

LAW SCHOOL PERSONNEL POLICIES FOR APPOINTMENT, RETENTION, REAPPOINTMENT, PROMOTION, TENURE AND PERIODIC CAREER REVIEW

Preamble

The creation, adoption, or implementation of the Law School Personnel Policies for Appointment, Retention, Reappointment, Promotion, Tenure and Periodic Career Review is understood by the Law School and its Law Faculty not to waive any legal rights of faculty members.

I. LAW FACULTY MEMBERSHIP; BODIES RESPONSIBLE FOR PERSONNEL DECISIONS

A. Law Faculty Membership

1. The Law School Faculty consists of all personnel in the Law School who are tenured professors or in tenure track positions.
2. The Law Library Faculty consists of all personnel in the Law School Library who are tenured professors, in tenure track positions, or in term positions requiring a professional degree.
3. Visiting Faculty consist of all personnel in the Law School who are hired for non-renewable full-time term contracts.
4. Term Faculty consists of all personnel in the Law School who are hired on multi-year renewable non-tenure track term contracts.
5. Adjunct Faculty consists of all personnel in the Law School who are hired to teach a specific course or courses on a non-full time, non-tenure track basis.
6. Emeritus Faculty consists of those retired Law School Faculty voted such status by a majority of Law School faculty members, upon motion of any member of the Law School Faculty. Emeritus faculty members do not have voting rights or official governance status, but may be appointed by the Dean as nonvoting members of ad hoc committees.
7. Unless otherwise noted, the term "Law Faculty," when it appears in isolation, refers exclusively to all personnel described in Sections I.A.1 and I.A.2.

B. Bodies Responsible for Personnel Decisions

1. *Appointment.*

The Bylaws for the Law School describe the bodies that bear responsibility for appointment of Law School Faculty. The Law School shall appoint Law Faculty, Visiting Faculty, and Adjunct Faculty pursuant to the Faculty Hiring Procedures adopted by the Law Faculty on November 23, 1999 and amended from time to time.

2. *Post-Appointment Personnel Actions.*

The personnel Committee shall act for the Law School Faculty in making recommendations to the Dean concerning the reappointment, retention, promotion, granting of tenure and periodic career review of Law School Faculty and Term Faculty members.

- a. The Personnel Committee shall be composed of each full-time Law School Faculty member whose primary appointment is in the School of Law and who is a tenured full professor. A quorum shall consist of two-thirds of those Committee members, including the Dean but excluding those on leave or sabbatical and excluding members under consideration. Members on leave or sabbatical may attend and vote.
- b. The Dean shall be a member of the Personnel Committee without voting rights. The Dean may chair the Committee or designate another member of the Committee to chair the Committee or to serve as the presiding officer at Committee meetings. The Dean also may designate other members of the Committee to serve as mentors for individual non-tenured Law School Faculty. References to the Dean's designee in this document shall be construed to refer to the designated Chair of the Personnel Committee, unless otherwise specified.

3. *Law Library Faculty Post-Appointment Personnel Actions*

A special Law Library Personnel Committee shall be convened whenever post-appointment personnel recommendations and decisions involve the Law Librarian. The Committee shall be composed of the following, unless disqualified for interest: (a) all members of the Law School Faculty Personnel Committee; (b) each full-time, tenured member of the Law Library Faculty; and (c) the Law Librarian. The special committee shall act as a unit and each person present shall have one vote.

II. PROCEDURE FOR CONSIDERATION OF REAPPOINTMENT, RETENTION, PROMOTION, TENURE, AND PERIODIC CAREER REVIEW

A. Initiating Review; Notice

Regardless of whether the Dean has delegated the task of Chairing the Committee to another faculty member, the Dean consistent with the notice requirements contained in *The Redbook*, shall inform the Personnel Committee in the fall semester of each year of the Law School Faculty and Term Faculty members who will be considered for reappointment, retention, promotion, tenure, or periodic

career review, and shall call a Personnel Committee meeting at the appropriate time to consider these faculty members. A Law School Faculty member may request one evaluation for early tenure. A Law School Faculty member or Term Faculty member may request one evaluation for promotion each year. In addition, the Personnel Committee may invite a potential candidate to consider initiating review for early tenure or promotion.

