

**STANDARDS AND PROCEDURES
FOR APPOINTMENT, RETENTION, AND PROMOTION
OF VILLANOVA FULL-TIME, NON-TENURE-TRACK
LEGAL WRITING FACULTY**

(adopted April 7, 2004)

1. Introduction

This document sets forth the Standards and Procedures governing decisions on appointment, retention and promotion of members of the Villanova Legal Writing Faculty, as defined below. These Standards and Procedures are subject to all applicable regulations of Villanova University. These Standards and Procedures shall apply to all members of the Legal Writing Faculty, including Visiting Legal Writing Faculty, current Legal Writing Faculty, and Legal Writing Faculty hired during or after the 2003-04 academic year.

2. Assistant Dean for Legal Writing

Supervisory evaluations and annual reviews of members of the Legal Writing Faculty members are the responsibility of the Assistant Dean for Legal Writing, who shall be responsible for the overall operation of the Legal Writing Program. The Assistant Dean for Legal Writing shall establish a schedule for the annual review of the members of the Legal Writing Faculty and shall communicate this schedule to them.

The Assistant Dean for Legal Writing shall serve as a permanent member of the Legal Writing Advisory Committee, which is described below. The Assistant Dean for Legal Writing shall also prepare for the Legal Writing Advisory Committee materials and schedules relating to the appointment, retention and promotion of members of the Legal Writing Faculty.

The Assistant Dean for Legal Writing and the Director of Legal Writing (a member

of the tenure-track faculty), if any, shall be appointed by the Dean.

The Assistant Dean for Legal Writing shall maintain a file for each current member of the Legal Writing Faculty, which shall contain all student evaluations of that teacher, as well as correspondence, memoranda, a sampling of class materials and other documents that relate to that teacher's performance, as well as any other materials that each teacher wants to be considered for retention or promotion purposes. The Assistant Dean for Legal Writing shall also be responsible for reviewing drafts of major assignments and advising the Legal Writing Faculty member regarding the form and content of those assignments.

3. Legal Writing Advisory Committee

The Dean shall appoint a Legal Writing Advisory Committee, which will consist of five members. The Dean shall appoint the Chair of the Committee. The Assistant Dean for Legal Writing shall serve as a permanent member of the Committee. Four members of the tenure-track Faculty, including the Director of Legal Writing, if any, shall serve as the additional members of the Committee. The Faculty members other than the Assistant Dean for Legal Writing and the Director of Legal Writing, shall serve staggered three-year terms.

The Legal Writing Advisory Committee shall consider, report on, and make recommendations on matters as requested by the Dean, the Faculty as a whole, and the Assistant Dean for Legal Writing. The Legal Writing Advisory Committee shall make recommendations to the Dean on initial appointments to the position of Assistant Professor of Legal Writing and Associate Professor of Legal Writing. For retention of Assistant Professors of Legal Writing and promotion to the rank of or retention of Associate Professors of Legal Writing, the Committee shall submit a written report to the voting Faculty with its recommendation(s) for retention and promotion. Thereafter, the

voting Faculty shall meet and by a majority vote, make recommendations to the Dean concerning retention of Assistant Professors of Legal Writing and promotion and retention of Associate Professors of Legal Writing.

STANDARDS FOR HIRING, RETENTION AND PROMOTION

4. Responsibilities and Ranks for Initial Appointments of Legal Writing Faculty Members

The members of the Legal Writing Faculty teach the required first year Legal Analysis, Writing & Oral Advocacy course. For purposes of these Standards and Procedures, teaching this course includes:

- Imparting to students knowledge of legal analysis, legal writing and oral advocacy techniques;
- Teaching oral and written communication skills;
- Presenting focused and well-organized classes;
- Creating and adapting meaningful materials and exercises for use in teaching;
- Providing meaningful critique of student written and oral work;
- Being available to students for individual consultation regarding writing projects and oral argument;
- Participating in the development and refinement of the teaching process within the Legal Writing Program; and
- Participating in the team effort of handling the administrative and logistical aspects of the Legal Writing Program, and assisting colleagues in planning and developing problems, classes and teaching methodologies.

Legal Writing Faculty members hold one of two ranks: Assistant Professor of

Legal Writing and Associate Professor of Legal Writing.

