

Supplementary Guidelines to the Tenure Standards
Revised April 26, 2011

Approved by the Senior Vice President for Academic Affairs and Provost June 28, 2011

Section II of the Law School Statement of Standards for Tenure, Promotion, and Post-Tenure Review provides the governing standards used in evaluating candidates for tenure. These supplementary guidelines, approved by the faculty, provide more detailed guidance on interpreting the governing standards to answer a variety of questions that have arisen with some regularity in tenure decisions. The ultimate question is always whether, evaluated as a whole, a candidate's record indicates a distinguished record of teaching and scholarly achievement as set out in the Statement of Standards. The Guidelines are not mandatory, but rather they represent the thinking of a majority of faculty about how to implement the Standards and should be considered by the tenured faculty when tenure determinations are made. They are designed only for use in tenure decisions, although they may also provide some guidance for parallel questions that may arise in decisions concerning promotion to the rank of professor.

The Law School's Tenure Committee is delegated the responsibility of reviewing the Supplementary Guidelines each year to determine whether, as a result of experience in applying the Statement of Standards, these Guidelines should be revised. If the Committee determines revisions should be made, the Committee shall formulate amendments in writing and submit them for consideration at a meeting of the faculty. Any such amendment must be approved by a vote of a majority of the tenured and tenure-track faculty voting at a meeting with a quorum present.

Teaching

Evaluation of a candidate's teaching is based on both student and peer evaluations. On the student evaluation forms, particular focus will be placed on the mean score of four questions relating to teaching performance. Mean scores on these four questions above the 5.0 level on the school's 6 point scale generally indicate a level of performance commensurate with Law School expectations, while scores below the 4.5 level, especially if repeated in several courses, will be a cause for concern. Scores that fall in the range of 4.5 to 5.0 are satisfactory but suggest the need for improvement. Written student comments will be considered to explain and amplify the numeric evaluation. Peer evaluations based on class visits and a review of syllabi and other class materials are given great weight.

Scholarship

The Statement of Standards provides that every candidate will have completed and already have had accepted for publication two or more significant scholarly articles or their equivalent at the time he or she is considered for tenure. This is the minimum threshold; most successful candidates will have completed more than two articles or their equivalent.

The variety of scholarly contributions raises some questions regarding how they fit within the requirement of two or more significant scholarly articles or their equivalent. We provide some guidelines for common issues that may arise in this calculation:

A scholarly book of original research will often count as satisfying the quantitative minimum threshold, although how much weight a book receives will depend on its length, the amount of time reasonably expended in its research and writing, and the depth of new scholarship reflected in the book.

Contributions to symposia and book reviews may count as significant scholarly contributions, if they contain original arguments or research. The weight that a symposium contribution or book review receives will depend upon its scholarly depth. Some will be of sufficient significance to count as would any other article. Others will be less substantial and will not count as the equivalent of a full scholarly article.

Co-authored pieces often lead to some difficulty in evaluation, but are also an important part of modern legal scholarship, particularly inter-disciplinary scholarship. In considering a co-authored piece, we will request a statement from all authors, including the candidate, regarding the respective contributions of the candidate and other authors. Reviewers of the piece should be provided with these statements. The value of a co-authored piece will depend upon the nature and extent of the candidate's contribution. The question is highly fact-specific, and there is no easy mechanical rule available. Given the difficulty of evaluating co-authored articles, candidates may want to consider producing at least one significant sole-authored article in addition to their co-authored articles.

Certain types of research may require the collection of large amounts of empirical data not otherwise available or time consuming examination of primary historical materials in archives holding that material. Because of the scholarly time that may be required in such research, candidates should take this fact into account and begin such research early enough to allow the completion of the required amount of research in a timely way.

The two significant article standard refers to articles published, or completed and accepted for publication. Published or accepted for publication refers to publication in a journal or book that involves some degree of review before acceptance. Simply posting an article online, or on a service such as the Social Science Research Network or its equivalent, does not count as publication for the purpose of satisfying the standard.

The requirement that two articles (or their equivalent) be published, or completed and accepted for publication, refers to work substantially accomplished while on probationary status. For candidates who began probationary tenure-track status at another law school and were hired as a lateral tenure-track faculty member, this refers to work substantially accomplished while on probationary status starting with their residence at that law school. Where some work was done before, and some after, the beginning of probationary status, the question will be highly fact-specific, and there is no easy mechanical rule available. The Tenure Committee (or the Appointments Committee, in the case of a lateral hire) and the faculty will have to make judgments based on the facts presented. For candidates who began their teaching career on the

P&A track for professional skills and clinic staff at the Law School or in an equivalent appointment at another law school, the publication requirement for tenure may be met by work substantially completed during such appointments provided that the work was completed no more than six years prior to the tenure vote.

While unpublished work and work completed before probationary status does not count towards the minimum threshold, it may be evaluated as evidence of both scholarly work already produced and likely future achievement.

As the Statement of Standards states, the Law School faculty highly values interdisciplinary research. Sometimes evaluation of such research is best done in part by scholars with training in the relevant scholarly field. In such cases, the Tenure Committee should seek reviews by scholars with such qualifications.

In most disciplines, a significant consideration in evaluating the contribution of a particular article is the quality and prestige of the journal in which it is published. In legal scholarship as well, placement in a highly-prestigious law review is naturally likely to have some effect on the judgment of some faculty members. However, legal scholarship has the unorthodox institution of student editors who make publication decisions for most legal journals. We are unwilling to cede judgment over the quality of scholarly articles to second- and third-year law students. Hence, journal placement is not an important factor in our evaluation of scholarly articles, with the exception that placement in a high-quality peer-reviewed journal is an indication of particular scholarly achievement.

Tenure candidates at any stage in their candidacy should seek further clarification on any questions of interpreting the Statement of Standards for Tenure, Promotion, and Post-Tenure Review as such questions arise. Regular consultation with their faculty mentor, as provided for in the Law Faculty Procedures for Tenure, Promotion, and Post-Tenure Review, is highly recommended.