1. The Dean or Dean's designee shall, as early as practicable but ordinarily not less than eight weeks before the Committee meets to consider any personnel action, notify the members of the Personnel Committee, the faculty member or members under consideration, other members of the Law School Faculty, and the President of the Student Bar Association of the meeting. Such notice shall invite comment concerning the faculty member under consideration. The Chair shall give not less than one week's notice of the time of any rescheduled meeting or reconvening of a meeting recessed more than five hours. The notice requirements of this paragraph may only be waived by consent of the faculty member under consideration and two-thirds of the members of the Personnel Committee, including the Dean but excluding those on leave or sabbatical. Members on leave or sabbatical may attend and vote.
2. Notice of a Personnel Committee meeting shall contain a statement of the purpose of the meeting, the date and time of the meeting, and the ways in which interested persons may present information to the Committee. The notice to the Law School Faculty member under consideration also shall instruct the faculty member to provide the Committee with current curriculum vitae, and any other information which the faculty member may wish the Personnel Committee to consider. The faculty member shall have four weeks from delivery of the notice to provide the Committee with this information, and he or she may supplement this information up to one week before the meeting. The notice shall also inform the faculty member to be available to the Committee during the time of the meeting.

B. Documentation

1. The faculty member under review by the Personnel Committee shall prepare a file which contains annual workplans and annual reviews, copies of all scholarship relevant to the decision, evidence of service, all other information specified in this document, other information requested or obtained by the Committee, and any further information submitted by the faculty member under consideration. Notwithstanding the prior sentence or Section A.2, no tenured faculty member involved in a periodic career review shall be required to submit any information to the Dean or the

Personnel Committee. This file shall be available in the Dean's Office to members of the Personnel Committee and to the candidate. The faculty member may respond in writing to any material in the file and that response shall become part of the file.

2. Within one week following the notice of a meeting under Paragraph II.A. to consider a periodic career review, the Dean shall provide the Personnel Committee with annual review information for the previous five years for each tenured Law School Faculty member to be reviewed. After reviewing that information, the Committee may request additional, specific information from the faculty member to assist in its review, but such request will not obligate the tenured faculty member to provide any such information. The faculty member also may, on his or her own initiative, supply additional information for the Committee to consider.
3. Any person other than the faculty under consideration, who wishes to submit material about the person under review, must submit material to the Chair of the Committee or the Dean no later than one week prior to the Personnel Committee meeting. As soon as practicable after receipt of such material, the Chair and/or Dean shall make available such materials to the Committee in the Dean's office.
4. Except in periodic career review cases for tenured Law School Faculty and Law Library Faculty, the Dean shall provide for the preparation of an Evaluation of Classroom Teaching report which shall be made available to the faculty member under consideration and the members of the Personnel Committee not less than one week before the meeting is held. The faculty member may respond in writing to this document. Such written response shall be sent by the faculty member to the Dean or Dean's designee or, if within one week of the Committee meeting, to each member of the Personnel Committee. The Evaluation of Classroom Teaching report shall be a part of the materials considered by the Personnel Committee in reviewing the faculty member's teaching. The report shall contain the following materials: (1) a copy of all recent student evaluation forms, (2) a summary of comments received by the Dean's Office from students concerning the faculty member under consideration, (3) a summary of faculty peer evaluations of the classroom teaching performance of the faculty member, and (4) such additional material as may be relevant.
5. In all promotion and tenure decisions involving Law School Faculty, the Personnel Committee shall solicit extramural evaluation of the scholarly work of the faculty member. Even when extramural review is not required, any faculty member under consideration may request extramural review of his or her performance. Regardless of whether it is required or requested,

external reviewers shall be solicited, and the review conducted, under the standards set forth in Part IV.

6. The faculty member under consideration may submit additional material during the final week before the meeting by providing a copy directly to each member of the Committee. Pursuant to 4.2.2.H.4 of *The Redbook*, the faculty member may add material to the file after the meeting, until the file is forwarded to the Provost.

C. The Meeting

1. The faculty member under consideration may appear before the Personnel Committee at the time of its meeting. During this appearance, the faculty member may make a statement, present such evidence as could not be reduced to writing or recordable form, present witnesses, and respond to expressed reservations of any member(s) of the Personnel Committee. The Personnel Committee may request the faculty member under consideration appear before the Committee. If the faculty member under consideration requests that a recording of his or her appearance before the Committee be made, and such request is made in writing not less than one week before the meeting, the Chair of the Committee shall provide for such a recording to be made.
2. The Committee may invite such other persons as it deems necessary to appear before the Committee. The faculty member under consideration shall be informed if any person is invited to appear before the Committee. Information introduced into consideration by the provisions of this paragraph shall be documented.

D. Recommendations of the Personnel Committee in Retention, Promotion, and Tenure Cases

In cases of retention, reappointment, promotion, or tenure, the Committee shall make a recommendation to the Dean based upon the information gathered relevant to the criteria (set forth below) for retention, reappointment, promotion, or tenure. A faculty member being considered for promotion or early tenure may request at any point that consideration of the promotion or early tenure be terminated.

