewable three-year contract requires a positive recommendation by the Board and approval of the Dean. Upon personal request, a faculty member will be given a copy of the recommendation and report of the Board.
- d. If the decision is negative and an offer of a renewable three-year contract is not recommended by the Board with the approval of the Dean, the Board shall either defer the decision to the following year, if in the opinion of the Dean and the Board the standards for a renewable three-year contract will be met within the additional year, or not renew the contract at the end of the following year. If the decision is deferred to the following year, the decision will be either to offer a renewable three-year contract or not renew the contract at the end of the year following the denial of a three-year contract.

2. Renewal of Three-Year Contract

a. During the third year of each renewable three-year contract each law library professor serving under such a contract shall be reviewed by a three-person committee composed of tenure-track faculty members. Additional reviews may be initiated by a written request from the president, vice-president for academic affairs, law school Dean, or three tenured faculty members stating the reasons for the request. The written request shall be effective when delivered to the chair of the Board, the Dean, and the faculty

member to be reviewed. The review committee shall be appointed by September 15th. The review committee will consist of:

- i. Two tenure-track faculty members appointed by the tenured faculty; and
- ii. One appointed by the Dean; provided that
- iii. At least two committee members must be tenured faculty members; and
- iv. No faculty member currently serving as associate Dean, assistant Dean, or in a comparable administrative position shall serve on a committee.
- b. The committee shall be chaired by a tenured faculty member appointed by the Dean, who shall be responsible for the administrative work of the committee.
 - i. For the regular review, the committee shall first invite all full-time members of the faculty to attend classes taught by the law library professor under review and invite written or oral confidential comments from the faculty and Deans of the law school. The committee shall at the same time notify the person being reviewed of a deadline for providing a required written self-evaluation to the committee. After reviewing the report of the director of the law library, the self-evaluation and confidential comments, the committee may then pursue any of the following to the extent appropriate:
 - A. Interview faculty members who have observed the law library professor in the classroom or who can provide information on the law library professor's satisfaction of the standards in section I.E.1.e;
 - B. Observe classes taught by the law library professor;
 - C. Review student evaluations;
 - D. Interview randomly selected students enrolled in the law library professor's courses for the current academic year and the prior one;

- E. Solicit information from the Dean's office including reports submitted in prior years and information from the director of the law library;
- F. Review student papers that have been graded by the law library professor to determine the quality of input given to the students;
- G. Review any written material prepared by the law library professor to ascertain the writing ability of the law library professor;
- H. Examine the law library professor's effectiveness in evaluating the quality of student work; and/or
- I. Receive additional documentation on the administration of the law library and the advanced legal research program, prepared course materials, and information concerning professional activities, university activities, and community activities.
- ii. In the case of a special review, the committee shall use those procedures in section III.B.2.b.i of this document that are appropriate to investigate the stated reasons given for the review.
- c. In the case of a regular review, by February 1 of the academic year in which review takes place the committee shall submit to the Board and Dean a written report evaluating the performance of the law library professor and recommending either the renewal or nonrenewal of the contract. A copy of the report shall be given to the law library professor at the time it is filed with the Dean. By February 15, the Dean shall meet with the Board and make recommendations regarding the renewal of the three-year contract. Renewal of a three-year contract requires a majority vote of the tenured faculty present and voting (excluding absences and abstentions) and the approval of the Dean.
- d. With regard to a special review, within 90 days from the date the committee is constituted for special review, the committee shall prepare and file with the Dean a report of its conclusions. If deficiencies deemed worthy of report are perceived, the report

shall list the perceived deficiencies. It shall also list the investigative procedures undertaken in determining those deficiencies. All relevant documentation shall be attached to the report.