Members of the Legal Writing Faculty may teach additional courses at the request of the Associate Dean for Academic Affairs, and in consultation with the Assistant Dean for Legal Writing. Such assignments are made to provide additional experience for seasoned Legal Writing Faculty, and to fill curricular needs of the law school, as identified by the Associate Dean for Academic Affairs.

(a) Initial Appointment as Assistant Professor of Legal Writing

The initial appointment to a Legal Writing Faculty position will ordinarily be at the rank of Assistant Professor of Legal Writing. Candidates for initial appointment as Assistant Professor of Legal Writing must demonstrate the potential to excel as a teacher of Legal Writing, as evidenced by educational achievement, prior practice of law, and other relevant achievements and skills. Prior successful legal writing teaching experience, although not required, will be viewed favorably in considering a candidate for initial appointment at this rank.

(b) Initial Appointment as Associate Professor of Legal Writing

A candidate for initial appointment as Associate Professor of Legal Writing must have at least three years of successful legal writing teaching experience, or must have prior educational achievement, practice of law, prior teaching of other subjects, or other relevant achievements and skills that demonstrate a high probability that the candidate will excel as a teacher of legal writing.

(c) Visiting Professors of Legal Writing

From time to time, the Dean may appoint, upon the recommendation of the Assistant Dean for Legal Writing, in consultation with the Legal Writing Advisory Committee, a Visiting Assistant or Visiting Associate Professor of Legal Writing. Typically, a visitor will be appointed to a temporary position, such as to fill the position of a Legal Writing Faculty member who is on leave from the School of Law. If a full-time position becomes available during the term of the visitorship, the visitor may be considered for that position.

5. Retention and Promotion

(a) Initial Retention of Assistant Professors of Legal Writing

A person who is hired as an Assistant Professor of Legal Writing shall be hired for a term of one year, and shall be eligible for retention for two additional one-year terms. The recommendation to retain a candidate holding this rank for the second and third one-year term will be based upon the criteria stated in Section 4, above, and on the candidate's potential to achieve the rank of Associate Professor of Legal Writing.

(b) Promotion to Associate Professor of Legal Writing

An Assistant Professor of Legal Writing will normally be considered for promotion to the rank of Associate Professor of Legal Writing during his or her sixth semester of teaching, with the promotion to be effective at the beginning of the following semester. To be promoted or retained as an Associate Professor of Legal Writing, the candidate must excel as a teacher of legal writing.

(c) Expectations for Retention or Promotion

An Assistant Professor of Legal Writing will normally be retained only if he or she demonstrates substantial progress toward being promoted to the rank of Associate Professor of Legal Writing. An Assistant Professor of Legal Writing will not be retained if he or she is not promoted to the rank of Associate Professor of Legal Writing at the end of his or her sixth semester of teaching Legal Writing, or at the end of any other period of eligibility for promotion.

Under extraordinary circumstances, however, a candidate for retention at the rank of Assistant Professor of Legal Writing or for promotion to the rank of Associate Professor of Legal Writing may request that the schedule for retention or promotion be extended. The Legal Writing Advisory Committee may recommend to the Faculty that the schedule be extended, for good cause shown.

(d) Initial Retention of Associate Professors of Legal Writing

A person who is initially hired as an Associate Professor of Legal Writing shall be employed for a term of one year. The candidate shall be eligible to be retained for an additional two-year term of employment upon successful performance during the initial one-year term. Thereafter, the candidate shall be eligible for renewable three-year terms, provided that that candidate continues to excel as a teacher of legal writing.

(e) Subsequent Retention of Associate Professors of Legal Writing

An Associate Professor of Legal Writing shall be considered for retention during the sixth semester of his or her three-year term at that rank. The candidate shall be eligible to be retained for a three-year term upon successful performance as an Associate Professor of Legal Writing, provided that the candidate continues to excel as a teacher of legal writing.