1. Personnel recommendations shall be by majority vote of those present at the meeting. Voting on personnel matters shall be by paper ballot. A quorum shall consist of two-thirds of those Committee members, including the dean but excluding those on leave or sabbatical and excluding the member under consideration. Members on leave or sabbatical may attend and vote.

2. The recommendation of the Dean and the recommendation of the Personnel Committee shall be forwarded to the Provost pursuant to Article 4.2 of *The Redbook* for final action. The personnel Committee may elect to forward its recommendation separately.
3. In any case of reappointment, retention, promotion or tenure, where the faculty member under consideration is not given a favorable recommendation by the Personnel Committee of the Dean, the faculty member shall be informed in writing, within 48 hours, of the specific reason(s) for the unfavorable determination. In cases where the Dean's recommendation is not favorable, notice will be provided both in person and by certified mail. Timely notice must be given so that the faculty member can make a timely and informed decision on whether to file a grievance pursuant to *The Redbook*.

E. Recommendations of the Personnel Committee in Periodic Career Review Cases

1. With respect to periodic career review for Law School Faculty, after reviewing relevant annual review documents (as provided in II.B.2. above) and other relevant and available evidence, the Personnel Committee shall determine whether, without more information, it has concerns regarding the faculty member's level of performance.
2. If the Committee has concerns, it shall, in writing, notify the reviewed Law School Faculty member of its specific concerns. In that case, the Personnel Committee's process shall rest for 25 working days after the date when the Personnel Committee tendered notice to the reviewed faculty member; and the reviewed faculty member must submit any response by the close of that 25-day period. The Committee shall hold a meeting at which the faculty member will be entitled to be heard, as soon as practicable after the 25-day period.

III. GENERAL CRITERIA RELATING TO RETENTION, REAPPOINTMENT, PROMOTION, TENURE, AND PERIODIC CAREER REVIEW

The following criteria shall be used in determining whether a Law School Faculty member or Term Faculty member should be retained, reappointed, promoted, or advanced to tenure and in a periodic career review. Provided, that a Term Faculty member shall not be eligible for tenure, and further shall not be required to engage in scholarship or creative activity unless such is required in his or her letter of appointment or relevant workplan(s).

A. Teaching

Effective teaching is indispensable for reappointment, promotion, or tenure. Thorough preparation, mastery of the subject matter, and effective communication thereof are essential. The individual teaching style of any faculty member, however, is of necessity a matter of his or her personal determination. Evidence of classroom teaching effectiveness will ordinarily be gathered from classroom visitation and from student course evaluations.

1. The Personnel Committee shall consider the organization of courses and material, planning and preparation for the courses, the vitality of classroom presentation, the capacity to inspire students and to arouse lasting intellectual interest, knowledge of the subject matter, use of teaching materials, efforts made to encourage student participation, and the like in evaluating classroom teaching effectiveness.
2. The faculty member's advising and counseling of students will also be considered as activities relating to teaching. Information from students through course evaluations and individual comments will be considered and accorded proper weight.
3. The development of new courses or innovative, effective teaching approaches shall be considered. A faculty member under consideration may provide evidence of such innovations or new programs. (In a case of major innovations, the activity may more appropriately be considered as creative achievement; see Research and Creative Achievement.)
4. Presentations to Bar groups, continuing legal education seminars, and community groups which are primarily in the nature of teaching rather than of creative significance or of service shall also be considered in determining teaching excellence and the faculty member under consideration may provide the Personnel Committee evidence of the quality of teaching represented by these presentations.

B. Research or Creative Achievement

The Law School recognizes and encourages diversity of research contributions and creative activity. Many forms of creative activity recognized by the Law School are unique to the legal community. Research and creative activity by law faculty members enhance the understanding of the subjects which faculty members teach or contribute to the clarification, development and reform of the law.

1. Research and creative achievement may take such forms as books, law review articles, law related articles in other learned journals, course materials, written briefs, and papers presented at professional conferences and learned meetings. To the extent they represent serious research and creative achievement, presentations to continuing legal education

seminars, legislative drafting, research grant proposals and the like are also recognized. Research which leads to the development of major innovations in effective teaching and research methods is recognized when it involves significant research and creative efforts. Law reform projects, consultation with legislative, judicial or administrative bodies, and participation in empirical research projects may be recognized forms of research and creative activity.

2. Research or creative activity in progress shall also be considered an achievement to the extent that the faculty member under consideration has developed it to the point that the quality of the work can be considered by the Personnel Committee.
3. The evaluation of research and creative achievement should be based on documentary or documented evidence. Publication or other printed or written work provides this type of evidence, and material to be considered as research or creative activity will ordinarily be reduced to writing.
4. In reviewing research and creative achievement, the Personnel Committee will give attention to both the quality and quantity of the work, but the quality of work will be considered of primary importance.