- i. If deficiencies are perceived, the committee shall conduct an interview with the law library professor at the end of the investigation and prior to the written report to the Dean. A copy of the report shall be given to the law library professor at the time it is filed with the Dean.
- ii. The Dean and the chair of the Review Committee shall jointly counsel the faculty member as to any negative results of the review.
- iii. The law library professor shall be given a separate written notice, prepared jointly by the Dean and committee chair, concerning any perceived deficiencies which are to become part of the law library professor's permanent file; and if any perceived deficiencies are or might be a basis for termination for individual cause pursuant to the *Faculty Handbook*, these deficiencies shall be identified in writing as such, and the law library professor shall be given a specific reasonable time in which corrective action must be taken.

C. Legal Research and Writing Professors

1. Offer of Renewable Three-Year Contract

In their fourth year of service, legal research and writing professors shall be considered for an offer of a renewable three-year contract. All decisions regarding the offer of renewable three-year contracts shall be made according to these standards and procedures.

- a. In preparation for making a decision regarding the offer of a renewable three-year contract, the Board shall gather information concerning the person under consideration and obtain an evaluation, as follows:
 - i. By September 15 of each year, the Board shall constitute a committee of two of its members to conduct the investigation and report to the Board. The identity of the

members of the investigating team(s) shall be disclosed to the individual under review, and with the approval of the Board may be made known to the law school community.

- ii. All members of the faculty with the rank of assistant professor or higher shall be informed of the pendency of the decision and be given an opportunity to submit information and evaluations to the investigating team.
- iii. Steps must be taken by the investigating team to obtain information and evaluation from students in a manner to be determined by the Dean and the Board, including student evaluation forms.
- iv. The person under consideration shall provide a written selfevaluation to the investigating team, and may be permitted to make an oral presentation.
- v. Each investigating team (and the Board) shall carry on its work as discreetly as possible so as to give every protection to sensitivities in the delicate area of evaluation. All publicity should be avoided and no public comments should be made by any one other than the chair of the Board on the authority of the Board.
- vi. Each investigating team shall investigate the teaching, administrative performance and other contributions and accomplishments of the candidate in accordance with the standards continued in sections I.E.1.e and I.E.4.e of this document. Based upon a careful sifting of all available evidence, the investigating team shall furnish a confidential written recommendation and report to the Board and the Dean. In carrying out its work, each investigating team should perform the following steps, and keep a record of each step performed in a file to be given to the Dean:
 - A. Review the report of and consult with the director of the legal research and writing program;
 - B. Interview as many faculty members as possible who have observed the candidate in the classroom:

- C. Arrange for class visitations where this has not already adequately been done;
- D. Interview selected students as follows: procure copies of the class list of all courses taught by the candidate in the year in question and in, at least, the immediately preceding academic year; place these lists in chronological order by term (in alphabetical order by course name within a term); strike from these lists the name of all students on them who are no longer enrolled in school; select on a suitable scientific random basis between ten and fifteen names; arrange for an interview with each student so selected, individually, concerning the candidate's teaching effectiveness and administration of the legal research and writing program. investigating team may supplement these interviews with additional student interviews where necessary to secure an adequate number and to obtain balance from the point of view of the students' academic qualifications. Contact with former students is appropriate where the investigating team finds it would be helpful. The team shall consider written student evaluations;
- E. Procure and read materials relevant to evaluating the writing ability of the candidate and the performance of the candidate in providing input to students and in grading the quality of student work as set forth in sections III.C.2.b.i(F)-(H);
- F. Procure and read materials relevant to evaluating the performance of the candidate in the administration of the legal research and writing program;
- G. Identify the active law school and university faculty and administration committees upon which the candidate has served in the year in question and in, at least, the immediately preceding academic year, and interview the chair, and, if warranted, other members of the committee, concerning the nature

and value of the candidate's contribution to the committee's work. (The same should be done with key administrative personnel if the candidate has performed administrative assignments.);

- H. Identify professionally-significant outside activities of the candidate, and seek to determine the nature of the activity and the candidate's contribution to it; and
- I. Receive information forwarded to the Dean's office and, where possible, obtain evidence corroborating or refuting implications of such information.

