

University of Maryland School of Law

Tenure and Promotions Standards

Effective: July 1, 2008 (for Parts A, C, and D); July 1, 2011 (for Part B); Parts A and B as amended May 7, 2015

[Supersedes School of Law Policies and Procedures for Faculty Promotion and Tenure, as amended November 13, 1997]

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The following standards and procedures govern the tenure and promotion of tenure track faculty members and the appointment, reappointment, and promotion of non-tenure track faculty members at the University of Maryland School of Law. The only permissible titles for faculty members at the School of Law are those set forth in Parts A, B, C, and D below.

PART A: STANDARDS FOR TENURE TRACK APPOINTMENTS

Notice

School of Law Tenure and Promotions Standards (“the Standards”) generally follow the University System of Maryland (“USM”) policy on Appointment, Rank and Tenure of Faculty (“the USM Policy”) and University of Maryland Baltimore (“UMB”) policies and procedures on faculty appointment, promotion and tenure. However, the terms and schedules in these Standards are unique to the School of Law, as permitted by amendments to the University System of Maryland (USM) Policy on Appointment, Rank and Tenure of Faculty (II-1.00) adopted June 20, 2008. The amendments authorize the School of Law to establish terms and conditions alternative to the requirements of provisions I.C.3 and I.C.4 of the USM Policy, which deal with tenure track assistant professors and associate professors. The alternative provisions contained in these Standards have been authorized by the Chancellor and take precedence over the relevant USM Policy provisions and related UMB policies for the promotion and tenure review of applicable faculty members.

These Standards apply to individuals whose appointment to the faculty begins on or after July 1, 2008. In addition, these Standards apply to current faculty members who joined the faculty after June 1, 2005, who so request in writing to the Dean no later than September 30, 2008.

The following standards govern the process of conferring tenure and promotion for tenure track faculty members at the University of Maryland School of Law. The standards reflect the view that the fundamental obligations of a tenure-track or tenured faculty member are the attainment of excellence in teaching and excellence in scholarship, and that faculty members are also expected to contribute significant service to the Law School, the University, the legal profession, and the legal system in general.

I. Timetable for the Tenure-Track, etc.

A. Tenure-Track Appointment as Assistant Professor

1. **Appointment.** The Appointments Committee shall obtain external evaluations from at least two qualified outside evaluators who shall be selected with the goal of obtaining a fair analysis and assessment of the candidate's potential for excellence in scholarship, teaching, and service. The Committee may but is not required to select evaluators from a list of references provided by the candidate for appointment. An individual appointed on the tenure track as Assistant Professor will receive an initial appointment for a three-year period. The performance of the individual will be subject to a full review in the first year, and the appointee will be notified in the event of clearly unsatisfactory performance.

2. **Consideration for Reappointment.** A tenure-track Assistant Professor will be considered for reappointment in the third year of service. The candidate will be reappointed if, in the judgment of the Promotions Committee and the Dean, he or she is making significant progress toward the attainment of the tenure standard in teaching, scholarship, and service. Before such a judgment may be made with respect to scholarship, the candidate must ordinarily have produced at least a completed draft of one scholarly work of substantial scope that may be reviewed and evaluated by the Promotions Committee and the Dean. The candidate should also submit a written statement of his or her future research agenda.

In the case of reappointment, the candidate will be promoted to the rank of Associate Professor and his or her initial three-year appointment will be extended for an additional three-year period. If the candidate is not

reappointed, he or she will receive an additional one-year terminal appointment.

A candidate who is reappointed pursuant to this paragraph will be considered for tenure in the sixth year of service. If the candidate fails to receive tenure at that time, he or she will receive an additional one-year terminal appointment.

B. Tenure-Track Appointment as Associate Professor

1. **Appointment.** An individual appointed on the tenure track as Associate Professor will receive an initial appointment for a three-year period. The performance of the individual will be subject to a full review in the first year, and the appointee will be notified in the event of clearly unsatisfactory performance.
2. **Consideration for Reappointment.** A tenure-track Associate Professor will be considered for reappointment in the third year of service. The candidate will be reappointed if, in the judgment of the Promotions Committee and the Dean, he or she is making significant progress toward the attainment of the tenure standard. Before such a judgment may be made with respect to scholarship, the candidate must ordinarily have produced at least a completed draft of one scholarly work of substantial scope that may be reviewed and evaluated by the Promotions Committee and the Dean. The candidate should also submit a written statement of his or her future research agenda.

In the case of reappointment, the candidate's initial three-year appointment will be extended for an additional three-year period. If the candidate is not reappointed, he or she will receive an additional one-year terminal appointment.

A candidate who is reappointed pursuant to this subsection will be considered for tenure in the sixth year of service. If the candidate fails to receive tenure at that time, he or she will receive an additional one-year terminal appointment.

- C. **Promotions to Full Professor.** For all faculty members receiving tenure under these Standards, the grant of tenure will be accompanied by promotion to the rank of full Professor.
- D. **Extension of the Timetable.** A candidate may request through the Dean that a mandatory review be postponed or the timetable for tenure or promotion be extended pursuant to

applicable USM and UMB policies including, but not limited to, the UMB Policy for Extending the Deadline for Tenure Review for Parenthood or Extraordinary Circumstances.

- E. Accelerated Consideration.** Upon request by any candidate, the Promotions Committee, in its discretion after consultation with the Dean, may consider a candidate for reappointment or tenure at an earlier point than ordinarily contemplated in the foregoing provisions.

In the case of the accelerated reappointment of an Assistant Professor pursuant to this section, the candidate will be promoted to the rank of Associate Professor, his or her initial three-year appointment will terminate, and he or she will receive a new appointment for a three-year reappointment period. The candidate will be considered for tenure in the final year of the three-year reappointment period. If a candidate fails to receive tenure at that time, he or she will receive an additional one-year terminal appointment.

II. Standards for Tenure

As amplified by the provisions set forth below, the basic requirement for the achievement of tenure is excellence in teaching, excellence in scholarship, and the performance of significant service, under circumstances that indicate a strong likelihood of continued performance at these levels throughout the candidate's future law school career. These requirements are the same for all candidates, but the manner in which individual candidates may demonstrate excellence in teaching, excellence in scholarship, and significant service, may be expected to vary widely.

III. Teaching

The factors that may be taken into account in assessing excellence in teaching include, among others: depth of knowledge and sophistication of understanding; skill in developing students' analytic abilities and in conveying necessary information; thoroughness of preparation and continuing commitment to improvement of effectiveness in teaching; fairness in evaluating students' performance; accessibility to students; creativity of teaching methods; and variety of courses taught.

There is no litmus test for excellence in teaching; a wide diversity of approaches is to be expected and encouraged, and there are many variables that may be considered in this determination. In light of the many relevant variables and the various methods of assessing those variables, it should be understood that a finding of excellence in teaching is an objective rather than a comparative assessment and does not require any particular ranking on the comparative scale of the Law School's teaching evaluation summaries. In all instances the candidate must demonstrate a continuing commitment to excellence in teaching.

