

~~recommend a continuous appointment in the first place. The factors that are relevant in evaluating a candidate for a continuous appointment remain relevant in evaluating the performance of faculty members with continuous appointments. Judgments about whether the promise recognized in a continuous appointment in fact is being realized require an understanding of the traditions, expectations, and responsibilities of law colleges and their faculties, a sense of what the college is and what it aspires to be, and an appreciation of the potential of each individual faculty member to contribute to achieving those aspirations. The College recognizes that there are many ways in which a faculty member may make significant professional contributions to the College and its missions, and it expects that the teaching, research, and service aspirations and contributions of faculty members with continuous appointments will evolve and mature over the course of their professional careers.~~

## **PART II: STANDARDS AND PROCEDURES FOR PROMOTIONS AND CONTINUOUS APPOINTMENTS OF CLINICAL PROFESSORS OF LAW**

### **A. Scope**

These Standards and Procedures apply to the positions of Clinical Professors of Law. They do not apply to any other position. The term Clinical Professors of Law includes persons in the ranks of Assistant Professor, Associate Professor, and Professor employed as Academic-Administrative Staff in clinical programs of the College of Law who do not have regular appointments as members of the College of Law Faculty.

### **B. Standards for Promotion or Continuous Appointment**

The basic qualities which must be evident for promotion or continuous appointment are the abilities to perform at a high professional level in areas of teaching, public service, and research as they relate to the duties of a Clinical Professor of Law.

For purposes of annual evaluations, promotion, and continuous appointment, a person appointed to a position as Clinical Professor of Law shall be evaluated on the basis of the following factors:

- a) The quality of supervision exercised over students in clinical programs;
- b) The quality of classroom instruction associated with the clinical program;
- c) The quality in the exercise of administrative responsibilities associated with the clinical program including the management of cases, assignment of students,

application and administration of outside grants for the clinic, and other administrative responsibilities including supervision of the support staff;

- d) The extent and quality of creative efforts associated with the clinical program including the authorship or updating of substantive teaching materials and manuals;
- e) Service to the community including speaking to community groups;
- f) Service to the University and the College including service on University and College committees;
- g) The performance of other duties from time to time assigned to persons with such appointments;
- h) Such other factors that directly affect the person's performance as a faculty member and as a member of the College of Law and University communities.

A person having an appointment as a Clinical Professor of Law is expected to engage in legal scholarship and publication insofar as necessary for the performance of these standards but shall not be expected to engage in legal scholarship or publication beyond that listed in this Section B.

The annual evaluations, though they may be favorable, cannot be considered a binding prediction that a person will be recommended for continuous appointment.

### **C. Eligibility for Continuous Appointment**

A person first appointed as a Clinical Professor of Law shall ordinarily be given a series of one-year appointments for the first four years of the person's service at the College of Law. Pursuant to Section D of these Standards and Procedures, a person so appointed may be given a continuous appointment based on the person's performance as a member of the clinical faculty.

### **D. Procedures for Recommendations for Promotion or Continuous Appointment**

1. Recommendations concerning promotion or continuous appointment of a Clinical Professor of Law shall be made to the Dean of the College of Law by a committee consisting of (a) all members of the College of Law Faculty holding continuous appointment, and (b) all persons holding continuous appointment as a Clinical Professor of Law.

2. Any person holding an appointment as a Clinical Professor of Law who wishes to be considered for promotion or for continuous appointment may submit a letter requesting such action to the Dean of the College of Law. The Dean of the College of Law shall determine the deadline date and announce it a reasonable time in advance. The Dean of the College of Law may also request that the committee make a recommendation concerning continuous appointment of a person who has not requested such consideration. The Dean of the College of Law shall promptly notify the person of such action.

3. The person to be considered shall assemble, or assist in assembling, any supporting material to be presented to the committee. The Dean of the College of Law may include such additional material in the file as the Dean deems proper. The file shall ordinarily include the following materials:

- a) Performance evaluations for a reasonable period of time.
- b) Current curriculum vitae.
- c) Other evidence of professional activity pertaining to the Standards For Promotion or continuous Appointment in Section B of these Standards and Procedures.

The person to be considered may inspect all materials in the file.

4. Recommendations of the committee shall be made known promptly to the person concerned.

#### **E. Evaluation of Clinical Law Professors with Continuous Appointments**

In the University of Nebraska College of Law, the Dean performs an annual review of the performance of each Clinical Professor of Law with a continuous appointment. Reviews are based on student teaching evaluations of the Clinical Professor of Law, creative efforts associated with the clinical program, service to the community, and any other activities of the faculty member affecting the mission of the College of Law. In order to assure that reviews are based on a rich record, each Clinical Professor of Law to be reviewed annually prepares a report to the Dean detailing activities and contributions relevant to the review. The evaluation of the dean is reported in writing to the individual evaluated. In addition, in appropriate circumstances, a special peer review may be initiated pursuant to section IV. C. "Special Review Policy of the UN-L Guidelines for the Evaluation of Faculty."