Each investigating team may discuss any matter with the candidate, and is expected to discuss its tentative findings with the Dean and the director of the legal research and writing program prior to putting its recommendation(s) in final form.

- h. obtaining information and evaluations After the recommendations of the above, by February 1, the investigating team shall make a written report and recommendation to the Board and the Dean. The chair of the Board shall convene the Board by February 15 to consider the recommendations of the investigating team(s). The Dean shall be invited to attend and participate fully at all such meetings of the Board. (If tenured, the Dean shall also vote as a member of the Board). Upon request of either the Board or the director of the legal research and writing program, the director of the legal research and writing program shall be invited to make a presentation and answer questions regarding the decision(s) before the Board. The Board, after due consideration of the team's report, shall make written recommendations to the Dean on issues involved or approve the team's report based upon a majority vote of Board members present and voting. (A tie vote constitutes a failure to recommend.)
- c. The offer of a renewable three-year contract requires a positive recommendation by the Board and approval of the Dean. Upon personal request, a faculty member will be given a copy of the recommendation and report of the Board.

d. If the decision is negative and an offer of a renewable three-year contract is not recommended by the Board with the approval of the Dean, the Board shall either defer the decision to the following year, if in the opinion of the Dean and the Board the standards for a renewable three-year contract will be met within the additional year, or not renew the contract at the end of the following year. If the decision is deferred to the following year, the decision will be either to offer a renewable three-year contract or not renew the contract at the end of the year following the denial of a three-year contract.

2. Renewal of Three-Year Contract

- a. During the third year of each renewable three-year contract each legal research and writing professor serving under such a contract shall be reviewed by a three-person committee composed of tenure-track faculty members. Additional reviews may be initiated by a written request from the president, vice-president for academic affairs, law school Dean, or three tenured faculty members stating the reasons for the request. The written request shall be effective when delivered to the chair of the Board, the Dean, and the faculty member to be reviewed. The review committee shall be appointed by September 15th. The review committee will consist of:
 - i. Two tenure-track faculty members appointed by the tenured faculty; and
 - ii. One appointed by the Dean; provided that
 - iii. At least two committee members must be tenured faculty members; and
 - iv. No faculty member currently serving as associate Dean, assistant Dean, or in a comparable administrative position shall serve on a committee.
- b. The committee shall be chaired by a tenured faculty member appointed by the Dean, who shall be responsible for the administrative work of the committee.

- i. For the regular review, the committee shall first invite all full-time members of the faculty to attend classes taught by the legal research and writing professor under review and invite written or oral confidential comments from the faculty and Deans of the law school. The committee shall at the same time notify the person being reviewed of a deadline for providing a required written self-evaluation to the committee. After reviewing the report of the director of the legal research and writing program, the self-evaluation and confidential comments, the committee may then pursue any of the following to the extent appropriate:
 - A. Interview faculty members who have observed the legal research and writing professor in the classroom or who can provide information on the legal research and writing professor's satisfaction of the standards in section I.E.1.e;
 - B. Observe classes taught by the legal research and writing professor;
 - C. Review student evaluations;
 - D. Interview randomly selected students enrolled in the legal research and writing professor's courses for the current academic year and the prior one;
 - E. Solicit information from the Dean's office including reports submitted in prior years and information from the director of the legal research and writing program and the director of the library.
 - F. Review student papers that have been graded by the legal research and writing professor to determine the quality of input given to the students;
 - G. Review any written material prepared by the legal research and writing professor to ascertain the writing ability of the legal research and writing professor;

