SCHOOL OF LAW
APPENDIX DOCUMENT

This document was approved by two-thirds of the members of the School of Law’s Promotion and Tenure Board on Oct. 7, 2011.

Underlined headings in the Table of Contents are hyperlinks.

TABLE OF CONTENTS

I. GENERAL PROVISIONS
   A. Authority
      1. Adoption
      2. Effective date
      3. Relationship to the Faculty Handbook
   B. Promotion and Tenure Board
      1. Composition
      2. Quorum
      3. Voting
         a. Proxy votes
         b. Majority vote
   C. Confidentiality
   D. Timing
      1. Faculty Handbook and the University Timeline
      2. Law School Timeline
   E. Availability of Appendix Document
   F. Documents to be Disclosed to Reviewee
   G. Amendments and Other Changes
      1. Amendments to the three major criteria
      2. Amendments to all other provisions
      3. Adoption of additional guidelines
      4. Adoption of Law School Timeline

II. NON-TENURE TRACK FACULTY
   A. General Provisions
      1. Non-tenure-track faculty: definition and types
      2. Voting rights of non-tenure track faculty
         a. In general
         b. Law school committees
         c. Faculty hiring, renewal, promotion, or tenure matters
3. **Renewal of contracts for non-tenure-track faculty**

4. **Early termination of contract for non-tenure-track faculty**

5. **Relationship of evaluation procedures for non-tenure-track faculty to those for probationary and tenured faculty**

**B. Clinical Professors**

1. **Definition**

2. **General criteria**
   a. Teaching
   b. Contributions to the University and professional communities
      i. Inherent duties
      ii. Administration of the clinic

3. **Clinical Professors with one-year contracts**
   a. **Annual review**
      i. Requirement of annual review
      ii. Criteria and self-evaluation
      iii. Review committee
         (A) Membership
         (B) Notification and disclosure
         (C) Investigation
         (D) Report and recommendation
      iv. Decision of the Board and the Dean
      v. Notice to Clinical Professor
      vi. Dean’s consultation
   b. **Offer of renewable three-year contract**
      i. Eligibility
      ii. Criteria and self-evaluation
      iii. Review committee
      iv. Decision of the Board and the Dean
      v. Notice to Clinical Professor
      vi. Dean’s notification of Provost/Vice President for Academic Affairs
      vii. Consequences of a negative decision

4. **Clinical Professors with renewable three-year contracts**
   a. **Abbreviated annual review**
   b. **Renewal of three-year contract**
      i. Requirement of review
      ii. Criteria and self evaluation
      iii. Review committee
      iv. Decision of the Board and the Dean
      v. Notice to Clinical Professor
      vi. Dean’s notification of Provost/Vice President for Academic Affairs
vii. Consequences of a negative decision

c. Supplemental review
i. Initiation
(A) By Provost/Vice-President for Academic Affairs
(B) By members of the Board or Dean
(C) Method of initiation
ii. Review committee
(A) Membership
(B) Investigation
(C) Report
iii. Consequences of a finding of deficiency

C. Law Library Professors
1. Definition
2. General criteria
   a. Teaching
   b. Contributions to the University and professional communities
      i. Inherent duties
      ii. Administrative functions
3. Law Library Professors with one-year contracts
   a. Annual review
      i. Requirement of annual review
      ii. Criteria and self-evaluation
      iii. Review committee
         (A) Membership
         (B) Notification and disclosure
         (C) Investigation
         (D) Report and recommendation
      iv. Decision of the Board and the Dean
      v. Notice to Law Library Professor
      vi. Dean's consultation
   b. Offer of renewable three-year contract
      i. Eligibility
      ii. Criteria and self-evaluation
      iii. Review committee
      iv. Decision of the Board and the Dean
      v. Notice to Law Library Professor
      vi. Dean’s notification of Provost/Vice President for Academic Affairs
      vii. Consequences of a negative decision
4. Law Library Professors with renewable three-year contracts
   a. Abbreviated annual review
   b. Renewal of three-year contract
i. Requirement of review
ii. Criteria and self-evaluation
iii. Review committee
iv. Decision of the Board and the Dean
v. Notice to Law Library Professor
vi. Dean’s notification of Provost/Vice President for Academic Affairs
vii. Consequences of a negative decision

c. Supplemental review
i. Initiation
   (A) By Provost/Vice-President for Academic Affairs
   (B) By members of the Board or Dean
   (C) Method of initiation
ii. Review committee
   (A) Membership
   (B) Investigation
   (C) Report
iii. Consequences of a finding of deficiency

D. Legal Research and Writing Professors

1. Definition

2. General criteria
   a. Teaching
   b. Contributions to the University and professional communities
      i. Inherent duties
      ii. Administrative functions

3. Legal Research and Writing Professors with one-year contracts
   a. Annual review
      i. Requirement of annual review
      ii. Criteria and self-evaluation
      iii. Review committee
         (A) Membership
         (B) Notification and disclosure
         (C) Investigation
         (D) Report and recommendation
      iv. Decision of the Board and the Dean
      v. Notice to Legal Research and Writing Professor
      vi. Dean’s consultation

b. Offer of renewable three-year contract
   i. Eligibility
   ii. Criteria and self-evaluation
   iii. Review committee
   iv. Decision of the Board and the Dean
v. Notice to Legal Research and Writing Professor
vi. Dean's notification of Provost/Vice President for Academic Affairs
vii. Consequences of a negative decision

4. Legal Research and Writing Professors with renewable three-year contracts
   a. Abbreviated annual review
   b. Renewal of three-year contract
      i. Requirement of review
      ii. Criteria and self-evaluation
      iii. Review committee
      iv. Decision of the Board and the Dean
   v. Notice to Legal Research and Writing Professor
   vi. Dean's notification of Provost/Vice President for Academic Affairs
   vii. Consequences of a negative decision
   c. Supplemental review
      i. Initiation
         (A) By Provost/Vice-President for Academic Affairs
         (B) By members of the Board or Dean
         (C) Method of initiation
      ii. Review committee
         (A) Membership
         (B) Investigation
         (C) Report
      iii. Consequences of a finding of deficiency

E. Instructors in Law
   1. Definition
   2. Requirement of annual review
   3. Criteria
   4. Self-evaluation
   5. Review committee
      a. Membership
      b. Notification and disclosure
      c. Investigation
      d. Report and recommendation
   6. Instructors in Law who also are Directors
   7. Decision of the Board and the Dean

III. PROBATIONARY FACULTY
   A. General Provisions
   1. Probationary faculty: definition
2. Limited expectation of renewal
3. Early termination of contract
4. Deferral of promotion decisions

**B. Probationary Faculty of Law**

1. Basic criteria
   a. Teaching
   b. Scholarship
   c. Contributions to University and professional communities

2. **Assistant Professor of Law--annual review**
   a. Requirement of annual review
   b. Criteria
   c. Self-evaluation
   d. Review committee
      i. Membership
      ii. Notification and disclosure
      iii. Investigation
      iv. Report and recommendation
   e. Recommendations of the Board and Dean
   f. Dean’s consultation

3. **Assistant Professor of Law--Promotion to Associate Professor of Law**
   a. Eligibility
      i. In general
      ii. The Dean
      iii. Equivalency
   b. Criteria
   c. Self-evaluation
   d. Review committee
   e. Recommendations of the Board and the Dean
   f. Significance of the recommendations of the Board and the Dean
   g. Decisions of the Provost/Vice-President for Academic Affairs, President, and the Board of Trustees

4. **Associate Professor of Law--annual review**
   a. Requirement of annual review
   b. Criteria
   c. Self-evaluation
   d. Review committee
   e. Recommendations of the Board and the Dean
   f. Dean’s consultation

5. **Associate Professor of Law-- Promotion to Professor of Law**
   a. Eligibility
      i. In general
      ii. The Dean
iii. Equivalency
   b. Criteria
   c. Self-evaluation
   d. Review committee
   e. Recommendations of the Board and the Dean
   f. Significance of the recommendations of the Board and the Dean
   g. Decisions of the Provost/Vice-President for Academic Affairs, President, and the Board of Trustees
   h. Consequences of a negative decision

6. Terminal status

C. Probationary Faculty of Law Library Science
   1. Termination of Law Library Science Division
   2. Basic criteria
      a. Teaching
      b. Scholarship
      c. Contributions to the University and professional communities
         i. Inherent duties
         ii. Administrative duties
   3. Procedures for and rules regarding reviews and promotions of probationary faculty of Law Library Science
      a. In general
      b. Teaching
      c. Scholarship
      d. Contributions to the University and professional communities

4. Terminal status

IV. TENURED FACULTY

A. General Provisions
   1. Definition: Professor of Law
   2. Termination of contract

B. Professor of Law--Abbreviated Annual Review

C. Professor of Law--Sexennial Post-Tenure Review
   1. Requirement of sexennial post-tenure review
   2. Criteria
      a. General criteria
      b. Grandfather clause
   3. Self-evaluation
   4. Review committee
      a. Membership
      b. Notice
      c. Investigation
      d. Finding of compliance
e. Finding of deficiencies

5. Consequences of finding a deficiency
   a. Unsatisfactory review
   b. Counseling, notice, and remediation
   c. Second post-tenure review
   d. Exception

6. Consequences of second unsatisfactory post-tenure review

D. Professor of Law--Supplemental Post-Tenure Review
   1. Initiation of supplemental post-tenure review
      a. By Provost/Vice-President for Academic Affairs
      b. By members of the Board or Dean
      c. Method of initiation
   2. Procedures
   3. Consequences of a satisfactory supplemental review
   4. Consequences of an unsatisfactory supplemental review

E. Professor of Law Library Science
   1. Definition: Professor of Law Library Science
   2. Termination of Law Library Science Division
   3. Termination of contract
   4. Criteria
   5. Procedures for and rules regarding reviews
I. GENERAL PROVISIONS

A. Authority

1. Adoption

These Standards and Procedures for Retention, Promotion, and Tenure were adopted by the tenured faculty of the School of Law in consultation with the Dean of the School of Law, under authority granted by the Faculty Handbook. These Standards and Procedures were recommended by the Provost/Vice-President for Academic Affairs and the President, and approved by the Board of Trustees.

These Standards and Procedures are the School of Law’s Appendix Document to the Faculty Handbook. They implement the directives of the Faculty Handbook and the professional standards of the American Bar Association.

2. Effective date

These Standards and Procedures/Appendix Document shall take effect on July 1, 2012.

They replace the original Standards and Procedures/Appendix Document of April 23, 1983 and all amendments made thereto, including those made to conform with the Vice-President for Academic Affairs’ Template for Appendix Document of July 25, 2006.

3. Relationship to the Faculty Handbook

a. In the event of a conflict between these Standards and Procedures/Appendix Document and the Faculty Handbook, the Faculty Handbook shall control.

b. Any standard or criteria stated in these Standards and Procedures/Appendix Document, but not stated in the Faculty Handbook, is intended to be in addition to that Handbook or a more specific guideline for standards or criteria established in that Handbook.

B. Promotion and Tenure Board

1. Composition

The Promotion and Tenure Board of the School of Law (the “Board”) shall be composed of all full-time members of the law school faculty who have been tenured, except faculty members in Law Library Science.

The Dean, if tenured, may participate fully in the Board’s discussions and deliberations and may vote as a member of the Board.