C. Service to the Law School and to the University

The faculty member's participation in the governance and operation of the Law School is important in maintaining the strength of the school.

1. Service to the Law School includes participation in faculty meetings and faculty committees, administrative assignments, the sponsorship of student groups or other services to students, and the performance of special tasks assigned by the law faculty or Dean.
2. The Law School has an important obligation to participate actively in the affairs of the University community. Therefore, faculty members are expected to provide service to the University as well as to the Law School. Participation in University committees, performance of University governance or administrative tasks, acceptance of significant advisory positions within the University and the like shall be considered evidence of service to the University.
3. A faculty member under consideration may present evidence of participation on M.A. and Ph.D. thesis and dissertation committees.
4. The quality as well as the quantity of service to the Law School and service to the University shall be considered. A faculty member under consideration may provide, or the Personnel Committee may seek, written evaluations of the faculty member's service.

D. Service to the Community and to the Profession

1. Service to the community (local community, state and nation) may take many forms including law reform projects (to the extent not counted as Research or Creative Activity); speeches and interviews; service on community committees, task forces and commissions; and presentations concerning the law to community groups, schools and the like. To be considered as service to the community, the activity must be related to one's status as an attorney or as a faculty member.
2. Service to the profession as well as to the community is expected of law faculty members. Active participation in professional organizations, service on bar committees and commissions, presentations to continuing legal education seminars (to the extent not counted as Teaching or Research or Creative Activity), and participation in professional meetings are acceptable forms of professional service. The receipt of professional honors and awards may be recognition of professional service.
3. The quality as well as the quantity of service to the community and service to the profession shall be considered. To the extent possible, evaluations based on first-hand observation by members of the Personnel Committee should be obtained, but a faculty member under consideration may provide, or the Personnel Committee may seek, evaluations of the faculty member's services.

E. Service at the Law School is a factor to be considered in determining whether a promotion or "early tenure" is appropriate. Presence at the Law School over a period of years is necessary to develop a base upon which a complete evaluation of a faculty member's performance may be made and to provide sufficient data upon which to make judgments concerning a faculty member's future promise. However, seniority alone shall not be the basis for promotion.

F. Persons having their primary appointment to the Law Library Faculty are not required to have a law degree for promotion to be granted.

IV. STANDARD FOR REAPPOINTMENT, PROMOTION, AND TENURE

A. Reappointment of Assistant Professors

Assistant Professors who are candidates for reappointment shall demonstrate that they hold promise for achieving – and are making reasonable progress toward achieving – proficiency in teaching; in research and creative activity; in service to the Law School and the University; and in service to the community and profession.

B. Promotion to Associate Professor

Candidates for promotion to Associate Professor shall demonstrate proficiency in teaching; in research and creative activity; service to the Law School and University; and service to the community and profession. They shall, in addition, give promise of continuing proficiency in all of these areas.

C. Reappointment of Associate Professors

Associate Professors who are candidates for reappointment shall demonstrate that they continue to meet the standards for promotion to Associate Professor. In addition, they must show that they are making progress toward a level of performance better than proficiency in teaching or in research and creative activity. They shall also give promise of continuing proficiency in all areas.

D. Tenure

Candidates for advancement to tenure shall demonstrate proficiency in teaching; in research and creative activity; service to the Law School and the University; and service to the community and profession. They also shall demonstrate a level of performance better than proficiency in either teaching or research and creative activity. They shall, in addition, give promise of continuing at these levels of performance in all areas. Ordinarily, a candidate may demonstrate proficiency in research and creative activity by completion and submission for publication of three law review articles, as described in section III.B.1., and substantial progress on a fourth article. This level of productivity may also demonstrate a level of better than proficiency, depending on the quality of the articles.

E. Promotion to Professor

Candidates for promotion to the rank of Professor shall meet the standards required for tenure. In addition, they shall demonstrate a strong commitment to excellence in legal education and achieve significant professional respect among their colleagues on a national or international basis as evidenced, for example, by citation to the candidate's published work or by invitation to speak at conventions or conferences or as a distinguished lecturer. Any evaluation of whether the standards for promotion to the rank of Professor are satisfied shall take into account the candidate's annual workplans.