- H. Examine the legal research and writing professor's effectiveness in evaluating the quality of student work; and/or
- I. Receive additional documentation on administration of the legal research and writing program, prepared course materials, and information concerning professional activities, university activities and community activities.
- ii. In the case of a special review, the committee shall use those procedures in section III.C.2.b.i of this document that are appropriate to investigate the stated reasons given for the review.
- c. In the case of regular review, by February 1 of the academic year in which review takes place the committee shall submit to the Board and Dean a written report evaluating the performance of the legal research and writing professor and recommending either the renewal or non-renewal of the contract. A copy of the report shall be given to the legal research and writing professor at the time it is filed with the Dean. By February 15, the Dean shall meet with the Board and make recommendations regarding the renewal of the three-year contract. Renewal of a three-year contract requires a majority vote of the tenured faculty present and voting (excluding absences and abstentions) and the approval of the Dean.
- d. With regard to special review, within 90 days from the date the committee is constituted for special review, the committee shall prepare and file with the Dean a report of its conclusions. If deficiencies deemed worthy of report are perceived, the report shall list the perceived deficiencies. It shall also list the investigative procedures undertaken in determining those deficiencies. All relevant documentation shall be attached to the report.
 - i. If deficiencies are perceived, the committee shall conduct an interview with the legal research and writing professor at the end of the investigation and prior to the written report to the Dean. A copy of the report shall be given to the legal research and writing professor at the time it is filed with the Dean.

- ii. The Dean and the chair of the Review Committee shall jointly counsel the faculty member as to any negative results of the review.
- iii. The legal research and writing professor shall be given a separate written notice, prepared jointly by the Dean and committee chair, concerning any perceived deficiencies which are to become part of the legal research and writing professor's permanent file; and if any perceived deficiencies are or might be a basis for termination for individual cause pursuant to the *Faculty Handbook*, these deficiencies shall be identified in writing as such, and the legal research and writing professor shall be given a specific reasonable time in which corrective action must be taken.

IV. PROMOTION OF FACULTY AND EQUIVALENCY OF RANK

A. School of Law Timetable That Adheres to the University-Wide Timeline

See Sections IV.C.2.b.ii, IV.C.3.b, and IV.C.4.b of the Standards.

B. Promotion of Non-Tenure Track Faculty

Not applicable to the School of Law.

- C. Promotion of Probationary and Tenured Faculty, Including Faculty in Law Library Science
 - 1. Promotion to Assistant Professor

Not applicable to the School of Law.

- 2. Promotion to Associate Professor
 - a. Criteria for Promotion
 - i. Temporal and Quantitative Prerequisites
 - A. An assistant professor who has had no previous experience teaching as a member of a law faculty,

or its reasonable equivalent, normally will serve in that rank for three years.

B. Decision as to promotion to the associate professor rank will normally be made during the third year of the person's service as assistant professor.

- C. In applying the standards for promotion, the relative shortness of time which has been available within which the assistant professor can demonstrate appropriate qualifications may be taken into account; but no person shall be promoted who is not at that time considered likely to satisfy the standards in full when the time arises for decision on promotion to full professor with tenure.
- D. If the decision is negative, the person shall normally be recommended for continuation for a fourth year as assistant professor, with notice that at the end of that year no further offer of employment will be made.
- E. These time periods may be accelerated upon recommendation of the Dean and the Board in accordance with the *Faculty Handbook*.

ii. Equivalency

Before reasonable equivalency of teaching experience can be recognized for purpose of time in rank it must be approved by the Dean and the Board, and the basis of that decision must be in writing and inserted in the faculty member's permanent folder.

iii. Qualitative and Evaluative Prerequisites

See Sections I.E.1.a, I.E.2.a, and I.E.4.a of the Standards.

b. Procedures for Promotion

All non-tenured tenure-track faculty shall be evaluated according to the *Standards*.

