

PERSONNEL DOCUMENT
on
Evaluative Criteria, Procedures, and General Standards
for Initial Appointment, Successive Appointments,
Promotion, Tenure, and Annual Review of Faculty

This document governs the selection, retention, promotion, and evaluation of faculty in the School of Law and is effective upon its approval by the Dean, the Vice Chancellor for Academic Affairs, the Chancellor, and the President. It has been approved by the faculties and Dean of the School of Law, the Vice Chancellor for Academic Affairs, the Chancellor, and the President of the University of Arkansas, as indicated by the signatures below.

These regulations are required to be consistent with and complementary to policies and procedures of the campus, as set forth in "Evaluative Criteria, Procedures, and General Standards for Initial Appointment, Successive Appointments, Annual and Post-Tenure Review, Promotion and Tenure" and "Appointments to Distinguished or University Professorships," and of the Board of Trustees, as set forth in Board Policy 405.1. In case of conflict, the Board Policy, the campus policies, and the school policy will have authority in that order. Copies of the campus documents and Board Policy are published periodically in the *Faculty Handbook*, but revisions occur regularly and care should be taken to consult the current version of each document. The form, Faculty Review Checklist, is also printed in the *Faculty Handbook*.

Dean, School of Law	Date
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Vice Chancellor for Academic Affairs	Date
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Chancellor	Date
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President	Date
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INTRODUCTION

The School of Law seeks excellence in its faculty appointments and programs in accordance with nationally-accepted standards of legal education and the larger scholarly community of which it is a part. The School of Law accepts an obligation to provide benchmarks for quality in education and scholarship in the University and in the State; and it seeks to enhance the national and international reputation of the University through its programs of teaching, scholarship, and service.

Faculty achievement is evaluated each year in the areas of teaching effectiveness, scholarly research, professional and legally-related service, and, if applicable under the provisions of this document, professional performance. The policies and procedures contained herein are designed to recognize and reward meritorious performances of faculty by reappointment, salary raises, promotion, and granting of tenure. Attainment of tenure requires a high level of achievement in scholarship, teaching, service, and, if applicable, professional performance, and a clear indication that such an achievement level will be maintained over a career as a faculty member.

All decisions in selection, retention, salary increases, promotion, and tenure of faculty that are not based on retrenchment pursuant to Board Policy 405.5 shall be made on the basis of professional merit, quality of contribution to the University, and the degree of competence in the performance of assigned duties.

There are two faculties within the School of Law: the Law faculty and the Law Library faculty. The Law faculty consists of the Dean and faculty engaged in the teaching of law in a classroom or clinical setting. The Law Library faculty consists of professional law librarians who engage in maintenance, service, and instructional activities in the Law Library. With one exception, Part A of these regulations is applicable to personnel decisions with regard to the Law faculty, while Part B is applicable to personnel decisions with regard to the Law Library faculty. Exception is made for the Director of the Law Library, who is subject to Part A although the locus of his or her tenure is in the Law Library faculty. For the purposes of this document, except as otherwise provided, the Director of the Law Library shall be considered a member of the tenured and tenure-track Law faculty.

PART A: THE LAW FACULTY

I. RESPONSIBILITIES

These regulations assign particular responsibilities in the decision-making processes within the School of Law to various individuals and entities.

The tenured and tenure-track Law faculty are responsible for making recommendations to the Dean regarding initial appointments to tenured and tenure-track faculty positions. The faculty member who would be the person's immediate supervisor, if any, and the Committee on Long Term Appointments are responsible for advising the Dean concerning initial appointments to a clinical rank of prospective faculty members who will teach within the Legal Research and Writing Program or within the Clinical Legal Education Program. The faculty member who would be the person's immediate supervisor, if any, and any other faculty members selected by the Dean are responsible for advising the Dean concerning initial appointments to part-time, adjunct, and other nontenure-track faculty positions.

The Committee on Promotion and Tenure (COPT) is responsible for conducting annual peer evaluation of all faculty members and for making recommendations to the Dean regarding the reappointment, promotion, and tenure of tenured and tenure-track faculty. The faculty member's immediate supervisor and the Committee on Long Term Appointments [COLTA] are responsible for advising the Dean concerning the reappointment and promotion of all full-time faculty members with an appointment to a clinical rank who are teaching within the Legal Research and Writing Program or within the Clinical Legal Education Program.

The faculty member's immediate supervisor, if any, and any other faculty members selected by the Dean are responsible for advising the Dean concerning the reappointment and promotion of other nontenure-track faculty.

The Dean conducts the annual review of tenured and tenure-track faculty. The annual

review of nontenure-track faculty is conducted by their immediate supervisor or, in the absence thereof, the Dean. (For purposes of this document, the Director of the Legal Clinic and the Director of Legal Writing shall be considered "immediate supervisors," unless the Dean directs otherwise. Also, the Dean may designate any other person with similar operational responsibility as an "immediate supervisor" for purposes of this document.) The Dean is also responsible for forwarding personnel recommendations regarding the Law faculty to the Vice Chancellor for Academic Affairs.

COPT shall consist of all tenured members of the Law faculty; the Dean shall be a non-voting *ex officio* member. COPT's Chair shall be appointed annually. COPT may devise such supplementary procedures, practices, fact-finding methods, and evaluative techniques as are reasonable and appropriate in carrying out the functions assigned to it by this document.

COLTA shall consist of all tenured and tenure-track members of the Law faculty and all full-time faculty members with an appointment to a clinical rank who are teaching within the Legal Research and Writing Program or the Clinical Legal Education Program who have been granted a commitment to successive reappointments under Section V(C) of this Document.

II. INITIAL APPOINTMENTS

The Law faculty utilizes a range of academic ranks and designations from lecturer to distinguished professor of law. It also utilizes academic ranks and designations with the prefixes of "clinical," "research," "visiting," or "adjunct." A faculty member who does not hold a professorial rank or who holds a "visiting," "research," "clinical," or "adjunct" professorial rank has a nontenure-track position and is not eligible for an award of tenure. Only full-time faculty with appointments to a clinical faculty rank who are teaching within the Legal Research and Writing Program or the Clinical Legal Education Program shall be eligible for a commitment to successive reappointments for a period of three years as set forth in section V(C). Sections II(A) – II(D) govern the initial appointment processes. The procedure and criteria for appointment as university or distinguished professor are set forth in section VI.

A. Procedures

The Dean of the School of Law shall recommend initial appointments of faculty to the Vice Chancellor for Academic Affairs. When the initial appointment is to a tenured or tenure-track position, the Dean shall not make such a recommendation unless the appointment has been recommended by at least two-thirds of the tenured and tenure-track faculty present at a duly-called meeting of such faculty. Moreover, the Dean shall not recommend such an initial appointment at a rank above assistant professor or with tenure unless the Committee on Promotion and Tenure has determined that the candidate qualifies for such status under the applicable criteria in section II(C) and section V. When the initial appointment is to a full-time faculty position with a clinical rank to teach within the Legal Research and Writing Program or within the Clinical Legal

Education Program, the Dean shall not make such a recommendation unless the appointment has been recommended by at least two-thirds of all faculty members who are tenured, tenure-track, or holding an appointment to a clinical rank and are teaching within the Legal Research and Writing Program or the Clinical Legal Education Program, and who are present at a duly-called meeting of the faculty. Moreover, the Dean shall not recommend such an initial appointment at a rank above clinical assistant professor or a long term commitment to successive reappointments for a period of three years unless COLTA has determined that the candidate qualifies for such status under the applicable criteria in section II(C) and section V. When the initial appointment is to a part-time, adjunct or any other nontenure-track position, the Dean, prior to making a recommendation, shall seek the advice and evaluation of the faculty member who would be the person's immediate supervisor, if any, and may seek the advice of other faculty members.

