

Faculty Reference Manual – UNC School of Law

Major Law School Policies

VIII. Major Law School Policies

A. Procedure for Promotion and Tenure Decisions

The procedure for reappointment, promotion and tenure decisions at the School of Law is governed by a policy document adopted by the school in 1994 as amended from time to time. The policy document is excerpted below.

To read the UNC Board of Trustees' policies regarding academic tenure, see <http://www.unc.edu/faculty/faccoun/tenure/index.html>.

The UNC Faculty Council released a report in 2000 on promotion and tenure, which can be found at <http://www.unc.edu/faculty/faccoun/reports/APTFinalReport.htm>.

B. Reappointment, Promotion and Tenure

1. University Policy and Procedure

University policy on reappointment, promotion, and tenure of faculty members is set forth in a statement entitled "Trustee Policies And Regulations Governing Academic Tenure In The University of North Carolina At Chapel Hill," dated June 18, 1976, as amended from time to time, ("Trustee Statement"). The Trustee Statement controls all personnel actions involving members of the faculty of the Law School. This statement of Law School policy is supplemental and necessarily subject to the provisions of the Trustee Statement. All members of the faculty should become familiar with the contents of the Trustee Statement, which was most recently amended in July 2004. It is located at <http://www.unc.edu/campus/policies/tenure.html>.

The Trustee Statement requires that reappointment, promotion, and tenure shall be initiated by recommendation of the Dean "after consultation with the assembled full professors." A recommendation by the Dean is initially reviewed by the Appointment, Promotion and Tenure (APT) Committee. APT is an elected committee composed of twelve members of the faculty holding permanent tenure at the rank of professor. Four members hold primary appointments within the College of Arts and Sciences, four hold primary appointments in the School of Medicine, and four hold primary appointments within professional schools other than the School of Medicine. A recommendation approved by APT is forwarded to the Provost. If the Provost supports APT's recommendation, it is then sent to the Chancellor.

Upon the Chancellor's approval, the recommendation is transmitted to the Board of Trustees for the University of North Carolina at Chapel Hill. Approval by the Board of Trustees is final unless the recommendation involves the conferral of tenure. All actions conferring tenure must

be approved by the Board of Governors for the Consolidated University of North Carolina, which is composed of the sixteen public senior institutions of higher learning in the State.

2. Law School Procedure

A standing committee on Promotion and Tenure Committee (P&T) composed of not fewer than three full professors is appointed by the Dean to assemble and assess appropriate information on each candidate for reappointment, promotion, or tenure. The P&T's function is to assist the full professors and the Dean concerning decisions on reappointment, promotion, and tenure.

In January 1980, the faculty adopted a policy document regarding the procedure to be used by the Promotion and Tenure Committee. It is set forth in Appendix G: Law School Procedure for Promotion and Tenure Decisions.

The candidate has the responsibility to make available to the Committee all relevant data bearing on his or her qualifications for reappointment, promotion, or tenure. Each full professor is afforded an opportunity to express his or her views on a candidate's qualifications to his or her colleagues and the Dean. The Dean assembles the full professors for this purpose. The Dean may also, in his or her discretion, consult with associate professors with tenure on a candidate's qualifications, in such manner as the Dean may determine.

The Dean's decision will be based on all relevant information available to him or her.

3. Standards for Reappointment, Promotion and Tenure

The University is not contractually obligated to reappoint, promote, or grant tenure. In the consideration of recommendations of reappointment, promotion, or tenure the following will be accorded great weight: teaching competence; scholarly competence with promise of continued substantial contribution to the discipline; and public service through use of professional, scholarly or academic competence. These three factors are discussed in the sections that follow.

The candidate must satisfy all factors, with two exceptions: (a) it is not expected that a tenure-track candidate for reappointment, promotion, or tenure will participate significantly in public service within four years of his or her initial appointment if it is his or her first law teaching appointment, and (b) a non-tenure-track candidate will not be required to produce traditional scholarly publications.

There is no requirement that a faculty member remain in rank for a fixed period of time before he or she may be promoted or granted tenure. It is expected that periods in rank will be consistent with standards, which are accepted in legal education.

a. Teaching competence

Teaching is of primary importance and the candidate for reappointment, promotion, or tenure must demonstrate competence and interest in teaching. Among the factors to be considered in the assessment are (1) preparation of individual classes and of the course plan, (2) coherence of

lectures and class discussion, (3) intellectual level of lectures and class discussion, (4) control of class discussion, (5) availability for assistance to students outside the classroom.