 In preparation for making a decision on promotion or tenure, the Board shall gather information concerning the person under consideration and obtain an evaluation, as follows:

- A. By September 15 of each year, the Board shall constitute a committee of two of its members to conduct the investigation and report to the Board. The identity of the members of the investigating team(s) shall be disclosed to the individual under review, and with the approval of the Board may be made known to the law school community.
- B. All members of the faculty with the rank of assistant professor or higher shall be informed of the pendency of the decision and be given an opportunity to submit information and evaluations to the investigating team.
- C. Steps must be taken by the investigating team to obtain information and evaluation from students in a manner to be determined by the Dean and the Board, including student evaluation forms.
- D. The person under consideration shall provide a written self-evaluation to the investigating team, and may be permitted to make an oral presentation.
- E. Each investigating team (and the Board) shall carry on its work as discreetly as possible so as to give every protection to sensitivities in the delicate area of promotion and tenure. All publicity should be avoided and no public comments should be made by any one other than the chair of the Board on the authority of the Board.
- F. Each investigating team shall investigate the teaching, research, and other contributions and accomplishments of the candidate in accordance with the standards for promotion and tenure. Based upon a careful sifting of all available evidence, the

investigating team shall furnish a confidential written recommendation and report to the Board and the Dean. In carrying out its work, each investigating team should perform the following steps, and keep a careful, detailed record of each step performed in a file to be given to the Dean:

- (1) Interview as many faculty members as possible who have observed the candidate in the classroom:
- (2) Arrange for class visitations where this has not already adequately been done;
- (3) Interview selected students as follows: procure copies of the class list of all courses and seminars taught by the candidate in the year in question and in, at least, the immediately preceding academic year; place these lists in chronological order by term (in alphabetical order by course name within a term); strike from these lists the name of all students on them who are no longer enrolled in school; select on a suitable scientific random basis between ten and fifteen names; arrange for an interview with each student so selected, individually, concerning the candidate's teaching effectiveness. investigating team may supplement these interviews with additional student interviews where necessary to secure an adequate number and to obtain balance from the point view of the students' academic qualifications. Contact with former students is appropriate where the investigating team finds it would be helpful. The team shall consider written student evaluations;
- (4) Arrange for the reading of all significant scholarly writings of the candidate by the faculty member or members best able to evaluate them (tenured law school faculty

with suitable expertise at other institutions may be consulted in evaluating a faculty member's written work), and solicit specific comments on the worth of work (including but not limited to the quality of the research shown, the difficulty of the work undertaken, its style, and its value as a contribution to learning).

- (5) Identify the active law school and university faculty and administration committees upon which the candidate has served in the year in question and in, at least, the immediately preceding academic year, and interview the chair, and, if warranted, other members of the committee, concerning the nature and value of the candidate's contribution to the committee's work (the same should be done with key administrative personnel if the candidate has performed administrative assignments);
- (6) Identify professionally significant outside activities of the candidate, and investigate each in whatever way is most appropriate, seeking to determine the nature of the activity and the candidate's contribution to it; and
- (7) Receive information forwarded to the Dean's office and, where possible, obtain evidence corroborating or refuting implications of such information.

Each investigating team may discuss any matter with the candidate, and is expected to discuss its tentative findings with the Dean prior to putting its recommendation(s) in final form.

ii. After obtaining information and the evaluations and recommendations of the above, the investigating team shall make a written recommendation to the Board and the Dean.

The chair of the Board shall convene the Board by February 1 of each year to consider the recommendations of the investigating team(s). The Dean shall be invited to attend and participate fully at all such meetings of the Promotion and Tenure Board. (If tenured, the Dean shall also vote as a member of the Board). The Board, after due consideration of the team's report, shall make written recommendations to the Dean on issues involved or approve the team's report based upon a majority vote of Board members present and voting. (A tie vote constitutes a failure to recommend.) In the case of promotion to the rank of full professor, only the votes of the members of the Board holding that rank shall be counted.

- iii. The Dean will receive the recommendations of the Board and give those recommendations due consideration. The Board's recommendations then will be communicated in summary form by the Dean to the Faculty Senate Committee on Promotion and Tenure, the vice president for academic affairs, and the president. A faculty member personally requesting will be given a copy of the recommendation and report of the Board and the Dean as they pertain to that faculty member.
- iv. After due consideration of the recommendations of the Dean, the Board, and the Faculty Senate Committee on Promotion and Tenure, the president, in consultation with the vice president for academic affairs, shall make recommendations to the Board of Trustees.
- v. If the Dean disagrees with the recommendation(s) of the Board, the Dean shall communicate in writing to the chair of the Board the reasons for disagreement which shall be included in the Dean's recommendations to the president, the vice president for academic affairs, and the Faculty Senate Committee on Promotion and Tenure.