B. Degree Requirements

No candidate shall be recommended for appointment to the faculty unless that candidate has a J.D. or LL.B. degree from an ABA-accredited law school or an equivalent degree. An equivalent degree is a degree from a respected university, the awarding of which recognizes a level of skill and achievement at least commensurate with that required for a J.D. or LL.B. degree. The "equivalent degree" standard might be invoked, for example, with respect to a candidate with a law degree from a foreign university or a candidate with an M.D. degree or a Ph.D. degree in history or economics. These examples are offered for purposes of illustration only and not for purposes of limitation. No differentiation is made among the academic ranks with respect to degree requirements. However, a candidate may not be recommended for appointment as Director of the Law Library unless he or she has a J.D. or LL.B. degree from an ABA-accredited law school.

C. Criteria Other Than Degree Requirements

1. *Lecturer*: All appointments to the rank of lecturer shall be for one semester or one year, and may be full or part time. Evidence of potential for effective teaching is necessary, as is evidence of continuing professional or scholarly interest in law or a law-related field.

2. *Instructor, Clinical Instructor, and Research Instructor*: All appointments to the rank of instructor, clinical instructor, or research instructor shall be for one semester or one year, and may be full or part time. Evidence of potential for effective teaching is necessary, as is evidence of continuing professional or scholarly interest in law or a law-related field. Initial appointment to the rank of instructor shall be recommended when the candidate's professional qualifications clearly exceed those expected for the rank of lecturer.

3. *Assistant Professor*: Initial appointment to the rank of assistant professor shall be recommended only when the candidate has a current capability for effective teaching, scholarship, and service, and a potential for significant growth in these areas.

4. *Associate Professor*: Initial appointment to the rank of associate professor shall be recommended only when the candidate has a capability for effective teaching, scholarship, and service, has earned some recognition for excellence in his or her field, and has established a record as a perceptive and effective teacher, scholar, and member of a university community, or, when it will be particularly useful for his or her position at the law school, an equivalent record of accomplishment in government service or a related academic discipline, or as a member of the bench or bar.

5. *Professor*: Initial appointment to the rank of full professor shall be recommended only when the candidate has a capability for effective teaching, scholarship, and service, has earned national recognition for excellence in his or her field, and has established a record as an outstanding teacher, scholar, and member of a university community, or, when it will be particularly useful for his or her position at the law school, an equivalent record of accomplishment in government service or a related academic discipline, or as a member of the bench or bar.

6. *Director of Law Library*: Initial appointment of the library director shall be at the rank of assistant professor, associate professor, or professor, in accordance with the criteria set forth above. However, the appropriate rank will also be determined by the administrative experience of the individual as a law librarian and the recognition he or she has achieved within the national law library community. At the minimum, the individual must satisfy the experience requirements set forth in section II of Part B for appointment as an Associate Librarian.

7. *Clinical Assistant Professor and Research Assistant Professor*: Appointments to these ranks shall be for one semester or one year, except for those individuals who receive a long term commitment to successive reappointments for a period of three years, and may be full-time or part-time. Appointments to the rank of clinical assistant professor shall be recommended only when the candidate has a current capability for effective teaching, and, when appropriate, research, or scholarship. Appointments to the rank of research assistant professor shall be recommended only when the candidate has a current capability for effective research, and, when appropriate, teaching, or scholarship.

8. *Clinical Associate Professor and Research Associate Professor*: Appointments to these ranks shall be for one semester or one year, except for those individuals who receive a long term commitment to successive reappointments for a period of three years, and may be full or part time. Appointments to the rank of clinical associate professor shall be recommended only when the candidate has established a record of effective teaching and, when appropriate, research, or scholarship. Appointments to the rank of research associate professor shall be recommended only when the candidate has established a record of effective research and, when appropriate, teaching, or scholarship.

9. *Clinical Professor and Research Professor*: Appointments to these ranks shall be for one semester or one year, except for those individuals who receive a long term commitment to successive reappointments for a period of three years, and may be full or part time.

Appointments to the rank of clinical professor shall be recommended only when the candidate has earned national recognition for excellence in his or her field and established a record of outstanding teaching and, when appropriate, research, or scholarship. Appointments to the rank of research professor shall be recommended only when the candidate has earned national recognition for excellence in his or her field and established a record of outstanding research and, when appropriate, teaching, or scholarship.

10. *Visiting or Adjunct Assistant Professor, Visiting or Adjunct Associate Professor, and Visiting or Adjunct Professor:* All appointments to these ranks shall be for one semester or one year, and may be full or part time. Appointments to these ranks shall be recommended only when such appointment will enrich the learning or research environment at the School of Law.

D. Affirmative Action and Initial Appointments

The criteria set forth above are applicable to all candidates regardless of age, disability, ethnic origin, marital status, race, religious commitment, sex, or sexual orientation. The Dean and faculty shall, in recruiting candidates for initial appointment and in selecting among and between such candidates, act consistently with the letter and the spirit of the School of Law's affirmative action policy.

E. Notification of New Faculty

Within 30 days of the effective date of his or her appointment, the Dean of the School of Law shall provide a new faculty member with a copy of Board Policy 405.1, campus policies adopted pursuant thereto, and this document.

III. ANNUAL REVIEW

Each faculty member's teaching, scholarship, service, and, if applicable, professional performance shall be reviewed annually. Such review shall include careful consideration of the results of the formal student evaluations and the year's peer evaluations and reappointment, promotion, tenure recommendations, and recommendations for a long term commitment to successive reappointments for a period of three years by the Committee on Promotion and Tenure (COPT) or the Committee on Long Term Appointments (COLTA). The tenured and tenure-track faculty shall be reviewed by the Dean. Such review shall be conducted in accordance with policies of the Board of Trustees (at present, section V.A.6 of Board Policy 405.1) and of the campus (at present, section II.B.7 of Evaluative Criteria, Procedures and General Standards for Initial Appointment, Successive Appointments, Annual and Post-Tenure Review, Promotion and Tenure). In accordance with University regulations, the nontenure-track faculty shall be reviewed by their immediate supervisor or, in the absence thereof, the Dean. Additional procedures and criteria are set forth in subsections (A) – (D) of this section.

A. *Procedures for Tenured and Tenure-track Faculty*

1. In accordance with the timetable specified in the *Faculty Handbook*, the Dean shall give written notice to each tenured and tenure-track faculty member of the assignments, review schedule, standards, criteria, procedures, and instruments that will be used in conducting the annual review. The notice will also inform the faculty member that COPT will conduct peer evaluation of his or her teaching, scholarship, service, and, if applicable, professional performance, and that he or she must submit an updated report of his or her professional activities to COPT when so requested by the Chair. The notice shall further advise the faculty member that additional material may be submitted to COPT for consideration in the peer evaluation, and that his or her teaching will be evaluated pursuant to the School of Law's student evaluation program.

2. On an annual basis, pursuant to the criteria set forth in section III(B), COPT shall conduct peer evaluation of each tenured and tenure-track faculty member's teaching, scholarship, service, and, if applicable, professional performance. Such evaluation shall be based on personal observations, submissions, and publications, as well as other information available to COPT from other reasonable sources, including mathematical averages from student evaluations and, with the faculty member's consent, students' comments on such evaluations. COPT shall then present a preliminary evaluation of the faculty member's performance to the faculty member.

3. Except in the case of tenured full professors, the evaluation shall also state whether or not the faculty member is making satisfactory progress towards promotion and/or tenure, and if not, what remedial steps, if any, are recommended. After the faculty member has had reasonable time to respond to the preliminary evaluation, COPT shall give the faculty member an opportunity to discuss the issues raised by the evaluation.

4. Prior to submitting its final evaluation to the Dean for use in the annual review, COPT shall provide a copy to the faculty member, who shall have a reasonable time to prepare a written response. Any written response received by COPT shall be submitted to the Dean at the same time as COPT's final evaluation.

