

**Law School Statement of Standards for Tenure, Promotion, and Post-Tenure  
Review Required by Section 7.12 of the Regulations Concerning Faculty  
Tenure**

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**I. Introductory Statement.**

This document describes the indices and standards used by the Law School to evaluate whether candidates meet the general criteria in section 7.11 of the Regents Policy on *Faculty Tenure*. The reader is advised to review section 7 of the *Faculty Tenure* policy in its entirety. To the extent that any statement herein is inconsistent with the *Faculty Tenure* policy, the *Faculty Tenure* policy prevails.

This Statement of Standards for Tenure, Promotion, and Post-Tenure Review will expire ten years following the date of its adoption. If the faculty does not adopt a new or revised Statement before that date, this Statement will remain in effect on an interim basis until the faculty adopts a new Statement.

The Criteria for Tenure in these Standards will apply to all candidates for tenure who were hired after the effective date, and to any other candidate for tenure who chooses to have these Standards apply. The Criteria for Promotion to Professor in these Standards will apply to all candidates for promotion who received tenure after the effective date, and to any other candidate for promotion who chooses to have these Standards apply. The Criteria for Annual and Post-Tenure Review will apply to all members of the faculty.

**II. Criteria for Tenure.**

Section 7.11 of the Regents policy on *Faculty Tenure* provides that a successful candidate for tenure must have academic integrity and a distinguished record of academic achievement that is the foundation for a national or international reputation. Such academic achievement is shown through a qualitative evaluation of the candidate's record of scholarly research, teaching, and service. In the Law School:

- The tenured professor of law should be a teacher of intellectual power and imagination with the ability to stimulate students and others to explore widely and deeply in the field of instruction.
- The tenured professor is engaged continually in the process of examining significant issues of law and legal institutions.

- The tenured professor devotes time and effort to the collegial activities of the Law School and the University and contributes expertise through discipline-based service, including engaging in law and legal education development individually or through participation in local, state, national, and international associations of lawyers, legal academics, or law reformers.
- The tenured professor acts with academic and professional integrity.

The work of all candidates for tenure will be assessed under the criteria that follow. Clinical instruction may impose heavier time demands than classroom instruction. In order to facilitate the scholarly research of probationary faculty members engaged in clinical instruction, the Dean will make appropriate adjustments in teaching load, including where appropriate periodic leaves from teaching and clinical responsibilities.

The Criteria for Tenure establish standards in contemplation of their application in the tenure candidate's fifth year of probation or earlier. In a case where the decision on tenure has been deferred to the sixth year, a correspondingly higher expectation, particularly in terms of scholarly production, may be applied. This higher expectation in the sixth year will not be applied with regard to scholarship for candidates who engage in a substantial amount of teaching in courses or clinics with significant experiential learning components, because of the more intensive teaching demands associated with these classes. References to the number of years of appointment do not include additional time added to the probationary period due to an extension according to Section 5.5 of the Regents Policy on *Faculty Tenure*. When considering the record of probationary faculty who have extended the probationary period according to that policy, criteria for promotion and tenure are no different than the criteria for those who have not received an extension.

Voting on tenure is by individual unsigned secret ballot of the tenured members of the faculty under section 14 of the Law Faculty Procedures for Tenure, Promotion, and Post-Tenure Review. Each is bound to apply the criteria for tenure articulated in this section and adopted by the faculty as a whole. The following criteria for tenure relate to the areas of teaching, scholarship, and collegial, disciplinary, and public service.

(A) **Teaching.** Each candidate for tenure shall have demonstrated proficiency in furthering the teaching mission of the Law School. The candidate will display strong abilities of analysis and synthesis, interest in students and in teaching, energy and enthusiasm in the classroom, effectiveness in organizing and leading class discussion, mastery of the subject matter, careful preparation, accessibility, effectiveness in working with students outside the classroom, and interest in improving instruction. Details regarding the evaluation of teaching proficiency are provided in the Law School Faculty Procedures for Tenure, Promotion, and Post-Tenure Review.