2. Quorum

A quorum of the Board shall be a majority of its members.

3. Voting

a. Proxy votes

No proxy votes shall be admitted.
b. Majority vote

The Board shall recommend in favor of a reviewee only upon a majority vote of its members present and voting. A tie vote regarding a reviewee shall be a failure to recommend.

C. Confidentiality

The Board, the Board’s members, and the Dean shall carry on their work as discretely as possible, so as to protect sensitivities in the delicate area of evaluation.

D. Timing

1. *Faculty Handbook* and the *University Timeline*

   All actions required by this *Appendix Document* shall be taken in compliance with the dates established by the *Faculty Handbook* and the *University Timeline*.

2. *Law School Timeline*

   The Board may adopt additional deadlines and scheduling in a *Law School Timeline*, as long as those provisions are consistent with the *Faculty Handbook* and the *University Timeline*.

E. Availability of *Appendix Document*

   This *Appendix Document* shall be readily available at all times to all members of the full-time faculty, according to procedures approved by the Board and Dean.

F. Documents to be Disclosed to Reviewee

1. A review committee shall furnish a copy of its report and recommendation to the reviewee at the same time the committee files that report and recommendation.

2. If the Board’s recommendation differs from the review committee’s, the Chair of the Board shall furnish a copy of the Board’s written recommendation to the reviewee at the same time the Chair files the Board’s recommendation with the Dean.

3. The Dean shall furnish a copy of his or her recommendation to the reviewee at the same time the Dean files that recommendation.

G. Amendments and Other Changes

1. Amendments to the three major criteria

   The definitions in this *Appendix Document* of “teaching effectiveness”, “scholarship”, and “contributions to University and professional communities” may be amended by the affirmative vote of two-thirds of the members of the Promotion and Tenure Board, subject to the recommendation of the Provost/Vice-President for Academic Affairs and the President, and the approval of the Board of Trustees. *Faculty Handbook* §VII.E.4.a & b.
2. Amendments to all other provisions
   All other provisions of this Appendix Document may be amended by the affirmative vote of a majority of the members of the Promotion and Tenure Board, subject to the recommendation of the Provost/Vice-President for Academic Affairs and the President, and the approval of the Board of Trustees. Faculty Handbook §VII.E.4.

3. Adoption of additional guidelines
   The Promotion and Tenure Board, by a majority vote of its members present and voting, may adopt guidelines that further define, clarify, or elaborate on terms or provisions in this Appendix Document. It may amend those guidelines in the same manner.

4. Adoption of Law School Timeline
   The Promotion and Tenure Board, by a majority vote of its members present and voting, shall adopt a Law School Timeline, which shall state the dates for taking the several actions set out in this Appendix Document.
II. NON-TENURE-TRACK FACULTY

A. General Provisions

1. Non-tenure-track faculty: definition and types
   A non-tenure-track faculty member is a person who holds a full-time faculty appointment but who does not hold either probationary or tenured status.
   The School of Law recognizes four types of non-tenure-track faculty:
   (a) Clinical Professors;
   (b) Law Library Professors;
   (c) Legal Research and Writing Professors; and
   (d) Instructors in Law.

2. Voting rights of non-tenure track faculty
   a. In general
      A non-tenure-track faculty member may vote only as expressly provided in this section. *Faculty Handbook*, §V.C.
   b. Law school committees
      A non-tenure-track faculty member who has been duly appointed by the Dean to serve on a faculty committee (although not *ex officio*) may vote in committee meetings on matters coming before that committee, except as otherwise provided by faculty rule.
   c. Faculty hiring, renewal, promotion, or tenure matters
      A non-tenure-track faculty member may not vote either directly or indirectly on matters affecting faculty hiring, renewal, promotion, or tenure (including but not limited to faculty personnel matters). *Faculty Handbook*, §V.C.

3. Renewal of contracts for non-tenure-track faculty
   A non-tenure-track faculty member may, if otherwise consistent with the *Faculty Handbook* and this *Appendix Document*, be offered a new contract for the following year or years at the pleasure of the University. A non-tenure-track faculty member has no contractual expectation of employment beyond his or her contract term. *Faculty Handbook*, §VII.C.3 and §VIII.A.2.

4. Early termination of contracts for non-tenure-track faculty
   The contract of a non-tenure-track faculty member may be terminated prior to the expiration of the contract term for the general or individual causes provided in the *Faculty Handbook*. *Faculty Handbook*, §VIII.A.2, §VIII.B, and §VIII.C.

5. Relationship of evaluation procedures for non-tenure-track faculty to those for probationary and tenured faculty
   The evaluation procedures for non-tenure-track faculty (Part II of this *Appendix Document*) are independent of the evaluation procedures for probationary faculty (Part III) and tenured faculty (Part IV).
B. Clinical Professors

1. Definition

A Clinical Professor holds non-tenure-track academic status, as established by the School of Law under the authority of the Faculty Handbook, §V.D.6. He or she has no contractual expectation of employment beyond his or her contract term. Faculty Handbook, §VII.C.3, and §VIII.A.2.

2. General criteria
   a. Teaching
      i. A Clinical Professor must demonstrate effectiveness as a teacher, normally in the teaching of small groups and individuals.
      ii. The standards for effectiveness in teaching include, but are not limited to:
          - Mastery of the subject matter;
          - Preparation for each class;
          - Ability and willingness to communicate with students and to provide them effective individual instruction; and
          - Such other rules as the Board may adopt.
   b. Contributions to the University and professional communities
      i. Inherent duties
         A Clinical Professor must faithfully perform the duties inherent in that position, including
         - Being available for consultation with students and colleagues,
         - Attending faculty and committee meetings,
         - Performing administrative and committee assignments,
         - Attending commencement and the University faculty meeting,
         - Constructively participating in the collegial activities of the Law School and the University, and
         - Any other duties adopted by the Board.
      ii. Administration of the clinic
         A Clinical Professor must demonstrate effectiveness in the performance of administrative functions for his or her clinic, including compliance with program guidelines and policies and such other duties as the Board may establish.

3. Clinical Professors with one-year contracts
   a. Annual review
      i. Requirement of annual review
         A Clinical Professor who is in his or her first three years of service shall be reviewed annually.
      ii. Criteria and self-evaluation
Each fall, a Clinical Professor shall prepare and submit to his or her review committee a written self-evaluation that addresses his or her 
-teaching (§II.B.2.a) and 
-contributions to the University and professional communities, 
including 
-inherent duties (§II.B.2.b.i) and 
-administration of the clinic (§II.B.2.b.ii).

iii. Review committee

(A) Membership

For each Clinical Professor, each fall the Promotion and Tenure Board shall constitute a review committee of two of its members.

(B) Notification and disclosure

The Chair of the Board shall disclose the review committee’s membership to all full-time members of the faculty and invite them to submit information and evaluations to the review committee.

(C) Investigation

The review committee shall investigate the Clinical Professor’s 
-teaching (§II.B.2.a) and 
-contributions to the University and professional communities, including 
-inherent duties (§II.B.2.b.i) and 
-administration of the clinic (§II.B.2.b.ii).

To determine teaching effectiveness, the review committee shall read the Clinical Professor’s student evaluations and obtain peer evaluations of the Clinical Professor’s classroom performance. The review committee may personally interview students. The review committee shall read the reports of the Clinical Professor’s prior review committees.

(D) Report and recommendation

The review committee shall submit a written report to the Board. The report shall include 
-the committee’s recommendation as to whether the Clinical Professor should be retained for the following academic year; 
-the committee’s findings on the Clinical Professor’s 
-teaching (§II.B.2.a) and 
-contributions to the University and professional communities, including 
-inherent duties (§II.B.2.b.i) and
-administration of the clinic(§II.B.2.b.ii) and
-a copy of the Clinical Professor’s self-evaluation.

iv. Decision of the Board and the Dean
(A) The Board shall meet with the Dean to consider and discuss the
report of the review committee.
(B) Retention of a Clinical Professor for the following academic
year requires the
-approval by a majority of the members of the Board
present and voting (§I.B) and
-approval of the Dean.
(C) The Chair of the Board shall prepare and submit to the Dean a
written statement of the Board’s recommendation.

v. Notice to Clinical Professor
A Clinical Professor shall receive a copy of his or her review
committee’s written report and recommendation, the Board’s report and
recommendation (if different from that of the review committee), and the
Dean’s recommendation. §I.F.

vi. Dean’s consultation
Each fall, the Dean shall review the progress of each Clinical
Professor with him or her.

b. Offer of renewable three-year contract
i. Eligibility
A Clinical Professor in his or her fourth year of service shall be
considered for an offer of a renewable three-year contract, subject to
Faculty Handbook §VII.C.1, §VII.C.3, and §VIII.A.2.

ii. Criteria and self-evaluation
A Clinical Professor seeking the offer of a renewable three-year
contract shall submit to his or her review committee a written self-
evaluation that addresses the criteria stated in §II.B.2.

iii. Review committee
The procedures for reviewing a Clinical Professor seeking the offer
of a renewable three-year contract shall be the same as those for annual
review (§II.B.3.a.ii), with the following additions and modifications:
(A) The review committee shall interview a sample of the Clinical
Professor’s current and/or former students (selected
according to such procedures as the Board shall adopt)
about the Clinical Professor’s teaching effectiveness;
(B) The review committee’s report shall state the committee’s
recommendation as to whether the Clinical Professor
should be offered a renewable three-year contract.
To determine teaching effectiveness, the review committee shall
read the Clinical Professor’s student evaluations and obtain peer
evaluations of the Clinical Professor’s classroom performance. The review committee shall read the reports of the Clinical Professor’s annual review committees.

iv. Decision of the Board and the Dean

(A) The Board shall meet with the Dean to consider and discuss the report of the review committee.

(B) The offer of a renewable three-year contract requires the -approval by a majority of the members of the Board present and voting (§I.B) and -approval of the Dean.

(C) The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

v. Notice to Clinical Professor

A Clinical Professor shall receive a copy of his or her review committee’s written report and recommendation, the Board’s report and recommendation (if different from that of the review committee), and the Dean’s recommendation. §I.F.

vi. Dean’s notification of Provost/Vice President for Academic Affairs

The Dean shall forward to the Provost and Vice-President for Academic Affairs, in accordance with the University Timeline, a recommendation regarding the offer of a renewable three-year contract to a Clinical Professor.

vii. Consequences of a negative decision

(A) If the Board does not recommend, and/or the Dean does not approve, the offer of a renewable three-year contract, the Clinical Professor normally will receive only a one-year contract for the following academic year, which shall be his or her final year of employment.

(B) However, if the Board and the Dean agree that during an additional year the Clinical Professor is likely to meet the criteria for receiving a renewable three-year contract, the Board and Dean may defer a final decision for one year.

(C) In case of such deferral, the Clinical Professor will be considered during the additional year of employment for a renewable three-year contract. If the Board and the Dean do not approve an offer of such a contract, the Clinical Professor’s employment shall terminate at the end of that additional year of employment.

4. Clinical Professors with renewable three-year contracts

a. Abbreviated annual review

A Clinical Professor who holds a renewable three-year contract shall
undergo an abbreviated annual review, using the criteria established in §II.B.2 and procedures established by the Board and the Dean. *Faculty Handbook*, §VII.C.3.