IV. Scholarship

Excellence in scholarship is typically demonstrated through the production and publication of articles in law reviews and other scholarly journals, as well as scholarly books. Less formal works, such as essays, comments, and book reviews, should also be taken into consideration.

Excellence in scholarship has both a qualitative and a quantitative dimension. Factors that may be taken into account in assessing the qualitative dimension include, among others: originality and creativity, depth and cogency of analysis, thoroughness of investigation and documentation, independence of thought, and the contribution of the work to the development of the relevant field of scholarship.

With respect to the quantitative dimension, the candidate must have produced a sufficient body of work to support a prediction that he or she will continue to engage in the production of excellent scholarship throughout his or her academic career. As a norm, this prediction ordinarily will require that a candidate have produced a minimum of three scholarly works, at least two of which are in the form of major law review articles of substantial scope (or the equivalent thereof), and the third of which may be an additional piece of significant writing such as another article, an essay, or a book review. These works should ordinarily have been published or accepted for publication by the time of consideration for tenure. Of course, as noted, the guideline in this paragraph is a quantitative guideline only; as stated in the general tenure standard (Section II), the candidate's work must also be of excellent quality and indicate a strong likelihood of continued performance at that level throughout the candidate's future law school career. The candidate should also submit a written statement of his or her future research agenda.

At the discretion of the Promotions Committee, scholarly work produced by the candidate before becoming a tenure-track faculty member at the University of Maryland School of Law may be taken into account in the determination of reappointment, promotion, or tenure, with due allowance being made for when and under what circumstances the work was produced.

V. Service

Significant service should ordinarily include one or more of the following activities:

Law School, campus, and University activities, such as advising student groups; reading and commenting on colleagues' work; advising younger faculty members; organizing Law School, campus, or University programs; serving on campus and University system committees; attending colloquia and workshops; and writing grant proposals and engaging in other Law School, campus, or University fund-raising activities; as well as one or more of the following activities:

Relevant activities outside the Law School and University, such as participation in law reform activities; public interest or pro bono legal representation; public speaking on topics related to the law; organization of conferences and colloquia; participation in activities of national, state, and local bar or educational associations; and participation in the work of other service organizations with relevance to the law.

Significant service also requires that the candidate undertake his or her fair share of responsibilities in the self-governance of the Law School, through active participation in faculty committees and faculty meetings.

PROCEDURES FOR REVIEW OF TENURE TRACK FACULTY MEMBERS

VI. Committee & Subcommittee Membership, etc.

- A. Composition of Committee, etc.** Except where otherwise stated in these Standards, the Promotions Committee shall consist of all tenured members of the faculty. A quorum shall consist of a majority of all members of the Committee. Only members physically present at a meeting of the Committee may vote at that meeting.
- B. Confidentiality.** All discussions, deliberations, and reports in connection with the review of individual faculty members shall be confidential.
- C. Initial Meeting with Candidate.** Early in the first semester after the appointment of any tenure track faculty member, the Chair or a designee of the Chair shall meet with the faculty member in order to discuss the nature of the process for the first-year review, reappointment, promotion, and tenure and to deliver to the faculty member a copy of the Tenure and Promotion Standards currently in effect.
- D. Schedule.** Tenure track faculty members shall be considered for the first-year review, reappointment, promotion, and tenure in accordance with the timetable set forth in Section I. A candidate seeking accelerated consideration in any academic year (see Section I.E.), should inform the Chair of the Promotions Committee before the beginning of the fall semester, unless the Chair specifies another date. If accelerated consideration should result in a negative decision, the candidate will be subject to later review, without prejudice, in accordance with the timetable set forth in **Section I**.
- E. Subcommittees for Full Review.** Early in the fall semester, the Chair shall appoint a three-person Subcommittee for each tenure track faculty member being considered for review during the first year of appointment, for reappointment, for promotion, or for tenure (each such review is a "full review"). If possible, each Subcommittee should include at least one person familiar with the subject area or areas of the candidate's primary interests in teaching and scholarship. The other Subcommittee members may be chosen in alphabetical rotation from among the members of the

Committee, but, to the extent possible, Subcommittee members should be selected from among those who have not previously reviewed the candidate's work. Balancing of what may be conflicting demands should be left to the discretion of the Chair.

The Chair shall inform the candidate of the names of proposed Subcommittee members before the names are announced publicly. If the candidate objects to the inclusion of a proposed member on the Subcommittee, the Chair shall consider the reasons given and exercise discretion as to whether to include that member.

- F. Liaison Subcommittees.** Early in the fall semester, the Chair shall appoint a two-person Liaison Subcommittee for each tenure track faculty member not subject to full review. The members of the Liaison Subcommittee shall visit the candidate's classes, as set forth below, and shall discuss with the candidate his or her progress in scholarship and his or her service activities.

VII. The Process of Review

- A. Teaching.** The Subcommittee shall undertake a comprehensive review of the quality of the candidate's teaching. This review shall include, but need not be limited to, the procedures set forth in subsections (1) and (2) below.

- 1. Subcommittees for Full Review.** In the case of tenure track faculty members subject to full review, members of the Subcommittee shall make a total of four class visits during the year, with each member of the Subcommittee making at least one visit. (For the purpose of this Section, the term "class" shall include traditional classes, seminars, clinical supervisory meetings, and any other instructional sessions.) Two of the visits shall be unannounced. In its discretion, the Subcommittee may make additional announced visits, although the disruption that may result from numerous class visits should be taken into account in making this determination.

For each announced visit, the visitor shall confer with the candidate concerning his or her plans for the class and how the class fits into the scheme of the semester's work. After each visit, the visitor and the candidate should discuss the class, and the visitor shall prepare a memorandum reviewing the class and evaluating the candidate's performance. The candidate shall have the opportunity to review and comment upon the memorandum of each visit. The memoranda and the candidate's comments shall be filed with the Report of the Subcommittee.

The Subcommittee shall review student evaluation forms and prepare a memorandum, including (a) the average evaluation on the questions of overall competence and comparison with other teachers, the

number of responses on which the results are based, and other relevant statistical data, and (b) a summary of written student comments relevant to the question of the quality of teaching. The candidate shall have the opportunity to review and comment upon this memorandum, and the memorandum along with the candidate's comments shall be filed with the Report of the Subcommittee.