V. PERIODIC CAREER REVIEW

- A. The annual Personnel Committee review for tenure track Law School Faculty members will be the review conducted in connection with reappointment, retention, and promotion. In addition, during each year in which no annual Personnel Committee review occurs for that non-tenured faculty member, the Dean and the Personnel Committee shall review the tenure track faculty member concerning progress being made toward promotion and/or tenure. The review that occurs at the midpoint of that faculty member's tenure track period shall be conducted in accordance with any additional Redbook requirements for a midpoint review. This midpoint review shall be included as part of a candidate's tenure file. In all annual and periodic reviews, the Dean and Personnel Committee shall provide separate, written statements specifying progress being made towards promotion and/or tenure. The Dean's separate statement may be incorporated into the notice given to the faculty member concerning annual review. The Personnel Committee may also take other steps to inform faculty members of their progress toward tenure and promotion as may be necessary.
- B. The Personnel Committee shall conduct a periodic career review of each faculty member with tenure, for the purpose of enhancing the quality of the Law Faculty, during every fifth year of his or her service (as determined by the year in which he or she joined the faculty). The standard the Personnel Committee shall apply in periodic career review cases is whether the faculty member is satisfactory in all relevant areas of faculty responsibility enumerated in Part III of this document. The Personnel Committee shall also take into account the faculty member's assigned responsibilities and his or her performance under approved workplans. The institution of quinquennial periodic career reviews for the tenured faculty members is understood by the Law School and its tenured faculty members not to waive any legal rights vested in such faculty as a consequence of their being awarded tenure.
- C. When the review would occur in a year of a sabbatical or other authorized leave, the career review shall be deferred until the next academic year. A promotion shall replace a career review during the year in which the promotion occurs. Each year, the Personnel Committee which conducts a career review shall be composed of all tenured, full professors of law whose primary appointment is in the Law School. A quorum shall consist of two-thirds of those Committee members, including the Dean but excluding those on leave or sabbatical and excluding the member under consideration. Members on leave or sabbatical may attend and vote.

- D. In a year when a member of the Personnel Committee is subject to a career review, that member shall not vote upon, nor participate in that portion of Personnel Committee meetings devoted to, his or her own career review.
- E. The Dean shall evaluate on an annual basis the performance of each Law School Faculty, Term Faculty and Law Library Faculty member during the current academic year and the two preceding years. This evaluation may be in connection with the annual review process. Based upon this evaluation, the Dean shall rate each faculty member's performance as commendable, satisfactory, generally satisfactory but needing improvement in certain areas, or unsatisfactory. For faculty members who have requested a salary increase during that year, the Dean's rating shall correlate directly to the amount of the salary increase, if any. At a periodic career review meeting involving a tenured faculty member, the Personnel Committee shall first review the three most recent of these ratings pertaining to that faculty member. If at least two of the three ratings are satisfactory and/or commendable, the Personnel Committee shall report to the Dean and the faculty member that the faculty member's performance is satisfactory, unless two-thirds of those present and voting agree that a more comprehensive review is warranted in the case of that faculty member.
- F. If the Personnel Committee's initial review of the Dean's ratings provided for in V.E. does not result in a positive recommendation to the Dean; the Personnel Committee shall conduct an in-depth review of the tenured faculty member in accordance with the provisions on II.E. This review can occur at the same or a later meeting. The Committee shall make a finding, after reviewing relevant annual review information and other information it has received pursuant to the provisions of this document, of whether or not the faculty member's performance meets the standard set forth in Part V.B. The Personnel Committee shall report its finding to the Dean and the faculty members in writing. In its finding it shall specify the reason(s) for the finding. If the faculty member disagrees with the Personnel Committee's finding, he or she may file a grievance against the Personnel Committee pursuant to Article 4.2 of *The Redbook*. The Personnel Committee shall, throughout the grievance proceeding, bear the burdens of going forward and of persuasion on every issue, whatever the issue may be, even if the issue embraces or arises from the grievant's defenses, if any, during the proceeding; and the Personnel Committee shall prove its case by clear and convincing evidence.
- G. Tenured faculty determined to have met the standard (set forth in Part V.B.) shall begin the next review cycle the following academic year. Tenured faculty

evaluated as not meeting the standard (set forth in Part V.B.) shall prepare with the Dean, and in consultation with the Personnel Committee, a constructive profession development plan which specifies the area(a) that need to be improved in order to meet the criteria and which indicates the period of time within which the improvement should be accomplished. The plan shall be prepared within thirty calendar days of the unfavorable review. In no case shall the period be less than one year, and the Dean may approve a longer period. The faculty member and the Dean shall enter into a written memorandum setting forth the details of the plan. At the end of the development plan period, the faculty member shall undergo a special career review by the Personnel Committee. All procedures and faculty members' rights applicable in periodic career reviews are equally applicable in special career reviews. If the Personnel Committee finds that the faculty member's performance meets the standard (set forth in Part V.B.), the next period career review cycle shall be the academic year following one year after the completion of the plan. If the Personnel Committee finds that the faculty member's performance does not meet the standard (set forth in V.B.), the Committee shall submit its finding, in writing, to the Dean for appropriate personnel action. The Personnel Committee, in the finding, shall specify the reason(s) for its finding. A copy of the finding shall be sent to the faculty member. The Dean's "appropriate personnel action" options shall not include discipline except in situations where discipline is authorized by the Kentucky Revised Statutes and *The Redbook*, and in accordance with due process. A finding that a faculty member does not meet the standards of V.B. shall not be dispositive in any disciplinary proceeding, and an independent inquiry shall be conducted before any discipline is imposed.

