

UNC School of Law

Promotion and Tenure Policy

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Promotion and Tenure Policy

Definitions. As used in this policy document, and unless otherwise specified, the following terms have these meanings: “Law school” means the University of North Carolina School of Law; “faculty” or “law faculty” means the faculty of the law school; “dean” means the dean of the law school; “university” means the University of North Carolina at Chapel Hill; and “university policy” refers to the collective contents of the Trustee Policies and Regulations Governing Academic Tenure in the University of North Carolina at Chapel Hill (available at <http://www.unc.edu/campus/policies/UNC-Chapel%20Hill%20Tenure%20Policies%20and%20Procedures.pdf>) and the current versions of relevant interpretive and guidance documents issued from time to time by the university’s Office of the Provost and Committee on Appointments, Tenure and Promotion.

I. Ranks, Appointments, and Timing of Decisions

As specified by university policy, there are three ranks for tenure-track faculty: assistant professor (always without tenure), associate professor (with or without tenure), and professor (always with tenure). The rank of a newly appointed faculty member is determined by the dean after consultation with the faculty and the associate dean for faculty development, taking into account the candidate’s experience and qualifications as well as competitive considerations. Lateral appointments are made at a rank determined by the dean after consultation with the faculty and the associate dean for faculty development, taking into account all relevant factors, including the candidate’s experience, qualifications (including but not limited to prior teaching, scholarship, and service), and current rank, as well as competitive considerations.

Again as specified by university policy, assistant professors are appointed for an initial probationary term of four years. They are to be reviewed for reappointment during their third year of service; if reappointed, they are granted a further probationary term of three years, for a total of seven years. Assistant professors who are denied reappointment are terminated at the end of the fourth year of service. Assistant professors who have been reappointed are to be reviewed for promotion to associate professor with tenure during their sixth year of service. Denial of promotion at this point results in termination at the end of the seventh year of service.

Associate professors without tenure are appointed for a probationary term of six years. They are to be reviewed for tenure and, in some cases, for promotion to full professor during their fifth year of service. Denial of tenure at this point results in termination at the end of the sixth year of service. Any untenured associate professor being reviewed for tenure may request to be considered for simultaneous promotion to full professor. The dean will decide whether to recommend the associate professor to the university for simultaneous promotion and tenure at the end of the process of review (see part II) and after receiving the recommendation of the professors.

An untenured faculty member may request review for tenure and, where appropriate, promotion prior to the year specified for mandatory review. As in the case of a mandatory review, denial of tenure after such an early review results in termination at the end of the candidate's current contract; early review does not create an opportunity for multiple tenure reviews. When an untenured faculty member makes such a request, the dean will determine whether to proceed with the process of review after consultation with the candidate and the promotion and tenure committee (hereinafter P&T). In the case of an untenured faculty member who was initially appointed as a lateral hire, the dean may take into account the candidate's service in current rank at the prior school. However, university policy provides that no untenured faculty member may be recommended to the university for tenure until the faculty member has been in the active employment of the university for at least 18 months. Where a faculty member intends to seek review for tenure or promotion prior to the year specified for mandatory review, the candidate will notify the dean of that intent by March 1 of the academic year before the requested review year. The purpose of this early notification is to provide the dean with adequate time to consult with the candidate and P&T and to assess the appropriateness of early review, and to permit P&T to schedule teaching assessments that may have to be done before the end of that academic year.

Consistent with practices in peer institutions and leading law schools in the United States, the School of Law presumes both that many untenured associate professors will achieve the rank of full professor at the same time tenure is granted and that many associate professors with tenure will be promoted relatively soon after being granted tenure in accord with limitations in University policy upon demonstration of additional qualifications. Accordingly, associate professors with tenure may request to be reviewed for promotion to professor at any time more than 12 months after their tenure becomes effective, or 12 months after the conclusion of the most recent review that has not resulted in promotion. When a tenured associate professor makes such a request, the Dean retains full discretion to determine whether review will occur. In exercising this discretion, the Dean will determine whether a review appears appropriate after a preliminary assessment of the accumulated record and consultation with the candidate and P&T.

Associate professors with tenure have the right to a review for promotion to professor no later than the fifth year after their tenure becomes effective, and thereafter, in the fifth year

following any subsequent review that does not result in promotion. An associate professor who chooses not to exercise this right of a review at either of these five year marks may exercise it in any year thereafter. Associate professors seeking to exercise this right of review must notify the Dean of their intent no later than August 15 of the academic year during which the review will take place.