2. **Liaison Subcommittees.** In the case of each tenure-track faculty member not subject to full review, each member of the Liaison Subcommittee shall visit one class during the year (for a total of two visits in the year), by prior arrangement with the candidate. After each visit, the visitor and the candidate should discuss the class, and the visitor shall prepare a memorandum reviewing the class and evaluating the candidate's performance. The candidate shall have the opportunity to review and comment upon the memorandum of each visit. The memoranda and the candidate's comments shall be included in the candidate's file. In its discretion, after consultation with the Chair, the Liaison Subcommittee may visit additional classes, review student evaluation forms, and undertake other review of the candidate's performance in teaching, scholarship and service.
3. **Supplementary Materials.** At any time, a tenure track faculty member may supplement his or her record of teaching with copies of assignments, examinations, self-evaluations and other relevant material.

B. Scholarship

1. **Outside Evaluations.**
 - (a) **Consideration for Tenure.** Outside evaluations of the scholarship of any candidate for tenure shall be obtained unless the Subcommittee determines that there is no reasonable likelihood that tenure will be granted. An adverse determination by the Subcommittee on this question shall be subject to review by the Committee upon the candidate's request.
 - (b) **Consideration for Reappointment.** Outside evaluations of the scholarship of a candidate for reappointment ordinarily shall not be sought; but they may be obtained if the Committee determines that evaluations are necessary to assist the process of consideration.
2. **List of Outside Evaluators.** The Subcommittee shall assemble a list of qualified outside evaluators. The candidate shall have an opportunity to suggest names of evaluators, which the Subcommittee may include on the

List in its discretion. The candidate shall also have the opportunity to comment on the List before the evaluators are contacted.

Evaluators shall be selected with the goal of providing the Committee with a fair analysis and assessment of the full range of the candidate's scholarship. At least four evaluators should ordinarily be selected.

3. Selection of Outside Evaluators.

Acting in consultation with the Chair, the Dean or an Associate Dean designated by the Dean shall be responsible for selecting and contacting evaluators from the List. If the List should be exhausted, or if it should otherwise become necessary to seek additional evaluators, the Dean, or the designated Associate Dean, shall choose additional names after consultation with the Subcommittee; the candidate shall have the opportunity to comment on the additional names before the additional evaluators are contacted.

4. Letters of Outside Evaluators.

Each outside evaluator shall be asked to comment on the quality of the candidate's work and how it compares with other work in the field. Evaluators should be encouraged to comment on the work's originality and creativity, depth and cogency of analysis, thoroughness of investigation and documentation, and independence of thought, as well as the contribution of the work to the development of the relevant field of scholarship.

The letters of the outside evaluators shall be made available to the candidate in redacted (or, if necessary, paraphrased) form, in order to maintain the anonymity of the evaluators. The candidate shall have the opportunity to comment on the letters of the outside evaluators. The letters of the outside evaluators, along with the candidate's comments, shall be filed with the Report of the Subcommittee.

C. Service

Faculty reviewed in the first year of appointment and faculty who are candidates for reappointment, promotion, or tenure may supplement their files with any written or other material arising out of their service activities or otherwise relating to those activities. To the extent that it considers necessary, the Subcommittee may conduct interviews of persons with whom the candidate has worked in service activities and may otherwise seek to determine the nature and level of the candidate's participation in those activities.

D. Subcommittee Reports

In the case of any tenure-track faculty member being reviewed during the first year of appointment or considered for reappointment, promotion or tenure, the Subcommittee shall present a written Report containing an objective review and evaluation of the candidate's teaching, scholarship, and service, and any other matters relevant to the Committee's consideration. In a Report on the question of reappointment, the Subcommittee shall state its conclusion on the question of whether the candidate is making significant progress toward the attainment of the tenure standard in teaching, scholarship, and service. In a Report on the question of tenure, the Subcommittee shall state its conclusions on whether the candidate has achieved excellence in teaching and excellence in scholarship, and whether the candidate has performed significant service. The Report shall be distributed to the Committee at least one week before the Committee commences its consideration of the faculty member under review.

Copies of the Report and all supporting material (such as the candidate's current verified resume, memoranda of class visits, memoranda of student evaluations, and letters of outside evaluators) shall be maintained in the Dean's Office and shall be made available to later Subcommittees reviewing the same faculty member.

E. Committee Action

The Committee shall consider the Report of the Subcommittee and all supporting material, including the candidate's body of scholarship. After discussion, the Committee shall vote by secret ballot on its recommendation with respect to reappointment, promotion, or tenure. In addition, the Committee shall vote by secret ballot on its recommendation with respect to whether a first year appointee's performance is clearly unsatisfactory. All decisions shall be by majority vote of the members present at the meeting.

All members shall read the scholarship of the faculty member under review. Only those members who have sufficient knowledge of the candidate's record and work to cast an informed vote shall participate in the discussion and vote.

The Chair shall communicate the Committee's recommendation to the Dean, and the Dean shall report the Committee's action to the candidate, along with any other information that the Dean deems appropriate to transmit.

F. Role of the Dean

In a manner consistent with University policy, the Dean may forward an affirmative Committee recommendation to the President of the University of Maryland Baltimore. If the Dean decides not to forward the Committee's recommendation, the Dean shall inform the Committee and the candidate in writing of the reasons for that decision. The Dean may not recommend reappointment, promotion, or tenure in the absence of an affirmative recommendation of the Committee.

G. Lateral Appointments and Other Appointments with Tenure

If the Appointments Committee contemplates that an individual who is not on the Law School's tenure track may be appointed to the faculty with tenure, the foregoing procedures for consideration of a candidate for tenure, set forth in Sections VI and VH, shall be carried out to the extent possible and appropriate under the circumstances. In particular, a Report shall be prepared that replicates, as closely as possible under the circumstances, the Report described in Section VELD., and that Report shall be submitted to the Promotions Committee before its consideration of the candidate. In addition to other information, this Report may include material generated in a promotions review or other review of the candidate conducted elsewhere.

Responsibility for carrying out these procedures shall be allocated between the Promotions Committee and the Appointments Committee in accordance with the joint determination of the two committee chairs, but ordinarily any subcommittee appointed to evaluate the candidate shall be composed of members of the Promotions Committee, at least one of whom shall not be a member of the Appointments Committee.

In the consideration of an appointment with tenure of an individual who is not on the Law School's tenure track, the consideration and vote of the Promotions Committee on the question of tenure shall precede the consideration and vote of the Faculty Council on the question of the candidate's appointment to the faculty.

VIII. Applicability; Transition from Earlier Standards

- A.** Subject to subsection B, the foregoing Standards apply only to individuals appointed to the tenure-track faculty of the University of Maryland School of Law after the date on which the Standards go into effect.
- B.** An individual appointed to the tenure-track faculty of the University of Maryland School of Law effective after June 1, 2005, but prior to the date on which these Standards went into effect, may elect to be considered for all purposes of promotion and tenure under the present Standards. An election must be made in writing to the Dean no later than September 30, 2008.

Such an election shall constitute a waiver of all rights under standards of the Law School in effect before the adoption of these Standards. The Dean is authorized to resolve questions of interpretation or other issues that may arise in the implementation of this subsection.

