

# **SUFFOLK UNIVERSITY LAW SCHOOL**

## **LAW FACULTY HANDBOOK**

*As Amended by Law Faculty on May 16, 2019  
Approved by Faculty Review Committee September 5, 2019  
Approved by University Provost, September 19, 2019*

### **Preamble**

The Faculty of the Law School has prepared this Law Faculty Handbook (LFH), incorporated as Section 13 of the University Faculty Handbook (UFH), to govern the institutional role of the Law School Faculty in advancing the mission of Suffolk University Law School and the larger University of which it is part. This Law Faculty Handbook has been drafted to be consistent with the other portions of the University Faculty Handbook as well as the standards and by-laws of the American Bar Association (ABA) and the Association of American Law Schools (AALS).

To the extent there is any conflict between this LFH and other portions of the UFH that are not school-specific, the UFH shall be controlling. To the extent there is any conflict between the UFH and the ABA or AALS standards or by-laws, the ABA/AALS standards or by-laws shall be controlling.

Any provisions in this LFH that require approval by the Board of Trustees shall have no force or effect unless and until approved by the Board; and any provisions in this LFH that require approval by the Law Faculty shall have no force or effect unless and until approved by the Law Faculty.

## **Chapter 1 – Introduction**

- A. Mission of the Law School – Suffolk University Law School, located in Boston, is dedicated to welcoming students from all backgrounds and circumstances and educating them to become highly skilled and ethical lawyers who are well-prepared to serve in their local communities, across the nation, and around the world. Because the lawyer's role has evolved and expanded since Suffolk's founding in 1906, the Law School seeks to develop in its students the skills necessary to serve the profession's changing needs in an increasingly diverse, global and technologically dependent society. As one of the nation's largest law schools, Suffolk meets that challenge by providing students with a core foundation in legal education, a breadth of courses and programs, and excellent training by a diverse and accessible Faculty engaged in scholarship and service to their profession and communities. Suffolk's goal is to provide its students with access to an excellent legal education, inspire a commitment to justice, and provide its graduates the opportunity to achieve their career aspirations.
  
- B. Integrity, Honesty, and Professionalism – The Law School is founded on a commitment to academic honesty, integrity, and professionalism by its Faculty and students. This commitment is essential to the mission of the Law School.

## **Chapter 2- Governance and Organization**

### **A. The Dean**

1. Chief Executive Officer – The Dean is the chief executive officer of the Law School and reports to the Provost and the President of the University.
2. Faculty Tenure – Except in extraordinary circumstances, the Dean shall hold appointment as a member of the law faculty with tenure.
3. Law School Administration – The Dean may organize the Law School administration as the Dean chooses. The Dean may hire non-Faculty administrators and staff of the Law School as the Dean chooses.
4. Academic Deans – Associate Deans with academic decision making responsibility and supervisory authority over Faculty Members (e.g., associate deans for academic affairs, associate deans for experiential education) must be Faculty Members. The Dean may appoint a reasonable number of such supporting deans from the tenured Faculty. The Dean may appoint such a supporting dean from the untenured Faculty, but such an appointment requires the affirmative vote of two-thirds of the Faculty. The Dean may assign such duties to each dean as are appropriate, including acting for the Dean in the Dean’s absence.
5. Dean’s Annual Report to the Faculty – The Dean will make an annual report to the Faculty at the beginning of each academic year. The Dean’s Annual Report will address matters such as admissions statistics, student employment statistics, the financial condition of the law school, large agenda items for the year, and other issues the Dean determines are of concern to the Faculty.

### **B. The Faculty**

1. Definition of Faculty – As used in this LFH, “Faculty” refers to individuals who hold any of the following appointments: Clinical Professor of Law; Professor of Academic Support; Professor of Law; Professor of Legal Writing; Associate Clinical Professor of Law; Associate Professor of Academic Support; Associate Professor of Law; Associate Professor of Legal Writing; Assistant Clinical Professor of Law; Assistant Professor of Academic Support; Assistant Professor of Law; Assistant Professor of Legal Writing; and the Director of the Law Library and Information Resources if appointed with rank of Professor of Legal Research or Associate Professor of Legal Research, or Assistant Professor of Legal Research (“Director of the Law Library”).

2. Faculty Assembly – The Law School Faculty Assembly is comprised of all Faculty eligible to vote at a Faculty Meeting.
3. Voting rights – All Faculty are permitted to vote at Faculty Meetings and in Committee meetings subject to the limitations set forth below. Faculty members who have elected to participate in the PRB may vote on all matters except tenure decisions pursuant to Chapter 7 and hiring pursuant to Chapter 4 of this LFH.
  - a. ASP Faculty with term or presumptively renewable contracts may not vote on matters or serve on committees relating to the hiring, reviewing, promotion or retention of tenured or tenure-track faculty, or on issues relating to tenure or tenure policies. ASP Faculty with rank other than Professor may not vote on the granting of 3 or 5 year contracts to ASP Faculty.
  - b. The Director of the Law Library is eligible to serve as a voting member of committees, except those committees involving hiring, reviewing, promotion, or retention of Faculty, such as the Clinical Committee, the Faculty Appointments Committee, and the Tenure Committee, and may attend Faculty meetings and vote on all matters that may come before the Faculty, except on appointments to tenure or tenure-track appointments or on tenure issues.
  - c. Vote Required to Take Action – Except as set forth in Chapter 7 on Tenure and Chapter 4 on hiring and appointment, a majority of Faculty present and voting constitutes a valid vote to take or not take action on a matter.

## C. Committees and Representatives of Faculty Senate

1. Membership of Committees
  - a. Committees Elected by the Faculty – The Faculty will elect Faculty members to represent the Law Faculty in the University Faculty Senate to fill any vacant seats. The Law School has four representatives to the Faculty Senate, who serve staggered two-year terms. The Faculty Senate is the executive committee of the University's Faculty Assembly. The Faculty Senate and its duties are more fully described in Section Two, Part C of the University Faculty Handbook. When applicable, the members and Chair of the Dean Search Committee will be elected among the members of the Faculty.
  - b. Committees – By the beginning of the academic year, the Dean shall name all ad hoc committees and appoint the members and

chairpersons of all committees not named in paragraph 2.C.1.a, except for the Tenure Committee. The Dean must provide each ad hoc committee with a charge at the beginning of the academic year. In addition, the Faculty, pursuant to its shared governance responsibility with the administration, may create and formulate any standing or ad hoc Faculty Committee it deems necessary. The Dean will provide adequate information to the chairs of each committee to permit each committee to further their charge, which may include financial considerations.

- c. Tenure Committee and Faculty Review Committee – All tenured Faculty members are members of the Faculty Review Committee. Procedures for appointment of members of the Tenure Committee and the Chairs of the Tenure Committee and the Faculty Review Committee are set forth in Chapter 7 of this LFH.
2. List of Committee Appointments – By the beginning of the academic year, the Dean shall provide the Faculty with a list of all committees and their membership.
  3. Standing Committees – The Law School standing committees are the Faculty Appointments Committee, the Tenure Committee, the Curriculum Committee, the Academic Standing Committee, the Admissions Committee, the Administrative Committee, the Graduate Programs Committee, the Faculty Review Committee, the Grading Policy Committee, the Honors and Awards Committee, the LPS Committee, the Academic Success Committee, the Clinical Committee, the Scholarship & Workshop Committee, the Teaching Committee, and the Budget Committee.
    - a. Faculty Appointments Committee – The Faculty Appointments Committee screens candidates for full-time tenure-track positions and candidates for look-see visitor positions. The Faculty Appointments Committee recommends to the Faculty candidates for hiring.
    - b. Tenure Committee – The Tenure Committee evaluates tenure-track Faculty for retention, tenure, and promotion. The composition of the committee and its charge are set forth in Chapter 7.A.
    - c. Curriculum Committee – The Curriculum Committee makes recommendations to the Faculty about the Law School’s curriculum.
    - d. Academic Standing Committee – The Academic Standing Committee makes recommendations to the Faculty about the Law School’s academic standards, including matters related to students who are or should be on academic probation, standards for student retention and advancement, and standards for graduation. The Academic Standing Committee is responsible for acting on student petitions related to

those standards. Except as provided in the Academic Standards, the Academic Standing Committee has the authority to enforce the Academic Standards without further action by the Faculty.

- e. Grading Policy Committee – The Grading Policy Committee makes recommendations regarding the mandatory or suggested grading practices and curves, transparency regarding grading practices, and other issues regarding grading standards.
- f. Honors and Awards Committee – The Honors and Awards Committee solicits nominations and makes recommendations to the Faculty regarding recipients of student graduation awards.
- g. Admissions Committee – The Admissions Committee recommends policies relating to admissions to the Faculty. The Admissions Committee implements admissions policy. The Admissions Committee has the authority to make decisions on applications for admissions without further action by the Faculty.
- h. Administrative Committee – The Administrative Committee decides matters relating to disciplinary matters, including appropriate sanctions, when a student who is charged with a violation of the Code of Conduct believes that the charge is not accurate or that the sanction imposed by the Associate Dean for Academic Affairs is not appropriate, or when the charged student fails to make a timely response to the charge.
- i. LPS Committee – The LPS Committee screens candidates for full-time positions. The Committee also recommends to the Faculty candidates for hiring. Further, the Committee is responsible for reviewing LPS Faculty who are eligible for long-term contracts, and reviews LPS related issues affecting the programs or the school. The LPS Committee should consist of a minimum of seven voting Faculty members.
- j. Academic Success Committee – The Academic Success Committee addresses matters related to the Academic Support Program (ASP) and bar preparation initiatives. With regard to ASP, the Committee screens candidates for ASP Faculty positions, makes hiring recommendations to the full Faculty, and reviews ASP Faculty for three-year and five-year contracts and renewals. The Committee also oversees and makes recommendations regarding the Law School’s bar preparation programs and may consider and recommend changes to academic standing requirements.
- k. Clinical Committee – The Clinical Committee screens candidates for positions in Clinical Programs and recommends candidates for clinical positions to the full Faculty and, as appropriate, to the Dean. The

Clinical Committee reviews candidates for positions of Practitioner in Residence and Clinical Fellow pursuant to the procedures set forth in Chapter 4.B.3-4. The Committee also considers other issues related to Clinical Programs and makes recommendations to the Director of Clinical Programs and/or, as appropriate, to the Dean and/or Faculty.

- l. Faculty Review Committee – The Faculty Review Committee is comprised of all Faculty who have received tenure from the University at the Law School. The Faculty Review Committee’s role is described in Chapter 7 but its general charge is to evaluate tenure-track Faculty for retention, tenure, and promotion, and make recommendations to the Dean and to the University on retention, tenure, and promotion.
- m. Graduate Programs Committee – The Graduate Programs Committee oversees the Law School’s post-J.D. graduate programs and makes recommendations to the Faculty relating to program policies and degree requirements. The Graduate Admissions Subcommittee of this Committee recommends and implements policies relating to graduate admissions to the Faculty. The Graduate Admissions Subcommittee has the authority to make decisions on applications for graduate admissions without further action by the Faculty.
- n. Scholarship and Workshop Committee – The Scholarship and Workshop Committee creates opportunities for any Faculty member who wishes to present scholarship to the Faculty. The Committee also coordinates opportunities for Faculty members to present their work at other educational institutions and works to bring scholars from other educational institutions to present at the Law School in a variety of areas of interest to the Faculty. The Scholarship and Enrichment Committee must be open and receptive to all Faculty at the Law School and serve to facilitate the scholarly development of all Faculty at the Law School.
- o. Teaching Committee – The Teaching Committee creates opportunities for any Faculty member who wishes to present innovative teaching ideas to the Faculty. The Teaching Committee also coordinates opportunities for Faculty members to present their work on innovative teaching at other educational institutions and works to bring scholars on innovative teaching from other educational institutions to present at the Law School. The Teaching Committee must be open and receptive to all Faculty at the Law School and serve to facilitate the teaching development of all Faculty at the Law School.
- p. Budget Committee – The Budget Committee advises the Dean on the Law School’s discretionary operating expenses, ensures that the Faculty has a voice in the budget process, and educates the Faculty on the law school’s budget. The Dean will provide the Committee with law

school-related budget information (other than individual salary data) that is reasonably available and relevant to the Committee's purpose.

The Law School Budget Committee consists of four members of the Faculty: two will be selected by the Dean, and two will be selected by a vote of the Faculty. The chair, or co-chairs, of the Committee will be selected by a vote of the Committee at the Committee's first meeting. Any appointments and elections should take place no later than September 15 of each academic year.