As specified by university policy, an untenured faculty member may request an extension of a probationary period, and consequent postponement of a mandatory review, for reasons of health, requirements of childbirth or child care, or similar compelling circumstances. Such extensions may be granted by the dean, with university approval as necessary, in increments not to exceed 12 months, up to a maximum of 24 months.

II. Procedures

A. General

The chair of P&T will meet with each candidate for reappointment, tenure, or promotion in the summer before the academic year when the review will occur and will explain the review process to the candidate.

It is the obligation of every candidate to cooperate with the chair to develop the candidate's file. By September 1 of the academic year in which a review will occur, each candidate for reappointment, tenure, or promotion will submit to the chair:

- A curriculum vitae;
- Copies of all of the candidate's writings that will be reviewed, in such electronic or paper form as the chair may request;
- A concise personal statement (preferably of approximately five pages) with the following sections:
 - A teaching section that includes a discussion of the candidate's experience and accomplishments to date and plans for the future, a forthright assessment of strengths and weaknesses, and ideas for development and, where appropriate, improvement;
 - A scholarship section that includes a discussion of the candidate's work to date and plans for the future, a forthright assessment of progress thus far in developing and carrying out a research agenda, and plans for future work;
 - A service section that includes a description of the candidate's service to and engagement with the profession; the educational, judicial, and political spheres; the law school and university; and the public, as well as plans for service and engagement in the future; and
 - If the candidate chooses, a discussion of the specific ways in which the candidate believes that he or she satisfies the applicable standards.

The specific form and content of these items are determined at the university level, and may therefore vary from time to time.

B. Review for Tenure or Promotion

In each case of review for tenure or promotion, P&T will review the candidate's scholarship, teaching, and service as described below. The dean also meets at least annually with every faculty member to review what he or she has done over the past year. In these annual reviews, the dean discusses with untenured faculty members and any faculty members contemplating promotion their progress in fulfilling the requirements for tenure or promotion. Any statements made by the dean in this annual review should not be relied upon as an indication of whether a faculty member will ultimately be awarded a promotion or tenure. In addition, the associate dean for faculty development meets regularly with untenured faculty members to discuss their progress and assist in their development.

1. Scholarship

As early as possible in the academic year, P&T will secure a minimum of four external reviews of each candidate's writings. P&T will consult with the candidate to determine which writings are appropriate for review. To be considered for review, a writing must be published, submitted for publication, or be substantially ready to be submitted for publication. The reviewers should be established experts in the relevant subjects, preferably those who serve or have served on faculties of peer or higher-ranked law schools or whose scholarly accomplishments otherwise demonstrate their standing for purposes of providing meaningful peer review. Where circumstances dictate, reviewers may be drawn from other academic disciplines; for example, an economist might be an appropriate reviewer for a particular work in law and economics. Depending on the nature and quantity of the candidate's writings and the reviewers' preferences, reviews may assess individual writings, groups of writings, or the candidate's body of work, so long as, collectively, they provide a comprehensive, fair, and unbiased assessment of the candidate's scholarship as a whole.

The chair of P&T will meet with each candidate for tenure or promotion no later than August before the academic year in which the review will occur in order to identify the writings that will be reviewed and to discuss potential external reviewers. University policy specifies that there must be at least four external reviewers, two to be named by the candidate and two by the committee. However, this practice has proven unworkable in the law school for two reasons. First, it seems to be premised on an adversarial approach to the review process that has never been the norm here. Second, many, if not most, subfields of legal scholarship are relatively small, with the result that the lists prepared by P&T and submitted by the candidate have usually had substantial overlap.

In recognition of this reality, the chair will consult with members of the law faculty who have expertise in the relevant subjects (or appropriate outsiders where necessary) and develop a list of at least four possible external reviewers for the candidate's scholarship. The candidate's nominees (if different) should be added to this list, and in the solicitation process the chair should take all reasonable steps to insure that at least two of the reviewers have been nominated or ratified by the candidate. If this is not possible (as, for example, if none of the candidate's nominees is able to provide a timely review), P&T's report to the faculty (see below) should explain why. The candidate may also identify to the chair any potential reviewers who, in the candidate's view, would be unlikely to provide a fair review (for example, the candidate may have strongly criticized the prospective reviewer's work or disagreed with the reviewer's policy preferences). Such reservations should be respected within reason; if such a reviewer is ultimately chosen, P&T's report should note the candidate's reservations. Reviewers should have no close personal connection with the candidate, such as personal friend, co-author, mentor, or dissertation committee member. However, it is expected and acceptable for reviewers to be familiar with a candidate's writings and to have a professional acquaintance with the candidate based on, for example, joint participation on scholarly panels or other comparable contacts.