3. Promotion to Full Professor With Tenure

- a. Criteria for Promotion
 - i. Temporal and Quantitative Prerequisites

A. An associate professor shall be considered for promotion with tenure during the third year of service as an associate professor. At that time, the decision shall be to: (1) promote with tenure; or (2) defer the decision to the following year, if in the opinion of the Dean and the Board the standards for promotion and tenure will be met within the additional year; or (3) not renew the contract at the end of the following year. If the decision is deferred to the fourth year, the decision shall be either to promote with tenure or not renew the contract at the end of the following year.

B. These time periods may be accelerated upon recommendation of the Dean and the Board in accordance with the *Faculty Handbook*.

ii. Equivalency

Before reasonable equivalency of teaching experience can be recognized for purpose of time in rank it must be approved by the Dean and the Board, and the basis of that decision must be in writing and inserted in the faculty member's permanent folder.

iii. Qualitative and Evaluative Prerequisites

- A. An affirmative decision shall be made only if the standards for promotion and tenure have clearly been met. See Sections I.E.1.a, I.E.2.a, and I.E.4.a of the Standards.
- B. The decision to recommend for promotion to professor with tenure requires the affirmative vote of a majority of the Board present and voting and the approval of the Dean.

b. Procedures for Promotion

Except as otherwise stated, the procedures for promotion to full professor with tenure are the same as those for promotion to Associate Professor.

4. Promotion of Faculty Members in Law Library Science

Except as otherwise stated, the procedures for promotion to professor of law library science with tenure are the same as those for promotion to Associate Professor of Law.

- 5. Promotion or Tenure of a Non-Tenured, Tenure-Track Faculty Member Serving as Associate Dean
 - a. Notwithstanding anything to the contrary in this document, any tenure-track faculty member (other than a tenured full professor) who serves as associate Dean may elect, not later than September 15 of the academic year of service, to have such year not count in determining the deadlines that are established by this document for making promotion or tenure decisions regarding the professor. The timing of retention decisions shall not be affected by this rule.
 - b. A non-tenured, tenure-track faculty member serving as associate Dean may elect, not later than September 15 of the academic year, to forgo retention review under section II.C of this document. On written approval of the Dean to the chair of the Board, the Board shall forgo said review.
 - c. Notwithstanding anything in this section IV.C.5 to the contrary, however, neither the deadline for making promotion and tenure decisions nor retention review can be extended more than five years. Nor shall the rule prevent a review of the teaching effectiveness of an associate Dean on the request of the president, vice-president for academic affairs, law school Dean, or any three tenured faculty members.

V. TENURE

A. School of Law Timetable That Adheres to the University-Wide Timeline

See Section V.C.2.c of the Standards.

Faculty members in law library science shall be considered for tenure during their sixth year of service as a faculty member. At this time, the decision shall be to: (1) grant tenure; or (2) defer the decision to the following year; or (3) not renew the contract at the end of the following year. If the decision is deferred to the seventh year, the decision shall be either to grant tenure or not renew the contract at the end of the following year.

B. Criteria for Tenure

See Section IV.C.1(c) of the Standards.

C. Post-Tenure Review

1. Criteria

Tenured faculty members are expected to maintain all standards required at the time they receive tenure and/or promotion. Failure to continue to meet this standard can result in action under university procedures provided in the *Faculty Handbook*.