4. Actions of Committees – Every committee acts as necessary to accomplish its mission, but all material actions taken by a committee must be approved by the Faculty, except to the extent that the authority to act without Faculty action has been delegated to a committee in this Law Faculty Handbook.

#### D. Faculty Meetings

1. Chair and Secretary of Faculty Meetings – The Dean acts as chairperson of Faculty meetings. The Dean appoints a recording secretary to record the general discussion and votes for Faculty meetings.
2. Regular Meetings – Meetings of the Faculty are generally held once each month during the fall and spring terms. The Dean calls regular meetings at a date, time, and place to best facilitate attendance. Notice of the time and place for regular meetings of the Faculty must be given at least seven business days in advance. Notice may be given by inter-office mail, email, telephone, or voice-mail.
3. Special Meetings – The Dean, Provost or 25% of the Faculty may call special Faculty meetings at any time during the fall and spring terms. Notice of the time and place for a special meeting must be given at least one business day in advance by a method that is reasonably calculated to best reach the Faculty. Only business described in the special Faculty meeting notice may be conducted at a special meeting of the Faculty. The Faculty may, however, vote on non-agenda items to be ratified at the next regular meeting.
4. Summer Meetings – If urgent matters arise during the summer term, the Dean may call a summer Faculty meeting. Notice of the time and place for a special Faculty meeting must be given at least 48 hours in advance in a method that is reasonably calculated to best reach the Faculty. One-third of the members of the Faculty constitute a quorum for a summer meeting. Only business described in the summer Faculty meeting notice may be conducted at a summer meeting of the Faculty. The Faculty may, however, vote on non-agenda items to be ratified at the next regular meeting.



## 5. Quorums and Voting

- a. **Quorum** – Except as otherwise provided in the University Faculty Handbook or this Law Faculty Handbook, a majority of the Faculty constitutes a quorum at a Law School Faculty meeting, and a majority of the members of a committee constitutes a quorum of the committee. All Faculty who are eligible to vote and who are present are counted in determining the existence of a quorum, whether or not they vote on a specific matter. A Faculty member who is on an approved leave will not count for purposes of quorum, unless he or she participates in a Faculty meeting at which a vote is taken.
- b. **Method of Voting** – Votes are taken by voice, by hands or by electronic voting (i.e. clickers) unless the Dean, the chair of a committee, or any Faculty member requests a secret written ballot vote before voting has begun or unless a secret written ballot vote is required under the University Faculty Handbook or this Law Faculty Handbook. At the request of any Faculty member any vote on the Faculty Appointments Committee will be anonymous.
- c. **Proxy Voting** – Proxy voting is defined as voting by absentee ballot, voting by electronic means, such as email or fax, and voting through the use of an appointed proxy. Proxy voting is not permitted at Faculty meetings. Proxy voting is not permitted at committee meetings. However, the members of any committee, except the Tenure Committee and Faculty Review Committee, may agree by majority vote of the then-current membership to accept votes by email.
- d. **Attending Meetings by Telephone or Video Conference** – If the facilities permit, the Dean or any Faculty member may attend a Faculty meeting or committee meeting by telephone or video conference, and he or she is considered present for all purposes. Because the Law School facilities may permit only limited attendance by telephone or video conference, such attendance is allowed only on a first-come, first-served basis.
- e. **Faculty Action Not Specified in the University Faculty Handbook or Law Faculty Handbook** – Except as otherwise provided in the University Faculty Handbook or this Law Faculty Handbook, actions of the Faculty require a majority vote of the Faculty.
- f. **Minutes** – Minutes of the actions taken at Faculty Meetings will be posted on the Faculty Portal or other appropriate repository and will be made available for review by any member of the Faculty.

- g. Roberts Rules of Order – Faculty Meetings will be conducted using Roberts Rules of Order. However, a majority of the Faculty present at a meeting can vote to modify any rules under Roberts Rules of Order.

## **Chapter 3: Faculty Appointments**

### **A. Categories of Teachers and Faculty Rank**

1. **Definition of Faculty** – The term “Faculty” is defined in Chapter 2.B.1 of this Law Faculty Handbook.
2. **Interim Visitors and Distinguished Visitors** – Interim visitors and distinguished visitors are full-time teachers appointed for up to one academic year. Interim visitors and distinguished visitors are appointed with the title of visiting professor, visiting associate professor, or visiting assistant professor. Interim visitors and distinguished visitors are not tenured and are not on tenure track. They have no voting rights and no service obligations at the Law School or at the University.
3. **Emeritus Status** – The title of Professor of Law Emeritus or Emerita indicates a position of honor and high regard in the Law School and University community. It is conferred upon those who have had a long-term relationship with the Law School and have been invited to maintain a continuing collegial relationship with the University after retirement as provided in Section Nine of the University Faculty Handbook. Emeritus professors are not tenured and are not on tenure track. They have no voting rights and no service obligations at the Law School or at the University. The procedures and standards for conferral of Emeritus status are set forth in Section Nine of the University Faculty Handbook.
4. **Research Professors** – This title is offered to those who fulfill the research qualifications of the professor or instructor ranks. The principal criterion for this title is scholarly productivity and recognition of original work. Research Professors may be eligible to give seminars and teach occasional courses, but such teaching assignment is at the discretion of the school. This title may only be used for appointments of up to three years, but may be renewed upon a demonstration of continued research and/or scholarship productivity. Research Professors are not tenured and are not on tenure track. They have no voting rights and no service obligations at the Law School or at the University. Research Professor status is conferred by recommendation of the Dean. The procedures and standards for conferral of Research Professor status post-retirement are set forth in Section Nine of the University Faculty Handbook.

## **Chapter 4: Search for and Appointments of Full-Time Faculty**

### **A. Recruitment and Appointment of Faculty to Tenured or Tenure-Track Positions**

#### **1. Recruitment for Tenured and Tenure-Track Positions**

- a. Method of Selecting Candidates – The Faculty Appointments Committee, the Clinical Committee in the case of Clinical Faculty candidates, or the LPS Committee in the case of LPS Faculty candidates, identifies and screens applicants and recommends candidates to the Faculty for consideration.
- b. Report of Appointments Committee to the Faculty – At the full Faculty meeting at which appointments are to be made, the Chairperson of the Faculty Appointments Committee, the Chairperson of the Clinical Committee in the case of Clinical Faculty candidates, or the Chairperson of the LPS Committee in the case of LPS Faculty candidates, shall report on the recommendations of the Committee. At the option of the respective Committees, the positions to be filled may be treated as mutually exclusive, in which event each position will be dealt with separately, or may be treated together, in which event a slate filling the number of vacancies available will be presented. The report of the respective Chairpersons shall elaborate on the respective Committee's reasons for recommending the appointment and for its rank ordering of the recommended candidates and alternates, as well as the reasons why other candidates who were interviewed at the Law School but did not receive the approval of the Committee.
- c. After presentation and discussion, a paper ballot will be circulated or an electronic ballot will be displayed for each position or for the slate of candidates. In each event the ballot will list the names of all candidates recommended by the Faculty Appointments Committee, Clinical Committee, or LPS Committee in ranked order as well as those candidates who were interviewed at the Law School but were not recommended by the respective Committees. Prior to voting, any member of the Faculty may make a motion to move a non-approved candidate onto the "approved" list, in which event that candidate will be eligible for appointment. The affirmative vote of 40% of the Faculty members present and eligible to vote is necessary to make a candidate eligible for appointment. All appointment votes shall be confidential.

2. Tenure Committee and Faculty Approval of a Candidate for a Tenured Position – Initial appointment of a candidate to a tenured position requires approval pursuant to Chapter 7.
3. Faculty Approval of Candidates for a Tenure-Track Position – Once the final list of eligible candidates for each position or on the overall slate is concluded, Faculty members vote for as many candidates as there are positions being filled at a given time. (For example, if there are three positions being filled off of a slate, a Faculty member may vote for three separate candidates on the ballot. On the other hand, if there is a single position, a Faculty member may only vote for one candidate on each round of balloting.) Initial appointment of a candidate to a tenure-track position requires the affirmative vote of sixty percent of the Faculty present and eligible to vote. If no candidate receives the necessary votes, that candidate receiving the lowest amount of votes is dropped from the ballot and a second or subsequent round of voting takes place. (No candidate is dropped from the bottom after any round of voting in which an appointment is made.) The same procedure as set forth above is used for the purpose of voting for alternate slots. Once the appointments are decided, alternates are treated as if they are filling vacancies in the same manner.
4. The Faculty ranks all acceptable candidates and the Faculty Appointments Committee, Clinical Committee, or LPS Committee notifies the Dean of those candidates receiving approval and their respective ranking.
5. Dean’s Initial Appointment of All Candidates – The Dean may make job offers only to candidates who have received the necessary approval under Chapter 4 of this Law Faculty Handbook. The names of candidates who have received approval are submitted to the Dean with their ranking, who will make offers based upon the ranking made by the Faculty. The Dean has full discretion for determining the time period for acceptance by the candidate. In determining the amount of the candidate’s salary, the Dean must consider the impact such salary will have on the overall Faculty salary structure including, in particular, the current salary of similarly situated Faculty. The Dean may, in appropriate circumstances, offer candidates three or more years of credit toward tenure, but an offer of more than two years of credit requires the approval of the Tenure Committee pursuant to Chapter 7.

B. Appointment of Teachers who are Not Tenured or on Tenure-Track

1. Distinguished and Interim Visitors
  - a. Distinguished Visitors – The Dean may appoint a special committee to recommend a Distinguished Visitor for appointment by the Dean for an initial term of up to one academic year. Appointment for any additional

term requires the approval of the majority of the Faculty. There is no limit on the number of additional terms to which a Distinguished Visitor may be appointed.

- b. Interim Visitors – A candidate for appointment to the Faculty as a visiting professor for an initial one-semester or two-semester term shall be presented by the Faculty Appointments Committee (in the case of doctrinal candidates), Clinical Committee (in the case of clinical candidates), or LPS Committee (in the case of legal writing candidates) to the Faculty for approval in the same manner as that set forth above for all candidates, except that such a visitor candidate may be recommended by the Faculty Appointments Committee to the Faculty for approval without holding a full Faculty interview for such candidate at the Law School.

If any candidate so approved by the Faculty for an initial visitorship is considered at a later time for an additional visitorship or for a tenure-track appointment, such later consideration shall be conducted in the usual manner, including a full Faculty interview at the Law School.

2. Adjuncts – The Dean, or the Dean’s designee, appoints all adjunct Faculty for a period of one fall, spring, or summer term. Adjunct Faculty may be reappointed by the Dean for additional terms, without limitation.
3. Practitioners in Residence in the Clinical Programs – “Practitioner in Residence” (PIR) is a title that falls under the University Faculty Handbook’s Instructor Track. PIRs in the Law School are legal professionals whose primary responsibility is to design, teach and/or supervise students in a specified clinic or externship program. PIRs are not eligible for tenure, do not have voting rights, and do not vote or serve on faculty committees. Ordinarily, a PIR will not teach outside the clinics or externship program. A subcommittee of the Clinical Committee shall be charged with screening candidates for any PIR position. When the chair(s) of the Clinical Committee deem appropriate, Faculty who do not sit on the Clinical Committee but who would contribute insight in relevant areas of substantive law, teaching methods, or other relevant experience may be asked to serve on the subcommittee. The chair(s) may also invite others with administrative appointments who would contribute insight in relevant areas to consult with the subcommittee in a non-voting role. The Clinical Committee will convene after interviewing all final candidates and vote to recommend one or more candidates in order of preference to the full Faculty for appointment. A vote of a majority of the Faculty present and voting at the Faculty meeting at which voting is conducted will result in the candidates as presented being approved for an offer. The Dean will then make an offer or offers in the order of preference. Letters of appointment for a PIR or CF are issued by the University’s Human Resources Department.

4. Instructors in Law – “Instructor in Law” is a title that falls under the University Faculty Handbook’s Instructor Track. Instructors in Law are full-time resident teachers who have expertise in particular subject matters by virtue of their professional experience or post-graduate educational training. Instructors are not eligible for tenure, do not have voting rights, and do not vote or serve on faculty committees. An initial one-year appointment as Instructor in Law may be made by the Dean. The Faculty may approve reappointment of an Instructor in Law for an additional one year term. A candidate for reappointment as Instructor in Law must first be reviewed by the Faculty Appointments Committee. If a majority of the Committee approves reappointment, the Committee will recommend the candidate to the Faculty for approval in accordance with the appointments procedures set forth above, except that a national search and candidate presentation to the faculty will not be required. No person may hold the position of Instructor in Law for more than a cumulative total of two academic years or for more than four semesters (excluding summer terms). The total number of individuals appointed as Instructors in Law within the Law School shall not exceed two in any single semester.