5. When the annual review of a tenured faculty member results in an overall rating of "unsatisfactory," the Chair of COPT will report that finding to the Dean. The Dean shall then inform the faculty member of that finding, as well as what corrective actions are to be undertaken during the current year. When the annual review of a tenured faculty member results in an overall rating of "unsatisfactory" in two consecutive annual reviews, or three of five consecutive annual reviews, action to improve his or her performance to the satisfactory level will be taken in accordance with campus policies (at present, section II(C) of Evaluative Criteria, Procedures and General Standards for Initial Appointment, Successive Appointments, Annual and Post-Tenure Review, Promotion and Tenure). Those policies require the implementation of a professional development plan to improve the faculty member's performance. In the event the faculty member fails to demonstrate the required improvement, the Dean may recommend a one-year terminal contract and dismissal for cause as set out in that policy.

B. *Criteria for Tenured and Tenure-track Faculty*

1. *Purpose.* The purpose of the following criteria is to provide the basis for systematic, informed, and rational judgments by the Dean and COPT about the performance of tenured and tenure-track faculty members. The criteria are not listed in order of priority.

2. *Teaching Activities.* In the School of Law, teaching is done both in the formal classroom setting and in contacts with students outside of the classroom. Each faculty member must demonstrate proficiency in teaching. A faculty member's teaching should demonstrate the ability to stimulate critical and creative thinking and further inquiry; skill in developing analytical reasoning ability; expertise in criticizing, analyzing, synthesizing, and communicating material; interest in students and in teaching; energy and enthusiasm in the classroom; effectiveness in leading class discussions; mastery of the subject matter; careful preparation of each day's teaching objective; development of varied and appropriate teaching methods; accessibility to students outside the classroom; conscientious and skilled supervision of student writing and research; interest in examining ways of improving instruction; and willingness to advise students on educational and professional objectives.

3. *Research Scholarship:* Law teaching demands ongoing research activities in course preparation. In addition, research for other purposes is a part of the responsibility of a law teacher. These include preparation for speech-making, development of expertise in related fields, and preparation for various types of publication. The conduct of such research is an important academic experience and an indication of competence and growth. Moreover, the publication of findings based upon effective research is a contribution to the body of knowledge, which is one of the law teacher's obligations as a scholar.

Scholarship is a significant and on-going part of the activities of every faculty member with a professorial rank. Accordingly, a faculty member, beginning no later than three years after appointment, is expected to publish at least one significant piece of legal scholarship every other year, and a less scholarly piece in the alternate years. Demonstrated written progress toward completion of a book or treatise will fulfill this requirement. However, due allowance in the application of this criterion will be made when the faculty member has administrative responsibilities beyond those administrative responsibilities typically performed by a faculty member.

The qualitative evaluation of research must be based upon the published products of the research. Judging the significance and determining the weight to attach to any particular publication is a difficult task. Certainly the mere counting of pages will not suffice. The intrinsic merit and the quality of intellectual effort and work involved in the content must be the basis of evaluation. Innovative interdisciplinary works involving the mastery of complex materials rank at the top of the quality scale while routine expository works of existing law have much less quality.

Careful analysis of works produced by the individual during a given period will constitute

the primary method for determining their quality. However, the following criteria may be useful in reaching a final judgment:

- a. The degree of complexity or uniqueness of the research and publication efforts.
- b. The nature and quality of the publication in which the work appears.
- c. The degree and extent of outside expert guidance and editorial control exerted by the publication accepting the work.
- d. Critiques and recognition by outside experts of the work, where available.
- e. The form of published materials as a rough gauge of quality (teaching materials, student text, practitioner text, casebook, book review, law review article, general periodical article, article in a scholarly periodical, monograph, collection of readings (with or without editorial comments), investigative reports, printed speeches, etc.).
- f. The degree that students may have been involved in the production process.

4. *Professional, Educational, and Legally-related Service Activities*: Professional, educational, and legally-related service activities are worthwhile complements to the primary faculty functions of teaching and scholarship. Such activities may be performed within the University community, at the local, state, or federal governmental level, or in the private sector. However, activity as such should not be used as a criterion, but the nature and quality of the activity should be gauged in terms of the activity's benefit to the participant as a teacher and scholar, and the degree of need for and benefit to the public resulting from the activity. Moreover, such activity should not interfere with and cannot take the place of the basic requirements of quality teaching, continued and consistent scholarship, and, if applicable, successful professional performance.

It is not feasible to list all possible criteria for worthwhile professional, educational, and legally-related service. The following should be considered as typical examples:

- a. Participation in School of Law and University government, including committee work demanding significant research, fact-gathering, and policy-making contributions.
- b. Participation in School of Law and University administrative activities involving more than routine procedures (although the time demands of routine administration should be taken into account when judging the overall accomplishments of an individual during a given time period).
- c. Participation in local, state, and national government, especially when such participation is related to education or a legally-related field. Examples may include work on committees, boards, commissions, task forces, study groups, etc.

- d. Participation in the affairs of professional, educational, and scholarly organizations.
- e. Consultative activities with governmental or private groups.
- f. Presentation of papers to professional, educational, or scholarly organizations.
- g. Limited and controlled law practice, whether pro bono or compensated, which is of more than routine quality and is either directly related to and benefits the individual as a teacher and scholar or meets manifest public needs in the teacher's subject field.
- h. Participation in civic organizations and groups which contribute to the public benefit, provided the individual's participation is directly related to education or a legally-related matter.

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

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

In assessing the professional performance of the Director, COPT will seek the following information: a written report by the Director reviewing her or his own work during the pertinent period; a written evaluation by the Dean; and oral evaluations by members of the Legal Research and Writing faculty. COPT may also consider information from other relevant sources, including the Committee on Legal Writing, and may retain a legal writing director at another law school as a consultant.

b. *Scholarship:* Although the Director is expected to engage in traditional legal scholarship, he or she must have the flexibility to address issues specifically related to legal writing. Thus, a portion of the Director's scholarship obligations may be satisfied through research and publication directed toward pedagogy, programmatic considerations, and other topics related to legal writing and research; presentations of papers on such topics at professional meetings; and the development of research assignments, teaching manuals, and other instructional materials.

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

d. *Service*: The general criteria for service shall apply. Significant participation in prominent organizations within the field of legal writing and research will be taken into account in evaluating the Director's service activities.

6. *Criteria for Director of Law Library*: To the extent that they are not inconsistent with the provisions of this section, the general criteria for teaching, scholarship, and service are applicable. Because a significant portion of the Director's time is typically devoted to library oversight, however, his or her professional performance as reflected in the success of the law library is to be given substantial weight.

a. *Professional Performance*. For purposes of assessment of such performance, the following factors are relevant but not exclusive: development and performance of library operations that support instructional and research programs; personnel management; effective assignment, training, and evaluation of library staff; identification of library problems and the promotion of their solution; creative achievement in library design and space utilization; skillful development and enhancement of the collection; effective use of new technology; interaction with faculty and students with respect to research needs; alumni relations and fund-raising; outreach to the bench and bar; and general librarianship and administrative skills.

In assessing the professional performance of the Director, COPT will seek the following information: a report by the Director reviewing his or her own work; evaluations by the Dean, the Library Committee, each member of the Law Library faculty, and the library staff; surveys of library patrons; and evaluations of the library by the ABA and other accrediting groups. COPT also may consider information from other sources and may retain a person experienced in library administration as a consultant.

b. *Scholarship*: The Director's primary duty is providing high-quality service in an efficiently run law library. Accordingly, his or her scholarly output cannot be expected to reach the same level as that of the teaching faculty. The scholarship requirement may be met through development of bibliographies, library manuals, and procedural guides of value to other law libraries and law librarians; presentation of papers at professional meetings; and publication of journal articles and books relating to law libraries, law librarianship, and legal research.

c. *Teaching*: If the Director is assigned to teach a course, he or she shall be evaluated in the same manner as other faculty members. However, teaching effectiveness shall not be accorded substantial weight, since the Director's primary responsibility is professional

performance in directing the law library. Should the Director's performance in the classroom prove unsatisfactory, the Dean shall not assign him or her any further courses.

d. *Service*: The recognition gained from active and significant participation in nationally or regionally prominent library groups focuses attention on and can bring distinction to the Director, the School of Law, and the University. Accordingly, such participation will be taken into account with respect to the service requirement.