Student and peer evaluations of the candidate's teaching are to be considered. The Committee may, if it deems it necessary or desirable, consult with former students or presently enrolled students concerning the candidate's teaching competence.

b. Scholarly competence

Scholarly competence and promise of continued substantial contribution to the discipline are ordinarily and preferably demonstrated by published or publishable articles in law reviews or other scholarly journals, casebooks and textbooks. Other professional writings may be considered, provided they demonstrate scholarship comparable to that of articles and books.

A candidate for reappointment, promotion, or tenure who has been in rank for four years or less and chooses to satisfy the scholarship criterion by means of articles in law reviews or other scholarly journals is expected to have produced at least two articles evidencing scholarly competence while in such rank, except that an assistant professor in his initial term who is a candidate for reappointment in the third year of the term is expected to have produced one such article and to be in the process of preparing another. If the candidate chooses to satisfy the scholarship criterion by means of a book or other writings, it or they must constitute the scholarly equivalent of such articles. It is also recognized that the scholarship requirement might be satisfied by one law review or other scholarly article of truly exceptional quality, which would constitute the scholarly equivalent of such articles.

If the candidate for reappointment, promotion, or tenure has been in rank more than four years, he or she is expected to have produced proportionately more scholarly writing.

The associate professor is expected to demonstrate a higher level of scholarly competence than the assistant professor.

All writings which are submitted in satisfaction of the scholarship requirement are to be evaluated in writing by individuals of demonstrated scholarly competence who are not members of this faculty. In addition, such writings are to be evaluated in writing by one or more members of this faculty, unless there is no member of this faculty who is qualified to evaluate the writing because of the nature of the subject matter.

The selection of those individuals outside this faculty who are to evaluate the writings shall be made by the Committee after consultation with the candidate, provided that the candidate may designate one such person if he or she wishes.

Among the qualities to be considered in the assessment of scholarly competence are the following: (1) analytical ability, which may be demonstrated by subjecting propositions of law, fact, or value to critical examination by means of logic, policy analysis, or empiricism; (2) ability to synthesize, which may be demonstrated by the integration of materials not ordinarily considered to be closely related, and by the conceptualizing of unifying ideas; (3) ability to

research and to support assertions and conclusions with the products of such research; (4) creative ability, which may be demonstrated by the construction of new concepts, remedies, or syntheses, supported by logic, policy, or empiricism.

c. Public service

Public service means contribution to the improvement of law, the legal profession, the administration of justice, and government, and unusual service to the law school, the university, and education in general. Public service usually means service for which no compensation, other than a nominal honorarium, is received.

4. Other Procedures

The Dean or his or her representative shall discuss this policy with each probationary faculty member before initial employment, at the beginning of the first term of employment, and at the beginning of the year in which the faculty member is considered for reappointment, promotion, or tenure and shall provide the faculty member a written statement of the policy. A record of the discussion shall be included in the faculty member's personnel file.

Student evaluations of the teaching of probationary faculty shall be conducted each semester. Peer evaluations shall be conducted each semester except in the first year of teaching when peer review will be available and probationary faculty encouraged voluntarily to participate. The faculty will take appropriate action to obtain student evaluations. The Dean or Committee shall arrange for classroom visitations by one or more faculty members. Written evaluations based on these visitations shall be given to the probationary faculty member. A follow-up discussion of any evaluation may be initiated by the individual under review, the faculty members conducting the review, or the Dean.

The Dean or his or her representative shall consult with each probationary faculty member annually with respect to that faculty member's teaching, scholarship, and public service. A record of the discussion shall be included in the faculty member's personnel file.

5. Clinical Faculty

Instructional clinical faculty and library faculty are governed by [Section V: Clinical Faculty](#)

6. Policy on Open and Closed Voting

All voting for tenure and promotion will be by open vote, unless the candidate is the spouse of a currently tenured full professor or the candidate has an "intimate relationship" with or is the "significant other" of a member of the tenured faculty. The Dean retains the authority to define further the nature of a personal relationship that would result in closed balloting.

Clinical Faculty Appointments

V. Clinical Faculty Appointments

A. Instructional Clinical Faculty

Instructional Clinical Faculty members have duties rooted in the core teaching function of the law school, including non-tenure track faculty members assigned to the Externship Program, the first year RRWA course, and the Academic Success Program. In addition to teaching within their specialized programs (which would include, for instance, the Lawyering Process courses for the clinic faculty) these faculty members may teach courses elsewhere in the curriculum.