- C.** With respect to any faculty member who has attained the rank of tenured Associate

Professor under standards of the Law School in effect before the adoption of these Standards, the Promotions Committee may recommend promotion to the rank of full Professor upon a finding that the candidate has met the Standards for Tenure set forth in Section II of Part A. In making this recommendation, the Committee shall devote particular attention to the requirement of Section II that the candidate's record must "indicate a strong likelihood of continued performance" at the requisite levels "throughout the candidate's law school career." In the case of faculty members who may be considered for tenure under standards of the Law School in effect before the adoption of these Standards, such a recommendation for promotion to full Professor may be made simultaneously with a recommendation for the grant of tenure, or thereafter. This provision shall not affect the possibility of a faculty member's promotion to the rank of full Professor under provisions, applicable to the faculty member, contained in standards of the Law School in effect before the adoption of these Standards.

IX. Appeals

Candidates have a right to appeal promotion and tenure decisions. The appeals standards and procedures of the University of Maryland, Baltimore, as applicable from time to time, shall apply for all appeals of any decision under these Standards.

PART B: STANDARDS FOR NON-TENURE TRACK APPOINTMENTS

I. General Provisions

- A. Policy.** It is the policy of the Law School that as many faculty members as possible should be tenure track appointees. Yet occasions may arise when a faculty member appointed exclusively to conduct research or to assume specialized instructional duties may bring a special benefit to the Law School or fill a need that would otherwise remain unfilled. Moreover, effective implementation of the Law School's clinical or other programs may require a mix of tenure-track and non-tenure track faculty members.

Accordingly, in such cases, the Appointments Committee may recommend the appointment of a faculty member on the non-tenure track. Such a recommendation shall articulate the grounds that support a non-tenure track appointment. In any event, the Appointments Committee shall not recommend the appointment of a non-tenure track faculty member to fill a position previously held by a tenured or tenure track faculty member, in the absence of extraordinary circumstances.

- B. Categories of Non-Tenure Track Appointments.** The Faculty Council may recommend non-tenure track appointments in the following three categories:

- (1) Appointment as short-term Law School Assistant Professor, for one or two years, under the conditions set forth in Section II;
- (2) Appointment on the Long-Term Appointment Track (LTA Track), at the rank of Law School Assistant Professor or Law School Associate Professor, with possible reappointment and promotion as set forth in Section III;
- (3) Long-term appointment at the rank of Law School Professor, for five years, with possible reappointment as set forth in Section IV.

II. Short-Term Appointment as Law School Assistant Professor

A. Appointment.

1. **Committee Consideration.** The Appointments Committee may recommend to the Faculty Council that an individual receive an initial non-tenure track appointment as a short-term Law School Assistant Professor for a one or two year period.
2. **Recommendation of Faculty Council.** The Faculty Council may recommend to the Dean an initial non-tenure track appointment as short-term Law School Assistant Professor. The appointment letter of any individual so appointed shall explicitly state that the appointment is as a short-term Law School Assistant Professor under Section II of this Part B.

B. Reappointment of Short-Term Law School Assistant Professors.

1. **Committee Consideration.** The Appointments Committee shall review the performance of each short-term Law School Assistant Professor during the year in which his or her appointment is to expire, and the Appointments Committee may recommend to the Faculty Council that the individual be reappointed as a short-term Law School Assistant Professor. For purposes of this Part B, reappointment as short-term Law School Assistant Professor shall be considered equivalent to a new initial appointment; therefore, the Appointments Committee (and, subsequently, the Faculty Council) may consider other candidates for the position and may recommend replacing the appointee with another non-tenure track appointee or a tenure track or tenured appointee. The Chair of the Appointments Committee may request the assistance of the Promotions Committee in reviewing the performance of any short-term Law School Assistant Professor being considered for reappointment, but the recommendation to the Faculty Council shall be made by the Appointments Committee.
2. **Recommendation of Faculty Council.** The Faculty Council may recommend to the Dean that a short-term Law School Assistant Professor be reappointed for successive one or two year periods.

3. **Standard.** Any individual appointed or reappointed as a short-term Law School Assistant Professor shall demonstrate potential for excellence in teaching and, where applicable, in clinical practice.

C. Limitation on Appointment as Short-Term Law School Assistant Professor.

No individual appointed or reappointed under this Part B shall be employed as a short-term Law School Assistant Professor under this Section II for a period exceeding six years.

D. Relationship with Sections III and IV.

In lieu of reappointment, the Appointments Committee (and, subsequently, the Faculty Council) may recommend that a short-term Law School Assistant Professor be appointed to the Long-Term Appointment Track (LTA Track) or to a Long-Term appointment, but only pursuant to Section III or Section IV below. Absent good cause, no individual shall be eligible for appointment to the LTA Track or to a Long-Term appointment after his or her fourth year of service as a short-term Law School Assistant Professor under this Section II.

III. The Long-Term Appointment Track (LTA Track)

A. Scope of Review on Appointment and Reappointment.

1. **Appointment.** After a full review of a scope equivalent to that normally undertaken in the case of tenure-track or tenured appointments (including comparison with other potential candidates), the Appointments Committee may recommend to the Faculty Council, and the Faculty Council may recommend to the Dean, that an individual be appointed on the Long Term Appointment Track (LTA Track) as Law School Assistant Professor or Law School Associate Professor in accordance with the standards set forth in Section VQ below. The appointment letter of any individual so appointed as a Law School Assistant Professor shall explicitly state that the appointment is on the Long Term Appointment Track (LTA Track) under this Section m of this Part B.
2. **Reappointment.** In the case of an individual on the LTA Track who is being considered for reappointment, the question for consideration by the Promotions Committee shall be whether the candidate has satisfied the standards for reappointment as set forth in Section VII below. At the time of consideration for reappointment, an individual on the LTA Track shall not be subject to comparison with other possible candidates for the same position, because that process was already accomplished when the individual was recommended for appointment on the LTA Track pursuant to subsection III.A.1. above.

B. Appointment to the LTA Track as Law School Assistant Professor.

1. **Appointment.** The Appointments Committee shall obtain external evaluations from at least two qualified outside evaluators who shall be selected with the goal of obtaining a fair analysis and assessment of the candidate's potential for excellence in teaching (including supervision of students and course materials), capacity to administer a law school program (if applicable), service, and legal writing or other writing related to the law. The Committee may but is not required to select evaluators from a list of references provided by the candidate for appointment. An individual appointed on the LTA Track as Law School Assistant Professor shall receive an initial appointment for a two-year period. The performance of the appointee shall be reviewed by the Promotions Committee in the first year, and the appointee shall be notified in the event of clearly unsatisfactory performance under the standards set forth in subsection VILA, below. In such a case, the appointment shall terminate at the end of its two-year term without the review provided in subsection III.B.2. immediately below.