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

a. *Professional Performance*: For purposes of assessment of the Director's professional performance, the following factors are relevant but not exclusive: development and implementation of an effective program of clinical education that meets the curricular objectives of the law school and the standards of the legal profession; establishment of clear pedagogic and professional goals; effective identification and response to problems occurring within the clinical program; maintaining effective liaison with related curricular and administrative activities within the law school; maintaining effective professional relationships within the bench and bar appropriate to the educational and professional goals of the clinical program; effective assignment training, and evaluation of clinical faculty and staff; and general administrative skills.

In assessing the professional performance of the Director, COPT will seek the following information: a written report by the Director reviewing her or his own work during the pertinent period; a written evaluation by the Dean; and oral evaluations by members of the clinical faculty. COPT may also consider information from other relevant sources, including the Committee on Clinical Education, the bench, the bar, and may retain a clinic director at another law school as a consultant.

b. *Scholarship*: Although the Director is expected to engage in traditional legal scholarship, he or she must have the flexibility to address issues specifically related to clinical legal education. Thus, a portion of the Director's scholarship obligations may be satisfied through research and publication directed toward pedagogy, programmatic considerations, and other topics related to clinical legal education; presentations of papers on such topics at professional meetings; and the development of clinic practice materials and handbooks, teaching manuals, and other instructional materials.

c. *Teaching*: The Director's teaching effectiveness shall be judged under the same criteria as other tenured and tenure-track faculty, with due consideration for the unique aspects of the subject matter.

d. *Service*: The general criteria for service shall apply. Significant participation in prominent organizations within the field of clinical legal education will be taken into account in evaluating the Director's service activities.

C. Procedures and Criteria for Full-time Faculty with an Appointment to Clinical Rank Who Are Teaching within the Legal Research and Writing Program or the Clinical Legal Education Program

1. In accordance with the timetable specified in the *Faculty Handbook*, the Dean shall give written notice to each full-time faculty member with an appointment to a clinical rank who is teaching within the Legal Research and Writing Program or the Clinical Legal Education Program of the assignments, review schedule, standards, criteria, procedures, and instruments that will be used in conducting the annual review. The notice will also inform the faculty member that COLTA will conduct peer evaluation of his or her teaching, scholarship, service, and, if applicable, professional performance, and that he or she must submit an updated report of his or her professional activities to COLTA when so requested by the Chair. The notice shall further advise the faculty member that additional material may be submitted to COLTA for consideration in the peer evaluation, and that his or her teaching will be evaluated pursuant to the School of Law's student evaluation program.

2. On an annual basis, COLTA shall conduct a peer evaluation of all faculty members teaching within the Legal Research and Writing Program and the Clinical Legal Education Program, pursuant to the criteria set forth herein and in the supplemental criteria applicable to faculty members teaching in the Legal Research and Writing Program and the Clinical Legal Education Program. COLTA shall conduct peer evaluation of each such member's teaching, service, professional performance, and, if applicable, scholarship. Such evaluation shall be based on personal observations, submissions, and publications, as well as other information available to COLTA from other reasonable sources, including mathematical averages from student evaluations and, with the faculty member's consent, students' comments on such evaluations. COLTA shall then present a preliminary evaluation of the faculty member's performance to the faculty member.

3. For those faculty members who have a commitment to successive reappointments for a period of three years, the evaluation shall also state whether or not the faculty member is making satisfactory progress towards promotion and obtaining another such commitment, and if not, what remedial steps, if any, are recommended. After the faculty member has had reasonable time to respond to the preliminary evaluation, COLTA shall give the faculty member an opportunity to discuss the issues raised by the evaluation.

4. Prior to submitting its preliminary evaluation to the faculty member's immediate supervisor, for use in her or his annual review, COLTA shall provide a copy to the faculty member, who shall have a reasonable time to prepare a written response. Any written response received

by COLTA shall be submitted to the faculty member's immediate supervisor at the same time as COLTA's preliminary evaluation.

5. The faculty member's immediate supervisor shall prepare her or his annual review of the faculty member based on the preliminary peer review by COLTA, and any other reasonably available, relevant information. The immediate supervisor shall forward his or her annual review back to COLTA, and, at the same time, forward a copy to the faculty member.

6. After the faculty member has had a reasonable time to file any written response she or he may wish to the immediate supervisor's annual review, COLTA shall issue its final evaluation. The final evaluation, together with the immediate supervisor's annual evaluation, and any written response filed by the faculty member, shall be forwarded to the Dean, with copies to the faculty member and his or her immediate supervisor.

D. Procedures and Criteria for All Other Non-tenure Track Faculty

Each year COPT shall conduct a peer evaluation of all other nontenure-track faculty members. This includes: (1) any part-time faculty holding an appointment to a clinical faculty rank who are teaching within the Legal Research and Writing Program or the Clinical Legal Education Program; (2) all full or part-time faculty holding appointments to a research faculty rank who are not teaching within the Legal Research and Writing Program or the Clinical Legal Education Program; and (3) any full-time or part-time faculty members holding an appointment to a visitor or adjunct faculty rank. A nontenure-track faculty member with only teaching duties shall be evaluated pursuant to the teaching criteria set forth in section III(B)(2). If the faculty member's duties include scholarship and/or service activities, the criteria in section III(B)(3) and/or section III(B)(4) applicable to evaluating performance in such activities shall be used, with due regard to the nature of the scholarship or service expected from the faculty member. COPT shall submit its evaluation to the faculty member for comment and then submit its evaluation, together with any materials received from the faculty member, to the faculty member's immediate supervisor or, in the absence thereof, the Dean. If an immediate supervisor completes the annual review (which shall include careful consideration of the results of the formal peer and student evaluations), the results thereof, together with any materials received from the faculty member, shall be submitted to the Dean.

E. Faculty Performance and Development Report

After completion of the annual review of faculty, the Dean shall report the overall results to the faculty. The report shall consider the performance and development of the faculty as a whole in the areas of teaching, scholarship, and service. In addition, the report shall attempt to determine the causes of any strengths and weaknesses and propose appropriate remedial measures.

IV. SALARY

The Dean shall consider annually the salary paid to each faculty member and whether an increase should be recommended to the Vice Chancellor for Academic Affairs. Such recommendation shall be based on the Dean's annual evaluation of the individual's teaching, scholarship, service, and, if applicable, professional performance. Moreover, the Dean shall make a comparative assessment of the individual's performance in these areas and the performance of the other faculty members. In evaluating the performance of each faculty member, the Dean shall give primary emphasis to the results of the most recent annual review under section III.

Notwithstanding the preceding paragraph, the Dean should recommend an adjustment in a faculty member's salary when his or her salary is significantly lower than the average salary received by other faculty members with substantially identical records of teaching, scholarship, service, and, if applicable, professional performance, over the course of their academic careers.

V. *REAPPOINTMENT, PROMOTION, AND TENURE*

The Dean shall make recommendations regarding the reappointment, promotion, tenure, and granting of a commitment to successive reappointments for a period of three years to the Vice Chancellor for Academic Affairs. When the reappointment, promotion, or tenure decision involves a tenured or tenure-track faculty member, COPT shall first evaluate the faculty member's teaching, scholarship, service, and, if applicable, professional performance, and make a recommendation to the Dean. When the decision involves the reappointment, promotion, or a commitment to successive reappointments for a period of three years of a full-time faculty member with an appointment to clinical rank who is teaching within the Legal Research and Writing Program or the Clinical Legal Education Program, the faculty member's immediate supervisor shall first evaluate the faculty member and then make her or his recommendation to COLTA. COLTA shall evaluate the faculty member and shall then make its recommendation to the Dean. The evaluation of the faculty member's immediate supervisor and COLTA shall include the faculty member's teaching, service, and, if applicable, professional performance, and scholarship. When the decision involves the reappointment or promotion of a part-time, adjunct, or other nontenure-track faculty member not teaching within the Legal Research and Writing Program or the Clinical Legal Education Program, the Dean shall seek the advice and evaluation of the faculty member's immediate supervisor, if any, and may seek the advice of other faculty members. The criteria and procedures applicable to each group are set forth in subsections (A)–(E). The process for appointment as university or distinguished professor is set forth in section VI.