P&T should also secure a written assessment of each candidate's scholarship from at least one member of the faculty at the rank of professor with appropriate expertise, although the requirement of internal review may be waived if there is no qualified professor available.

2. Teaching

No later than the academic year in which review occurs, and preferably in the first semester, P&T will, whenever practical, obtain peer teaching assessments of at least two of each candidate's courses. For each course, two tenured members of the faculty with knowledge of the subject matter will visit and observe for at least two class hours and provide P&T with a written assessment of the candidate's teaching performance. P&T may also consider peer assessments compiled during prior P&T reviews of the candidate's teaching.

It is sometimes the case that a candidate will have a reduced or atypical teaching load (for example, the candidate has agreed to teach a course out of his or her regular package because of law school need) or be visiting elsewhere in the academic year in which review occurs. To ensure sufficient class observation of every candidate, each academic year the chair of P&T should consult with the dean and associate dean for academic affairs to determine which faculty members are likely to be candidates for tenure or promotion in the subsequent academic year, and whether any of them may have a reduced or atypical teaching load or be visiting elsewhere in the review year. In such cases, the chair should obtain necessary classroom peer observations in the year prior to the review year.

In addition, P&T will review and assess all student evaluations of the candidate for all courses since the candidate's initial appointment or, where applicable, last previous review for tenure or promotion purposes. P&T may also consult with the dean, the associate deans of the law school, faculty colleagues in the law school and the university, and other interested persons about aspects of the candidate's teaching accomplishments that may not be adequately captured by the review of classes and student evaluations. P&T should also receive and assess any other written comments about the candidate's teaching that students, faculty colleagues, or other interested persons may volunteer.

3. Service

P&T should assess the candidate's service on the basis of the cv and service statement, meeting with the candidate as necessary to seek further information or address questions that it may have. P&T should also receive and assess any other written comments about the candidate's service that any interested persons may volunteer.

4. Reports, Recommendations, and Votes

As soon as it has completed its review of a candidate's scholarship, teaching, and service, P&T will prepare a written report for distribution to the dean and the members of the faculty at the rank of professor (hereinafter "the professors"). The report should accurately summarize all aspects of P&T's review and state P&T's recommendations with respect to tenure or promotion, noting the votes of individual P&T members. The dean will schedule and, at least one calendar week in advance of the proposed meeting, give notice of a meeting of the professors to consider P&T's report and recommendations, if any. At least one calendar week in advance of the scheduled meeting, P&T will provide to the professors or make available for inspection, on paper or in a readily accessible electronic format, its report along with other appropriate information. The file will include at least the P&T report, the candidate's major pieces of scholarship, external and any internal letters of evaluation of scholarship, and peer and student evaluations of teaching. A vote on the tenure or promotion of a candidate will normally be taken during the meeting called to consider the candidate. If a vote on the tenure or promotion of the candidate is not taken during the initial called meeting, it may be addressed at a subsequent meeting, provided that the subsequent meeting is called with at least seven days' notice, or the notice requirement is waived by a majority of those present and voting at the initial meeting. More than one candidate may be considered at a single meeting, in the dean's reasonable discretion.

All voting for tenure and promotion will be by open vote, unless the candidate is the spouse or significant other of or has an intimate relationship with another member of the tenure-track faculty. The dean has the authority to define further the nature of a personal relationship that would result in closed balloting.

Every candidate for tenure or promotion who has undergone the review process must be considered and voted on at a meeting of the professors, regardless of whether P&T has recommended that the candidate be granted tenure or promotion.

At the meeting of the professors, P&T will present a brief oral summary of its report, and the dean and P&T will entertain questions and discussion from the professors. The professors will then vote on any recommendations for tenure or promotion contained in the P&T report. If the report recommends no action regarding tenure or promotion, the dean will entertain any motion, duly seconded, to take such action, made by any of the professors; similarly, the dean will entertain any motion, duly seconded, made by any of the professors to take action that differs from what the P&T report recommends.