2. **Consideration for First Reappointment.** A Law School Assistant Professor shall be considered for reappointment in the second year of his or her initial appointment. The Promotions Committee shall recommend to the Dean that a candidate be reappointed for an additional three-year period if, in the judgment of the Promotions Committee, he or she has satisfied the standards for appointment as Law School Assistant Professor and is making significant progress toward attainment of the standards for appointment as Law School Associate Professor, as those standards are set forth in Section VII below. If the Promotions Committee does not recommend reappointment, the Dean may grant the candidate an additional one-year terminal appointment.

3. **Consideration for Second Reappointment and Promotion to Law School Associate Professor.** A Law School Assistant Professor on the LTA Track shall be considered for reappointment and promotion to Law School Associate Professor in the fifth year of service on the LTA track. The Promotions Committee shall recommend to the Dean that a candidate be so promoted if, in the judgment of the Promotions Committee, he or she has satisfied the standards for appointment as Law School Associate Professor and is making significant progress toward attainment of the standards for appointment as Law School Professor, as those standards are set forth in Section VII below.

In the case of such promotion, the candidate shall be reappointed for an additional three-year period. If the Promotions Committee does not recommend such promotion, the Dean may grant the candidate an additional one-year terminal appointment.

A candidate who is promoted and reappointed pursuant to this subsection shall be considered for promotion to the rank of Law School Professor in the eighth year of service on the LTA Track, pursuant to subsection III.D. below. If the Promotions Committee does not recommend promotion at that time, the Dean may grant the candidate an additional one-year terminal appointment.

C. Appointment to the LTA Track as Law School Associate Professor.

1. **Appointment.** An individual appointed on the LTA Track as Law School Associate Professor shall receive an initial appointment for a three-year period. The performance of the appointee shall be reviewed in the first year, and the appointee shall be notified in the event of clearly unsatisfactory performance under the standards set forth in subsection VII.B. below.
2. **Consideration for Reappointment.** A Law School Associate Professor shall be considered for reappointment in the third year of his or her initial appointment on the LTA Track. The Promotions Committee shall recommend to the Dean that the candidate be reappointed for an additional three-year period if, in the judgment of the Promotions Committee, he or she has satisfied the standards for appointment as Law School Associate Professor and is making significant progress toward attainment of the standards for appointment as Law School Professor, as those standards are set forth in Section VII below. If the Promotions Committee does not recommend reappointment, the Dean may grant the candidate an additional one-year terminal appointment.

A candidate who is reappointed pursuant to this subsection shall be considered for promotion to the rank of Law School Professor in the sixth year of service on the LTA Track, pursuant to subsection III.D. below. If the Promotions Committee does not recommend promotion after such consideration, the Dean may grant the candidate an additional one-year terminal appointment.

D. Promotion to Law School Professor.

1. **Standard, etc.** The Promotions Committee shall recommend to the Dean that a Law School Associate Professor on the LTA Track be promoted to the rank of Law School Professor if, in the judgment of the Promotions Committee, he or she has satisfied the standards for appointment as Law School Professor, as those standards are set forth in Section VII below. In the case of such promotion, the candidate shall be reappointed for a five year period.
2. **Outside Evaluation.** Consideration of any candidate for promotion to the rank of Law School Professor shall include evaluation of the candidate's performance by one or more outside evaluators chosen by the Dean, or an Associate Dean designated by the Dean, in a procedure that conforms as closely as possible under

the circumstances with the procedure set forth in subsection VII.B. of Part A. In the choice of outside evaluators, the Dean or Associate Dean shall also consult the program director (if applicable). Outside evaluators should be encouraged to comment on the candidate's teaching (including supervision of students and course materials), capacity to administer a law school program (if applicable), service, and legal writing or other writing relating to the law, as defined in subsection VII.D. below.

The letters of the outside evaluators shall be made available to the candidate in redacted (or, if necessary paraphrased) form, in order to maintain the anonymity of the evaluators. The candidate shall have the opportunity to comment on the letters of the outside evaluators. The letters of the outside evaluators, along with the candidate's comments, shall be filed with the Report of the Subcommittee.

- E. Reappointment of Law School Professors.** The Promotions Committee shall recommend to the Dean that a Law School Professor be reappointed for successive five-year periods if, in the judgment of the Promotions Committee, he or she continues to satisfy the standards for the rank of Law School Professor set forth in Section VII below; in making this determination, the Promotions Committee shall apply all relevant ABA standards (including official interpretations) and may take into account the candidate's entire record during the period that he or she has held the rank of Law School Professor. The Promotions Committee shall undertake this review during the penultimate year of each successive appointment.

Outside evaluations of a candidate for reappointment as Law School Professor ordinarily shall not be sought unless the Promotions Committee determines, after discussion with the candidate, that such evaluations are necessary to assist the process of consideration. In such case, the procedure relating to outside evaluations shall conform to that set forth in subsection III.D.2. above.

- F. Accelerated Consideration.** Notwithstanding any other provision in this Part B, upon request by any candidate, the Promotions Committee, in its discretion after consultation with the Dean, may consider the candidate for reappointment or promotion on the LTA Track at an earlier point than ordinarily contemplated in the foregoing provisions. A negative decision on a request for accelerated consideration shall be without prejudice to later consideration at the time ordinarily contemplated in the foregoing provisions. In the case of an accelerated reappointment, the candidate's then-existing appointment shall terminate upon the commencement of the new appointment.

IV. Direct Appointment as Law School Professor of an Individual not on the LTA Track

- A. Appointment.** After a full review of a scope equivalent to that normally undertaken in the case of a tenure-track or tenured appointment (including comparison with other

potential candidates), the Appointments Committee may recommend to the Faculty Council, and the Faculty Council may then recommend to the Dean, that an individual who is not on the LTA Track be appointed as Law School Professor for a five-year period in accordance with the standards set forth in subsection VII.C. below. Approval by the Promotions Committee shall also be required, and the consideration and vote of the Promotions Committee shall precede the consideration and vote of the Faculty Council.

- B. Procedure on Appointment.** If the Appointments Committee contemplates that an individual will receive an initial appointment as a Law School Professor, the procedures for consideration of a candidate for promotion to such rank on the LTA Track shall be carried out to the extent possible and appropriate under the circumstances. In particular, a Report shall be prepared that replicates, as closely as possible under the circumstances, the Report described in subsection VI.A. below, and that Report shall be submitted to the Promotions Committee before its consideration of the candidate. In addition to other information, this Report may include material that may have been generated in a promotions review or other review of the candidate conducted elsewhere.

Responsibility for carrying out these procedures shall be allocated between the Promotions Committee and the Appointments Committee in accordance with the joint determination of the two committee chairs, but ordinarily any subcommittee appointed to evaluate the candidate shall be composed of members of the Promotions Committee, at least one of whom shall not be a member of the Appointments Committee.