B. Library / Technical Faculty

The dual degree librarians have primary appointments and duties in the library, but they also regularly teach and they are expected to publish. The librarians have twelve month contracts.

The Director of the Library is responsible for hiring the librarians, with faculty participation as a regular part of the process (especially for the Deputy Director position). He or she also brings forth the recommendations to the faculty for clinical appointments for librarians.

C. Hiring, Promotion and Retention of Clinical Faculty

The procedures for hiring instructional clinical faculty shall mirror, to the extent possible, the procedures used for hiring tenure-track faculty (see Section VIII of this guide). The hiring shall be conducted, in the first instance, by the Faculty Appointments Committee. In those years in which instructional clinical faculty are being hired, the Director of Clinical Programs, or another faculty member from clinical programs, shall be an ex-officio member of the Faculty Appointments Committee. Except as specifically provided herein, the faculty shall interview and vote on candidates for an instructional clinical position under the same rules and procedures (subject to Section D below) as with other faculty candidates.

Persons hired for an instructional clinical faculty position shall be offered a three-year initial contract. The only exception to this shall be in situations where the person hired, has already taught previously in a law school clinical program, in this situation the faculty may authorize the Dean to offer the person a five year initial contract. The provision for subsequent five-year renewable contracts, which is contained in the 1987 faculty legislation, shall remain in effect.

The procedures for retention and promotion for instructional clinical faculty shall mirror, to the extent possible, the procedure used for promotion and tenure decisions for tenure-track faculty. The required review shall be conducted by the Tenure and Promotions Committee. The full professors shall vote on promotion and retention decisions for instructional clinical faculty under the same rules and procedures (subject to Section D. below) as used for tenure and promotion decisions for tenure-track faculty.

D. Voting and Faculty Perquisites

Instructional clinical faculty, in committee and at faculty meetings, shall be entitled to vote on all matters to the extent tenure-track persons of equivalent rank would be entitled to vote on the matter, except those matters relating to the appointment, retention, promotion or tenure of faculty members.

The Deputy Director of the Library qualifies for a library clinical faculty appointment and shall have the same privileges as instructional clinical faculty except for research leaves. Other dual degree librarians or persons with technical support appointments are eligible to apply for an appointment with the same privileges as the Deputy Director of the Library, but not until three years after being hired. Any such application shall be made to the Promotion and Tenure Committee, which will refer any favorable recommendation to the faculty for its consideration.

All clinical faculty shall be eligible for professional developments funds, to apply for Research Assistants, course development grants (should they again become available), and other resources made available to assist faculty in their teaching and research tasks, to the extent necessary to enable the clinical faculty to fulfill their teaching and research functions. Instructional clinical faculty shall be eligible to apply for summer research grants and research leaves. The Dean shall take into account publishing obligations in determining the award of research grants and leaves in any given year.

E. Application for Tenure-Track Status

Any clinical faculty member may apply to the Faculty Appointments Committee to be considered for tenure track status. Upon receiving such an application, the Committee shall consider the applicant's academic record, contribution to the law school, publication record, and any other factor which is considered relevant to the applicant's suitability for a tenure track position, and especially the likelihood of a substantial scholarly contribution from the applicant. The Committee may, in its discretion, schedule faculty interviews and a presentation before the faculty for the applicant. The Committee shall recommend to the faculty whether this faculty member should be allowed to shift to a tenure track position, and the faculty shall vote on this matter. The voting on this matter shall be conducted under the same procedures as voting on hiring any other tenure-track applicant.

If the applicant had been initially hired as the result of a search which was advertised as available on a tenure-track basis, and if serious consideration was given during this search to tenure-track candidates, the applicant's position shall not be opened to other tenure-track candidates upon an application for a shift to tenure-track status.

If the faculty votes to offer the applicant a tenure-track position, the applicant shall be given the position at a rank and salary to be determined by the Dean. Unless otherwise explicitly stated, the granting of tenure-track status shall be with the understanding that it is contingent upon continued service in the specific program (i.e., clinic, externship, etc.,) in which the applicant is currently employed.

A decision by the faculty to deny a change to tenure-track status shall be without prejudice to the applicant's ability to continue in a non-tenure-track position. When a decision is made that a full search must be conducted for the position and other candidates are interviewed for the position, then the faculty is free to offer the position to any other candidate interviewed.

Except as provided above, a successful applicant for a change to tenure-track status shall thereafter be treated under the same rules and regulations as any other non-tenured, tenure-track faculty member.

(Adopted: April 2000)