(B) **Scholarship.** Research and dissemination of the results of research about law, legal institutions, and related subjects are critical both to advancing scholarly understanding and to effective teaching. Far more than in the case of teaching or professional practice, scholarship is a self-initiated and self-sustained activity. It is important therefore for the tenured faculty to assess

scholarship in terms of both past performance and future promise as indicated by the candidate's past achievements and present interest in research.

The research done by the law school faculty is increasingly heterogeneous. In addition to encompassing traditional doctrinal and theoretical research, faculty scholarship may apply empirical methods, rely upon primary historical materials, involve analyses of policy issues related to law reform, examine law school pedagogy, focus on issues and problems related to legal practice, or apply literary or textual analysis methods. The Law School values a wide range of styles and topics for faculty scholarship, including multi-disciplinary research and research that considers legal rules and institutions outside the United States. Hence, the significant scholarly contribution requirement may be satisfied by work drawing on any of a wide range of research approaches, topics, and styles. In evaluating scholarly research by a candidate who critically and substantially draws upon other scholarly disciplines, the tenured faculty should consider indicia of scholarly achievement relevant to those disciplinary fields in addition to the indicia normally considered for candidates in the Law School, where doing so may illuminate aspects of achievement ignored by the Law School's normal indicia.

To be tenured, a candidate should have a publication record demonstrating outstanding achievement in scholarly work through the production of significant scholarship recognized by leading scholars as original and important contributions to the further understanding of the subject areas and should have established a scholarly agenda demonstrating the likelihood of future productivity and the ability to establish a record warranting promotion to the rank of professor. As evidence of ability to engage in such scholarly activity, every candidate will have completed and already have had accepted for publication two or more significant scholarly articles or their equivalent during the normal five-year period of probation. The numerical standard is a minimum threshold; the ultimate question is whether the candidate's record of achievement and promise satisfies the articulated qualitative standard.

All scholarly writing should be considered in evaluating whether a candidate has satisfied the qualitative and numerical standards, including articles, books, casebooks, treatises, symposia contributions, book reviews, and co-authored manuscripts. Legal briefs and legislative drafting should be considered in determining whether the candidate has satisfied the qualitative standard in instances where such writing represents an original contribution of a scholarly nature, advancing an understanding of the law as applied. The receipt of research grants should be considered relevant to satisfaction of the qualitative standard where receipt of a research grant represents external recognition of past and potential future scholarly achievement.

(C) **Collegial, Disciplinary, and Public Service.** Successful functioning of the Law School and of the University of which it is an integral part depends on more than teaching and research efforts by individual faculty members. Much of the educational and scholarly work of the Law School and University depends for its success upon the involvement of faculty in institutional service activities such as service on Law School and University committees, advising students and student organizations, mentoring other faculty, support for faculty development, outreach to alumni, and assisting Law School staff with administrative responsibilities requiring faculty support. The candidate for tenure, as all faculty, will have demonstrated a capacity and interest in contributing to the intellectual life of the institution and to the continuation or

improvement of the programs of the Law School and the University through engagement in such activities.

Service to the discipline, the legal profession, and the public is expected of all faculty, including tenure candidates. Such service may include producing casebooks, treatises, and similar educational materials; teaching improvement activities; participation in discipline-based regional, national, and international organizations; continuing legal education publishing and lecturing; delivering speeches; writing briefs; writing for non-scholarly publications such as newspapers, popular magazines, blogs, and the like; cooperation with bar associations, judicial commissions, and other professional organizations; service on advisory or governing boards of professional organizations; public service consulting; legislative drafting; government service; pro bono legal service; and other forms of voluntary service to the people of the community, the State, the nation, and the world community. In evaluating public service by a candidate who works within other scholarly disciplines, the tenured faculty should consider indicia of public service relevant to those disciplinary fields in addition to the indicia normally considered for candidates in the Law School.

(D) **Academic and Professional Integrity.** As reflected in the Board of Regents Code of Conduct, faculty members, and therefore tenure candidates, “must be committed to the highest ethical standards of conduct and integrity” and “act according to the highest ethical and professional standards of conduct.” Because faculty are preparing students to be licensed attorneys and may themselves be involved in providing legal counsel, a serious failure to comply with the rules of professional responsibility of the legal profession may be a failure to act with the professional integrity expected of a faculty member at the Law School. This duty to act with academic and professional integrity shall not be interpreted or applied in a way that conflicts with a faculty member’s academic freedom, which the Policy on Tenure adopted by the Board of Regents and the Faculty Senate defines as “the freedom to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression and to speak or write as a public citizen without institutional discipline or restraint.”