Limitations regarding the Instructor in Law position regarding (1) the maximum cumulative duration that such person may hold an appointment to the position, or (2) the number of persons appointed in any semester to such a position, may not be altered, amended or repealed except by a vote receiving more than 2/3 of the eligible voting Faculty present and voting at a faculty meeting.

C. Appointment of LPS Director, Professors of Academic Support, and Library Director

1. Appointment of LPS Director:

The LPS Director is appointed by the Dean, with affirmative approval of the Faculty. The Dean, in consultation with the LPS Committee, makes reappointment decisions for Directors. If the LPS Director is not reappointed by the Dean after the Director has received tenure, the Director remains a tenured faculty member in the Department.

2. Appointment of Professors of Academic Support (“ASP”):

- a. Any vacant Professor position will be filled through a national search.
- b. Persons appointed to the ASP Faculty shall be appointed to the rank of Assistant Professor of Academic Support, Associate Professor of Academic Support, or Professor of Academic Support (hereafter referred to in these Standards as ASP Professor except where reference is specifically made to the rank). In the hiring process for ASP Professors, the committee shall use best efforts to schedule a

presentation by candidates to the Faculty or other such opportunity for Faculty participation in the process.

- c. Initial appointment as ASP Professor is for a term of one year, and is made on the recommendation of the Academic Success Committee, subject to the approval of a majority of the Faculty voting. The Academic Success Committee shall make a recommendation as to rank on appointment. In the case of a lateral appointment, the Academic Success Committee can recommend that the candidate's initial appointment come with a long-term contract.
  - d. The first two years of an individual's appointment shall be probationary, but notice of non-renewal for the following academic year must be given by April 1. A decision not to renew shall be made by the Dean in consultation with the Director of the Academic Support Program.
  - e. The ASP Program Director is subject to different hiring and reappointment practices. Each Director is appointed by the Dean, with affirmative approval of the Faculty. The Dean, in consultation with the Academic Success Committee, makes reappointment decisions for Directors. If the ASP Director is not reappointed by the Dean after the Director has achieved long-term contract status of five year renewable contracts, the Director remains on long-term contract to teach in the Department, but not direct it.
  - f. Off-Cycle Appointment of ASP Faculty – In the event that a vacancy occurs in the ASP department in the late spring or summer prior to an academic year, too late to conduct a full search according to our usual hiring policies, the Committee recommends that an interim, one year appointment be made by the Dean in consultation with the Director of ASP, and that the person hired pursuant to that interim appointment undergo a performance review by the Director in consultation with the Committee, and that the results of that review be presented to the Committee no later than January of the academic year so that the Committee can vote to recommend either (1) that the interim appointee be reappointed for a contract term of 1, 3, or 5 years subject to Faculty approval consistent with the ordinary process for such an appointment, or (2) that a full search be conducted by the Committee to fill the interim appointment for the following academic year.
3. Appointment of Director of the Law Library and Information Resources and Professor of Legal Research (Director of the Law Library or Director)
- a. The vacant position of Director of the Law Library and Information Resources and Professor of Legal Research shall be filled after a national search.



- b. A person appointed to the position of Director shall be appointed to the rank of Associate Professor of Legal Research. In the hiring process for the Director the search committee shall schedule a presentation by candidates to the Faculty or other such opportunity for Faculty participation in the process.
- c. Initial appointment of the Director is made by the Dean, on recommendation of a search committee constituted by the Dean, with affirmative approval by a majority vote of the full Faculty.
- d. Initial appointment as Director is for a term, beginning on the date of appointment and concluding three years from the first July 1 following the Director's appointment, ending on June 30 of the third year.
- e. The Dean, or an Associate Dean designated by the Dean, shall conduct a review of the Director's performance annually and shall prepare a written report of such review by September 1 of each year.
- f. Further discussion of promotion and retention of the Director of the Law Library is in Chapter 7.D. of this Law Faculty Handbook.

## **Chapter 5- Faculty Rights and Responsibilities**

- A. Academic Freedom – The Law School adheres to the principles articulated in Section 5.I of the University Faculty Handbook.
- B. Integrity, Honesty, and Professionalism – The Law School is founded on a commitment to academic honesty, integrity, and professionalism by its Faculty and students. This commitment is essential to the mission of the Law School.
- C. Equal Opportunity Policy – The Law School adheres to the equal opportunity policy articulated in Section 4.B of the University Faculty Handbook.
- D. Teaching
  - 1. Commitment to excellence in teaching is central to the Law School’s mission of providing students with an excellent legal education that prepares them well to serve the profession and achieve their career aspirations. Excellence in teaching includes, but is not limited to, effective and engaged classroom teaching and a continuing commitment to improving and developing their teaching skills and course content. Excellence in teaching can be accomplished through a wide variety of styles and methods.
  - 2. Teaching Load
    - a. Normal Load for Faculty – The normal teaching load in an academic year for Faculty whose duties consist of teaching, scholarship, and service will be consistent with the course and credit load of similarly situated law schools. When determining the teaching load of a Faculty member the Dean may take into account criteria including the class size, student contact hours, service, and scholarship.
    - b. Administrators and Faculty Teaching in the Law School Clinical Programs – The normal teaching load for administrators and Faculty teaching in the Law School Clinical Programs is determined in relation to the demands of all their duties and is set forth in Chapter 7, A. 9.
    - c. Exceptions to Normal Load.
      - i. Adjustments to Normal Load – The Dean and a Faculty member may agree to increase or decrease the Faculty member’s normal teaching load for an academic year based upon an evaluation of the productivity of the Faculty member in the areas of

scholarship, service and teaching, and taking into account items such as class size, prior course or credit loads, the number of assessments given during the semester, and similar criteria the Dean feels informs the Dean's determination of an appropriate course or credit load. The Dean may also determine if a Faculty member whose teaching load has been decreased for an academic year will be required to make up an under-load.

- ii. Other Institutional Responsibilities – If the institutional responsibilities of a Faculty member include extraordinary participation in activities of the academic community or in public service (other than pro bono law practice), the Dean and the Faculty member may agree that the normal teaching load will be appropriately reduced without any requirement that the reduction be made up. Prior to the end of the pertinent semester, the Dean shall inform the Faculty as to such agreements that she/he has made.
- iii. Summer Teaching – Subject to the needs of the Law School as determined by the Dean, a Law Faculty member may agree to teach a course or courses during the summer term as an additional course(s) or in lieu of teaching a course or credit load during the academic year. A Law Faculty member may not be required to teach during the summer.

E. Scholarship – A fundamental function of a law school Faculty is to engage in the regular production of scholarship that extends and helps shape the body of legal knowledge from which students, the profession, and other scholars can draw.

F. Service – Service includes service to students, the Law School, the University, the legal profession, and engagement with the larger community and society. In evaluating service activities, the quality of the participation is crucial as well as compliance with ethical standards of the profession, the University, academic policies, and Federal and State laws. Service also includes the ability to cooperate and work constructively with other members of the institutional community and the public as well as consistency in meeting professional obligations.

G. Law Practice and Other Business Activity Outside the Scope of Acting as Law Professor

- 1. Law Practice and Other Business Activity for Profit Outside the Scope of Acting as a Law Professor – The Law School permits law practice and other business activity for profit when that practice or activity is related to the Faculty member's major academic interests or enriches the Faculty member's capacity as a scholar and a teacher; is of service to the legal

profession and the public; and does not unduly interfere with the Faculty member's responsibilities as a Faculty member. All Faculty members must make sure they comply with the restrictions on the practice of law by Faculty members as provided in the rules from the American Bar Association. This section G is in no way intended to prevent or limit activities Faculty members engage in serving in their capacity as a Faculty member such as writing legal books, textbooks, media interviews, and similar activities.

2. Pro Bono Law Practice – Faculty members are encouraged to engage in pro bono law practice as service to the community. Nevertheless, such activities must not unduly interfere with the Faculty member's responsibilities as a Faculty member.
3. Use of Law School's Resources for Law Practice and Other Business Activity Outside of the Scope of Acting as a Law Professor – Faculty members may not use the assistance of Law School staff in the pursuit of law practice and other business activities for profit outside the scope of acting as a law professor. Faculty members may use Law School resources provided such use is *de minimis* where the use is so small that accounting for it is unreasonably or administratively impracticable. If the use of Law School resources exceeds a *de minimis* amount the Faculty member must get the Dean's express permission and if such resources are used must provide the Dean with a report of the amount of such use. The Dean may require the Faculty member to reimburse the Law School for the use of all other resources, such as photocopying and long-distance telephone expenses.
4. Non-Involvement of the University and the Law School in Law Practice – Faculty members who are practicing law, whether for profit or not, or who are engaged in other business activity, must use a personal letterhead that does not name the University or the Law School, but they may use a Law School telephone and fax number and the Law School street address on the letterhead. Faculty members who are practicing law, whether for profit or not, must make reasonable efforts to apprise clients, courts, and other interested persons that neither the University nor the Law School is engaged in the practice of law, that neither the University nor the Law School exercises control over the provision of legal services, and that the University and the Law School will deny liability for any claim against a Faculty member for malpractice, negligence, or other inappropriate conduct.
5. Exclusion for Law Clinic – This Chapter 5.G does not apply to any Faculty member to the extent that the Faculty member provides legal services through one of the Law School clinics.

## **Chapter 6 – Annual Faculty Review**

This Chapter 6 establishes the specific procedures for the annual review of Faculty teaching, scholarship, and service required in Section 6.A of the UFH.

### **Annual Performance Evaluation of Faculty members by Dean**

1. **Annual Report** – By June 30, each Faculty member will prepare a written annual report for the Dean’s review. The Annual Report consists of a narrative and a statement of goals. By May 1, the Dean will provide the Faculty with instructions setting forth the specific information that each Faculty member should include in the Faculty member’s narrative. If the information requested in the Annual Report is changed from the information requested in the previous Annual Report, the Dean shall notify the Faculty prior to September 1 of the academic year in which the changed Annual Report will be due. The information requested in the Annual Report may include descriptions and summaries of the Faculty member’s activities and accomplishments in teaching; job effectiveness; professional development; scholarship, awards and honors; service to the Law School, the University, and the community; and any other information the Faculty member considers pertinent. The Faculty member will also list goals and any details for plans for the next evaluation period. The Faculty member must also disclose any law practice or other activities engaged in for profit to the Dean in the annual report.
2. **Meeting with a Dean** – The Dean or an Associate Dean must meet with each Faculty member individually to discuss the Faculty member’s performance for the year.
3. **Annual Review Memorandum** – Except for Faculty members who are given annual written feedback by the Tenure Committee, the Dean or an Associate Dean will provide each Faculty member with a written memorandum containing meaningful feedback on the Faculty’s member’s work as set forth in the annual report and discussed in the annual meeting. Each Faculty member will be provided with an opportunity to request clarifications or changes to the memorandum before it is finalized and filed. If significant differences arise between a Faculty member and the content of an annual review memorandum prepared by an Associate Dean, the Faculty member may refer the matter to the Dean by providing the written feedback received along with a detailed written basis for the Faculty member’s objection. If there is further disagreement with the Dean, or if the written feedback to which the Faculty member objects was originally prepared by the Dean, the Faculty member may refer the matter to the Provost by providing the written feedback received along with a

detailed written basis for the objection. The Provost's resolution of the disagreement is final.

4. Uses of the Annual Report and Criteria for Merit Increases in Compensation – The Dean will use a Faculty member's annual report in making recommendations to the Provost on merit or equity pay increases and in making recommendations on retention, tenure, and promotion. The Dean must clearly specify to the Faculty the criteria that the Dean intends to use in making any merit or equity pay increase as well as the weight that is to be accorded to such criteria. After the Dean has determined the merit or equity pay increase, the Dean must notify the Faculty of the high, low, and average amount of such increase.
5. Uses of Teaching Evaluations – The process for evaluating Faculty teaching prior to tenure is set out in Chapter 6. When it is necessary or advisable for the Dean to evaluate a Faculty member's teaching (including in connection with the annual performance review), the Dean's evaluation of teaching must not be based solely or primarily on student evaluations of the Faculty member's teaching, provided that the Faculty member allows for evaluation on the basis of at least one of the following: (1) the Dean's own personal observations of the Faculty member's teaching, (2) a written report based on personal observation of the Faculty member's teaching by the Dean's designee, or (3) a mutually agreed colleague's evaluation of the Faculty member's teaching. The Dean may also consider other information such as syllabi, exams, and other course materials the Faculty member produced. The Dean may not consider anecdotal information in the Dean's evaluation of a Faculty member's teaching.