If the faculty member disagrees with the Personnel Committee's finding in the special career review, or the "appropriate personnel action" taken by the Dean, or both, he or she may file a grievance pursuant to Article 4.2 of *The Redbook*. All procedures and faculty member's rights applicable in career reviews are equally applicable in this grievance.

- H. Periodic career reviews of tenured faculty shall also assess the appropriateness of salary increases over a longer period than annual reviews permit. In extraordinary circumstances, where evidence of outstanding performance over a long period warrants, the Personnel Committee may recommend that the Dean seek funding for a supplementary salary increase to reward career demonstrations of professional excellence.

- I. All rights of due process and appeal, as provided for faculty in *The Redbook* shall be applicable to these reviews.

VI. EVALUATION OF ADJUNCT INSTRUCTORS

- A. Adjunct instructors are appointed to teach only one or more specified courses and only for one semester. An adjunct instructor may be appointed for two semesters if the course being taught is a year-long course or a year-long sequence of two related courses.
- B. At least once a year, the Associate Dean will provide a written evaluation to each adjunct instructor, retaining a copy of this evaluation for the law school's records.

VII. EXTRAMURAL EVALUATION

- A. Extramural evaluation is required for research and creative activity for tenure, or for promotion of a tenured or tenure track member of the Law School Faculty. Every time a faculty member is considered for promotion or tenure, that faculty member must submit for extramural evaluation at least one scholarly work that was not extramurally evaluated prior to promotion or tenure decision involving that faculty member. Candidates for tenure shall have submitted at least two scholarly works for extramural evaluation, including any works submitted in previous promotion decisions. Candidates for promotion to full professor shall submit at least one work for extramural evaluation, which shall not have been previously submitted. If a member of the Law Library Faculty under consideration for promotion desires to have extramural evaluation of research and creative activity, she or he may request such extramural evaluation in writing to the Dean or Dean's designee as Chair of the Personnel Committee.
- B. The faculty member must provide the Dean or Dean's designee as Chair of the Personnel Committee with the scholarly works for review by May 30 preceding the academic year in which promotion or tenure for that faculty member will be considered. Unless the faculty member selects works in more than one area, as determined by the faculty member, and wishes to have separate evaluations for the separate areas, all scholarly works selected by the faculty member will be sent as a group to reviewers. The faculty member may select a scholarly work even though it has not yet been published.

- C. The faculty member to be considered for promotion or tenure must submit a list of four external reviewers to the Dean or Dean's designee as Chair of the Personnel Committee by May 30 preceding the academic review in which tenure for that faculty member will be considered. The faculty member must select reviewers who are recognized scholars in the area in which the faculty member publishes. The faculty member must disclose the degree of relationship, if any, the faculty member has with the reviewer and the context of that relationship. If the faculty member requests separate evaluation for separate areas, the faculty member must provide, by May 30, separate lists of four reviewers each and must indicate which scholarly works correspond to the separate lists of reviewers. The faculty member must provide the Personnel Committee with a list of publications of each reviewer.
- D. The Dean or Dean's designee as Chair of the Personnel Committee, or any member or subgroup of the Committee to which the Chair has delegated the task, shall select seven reviewers. The Chair or delegee shall select at least three reviewers from the list supplied by the faculty member and independently will select other reviewers. Selected reviewers should be scholars in the area in which the faculty member has published. If the faculty member indicates that his or her scholarly works are in separate areas and that the faculty member desires separate reviews, the Chair or delegee shall select seven reviewers for each area. If the faculty member has failed to provide the Chair with a list of reviewers by June 15, the Chair or delegee shall select reviewers without the faculty member's input. The Chair or delegee must provide to the faculty member for comment the list of reviewers selected. The faculty member shall select six reviewers from the list of seven. The faculty member must disclose the degree of relationship, if any, the faculty member has with any of the reviewers and the context of that relationship.
- E. The Chair or delegee must send the scholarly works to at least three reviewers no less than twelve weeks before the Personnel Committee meeting at which the candidate will be considered. If the faculty member under review submitted a list of qualified reviewers, at least one-half of the reviewers to whom the article is sent must be on the list submitted by the faculty member. The Chair or delegee shall send to each reviewer the works to be reviewed, a Curriculum Vitae of the faculty member, and a copy of the relevant sections of this Law School Personnel Document setting forth the appropriate standards for evaluation of the faculty member under consideration. Each reviewer must be asked to disclose the relationship, if any, the reviewer has with the faculty member under consideration and the context of that relationship.