Under university rules, the final decision on whether to recommend a candidate for tenure or promotion rests with the dean. Under long-standing law school practice, the dean does not recommend a candidate for tenure or promotion when such action is opposed by a “substantial minority” of the professors voting on the decision.

The sense of the faculty is that the opposition by one-third or more of those eligible and voting constitutes a substantial minority and therefore should presumptively be considered by the dean as a negative vote on the candidate. The sense of the faculty is that opposition by one-fifth or fewer of those eligible and voting does not constitute substantial opposition and therefore should presumptively be considered by the dean as a positive vote on the candidate. When the vote falls between those two points, any faculty member who wishes to change his or her vote may call for reconsideration of the vote. The weight to be accorded a vote in opposition falling between one-third and one-fifth, and whether it is sufficiently substantial to be considered a negative vote or insubstantial and therefore a positive vote, rests with the dean. The dean will forward his or her recommendation to the university in accordance with university policy.

C. Reappointment of Pre-tenure Faculty

1. Consultation with Dean

The dean will discuss this policy with each pre-tenure 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. The dean will provide the faculty member a written statement of the policy at the beginning of the initial term of employment and at any subsequent time when the policy may be amended. A record of these discussions will be included in the faculty member’s personnel file.

The dean will consult with each pre-tenure faculty member annually with respect to that faculty member's teaching, scholarship, and service. A record of the discussion will be included in the faculty member's personnel file.

2. Mentoring of Pre-tenure Faculty

Annually, the dean will ask a number of tenured faculty members with a special interest in supporting the careers of junior faculty members to serve as a Faculty Development Advisory Team. This Team will be chaired by the associate dean for faculty development (ADFD). The size of the Team will vary from year to year as a function of the number of pre-tenure faculty members, and its membership will change annually.

At the beginning of each summer, the ADFD will meet individually with each pre-tenure faculty member to learn what his or her needs and goals are for the upcoming summer and the academic year to follow. These can relate to scholarship, teaching, or service.

Shortly after his or her early summer meetings with all the pre-tenure faculty members, the ADFD will convene a meeting of the Faculty Development Advisory Team for the purpose of presenting what he or she has learned about each of the pre-tenure faculty member's goals and needs. The ADFD will assign one or more members of the Team to work with each pre-tenure faculty member, with the responsibility of seeing that the pre-tenure faculty member's goals and needs are addressed. The Team members assigned will not necessarily become formally paired mentors to those to whom they are assigned. The Team members might instead reach out to other faculty members who are better positioned to assist a junior faculty member reach a particular objective. Each Team member will be responsible, under the overall direction of the ADFD, for coordinating and overseeing a response to the junior faculty member's requests and needs. At the discretion of the ADFD, the Team will meet during the fall and spring semesters so that Team members can report on the progress that they are making with each of their assigned junior faculty members and brainstorm ways of trying to reach the more elusive goals.

The Faculty Development Advisory Team will also create, update, and make available to pre-tenure faculty members a list of professional opportunities that are available to them: our summer evening workshops, our academic-year workshop series, presentations at SEALS and at AALS, workshop opportunities at other law school, junior-faculty exchanges, subject-matter-specific regional workshops, teaching resources on campus, and the like.

All tenured faculty members will be given the opportunity in their annual summer meeting with the dean or on the form they fill out in anticipation of that meeting, to report on the mentoring they offered to junior faculty during the previous year.

3. Teaching Evaluations for Pre-tenure Faculty

As is the case with all faculty members, student evaluations of the teaching of pre-tenure faculty will be conducted each semester in every course taught. It is the responsibility of the faculty member teaching the course to take appropriate action to obtain student evaluations. Peer evaluations of pre-tenure faculty are to be conducted under the direction of the ADFD at least once each year in one of the courses they are teaching except: (1) in the first year of teaching, when peer review is available on a voluntary basis; (2) in the last two semesters before the reappointment decision; and (3) as the tenure decision approaches. The latter two reviews are governed by promotion and tenure policies and are conducted under the direction of P&T.

Pre-tenure peer reviews conducted under the direction of the ADFD are for the benefit of the faculty member in improving teaching and are not part of the reappointment, promotion, or tenure record. Peer reviewers for these reviews are required to provide feedback to the pre-tenure faculty member regarding the classes reviewed, but no substantive written evaluation is required. The ADFD will document that such reviews have taken place, including the date of each review, the classes reviewed, the name(s) of the peer reviewer(s), and a confirmation that the reviewer provided feedback to the pre-tenure faculty member, and a copy of that documentation will be placed in the faculty member's personnel file. A follow-up discussion of any evaluation may be initiated by the individual under review, the faculty members conducting the review, the ADFD, or the dean.