Continuous appointment in the College of Law as a Clinical Professor of Law is an expression of confidence that an excellent start in law teaching will be followed by continued excellent performance in the future. Both the annual review of Clinical Professors of Law with continuous appointments and any special peer review are designed to assist faculty members in achieving their professional goals and in maximizing their contributions to the College and its

missions, and to provide assurance to the public that Clinical Professors of Law with continuous appointments are accountable for their performance. The College expects that the potential recognized in the granting of a continuous appointment will be realized over the course of a professional career in a record of excellence in supervision, classroom teaching, creative efforts associated with the clinical programs, and community service, and that if there is a substantial and chronic deficiency in the faculty member's performance, that deficiency will be identified and remedied.

Of course, mechanical formulae are no more appropriate as standards by which to judge performance that may extend over many decades than as standards by which to judge whether to recommend a Clinical Professor of Law for continuous appointment in the first place. The factors that are relevant in evaluating a candidate for a continuous appointment as a Clinical Professor of Law remain relevant in evaluating the performance of Clinical Professors of Law with continuous appointments. Judgments about whether the promise recognized in a continuous appointment in fact is being realized require an understanding of the traditions, expectations, and responsibilities of law colleges and their faculties, a sense of what the college is and what it aspires to be, and an appreciation of the potential of each individual faculty member to contribute to achieving those aspirations. The College recognizes that there are many ways in which a Clinical Professor of Law may make significant professional contributions to the College and its missions, and it expects that the supervision, classroom teaching, creative efforts associated with the clinical programs, and community service aspirations and contributions of faculty members with continuous appointments as Clinical Professors of Law will evolve and mature over the course of their professional careers.

#### **E. F. Faculty Status**

A person holding a position as a Clinical Professor of Law shall have the rights and responsibilities of a member of the College of Law Faculty including attending all meetings that a member of the College of Law Faculty of equivalent rank may attend. A person holding a continuous appointment as a Clinical Professor of Law may, in addition, attend all faculty meetings that a College of Law Faculty member of equivalent rank with a continuous appointment may attend. A person holding a position as Clinical Professor of Law may vote at all meetings the person is entitled to attend except on the following matters:

- a) The appointment of persons to the College of Law Faculty other than persons considered for a position as a Clinical Professor of Law;
- b) The recommendation of persons for promotion or continuous appointment other than persons who hold an appointment as a Clinical Professor of Law;
- c) The consideration of a proposal to add or delete an academic program other than a clinical program;

d) Any other issue, if the faculty of the College of Law decides prior to voting on an issue to exclude persons holding the position of Clinical Professor of Law. To be approved, a motion to exclude must have the affirmative vote of 2/3rds of those members of the College of Law Faculty present.

### **PART III: STANDARDS AND PROCEDURES FOR PROMOTION AND CONTINUOUS APPOINTMENT OF ACADEMIC-ADMINISTRATIVE STAFF IN THE COLLEGE OF LAW LIBRARY**

#### **A. Scope**

These standards and procedures apply to all Academic-Administrative Staff employed in the College of Law Library, and govern promotion and continuous appointment of such individuals as members of the College of Law Library Faculty. They do not apply to appointment, promotion or continuous appointment of such individuals as members of the College of Law Faculty.

#### **B. Academic Rank**

1. Instructor in Law Library. This is the beginning academic rank. An appointee at this rank has little or no experience since the professional degree.
2. Assistant Professor in Law Library. An Assistant Professor in Law Library has fully demonstrated professional competence. An Assistant Professor must give evidence of ability to work independently, to make sound decisions, to cooperate with colleagues and to assume increasing responsibility.
3. Associate Professor in Law Library. An Associate Professor in Law Library has fully demonstrated an advanced level of professional knowledge in such areas as reference service, collection development and bibliographic organization and control. Associate Professors work independently, subject only to general review. They must demonstrate an active interest in improving their professional and subject knowledge, and show ability to perceive and solve problems. Research and publication are assets. The essential characteristic of the Associate Professor is demonstrable achievement which goes beyond the limits of competent performance.
4. Professor in Law Library. A Professor in Law Library holds a position that requires recognized mastery of a major area of scholarship or an area of librarianship. Work is performed independently, subject to general review. In addition to the position's responsibilities, a Professor in Law Library must give demonstrable evidence of professional achievement in three or more of the following: 1) excellence of job performance, 2) research, 3) publication, 4) creation of significant innovations, 5) contributions to his/her profession through active participation in professional societies, or 6) participation in committees or teaching programs of the College of

Law or University teaching programs. A Professor in Law Library must demonstrate exceptional administrative and planning ability, leadership, sound judgment and ability to develop, evaluate and implement proposals for improving the library's services and procedures.