## **Chapter 7: Tenure and Long-Term Retention of Faculty**

### **A. Tenure Policy**

Pursuant to Section 7 of the University Faculty Handbook, this Chapter 7 of the Law Faculty Handbook sets forth the specific requirements and rules governing applications and recommendations for tenure as a member of the Law School Faculty.

This amended policy was adopted by the Faculty of Suffolk University Law School on May 16, 2013, further amended by the Faculty on March 2, 2017, approved by the Trustees of Suffolk University on February 9, 2018 and further amended by the Faculty on May 16, 2019. It amends the Tenure Policy adopted on May 31, 1983, as amended through October 12, 2006, and the Clinical Standards adopted on April 30, 2003, as amended through December 1, 2011. Applications for tenure of all candidates eligible for tenure who are appointed after June 1, 2013, and any candidates appointed before that date who file a written election to be governed by it with the Dean within ten days of its adoption by the Board of Trustees of the University, shall be governed solely by this policy.

Nothing in this policy or its adoption shall be deemed to abrogate or alter the existing rights of current tenured or tenure-track Faculty (including Clinical Faculty) under the existing or previous tenure policies and standards in effect at the time of their initial hire, except as provided in chapter 10.

The Law School adheres to the policy on Academic Freedom and Tenure Promulgated by the 1940 Statement of Principles of the AAUP, and endorsed by the ABA and the AALS. The policy and procedures below are adopted to implement that policy.

1. Composition of the Tenure Committee and the Faculty Review Committee
  - a. Membership of the Tenure Committee – The Tenure Committee shall consist of thirteen members, one of whom shall be an Associate Dean designated by the Dean. All members shall be members of the tenured Faculty. The tenured Faculty includes the Law School Faculty who have been granted tenure by the University Board of Trustees.
  - b. Appointment of Tenure Committee Members – Initial appointments to the Tenure Committee after adoption of this Policy shall be made jointly by the Dean, the most recent Chair or Co-Chairs of the prior Tenure Committee and three members of the tenured Faculty chosen at random by the Chair or Co-Chairs of the prior Tenure Committee.

Initial terms shall be staggered (i.e., one-year, two-year and three-year terms).

After the initial selection of members of the Tenure Committee, new members shall be selected for three year terms each spring by an ad hoc committee consisting of the Chair (or one of the Co-Chairs) of the Tenure Committee, the Chair (or one of the Co-Chairs) of the Faculty Review Committee and three members of the tenured Faculty chosen at random by the Chair of the Tenure Committee and the Chair of the Faculty Review Committee. If a member of the Tenure Committee leaves the Committee during the year, an interim member shall be appointed by an ad hoc committee consisting of the current Chair (or one of the Co-Chairs) of the Tenure Committee, the current Chair (or one of the Co-Chairs) of the Faculty Review Committee, and three members of the tenured Faculty chosen at random by the Chair of the Tenure Committee and the Chair of the Faculty Review Committee. The same procedure shall be used for appointment of interim members to replace members on leave or sabbatical.

At least one and not more than three members of the Tenure Committee shall be members of the clinical faculty, and at least one and not more than three members of the Tenure Committee shall be members of the legal writing faculty. No member (excluding interim members) shall serve more than two consecutive terms.

- c. Tenure Committee Chair – For the first academic year (July 1- June 30) that this policy is in effect, the Chair will be elected at the first meeting of the Tenure Committee from among its members, by a majority vote. (Alternatively, the Tenure Committee may elect two members to co-chair the committee.) The Chair shall ordinarily be elected at the beginning of the academic year following the expiration of a Chair's term, from among the current membership of the Tenure Committee. The Chair shall be elected for a two-year term, which may be renewed. (The Dean may recommend candidates for the Tenure Committee's consideration.) No committee member is eligible to become Chair of the Tenure Committee in the final year of a second term on the Tenure Committee. A member who is elected Chair in the third year of a first term on the Committee shall automatically be reappointed for a second term on the Committee. Subsequent appointments shall continue in the order provided for in section A.1.b of this chapter.
- d. Responsibilities of the Chair – The Chair of the Tenure Committee shall be responsible for informing candidates about yearly reviews before the Tenure Committee, scheduling scholarly and teaching reviews and Tenure Committee meetings, gathering all materials on which candidate reviews are based, chairing Committee meetings,



coordinating with the Dean the timing and procedures for Faculty Review Committee meetings, and meeting with the candidate and the Dean as required under this Chapter.

- e. Faculty Review Committee – The Faculty Review Committee shall consist of all tenured Faculty of the Law School, including members of the Tenure Committee. The role of the Faculty Review Committee is to advise the Tenure Committee on candidates for tenure and to review and approve or reject recommendations made by the Tenure Committee for the grant or denial of tenure, under the procedures described in section A.10 of this chapter. The Chair of the Faculty Review Committee shall be appointed by the Dean, shall preside at meetings of the Faculty Review Committee, and shall report its decisions to the Dean. The Chair of the Faculty Review Committee shall not be a member of the Tenure Committee.

## 2. Period Of Tenure Review

- a. Probationary Period – The probationary period for tenure-eligible Faculty whose first full-time Faculty appointment is at Suffolk is normally six academic years unless the candidate applies early or the probationary period is extended pursuant to this chapter. During the probationary period, Faculty members will serve under annual contracts. The decision whether to renew a probationary Faculty member's contract is made by the Dean. Newly appointed Faculty members shall be given a copy of this policy upon appointment.
- b. Annual Reviews – Candidates in tenure-track appointments will be reviewed annually by the Tenure Committee.
- c. Extensions Due to Parental Leave – Extensions of the probationary period due to parental leave are governed by Section 8.C.2 of the University Faculty Handbook.
- d. Extensions Due to Other Leaves or Time Away From Suffolk – A candidate who takes an approved leave of absence for family or medical reasons not covered by the University Faculty Handbook's Parental Leave Policy, to teach at another school, or for any other reason approved by the Dean may elect to extend the probationary period for a period equal to the leave, but not beyond an additional two years. An extension will also be granted, if requested, to a candidate for any period during which he or she serves primarily in an administrative capacity at the Law School or the University. Any election to extend the probationary period must be made not later than the end of the leave period. A candidate who takes a leave for less than a full academic year and requests an extension will ordinarily receive a one-year extension.

If a candidate is on leave other than parental leave for part or all of the final academic year of tenure review, the Tenure Committee may vote to extend the tenure period for a period equal to the duration of the leave. Otherwise, the Committee will not extend the probationary period without a candidate's consent.

- e. Credit for Teaching at Other Institutions – The Dean may, in appropriate circumstances, offer candidates one or more years of credit toward tenure for law related teaching at an institution of higher education. An offer of three or more years of credit requires the affirmative vote of sixty percent of the Tenure Committee.
  - f. Early Applications for Tenure – Candidates may only apply for tenure once. The Tenure Committee will not initiate early consideration for tenure, but will consider an application on request of a candidate. If a candidate makes an early application and tenure is denied, the candidate will receive a terminal contract for the following academic year.
3. The Tenure File
- a. Maintenance of the Tenure File – The Chair of the Tenure Committee is responsible for maintenance of a cumulative tenure file for each candidate for tenure. Tenure files may be retained in physical form and/or digitally on a secure document or course management system maintained by the University. The Chair shall manage the digital files and assure that all reports and other materials required for tenure consideration are included therein each academic year.
  - b. Location – Digital files will be securely accessible to the Deans and to all members of the Tenure Committee and Faculty Review Committee. The Dean's office may also keep physical versions of the documents in the tenure files, and those files will also be accessible to the Deans and to all members of the Tenure Committee and Faculty Review Committee. The candidate shall have access to the tenure file, except as follows. As to the digital files, the Chair may establish a means by which the candidate has access either to the original files or an exact duplicate of the original files except for those files required to be redacted under this policy. As to physical files kept in the Dean's office, original copies of any materials in the tenure file from which names have been redacted shall be kept separate and not accessible to the candidate, but a redacted version may be made available to the candidate. No materials from the physical tenure file may be removed from the Deans' office except by arrangement with the Chair of the Tenure Committee.

- c. Each annual tenure review by the Tenure Committee shall be based on the candidate's cumulative tenure file.
- d. Contents of the Tenure File – The file for each candidate shall include:
  - i. in the case of a candidate with prior teaching experience, a memo from the Dean relating any agreement at the time of appointment to shorten the candidate's probationary period;
  - ii. a current resume;
  - iii. the candidate's annual reports to the Tenure Committee;
  - iv. for candidates in their final year of tenure consideration, their application for tenure;
  - v. all reviews received by the Tenure Committee of the candidate's teaching and scholarship, including outside reviews, organized by academic year;
  - vi. copies of all student evaluations for each course the candidate has taught, organized by academic year;
  - vii. copies of each article or other writing submitted by a candidate for consideration in the tenure decision, organized by academic year;
  - viii. copies of each annual report on the candidate by the Tenure Committee;
  - ix. all class recordings required to be submitted to the Tenure Committee under this policy;
  - x. syllabi from all courses taught at the Law School;
  - xi. curriculum vitae for outside reviewers of candidates' scholarship; and
  - xii. any other materials submitted by the candidate or gathered by the Tenure Committee.
- e. Candidate's Submission of Tenure Materials – An eligible candidate initiates the tenure and/or promotion review process by delivering a written request for such review to the dean by April 1 of the year before the academic year in which the necessary decanal recommendation will be produced and submitting an application for tenure in accordance with section 4.h. below. Absent extraordinary circumstances, approved by the Dean, failure to meet this deadline will preclude consideration for tenure.
- f. Information From Candidates with Teaching Experience at Other Schools – Candidates for tenure who have taught at other law schools shall assist in obtaining their tenure and other evaluation reports from those schools, evaluations of scholarship and teaching, student teaching evaluations, and other similar material from their prior teaching.
- g. Electronic Access to Tenure Materials – The Tenure Committee may establish procedures for making candidates' tenure files, or parts

thereof, available electronically to members of the Tenure Committee and Faculty Review Committee, provided that adequate measures are developed beforehand and applied so as to assure confidentiality.

4. Procedure for Review of Probationary Appointees by the Tenure Committee and Faculty Review Committee
  - a. Candidates' Annual Submissions to the Tenure Committee – By September 15 of each year, a candidate will submit materials to the Chair consisting of the following:
    - i. A current **curriculum vitae**;
    - ii. All course student evaluations and course syllabi not previously submitted and the class video specified in section A.3d;
    - iii. The Annual Report most recently submitted to the Dean under section 1 of Chapter 6 of this Handbook;
    - iv. To the extent not set forth in the Annual Report submitted to the Dean, the following additional information reflecting the candidate's own view of progress toward tenure through the conclusion of the preceding probationary year:
      - (a) educational background;
      - (b) relevant employment experience;
      - (c) courses taught at the Law School and courses taught at other law schools, consistent with the teaching portfolio referenced in the University Handbook;
      - (d) scholarly and professional publications and interests;
      - (e) future writing plans;
      - (f) service to the Law School and University, including committee assignments, relevant projects and reports, and all activities undertaken for the advancement of the Law School and/or the University;
      - (g) service to the community, including pro bono activities; and
      - (h) service to the legal profession (including bar memberships, bar-related projects, and other professional activities).
  - b. Tenure Committee Annual Review of Candidates and Reports to Dean – In the fall of each year of a candidate's probationary status, upon receipt of the materials set forth in the preceding section, the Tenure Committee shall review the candidate's progress toward tenure as of the end of the prior probationary year and prepare a written report to the Dean and the candidate on the candidate's progress toward tenure. The Tenure Committee shall make every effort to complete annual reviews by December 15.

Before drafting its annual reports, the Tenure Committee shall solicit input from members of the tenured Faculty concerning the candidate's progress toward meeting the tenure standards. Such input may not be submitted anonymously, but upon request the name of a Faculty member providing written input to the Tenure Committee will be redacted from copies placed in the candidate's tenure file.

The Tenure Committee's report to the Dean and the candidate shall summarize the Committee's discussion and conclusions with regard to the candidate's progress toward tenure. The report shall include reference to any deficiencies noted or suggestions for further progress. The report shall be circulated to members of the Tenure Committee for review and comment before it is approved by the Tenure Committee and submitted to the Dean and the candidate. The annual report of the Tenure Committee on the candidate shall be included in the digital and physical files that are accessible to all tenured members of the Law Faculty.