A. *Criteria for Tenured and Tenure-track Candidates*

A tenured or tenure-track candidate for reappointment, promotion, or tenure should demonstrate positive achievement in teaching, scholarship, service, and, if applicable, professional performance. In evaluating a candidate's performance in each area, the Dean and COPT shall apply the relevant criteria in section III and this section; and the materials generated by the candidate's

annual reviews under section III shall provide a primary basis for their evaluations. However, application of the criteria to a particular candidate and determination of the precise weight to assign to the annual review materials are inherently a matter of individual evaluation, balancing, and judgment. The function is in no sense mechanical, and there is no set formula for predicting the outcome of the process. Nevertheless, the Dean and COPT share common values and the following principles should furnish guidance.

There are four types of recommendations, which differ qualitatively. These concern (1) reappointment, (2) promotion to associate professor, (3) promotion to full professor, and (4) granting of tenure.

1. *Reappointment*: Although all recommendations are based on performance, a first-year tenure-track faculty member may normally expect to be recommended for reappointment for a second year. This recommendation must be made on the basis of only one semester's work, and ordinarily there will be insufficient information accumulated to make any other recommendation. Thereafter, however, more in-depth scrutiny will be exercised, even when the recommendation concerns reappointment only. Such scrutiny, when combined with the Dean's and COPT's "counseling" function, will provide useful career guidance for newer faculty members. The Dean and COPT will look for definite signs of merit and future promise in all reappointment decisions.

2. *Promotion to Associate Professor*: Promotion to the associate rank is earned by sustained and progressive achievement in teaching, scholarship, service, and, if applicable, professional performance. Junior law teachers generally face the formidable challenge of mastering their assigned courses and of developing a high level of teaching skills; it is therefore to be expected that this area of achievement will be emphasized. Similar emphasis will be given to professional performance when the faculty member is the Director of the Law Library or the Director of Legal Writing. On the other hand, a candidate for the rank of associate professor must have had a scholarly article accepted for publication or present a discrete and substantial scholarly work that is part of a larger project and that fulfills a publishing contract, consists primarily of original writing, and is ready for publication. With regard to professional, educational, and legally-related service, the opportunities therefor are often infrequent at this stage of a candidate's career. What is normally expected for promotion from assistant to associate professor are proven teaching effectiveness, demonstrated competence in scholarship and, if applicable, professional performance, and concrete evidence of future promise in the area of service.

3. *Promotion to Full Professor*: In order to merit promotion to professor, significant achievement in the area of published scholarship is essential, as well as quality performance in the other areas of concern.

4. *Granting of Tenure*: Whenever a recommendation regarding tenure is to be made, the Dean and COPT, in addition to applying the criteria in section III, shall consider factors which are particularly pertinent to the awarding of tenure. These factors include:

- a. The candidate's potential for significant future contributions to the programs of the School of Law, and the probability that such contributions will be realized throughout the candidate's career.
- b. The probability that the candidate will meet the criteria for promotion to full professor in the foreseeable course of events.
- c. The candidate's ability to work with his or her colleagues, but this factor is relevant only to the extent of weighing the likelihood that the candidate would cause intra-faculty tensions disruptive of the purposes and functions of the School of Law.
- d. The expectation that the candidate will have already published at least two standard-length law review articles or the equivalent.

5. *Director of Law Library*: Tenure granted to the Director of the Law Library shall be as a law librarian, with the locus of tenure in the Law Library faculty, not as a member of the Law faculty. If, after being awarded tenure, the Director resigns or is removed from the position, he or she has tenure rights as a member of the Law Library faculty.

B. *Procedures for Tenured and Tenure-track Candidates*

- 1. Recommendations concerning the reappointment of all untenured faculty members will be made without their requests.
- 2. A faculty member who desires recommendations concerning promotion and/or tenure shall provide a written request to the Dean and COPT as early as possible in the fall semester but no later than the deadline specified in the *Faculty Handbook*. By giving written notice to the Dean and COPT, a faculty member may withdraw such request from further consideration at any time prior to the time the Dean submits a recommendation on the matter to the Vice Chancellor for Academic Affairs.
- 3. COPT shall advise each faculty member whose reappointment, promotion, and/or tenure will be considered of any materials that should be submitted to COPT in addition to those required in connection with the annual review, and the date by which COPT must receive such materials. At the same time, COPT shall advise the faculty member of the right to appear personally before COPT both prior to any vote being taken and after a tentative negative vote has occurred.
- 4. Any faculty member shall have the right to examine the contents of the personnel file which COPT maintains on him or her, except for current student evaluations, and to respond in writing to any material in the file.
- 5. Before December 1 each year, COPT shall evaluate each faculty member who is a can-

didate for promotion and/or tenure, and make a positive or a negative recommendation on such faculty member. With respect to a candidate for reappointment, COPT shall complete its work in accordance with the timetable specified by the Vice Chancellor for Academic Affairs and the deadlines set forth in the *Faculty Handbook*. If COPT makes a positive recommendation, COPT shall promptly inform the faculty member and provide the faculty member with its written recommendation and rationale. COPT shall also forward its written recommendation and rationale to the Dean. If COPT makes a negative recommendation, its decision shall be considered tentative. A faculty member who has received a tentative negative recommendation shall be promptly provided with a written statement of COPT's reasons.

6. A faculty member who has received a tentative negative recommendation shall have seven days from the date he or she receives the statement of reasons to present COPT with additional information and written arguments and/or to exercise the right to appear personally before COPT. At the close of such additional proceedings as are necessary, COPT shall make a final recommendation on the faculty member. This recommendation, whether positive or negative, and the specific reasons therefore shall be promptly set forth in writing and delivered to the Dean and the faculty member.

7. The Dean, prior to forwarding his or her recommendation, whether positive or negative, to the Vice Chancellor for Academic Affairs, and prior to notifying the faculty member of his or her recommendation, shall report his or her decision and rationale to the Chair of COPT. If the Dean has decided not to recommend reappointment, the Dean shall send a letter so informing the faculty member which complies with University policy and contains the Dean's rationale for such decision. If the Dean has decided not to recommend promotion and/or tenure, the faculty member, upon request, shall be entitled to receive the Dean's rationale for such decision. At the same time that the Dean submits his or her recommendation to the Vice Chancellor for Academic Affairs, he or she shall also submit any written responses from COPT and the faculty member, as well as the original recommendation of COPT.

8. COPT shall not recommend the reappointment, promotion, and/or tenure of a faculty member, or the initial appointment at a rank above assistant professor or with tenure, unless such recommendation has been approved by at least two-thirds of those members eligible to vote and present at the meeting. If a motion to make a recommendation receives less than two-thirds of the votes, COPT shall make a negative recommendation on the issue. COPT shall not abridge the right to a secret ballot, allow any form of proxy voting, or permit any member to vote on his or her own promotion or the promotion of a colleague of equal or higher academic rank. A quorum shall consist of two-thirds of the members eligible to vote on the issue under consideration. Faculty members who are on leave shall not be counted for purposes of such a quorum.

C. Criteria For Reappointment, Promotion, and Commitment to Successive Reappointments of Faculty Members Who Are Teaching within the Legal Research and Writing Program or the Clinical Legal Education Program

1. COLTA and the immediate supervisor of a faculty member with an appointment to a clinical rank who is teaching within the Legal Research and Writing Program or the Clinical Legal Education Program are responsible for advising the Dean concerning the reappointment and promotion of the faculty member. In evaluating such a faculty member's performance in each area, the faculty member's immediate supervisor, COLTA, and the Dean shall apply the relevant criteria in section III, this section, and the supplemental criteria specifically applicable to faculty teaching within the relevant program. The materials generated by the candidate's annual reviews under section III, and the recommendation of the faculty member's immediate supervisor, shall provide a primary basis for their evaluations. However, application of the criteria to a particular candidate and determination of the precise weight to assign to the annual review materials are inherently a matter of individual evaluation, balancing, and judgment. The function is in no sense mechanical and there is no set formula for predicting the outcome of the process. Nevertheless, the Dean, COLTA, and those faculty members charged with supervision of the Legal Research and Writing Program and the Clinical Legal Education Program share common values. The principles expressed in this document and the relevant supplemental criteria applicable to the Legal Research and Writing Program and the Clinical Legal Education Program should furnish guidance.