However, irrespective of the results of any review, a Clinical Professor who holds a renewable three-year contract has no contractual expectation of continued employment beyond the expiration of that three-year contract term. *Faculty Handbook*, §VII.C.3.

**b. Renewal of renewable three-year contract**

**i. Requirement of review**

A Clinical Professor in the third year of a renewable three-year contract shall be reviewed for renewal of that contract.

**ii. Criteria and self-evaluation**

A Clinical Professor who is being considered for renewal of a three-year contract shall prepare and submit to his or her review committee a written self-evaluation that demonstrates he or she continues to meet all criteria required in §II.B.2.

**iii. Review committee**

The review committee for renewing a Clinical Professor’s three-year contract shall follow the same procedures as those for an offer of a renewable three-year contract (§II.B.3.b), with the following additions and qualifications:

(A) the review committee shall be composed of three members of the Board, selected as follows:
- The first by the members of the Board,
- The second by the Dean, and
- The third by the Clinical Professor being reviewed.

(B) The Dean’s appointee shall chair the review committee and shall be responsible for its administrative work.

(C) The review committee shall conduct such an investigation as it finds appropriate, although it shall
- read the Clinical Professor’s student evaluations,
- obtain peer evaluations of his or her classroom performance; and
- read the reports of his or her review committees for the prior three years.

(D) The review committee’s report shall state the committee’s recommendation as to whether the Clinical Professor’s contract should be renewed for three years.

**iv. Decision of the Board and the Dean**

(A) The Board shall meet with the Dean to consider and discuss the report of the review committee.

(B) The renewal of a three-year contract requires the
-approval by a majority of the members of the Board
  present and voting (§1.B) and
-approval of the Dean.

(C) The Chair of the Board shall prepare and submit to the Dean a
written statement of the Board’s recommendation.

v. Notice to Clinical Professor

A Clinical Professor shall receive a copy of his or her review
committee’s written report and recommendation, the Board’s report and
recommendation (if different from that of the review committee), and the
Dean’s recommendation. §1.F.

vi. Dean’s notification of Provost/Vice President for Academic Affairs

The Dean shall forward to the Provost and Vice-President for
Academic Affairs, in accordance with the University Timeline, a
recommendation regarding the renewal of a three-year contract to a
Clinical Professor.

vii. Consequences of a negative decision

(A) If the Board does not recommend, and/or the Dean does not
approve, renewal of a Clinical Professor’s three-year
contract, he or she normally will receive only a one-year
contract for the following academic year, which shall be his
or her final year of employment.

(B) However, if the Board and the Dean agree that during an
additional year the Clinical Professor is likely to meet the
criteria for renewing his or her three-year contract, the
Board and Dean may defer a final decision for one year.

(C) In case of such deferral, the Clinical Professor will be
considered during the additional year of employment for the
renewal of his or her three-year contract. If the Board and
the Dean do not approve such a renewal, the Clinical
Professor’s employment shall terminate at the end of that
additional year of employment.

c. Supplemental review

i. Initiation

(A) By Provost/Vice-President for Academic Affairs

The Provost/Vice-President for Academic Affairs may
initiate a supplemental review of a Clinical Professor no more than
once (assuming a satisfactory outcome of the supplemental review)
during that Clinical Professor’s three-year contract.

(B) By members of the Board or Dean

Three members of the Board or the Dean may initiate a
supplemental review of a Clinical Professor who holds a three-year
renewable contract, subject to the veto of the Provost/Vice-
President of Academic Affairs.

(C) Method of initiation

A request for supplemental review takes effect when the written request, which states the reasons for the request, is delivered to the Chair of the Board, the Dean, and the Clinical Professor to be reviewed.

ii. Review committee

(A) Membership

The supplemental review committee shall be appointed and chaired in the same manner as a review committee for renewal of a three-year contract (§II.B.4.b.iii).

(B) Investigation

The supplemental review committee shall take such steps as are appropriate to investigate the reasons stated in the written request for the review.

In addition, the supplemental review committee shall read all of the reports of the Clinical Professor’s review committees for the prior three years.

If the committee perceives that the Clinical Professor is deficient in regards to any of the criteria stated in §II.B.2, the committee shall conduct an interview with him or her before preparing its final report.

(C) Report

Within 90 days from the date the supplemental review committee is constituted, it shall prepare and file its report with the Dean and the Clinical Professor.

The committee shall attach to the report all relevant documentation, and, if the committee finds a deficiency in regards to any of the criteria stated in §II.B.2, the report shall state that deficiency and the investigative procedures it used to determine that deficiency.

iii. Consequences of a finding of deficiency

If the review committee finds a deficiency,

(A) The Dean and the chair of the committee shall jointly counsel the Clinical Professor as to the deficiency.

(B) The Dean and the chair of the committee jointly shall prepare and give to the Clinical Professor a separate written notice that identifies and describes any deficiency and that states a specific reasonable time by which the Clinical Professor must take corrective action, subject to §II.B.4.c.iii (F).

(C) If any deficiency is or might be a basis for termination for individual cause pursuant to the Faculty Handbook, see
A Clinical Professor who is found to be deficient ordinarily shall undergo an additional review during the immediately-following academic year. If this additional review would occur at the same time as the review for renewal of the Clinical Professor’s three-year contract, the renewal review shall supersede the additional supplemental review.

(E) If the Clinical Professor is found to be deficient in two consecutive reviews, his or her contract shall be terminated at the end of the academic year, notwithstanding §II.B.4.b.vii (Terminal year upon nonrenewal) or §II.B.4.c.iii(B) (Time to take corrective action).

(F) Nothing in this section shall delay the Clinical Professor’s next renewal review or a University action to terminate, suspend, or otherwise discipline the Clinical Professor for general or individual cause under Faculty Handbook §VIII.B and §VIII.C.1(a, c-i).

C. Law Library Professors

1. Definition
   A Law Library Professor holds non-tenure-track academic status, as established by the School of Law under the authority of the Faculty Handbook, §V.D.6. He or she has no contractual expectation of employment beyond his or her contract term.

2. General criteria
   a. Teaching
      i. A Law Library Professor must demonstrate effectiveness as a teacher, normally in the teaching of small groups and individuals.
      ii. The standards for effectiveness in teaching include, but are not limited to:
           -Mastery of the subject matter;
           -Preparation for each class;
           -Ability and willingness to communicate with students and to provide them effective individual instruction; and
           -Such other rules as the Board may adopt.

   b. Contributions to the University and professional communities
      i. Inherent duties
         A Law Library Professor must faithfully perform the duties inherent in that position, including
         -being available for consultation with students and colleagues,
-attending faculty and committee meetings,
-performing administrative and committee assignments,
-attending commencement and the University faculty meeting,
-constructively participating in the collegial activities of the Law School and the University, and
-any other duties adopted by the Board.

ii. Administrative functions
A Law Library Professor must demonstrate effectiveness in the performance of administrative functions in the advanced legal research program and in the law library.

3. Law Library Professors with one-year contracts
a. Annual review
   i. Requirement of annual review
      (A) A Law Library Professor who is in his or her first three years of service shall be reviewed annually.
      (B) For each Law Library Professor who is in his or her first three years of service, the Director of the law library shall submit an annual evaluation of that Law Library Professor to the Dean and to the review committee, unless the Law Library Professor is the Director of the law library.

   ii. Criteria and self-evaluation
      Each fall, a Law Library Professor shall prepare and submit to his or her review committee a written self-evaluation that addresses his or her
- teaching effectiveness (§II.C.2.a) and
- contributions to the University and professional communities, including
  - inherent duties (§II.C.2.b.i) and
  - administration of the advanced legal research program and the law library (§II.C.2.b.ii).

   iii. Review committee
      (A) Membership
      For each Law Library Professor, each fall the Promotion and Tenure Board shall constitute a review committee of two of its members.
      (B) Notification and disclosure
      The Chair of the Board shall disclose the review committee’s membership to all full-time members of the faculty and invite them to submit information and evaluations to the review committee.
      (C) Investigation
      The review committee shall investigate the Law Library
Professor’s
- teaching (§II.C.2.a) and
- contributions to the University and professional communities, including
  - inherent duties (§II.C.2.b.i) and
  - administration of the advanced legal research program and the law library (§II.C.2.b.ii).

The review committee shall read the reports of the Law Library Professor’s prior review committees.

(D) Report and recommendation
The review committee shall submit a written report to the Board. The report shall include
- the committee’s recommendation as to whether the Law Library Professor should be retained for the following academic year;
- the committee’s findings on the Law Library Professor’s teaching (§II.C.2.a), and
- contributions to the University and professional communities, including
  - inherent duties (§II.C.2.b.i) and
  - administration of the advanced legal research program and the law library (§II.C.2.b.ii).
- a copy of the Law Library Professor’s self-evaluation,
  and
- the report of the law library director, unless the Law Library Professor also is the law library director.

iv. Decision of the Board and the Dean
(A) The Board shall meet with the Dean to consider and discuss the report of the review committee.
(B) Retention of a Law Library Professor for the following academic year requires the
  - approval by a majority of the members of the Board present and voting (§I.B) and
  - approval of the Dean.
(C) The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

v. Notice to Law Library Professor
A Law Library Professor shall receive a copy of his or her review committee’s written report and recommendation, the Board’s report and recommendation (if different from that of the review committee), the report of the law library Director, and the Dean’s decision. §I.F.
vi. Dean’s consultation

   Each fall, the Dean shall review the progress of each Law Library Professor with him or her.

b. Offer of renewable three-year contract

i. Eligibility

   A Law Library Professor in his or her fourth year of service shall be considered for an offer of a renewable three-year contract, subject to Faculty Handbook §VII.C.1, §VII.C.3, and §VIII.A.2.

ii. Criteria and self-evaluation

   A Law Library Professor seeking the offer of a renewable three-year contract shall submit to his or her review committee a written self-evaluation that addresses the criteria stated in §II.C.2.

iii. Review committee

   The procedures for reviewing a Law Library Professor seeking the offer of a renewable three-year contract shall be the same as those for annual review (§II.C.3.a..iii) with the following additions and modifications:

   (A) The review committee shall interview a sample of the Law Library Professor’s current and/or former students (selected according to such procedures as the Board shall adopt) about the Law Library Professor’s teaching effectiveness.

   (B) The review committee shall read materials relevant to evaluating the writing ability of the Law Library Professor.

   (C) The review committee shall read materials relevant to the Law Library Professor’s performance in providing input to students and grading the quality of student work.

   (D) The review committee shall read the reports of the Law Library Professor’s review committees for the prior three years.

   (E) The Director of the law library shall prepare and submit to the Dean and the review committee an evaluation of the Law Library Professor, unless the Law Library Professor also is the law library Director.

   (F) The review committee’s report shall state the committee’s recommendation as to whether the Law Library Professor should be offered a renewable three-year contract.

iv. Decision of the Board and the Dean

   (A) The Board shall meet with the Dean to consider and discuss the report of the review committee.

   (B) At the request of the Board or the Director of the law library, the Director of the law library shall make a presentation and answer questions regarding the offer of a three-year renewable contract, unless the Law Library Professor also
is the law library Director.

(C) The offer of a renewable three-year contract requires the
approval by a majority of the members of the Board
present and voting (§I.B) and
approval of the Dean.