4. Review for Reappointment

- a. Teaching--P&T will review all of the candidate's student evaluations and send faculty reviewers to each of his or her classes in at least the two semesters before the reappointment decision is made. In making its report to the faculty, P&T will comment on what it sees as strengths, weaknesses, potential problems, and areas for improvement.
- b. Scholarship – P&T will solicit one or more internal reviews of all of the candidate's writings. P&T also makes its own judgments about the quality of the work and the candidate's productivity. P&T does not, however, solicit external reviews for purposes of informing the reappointment decision. As with teaching, P&T will comment on what it sees as strengths, weaknesses, potential problems, and areas for improvement.

To satisfy the need for guidance, the ADFD will work with the candidate to identify qualified experts and to obtain a reasonable number of objective, informal (in the sense of less formal than a tenure review letter, and less onerous for the reviewer) assessments of scholarship. The particular form of a given assessment, including whether it is written or oral, is a matter for discussion among the ADFD, the

candidate, and the reviewer on a case-by-case basis. These assessments are reviewed by the candidate, subject to any restrictions imposed by the reviewer. The ADFD will advise the candidate on addressing any areas for improvement that reviewers may identify. Written assessments do not become part of the candidate's tenure or personnel files. The ADFD does discuss candidates' development with P&T toward the end of providing advice about the value of proposed activities and projects and other appropriate mentoring.

- c. Service – Service expectations are minimal at the reappointment stage. Accordingly, during reappointment P&T does little more than ensure that the candidate is aware of the requirement and, where necessary, assists in the development of a plan to meet it.

5. Reports, Recommendations, and Votes

The procedures for reports, recommendations, and votes on reappointment of pre-tenure faculty will follow those for promotion and tenure set out in section II.B.4 above, except that the file prepared by P&T for review by the professors will contain those items prepared pursuant to section II.C.4 rather than those enumerated in section II.B.4.

III. Substantive Standards

A. Forms of Scholarship; Engagement

As these standards are being written, most legal scholarship still appears in the form of academic books and book chapters and articles in student-edited law reviews and peer-reviewed journals. However, the law faculty recognizes that this status quo is evolving. In the future, an increasing amount of scholarly work is likely to appear in alternative formats and media. It is the sense of the law faculty that the application of these standards should evolve as well to take into account new understandings of what constitutes scholarship.

It is university policy to encourage and value faculty “engagement,” defined as “scholarly, creative or pedagogical activities for the public good, directed toward persons and groups outside the [university]. Such activities (in the form of research, teaching, and/or service) develop as collaborative interactions that respond to short and long-term societal needs.” The law school endorses this policy, and it is the sense of the faculty that these standards should be applied so as to encourage and value engagement in teaching, scholarship, and service.

Some further observations are in order. First, many of the activities of the law faculty have historically fit the definition of “engaged.” Because the law is a pervasive institution in contemporary society, scholars analyzing the law or advocating for law reform have long directed their work not only to their academic peers but also to lawmakers, judges, and the public, and in some cases have interacted collaboratively with these constituencies in producing their work. The same has been true of the service endeavors of these scholars, including various forms of public education. These standards should be applied so as to encourage and value this tradition. Moreover, as the scope and forms of legal scholarship continue to expand, the opportunities for engagement should only increase, and these standards should be applied so as to encourage and value this trend. But the faculty also recognizes that much important scholarship, because of its content or the demands of its expression, is likely to be consumed and discussed by a narrower audience. The law faculty also places great value on scholarship in this category, and the endorsement of engagement should not be read as discouraging or devaluing such work.

B. Quantitative Expectations for Scholarship

1 Introduction and Definitions

There are no rigid or inflexible quantitative standards for scholarship that must be met in order to be eligible for reappointment, tenure, or promotion, and each case must be evaluated on its own merits. Nonetheless, it is the sense of the faculty that in the vast majority of cases a successful candidate will have met a minimum quantitative expectation, and that a candidate who fails to meet that expectation will succeed only in exceptional circumstances.