2. Procedures

- a. During the sixth year after receiving tenure and every six years thereafter, each tenured faculty member shall be reviewed by a three-person committee composed of his or her tenured peers of equal or higher academic rank. (A leave of absence for health, academic or other reasons shall not be counted as a period of employment for purposes of review). Additional reviews may be initiated by a written request from the president, vice-president for academic affairs, law school Dean, or three tenured faculty members stating the reasons for the request. The written request shall be effective when delivered to the chair of the Board, the Dean, and the faculty member to be reviewed. The review committee shall be appointed (by September 15 for regular six-year review) as follows:
 - i. One by the members of the Board;
 - ii. One by the Dean; and
 - iii. One by the faculty member being reviewed.

No individual who has served on any tenured faculty member's review committee shall be eligible to again serve on that faculty member's review committee until every other tenured faculty member has served on that faculty member's review committee.

- b. The committee shall be chaired by the Dean's appointee, who shall be responsible for the administrative work of the committee.
 - i. For the regular six-year review, the committee shall first invite written or oral confidential comments from the faculty and Deans of the law school, and shall at the same time notify the person being reviewed of a deadline for providing a required written self-evaluation to the committee. (The faculty member shall make available as part of the self-evaluation any written products published or in process since the last review). After reviewing the self-evaluation and confidential comments, the committee shall then pursue any of the following to the extent appropriate:
 - A. Arrange to visit classes of the faculty member;
 - B. Receive additional documentation on publications, non-published written materials, prepared course materials and information concerning professional activities, university activities and community activities:
 - C. Review student evaluations; and/or
 - D. Interview randomly selected students enrolled in the faculty member's courses for the current academic year and the prior one.
 - ii. In the case of a special review, the committee shall use those procedures in section V.C.2.b.i of this document that are appropriate to investigate the stated reasons given for the review.
- c. By March 1 of the academic year in which review takes place in the case of regular review, or within 90 days from the date the committee is constituted for special review, the committee shall prepare and file with the Dean a summary evaluation of its

conclusions, which in the case of regular review shall be substantially in one of the following forms:

i. If the faculty member is determined to be in compliance, a short summary statement of compliance not to exceed one-half page.

ii. If deficiencies deemed worthy of report are perceived, the report shall summarize both those areas in which compliance was found and list the perceived deficiencies.
 It shall also list the investigative procedures undertaken in determining those deficiencies.

All relevant documentation shall be attached to the report.

- d. If deficiencies are perceived, the committee shall conduct an interview with the faculty member at the end of the investigation and prior to the written report to the Dean. A copy of the report shall be given to the faculty member at the time it is filed with the Dean.
- e. The Dean and the chair of the Review Committee shall jointly counsel the faculty member as to any negative results of the review.
- f. The faculty member shall be given a separate written notice, prepared jointly by the Dean and committee chair, no later than March 15 in the case of regular review, concerning any perceived deficiencies which are to become part of the faculty member's permanent file; and if any perceived deficiencies are or might be a basis for termination for individual cause pursuant to the *Faculty Handbook*, these deficiencies shall be identified in writing as such, and the faculty member shall be given a specific reasonable time in which corrective action must be taken.

D. Call for Post-Tenure Review

See Section V.C above.

VI. Appendix A: Guidelines for portfolios

Contents for promotion and tenure portfolios reviewed at the School of Law are determined by these Standards. Portfolios submitted beyond the School of Law level should contain only the following items in this order:

- A. Copy of Dean's recommendation to provost/VPAA
- B. Copy of the School of Law's faculty committee's recommendation of the candidate
- C. Copy of Dean's evaluation -- not applicable to School of Law
- D. Copy of chair's evaluation not applicable to School of Law
- E. Copy of annual evaluations from supervisor since last personnel action (if applicable)
- F. Current curriculum vitae
- G. Student Evaluations (should include all evaluations since last personnel action and should include all student comments by class and section and quantitative data by class and section)
- H. Peer evaluations
- I. Self evaluation

- **VII. Appendix B:** Instrument for Annual Review of Nontenure-Track Faculty (Not applicable to the School of Law.)
- **VIII. Appendix C:** Instrument for Annual Review of Probationary Faculty (Not applicable to the School of Law.)
- **IX. Appendix D:** Instrument for Abbreviated Review of Tenured Faculty. (Not applicable to the School of Law.)