(D) The Chair of the Board shall prepare and submit to the Dean a
written statement of the Board’s recommendation.

v. Notice to Law Library Professor

A Law Library Professor shall receive a copy of his or her review
committee’s written report and recommendation, the Board's report and
recommendation (if different from that of the review committee), the
report of the law library Director, and the Dean’s recommendation. §I.F.

vi. Dean’s notification of Provost/Vice President for Academic Affairs

The Dean shall forward to the Provost and Vice-President for
Academic Affairs, in accordance with the University Timeline, a
recommendation regarding the offer of a renewable three-year contract to a
Law Library Professor.

vii. Consequences of a negative decision

(A) If the Board does not recommend, and/or the Dean does not
approve, the offer of a renewable three-year contract, the
Law Library Professor normally will receive only a one-
year contract for the following academic year, which shall
be his or her final year of employment.

(B) However, if the Board and the Dean agree that during an
additional year the Law Library Professor is likely to meet
the criteria for the offer of a renewable three-year contract,
the Board and Dean may defer a final decision for one year.

(C) In case of such deferral, the Law Library Professor will be
considered during the additional year of employment for the
offer of a renewable three-year contract. If the Board and
the Dean do not approve such an offer, the Law Library
Professor’s employment shall terminate at the end of that
additional year of employment.

4. Law Library Professors with renewable three-year contracts

a. Abbreviated annual review

A Law Library Professor who holds a renewable three-year contract shall
undergo an abbreviated annual review, using the criteria established in §II.C.2 and
procedures established by the Board and the Dean. Faculty Handbook, §VII.C.3.

However, irrespective of the results of any review, a Law Library
Professor who holds a renewable three-year contract has no contractual
expectation of continued employment beyond the expiration of that three-year

b. Renewal of three-year contract
   
   i. Requirement of review
      
      (A) A Law Library Professor in the third year of a renewable three-year contract shall be reviewed for renewal of that contract.

      (B) For each Law Library Professor who is in the third year of a renewable three-year contract, the Director of the law library shall submit an evaluation of that professor to the Dean and to the review committee, unless the Law Library Professor is the Director of the law library.

   ii. Criteria and self-evaluation
      
      A Law Library Professor who is being considered for renewal of a three-year contract shall prepare and submit to his or her review committee a written self-evaluation that demonstrates he or she continues to meet all criteria required (§II.C.2).

   iii. Review committee
      
      The review committee for renewing a Law Library Professor’s three-year contract shall follow the same procedures as those for an offer of a renewable three-year contract (§II.C.3.b), with the following additions and modifications:

      (A) The review committee shall be composed of three members of the Board, selected as follows:
          - The first by the members of the Board,
          - The second by the Dean, and
          - The third by the Law Library Professor being reviewed.

      (B) The Dean’s appointee shall chair the review committee and shall be responsible for its administrative work.

      (C) The review committee shall conduct such an investigation as it finds appropriate, although it shall read the reports of the Law Library Professor’s review committees for the prior three years.

      (D) The review committee’s report shall state the committee’s recommendation as to whether the Law Library Professor’s contract should be renewed for three years.

   iv. Decision of the Board and the Dean
      
      (A) The Board shall meet with the Dean to consider and discuss the report of the review committee.

      (B) The renewal of a three-year contract requires the
          - approval by a majority of the members of the Board present and voting (§I.B) and
          - approval of the Dean.

   v. Notice to Law Library Professor

25
A Law Library Professor shall receive a copy of his or her review committee’s written report and recommendation, the Board’s report and recommendation (if different from that of the review committee), and the Dean’s recommendation. §I.F.

vi. Dean’s notification of Provost/Vice President for Academic Affairs

The Dean shall forward to the Provost and Vice-President for Academic Affairs, in accordance with the University Timeline, a recommendation regarding the renewal of a three-year contract to a Law Library Professor.

vii. Consequences of a negative decision

(A) If the Board does not recommend, and/or the Dean does not approve, renewal of a Law Library Professor’s three-year contract, he or she normally will receive only a one-year contract for the following academic year, which shall be his or her final year of employment.

(B) However, if the Board and the Dean agree that during an additional year the Law Library Professor is likely to meet the criteria for renewing his or her three-year contract, the Board and Dean may defer a final decision for one year.

(C) In case of such deferral, the Law Library Professor will be considered during the additional year of employment for the renewal of his or her three-year renewable contract. If the Board and the Dean do not approve such a renewal, the Law Library Professor’s employment shall terminate at the end of that additional year of employment.

c. Supplemental review

i. Initiation

(A) By Provost/Vice-President for Academic Affairs

The Provost/Vice-President for Academic Affairs may initiate a supplemental review of a Law Library Professor no more than once (assuming a satisfactory outcome of the supplemental review) during that Law Library Professor’s three-year contract.

(B) By members of the Board or Dean

Three members of the Board or the Dean may initiate a supplemental review of a Law Library Professor who holds a renewable three-year contract, subject to the veto of the Provost/Vice-President of Academic Affairs.

(C) Method of initiation

A request for supplemental review takes effect when the written request, which states the reasons for the request, is delivered to the Chair of the Board, the Dean, and the Law Library Professor to be reviewed.
ii. Review committee

(A) Membership

The supplemental review committee shall be appointed and chaired in the same manner as a review committee for renewal of a three-year contract (§II.C.4.b.iii).

(B) Investigation

The supplemental review committee shall take such steps as are appropriate to investigate the reasons stated in the written request for the review.

In addition, the supplemental review committee shall read all of the reports of the Law Library Professor’s review committees for the prior three years.

If the committee perceives that the Law Library Professor is deficient in regards to any of the criteria stated in §II.C.2, the committee shall conduct an interview with him or her before preparing its final report.

(C) Report

Within 90 days from the date the supplemental review committee is constituted, it shall prepare and file its report with the Dean and the Law Library Professor.

The committee shall attach to the report all relevant documentation, and, if the committee finds a deficiency in regards to any of the criteria stated in §II.C.2, the report shall state that deficiency and the investigative procedures it used to determine that deficiency.

iii. Consequences of a finding of deficiency

If the review committee finds a deficiency

(A) The Dean and the chair of the committee shall jointly counsel the Law Library Professor as to the deficiency.

(B) The Dean and the chair of the committee jointly shall prepare and give to the Law Library Professor a separate written notice that identifies and describes any deficiency and that states a specific reasonable time by which the Law Library Professor must take corrective action, subject to §II.C.4.c.iii (F).

(C) If any deficiency is or might be a basis for termination for individual cause pursuant to the Faculty Handbook, see Faculty Handbook §VIII.C.1(a, c-i), the separate written notice shall identify it as such.

(D) A Law Library Professor who is found to be deficient ordinarily shall undergo an additional review during the immediately-following academic year. If this additional
review would occur at the same time as the review for renewal of the Law Library Professor’s three-year contract, the renewal review shall supersede the additional supplemental review.

**(E)** If the Law Library Professor is found to be deficient in two consecutive reviews, his or her contract shall be terminated at the end of the academic year, notwithstanding §II.C.4.b.vii (C) (Terminal year upon nonrenewal) or §II.C.4.c.iii (B) (Time to take corrective action).

**(F)** Nothing in this section shall delay the Law Library Professor’s next renewal review or a University action to terminate, suspend, or otherwise discipline the Law Library Professor for general or individual cause under *Faculty Handbook* §VIII.B and §VIII.C.1(a, c-i).

**D. Legal Research and Writing Professors**

1. **Definition**

A Legal Research and Writing Professor holds non-tenure-track academic status, as established by the School of Law under the authority of the *Faculty Handbook*, §V.D.6. He or she has no contractual expectation of employment beyond his or her contract term. *Faculty Handbook*, §VII.C.3 and §VIII.A.2.

2. **General criteria**

   a. **Teaching**

      i. A Legal Research and Writing Professor must demonstrate effectiveness as a teacher, normally in the teaching of small classes.

      ii. The standards for effectiveness in teaching include, but are not limited to:

          - Mastery of the subject matter,
          - Preparation for each class,
          - Ability and willingness to communicate with students and to provide them effective individual instruction, and
          - Such other rules as the Board may adopt.

   b. **Contributions to the University and professional communities**

      i. **Inherent duties**

         A Legal Research and Writing Professor must faithfully perform the duties inherent in that position, including

         - Being available for consultation with students and colleagues,
         - Attending faculty and committee meetings,
         - Performing administrative and committee assignments,
         - Attending commencement and the University faculty meeting,
         - Constructively participating in the collegial activities of the Law
School and the University, and
-any other duties adopted by the Board.

ii. Administrative functions
A Legal Research and Writing Professor must demonstrate effectiveness in the performance of administrative functions for the legal research and writing program, including compliance with program guidelines and policies.

3. Legal Research and Writing Professors with one-year contracts
a. Annual review
i. Requirement of annual review
(A) A Legal Research and Writing Professor who is in his or her first three years of service shall be reviewed annually.
(B) For each Legal Research and Writing Professor who is in his or her first three years of service, the Director of the Legal Research and Writing program shall submit an annual evaluation of him or her to the Dean and to the relevant review committee, unless he or she is the Director of the program.

ii. Criteria and self-evaluation
Each fall, a Legal Research and Writing Professor shall prepare and submit to his or her review committee a written self-evaluation that addresses his or her
-teaching (§II.D.2.a) and
-contributions to the University and professional communities, including
-inherent duties (§II.D.2.b.i) and
-administrative functions (§II.D.2.b.ii).

iii. Review committee
(A) Membership
For each Legal Research and Writing Professor, each fall the Promotion and Tenure Board shall constitute a review committee of two of its members.

(B) Notification and disclosure
The Chair of the Board shall disclose the review committee’s membership to all full-time members of the faculty and invite them to submit information and evaluations to the review committee.

(C) Investigation
The review committee shall investigate the Legal Research and Writing Professor’s
-teaching (§II.D.2.a) and
-contributions to the University and professional communities, including
  -inherent duties (§II.D.2.b.i) and
  -administrative functions (§II.D.2.b.ii).

To determine teaching effectiveness, the review committee shall read the Legal Research and Writing Professor’s student evaluations and obtain peer evaluations of his or her classroom performance. In addition, the review committee may personally interview students.

The review committee shall read the reports of the Legal Research and Writing Professor’s prior review committees.

**D) Report and recommendation**

The review committee shall submit a written report to the Board. The report shall include

- the committee’s recommendation as to whether the Legal Research and Writing Professor should be retained for the following academic year;
- the committee’s findings on the Legal Research and Writing Professor’s
  -teaching (§II.D.2.a) and
  -contributions to the University and professional communities, including
    -inherent duties (§II.D.2.b.i) and
    -administrative functions (§II.D.2.b.ii);
- a copy of the Legal Research and Writing Professor’s self-evaluation; and
- the report of the Director of the Legal Research and Writing program, unless the Director also is the Legal Research and Writing Professor under review.

**iv. Decision of the Board and the Dean**

(A) The Board shall meet with the Dean to consider and discuss the report of the review committee.

(B) Retention of a Legal Research and Writing Professor for the following academic year requires the
  -approval by a majority of the members of the Board present and voting (§I.B) and
  -approval of the Dean.