- c. First and Second Year Reviews – For candidates having completed each of their first and second probationary years, the Tenure Committee will review and discuss the candidate's progress in teaching, scholarship and service and provide a written report to the Dean and to the candidate on the candidate's progress toward tenure. **The report for candidates following the first probationary year shall be provided to the Dean and candidate, but shall not be included in the Tenure Files referred to in Section 3 of this Policy.** After the meeting, the Chair of the Tenure Committee and the Dean shall meet with the candidate to discuss the candidate's progress toward tenure, and share with the candidate any comments, suggestions, or concerns regarding the candidate's progress.
- d. Third Year Review
  - i. Intensive Review – The Tenure Committee will perform an intensive review of each candidate's progress toward tenure in the fall following the candidate's third probationary year on the Faculty and provide a written report to the Dean and to the candidate on the candidate's progress toward tenure. (The third year review may be delayed if the candidate has received an extension of the probationary period under section A.2.c of this chapter.) The Tenure Committee shall review the candidate's teaching, scholarship, and professional and institutional service to determine whether the candidate is making satisfactory progress toward tenure. The review shall be based on the candidate's cumulative tenure file (see section A.3.d of this chapter) as well as any other materials the candidate chooses to submit. The

intensive third year review is intended to identify strengths and accomplishments and pinpoint areas in need of improvement.

A candidate appointed with one or two years of credit for teaching at another institution will have this intensive review after the candidate's completion of at least two full semesters on the Faculty. A candidate appointed with three or more years of credit for teaching at another institution will not have an intensive review analogous to the third year review.

As part of the third year review, the Faculty Review Committee shall meet and discuss the candidate's prospects for tenure. This meeting is intended to advise the Tenure Committee in assessing the candidate's prospects for tenure and formulating its report.

- ii. Outside Review of Scholarship in Third Year – The Tenure Committee will seek two outside reviews of at least one article by the candidate submitted under the scholarship standards in section A.6.a of this chapter for purposes of the third year review. (This provision will not apply to Clinical Professors.) The candidate may suggest outside reviewers by sending recommendations to the Tenure Committee Chair no later than May 15 of the third probationary year. The Tenure Committee may, but is not required to, select a reviewer from the candidate's suggested reviewers. The candidate may submit a list of no more than three individuals whom the candidate wishes to exclude from selection, and these individuals shall not be used for a review. Any third year outside review should otherwise conform to paragraphs b, e, and f, of the procedures for outside review set forth in section A.7 of this chapter.
- iii. Third Year Evaluation – Upon completion of its third year review, the Tenure Committee shall make one of the following determinations regarding the candidate's progress under the standards for teaching, scholarship, and service, and the candidate's overall progress toward tenure:
  - (a) The candidate is making satisfactory progress toward tenure;
  - (b) The candidate has some deficiencies in moving toward tenure; or
  - (c) The candidate has significant deficiencies and is not making satisfactory progress toward tenure.

The Chair of the Tenure Committee and the Dean shall meet with the candidate to discuss the determination.

- e. Fourth Year Review – For a candidate having completed a fourth probationary year on the Faculty, the Tenure Committee will discuss the candidate’s teaching, scholarship, and professional and institutional service and provide a written report to the Dean and to the candidate on the candidate’s progress toward tenure. After the meeting, the Chair of the Tenure Committee and the Dean shall meet with the candidate to discuss the candidate’s progress toward tenure, and share with the candidate any comments, suggestions, or concerns regarding the candidate’s progress.

**After the Tenure Committee has completed a candidate’s Fourth Year Review, but no later than May 15 of a candidate’s fifth probationary year, the Faculty Review Committee shall meet and discuss the candidate’s prospects for tenure. This meeting shall be an opportunity for members of the Faculty Review Committee to provide to the Tenure Committee input on the candidate’s prospects for tenure in advance of the tenure application in the final probationary year.**

- f. Tenure Application Submission – If the candidate has submitted the request for tenure review required in section A.3.e of this chapter, the candidate shall submit an application for tenure by September 15 of the candidate’s final probationary year (normally the sixth probationary year). The application shall address the same items listed in section A.4.a of this chapter for annual reports. The Tenure Committee shall consider the candidate’s application for tenure under the standards for teaching, scholarship and service in sections A.5 through A.8 of this chapter (or, for clinical candidates, section A.9.b of this chapter) and recommend that the candidate’s next appointment be with tenure or be a terminal appointment.

The Chair of the Tenure Committee shall appoint a three-member subcommittee to coordinate the final tenure review. One member will have primary responsibility for outside scholarship reviews. A second member will have primary responsibility for internal scholarship reviews. The third member will have primary responsibility for teaching and service reviews.

- g. Promotion to Associate Professor – The Tenure Committee may include in any of its reports on a candidate a recommendation that the candidate be promoted to the rank of associate professor, based on its view of the candidate’s overall progress toward tenure. Normally, the Tenure Committee will only first consider such a recommendation in connection with the report for the candidate’s third probationary year, but the Dean may request such a review in any year by notice to the Chair no later than September 15. Any such promotion (except for

promotion to associate clinical professor) requires that the candidate have published or have accepted for publication one piece of excellent legal scholarship under section A.6 of this chapter.

## 5. Teaching Standards

- a. **Teaching Requirement.** Commitment to excellence in teaching is central to the Law School's mission of providing students with an excellent legal education that prepares them well to serve the profession and achieve their career aspirations. Candidates for tenure must therefore demonstrate excellence in teaching, which includes but is not limited to effective and engaged classroom teaching and a continuing commitment to improving and developing their teaching skills and course content. Although excellence in teaching can be accomplished through a wide variety of styles and methods, evaluation of a candidate's teaching should be guided by the following criteria:
  - i. knowledge, mastery, and organization of the subject matter of courses taught;
  - ii. quality of the candidate's course materials, including syllabi, handouts, slides, and examinations;
  - iii. ability to stimulate critical thinking and analysis;
  - iv. clarity of the candidate's classroom presentations and responses to student questions and comments;
  - v. classroom preparation;
  - vi. commitment to adapting course content to incorporate legal and scholarly developments;
  - vii. accessibility to students outside the classroom for individual instruction, advising, and guided research;
  - viii. ability to create appropriate student assessment and feedback tools; and
  - ix. success in addressing any previously noted deficiencies or weaknesses with regard to any of the foregoing criteria.
- b. **Classroom Review** – Each candidate in the first through fifth probationary years shall be observed in the classroom annually by at least three members of the Tenure Committee or the Faculty Review Committee designated by the Chair of the Tenure Committee. In addition, each year each candidate shall record and submit a video recording of one of the candidate's fall semester classes for inclusion in the tenure file.

Each designated reviewer shall observe the candidate's teaching for at least as many class hours as the number of hours of credit students receive for the class. All course offerings of the candidate shall be reviewed (provided that multiple sections of the same class need be reviewed only once) and each reviewer shall provide the Chair of the



Tenure Committee with a written report of the candidate's observations and evaluation of the candidate under the criteria set forth above. Prior to observing a candidate's class, the reviewer shall meet with the candidate to learn the goals of the classes to be observed and obtain materials assigned to the students for those classes.

Any member of the Tenure Committee or the Faculty Review Committee may also visit classes of candidates for tenure. Members are encouraged to notify the Chair of the Tenure Committee and the candidate prior to such visits. Each candidate shall provide the Chair of the Tenure Committee with the candidate's teaching schedule for the academic year with times and locations of classes. The Chair of the Tenure Committee shall notify each member of the Tenure Committee and the Faculty Review Committee of the candidate's teaching schedule for the academic year.

- c. Materials for Assessment of Teaching Excellence – The Tenure Committee's evaluation of the candidate's teaching should be based on classroom reviews prepared by members of the Tenure Committee and other tenured Faculty, student evaluations, observation of the candidate's classroom video recordings, the candidate's teaching materials, the candidate's statements regarding teaching set forth in the candidate's tenure application, and any other relevant information before the committee.
- d. Reviewers' Feedback to Candidates – All reviews of a candidate's teaching received by the Tenure Committee shall be furnished to the candidate by the Chair of the Tenure Committee. Reviewers are also encouraged to meet with the candidate after a classroom review to discuss the class and the report.

## 6. Scholarship Standards

A fundamental function of a law school Faculty is to engage in the regular production of scholarship that extends and helps shape the body of legal knowledge from which students, the profession, and other scholars can draw. Candidates for tenure must therefore have a record of excellent legal scholarship that demonstrates an ability and commitment to make substantial and on-going contributions to legal knowledge and understanding in their fields.

- a. Qualitative Requirement – Whether a candidate's scholarly work meets the standard of "excellent legal scholarship" will be determined by the following criteria:
  - i. clarity of expression and organization;
  - ii. analytical rigor and cogency;

- iii. thoroughness of research;
- iv. scope and depth of the work;
- v. originality of argument, synthesis, and ideas;
- vi. importance of the topic of inquiry for the candidate's field; and
- vii. impact, whether measured or reasonably anticipated, of the work in the candidate's field.

“Legal scholarship” includes articles published in law reviews, law journals, peer-reviewed scholarly journals; scholarly books or monographs; and other scholarly works of similar scope that seek to advance knowledge or provide new understandings in the candidate's field. However, the characterization of a submitted work as a particular type of publication should never substitute for, or preclude, a determination whether it meets the qualitative standard of excellence.

- b. Quantitative Requirement – In addition to meeting the qualitative standard of excellence, a candidate's record of completed work must establish a pattern of productivity that demonstrates an ability to make ongoing significant contributions to legal scholarship. In order to meet the minimum pre-tenure publication record to make this showing of productivity, a candidate must have completed at least three pieces of legal scholarship as defined above. At least two of those pieces must be published, and the third must be accepted for publication, if not yet published. Additionally, at least two of the candidate's three minimum pieces must be authored solely by the candidate. Meeting or surpassing this quantitative requirement should never be regarded as an alternative to satisfying the qualitative standard of excellence set forth in section A.6.a of this chapter.

Any coauthored works submitted in fulfillment of the scholarship requirement shall be accompanied by a statement describing with specificity the candidate's contribution to the research and drafting of the coauthored work.

- c. Internal Scholarship Reviews – By September 15 of each year, a candidate for tenure shall furnish the Chair of the Tenure Committee with three copies of any pieces of scholarship that have been published or accepted for publication and have not previously been provided to the Chair. For each piece submitted by the candidate, the Chair shall obtain two written reports by members of the Tenure Committee or Faculty Review Committee providing an evaluation of the candidate's work under the criteria set forth in section A.6.a of this chapter.
- d. Internal Scholarship Reviewers' Feedback to Candidates – The written scholarship reviews by Suffolk Faculty shall be furnished to the candidate by the Chair of the Tenure Committee. Internal reviewers are also encouraged to meet with the candidate to discuss the scholarship

review, to offer advice for further development of the piece, and to offer suggestions for further scholarship.

- e. Credit Given Towards Tenure – If a candidate is given credit for years towards tenure for teaching at another institution, any scholarship authored or published during the period for which credit was given shall be considered when evaluating whether the candidate meets the quantitative and qualitative standards for scholarship. However, candidates will be expected to continue to produce scholarship in accordance with the requirements of this policy.

## 7. Outside Reviews of a Candidate's Scholarship

- a. Requirement of Outside Scholarship Review – Before its final review of a candidate's tenure application, the Tenure Committee shall obtain written evaluations of the candidate's scholarship from outside experts in the candidate's field who are unaffiliated with Suffolk University Law School ("outside reviewers"), in accordance with the procedures and conditions below.
- b. Outside Reviewer Qualifications – Outside reviewers should be tenured Faculty members who are distinguished scholars in the candidate's field and are able to provide fair, impartial, and authoritative evaluations of the quality, importance, and promise of the candidate's work. Relatives, co-authors, thesis advisors, former students, former Faculty colleagues, former teachers, and others who might have difficulty assessing the candidate's work at "arms-length" shall be disqualified from serving as outside reviewers.
- c. Number of Outside Reviewers and Reviews – The Tenure Committee should seek as many evaluations from outside reviewers as it deems necessary for rigorous and thorough assessment of the candidate's scholarship. At a minimum, three pieces of scholarship selected by the candidate should be sent for outside review. Each of the minimum three pieces should be evaluated by two different outside reviewers. The Tenure Committee may ask a single outside reviewer to provide an evaluation of more than one of the candidate's articles, but the Tenure Committee should ensure that the candidate's tenure file contains written reports from no fewer than six outside reviewers.
- d. Selection of Outside Reviewers – By no later than **May 15 preceding** a candidate's final year of probationary review, the candidate may provide the Chair of the Tenure Committee with (1) a list of individuals whom the candidate wishes to nominate for selection as outside reviewers and (2) a list of no more than three individuals whom the candidate wishes to exclude from selection. The Tenure Committee may, in its sole discretion, draw some, all, or none of its selections from

the candidate's list of nominees. However, the Tenure Committee shall not seek evaluations of the candidate's work from anyone on the candidate's list of excluded reviewers. The Chair shall make reasonable efforts to send initial requests to the selected outside reviewers by no later than **September 15 of the final year of probationary review.**

- e. Instructions for Outside Reviewers – The Chair of the Tenure Committee shall provide outside reviewers with the candidate's curriculum vita, copies of the work to be evaluated, and the provisions of this policy setting forth the scholarship standards for tenure and procedures for outside review. Outside reviewers should be asked to comment on the quality of the candidate's work, its importance for the candidate's field of scholarship, and what the work indicates about the candidate's potential to make future contributions to the field. Reviewers should include their curriculum vitae with their reviews.