### **C. Standards for Promotion**

#### **1. Years in rank**

The normal pattern of eligibility for promotion, based on length of service in rank, is not rigid, nor is it intended that everyone automatically be considered for promotion if the minimal years in rank are achieved. The statement concerning a period of years in rank is to indicate the minimal time when a member of the library faculty can expect to be eligible for promotion, given effective performance and contributions:

Instructor to Assistant Professor: two (2) years in rank as instructor.

Assistant Professor to Associate Professor: four (4) years in rank as Assistant Professor.

Associate Professor to Professor: five (5) years in rank as Associate Professor.

#### **2. Performance**

The primary quality which must be evident for promotion in academic rank is the ability to perform at a high professional level in such areas as reference service, collection development or bibliographic organization and control so as to contribute to the educational, research and service functions of the College of Law. The criteria for any individual candidate are to be applied in relation to the candidate's specific responsibilities as detailed in the candidate's job description. In considering a candidate for promotion the criteria listed below should be considered. The candidate may be evaluated as a specialist, as an administrator, or as both.

(a) Understanding of the various policies, procedures, and services of the College of Law Library and a demonstrated ability to serve the library's clientele through interpreting these policies and procedures and assisting them in the use of available materials.

(b) Demonstrated effectiveness in applying bibliographic techniques to the development, acquisition, organization and interpretation of the collections.

(c) Demonstrated specialization. Outstanding performance in an area of library service requiring knowledge of special library techniques or expertise in a specific subject discipline., e.g. performing highly valuable service as a bibliographer, as a cataloger of library materials, as a reference librarian, as an archivist, etc.

(d) Demonstrated supervisory and administrative expertise. Demonstrated effectiveness and ability to train, coordinate and supervise personnel in the performance of specific functions essential to the operations of the College of Law Library.

### 3. Contributions

The faculty is also evaluated for promotion by the criterion of professional growth as evidenced by professional contributions and participation.

(a) Participation in national, regional, state and local professional associations as demonstrated by activities such as holding office, service on committees, presentations of papers or attendance at conferences, conventions, workshops and symposiums.

(b) Professional recognition as evidenced by awards, consultantships, grants, etc.

(c) Research.

(d) Contributions to the University of Nebraska-Lincoln as evidenced by service on library or university committees, or by classroom teaching.

(e) Publications.

(f) Continued education as evidenced by receipt of a graduate degree since initial appointment or last promotion in rank.

### **D. Standards for Continuous Appointment**

A continuous appointment is considered the most significant reward which the University can bestow on a faculty member. High standards of integrity, academic responsibility and professional development relating to the candidate's position are essential to receive a continuous appointment.

The basic quality which must be evident for a continuous appointment is the ability to perform at a high professional level in such areas as reference service, collection development and bibliographic organization and control so as to contribute to the educational, extension and research functions of the College of Law. The criteria for any individual candidate are to be applied in relation to the candidate's specific responsibilities in the candidate's job descriptions.

The annual performance evaluations, though they may be favorable, cannot be considered a binding prediction that the candidate will be recommended for continuous appointment. The candidate may be evaluated as a specialist, as an administrator, or as both. In recommending a candidate for continuous appointment, the criteria listed below should be considered.

1. Understanding of the various policies, procedures and services of the College of Law Library, and a demonstrated ability to serve the library's clientele through interpreting these policies and procedures and assisting them in the use of available materials.

2. Demonstrated effectiveness in applying bibliographic techniques to the development, acquisition, organization and interpretation of the collections.

3. Demonstrated specialization. Excellent performance in an area of library service requiring knowledge of special library techniques or expertise in a specific subject discipline, e.g., performing highly valuable service as a bibliographer, as a cataloger of library materials, as a reference librarian, as an archivist, etc.

4. Demonstrated supervisory and administrative experience. Demonstrated effectiveness and ability to train, coordinate and supervise personnel in the performance of specific functions essential to the operations of the College of Law Library.

#### **E. Procedures for Recommendations for Promotion in Rank and Continuous Appointment**

1. Recommendations concerning promotion in rank or continuous appointment for members of the College of Law Library Faculty shall be made to the Dean of the College of Law by a committee consisting of (a) all members of the College of Law Faculty with continuous appointments, and (b) all members of the College of Law Library Faculty with continuous appointments holding a rank higher than that of the individual considered.