- F. At least three extramural evaluations must be received for each faculty member under consideration. In cases in which scholarly works have been sent to reviewers in different areas, three extramural evaluations must be received for each area. If it appears that the minimum number of reviews will not be returned from the initial set of reviewers, the Chair or delegee shall proceed expeditiously to obtain reviews from other qualified scholars. The reviewers should be sent the information identified in Part VI.E. of this document. This minimum required number of evaluations may be waived by majority vote of the Personnel Committee with the consent of the candidate.

- G. Any faculty member to be considered for promotion to the rank of Professor must submit all scholarly works published since the grant of tenure, but not subjected to extramural review in the tenure process, to the Personnel Committee. The scholarly works must be submitted by May 30 preceding the academic year the faculty member is to be considered for promotion. The extramural review must occur according to the timetable and procedure for extramural review contained in sections VI. B., C., and D.

- H. Recommendations regarding the advisability of awarding promotion or tenure shall not be solicited since extramural evaluators are usually not familiar with the total performance of the candidate. If such recommendations are submitted they shall be disregarded.

VIII. LAW FACULTY WORKPLAN

- A. All full-time faculty of the Law School shall have an approved workplan that will contribute to the Law School's mission and encourage faculty members' individual development.

- B. The standard annual workplan requirements for full-time faculty members of the Law School are as follows:
 - 1. The standard annual teaching requirement for each full-time faculty member of the Law School shall ordinarily be two courses (6 hours) a semester during the regular academic year, for a total of 12 hours.
 - 2. The standard annual service requirement for all full-time faculty members of the Law School shall ordinarily be regular committee assignments within the law school and additional University, professional or community service.
 - 3. The standard annual requirement for research and creative activity shall be

- a. For tenured faculty, ordinarily the equivalent of a law review article;
 - b. For tenure track faculty, as follows: Tenure track faculty shall not be expected to produce research and creative activity by the end of their second semester of teaching. The annual research and creative activity expectation for tenure-track faculty must also incorporate the over-all tenure expectation, as expressed in Section IV.D. of this Law School Personnel Policies for Appointment, Retention, Reappointment, Promotion, Tenure, and Periodic Career Review.
4. Tenure track faculty will ordinarily be granted release time equivalent to one course at some point early in their careers. Further, to the extent possible, service obligations will be kept to a minimum for the first two years for tenure track faculty.
- C. If it is consistent with the unit's mission and facilitates the accomplishment of its goals and objectives, tenured faculty may negotiate an alternative workplan with the Dean which allows the faculty member to concentrate in teaching, research and creative achievement, or service. This concentration may be for an extended period if it is consistent with the unit's mission and facilitates the accomplishment of its goals and objectives. This alternative workplan shall be the equivalent of the standard workplan.
1. Alternative workplans may also be negotiated by faculty with enhanced administrative responsibilities, such as the Associate Dean and the Law Library Director
 2. The Law School specifically recognizes one alternate workplan that may be the equivalent of the standard annual workplan: increasing the teaching load to include one additional course during the academic year, relieving the faculty member of the obligation to engage in research and creative achievement.
 3. The Dean and a faculty member may also negotiate others. All faculty workplans must be approved by the Dean and shall respect both the individual faculty member's need to shape his or her own career and the Law School's various needs.
 4. When circumstances require changes in the workplan, the faculty member shall file an amended plan (including an explanation of the necessary changes) for the Dean's approval.

IX. ANNUAL REVIEW

- A. The Dean of the Law School shall review annually the performance of each full-time Law Faculty member.

Ordinarily, individual faculty members must be considered for a salary increase each year. However, even if a faculty member elects not to be considered for a salary increase, an annual review is mandatory.