2. A full-time faculty member with an appointment to a clinical rank who is teaching within the Legal Research and Writing Program or within the Clinical Legal Education Program who has been reappointed for a minimum of three successive years may request a commitment to successive reappointments for a total period of three years to commence at the beginning of the fourth or any succeeding year.

3. Subsequent grants of a commitment to successive reappointments for periods of three years each may be made by the same process.

4. Any commitments to successive reappointments for three-year periods shall be subject to termination for cause, or in the case of academic planning or financial exigency retrenchment.

5. In deciding whether to recommend the reappointment or reappointment with promotion or a commitment to successive reappointments for a period of three years of a faculty member with an appointment to a clinical rank who is teaching within the Legal Research and Writing Program or the Clinical Legal Education Program, the Dean shall consider all relevant factors, including curricular needs and resources, budgetary allocations, scheduling difficulties, the faculty member's competence in the performance of his or her duties, and the recommendations of the faculty member's immediate supervisor, if any, and of other faculty members, including COLTA's recommendation. Although a primary basis for the Dean's evaluation of the faculty member's performance shall be the annual reviews conducted pursuant to Section III, and recommendations of the faculty member's immediate supervisor and COLTA, the Dean may also utilize other reasonable sources of information, such as personal observations and reliable reports from faculty members and students.

D. Procedures for Reappointment, Promotion, and Commitment to Successive Reappointments of Faculty Members Who Are Teaching within the Legal Research and Writing Program or the Clinical Legal Education Program

1. Recommendations concerning the reappointment of all full-time faculty members with an appointment to a clinical rank who are teaching within the Legal Research and Writing Program or the Clinical Legal Education Program will be made without their request.

2. A faculty member with an appointment to a clinical rank who is teaching within the Legal Research and Writing Program or the Clinical Legal Education Program who desires promotion and/or a commitment to successive reappointments for a period of three years shall provide a written request as early as possible in the fall semester, but no later than the deadline specified in the *Faculty Handbook* for promotion or tenure of tenure-track faculty members. A faculty member may withdraw such request from further consideration at any time prior to the time the Dean submits a recommendation on the matter to the Vice Chancellor for Academic Affairs.

3. The faculty member's immediate supervisor and the Chair of COLTA shall jointly advise the faculty member of any materials that should be submitted to the faculty member's immediate supervisor in addition to those required in connection with the annual review, the date by which the faculty member's immediate supervisor must receive such materials, and the date by which the faculty member's immediate supervisor shall forward her or his recommendation to COLTA. These dates shall be set in consultation with the Dean so that the Dean may give notice to the faculty member of her or his decision regarding reappointment no later than March 1 of the first or second full year of service, and not later than November 16 of the third full year of service and for every year thereafter, unless the faculty member has waived adherence to these deadlines. At the same time as the above notices, the Chair of COLTA shall advise the faculty member of his or her right to appear personally before COLTA both prior to any vote being taken and after a tentative negative vote has occurred.

4. The immediate supervisor shall act upon such a request by forwarding a written recommendation to COLTA. The faculty member's immediate supervisor shall forward all materials received from the faculty member in support of her or his reappointment, promotion, or consideration for a commitment to successive reappointments for a period of three years.

5. Any faculty member shall have the right to examine the contents of the personnel file which COLTA maintains on him or her, except for current student evaluations, and to respond in writing to any material in the file.

6. COLTA shall evaluate each faculty member who is a candidate for reappointment, promotion, and/or a commitment to successive reappointments for a period of three years. Upon completion of the evaluation, COLTA shall make a positive or a negative recommendation about the faculty member. COLTA shall consider the immediate supervisor's annual reviews and recommendation as a primary basis for evaluation of the faculty member's performance.

COLTA shall complete its work by a date agreed upon with the Dean so that the Dean may give notice to the faculty member of her or his decision regarding reappointment, promotion, and/or a long term commitment to successive reappointments for a period of three years no later than March 1 of the first or second full year of service, and not later than November 16 of the third full year of service and for every year thereafter, unless the faculty member has waived adherence to these deadlines. If COLTA makes a positive recommendation, it shall promptly inform the faculty member and provide the faculty member with its written recommendation and rationale. COLTA shall also forward its written recommendation and rationale to the Dean and the faculty member's immediate supervisor. If COLTA makes a negative recommendation, its decision shall be considered tentative. A faculty member who has received a tentative negative recommendation shall be promptly provided with a written statement of COLTA's reasons.

7. A faculty member who has received a tentative negative recommendation shall have seven days from the date he or she receives the statement of reasons to present COLTA with additional information and written arguments and/or to exercise the right to appear personally before COLTA. At the close of such additional proceedings as are necessary, COLTA shall make a final recommendation on the faculty member. This recommendation, whether positive or negative, and the specific reasons therefor shall be promptly set forth in writing and delivered to the Dean, the faculty member, and the faculty member's immediate supervisor.

8. The Dean, prior to forwarding his or her recommendation, whether positive or negative, to the Vice Chancellor for Academic Affairs, and prior to notifying the faculty member of his or her recommendation, shall report his or her decision and rationale to the Chair of COLTA and the faculty member's immediate supervisor. If the Dean has decided not to recommend reappointment, the Dean shall send a letter so informing the faculty member which complies with University policy and contains the Dean's rationale for such decision. If the Dean has decided not to recommend promotion and/or a commitment to successive reappointments for a period of three years, the faculty member, upon his or her request, shall be entitled to receive the Dean's rationale for such decision. At the same time that the Dean submits his or her recommendation to the Vice Chancellor for Academic Affairs, he or she shall also submit any written responses from COLTA, the faculty member's immediate supervisor, and the faculty member, as well as the original recommendation of COLTA and the faculty member's immediate supervisor.

9. COLTA shall not recommend the reappointment, promotion, and/or a long term commitment to successive reappointments for a period of three years of a faculty member, or the initial appointment at a rank above assistant professor or with tenure, unless such recommendation has been approved by at least two-thirds of those members eligible to vote and present at the meeting. If a motion to make a recommendation receives less than two-thirds of the votes, COLTA shall make a negative recommendation on the issue. COLTA shall not abridge the right to a secret ballot, allow any form of proxy voting, or permit any member to vote on his or her own promotion or the promotion of a colleague of equal or higher academic rank. A quorum shall consist of two-thirds of the members eligible to vote on the issue under consideration.

E. *Procedures and Criteria for All Other Nontenure-track Faculty*

1. This section applies to (1) any part-time faculty holding an appointment to a clinical faculty rank who are teaching within the Legal Research and Writing Program or the Clinical Legal Education Program, (2) all full-time or part-time faculty holding appointments to a research faculty rank who are not teaching within the Legal Research and Writing Program or the Clinical Legal Education Program, and (3) any full-time or part-time faculty members holding an appointment to a visitor or adjunct faculty rank.

2. The immediate supervisor, if any, of all faculty members subject to this paragraph shall advise the Dean whether the faculty member should be reappointed. The advice shall be in writing and submitted to the Dean in accordance with a deadline announced by the Dean after consultation with the Chair of COPT.

3. Any faculty member subject to this paragraph may apply for promotion in rank by filing a written request with his or her immediate supervisor or, in the absence thereof, the Dean as early as possible in the fall semester but no later than the deadline specified in the *Faculty Handbook* for tenure-track faculty members. The immediate supervisor shall forward a promotion request, together with his or her written advice thereon, to the Dean in accordance with a deadline announced by the Dean after consultation with the Chair of COPT. The immediate supervisor's advice on reappointments and promotions shall be based on the annual reviews conducted pursuant to section III and other reasonable sources of information.