(E) **Interrelationship of Criteria.** Teaching and scholarship will be given primary weight in a tenure decision. A serious deficiency in one of these two criteria would not be compensated for by any level of accomplishment in the other. Collegial, disciplinary, and public service will be given less weight in a tenure decision than teaching and scholarship, and can never compensate for a significant deficiency in teaching or scholarship. In appropriate circumstances, failure to meet the standards for academic and professional integrity may justify denial of tenure even though the other three criteria are all satisfied.

### **III. Criteria for Promotion.**

The Law Faculty normally makes initial appointments at the rank of associate professor. Promotion to the rank of professor is normally considered no earlier than two years, but usually within six years, after the candidate has achieved tenure. The timing of this decision may differ for faculty hired from another institution or another unit of the University, as described in the Law Faculty Procedures for Tenure, Promotion, and Post-Tenure Review. The Law School applies the University standard in section 9.2 of the Regents Policy on *Faculty Tenure*, which states:

The basis for promotion to the rank of professor is the determination that [the candidate] has (1) demonstrated the intellectual distinction and academic integrity expected of all faculty members, (2) added substantially to an already distinguished record of academic achievement, and (3) established the national or international reputation (or both) ordinarily resulting from such distinction and achievement.

To comply with this standard, a candidate must have made contributions in scholarship, teaching, and service beyond those already considered in the granting of tenure. Every candidate for promotion to the rank of professor will normally have completed and already have had accepted for publication two or more significant scholarly articles or their equivalent other than those considered in the granting of tenure, will continue to demonstrate excellence in teaching and interest in teaching development, and will reflect increased obligations to collegial, disciplinary, and public service. The qualitative standards for evaluating scholarship, teaching, service, and integrity in section II, Criteria for Tenure, shall be used to evaluate the record of a candidate for promotion. In applying those standards, the candidate's scholarship, teaching, and service should reflect the candidate's greater seniority, and the candidate's scholarship, evaluated in its entirety, is expected to demonstrate a record that has established a national and/or international reputation.

#### **IV. Criteria for Annual and Post-Tenure Peer Review.**

It is expected that a professor of law will function effectively as a teacher and scholar in an academic setting, will adhere to the ethical obligations of the profession, will continue to develop and employ the powers and skills that aim at proficient teaching and significant research, and will possess the energy, intellectual initiative, and scholarly instinct to continue to pursue such work throughout a professional career.

The qualitative standards for evaluating scholarship, teaching, service, and integrity in section II, Criteria for Tenure, shall be used to evaluate the post-tenure scholarship, teaching, service, and integrity of a tenured faculty member during post-tenure review, but the candidate's scholarship, teaching, and service should reflect the candidate's greater seniority. It is expected that a tenured professor of law shall continue to contribute regularly and substantially to the Law School's missions of research, teaching, and service. Normally, tenured faculty will continue to publish the equivalent of at least one substantial article every two years. As recognized in *Faculty Tenure*, however, some faculty members may "contribute more heavily to the accomplishment of one mission of the unit and others to the accomplishment of other missions." Thus, there may be variations over time in the careers of individual faculty members as they may focus their contributions more in one or two domains among teaching, scholarship, and service.

Sections 22 through 26 of the Law Faculty Procedures for Tenure, Promotion, and Post-Tenure Review describe how these criteria shall be applied in the annual and post-tenure review of tenured faculty of the Law School. The Dean shall refer a matter to the Post-Tenure Review Committee where a faculty member has performed at a level that is substantially below the goals and expectations of the Law School.

## **V. Procedures.**

The Law School conforms to the *Procedures for Reviewing Candidates for Tenure and/or Promotion: Tenure-Track or Tenured Faculty* as provided in sections 16.3, 7.4, and 7.61 of the Regents Policy on *Faculty Tenure*. The Law School procedures are set forth in the Law-Faculty Procedures for Tenure, Promotion, and Post-Tenure Review.