B. Review Process

1. The person who conducts the annual review within the Law School is the Dean. After notification to the faculty, the Dean may seek assistance in the evaluation process from such faculty members as the Dean may select, but such faculty members may decline the Dean's request. Unless the faculty directs otherwise, salary increases shall be awarded as a specific percentage of the recipient's base salary.
2. Each year, the Dean shall announce at least three weeks in advance of the date by which all faculty members can present to the Dean documentation of achievement for evaluation. AS part of the documentation for annual review, faculty shall submit a report of any professional work performed outside the University, as required under section 4.3.3 of *The Redbook*.
3. The period of achievement to be covered by the annual review ordinarily shall be the then current year and the preceding two years. However, for every consecutive year that the pool of monies for general faculty increases fails to equal two percent (2%) of the total faculty salary budget, the normal three-year period of evaluation shall be extended accordingly. For example, if the total pool equals 1-1/2% for 1988 and the following year the pool equals 5%, the 1989 evaluations must cover a four-year period instead of the normal three-year period.
4. Regardless of title, responsibilities, or status (e.g., on sabbatical, leave of absence), all full-time members of the Law Faculty shall be considered for annual salary increases.
5. The Associate Deans and Law Librarian will be evaluated for the salary increases over a three-year period. While serving in that capacity, the Associate Deans and Law Librarian will be evaluated on performance of faculty and administrative responsibilities. The Associate Deans and Law Librarian will be eligible to receive the same salary increase as any other faculty member.

- C. The Dean shall evaluate each faculty member based on his or her performance over the relevant time period in the following areas: (1) teaching; (2) research and creative achievement; and (3) service. The Dean shall make the evaluation in light of faculty workplans. There shall be different relative weights for faculty members who elect to concentrate in one area so they are not discriminated against in annual review evaluations.

The Dean shall rate faculty performance as commendable, satisfactory, generally satisfactory but needing improvement in certain areas, or unsatisfactory. A lack of performance in one area of the workplan must be offset by extra performance in another area if a faculty member is to have an overall performance which is satisfactory or above. The factors relevant to evaluating performance in each of these areas are enumerated in section VII above.

- D. Ordinarily, extramural reviews of faculty performance are unnecessary for annual review evaluation. If a faculty member wants extramural review, such reviews must be obtained by the faculty member and available to the Dean at or before the time of the annual review evaluation, i.e., failure to obtain extramural review cannot delay the evaluation process.
- E. Unless the faculty directs, it is within the Dean's discretion to determine any minimum or maximum levels of salary increases in a given year.
- F. Only the faculty whose overall performance is judged to be commendable, satisfactory, or generally satisfactory but needing improvement in certain areas will receive a salary increase. A recommendation by the Dean for a zero salary increase must be submitted for the approval of the Provost. This written recommendation shall include the reasons for the zero salary increase and specific suggestions for improving any performance considered to be inadequate. Simultaneously, a copy of the recommendation shall be given to the faculty member involved.
- G. No portion of the funds allocated to the unit for salary increases for a particular year shall be awarded to any faculty member for special one-time bonus payments.
- H. By April 15th of each academic year, the Dean shall inform each faculty member in writing of the result of that member's annual review and salary recommendation, and the faculty member shall have an opportunity to respond to them. The Dean's review report should include specific recommendations for

improvement or for possible adjustments in workload concentration when the review identifies weaknesses and deficiencies. Following a written appeal by a faculty member, the Dean shall reconsider the annual review evaluation and/or salary recommendation for that faculty member only. The faculty member must appeal in writing within fourteen days of receiving the annual review evaluation and salary recommendation from the Dean. During the fourteen day period, an appropriately charged faculty committee shall be available to consult with individual faculty members as to concerns related to the Dean's assessment of the faculty member's professional effort in relation to the expected level of activity.

- I. Annual reviews shall become part of the record to be used in subsequent periodic career reviews. The Law School must collect and preserve annual reviews for future periodic career reviews. This shall be the Dean's responsibility.
- J. Within thirty days of the issuance of annual review evaluations and salary decisions to faculty members, the Dean shall compile a list of all salary increases for that year. The list shall identify each faculty member by name and the amount awarded to the faculty member. In addition, any faculty member may inspect a list of faculty salaries for the following year. These lists shall be available in the Dean's Office for inspection. A copy of these lists shall be provided to the University Provost.

[ADOPTED BY THE FACULTY OF THE LOUIS D. BRANDEIS SCHOOL OF LAW, June 15, 1978; AS AMENDED: December, 1980, April 4, 1983; RATIFIED: May 17, 1983; AMENDED: September 10, 1985; AMENDED: October 21, 1985; AMENDED: September 24, 1990; AMENDED: March 25, 1996; AMENDED: January 25, 2002; AMENDED: May 8, 2006; AMENDED: May 10, 2011; AMENDED November 17, 2015.]

Approved by the Board of Trustees: October 1985

Approved by the Board of Trustees: November 1990

Approved by the Board of Trustees: September 2011

Approved by the Board of Trustees: September 15, 2017