(C) The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

**v. Notice to Legal Research and Writing Professor**

A Legal Research and Writing Professor shall receive a copy of his or her review committee’s written report and recommendation, the Board’s
report and recommendation (if different from that of the review committee), the report of the Director of the Legal Research and Writing program, and the Dean’s decision. §I.F.

vi. Dean’s consultation

Each fall, the Dean shall review the progress of each Legal Research and Writing Professor with him or her.

b. Offer of renewable three-year contract

i. Eligibility

A Legal Research and Writing Professor in his or her fourth year of service shall be considered for an offer of a renewable three-year contract, subject to Faculty Handbook §VII.C.1, §VII.C.3, and §VIII.A.2.

ii. Criteria and self-evaluation

A Legal Research and Writing Professor seeking the offer of a renewable three-year contract shall submit to his or her review committee a written self-evaluation that addresses the criteria stated in §II.D.2.

iii. Review committee

The procedures for reviewing a Legal Research and Writing Professor seeking the offer of a renewable three-year contract shall be the same as those for annual review (§II.D.3.a.iii), with the following additions and modifications:

(A) The review committee shall interview a sample of the Legal Research and Writing Professor’s current and/or former students (selected according to such procedures as the Board shall adopt) about his or her teaching effectiveness;

(B) The review committee shall read materials relevant to evaluating the writing ability of the Legal Research and Writing Professor;

(C) The review committee shall read materials relevant to the Legal Research and Writing Professor’s performance in providing input to students and grading the quality of student work;

(D) The review committee shall read the reports of the Legal Research and Writing Professor’s annual review committees;

(E) The Director of the Legal Research and Writing program shall prepare and submit to the Dean and the review committee an evaluation of the Legal Research and Writing Professor, unless the Director is the Legal Research and Writing Professor under review; and

(F) The review committee’s report shall state the committee’s recommendation as to whether the Legal Research and Writing Professor should be offered a renewable three-year
contract.

To determine teaching effectiveness, the review committee shall read the Legal Research and Writing Professor’s student evaluations and obtain peer evaluations of his or her classroom performance.

iv. Decision of the Board and the Dean

(A) The Board shall meet with the Dean to consider and discuss the report of the review committee.

(B) At the request of the Board or the Director of the Legal Research and Writing program, the Director of that program shall make a presentation and answer questions regarding the offer of a three-year renewable contract, unless the Director is the Legal Research and Writing Professor under review.

(C) The offer of a renewable three-year contract requires the -approval by a majority of the members of the Board present and voting (§I.B) and -approval of the Dean.

(D) The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

v. Notice to Legal Research and Writing Professor

A Legal Research and Writing Professor shall receive a copy of his or her review committee’s written report and recommendation, the Board’s report and recommendation (if different from that of the review committee), the report of the Director of the Legal Research and Writing program, and the Dean’s recommendation (§I.F).

vi. Dean’s notification of Provost/Vice President for Academic Affairs

The Dean shall forward to the Provost and Vice-President for Academic Affairs, in accordance with the University Timeline, a recommendation regarding the offer of a renewable three-year contract to a Legal Research and Writing Professor.

vii. Consequences of a negative decision

(A) If the Board does not recommend, and/or the Dean does not approve, of an offer to the Legal Research and Writing Professor of a renewable three-year contract, he or she normally will receive only a one-year contract for the following academic year, which shall be his or her final year of employment.

(B) However, if the Board and the Dean agree that during an additional year the Legal Research and Writing Professor is likely to meet the criteria for the offer of a renewable three-year contract, the Board and Dean may defer a final decision for one year.
(C) In case of such deferral, the Legal Research and Writing Professor will be considered during the additional year of employment for the offer of a renewable three-year contract. If the Board and the Dean do not approve such an offer, the Legal Research and Writing Professor’s employment shall terminate at the end of that additional year of employment.

4. Legal Research and Writing Professors with renewable three-year contracts
   a. Abbreviated annual review
      A Legal Research and Writing Professor who holds a renewable three-year contract shall undergo an abbreviated annual review, using the criteria established in §II.D.2 and procedures established by the Board and the Dean. Faculty Handbook, §VII.C.3.
      However, irrespective of the results of any review, a Legal Research and Writing Professor who holds a renewable three-year contract has no contractual expectation of continued employment beyond the expiration of that three-year contract term. Faculty Handbook, §VII.C.3.
   b. Renewal of renewable three-year contract
      i. Requirement of review
         (A) A Legal Research and Writing Professor in the third year of a renewable three-year contract shall be reviewed for renewal of that contract.
         (B) For each Legal Research and Writing Professor who is in the third year of a renewable three-year contract, the Director of the Legal Research and Writing program shall submit an evaluation of him or her to the Dean and to the review committee, unless the Director is the person under review.
      ii. Criteria and self-evaluation
         A Legal Research and Writing Professor who is being considered for renewal of a three-year contract shall prepare and submit to his or her review committee a written self-evaluation that demonstrates he or she continues to meet all criteria required (§II.D.2).
   iii. Review committee
      (A) The review committee for a renewal of a Legal Research and Writing Professor’s three-year contract shall be composed of three members of the Board, selected as follows:
         -The first by the members of the Board,
         -The second by the Dean, and
         -The third by the Legal Research and Writing Professor being reviewed.
      (B) The Dean’s appointee shall chair the review committee and
shall be responsible for its administrative work.

(C) The review committee shall conduct such an investigation as it finds appropriate, although it shall
- read the Legal Research and Writing Professor’s student evaluations,
- obtain peer evaluations of his or her classroom performance,
- read the reports of his or her review committees for the prior three years, and
- read the report of the Director of the Legal Research and Writing program, unless the Director is the Legal Research and Writing Professor being reviewed.

(D) The review committee’s report shall state the committee’s recommendation as to whether the Legal Research and Writing Professor’s contract should be renewed for three years.

iv. Decision of the Board and the Dean

(A) The Board shall meet with the Dean to consider and discuss the report of the review committee.

(B) At the request of the Board or the Director of the Legal Research and Writing program, the Director of that program shall make a presentation and answer questions regarding the renewal of the three-year contract, unless the Director is the Legal Research and Writing Professor under review.

(C) The renewal of a three-year contract requires the 
- approval by a majority of the members of the Board present and voting (§I.B) and
- approval of the Dean.

(D) The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

v. Notice to Legal Research and Writing Professor

A Legal Research and Writing Professor shall receive a copy of his or her review committee’s written report and recommendation, the Board’s report and recommendation (if different from that of the review committee), the report of the Legal Research and Writing program Director, and the Dean’s recommendation. §I.F.

vi. Dean’s notification of Provost/Vice President for Academic Affairs

The Dean shall forward to the Provost/Vice-President for Academic Affairs, in accordance with the University Timeline, a recommendation regarding the renewal of a three-year contract to a Legal Research and Writing Professor.
vii. Consequences of a negative decision

(A) If the Board does not recommend, and/or the Dean does not approve, renewal of a Legal Research and Writing Professor’s three-year contract, he or she normally will receive only a one-year contract for the following academic year, which shall be his or her final year of employment.

(B) However, if the Board and the Dean agree that during an additional year the Legal Research and Writing Professor is likely to meet the criteria for renewing his or her three-year contract, the Board and Dean may defer a final decision for one year.

(C) In case of such deferral, the Legal Research and Writing Professor will be considered during the additional year of employment for the renewal of his or her three-year contract. If the Board and the Dean do not approve such a renewal, the Legal Research and Writing Professor’s employment shall terminate at the end of that additional year of employment.

c. Supplemental review

i. Initiation

(A) By Provost/Vice-President for Academic Affairs

The Provost/Vice-President for Academic Affairs may initiate a supplemental review of a Legal Research and Writing Professor no more than once (assuming a satisfactory outcome of the supplemental review) during that Legal Research and Writing Professor’s three-year contract.

(B) By members of the Board or the Dean

Three members of the Board or the Dean may initiate a supplemental review of a Legal Research and Writing Professor who holds a renewable three-year contract, subject to the veto of the Provost/Vice-President of Academic Affairs.

(C) Method of initiation

A request for supplemental review takes effect when the written request, which states the reasons for the request, is delivered to the Chair of the Board, the Dean, and the Legal Research and Writing Professor to be reviewed.

ii. Review committee

(A) Membership

The supplemental review committee shall be appointed and chaired in the same manner as a review committee for renewal of a three-year contract (§II.D.4.b.iii).

(B) Investigation

The supplemental review committee shall take such steps as are appropriate to investigate the reasons stated in the written
request for the review.

In addition, the supplemental review committee shall read all of the reports of the Legal Research and Writing Professor’s review committees for the prior three years.

If the committee perceives that the Legal Research and Writing Professor is deficient in regards to any of the criteria stated in §II.D.2, the committee shall conduct an interview with him or her before preparing its final report.

(C) Report

Within 90 days from the date the supplemental review committee is constituted, it shall prepare and file its report with the Dean and the Legal Research and Writing Professor.

The committee shall attach to the report all relevant documentation, and, if the committee finds a deficiency in regards to any of the criteria stated in §II.D.2, the report shall state that deficiency and the investigative procedures it used to determine that deficiency.

iii. Consequences of a finding of deficiency

If the review committee finds a deficiency

(A) The Dean and the chair of the committee shall jointly counsel the Legal Research and Writing Professor as to the deficiency.

(B) The Dean and the chair of the committee jointly shall prepare and give to the Legal Research and Writing Professor a separate written notice that identifies and describes any deficiency and that states a specific reasonable time by which the Legal Research and Writing Professor must take corrective action, subject to §II.D.4.c.iii (F).

(C) If any deficiency is or might be a basis for termination for individual cause pursuant to the Faculty Handbook, see Faculty Handbook §VIII.C.1(a, c-i), the separate written notice shall identify it as such.

(D) A Legal Research and Writing Professor who is found to be deficient ordinarily shall undergo an additional review during the immediately-following academic year. If this additional review would occur at the same time as the review for renewal of the Legal Research and Writing Professor’s three-year contract, the renewal review shall supersede the additional supplemental review.

(E) If the Legal Research and Writing Professor is found to be deficient in two consecutive reviews, his or her contract shall be terminated at the end of the academic year,
notwithstanding §II.D.4.b.vii (Terminal year upon nonrenewal) or §II.D.4.c.iii (B) (Time to take corrective action).

(F) Nothing in this section shall delay the Legal Research and Writing Professor’s next renewal review or a University action to terminate, suspend, or otherwise discipline him or her for general or individual cause under *Faculty Handbook* §VIII.B and §VIII.C.1(a, c-i).

E. Instructors in Law

1. Definition

An Instructor in Law holds non-tenure-track academic status, as established by the School of Law under the authority of the *Faculty Handbook*, §V.D.4. He or she has no contractual expectation of employment beyond his or her contract term. *Faculty Handbook*, §VII.C.3 and §VIII.A.2.

2. Requirement of annual review

Every Instructor in Law shall be evaluated annually for effectiveness in teaching.

3. Criteria

   a. An Instructor in Law must demonstrate effectiveness as a teacher.

   b. The standards for effectiveness in teaching include, but are not limited to:

      - Mastery of the subject matter,
      - Preparation for each class,
      - Ability and willingness to communicate with students and to provide them effective individual instruction, and
      - Such other rules as the Board may adopt.