X. Appendix E: Self-Study Guidelines

The self-study prepared by the faculty member shall be divided into four parts. Part I shall address the faculty member's effectiveness in teaching; Part II shall discuss contributions to development and improvement of the law and its institutions and procedures; Part III shall discuss direct contributions to the School of Law, the legal profession, and the community; and Part IV, which is optional, shall deal with any other matters the faculty member considers relevant to his request for promotion or tenure. The self-study shall focus on the period since the last self-study for promotion or tenure, in connection with which the faculty member was promoted.

- 1. **Effectiveness in teaching.** The faculty member shall assess his or her effectiveness as a teacher in accordance with the standards of section I.E.1 of the Law School Standards and Procedures for Retention, Promotion, and Tenure. In this section the faculty member shall discuss the courses he or she has taught in the relevant period, his or her teaching methods, and any improvements in his or her teaching. The faculty member may discuss, among other things, new courses developed, individuated work with students, and seminars or other programs the faculty member has attended that contributed to improvement in teaching.
- 2. Contributions to development and improvement of the law and its institutions and procedures. The faculty member shall assess his or her contributions in these categories in accordance with the standards of section I.E.2 of the Law School Standards and Procedures for Retention, Promotion, and Tenure. In this section, the faculty member shall discuss his or her articles, books, and other publications. The faculty member may also discuss, among other matters, his or her lectures and professional presentations, editorial work, work for governmental or bar association committees, and advocacy on the frontiers of the law involving a substantial public interest.
- 3. **Direct contributions to the School of Law, the legal profession, and the community.** The faculty member shall assess his or her contributions in these categories in accordance with the standards of section I.E.4 of the Law School Standards and Procedures for Retention, Promotion, and Tenure in this section, the faculty member may discuss, among other things, his or her law school and university committee work, supervision of extracurricular activities, community activity, and legal advocacy and legal work not included in Part II. If the faculty member has been or will be compensated for any work described here, he or she shall so state.
- 4. **Other matters.** In this section, the faculty member may discuss any other matters he or she deems relevant to the consideration of his or her request for promotion or tenure.

XI. Appendix F: Reviewing Committee Guidelines

The committee assigned to review the faculty member for promotion or tenure shall prepare a report, assessing the faculty member's satisfaction of the standards set forth in the Law School Standards and Procedures for Retention, Promotion, and Tenure. The report of the committee shall be divided into four parts. Part I shall address the faculty member's effectiveness in teaching; Part II shall discuss contributions to development and improvement of the law and its institutions and procedures; Part III shall discuss direct contributions to the School of Law, the legal profession, and the community; and Part IV, which is optional, shall deal with any other matters the committee deems relevant to the faculty member's request for promotion or tenure. The report shall focus on the period since the last such report, in connection with which the faculty member was promoted.

- 1. **Effectiveness in teaching.** The committee shall assess the faculty member's teaching effectiveness in accordance with section I.E.1 of the Law School Standards and Procedures for Retention, Promotion, and Tenure. The committee shall observe the faculty member while teaching, interview present and former students of the faculty member, review student evaluations, and review the faculty member's self-study. The committee may obtain information regarding the faculty member's effectiveness in teaching from such other sources as it deems appropriate.
- 2. Contributions to development and improvement of the law and its institutions and procedures. The committee shall assess the faculty member's contributions in these categories in accordance with section I.E.2 of the Law School Standards and Procedures for Retention, Promotion, and Tenure. The committee shall review the faculty member's publications and may request that other faculty members, or experts at other law schools, review those publications.
- 3. **Direct contributions to the School of Law, the legal profession, and the community.** The committee shall assess the faculty member's contributions in these categories in accordance with section I.E.4 of the Law School Standards and Procedures for Retention, Promotion, and Tenure.
- 4. **Other matters.** In this section, the committee may discuss any other matters relevant to a consideration of the faculty member's request for promotion or tenure.