- C. Reappointment:** A Law School Professor appointed pursuant to this section may be reappointed for successive five-year periods, in accordance with the conditions set forth in subsection III.E. above.

V. Limitation on Reappointment

Notwithstanding any other provision in this Part B, if the Promotions Committee determines that a Law School Professor or an individual on the LTA Track has satisfied the relevant criteria for reappointment, the Committee shall recommend reappointment, unless the Faculty Council informs the Committee of its determination that the position held by the appointee should be terminated due to a loss of funds or a reduction or change in the Law School's programs, or for similar reasons.

VI. Procedures for Promotions Committee Review of Non-Tenure Track Faculty Members

- A. General Provision.** Except as otherwise stated in this Part B, the procedures for review of Law School Professors and candidates on the LTA track shall follow as closely as possible the procedures for review of tenure track faculty members set

forth in Sections VI and VII of Part A--with due consideration of the characteristics of the specific non-tenure track position under consideration. In particular, a three-person Subcommittee of the Promotions Committee shall be established for each individual on the LTA Track being considered for review during the first year of appointment, for reappointment, or for promotion.

At the discretion of the Chair, a two person Liaison Subcommittee may be established for each individual on the LTA Track who is not subject to review by a three person Subcommittee in the year in question. In the case of an individual being considered for reappointment or promotion, the Subcommittee shall present a written report (a) containing an objective review and evaluation of the candidate's teaching, writing and service, and any other matters relevant to the Committee's consideration; and (b) stating the Subcommittee's conclusion on whether the individual has achieved the relevant standard for reappointment or promotion.

B. Evaluation of Teaching, Writing, and Service. Except as set forth herein, for the purposes of this Part B, the evaluation of teaching, writing and service shall be guided by the general criteria for teaching, scholarship and service set forth in Part A, with due consideration of the characteristics of the specific non-tenure track position under review and, particularly, with due consideration of the broadened definition of "legal writing" and "other writing relating to the law," contained in subsection VII.D. below.

C. Composition of Promotions Committee.

1. For purposes of the initial reappointment as Law School Assistant Professor on the LTA Track, the Promotions Committee shall include (a) all tenured faculty members; (b) all tenure-track faculty members in their second year of service or more; and (c) all non-tenure track members of the Faculty Council in their second year of service or more who are of superior rank to the candidate.
2. With respect to a candidate's second reappointment and promotion to the rank of Law School Associate Professor, the Promotions Committee shall consist of all Associate Professors and full Professors, including those not on the tenure track.
3. With respect to a candidate's first reappointment at the rank of Law School Associate Professor, the Promotions Committee shall consist of all full Professors, including those not on the tenure track, and all tenured Associate Professors.
4. With respect to a candidate's promotion to the rank of Law School Professor, the Promotions Committee shall consist of all full Professors, including those not on the tenure track.
5. With respect to a candidate's reappointment as Law School Professor, the Promotions Committee shall consist of all tenured full Professors.

If the reappointment and promotion of an appointee are considered simultaneously, the Subcommittee for the appointee shall be limited to those eligible to participate in the decision on promotion.

- D. Communication to Candidate.** The Chair of the Promotions Committee shall communicate the Committee's recommendation to the Dean, and the Dean shall report the Committee's action to the candidate, along with any other information that the Dean deems appropriate to transmit.

VII. Standards for Choice of Rank under Sections III and IV

Standards for appointment or reappointment at a specific rank, or promotion to that rank, on the LTA Track are as follows:

- A. Law School Assistant Professor.** Law School Assistant Professors on the LTA Track shall demonstrate potential for excellence in teaching, and they shall perform significant service.

They shall be engaged in producing legal writing, or other writing relating to the law, as these terms are defined in subsection VII.D. below.

- B. Law School Associate Professor.** Law School Associate Professors shall demonstrate, as applicable, extensive successful experience in specialized instruction, clinical instruction, or program administration. In any case, they shall (a) demonstrate excellence in teaching, (b) perform significant service, and (c) demonstrate a record of publication of legal writing, or an extensive record of publication of other writing relating to the law, as these terms are defined in subsection VII.D. below.

- C. Law School Professor.** Law School Professors shall have demonstrated, as applicable, a record of overall excellence in specialized instruction, clinical instruction, or program administration. In any case, they shall (a) demonstrate excellence in teaching, (b) perform significant service, and (c) demonstrate publication of excellent legal writing, or other writing relating to the law of excellent quality, as these terms are defined in subsection VII.D. below. Law School Professors shall have demonstrated such record of excellence under circumstances that indicate a strong likelihood of continued performance at these levels throughout the candidate's future law school career.

- D. Definitions.** For the purposes of this Part B., "legal writing" includes, in addition to traditional legal scholarship, (a) legislative commission studies or similar studies, written testimony submitted to public bodies, and other practice-oriented material, such as trial or other manuals, pattern jury instructions, and similar material; and (b) briefs and other litigation papers, and written material generated in transactional practice, to the extent that those litigation and transactional materials are of general

interest and are publicly available. "Other writing relating to the law" refers to op-ed pieces and other journalistic and similar writings.

VIII. Research Professors

A. Categories of Appointment as Research Professor. The Faculty Council may recommend non-tenure track appointments as research professor at the School of Law in the following three categories:

(1) Short-term appointment as Research Assistant Professor, for one or two years, under the conditions set forth for short-term Law School Assistant Professors in Section II;

(2) Appointment on the Long-Term Appointment Track (LTA Track) at the rank of Research Assistant Professor or Research Associate Professor, with possible reappointment and promotion, under the conditions set forth for Law School Assistant Professors or Law School Associate Professors in Section III;

(3) Long-Term appointment at the rank of Research Professor, for five years, with possible reappointment, under the conditions set forth for Law School Professors in Section IV, provided that (a) the standards for appointment or reappointment as a research professor shall be those set forth in subsection VIII.B. below; and (b) in the case of possible reappointment, the limitations set forth in Section V above shall apply.

B. Standards for Research Professors. Standards for appointment or reappointment of research professors at a specific rank, or promotion to that rank, are as follows:

(1) Research Assistant Professor. Research Assistant Professors shall have demonstrated the potential for excellence in scholarship;

(2) Research Associate Professor. Research Associate Professors shall have demonstrated a record of excellence in scholarship;

(3) Research Professor. Research Professors shall have demonstrated a record of excellent scholarship, which has resulted in national or international distinction. For purposes of this subsection, "scholarship" shall be defined in accordance with Section IV of Part A. For purposes of participation on the Faculty Council and membership on the Promotions Committee, any reference to a Law School professor at a specific rank shall also include research professors at the School of Law at that rank.