4. Self-evaluation

   Each fall, an Instructor in Law shall prepare and submit to his or her review committee a written self-evaluation that addresses his or her teaching effectiveness.

5. Review Committee

   a. Membership

      For each Instructor in Law, each fall the Promotion and Tenure Board shall constitute a review committee of two of its members.

   b. Notification and disclosure

      The Chair of the Board shall disclose the review committee’s membership to all members of the full-time faculty and invite them to submit information and evaluations to the review committee.

   c. Investigation

      The review committee shall investigate the Instructor in Law’s teaching
effectiveness (§II.E.3) through any or all of, but not limited to, the following ways:

i.  Reading the Instructor in Law’s student evaluations;

ii. Obtaining peer evaluations of the Instructor in Law’s teaching;

iii. Interviewing present and/or past students;

iv. Examining the Instructor in Law’s effectiveness in evaluating the quality of student work;

v.  Reading the reports of the Instructor in Law’s review committees for the prior three years.

d.  Report and recommendation

The review committee shall submit a written report to the Board. The report shall include

- the committee’s recommendation as to whether the Instructor in Law should be retained for the following academic year,
- the committee’s findings on the Instructor in Law’s teaching effectiveness (§II.E.3), and
- a copy of the Instructor in Law’s self-evaluation.

6.  Instructors in Law who also are Directors

An Instructor in Law who also is the director of a program, center, or other institution of the law school will be annually reviewed, in his or her administrative capacity, by the Dean. The Dean shall submit to the Board a written report as to whether the Instructor in Law will be retained as a director for the next academic year.

7.  Decision of the Board and the Dean

a.  The Board shall meet with the Dean to consider and discuss the report of the review committee.

b.  Retention of an Instructor in Law for the following academic year requires the approval by a majority of the members of the Board present and voting (§I.B) and approval of the Dean.

c.  The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.
III. PROBATIONARY FACULTY

A. General Provisions

1. Probationary faculty: definition

A probationary faculty member is a person who has been formally appointed to, and who currently holds, a full-time faculty appointment in the School of Law, and who is eligible for eventual elevation to tenured status if he or she meets all relevant requirements, but who has not yet achieved that status. *Faculty Handbook*, §V.B.2.

2. Limited expectation of renewal

Although a probationary faculty member has no contractual right to renewal and no contractual right to be non-renewed solely ‘for cause’, his or her contract ordinarily will be renewed for the following academic year if he or she is making satisfactory progress toward achieving tenured status according to the procedures and criteria established in the *Faculty Handbook* and this *Appendix Document*.

3. Early termination of contract

A probationary faculty member may be terminated at any time for the general or individual causes enumerated in *Faculty Handbook* §VIII.B.1 and §VIII.C.1.

4. Deferral of promotion decisions

   a. The decision to promote a probationary faculty member may be deferred only once, and then for only one year, by either him or her or by the vote of the Promotion and Tenure Board and the Dean.

   b. A probationary faculty member who is not awarded tenure by the end of his or her seventh year of service shall be automatically terminated after his or her eighth year of service. *Faculty Handbook*. §VII.E.8.a.

B. Probationary Faculty of Law

1. Basic criteria

   a. Teaching

      i. Normally, a probationary faculty member of Law must demonstrate the required level of teaching proficiency (either satisfactory progress toward effectiveness, effectiveness, satisfactory progress toward excellence, or excellence) in classes of moderate or substantial size.

      ii. Under special circumstances with the prior consent of the Dean and the Promotion and Tenure Board, a probationary faculty member of Law may demonstrate the required level of teaching proficiency, in whole or in part, by excellence in the teaching of small groups.

      iii. The elements of teaching include, but are not limited to:
          -Mastery of the subject matter,
          -Preparation for each class,
b. Scholarship
   i. A probationary faculty member of Law must demonstrate the required level of proficiency in scholarship, see §III.B.2.b.ii, §III.B.3.b.ii, §III.B.4.b.ii, or §III.B.5.b.ii, through contributions to the development of the law, legal education, or the improvement of legal institutions and procedures, and must clearly show both the capacity and the intention to continue to make such contributions at the required level.
   ii. A probationary faculty member of Law must demonstrate the required level of proficiency through original legal research which culminates in the authorship of original written material which has been accepted for publication in a scholarly law review, journal, or book.

c. Contributions to the University and professional communities
   A probationary faculty member of Law must faithfully perform the duties inherent in his or her position, including but not limited to -the punctual meeting of classes,
   -timely grading of examinations and other papers,
   -availability at school for consultation with students and colleagues,
   -attendance at faculty and committee meetings,
   -performance of administrative and committee assignments,
   -attendance at commencement and the University faculty meeting, and
   -constructive participation in the collegial activities of the Law School and the University.

2. Assistant Professor of Law—Annual review
   a. Requirement of annual review
      A probationary faculty member with the rank of Assistant Professor of Law shall be reviewed annually.
   b. Criteria
      For purposes of annual review, an Assistant Professor of Law must demonstrate
      i. Satisfactory progress towards meeting the standard for teaching, as defined in §III.B.1.a, §III.B.3.b.i, and any additional rules adopted by the Board;
      ii. Satisfactory progress towards meeting the standard for scholarship, as defined in §III.B.1.b, §III.B.3.b.ii, and any additional rules adopted by the Board.
      iii. Adequate contributions to the University and professional communities, as defined in §III.B.1.c and any additional rules
adopted by the Board.

c. Self-evaluation
   Each fall, an Assistant Professor of Law shall prepare and submit to his or her review committee
   -a written self-evaluation that addresses the criteria stated in §III.B.2.b and
   -copies of his or her review committees’ reports since he or she was hired.

d. Review committee
   i. Membership
      Each fall, for each Assistant Professor of Law, the Board shall appoint a review committee of two of its members.
   ii. Notification and disclosure
      The Chair of the Board shall disclose the review committee’s membership to all probationary and tenured members of the faculty and invite them to submit information and evaluations to the review committee.
   iii. Investigation
      (A) The review committee shall investigate the Assistant Professor of Law’s performance regarding the criteria stated in §III.B.2.b since his or her date of initial appointment.
      (B) To determine satisfactory progress towards teaching effectiveness, the review committee shall read the Assistant Professor’s student evaluations and obtain peer evaluations of his or her classroom performance. It also may personally interview students and take such other actions as it finds appropriate.
      (C) The review committee shall read the reports of the Assistant Professor’s review committees since he or she was hired.
   iv. Report and recommendation
      The review committee shall submit a written report to the Board. The report shall include
      -the committee’s recommendation as to whether the Assistant Professor of Law should be retained for the following academic year,
      -the committee’s findings from its investigation regarding the criteria stated in §III.B.2.b, and
      -a copy of the Assistant Professor’s self-evaluation.

e. Recommendations of the Board and the Dean
   i. During the fall, the Board shall meet with the Dean to discuss the report and recommendation of the review committee and the recommendation of the Dean.
   ii. The renewal of an Assistant Professor of Law’s contract for the following academic year shall proceed forward only upon
-a favorable recommendation by a majority of the members of the
Board present and voting (§I.B) and
-a favorable recommendation by the Dean.

iii. The Chair of the Board shall prepare and submit to the Dean a
written statement of the Board’s recommendation.

iv. For an Assistant Professor of Law in his or her second or third year of
service, the Dean shall forward the Board’s and the Dean’s
recommendations to the Provost/Vice-President for Academic
Affairs no later than Dec. 1st. Faculty Handbook §VII.E.5.

v. For an Assistant Professor of Law in his or her first year of service, the
Board and the Dean may delay a decision on retention, although
the Dean shall forward the Board’s and the Dean’s retention
recommendation to the Provost/Vice-President for Academic
Affairs no later than February 15th. Faculty Handbook §VII.E.5.

f. Dean’s consultation
Each academic year, the Dean shall review with each Assistant Professor
of Law the progress made by that Assistant Professor.

3. Assistant Professor of Law--Promotion to Associate Professor of Law
a. Eligibility
i. In general
An Assistant Professor of Law normally will be considered for
promotion to Associate Professor of Law during his or her third year as an
Assistant Professor, unless
-an equivalency has been granted under §III.B.3.a.iii, or
-the Assistant Professor has deferred consideration of promotion,
subject to §III.A.4.
This time period may be accelerated upon recommendation of the
Dean and the Board in accordance with the Faculty Handbook.

ii. The Dean
In light of Standard 206 of the American Bar Association’s
Standards and Rules of Procedure for Law Schools, this Appendix
Document makes no provision for promoting the Dean to Associate
Professor of Law.

iii. Equivalency
A person will be deemed to have held the rank of Assistant
Professor of Law at another university only if
-he or she has served in a position with substantially the same
responsibilities as an Assistant Professor in the School of Law, whether
such service occurred at OCU or at another university;
-this equivalency of teaching experience has been approved by a
majority of probationary and tenured faculty holding the rank of assistant
professor or higher, the Dean, and the Provost/Vice-President for
Academic Affairs, and
-the basis of that decision has been put in writing and inserted in
the person’s permanent folder.

With respect to any faculty member whose initial academic
contract is for the Fall 2005 semester or thereafter, no ‘equivalency’ of any
type will be recognized if the requirements of the Faculty Handbook
§V.A.2, §V.F, and §VII.E.7.b are not met.

b. Criteria
To be promoted to Associate Professor of Law, an Assistant Professor of
Law must demonstrate
i. Effective teaching, as defined in §III.B.1.a and any additional rules
   adopted by the Board,
ii. Promising scholarship, i.e., work that promises significant
   contributions will follow, as defined in §III.B.1.b and any
   additional rules adopted by the Board.
iii. Adequate contributions to the University and professional
   communities, as defined in §III.B.1.c.i and any additional rules
   adopted by the Board.

No Assistant Professor of Law shall be promoted who is not at that time
considered likely to satisfy the standards in full when the time arises for decision
on promotion to Professor of Law.

c. Self-evaluation
An Assistant Professor of Law seeking promotion to Associate Professor
of Law shall submit to his or her review committee
-a written self-evaluation that addresses the criteria stated in §III.B.3.b
   and
-copies of his or her review committees’ reports since he or she was hired.

d. Review committee
The procedures for reviewing an Assistant Professor of Law seeking
promotion to Associate Professor of Law shall be the same as those for an annual
review (§III.B.2.d), with the following additions and modifications:
i. The review committee shall interview a sample of the Assistant
   Professor’s current and/or former students (selected according to
   such procedures as the Board shall adopt) about the Assistant
   Professor’s teaching effectiveness;

ii. Where the Board or the review committee deems appropriate, the
    review committee shall seek review of the Assistant Professor’s
    scholarship by tenured law school faculty with suitable expertise at
    other institutions;

iii. The review committee shall read the reports of the Assistant
    Professor’s review committees since he or she was hired;
iv. The review committee’s written report shall address the criteria stated in §III.B.3.b; and

v. The review committee shall submit its written report to the Board according to a schedule established by the Board that is consistent with the University Timeline.