4. In deciding whether to recommend the reappointment or reappointment with promotion of an adjunct or part-time faculty member, or any other nontenure-track faculty member not teaching within the Legal Research and Writing Program or the Clinical Legal Education Program, the Dean shall consider all relevant factors, including curricular needs and resources, budgetary allocations, scheduling difficulties, the faculty member's accessibility to students, the faculty member's competence in the performance of his or her duties, and the advice and evaluation of the faculty member's immediate supervisor, if any, and of other faculty members. Although a primary basis for the Dean's evaluation of the faculty member's performance shall be the annual reviews conducted pursuant to section III, the Dean may also utilize other reasonable sources of information, such as personal observations and reliable reports from faculty members and students.

VI. *UNIVERSITY AND DISTINGUISHED PROFESSORS*

Individuals appointed as university or distinguished professor must have achieved national recognition for excellence in their fields and have extraordinary accomplishments in the areas of teaching, scholarship, and service. The procedures and criteria set forth below shall govern such appointments and designations (including redesignations).

A. *Procedures*

1. Recommendations for appointment as university or distinguished professor shall be made by the tenured and tenure-track faculty to the Dean, and by the Dean to the University, from time to time, as the circumstances warrant.

2. All such recommendations shall initially be considered by a committee empaneled for that purpose. The committee shall consist of five tenured and tenure-track members of the faculty. Three members of the committee shall be elected by a majority vote of the tenured and tenure-track faculty; two shall be appointed by the Dean. Members of the committee will be ineligible for appointment to the position under consideration, and the Dean shall not serve on the committee.

3. The committee shall solicit nominations and receive applications for the position or positions. If the position is or will be an open faculty line, the qualifications and expectations for the position shall be described in an appropriate advertisement. After receiving nominations and applications, the committee shall report to the tenured and tenure-track faculty. This report, which shall be in writing, shall summarize the committee's activities, discuss the qualifications of the persons considered, identify and consider other relevant factors, and recommend action. This recommendation may be that no person be appointed or that a specific person be appointed, but more commonly will be that the individual or individuals to be recommended be chosen from a group of qualified nominees, whose qualifications shall be set forth in the report.

4. After deliberation at a duly-called meeting, the tenured and tenure-track faculty shall recommend the person to be appointed by a vote of at least two-thirds of those present when the vote is taken. The vote shall be by secret ballot, no form of proxy voting shall be allowed, and no candidate for the position under consideration, or for another directly-affected position, shall attend the meeting. A quorum shall consist of two-thirds of the tenured and tenure-track faculty eligible to attend the meeting.

5. If a person recommended by the tenured and tenure-track faculty is not a faculty member at the School of Law, COPT shall make a recommendation concerning whether the person satisfies the applicable section V criteria. A positive recommendation shall require approval by at least two-thirds of those present at the meeting when the vote is taken. Two-thirds of those members eligible to attend the meeting shall be required for a quorum. No candidate for the position in issue, or for another directly-affected position, shall attend the meeting. COPT shall report its recommendation and the reasons therefor in writing to the Dean.

6. After receipt of the recommendations from the tenured and tenure-track faculty and, when appropriate, COPT, the Dean shall review the qualifications of the person recommended by the tenured and tenure-track faculty, giving careful consideration to the faculty and COPT recommendations, and make his or her own recommendation concerning such person to the University. In the event the Dean disagrees with the recommendation of either the tenured and tenure-

track faculty or COPT, the Dean shall advise the faculty or COPT of that fact and the reasons for that decision prior to submitting his or her recommendation regarding that person to the University.

B. *Criteria*

In evaluating the qualifications of individuals, the committee, tenured and tenure-track faculty, and Dean shall apply the criteria set forth below.

1. *Teaching*: The candidate must have a record of distinguished teaching, which may be evidenced by:

- a. The opinion of colleagues.
- b. Teaching awards.
- c. Class observations.
- d. Student evaluations.
- e. Teaching materials.
- f. Nontraditional teaching methods.

2. *Scholarship*: The candidate must have a record of distinguished scholarship and a national reputation as an intellectual leader in a recognized field. The candidate must also have demonstrated scholarly commitment through frequent publication. Teaching materials may be considered if they constitute a significant scholarly effort, as determined by the evaluators. The quality of the scholarship may be tested through both solicited and unsolicited outside evaluations, as well as evaluation by the committee, the faculty, and the Dean.

3. *Service*: The candidate must have a consistent record of service to the legal community and the legal education profession.

VII. *EMERITUS PROFESSORS*

Emeritus ranks are conferred pursuant to Board Policy 475.1. Recommendations for appointments to emeritus ranks shall be made to the Dean by the tenured and tenure-track faculty, and a positive recommendation shall require meritorious service at the ranks and for the number of years specified by Board policy.

PART B: THE LAW LIBRARY FACULTY

I. *FACULTY STATUS*

All professional law librarians employed in the School of Law are accorded faculty status within the University and the School of Law. Such faculty status relates to the Law Library faculty and does not relate to the Law faculty. For purposes of Part B, a "professional law librarian" is defined as an individual, other than the Director of the Law Library, who is employed in that specific capacity and who has received a degree in law (J.D., LL.B.), law librarianship (M.L.L.), or library science (M.L.S., M.A.L.S., M.S.L.S., M.A. (in Library or Information Science)).

A professional law librarian who is appointed to a tenured or tenure-track position on the Law Library faculty will receive one of the following academic ranks:

Assistant Librarian
Associate Librarian
Librarian

A professional law librarian who is appointed to a nontenure-track position on the Law Library faculty will receive one of the foregoing ranks preceded by a prefix such as "visiting," "research," or "adjunct."

II. *CRITERIA FOR INITIAL APPOINTMENT*

The faculty rank accorded a professional law librarian upon initial appointment depends upon the person's qualifications. The minimum educational and professional requirements for initial appointment to a tenured, tenure-track, or nontenure-track position are as follows:

Assistant Librarian: M.L.S., M.L.L., M.A.L.S., M.S.L.S., M.A. (in Library or Information Science), J.D., or LL.B.

Associate Librarian: M.L.S., M.L.L., M.A.L.S., M.S.L.S., M.A. (in Library or Information Science), J.D., or LL.B., with prior professional law library experience.

Librarian: M.L.S., M.L.L., M.A.L.S., M.S.L.S., M.A. (in Library or Information Science), J.D., or LL.B., with prior professional law library experience at an ABA-accredited law school.

In addition to these minimum requirements, initial appointment at either the associate or librarian rank requires satisfaction of the applicable promotion criteria contained in section IV. Although an initial appointment will not ordinarily be made with tenure, such an appointment may be made if the candidate clearly satisfies the tenure criteria set forth in section V.

III. *CRITERIA FOR REAPPOINTMENT*

Unless tenure has been awarded, a professional law librarian must be reappointed annually. A professional law librarian on the tenure track may be reappointed if he or she has made reasonable progress, during the immediately preceding year, toward satisfying the applicable criteria for promotion and the criteria for tenure, as set forth in sections IV and V. A professional law librarian who is not on the tenure track may be reappointed if he or she competently performed his or her duties during the immediately preceding year.

IV. CRITERIA FOR PROMOTION

Promotion depends upon the quality of service rendered, demonstrated professional ability, professional development, and scholarly, productive, or creative activities. The specific criteria for promotion of tenured, tenure-track, and nontenure-track professional law librarians are as follows:

- a. The demonstration of a high quality of professional competence and law library service, and increasing knowledge and skill in the area of professional expertise.
- b. Meaningful participation in professional library, law library, law school, bar association, or public service activities at the local, state, or national level.
- c. Significant scholarly, productive, or creative activities, such as relevant educational achievement following appointment, meaningful participation in workshops, seminars, institutes, or professional meetings, expertise in designing and implementing special library projects or programs or solving library problems, or written contributions in professional publications.