As used in this section III, “article” means a writing of the scope of the typical full-length professional article (as distinguished from an essay, review, or student note or comment) in a student-edited law review as of the time the candidate is being reviewed. In evaluating other forms of scholarship, whether longer or shorter, P&T, the faculty, and the dean should use common sense and good judgment to make flexible determinations of equivalence. Length is one important factor in such a determination, but not the only one. In some cases, a shorter writing may reflect a higher level of intellectual activity, research effort, and literary labor than a longer one. To cite but one example, a complex and time-consuming empirical project might lead to a publication in an important peer-reviewed journal that imposes severe length restrictions.

It is the sense of the faculty that these standards should be applied in a way that encourages and values collaborative work, interdisciplinary or otherwise. In assessing the quantitative value of a candidate’s contribution to a collaborative work, P&T, the faculty, and the dean should make an overall assessment of the nature and extent of that contribution. Where a candidate has written discrete sections of a co-authored work, it may be possible to assess those contributions in isolation. But where the contributions of the co-authors have been

merged into an inseparable whole, it will be necessary to use common sense and good judgment to make an individualized assessment of the candidate's relative contribution, taking into account the views of the candidate and, where appropriate, of the other co-authors.

"Substantially completed in rank" means that a writing was substantially completed while the candidate was in his or her current rank, whether at the law school or a previous school.

"Substantially completed at the law school" means that writing was substantially completed while the candidate was employed at the law school in a full-time, tenure-track position.

"Substantially completed" is intended to be interpreted and applied on a case-by-case basis, but the guiding principle is that the majority of the work of conceiving, researching, organizing, and writing should have been completed in rank or at the law school, depending on which of these standards is being applied. To illustrate, take the instance of an entry-level faculty candidate's "job talk" paper. If the candidate, after beginning employment at the law school, made only minor editorial changes before publication, the paper would not be considered to be substantially completed in rank. But if, while employed at the law school, the candidate undertook a major reconceptualization and rewriting of the paper, it might be so considered. A similar flexible logic should be applied to determining whether the work of lateral hires was substantially completed at the law school. Determinations of whether particular work has been substantially completed in rank or at the law school will be made by the dean in consultation with P&T.2. Specific Quantitative Expectations

The minimum quantitative scholarship expectations for reappointment, promotion, and tenure are as follows:

- For reappointment as an assistant professor, the equivalent of one article substantially completed in rank, and demonstrable progress on a second.
- For promotion from assistant professor to associate professor with tenure, or from untenured associate professor to professor, or the grant of tenure to an untenured associate professor, the equivalent of three articles substantially completed in rank.
- For promotion from tenured associate professor to professor, the equivalent of two articles completed in rank and since the grant of tenure or the most recent subsequent review that did not result in promotion to professor.
- In addition to these expectations, where a candidate is a lateral hire seeking promotion or tenure for the first time since joining the law faculty, the equivalent of at least one article should have been substantially completed at the law school.
- With respect to lateral hires, the dean's letter offering appointment may clarify or specify the quantitative expectations for individual candidates. In such cases the dean's letter will control provided that its terms are not inconsistent with these standards.

C. Qualitative Standards

1. Definitions

The following terms have these meanings in this section III.C (in order of appearance rather than alphabetically):

“Committed and effective teacher”: This term has two components. “Committed” refers to the continuing, career-long effort to maintain one’s teaching at the highest possible level. This effort should include keeping abreast of relevant developments in law and scholarship; adjusting course content as appropriate to take account of such developments; continually reassessing the effectiveness of one’s teaching methods, making adjustments if needed; and responding to students’ reasonable requests for assistance outside of class. An “effective” teacher is one who develops and implements coherent plans for courses and individual classes; prepares thoroughly; uses teaching methods that are appropriate to particular contexts; communicates well with students, whether the teacher is lecturing, questioning students, or responding to student questions; manages class discussion well and at an appropriate intellectual level; and grades student work fairly, with reasonable promptness, and in a manner that is appropriate to the nature of the work. This definition is not intended to state a preference for any particular method or style of teaching. On the contrary, it is intended to recognize that a great range of methods and styles—for example, socratic questioning, lecture, making extensive use of technology, etc.—can be highly effective, depending on the teacher and the context.

“Exceptional teacher”: An exceptional teacher is a committed and effective teacher who, in addition, makes a significant further contribution to the law school’s educational mission. That contribution can be made in a variety of ways, including by inspiring a high level of student enthusiasm for his or her subjects and classes; by communicating with particular effectiveness, especially in the most difficult contexts; by significant innovation, whether in course design or teaching methods; by producing significant pedagogical scholarship; or by successfully taking on unusual burdens, whether in classroom teaching or working with students outside of the classroom.