The Tenure Committee shall record the number of people who decline requests to serve as outside reviewers for a candidate and the reasons given for declining to provide a review.

- f. Confidentiality of Outside Scholarship Reviews and Identity of Reviewers – The reports by outside reviewers shall be provided to the candidate with the names and other identifying information of the reviewers redacted from the review. Reviewers will be informed of this requirement before writing their reviews. However, members of the Tenure and Faculty Review Committees will be told the names of outside reviewers.

## 8. Standards For Service

- a. Types of Service Considered – Service includes service to students, the Law School, the University, the legal profession, and engagement with the larger community and society. In evaluating service activities, the quality of the participation is crucial as well as compliance with ethical standards of the profession, the University, academic policies, and Federal and State laws. Candidates should report their service in each applicable category. Service also includes the ability to cooperate and work constructively with other members of the institutional community and the public as well as consistency in meeting professional obligations.
- b. Consideration with Other Standards – Service activities are important in consideration of applications for tenure, but cannot substitute for independent satisfaction of teaching or scholarship requirements.

- c. Administrative Review – The Dean or Associate Deans may submit a written report to the Tenure Committee regarding a candidate’s participation in Law School activities, including service on committees, as advisor to teams or clubs, and any other aspect of their experience in working with the candidate.

## 9. Standards for Tenure for Clinical Faculty

Clinical professors are appointed to and shall be members of the resident Faculty. Clinical professors are eligible for Clinical Tenure. All rights and responsibilities, and all standards for appointment, retention, promotion, and consideration for tenure for clinical professors shall be the same as those applicable to non-clinical Faculty members who are also subject to this tenure policy, except insofar as this section A.9 provides otherwise.

- a. Appointment, Title and Rank – The Clinical Programs Committee (“Clinical Committee”) shall perform the functions of the Faculty Appointments Committee with regard to hiring of clinical professors. Appointments of clinical professors shall be from year to year prior to clinical tenure. Persons appointed as clinical professors of law shall be appointed to the rank of assistant clinical professor of law, associate clinical professor of law, or clinical professor of law (all referred to in this Policy as a clinical professor except where reference is specifically made to the rank).
- b. Criteria for Retention, Promotion, and Clinical Tenure – Recommendations and determinations regarding the retention, promotion, and tenure of clinical professors shall be based on the clinical professors (1) teaching, counseling and supervision of students, (2) scholarship, and (3) service to the Law School community and the legal profession.
  - i. Teaching – Teaching is the most significant duty of clinical professors. The standard expected is excellence in teaching in the classroom, in supervision of students, and in program design and implementation.
    - (a) Clinical Teaching – Among the factors that may be considered, as applicable, in evaluating a clinical professors clinical teaching are the following:
      - (i) preparation;
      - (ii) selection of teaching materials and creation of educationally sound simulation problems;
      - (iii) incorporation of ethical instruction into teaching;
      - (iv) incorporation of critical reflection and in-depth student feedback into teaching

- (v) contributions to the methods and substance of clinical teaching;
  - (vi) effective communication in classroom and other group settings;
  - (vii) effective supervision and counseling of students in the clinical setting;
  - (viii) development of sources of cases, clients, and externship placements for students;
  - (ix) effective collaboration with students, colleagues, staff, and administrators;
  - (x) responsiveness to appropriate recommendations by the Director of Clinical Programs and colleagues;
  - (xi) interaction with other Faculty, members of the bar, and the judiciary to further the goals of the program and the Law School;
  - (xii) participation in appropriate grant obligations;
  - (xiii) administration of a Law School clinical, skills, or experiential learning program or of the clinical programs generally.
- (b) Teaching Outside the Clinical Curriculum – After completion of the first year of service, clinical professors are expected to teach one course per year outside the clinical curriculum. When a clinical professor teaches outside the clinical curriculum, the standards used for evaluation of teaching shall be those in section A.5 of this chapter.
- (c) Coverage Responsibilities – Clinical professors, as members of the resident Faculty, are expected to teach and be available to students throughout the regular academic year. Clinical professors are expected to be available to handle matters as counsel as necessary, including when students are unavailable. Clinical professors shall work with the Director of Clinical Programs to ensure appropriate coverage of clinic matters at all times outside the regular academic year, including during the summer months when clinical professors are not required to teach.
- ii. Scholarship – The scholarship review for clinical professors will be the same as for all tenure track professors with the following distinctions:
- (a) Qualitative Requirement – When assessing whether a clinical Faculty member’s submitted scholarship satisfies the Section Six definition of “scholarly works of similar scope that seek to advance knowledge or provide new understandings in the candidate’s field” the Tenure

Committee shall include consideration of empirical or theoretical works regarding clinical education pedagogy, program design, or practice.

- (b) Quantitative Requirement – In order to meet the minimum, pre-tenure publication record needed to make this showing of productivity, a clinical Faculty candidate must have completed at least one piece of scholarship as defined in section A.6.a and A.9.b.ii of this chapter authored solely by the candidate. Clinical candidates for tenure must demonstrate an ability and commitment to making substantial and on-going contributions to legal knowledge and understanding in their field.
- iii. Service – The standard for service for clinical professors seeking tenure is the same as that outlined in Section Eight of this policy.
- c. Third Year Review – Clinical professors will receive the same intensive third year review as provided for all tenure candidates in section A.4.e of this chapter, except that the requirement of outside review of scholarship set forth in section A.4.e.ii of this chapter will not apply to clinical professors.
- d. Paragraph Six of the Standards and Procedures Governing the Appointment, Retention and Promotion of Clinical Professors of Law [as amended through October 20, 2011] is hereby repealed; except insofar as it continues to apply to Clinical Faculty appointed before July 1, 2013 who remain subject to its standards for Retention, Promotion and Tenure. For Clinical Faculty appointed before July 1, 2013, Standards for Clinical Tenure effective at that time remain applicable to their Retention, Promotion and Tenure.

## 10. Standards for Tenure for Legal Writing Faculty

Legal writing professors are appointed to and shall be members of the resident faculty. Legal writing professors are eligible for legal writing tenure. All rights and responsibilities, and all standards for appointment, retention, promotion, and consideration for legal writing tenure for legal writing professors shall be the same as those applicable to all other tenure eligible faculty members who are also subject to this tenure policy, except as specifically set forth below.

- a. Appointment, Title and Rank – The Legal Practice Skills Committee (“LPS Committee”) shall perform the functions of the Faculty Appointments Committee with regard to the hiring of legal writing professors. Appointments of legal writing professors shall be year to year prior to legal writing tenure. Persons appointed as legal writing

professors shall be appointed to the rank of assistant professor of legal writing, associate professor of legal writing, or professor of legal writing. (All referred to in this policy as “legal writing professor” except where reference is specifically made to rank).

- b. Criteria for retention, promotion, and legal writing tenure – Recommendations and determinations regarding the retention, promotion, and legal writing tenure of legal writing professors shall be based on the legal writing professor’s (1) teaching (2) scholarship and (3) service to the law school community and the legal profession.
  - i. Teaching – Teaching is the most significant duty of legal writing professors. The standard expected is excellence in teaching in the classroom.
    - (a) Legal Writing Teaching. Among the factors that may be considered, as applicable, in evaluating a legal writing professor’s teaching are the following:
      - selection of teaching materials and creation of educationally sound writing assignments
      - preparation
      - incorporation of ethical instruction in teaching
      - knowledge, mastery, and organization of the subject matters of the courses taught
      - effective communication in classroom and other settings
      - contributions to the methods and substance of legal writing teaching
      - clarity of candidate’s classroom presentations and responses to student questions
      - effective collaboration with students, colleagues, staff, and administrators
      - responsiveness to appropriate recommendations by the Director of Legal Practice Skills
      - quality of feedback on assignments
      - accessibility to students outside classroom for individual assistance and conferences
    - (b) Evaluation of Teaching Outside the Legal Writing Curriculum – If a legal writing professor teaches outside the legal writing curriculum, the standards used for evaluation shall be those in section A.5 of this chapter.



- ii. Scholarship – The scholarship review for legal writing professors will be the same as for all tenure track professors with the following distinctions:
  - (a) Qualitative requirement –When assessing whether a legal writing faculty member’s submitted scholarship satisfies the section 6 definition of “scholarly works of similar scope that seek to advance knowledge or provide new understandings in the candidate’s field” the Tenure Committee shall include consideration of empirical or theoretical works regarding legal writing pedagogy, program design, practice, or legal education.
  - (b) Quantitative requirement –In order to meet the minimum, pre-tenure publication record needed to make this showing of productivity, a legal writing professor must have completed at least two pieces of scholarship as defined in sections A.6.a and A.10.b.ii.a of this chapter, one of which must be authored solely by the candidate. Candidates for legal writing tenure must demonstrate an ability and commitment to making substantial and on-going contributions to legal knowledge and understanding in their field.
- iii. Service – The standard for service for legal writing professors seeking tenure is the same as for all tenure track professors as outlined in section A.8 of this chapter.
- c. Third year review –Legal Writing professors will receive the same intensive third year review as provided for all tenure candidates in section A.4.e of this chapter.

#### 11. Committee Voting and Faculty Review

- a. Annual Reviews Prior to Tenure Decision – Annual reports on tenure candidates prior to the final academic year of tenure review must be approved by sixty percent of members of the Tenure Committee present. If an annual report is not approved, the report shall be revised to incorporate changes so that it can garner support to achieve this approval. The Dean and Chair of the Tenure Committee shall meet with the candidate to discuss the report after the annual review is complete.
- b. Tenure Recommendation – In the candidate’s final academic year of tenure review, the candidate shall apply for tenure and the Tenure Committee shall review the candidate’s eligibility for tenure based on the entire tenure file.

The Tenure Committee shall prepare a report and recommendation to the Faculty Review Committee and the Dean recommending that the candidate should or should not be granted tenure. The report shall assess the candidate's promise and performance under each of the criteria in sections A.5 through A.8 of this chapter, with specific examples and references to the reports in the tenure file.

The Tenure Committee may recommend a grant of tenure by seven votes if ten or eleven members are present at the meeting and vote, or eight votes if twelve or thirteen members are present at the meeting and vote. If the Tenure Committee does not recommend that tenure be granted, the Chair of the Tenure Committee shall prepare a report concerning the candidate's application, which must be approved by a majority vote of the members of the Tenure Committee present at the meeting. The report shall be forwarded to the Dean and the Faculty Review Committee for their consideration. The report shall include the number of members voting for and against a recommendation of tenure and abstentions.

- c. Faculty Review Committee Review of Tenure Recommendations – Tenure Committee recommendations on the grant or denial of tenure shall be presented for approval to the Faculty Review Committee. Before the Faculty Review Committee meets to review a tenure recommendation, the Chair of the Tenure Committee shall circulate the three most recent annual reports on the candidate to members of the Faculty Review Committee. Any member of the Faculty Review Committee may review the candidate's entire tenure file in the Deans' office. At the Faculty Review Committee meeting, a summary of the tenure file and student evaluations of the candidate's teaching will be provided by the Chair of the Tenure Committee or a member of the Tenure Committee.
- d. Recommendations that Tenure be Granted – The Faculty Review Committee's approval of a Tenure Committee recommendation that tenure be granted requires a vote of sixty percent of the members present at the Faculty Review Committee meeting. If the recommendation is not so approved, the candidate is not recommended for tenure.
- e. Recommendations that Tenure be Denied – If the Tenure Committee recommends that tenure be denied, the Faculty Review Committee may vote to recommend appointment with tenure by a vote of two-thirds of the members present. Otherwise, the Dean shall recommend that the candidate's next appointment shall be a terminal appointment.

If the Tenure Committee recommends denial of tenure, the Chair of the Tenure Committee must provide a copy of its report to the candidate,

who may submit a reply to the report in writing. Any such reply shall be provided to members of the Faculty Review Committee before it meets to consider the recommendation.