At least criterion "a" and either criterion "b" or criterion "c" must be met for promotion to the associate rank (with or without a prefix). All three criteria must be satisfied for promotion to the rank of librarian (with or without a prefix). No minimum time in service or rank is required before a professional law librarian is eligible for promotion.

V. CRITERIA FOR TENURE

Tenure is a commitment by the University which is awarded only following careful scrutiny of an individual's qualifications. An award of tenure will be made only when the person satisfies the criteria for promotion to the associate rank, as stated in section IV, and satisfies both of the following criteria:

- a. A continuously high quality of performance, including professional improvement, over a period of years, and grounds for predicting continued professional growth and service in the future.

- b. Reasonable progress toward meeting the criteria for eventual promotion to the rank of librarian, if the person has not already achieved such rank.

No minimum time in service or rank is required for an award of tenure. If a professional law librarian on the tenure track is not awarded tenure with any of the first seven appointments (including reappointments), the seventh appointment will be a terminal appointment. A professional law librarian not on the tenure track is ineligible for an award of tenure.

VI. ANNUAL REVIEW

The performance of each professional law librarian shall be reviewed annually by the Library Director or the person's immediate supervisor. The final results of such review shall be submitted to the Dean of the School of Law by the Library Director. The review shall be pursuant to the factors set forth in section IV and based on the information and materials generated by the procedures set forth in section VIII and such other information as is available to the Library Director or immediate supervisor. Prior to reaching the final review results for an individual, the reviewer shall meet with the individual and discuss the issues relating to the individual's review. Prior to submitting the final review results for an individual to the Dean or Library Director, the reviewer shall provide a copy to the individual and, upon request, permit the individual to attach a written response. A comprehensive cumulative record of annual review materials and results shall be maintained on each individual by the Library Director and shall be made available, upon request, for inspection by the individual.

The results of the annual review shall provide a primary basis for personnel decisions and recommendations by the Library Director, the Dean, and the Committee on Library Promotion and Tenure (COLPT).

VII. PROCEDURES FOR INITIAL APPOINTMENT

Candidates for initial appointment to a tenured or tenure-track position on the Law Library faculty shall be reviewed by the Library Director and the tenured and tenure-track faculty. The Library Director and the tenured and tenure-track faculty shall each recommend to the Dean of the Law School the candidate or candidates who should receive an employment offer and the rank and tenure status that should accompany such offer. If either the Library Director or the tenured and tenure-track faculty recommends that a candidate for a tenured or tenure-track appointment be offered tenure or a rank higher than assistant librarian, the Dean shall request COLPT to make a recommendation concerning the candidate's eligibility for such rank and/or tenure status under the relevant criteria in sections IV and V. The Dean shall then make a recommendation to the Vice Chancellor. Recommendations for appointments to nontenure-track positions shall be made by the Dean after consultation with the Library Director.

VIII. PROCEDURES FOR REAPPOINTMENT, PROMOTION, AND TENURE

1. In accordance with the timetable specified in the *Faculty Handbook*, the Library Director shall give written notice to each professional law librarian of the review schedule, criteria, procedures, and instruments which will be used in conducting the annual review and making reappointment, promotion, and tenure decisions during the year. At the same time, the Library Director shall provide each faculty member with any forms or guides which a faculty member is required to use to submit information regarding his or her professional activities and advise each faculty member of his or her opportunity to submit any material which he or she believes relevant to the evaluation of his or her performance. This material may include written evaluations from persons with appropriate expertise to assess the individual's professional accomplishments and the written comments of other librarians, including professional law librarians in the School of Law.

2. After receiving the required and voluntary submissions, collecting other relevant materials, and seeking information and advice from every Law Library faculty member on the performance of the Law Library faculty, the Library Director shall begin considering whom to nominate for reappointment, promotion, and/or tenure pursuant to the relevant criteria in sections III – V. No later than September 15, the Library Director shall inform in writing each faculty member, who does not have tenure and the rank of Librarian or who has not expressly withdrawn from consideration for reappointment, promotion, and/or tenure, whether he or she will be nominated for reappointment, promotion, and/or tenure. If a professional law librarian will not be nominated for reappointment, promotion, and/or tenure by the Library Director, he or she may file a written application to be considered for reappointment, promotion, and/or tenure with the Library Director by October 1.

3. The Library Director shall prepare a written evaluation (which may consist of completing a standardized form) of each nominee's and applicant's professional performance and a written recommendation and rationale concerning whether the faculty member should be reappointed, promoted, and/or tenured for submission to the Dean. A copy of the evaluation, recommendation, and rationale shall be given to the nominee or applicant at least three days prior to submission to the Dean; and the nominee or applicant, upon request, shall be permitted to attach a written response to the copy sent to the Dean.

4. Prior to November 15 each year, the Library Director shall forward each evaluation, recommendation, and rationale regarding reappointment, promotion, and/or tenure to the Dean. Each evaluation, recommendation, and rationale shall be accompanied by all relevant materials.

5. The Dean shall refer materials concerning the reappointment, promotion, and/or tenure of tenured and tenure-track faculty to COLPT, which shall make a recommendation on each nominee or applicant pursuant to the relevant criteria in sections III-V. If COLPT makes a positive recommendation, COLPT shall promptly inform the faculty member and provide the faculty member with its written recommendation and rationale. After giving the faculty member an

opportunity to attach a written response, COLPT shall forward its written final recommendation and rationale and any written response from the faculty member, as well as the other materials it has received or compiled, to the Dean.

6. If COLPT makes a negative recommendation on a nominee or applicant, its decision shall be considered tentative. The nominee or applicant shall be promptly provided with a written statement of COLPT's decision and reasons. The nominee or applicant shall have ten days to present COLPT with additional information, written arguments, and/or to exercise the right to appear in person before COLPT. After completion of such additional proceedings as are necessary, COLPT shall make a final recommendation on the faculty member. Whether COLPT makes a positive or negative final recommendation, its written recommendation and rationale shall be promptly delivered to the nominee or applicant. After allowing the nominee or applicant the opportunity to attach a written response, COLPT shall send its written final recommendation and rationale, and any written response received from the nominee or applicant, to the Dean and the Library Director. At the same time, COLPT shall forward the Library Director's evaluation, recommendation, and rationale, and the other materials it has received or compiled, to the Dean.

7. The Dean, prior to forwarding his or her recommendation, whether positive or negative, to the Vice Chancellor for Academic Affairs, and prior to notifying the nominee or applicant of his or her recommendation, shall report his or her decision and rationale to the Chair of COLPT and the Library Director. If the Dean has decided not to recommend reappointment, the Dean shall send a letter so informing the nominee or applicant which complies with University policy and contains the Dean's written rationale for such decision. If the Dean has decided not to recommend promotion and/or tenure, the nominee or applicant, upon request, shall be entitled to receive the Dean's written rationale for such decision. At the same time that the Dean submits his or her recommendation to the Vice Chancellor for Academic Affairs, he or she shall also submit any written responses from COLPT, the Library Director, and the nominee or applicant, as well the original recommendations of COLPT and the Library Director.

IX. THE COMMITTEE ON LIBRARY PROMOTION AND TENURE

COLPT shall consist of the Library Director and all professional law librarians with tenure. If additional members are necessary to reach six in number, the additional members shall be appointed by the Dean of the Law School from the tenured Law faculty. The Dean shall also designate the Chair of COLPT.

COLPT may adopt any supplemental procedural rules and practices appropriate to carrying out its functions under this document, provided such supplemental procedural rules and practices are consistent with this and other University documents. However, COLPT shall not recommend the reappointment, promotion, and/or tenure of a faculty member, or the offer of tenure or the rank of either associate librarian or librarian to a candidate for the faculty, unless such recommendation has received the votes of at least two-thirds of all COLPT members. Nor

shall COLPT abridge the right to a secret ballot, permit any form of proxy voting, or make any recommendation concerning whether a particular person should or should not be the Library Director. A quorum shall consist of two-thirds of COLPT's membership.