IX. Role of the Dean

In a manner consistent with University policy, the Dean may forward an affirmative recommendation on an appointment or promotion governed by this Part B to the appropriate representative of the University of Maryland, Baltimore. If the Dean decides not to reappoint a candidate or not to forward to the university an affirmative recommendation on a promotion, the Dean shall inform the Faculty Council (for reappointments under Section II above) or the Promotions Committee (for reappointments and promotions under Sections III and IV above) and the candidate in writing of the reason for that decision. Except pursuant to Section X below, the Dean may not reappoint a candidate or recommend to the university an appointment or promotion covered by this Part B in the absence of an affirmative recommendation of the Faculty Council (for actions under Section II above), the Promotions Committee (for actions under Section III above), or both (for appointments under Section IV above).

X. Appointment of Full-Time Clinical Instructors

- A. Appointment.** With the approval of the Appointments Committee, and after advance notification to the Faculty Council, the Dean may appoint an individual as a full-time non-tenure track Clinical Instructor for not longer than a one year period. Such appointments shall be solely for special, short-term purposes and, absent extraordinary circumstances and with the approval of the Faculty Council, at no time may the total of such appointments exceed three (excepting individuals whose salary is substantially supported by external grant funding). The Dean may renew such an appointment for successive periods of not longer than one year, in each case with the approval of the Appointments Committee and after advance notification to the Faculty Council. However, no individual shall be employed as a full-time Clinical Instructor for a total period exceeding (a) three years, or (b) in the case of an individual whose salary is substantially supported by external grant funding, five years. Such an appointment of a full-time Clinical Instructor shall not be subject to the standards set forth in, and an individual so appointed shall have no rights under, the other Sections of this Part B.
- B. Transition Rules.** With the approval of the Appointments Committee, and after advance notification to the Faculty Council, the Dean may appoint as a full-time Clinical Instructor, for a single period of up to three years, any individual who has already been employed at the School of Law as a full-time teacher for at least three years as of the effective date of this Part B. Such an appointment is not renewable.
- C. Subsequent Appointment under Part A or Part B.** Nothing in this Section X shall preclude a subsequent appointment of a Clinical Instructor as a tenure track professor pursuant to Part A or as a non-tenure track professor pursuant to Section II, III, or IV this Part B.
- D. Relationship with Part C.** An individual ineligible for appointment as a full-time Clinical Instructor under subsection X.A. above shall not be appointed as a Visiting

Professor under Part C (Visiting Professors). An individual appointed as a visiting professor under Part C for more than a total of one year, after the effective date of this Part B, shall not thereafter be appointed as a full-time Clinical Instructor under subsection X.A. above.

XI. Miscellaneous

- A. Applicability.** The standards set forth in this Part B shall not apply to faculty members who were appointed to a long-term contract under the School of Law Policies and Procedures for Faculty Promotion and Tenure of October 21, 1993 (as amended February 6, 1997) before the effective date of this Part B.
- B. Extension of the Timetables.** Notwithstanding any other provision in this Part B, in extraordinary personal or professional circumstances a candidate may request an extension of the timetable for a reappointment or promotion governed by this Part B. In such a case, the Dean, upon consultation with the Promotions Committee and in accordance with university policies, may extend the timetable by granting the candidate an additional one-year appointment.
- C. Part-Time Faculty Positions.** The Dean may appoint an individual to a part-time faculty position as an adjunct professor, Clinical Instructor, or any other title permitted by USM and UMB policies on part-time, non-tenure track instructional faculty. Such an appointment shall not be subject to the standards set forth in, and an individual so appointed shall have no rights under, the other Sections of this Part B.

PART C: VISITING PROFESSORS

I. Visiting Professors without Prior Review.

- A. Appointment.** The Dean may appoint an individual as a Visiting Professor for a period not to exceed one year, after consultation with the Appointments Committee or upon the Committee's recommendation. In unusual cases, and upon the recommendation of the Appointments Committee, the Dean may appoint an individual as a Visiting Professor for a two-year period. Ordinarily, no individual may be appointed as a Visiting Professor for more than two consecutive years, but in unusual cases, and upon the recommendation of the Appointments Committee, such an appointment may be made. The choice of rank of a Visiting Professor (Visiting Assistant Professor, Visiting Associate Professor, Visiting Professor, or Distinguished Visiting Professor) shall be within the discretion of the Dean.
- B. Subsequent Appointment.** Any subsequent appointment of a Visiting Professor to a tenure-track or tenured position shall be in accordance with the standards and procedures set forth in Part A (Tenure-Track Guidelines). The Dean and the Appointments

Committee shall ensure that an individual receiving an appointment as a Visiting Professor under this subsection shall understand that such an appointment carries with it no preference for appointment to a tenure-track or tenured position and, should the candidate wish to be considered for such a position, he or she will be considered in accordance with the ordinary process of appointment, including comparison with the full range of other possible candidates.

- C. Time of Consideration.** The Appointments Committee and the Faculty Council may recommend the appointment of a visiting professor to a tenure-track or tenured position during the period of the visiting appointment, or at any time thereafter. There is no policy requiring the deferral of such an appointment for a year (or any other period) following the end of the visiting appointment.

II. Visiting Professors with Prior Review

- A. Appointment.** After a full review equivalent to that normally undertaken in the case of tenure-track or tenured appointments (including comparison with other potential candidates), the Appointments Committee may recommend to the Faculty Council that an individual be appointed a Visiting Professor With Prior Review, and the Faculty Council may recommend such an appointment to the Dean. The choice of rank shall be within the discretion of the Dean. Such an appointment shall not exceed a period of two years.
- B. Recommendation for Tenure-Track or Tenured Appointment.** At any time during the appointment of a Visiting Professor With Prior Review (or in the following academic year), the Appointments Committee may recommend to the Faculty Council, and the Faculty Council may recommend to the Dean, that the individual be appointed to a tenure-track or tenured position. If the recommendation is for a tenured position, the approval of the Promotions Committee shall also be required.
- C. Standard for Appointment.** In the case of a recommendation that a Visiting Professor With Prior Review be appointed to a tenure-track or tenured position, the question for consideration by the Appointments Committee and the Faculty Council shall be whether the candidate has fulfilled the expectations of the Appointments Committee and the Faculty Council at the time of the Prior Review; the applicant shall not be subject to comparison with other possible candidates for the same position, because that process was already accomplished when the individual was recommended for appointment as a Visiting Professor With Prior Review.

PARTD: STANDARDS FOR CONFERRAL OF EMERITUS STATUS

I. Standard for Emeritus Status

Emeritus status shall be conferred on a retired or retiring faculty member of the University of Maryland School of Law who has made a significant contribution to the Law School through

teaching, scholarship, or service, or a combination thereof. Ordinarily, the candidate shall have been a member of the faculty of the University of Maryland School of Law for at least ten years and shall have attained the rank of full Professor (or Law School Professor or Research Professor), but these requirements may be waived if the significance of the candidate's contribution to the Law School so warrants. In any case, a generous understanding of entitlement to emeritus status is most consistent with the form of collegiality that the Law School has sought to cultivate.