- f. Dean's Recommendation – The Dean shall forward the Tenure Committee's report, the Faculty Review Committee's recommendation, and the Dean's own recommendation, to the Provost of the University.
- g. Timing of Tenure Decisions – Recommendations on tenure applications shall ordinarily be completed by the Tenure Committee by December 1 of each academic year. Review by the Faculty Review Committee shall take place by December 15 of the academic year. The dates for review meetings of the Faculty Review Committee shall be announced by October 15 of the fall semester. Yearly reports on tenure candidates not before the Tenure Committee for a final tenure review shall ordinarily be completed by May 1 of the academic year.
- h. Voting Procedure – Votes on tenure applications in the Tenure Committee and in the Faculty Review Committee meeting shall be by secret ballot. No statement of reasons is necessary for a ballot to be counted. No proxy voting or absentee voting shall be permitted in either committee. Tenured Faculty who are on sabbatical or leave may attend and vote at Faculty Review Committee meetings. Members who participate electronically may not vote on a tenure application in either the Tenure Committee or the Faculty Review Committee.

Tenure Committee votes on annual reports on tenure candidates prior to the year of tenure application shall be by open ballot.

- i. Quorum Requirements – All Faculty members who accept appointment to the Tenure Committee are expected to attend the Committee's meetings and participate actively in the work of the Committee. The quorum for general meetings of the Tenure Committee shall be nine members. The quorum for meetings at which votes on tenure recommendations will be taken shall be ten members. The quorum for meetings of the Faculty Review Committee shall be sixty percent of the membership. In extraordinary circumstances, the Chair may permit participation by electronic means in Tenure Committee meetings and in Faculty Review Committee meetings. Members who participate electronically will not be counted towards the quorum. Members who are on leave or sabbatical will not be counted in calculating the quorum for the Faculty Review Committee unless they attend the meeting. The quorum for Faculty Review Committee informational meetings (prior to tenure recommendation) shall be fifty percent of the committee membership.

- j. Confidentiality of Reports, Discussions, and Votes – Except as otherwise required by this policy, the reports, discussions and specific vote counts of the Tenure Committee and the Faculty Review Committee shall be confidential. The materials distributed to members of the Faculty Review Committee are confidential and shall be returned to the Deans’ office immediately after the review meeting.
- k. Effect of Tenure Committee Recommendation – A recommendation of the Tenure Committee and the Faculty Review Committee that tenure be granted (or, alternatively, a recommendation from the Faculty Review Committee under section A.10.e of this policy) does not preclude a denial of tenure at other levels of review that may be required by University procedures. However, no appointment with tenure may be made without a recommendation from the Faculty Review Committee that tenure be granted. This provision shall not apply to the Dean of the Law School or to candidates who are considered for tenure under section A.11 of this chapter.

## 12. Appointments With Tenure

- a. Candidates With Tenure – The Tenure Committee may, after investigating the qualifications of a person, recommend by a sixty percent vote that the probationary period in this Tenure Policy be waived in whole or in part with respect to an applicant who has tenure at an ABA accredited law school, or in other cases upon recommendation of the Dean.
- b. Faculty and Tenure Committee Consideration – If, in the case of an applicant who has tenure at an ABA accredited law school or in other cases specifically recommended by the Dean, the Law Faculty approves an initial appointment, the Tenure Committee shall investigate the candidate’s fitness for tenure under the standards in sections A.5 through A.10 of this chapter. The Tenure Committee may base its consideration on materials and reports developed by the Appointments Committee (in the case of doctrinal candidates), Clinical Committee (in the case of clinical candidates), or LPS Committee (in the case of legal writing candidates), instead of the materials ordinarily considered for probationary candidates. The Tenure Committee may also solicit further materials from the candidate to facilitate consideration of the candidate’s fitness for tenure.
- c. Effect of Tenure Committee Recommendation – If the Tenure Committee votes to recommend granting tenure to such a candidate as of that initial appointment, that affirmative vote shall be deemed to waive the probationary period in section A.2.a of this chapter and the otherwise applicable tenure review procedures in this policy. In that event, the Tenure Committee’s recommendation shall be forwarded to

the Dean, and no approval of the recommendation by the Faculty Review Committee shall be required. If the Tenure Committee does not recommend a grant of tenure, it shall adopt a report explaining its decision, and the Faculty Review Committee shall review the recommendation as it would for other candidates who are not recommended for tenure.

### 13. Mentors and Support of Untenured Faculty

- a. Appointment of Mentors – The Dean may appoint experienced tenured Faculty members to advise each candidate on the candidate’s scholarship, teaching, service, career development, and progress toward tenure. The primary purpose of mentoring is to assist the candidate with teaching, scholarship, and service. Faculty mentors should not be members of the Tenure Committee and should not review candidates’ classes or articles for the Tenure Committee during their service as a mentor.

In appointing mentors, the Dean should consult with the candidate. No candidate is required to have mentors.

- b. Service as a Mentor – Mentoring is a serious commitment. Mentors should regularly confer with the candidate and engage in the following activities: (1) periodically visit the untenured Faculty member’s classroom and observe the candidate’s teaching and discuss teaching techniques and styles with the candidate; (2) help untenured Faculty to develop a scholarship plan and assist with the realization of that plan, which may include the establishment of goals and timetables, the review of drafts, and assistance with workshops and presentations; and (3) facilitate the building of scholarly networks outside of the Law School by introducing untenured Faculty to other scholars in their subject areas and helping to locate appropriate opportunities for presentation and review of the untenured Faculty member’s work.

14. Promotion from Associate Professor to Professor – Consideration of the potential promotion of any current Associate Professor to the rank of Professor can be initiated by request of any Associate Professor one year following the grant of tenure at the Law School by the University. Such requests should be initiated by delivering a written request for such review to the dean by April 1 of the year before the academic year in which the necessary decanal recommendation will be produced. If recommended by the Faculty Review Committee, approved by the Dean, Provost, and President, and awarded by the Board of Trustees, the promotion will be effective for the following academic year.

- a. The Chair of the Tenure Committee will convene the Tenure Committee to consider all such requests. The Associate Professor must

submit an application package, by August 1, to the Chair of the Tenure Committee, including an up-to-date CV, a complete list of publications, a summary of research and teaching achievements, a summary of current research and future research directions, and a review of service to the Law School, University, and broader legal community.

- b. The quorum and voting rules applicable to the Tenure Committee and the Faculty Review Committee in sections A.10.h and A.10.i of this chapter apply to the promotion process as well except that only those Faculty members who have achieved the title of Professor may vote on the promotion of an Associate Professor to Professor.
- c. The Tenure Committee may approve the application for promotion to Professor by a majority vote. The Tenure Committee will send their recommendation to the Faculty Review Committee.
- d. The Faculty Review Committee, after considering the recommendation by the Tenure Committee, can affirm the recommendation of the Tenure Committee with a majority vote and such recommendation will be forwarded to the Dean. If the Faculty Review Committee, after reviewing the recommendation of the Tenure Committee, declines to affirm the recommendation, the Faculty Review Committee can overturn the recommendation and provide their separate recommendation with a 60% vote.
- e. If the recommendation to the Dean is to deny promotion from Associate Professor to Professor, a description of the deficiencies of the Associate Professor's application will be given to the Associate Professor by the Chair of the Faculty Review Committee.
- f. If the recommendation to the Dean is to award a promotion from Associate Professor to Professor, the Dean shall forward the report of the Faculty Review Committee together with the Dean's own recommendations to the Provost.
- g. Other than the report provided by section A.13.e of this chapter by the Chair of the Faculty Review Committee, evaluations of the Associate Professor's work by either committee shall remain confidential, and not be disclosed to the Associate Professor.
- h. Standard – The ultimate standard on which the application for promotion should be evaluated is whether the candidate is likely to continue to perform with excellence in achieving the teaching, scholarship, and service goals of a tenured Faculty member as described in either sections A.5, A.6, and A.8 or sections A.9.b.i, A.9.b.ii, and A.9.b.iii of this chapter. The candidate must demonstrate a

continuation of the excellence in teaching, scholarship, and service as described in the above Sections.

- i. Denial of Application – Denial of an application for promotion to Professor does not bar application in subsequent years. Such denial shall be without prejudice to future applications for promotion to the rank of Professor, but no more than one such application shall be submitted within a three-year period.
- j. Promotion Application Elective – The decision to apply for a promotion from Associate Professor to Professor lies solely with the Associate Professor and is not mandatory. Beyond the one-year waiting period after the grant of tenure, there are no time restrictions for the initial application for a promotion should an Associate Professor decide to make such an application.
- k. The Promotion Standards enumerated in this section A.13 apply prospectively only to Faculty appointed on or after July 1, 2015, unless a Faculty member proactively chooses to have this section A.13 apply. Even if a Faculty member employed at the Law School before that date chooses to have the Tenure Standards in section A of this chapter apply, this section A.13. for promotion shall not apply to such Faculty member unless the Faculty member specifically elects to be subject to these promotion standards.

#### 15. Substantial Compliance

No vote or report required by this Tenure Policy shall be deemed invalid due to the failure to conform to the detailed requirements in this policy concerning the specific materials or process for reviewing candidates (such as the number of class reviewers or outside readers), so long as the process of tenure consideration substantially complies with the procedures and standards in the policy.

#### B. Retention of ASP Faculty

1. Renewal of One Year Contract – An offer to renew a one-year contract should be based on satisfactory progress toward, and clear promise of eventual compliance with, the goals of the ASP Program. The ASP Director, where applicable, will evaluate a ASP Professor based on the following evaluation standards:
  - (a) effectiveness as a teacher of writing, analysis, and research;
  - (b) ability to design or produce instructional materials;
  - (c) ability to contribute to the techniques and methods of teaching writing, analysis, and research;
  - (d) ability to provide clear and organized classroom instruction;

- (e) contribution to the ASP Program and academic support field;
  - (f) accessibility to students for individual instruction;
  - (g) ability to provide detailed critique of students' written work;
  - (h) the ability to assist and cooperate with colleagues in planning and developing problems, classes, and teaching methodologies;
  - (i) service to the Law School community; and
  - (j) professionalism. Professionalism, as used in in this section B.1 and B.2 of this chapter, includes adherence to the curriculum, policies and procedures established by the director of the ASP program and the Faculty. Traditional scholarship, such as a law review article on a doctrinal subject, is not required of ASP Professors. If scholarship is undertaken, including scholarship on legal writing, research, and analysis, it may be evaluated and considered favorably in renewal decisions. There is no presumption a contract will be renewed.
2. Three-Year Contract Status – At the end of an ASP Professor's third year, an ASP Professor is eligible for a three-year contract. Satisfaction of the earlier annual reviews does not mean an ASP Professor automatically qualifies for retention. The Academic Success Committee conducts a plenary review of an ASP Faculty member seeking reappointment, during the third year of service, applying an "excellence" standard. A three-year contract may be granted to a person who has demonstrated excellence in achieving the teaching goals of the ASP Program. In determining if an ASP Professor has met this excellence standard, the Academic Success Committee may consider the following criteria:
- (a) effectiveness as a teacher of writing, analysis, and research;
  - (b) ability to design or produce instructional materials;
  - (c) ability to contribute to the techniques and methods of teaching writing, analysis, and research;
  - (d) ability to provide clear and organized classroom instruction;
  - (e) contribution to the ASP Program and academic support field;
  - (f) accessibility to students for individual instruction;
  - (g) ability to provide detailed critique of students' written work;
  - (h) the ability to assist and cooperate with colleagues in planning and developing problems, classes, and teaching methodologies;
  - (i) service to Law School community; and
  - (j) professionalism.

Traditional scholarship, such as a law review article on a doctrinal subject, is not required of ASP Professors. If scholarship is undertaken, including scholarship on legal writing, research, and analysis, it may be evaluated and considered favorably in renewal decisions.