To determine teaching effectiveness, the review committee also shall read the Assistant Professor’s student evaluations and obtain peer evaluations of his or her classroom performance.

e. Recommendations of the Board and the Dean

i. The Board shall meet with the Dean to discuss the report and recommendation of the review committee and the recommendation of the Dean.

ii. The Board, by a majority vote of the members of the Board present and voting (§I.B.3), shall recommend in writing to the Dean whether

(A) the Assistant Professor of Law should be promoted to Associate Professor of Law;
(B) the promotion decision should be deferred to the following year (ordinarily the fourth year as an Assistant Professor), provided that
   (i) such a deferral would not violate §III.A.4 (Deferral of Promotion Decisions) and
   (ii) the Board and the Dean agree that the criteria for promotion with tenure will be met within that following year; or
(C) the Assistant Professor’s contract should not be renewed at the end of the following year.

iii. The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

iv. The Dean shall submit to the Provost/Vice-President for Academic Affairs
   - the report and recommendation of the review committee (and all supporting documentation attached thereto),
   - the Board’s recommendation, and
   - the Dean’s own recommendation on promotion.

v. If the Dean disagrees with the recommendation(s) of the Board, the Dean also shall communicate in writing to the chair of the Board the reasons for disagreement, which shall be included in the Dean’s recommendations to the Provost/Vice President for Academic Affairs.

f. Significance of the recommendations of the Board and the Dean

i. Promotion will ordinarily be granted only to an Assistant Professor of Law who has received positive recommendations from both the
Board and the Dean with respect to the three criteria established by §VII.D of the Faculty Handbook and §III.B.3.b of this Appendix Document. Faculty Handbook, §VII.E.7.c.

ii. If the promotion decision is deferred, then in the following year the decision of the Board and the Dean shall be to recommend either to promote to Associate Professor or to terminate his or her employment at the end of that following year.

iii. If the promotion decision is negative, the Assistant Professor normally shall be recommended for continuation for the following year as an assistant professor, with notice that his or her employment will terminate at the end of that following year.

g. Decisions of the Provost/Vice-President for Academic Affairs, the President, and the Board of Trustees

i. After due consideration of the recommendations of the Promotion and Tenure Board, the Dean, and the Provost/Vice-President for Academic Affairs, the President shall consult with the Vice-President for Academic Affairs and then make a recommendation to the Board of Trustees. Faculty Handbook, §VII.E.9.

ii. If the President’s recommendation differs from that of the Promotion and Tenure Board, he or she shall provide the Board of Trustees with a written rationale that explains the reasons for that difference. Faculty Handbook, §VII.E.9.

iii. The decision to promote or not promote is made only by the Board of Trustees. Faculty Handbook, §VII.E.9.

4. Associate Professor of Law--Annual review

a. Requirement of annual review

A probationary faculty member with the rank of Associate Professor of Law, except one holding a terminal status academic appointment (§III.B.6) shall be reviewed annually.

b. Criteria

For purposes of annual review, an Associate Professor of Law must demonstrate

i. Satisfactory progress towards meeting the standard for teaching, as defined in §III.B.1.a, §III.B.5.b.i, and any additional rules adopted by the Board,

ii. Satisfactory progress towards meeting the standard for scholarship, as defined in §III.B.1.b, §III.B.5.b.ii, and any additional rules adopted by the Board; and

iii. Adequate contributions to the University and professional communities, as defined in §III.B.1.c.i. and any additional rules adopted by the Board.
c. Self-evaluation

Each fall, an Associate Professor of Law shall prepare and submit to his or her review committee:
- A written self-evaluation that addresses the criteria stated in §III.B.4.b and
- Copies of the reports of his or her three most-recent review committees.

d. Review committee

i. The procedures for the annual review of an Associate Professor of Law shall be identical to those in §III.B.2.d (Assistant Professor of Law --Annual Review), except that the review committee shall read the reports of the Associate Professor’s three most-recent review committees.

ii. To determine satisfactory progress towards teaching excellence, the review committee shall read the Associate Professor’s student evaluations and obtain peer evaluations of his or her classroom performance.

e. Recommendations of the Board and the Dean

i. During the fall, the Board shall meet with the Dean to discuss the report and recommendation of the review committee and the recommendation of the Dean.

ii. The renewal of an Associate Professor of Law’s contract for the following academic year shall proceed forward only upon:
- A favorable recommendation by a majority of the members of the Board present and voting (§I.B) and
- A favorable recommendation by the Dean.

iii. The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

iv. The Dean shall forward the Board’s and the Dean’s recommendations to the Provost/Vice-President for Academic Affairs no later than Dec. 1st. Faculty Handbook, §VII.E.6.a.

f. Dean’s consultation

Each academic year, the Dean shall review with each Associate Professor of Law the progress made by that Associate Professor.

5. Associate Professor of Law: Promotion to Professor of Law

a. Eligibility

i. In general

An Associate Professor of Law normally will be considered for promotion to Professor of Law during his or her third year as an Associate Professor in the School of Law, unless
- An equivalency has been granted under §III.B.5.a.iii or
- The Associate Professor has deferred consideration of promotion, subject to §III.A.4.

ii. The Dean

In light of Standard 206 of the American Bar Association’s
Standards and Rules of Procedure for Law Schools, this Appendix Document makes no provision for promoting the Dean from Associate Professor to Professor of Law.

iii. Equivalency

A person will be deemed to have held the rank of Associate Professor of Law at another university only if

- he or she has served in a position with substantially the same responsibilities as an Associate Professor of Law in the School of Law, whether such service occurred at OCU or at another university;
- this equivalency of teaching experience has been approved by a majority of probationary and tenured faculty holding the rank of Associate Professor of Law or higher, the Dean, and the Provost/Vice-President for Academic Affairs; and
- the basis of that decision has been put in writing and inserted in the person’s permanent folder.

With respect to any faculty member whose initial academic contract is for the Fall 2005 semester or thereafter, no ‘equivalency’ of any type will be recognized if the requirements of Faculty Handbook §V.A.2, §V.F, and §VII.E.7.b are not met. Faculty Handbook, §VII.E.7.b.

b. Criteria

An Associate Professor of Law seeking promotion to Professor of Law must demonstrate that he or she clearly has met, is meeting, and will continue to meet the following criteria:

i. Excellent teaching, as defined in §III.B.1.a and any additional rules adopted by the Board,

ii. Significant contributions to scholarship, as defined in §III.B.1.b and any additional rules adopted by the Board,

iii. Adequate contributions to the University and professional communities, as defined in §III.B.1.c and any additional rules adopted by the Board.

c. Self-evaluation

An Associate Professor of Law seeking promotion to Professor of Law shall prepare and submit to his or her review committee
- a written self-evaluation that addresses the criteria stated in §III.B.5.b and
- the reports of the Associate Professor’s review committees for the past three years.

d. Review committee

An Associate Professor of Law seeking promotion to Professor of Law shall be reviewed using the same procedures as those for promotion from Assistant Professor of Law to Associate Professor of Law (§III.B.3.d), except that
- The review committee shall submit the Associate Professor’s scholarship for outside review, according to rules adopted by the Board; and

47
- The review committee shall read the reports of the Associate Professor’s review committees for the past three years.

To determine teaching effectiveness, the review committee also shall read the Associate Professor’s student evaluations and obtain peer evaluations of his or her classroom performance.

e. **Recommendations of the Board and the Dean**

   i. The Board shall meet with the Dean to discuss the written report and recommendation of the review committee and the recommendation of the Dean.

   ii. The Board, by a majority vote of the members of the Board present and voting (§I.B.3), shall recommend in writing to the Dean whether

       (A) the Associate Professor of Law should be promoted to Professor of Law;

       (B) the promotion decision should be deferred to the following year (ordinarily the fourth year as an Associate Professor), provided that

           (i) such a deferral would not violate §III.A.4 (Deferral of Promotion Decisions), and

           (ii) the Board and the Dean agree that the criteria for promotion with tenure will be met within that following year; or

       (C) the Associate Professor of Law’s contract should not be renewed at the end of the following year.

   iii. An affirmative decision to promote and tenure shall be made only if the standards for promotion and tenure have clearly been met.

   iv. The Chair of the Board shall prepare and submit to the Dean a written statement of the Board’s recommendation.

   v. The Dean shall submit to the Provost/Vice-President of Academic Affairs

       - the report and recommendation of the review committee (and all supporting documentation attached thereto),

       - the Board’s recommendation, and

       - the Dean’s own recommendation on promotion.

   vi. If the Dean disagrees with the recommendation(s) of the Board, the Dean also shall communicate in writing to the chair of the Board the reasons for disagreement, which shall be included in the Dean’s recommendations to the Provost/Vice President for Academic Affairs.

f. **Significance of the recommendations of the Board and the Dean**

   i. Promotion will ordinarily be granted only to an Associate Professor of Law who has received positive recommendations from both the Board and the Dean with respect to the three criteria established by §VII.D of the *Faculty*
If the promotion decision is deferred to the following year (§III.A.4, §III.B.5.a.i, and §III.B.5.e.ii), then the decision in that following year shall be to recommend either to promote with tenure or not renew the contract at the end of that following year.

g. Decisions of the Provost/Vice-President for Academic Affairs, the President, and the Board of Trustees

i. After due consideration of the recommendations of the Promotion and Tenure Board, the Dean, and the Provost/Vice-President for Academic Affairs, the President shall consult with the Vice-President for Academic Affairs and then make a recommendation to the Board of Trustees. *Faculty Handbook, §VII.E.9.*

ii. If the President’s recommendation differs from that of the Promotion and Tenure Board, he or she shall provide the Board of Trustees with a written rationale that explains the reasons for that difference. *Faculty Handbook, §VII.E.9.*

iii. The decision to promote or not promote is made only by the Board of Trustees. *Faculty Handbook, §VII.E.9.*

h. Consequences of a negative decision

An Associate Professor of Law who has been denied the timely award of promotion to professor after being retained for the following academic year will be offered a one-year ‘terminal status’ contract for the academic year for which his or her contract was renewed. *Faculty Handbook §V.B.3.c.*

6. Terminal status

An Associate Professor of Law who accepts a terminal-status academic appointment (§III.B.5.h) will hold a one-year contract, which shall not be renewed. *Faculty Handbook, §VII.E.8.a.*

C. Probationary Faculty of Law Library Science

1. Termination of Law Library Science Division

The standards and procedures for retention, promotion, and tenure of faculty of Law Library Science were terminated effective April 4, 2008, although they shall remain in force for Lee Peoples, so long as he remains an employee of the University.

2. Basic criteria

a. Teaching

i. A probationary faculty member of Law Library Science must demonstrate the required level of teaching proficiency. This may be demonstrated in either formal teaching or informal teaching through daily work with students and faculty.
ii. The standards for effectiveness in formal teaching include, but are not limited to:
- Mastery of the subject matter,
- Preparation for each class,
- Ability and willingness to communicate with students, and
- Such other standards as the Board may adopt.

iii. The standards for effectiveness in informal teaching include
- Development and use of library resources;
- Providing specific information needed by students and faculty; and
- Providing instruction in the use of the library, its data-retrieval systems, and in bibliographic techniques in general.

b. Scholarship

i. A probationary faculty member of Law Library Science must make significant contributions to the development of the law, legal education, or of legal institutions and procedures, and must clearly show both the capacity and the intention to continue to make such contributions.

ii. This requirement shall be met by
(A) creativity and initiative in bibliographic control,
(B) development of library manuals or procedure guides or related publications in the area of law or legal libraries, or
(C) significant contributions to the general body of knowledge in the fields of law, legal education, or law librarianship through research in one or more of these three disciplines.

c. Contributions to the University and professional communities

i. Inherent duties
A probationary faculty member of Law Library Science must faithfully perform the duties inherent in his or her position, including but not limited to
- Availability at school for consultation with students and colleagues,
- Attendance at faculty and committee meetings,
- Performance of administrative and committee assignments,
- Attendance at commencement and the University faculty meeting, and
- Constructive participation in the collegial activities of the Law School and the University.

ii. Administrative duties
A probationary faculty member of Law Library Science must possess and demonstrate a high level of administrative ability, including, but not limited to
(A) Performance of library operations supporting instructional and
research programs,
(B) Preparation of administrative studies,
(C) Performance and creativity in areas of administrative responsibility,
(D) Vigorous pursuit of library problems and promotion of their solutions,
(E) Creative achievement in library design,
(F) Skillful development of the library collection, and
(G) Bibliographic organization and control.