II. Procedure for Recommendation of Emeritus Status

- A. Subcommittee.** Upon the request of the candidate or any member of the Promotions Committee, the Chair of the Committee shall appoint a Subcommittee (of one, two, or three members) to consider whether the standard for conferral of emeritus status has been met. The Subcommittee shall report its determination to the Committee.
- B. Committee Action.** The Promotions Committee, consisting of all tenured members of the faculty, shall consider the report of the Subcommittee and shall vote on its recommendation with respect to the conferral of emeritus status. The decision shall be made by majority vote of the members present at the meeting.

III. Resources for Emeritus Faculty Members

Because of the valuable contributions that emeritus faculty members can make to the Law School, it is expected that resources facilitating teaching, research, and service will be made available to emeritus members of the faculty.

APPENDIX

[Note: Pursuant to Section XI.A. of the University of Maryland School of Law Tenure and Promotions Standards (effective, for Part B, July 1, 2011), the following rules continue to apply for "faculty members who were appointed to a long-term contract under the School of Law Policies and Procedures for Faculty Promotion and Tenure of October 21, 1993 (as amended February 6, 1997) before the effective date of [its] Part B."]

(Excerpted from School of Law Policies and Procedures for Faculty Promotion and Tenure, 10/21/1993, as amended 2/6/97)

Procedures for Subsequent Long-term Appointments and/or Promotion

The Promotions Committee shall evaluate the performance of non-tenure track faculty members appointed under long-term contracts during the penultimate year of the appointee's contract. For this purpose, the Promotions Committee shall be expanded to include all tenured faculty members, all tenure-track faculty members in their third year of service or more and all

non-tenure track faculty members in their third year of service or more who are of superior rank to the candidate. The Promotions Committee will not consider other candidates for the position held by the long-term appointee.

If the Committee determines that a non-tenure track faculty member has satisfied the criteria for reappointment, the Committee shall recommend the reappointment of the faculty member under another long-term contract of no more than five years, unless the Committee finds that it is in the best interests of the School to restrict the position to tenure track appointees or unless the Committee finds that the School no longer needs the services of the long-term appointee due to a reduction in the School's programs. The restriction or reduction may be due to a loss of funds, changes in the School's educational programs, or other reason unrelated to the appointee's performance.

If the Promotions Committee does not recommend the reappointment of a long-term appointee, it shall notify the Dean and the faculty member of its recommendation by June 30th of the penultimate year of the long-term contract. The Dean is not bound by a Promotions Committee recommendation to reappoint a long-term non-tenure track faculty member. Should the Dean decline to follow the Committee's recommendation, he or she shall timely inform the Committee and the candidate in writing of the basis for his or her decision. In any event, the Dean may not reappoint a long-term non-tenure track faculty member in the face of a negative recommendation of the Promotions Committee.

If the Committee determines that a non-tenure track faculty member has satisfied the criteria established, it shall recommend the promotion of the faculty member to the appropriate rank. Candidates for promotion to Research Associate Professor and Law School Associate Professor shall be reviewed by Associate Professors and Full Professors without regard to tenure track/non-tenure track status. Candidates for promotion to Research Professor and Law School Professor shall be reviewed by Full Professors without regard to tenure track/non-tenure track status. In the event a question of promotion arises coincident with a question of reappointment, the composition of the subcommittee shall be limited to those eligible to participate in the promotion decision.

Criteria for Reappointment and/or Promotion

To qualify for reappointment or promotion: (1) Research Assistant Professors shall have demonstrated superior research abilities; (2) Research Associate Professors shall have demonstrated success in scholarly and research endeavors and the ability to propose, develop and manage research projects; (3) Research Professors shall have demonstrated a degree of proficiency sufficient to establish an excellent reputation among national colleagues and shall provide tangible evidence of sound scholarly production, professional achievements or other distinguished creative activity.

For reappointment in or promotion to the following positions, a candidate must meet these criteria:

(1) Law School Assistant Professors shall demonstrate effectiveness in teaching and in either (a) clinical or professional practice or (b) program administration. In either case, they shall demonstrate the ability to integrate teaching with their other work responsibilities; and

(2) Law School Associate Professors shall demonstrate extensive successful experience in either (a) clinical or professional practice or (b) program administration. In either case they shall demonstrate a high level of teaching ability. This shall include a high level of ability to integrate teaching with their other work responsibilities; and

(3) Law School Professors shall demonstrate a record of overall excellence based on: (a) the quality of their teaching and either (1) clinical or professional practice or (2) program administration; (b) the successful integration of teaching with their other work responsibilities; and (c) a record of high-quality scholarship, or other significant distinction in the profession. For purposes of the preceding sentence, "scholarship" includes, in addition to traditional writings, litigation briefs, legislative commission studies or other similar studies, and testimony before public bodies.

A record of adequate service, as described on pages two and three of these standards,¹ is also a requirement for retention in or promotion to each of the three positions. Evaluations of teaching

¹ *Service*

Law teachers are legal professionals and, as such, share the profession's commitment to public service. Service to the community, to the university, and to the law school is fundamentally valued. Beyond this, just as teaching and scholarship intertwine, they support and are supported by service. High-quality service must be built on a deep understanding of the legal issues and institutions implicated in the service activity. Additionally, most forms of public service involve teaching of some sort. Public service offers connections with the world for whose sake legal and legal academic institutions exist, thereby enriching teaching and scholarship. For these reasons, our promotion and tenure standards encourage faculty members to perform high-quality public service in some way connected with law.

Law schools and universities are self-governing institutions, and faculty members must share the burdens of governance. Service to the law school and the university includes participation in the enterprise of self-governance (performing committee work, participation in faculty meetings); participation in such collegial activities as reading and commenting on colleagues' work when they request assistance, mentoring, and attending colloquia and workshops; grant-writing or other fundraising activities; program creation and interdisciplinary collaboration with other units of the university; and participation in university governing bodies and committees. Public service includes participation in law reform activities, public interest law, or pro bono legal representation; public speaking without a fee or for a nominal honorarium; organizing conferences and colloquia; AALS, ABA, MSBA, AAUP, etc. activities; and participation in service organizations whose activities overlap with the individual's academic interests and expertise.

effectiveness for non-tenure track faculty shall be guided by the standards applicable to the consideration of tenure track faculty, with due consideration given to the particular type of teaching involved. Although the production of high quality scholarship is not a requirement for retention in or promotion to the positions of Law School Assistant Professor or Law School Associate Professor, the presence of such scholarship shall be considered a positive factor, supporting retention in or promotion to these positions. Likewise, distinction in the profession is not required for retention in or promotion to either of those two positions, but will be considered a positive factor. Outside evaluations of the work of non-tenure track faculty need not be sought, though they may be, if the Subcommittee or the Committee believes it appropriate to do so.