“Significant scholarly accomplishment with the promise of continued future achievement”: “Significant scholarly accomplishment” means the production of scholarship that reflects the ability to identify significant issues; creativity; the ability to carry out research appropriate to a particular topic, and to use that research effectively to support one’s assertions and conclusions; analytical skill; and the ability to communicate one’s positions effectively. Scholarship at this level is worthy of serious consideration in important scholarly debates. “The promise of continued future achievement” is demonstrated by the quality of a candidate’s current work; the commitment to scholarship that it reflects; and the development, at least at a preliminary level, of a coherent longer-term scholarly agenda.

“Scholarly excellence:” To achieve scholarly excellence, a candidate must meet the standard of significant scholarly accomplishment and, beyond that, produce scholarship that makes a significant contribution to important scholarly debates; embodies a high level of creativity, research, analysis, and communicative skill; and reflects the development of a coherent scholarly agenda.

“Service”: This means contributing to the improvement of law, the legal profession, the administration of justice, and government; efforts on behalf of the public, including pro bono legal service; and service to the law school, the university, and education in general beyond one’s regular faculty duties. The term usually refers to service for which no compensation, other than a nominal honorarium, is received. This definition of service is meant to encompass the concept of faculty engagement discussed in section III.A, with the specific observation that engaged scholarship may be relevant for purposes of evaluating both scholarship and service.

“Developing commitment to service”: This means developing an awareness, early in one’s career, of the importance of performing service. It requires thought about the public consequences of one’s work; an openness to the possibilities for engagement and other forms of service; and a willingness to seek and accept opportunities for service, commensurate with the other demands placed on a faculty member in the early stages of an academic career.

“Demonstrated commitment to service”: This means seeking and accepting opportunities for engagement and other forms of service at a level reasonably commensurate with one’s other duties.

“Exceptional service”: A candidate who performs exceptional service shows a demonstrated commitment to service and, in addition, makes a significant further contribution to the law school’s service mission. That contribution can be made in a variety of ways, including through a high level of faculty engagement; an unusual level of service to students, the law school, the university, or the legal profession; or the significant commitment of time to pro bono legal activities.

“Engagement”: As defined earlier in this document, engagement means scholarly, creative or pedagogical activity for the public good, directed toward persons and groups outside the university. Such activity (in the form of research, teaching, and/or service) develops as collaborative interactions that respond to short and long-term societal needs.

“Exceptional engagement”: A candidate who demonstrates exceptional engagement shows an outstanding record of engagement and, in addition, makes an extraordinary further contribution to collaborative interactions that respond to short and long-term societal needs. That contribution can be made in a variety of ways, including through extraordinary service to short and long-term societal needs.

2. Standards

- For reappointment at the rank of assistant professor, a candidate must show diligent effort and reasonable progress toward becoming a committed and effective teacher and demonstrating significant scholarly accomplishment with the promise of continued future achievement.
- For tenure at the rank of associate professor, a candidate must be a committed and effective teacher, must have demonstrated significant scholarly accomplishment with the promise of continued future achievement, and must have a developing commitment to service.
- A professor must have met and continue to meet all of the criteria for tenure at the rank of associate professor and, in addition, must have a demonstrated commitment to service and must either have attained scholarly excellence or be an exceptional teacher.
- In rare circumstances, appointment or promotion to the rank of professor may be recommended if the candidate has met all of the criteria for tenure at the rank of associate professor and, in addition, has performed exceptional service. Without limiting the contexts in which this alternative standard may be applied, it is specifically intended to be used in the cases of librarians and other tenured and tenure-track faculty members whose primary duties lie in areas other than teaching and scholarship.
- In other rare circumstances, initial appointment to the rank of professor may be recommended if the candidate has exhibited exceptional engagement. This standard is specifically intended to be used in cases where a faculty member serves as the director of one of the law school's Centers and that Center director position requires exceptional engagement in addition to teaching and scholarship.

IV. Effective Date and Applicability

This policy will be effective on December 3, 2013 (the “effective date”). This policy will apply to all tenure-track law faculty members whose employment with the university begins on or after the effective date. Law faculty members who accepted an offer of employment prior to the effective date and who are subject to review for reappointment, tenure, or promotion may elect to have that review conducted under this policy or under the policy in effect immediately before the effective date. That election should be communicated to the dean by August 1 of the academic year in which the review will occur.