(f) Materials to be Considered for Retention and Promotion

In connection with all recommendations for retention and promotion, the Legal Writing Advisory Committee shall consider the candidate's:

1. Teaching materials, including original problems and samples of marked assignments;
2. Student evaluations, which shall also be available for review by the Faculty (and students) to the same extent as student evaluations of any other teacher at the Law School;
3. Written report of the Assistant Dean for Legal Writing addressing each of the criteria for retention or promotion;
4. Class evaluations by the Assistant Dean for Legal Writing;
5. Class performance, to be observed, with advance notice. As a general rule, class performance shall be observed at least once each year by a member of the Legal Writing Advisory Committee, with the number of class visitations to be within the sole discretion of the Committee; and
6. Any other materials that the candidate formally asks to be reviewed or that any member of the Legal Writing Advisory Committee deems relevant.
7. Although not required with respect to decisions relating to retention and promotion, class performance may be observed by other members of the Faculty, with advance notice.

(g) Scholarship and Professional Activities

Members of the Legal Writing Faculty are encouraged to participate in activities designed to promote their growth as professionals. Such activities may include research, publication, attendance and participation in conferences, service on law school

committees and task forces, participation in law school and bar activities, and the like. Unlike the requirement for tenure-track Faculty members, there are no requirements in this area for members of the Legal Writing Faculty.

PROCEDURES

6. Nature of Appointment

- (a) A Legal Writing appointment is a full-time appointment. Appointments to the Legal Writing Faculty are for ten months that run from August 1 through May 31. This shall not preclude appointments of Legal Writing Faculty at any other time during the academic year, as needed.
- (b) Legal Writing Faculty members have no expectation of or eligibility for continuous appointment (tenure).
- (c) Legal Writing Faculty members shall be eligible to apply for summer research grants and conference funding offered by the School of Law.
- (d) Legal Writing Faculty members may be dismissed for cause at any time, subject to any applicable University regulations.

7. Schedule for Promotion

The Legal Writing Advisory Committee shall distribute its reports and recommendations with respect to each Legal Writing Professor to the Faculty no later than two weeks before the April faculty meeting. The Faculty shall consider these

reports and shall vote on the Committee's recommendations regarding reappointment and promotion to the Dean at that meeting. The Dean of the Law School shall notify the candidate of his or her decision by no later than two weeks after the April faculty meeting, unless the deadline is waived by the candidate.

8. Schedules for Promotion – Special Considerations

(a) Legal Writing Professors hired Mid-Year

A person who is hired mid-year as an Assistant Professor of Legal Writing shall be considered for promotion to the rank of Associate Professor of Legal Writing during the sixth full semester of teaching.

(b) Activities in Lieu of Teaching at Villanova

The Advisory Committee shall consider a semester spent teaching legal writing elsewhere, or other service during the six-semester period of employment at the rank of Assistant Professor of Legal Writing, as permitted by the Dean, for promotion purposes as though this service was spent at Villanova. However, no more than one semester spent at an institution other than the School of Law shall be counted toward the six-semester period required for consideration for promotion to the rank of Associate Professor of Legal Writing.

(c) Leave

A member of the Legal Writing Faculty may request parental leave or leave to care for an ill or elderly family member, or other appropriate leave of absence, from the Dean,

who shall have the discretion to grant or deny the request. In the event that a member of the Legal Writing Faculty is granted leave for one or more semesters, the semester(s) during which the member is on leave will be excluded from the number of terms that are counted toward that member's retention or promotion, or both.

9. Process

At least once each year, the Assistant Dean for Legal Writing shall meet with each Legal Writing Faculty member regarding her or his progress toward retention and/or promotion.

At any meeting of the Legal Writing Advisory Committee relating to the retention or promotion of a candidate, the candidate shall be given the opportunity to provide any further relevant information in writing, or, at the sole discretion of the Legal Writing Advisory Committee, in person.

10. Effective Date

These Standards shall be effective as of the date that they are approved by the Faculty.

11. Retroactivity

These Standards and Procedures are retroactive with respect to current members of the Legal Writing Faculty. That is, the semesters that a current member of the Legal Writing Faculty has taught prior to the date of effectiveness of these Standards (regardless

of whether he or she was initially hired as a Legal Writing Instructor, Visiting Instructor or Professor of Legal Writing, Assistant Professor of Legal Writing or Associate Professor of Legal Writing) shall be credited toward the number of semesters required for retention or promotion, and the Standards articulated in this document will be applied to the decision to retain or promote each eligible candidate.

To the extent that initial application of these Standards and Procedures is impractical because the date of effectiveness of this document is later than the dates set forth in section 7 above, these Standards and Procedures shall be implemented as promptly as possible.