3. Procedures for and rules regarding annual review and promotion of probationary faculty of Law Library Science
   a. In general
      Except as otherwise stated in this section, the procedures for and rules regarding annual reviews and promotions of probationary faculty of Law Library Science shall be the same as those for annual reviews and promotions of probationary faculty of Law.
   b. Teaching
      In §§III.B.2-5 (Probationary Faculty of Law–Annual review and promotion), all cross-references to §III.B.1.a (Probationary Faculty of Law–Basic criteria–Teaching effectiveness) shall be replaced by cross-references to §III.C.2.a (Probationary Faculty of Law Library Science–Basic criteria–Teaching effectiveness).
   c. Scholarship
      In §§III.B.2-5 (Probationary Faculty of Law–Annual review and promotion), all cross-references to §III.B.1.b (Probationary Faculty of Law–Basic criteria–Scholarship) shall be replaced by cross-references to §III.C.2.b (Probationary Faculty of Law Library Science–Basic criteria–Scholarship).
   d. Contributions to the University and professional communities
      In §III.B.2-5 (Probationary Faculty of Law –Annual review and promotion), all cross-references to §III.B.1.c (Probationary Faculty of Law–Basic criteria–Contributions to the University and professional communities) shall be replaced by cross-references to §III.C.2.c (Probationary Faculty of Law Library Science– Basic criteria–Contributions to the University and professional communities).

4. Terminal status
   An Associate Professor of Law Library Science who accepts a terminal-status academic appointment (§III.B.5.h) will hold a one-year contract, which will not be renewed. Faculty Handbook, §VII.E.8.a.
IV. TENURED FACULTY

A. General Provisions

1. Definition: Professor of Law

A Professor of Law is a person who holds a full-time faculty appointment in the School of Law and who either has been appointed with tenured status pursuant to §V.A.3 of the Faculty Handbook or who has obtained tenure through satisfactory completion of a probationary period as provided by §VII.D and §VII.E of the Faculty Handbook and by §III.B of this Appendix Document.

2. Termination of contract

A Professor of Law may be terminated only in conformity with the post-tenure procedures established by §VII.E.3(a) of the Faculty Handbook, or at any time for the general or individual causes enumerated in §VIII.B.1 and §VIII.C.1 of the Faculty Handbook.

B. Professor of Law--Abbreviated Annual Review

The Dean shall conduct an abbreviated annual review of each Professor of Law’s job performance for merit-salary-increase. The format for such review shall be determined by the faculty and Dean with the assent of the Provost/Vice-President for Academic Affairs. Faculty Handbook, §VII.E.3.c.

C. Professor of Law--Sexennial Review

1. Requirement of sexennial post-tenure review

A Professor of Law shall undergo post-tenure review during the sixth year after receiving tenure and every six years thereafter.

2. Criteria

a. General criteria

A Professor of Law shall continue to meet all standards required at the time he or she received that status and rank, namely

i. Excellent teaching, as defined in §III.B.1.a and any additional rules adopted by the Board,

ii. Significant contributions to scholarship, as defined in §III.B.1.b and any additional rules adopted by the Board, and

iii. Adequate contributions to the University and professional communities, as defined in §III.B.1.c and any additional rules adopted by the Board.

b. Grandfather clause

Dennis Arrow, Peter Dillon, and Alvin Harrell, who were tenured before the adoption of a scholarship standard, are not subject to the scholarship requirement of §III.B.1.b and §IV.C.2.a.ii.
3. **Self-evaluation**

A Professor of Law who is undergoing sexennial review shall prepare and submit to his or her review committee a written self-evaluation that addresses the criteria stated in §IV.C.2, including any manuscripts published or in process since his or her last review.

4. **Review committee**

   a. **Membership**

   i. A review committee for sexennial review shall consist of three Professors of Law, selected as follows:

      - The first by the members of the Board,
      - The second by the Dean, and
      - The third by the Professor of Law under review.

   ii. No person who has served on a past post-tenure review committee for a Professor of Law shall be eligible again to serve on another review committee for that Professor until every other member of the Board has served on a post-tenure review committee for that Professor.

   iii. The Dean’s appointee shall chair the review committee and shall be responsible for the committee’s administrative work.

   b. **Notice**

   The Chair of the Board shall disclose the review committee’s membership to all full-time members of the faculty and deans and invite them to submit information and evaluations to the review committee.

   c. **Investigation**

   i. The review committee shall investigate the Professor of Law’s performance regarding the criteria stated in §IV.C.2 since his or her last review.

   ii. To determine teaching effectiveness, the review committee shall read the Professor of Law’s student evaluations and obtain at least one peer evaluation of his or her classroom performance. It also may personally interview students and take such other actions as it finds appropriate.

   iii. The review committee shall read the Professor of Law’s most recent sexennial review report and any later supplemental review reports.

   d. **Finding of compliance.**

   i. If the review committee finds the Professor of Law is in compliance with the criteria of §IV.C.2, the committee shall prepare a short summary statement of compliance, not to exceed one-half page, attach all relevant documentation to that statement, and submit copies of that statement and documentation to the Professor and the Dean.

   ii. A Professor of Law found to be in compliance shall have his or her
appointment as a Professor of Law reaffirmed. Faculty Handbook §VII.E.6.b.

e. Finding of deficiency
   If the review committee finds a deficiency, it shall
   i. Interview the Professor of Law before submitting its report to the Dean;
   ii. Prepare a report summarizing those areas in which compliance was found, listing the deficiencies, and listing the investigative procedures undertaken in determining those deficiencies;
   iii. Attach all documentation to its report; and
   iv. Give a copy of the report and attached documentation to the Professor and the Dean.

5. Consequences of finding a deficiency or deficiencies
   a. Unsatisfactory review
      A Professor of Law who is found to be deficient in regards to one or more of the criteria stated in §IV.C.2 shall be deemed to have received an unsatisfactory review.
   b. Counseling, notice, and remediation
      The Dean and the chair of the review committee shall
      i. jointly counsel the Professor of Law to identify the nature and scope of the perceived deficiencies, appropriate remedial strategies, and resources needed to correct the deficiencies;
      ii. jointly prepare a separate written notice that identifies the nature and scope of the deficiency;
      -describes appropriate remedial strategies, including any necessary resources, and
      -states a specific, reasonable time in which those remedial strategies must be undertaken; and
      iii. deliver copies of that separate written notice to the Professor and to the Provost/Vice-President for Academic Affairs.
   c. Second post-tenure review
      A Professor of Law who is found to be deficient shall undergo a second post-tenure review during the immediately-following academic year.
   d. Exception
      This subsection’s provisions for time in which to implement remedial strategies and a second post-tenure review do not apply when the University seeks termination or suspension under Faculty Handbook §VIII.C.1.

6. Consequences of second unsatisfactory post-tenure review
   A Professor of Law who receives two consecutive unsatisfactory post-tenure reviews shall be subject to the termination procedures provided in §VIII.C and/or §VIII.E of the Faculty Handbook.
D. Professor of Law--Supplemental Post-Tenure Review

1. Initiation of supplemental post-tenure review
   a. By Provost/Vice-President for Academic Affairs
      The Provost/Vice-President for Academic Affairs may initiate a supplemental post-tenure review of a Professor of Law no more than once (assuming a satisfactory outcome of the supplement review) during each of that Professor’s six-year cycles. *Faculty Handbook*, §VII.E.3(a).
   b. By members of the Board or Dean
      Three Professors of Law or the Dean may initiate a supplemental review of a Professor of Law, subject to the veto of the Provost/Vice-President of Academic Affairs.
   c. Method of initiation
      A request for supplemental review takes effect when the written request, which states the reasons for the request, is delivered to the Chair of the Board, the Dean, and the Professor of Law to be reviewed.

2. Procedures
   The procedures for conducting a supplemental review shall be the same as those for a sexennial post-tenure review except that:
   a. The supplemental review committee shall investigate only the areas of concern stated in the written request for supplemental review,
   b. If the call for a supplemental review concerns teaching, the review committee shall read the Professor of Law’s student evaluations and obtain peer evaluations of his or her classroom performance,
   c. The review committee shall read the Professor of Law’s most recent sexennial review report and any later supplemental review reports, and
   d. The review committee shall prepare and file with the Professor of Law and the Dean a summary evaluation of its conclusions within 90 days from the date the committee is constituted.

3. Consequences of a satisfactory supplemental review
   A satisfactory supplemental post-tenure review shall not affect the timing of the Professor of Law’s next sexennial review.

4. Consequences of an unsatisfactory supplemental review
   An unsatisfactory supplemental post-tenure review shall have the same consequences that an unsatisfactory sexennial post-tenure review carries, as stated in §VII.E.6 (b) of this *Faculty Handbook* and §IV.C.5.c of this *Appendix Document*.

E. Professor of Law Library Science

1. Definition: Professor of Law Library Science
   A Professor of Law Library Science is a person who holds a full-time faculty
appointment in the School of Law and who obtained tenure through satisfactory completion of a probationary period as provided by §VII.D and §VII.E of the Faculty Handbook and by §III.C of this Appendix Document.

2. Termination of Law Library Science Division
   The standards and procedures for retention, promotion, and tenure of faculty of Law Library Science were terminated effective April 4, 2008, although they shall remain in force for Lee Peoples, so long as he remains an employee of the University.

3. Termination of contract
   A Professor of Law Library Science may be terminated only in conformity with the post-tenure procedures established by Faculty Handbook §VII.E.3.a, or at any time for the general or individual causes enumerated in Faculty Handbook §VIII.B.1 and §VIII.C.1.

4. Criteria
   A Professor of Law Library Science shall continue to meet all standards required at the time he or she received that status and rank, namely:
   a. Excellent teaching, as defined in §III.C.2.a and any additional rules adopted by the Board,
   b. Significant contributions to scholarship, as defined in §III.C.2.b and any additional rules adopted by the Board, and
   c. Adequate contributions to the University and professional communities, as defined in §III.C.2.c. and any additional rules adopted by the Board.

5. Procedures for and rules regarding reviews
   The procedures for and rules regarding reviews of Professors of Law Library Science shall be the same as those for reviews of Professors of Law (§IV.B-D), except that the cross-references to §IV.C.2 (Professor of Law–Criteria) shall be replaced by cross-references to §IV.E.4 (Professor of Law Library Science–Criteria).

END OF THE APPENDIX DOCUMENT FOR THE SCHOOL OF LAW