2. Any member of the College of Law Library Faculty who wishes to be considered for promotion in rank or for continuous appointment may submit a letter requesting such action to the Dean of the College of Law. The Dean of the College of Law shall determine the deadline date and announce it a reasonable time in advance. The Dean of the College of Law may also request that the committee make a recommendation concerning promotion or continuous appointment of an individual who has not so requested; the Dean of the College of Law shall promptly notify the individual of such action.

3. The individual to be considered shall assemble, or assist in assembling, any supporting material to be presented to the committee. The Dean of the College of Law and the Law Librarian may include such additional material in the file as they deem proper; the file shall ordinarily include the following material:

(a) Performance evaluations for a reasonable period of time, including evaluations for previous positions, where relevant.

(b) Current curriculum vitae.

- (c) Job description, including previous positions, where relevant.

The individual to be considered may inspect all materials in the file.

4. Recommendations of the committee shall be made known promptly to the individual concerned.

#### **F. Evaluation of Law Library Professors with Continuous Appointments**

In the University of Nebraska College of Law, the Director of the Law Library performs an annual review of the performance of each Professor of Law Library with a continuous appointment. Reviews are based on the performance of their responsibilities, creative efforts associated with the library program by the faculty member, and any other activities of the faculty member affecting the mission of the College of Law. In order to assure that the reviews are based on a rich record, each professor to be reviewed annually prepares a report to the Director of the Library with a copy for the Dean detailing activities and contributions relevant to the review. The evaluation of the Director of the Law Library is reported in writing to the individual evaluated. In addition, in appropriate circumstances, a special peer review may be initiated pursuant to section IV. C. "Special Review Policy of the UN-L Guidelines for the Evaluation of Faculty."

Continuous appointment in the College of Law is an expression of confidence that an excellent start in law library work will be followed by continued excellent performance in the future. Both the annual review of Professors of Law Library with continuous appointments and any special peer review are designed to assist such faculty members in achieving their professional goals and in maximizing their contributions to the College and its missions, and to provide assurance to the public that Professors of the Law Library with continuous appointments are accountable for their performance. The College expects that the potential recognized in the granting of a continuous appointment will be realized over the course of a professional career in a record of excellence in performance of their responsibilities, creative efforts associated with the law library and any other activities associated with the library program, and that if there is a substantial and chronic deficiency in the faculty member's performance, that deficiency will be identified and remedied.

Of, course, mechanical formulae are no more appropriate as standards by which to judge performance that may extend over many decades than as standards by which to judge whether to recommend a Professor of Law Library for continuous appointment in the first place. The factors that are relevant in evaluating a candidate for a continuous appointment as a Professor of Law Library remain relevant in evaluating the performance of Professors of Law Library with continuous appointments. Judgments about whether the promise recognized in a continuous appointment in fact is being realized require an understanding of the traditions, expectations, and responsibilities of law colleges and their faculties, a sense of what the college is and what it aspires

to be, and an appreciation of the potential of each individual faculty member to contribute to achieving those aspirations. The College recognizes that there are many ways in which a Professor of Law Library may make significant professional contributions to the College and its missions, and it expects that the job performance, creative efforts associated with the library program, and contributions of faculty members with continuous appointments as Professor of Law Library will evolve and mature over the course of their professional careers.

**Attachment # 1**

**Moved: that the faculty adopt the following rule:**

Whenever the Dean of the College of Law shall determine that

1) a member of the College of Law Faculty, a member of the College of Law Clinical Faculty, or a member of the College of Law Library Faculty is to be considered for promotion or continuous appointment or both; and

2) the administration of the University of Nebraska expects that the dossier of the candidate will be accompanied by external reviews,

the Dean of the College of Law shall, after consultations consistent with this rule, solicit external and independent letters of review in such numbers and in such form as will comply with the applicable University requirements.

If the candidate is a member of the College of Law Faculty or the College of Law Clinical Faculty, the selection of reviewers and the timing and manner of each such solicitation shall be determined by the Dean in consultation with the candidate and in consultation with faculty members who will be involved in the review of the candidacy; if the candidate is a member of the College of Law Library Faculty, the selection of reviewers and the timing and manner of each such solicitation shall be determined by the Director of the Law Library in consultation with the candidate and with the Dean. Each candidate shall have the opportunity to propose names of potential reviewers and to object to other potential reviewers. Reviewers shall not be asked whether the candidate should or should not receive promotion or continuous appointment; instead, reviewers shall be asked for advice on the nature and extent of the contribution which the reviewed work makes, and on its quality, significance, and potential.