The evaluation process shall begin in the fall semester of an ASP Professor's third year, and shall be completed by mid-January. The Committee reports to the full Faculty, which must approve a three-year



- contract by majority vote. The Academic Success Committee's recommendation shall be made to the Faculty as early as possible during the spring semester.
3. Five-Year Renewable Contract Status – At the conclusion of the third year of an ASP Professor's three-year contract, a renewable five-year contract may be offered. In determining whether an ASP professor should receive a five-year contract or whether an ASP professor should receive a renewed five-year contract, the Academic Success Committee shall proceed with a plenary review and renewal process using the procedure and standards described above and make a recommendation to the full Faculty. Appointment to a five-year contract and each reappointment to a five-year contract is subject to the approval by majority vote of the full Faculty. Provided that: All ASP Faculty who have been promoted to the rank of Professor shall continue in their position unless there is good cause for dismissal (as defined below in section B.4 of this chapter). This may be implemented through successive presumptively renewable contracts.
  4. Termination During the Contract Period – After the appointment to a five-year renewable contract, ASP Professors shall continue in their position unless there is good cause for dismissal. ASP professors with three-year contracts may also be terminated during the contract period and prior to their consideration for a five-year contract if there is good cause for dismissal. Good cause includes, but is not limited to, the termination or material modification of the Law School's Academic Support Program.
  5. Process of Evaluation by Academic Success Committee – In evaluating an ASP Professor for a one-year, three-year, or five-year renewable contract, the ASP Director or Academic Success Committee may review information gained through the following sources:
    - (a) observation of classes by the Director and members of the committee;
    - (b) evaluation by the Director;
    - (c) review of research/writing problems, critiques of student memos, handouts, samples, and teaching tools;
    - (d) review of scholarship, if any (not required);
    - (e) student evaluations; and
    - (f) meetings with the Professor.
  6. Academic Rank Progression
    - a. Assistant Professor of Academic Support – Upon being hired, a new Faculty member would presumptively be given the rank of Assistant Professor of Academic Support. The Academic Success Committee, however, can recommend a higher rank if circumstances, such as previous experience, warrant it.

b. Associate Professor of Academic Support – Upon acceptance of a three-year contract pursuant to the procedures set out in B.2 of this chapter, an Assistant Professor of Academic Support automatically obtains the rank of Associate Professor of Academic Support.

c. Professor of Academic Support

i. Procedure – An ASP professor, in any year after receiving a renewable five-year contract, may apply by July 1 for promotion to the rank of Professor provided that, to avoid duplication of the review required for regular contract renewal, a professor may not apply for such promotion if consideration of the application would be required during the final year of a renewable contract.

A decision on an application for such promotion shall be made during the academic year beginning that August, by secret ballot of the members of the Faculty Review Committee, together with any ASP Faculty with rank of Professor. A decision to grant the application for promotion to Professor shall require the affirmative vote of two-thirds of the members of the Faculty Review Committee combined with ASP Faculty who hold the rank of Professor, voting under such procedures as the Faculty Review Committee may adopt. The Dean shall forward the report of the Faculty Review Committee together with the Dean's own recommendations to the Provost. The candidate should submit by September 15 of that year a memorandum addressing the criteria below, together with all student teaching evaluations from the previous year, relevant scholarship, and any other material the candidate may choose to submit. The Academic Success Committee should forward to the Faculty Review Committee as supplemented with any ASP Professors who have achieved the rank of Professor, written evaluations of the candidate prepared for previous contract renewal reviews. Evaluations of the professor's work by either committee shall remain confidential, and not be disclosed to the professor.

ii. Standard – The ultimate standard on which the application for promotion should be evaluated is whether the candidate is likely to continue to perform with excellence in achieving the teaching goals of the ASP Program, and to contribute as a scholar and as a member of the Law School community.

iii. Criteria

(a) Teaching – An applicant's teaching should be evaluated for excellence with respect to the same criteria that govern the award of three and five year contracts:

- (i) ability as a teacher of writing, analysis, and research;
- (ii) ability to design or produce instructional materials;
- (iii) ability to contribute to the techniques and methods of teaching writing, analysis, and research;
- (iv) ability to provide clear and organized classroom instruction;
- (v) accessibility to students for individual instruction; and
- (vi) ability to provide detailed critique of students' written work.

The Faculty Review Committee as supplemented with any ASP Professors who have achieved the rank of Professor shall have at least two members review classes of the candidate during the year. The Committee may consider material with respect to teaching from earlier years, and the candidate is encouraged to include such material in the application.

- (b) Scholarship – A candidate shall show contribution to scholarship in law or law teaching. A candidate shall have published, or have received an offer to publish, at least one law review article or its quantitative equivalent. This quantitative requirement may be satisfied by other forms of scholarship, such as books or book chapters pertaining to law, law teaching or legal writing. Co-authored pieces may also count toward the scholarship requirement. The candidate shall share with the Committee the extent of the candidate's contribution to co-authored pieces, and the Committee may weigh it accordingly. Normally, only scholarship completed while the candidate has been a member of the Faculty at Suffolk will be considered toward the quantitative requirement, but the committee may consider prior work in an appropriate case.
- (c) Service – The candidate will be expected to show service to the Law School and the community, which may include, without limitation, servicing on committees, coaching student teams, advising students and student organizations, judging competitions, presentations, participating in school functions, or providing service to the broader community, such as pro bono legal activity, work with organizations, and editing professional journals.
- (d) Professional/Academic Organizations and Conferences – The candidate will be expected to show active participation in professional/academic organizations, including serving on committees of such organizations. The candidate will be expected to have given at least two presentations to professional gatherings (which may be by distance

communication). Normally, the candidate will be expected to show activity meeting the requirements of this paragraph and the service paragraph while the candidate has been a member of the Faculty at Suffolk, but the committee may consider prior activity in an appropriate case.

- (e) Professionalism – The committee may consider whether the candidate has demonstrated professionalism in adherence to the curriculum, policies, and procedures established by the director of the ASP program and the Faculty, and in working effectively with other members of the ASP faculty.
- iv. Presumptively Renewable Contract – After an application to the rank of Professor is granted under this policy and appointment to such rank has become final (including any necessary action by the Administration or Trustees), an ASP Professor shall continue in the position unless there is good cause for dismissal. This will be implemented through successive presumptively renewable five-year contracts. Good cause includes but is not limited to the termination or material modification of the ASP Program. An ASP Professor shall remain subject to the curricular requirements, policies, and procedures established by the director of the ASP program and the Faculty and shall remain subject to continuing annual review by the program director, and such review as the Administration elects.
- v. Denial of Application – Denial of an application for promotion to Professor does not bar application for subsequent five-year contracts. Such denial shall be without prejudice to future applications for promotion to the rank of Professor, but no more than one such application shall be submitted within the term of one five-year contract. Upon such reapplication, scholarship included in an earlier application will not count toward the quantitative requirement.

### C. Retention of Practitioners in Residence

- 1. Term of Appointment – The initial appointment to a position as a Practitioner in Residence (PIR) ordinarily is for one year with an annual review under the procedures and criteria outlined below. Renewal of the appointment to the position of a PIR will be annual and made by the Dean subject to curricular needs, financial considerations, performance on criteria outlined in paragraph 2.a below, and any other relevant criteria including adherence to the relevant terms of employment in the Faculty Handbook. Notice of non-renewal for the following academic year will ordinarily be given by at least two months prior to the end of the PIR's

contract, absent extenuating circumstances. Grant funded positions may be terminated when funding is exhausted.

2. Annual Review – Beginning with the PIR’s first year and each year thereafter, the Director of Clinical Programs, with the assistance of other Faculty members, will engage in a process of review and support designed to assist each PIR in achieving excellence in teaching, programmatic design, and/or other requirements.
  - a. Annual Report and Self-Assessment – No later than July 1 of each year, each PIR shall submit to the Director of Clinical Programs an Annual Report and Self-Assessment discussing the following:
    - i. teaching – accomplishments, challenges, and plans for the following year;
    - ii. supervision of clinic and/or externship students – accomplishments, challenges, and plans for the following year;
    - iii. case/externship referrals – a description of the processes by which the PIR has developed sources of cases, clients and externship placements, and plans for the following year;
    - iv. service to and mentoring of students (outside of students supervised directly) – accomplishments and plans for the following year;
    - v. service to the community and Law School – accomplishments and plans for the following year, if applicable;
    - vi. grants, sponsored research, or scholarship – progress towards generating financial support, fulfilling grant obligations, and plans for the following year;
    - vii. conferences – a summary of conference attendance, conference planning, speaking engagements, and plans for the following year;
    - viii. honors – a description of any awards received during the year;
    - ix. progress toward scholarship – a description of progress toward meeting scholarly goals, if any (as scholarship is encouraged but not required), and
    - x. connections within the University – a summary of efforts to work across the University and any plans for the following year.
  - b. Additional Materials – Each Annual Report and Self-Assessment shall also contain:
    - i. teaching evaluations for all courses taught;
    - ii. a current c.v.;
    - iii. copies of all syllabi; and
    - iv. copies of any grant applications or scholarship submitted for funding or publication, if applicable.

- c. Review Process – The annual review will be conducted by the Director of Clinical Programs with the assistance of other Faculty members as deemed appropriate by the Director. The review shall ordinarily be completed by July 31 of each year, barring exceptional circumstances, and shall consist of the following:
  - i. a detailed review and meeting with the PIR about the Annual Report and Self-Assessment (see above);
  - ii. at least one classroom visit to each course taught by the PIR, including both clinical and non-clinical courses, if relevant;
  - iii. confidential interviews of two of the PIR’s clinic or externship students; and
  - iv. a review of all other relevant information including but not limited to the factors in section C.2.a of this chapter.
- d. Report – Each year, the Director of Clinical Programs will prepare a report to the Dean, based on the annual review, regarding the performance of the PIR. This report will be shared with the PIR and filed in the Dean’s office.

D. Retention of Director of the Law Library and Information Resources and Professor of Legal Research

- 1. As described in Chapter 4.C.3 of this Law Faculty Handbook, initial appointment as Director of the Law Library is for a term, beginning on the date of appointment and concluding three years from the first July 1 following the Director’s appointment, ending on June 30 of the third year.
- 2. The Dean, or an Associate Dean designated by the Dean, shall conduct a review of the Director of the Law Library’s performance annually and shall prepare a written report of such review by September 1 of each year.
- 3. Three Year Contract Status – At the conclusion of the Director of the Law Library’s initial three-year contract, the Director of the Law Library is eligible for a renewable five-year contract. Satisfactory earlier annual reviews do not mean a Director of the Law Library automatically qualifies for retention or reappointment. The Dean shall appoint a Law Library Director Review and Retention Committee, comprised of members of the Faculty, to review the Director’s performance during the term of the three-year contract, the Director’s performance in relation to the Position Description and the goals of the Library and Academic Technology programs and of the Law School established by the Dean and the Faculty during the relevant time period of the initial appointment and the prospective retention period, including any relevant performance standards or objectives.

Traditional scholarship, such as a law review article on a doctrinal subject, is not required of the Director to be eligible to receive an offer of a renewable five-year contract. If scholarship is undertaken, including scholarship on legal writing, research, library science, academic technology, and information services, it may be evaluated and considered in renewal and reappointment decisions.

4. Five Year Renewable Contract Status – At the conclusion of the third-year review, the Law Library Director Review and Retention Committee shall make a recommendation to the Dean and the Faculty regarding whether a renewable five-year contract should be offered. Appointment to a five-year contract and each reappointment to a five-year contract is subject to the review process described in this section and the approval by a majority vote of the full Faculty. During the three-year initial appointment or a five-year renewable appointment, the Director remains at all times subject to the requirements, policies, and procedures established by the University, the Dean, and the Faculty and shall remain subject to continuing annual review by the Dean, or an Associate Dean designated by the Dean, in accordance with the process described in this section.
5. The evaluation process shall begin in the fall semester of a Director's third year in the case of initial appointment, and in the fall semester of a Director's fifth year in the case of reappointment to a five-year renewable contract, and shall be completed by mid-January. The Law Library Director Review and Retention Committee's recommendation shall be made to the Dean and Faculty as early as possible during the spring semester, but in any event no later than April 1.
6. If the Director fails to gain reappointment after having achieved long-term contract status of five-year renewable contracts because either: 1) a majority of the Faculty votes not to approve the reappointment of the Director, or 2) the Dean does not reappoint the Director, the Director retains no rights to continued employment other than provided in the contract.
7. Termination During Contract Period – After the appointment to a five-year renewable contract, the Director shall continue in the position unless there is good cause of dismissal. The Director with a three-year contract may also be terminated during the contract period and prior to consideration for a five-year contract if good cause for dismissal exists. Good cause includes, but is not limited to, the termination or material modification of the Law School's Library programs.
8. The Director, in any year after receiving a renewable five-year contract, may apply by July 1 for promotion to the rank of Professor provided that, to avoid duplication of the review required for regular contract renewal, a professor may not apply for such promotion if consideration of the

application would be required during the final year of a renewable contract.

A decision on an application for such promotion shall be made during the academic year beginning that August, by a secret ballot of the members of the Faculty Review Committee, together with any ASP Faculty who hold the rank of Professor, voting under such procedures as the Faculty Review Committee may adopt. The Dean shall forward the report of the Faculty Review Committee together with the Dean's own recommendations to the Provost. The candidate should submit by September 15 of that year a memorandum addressing the criteria specified in these standards, together with all student teaching evaluations from the previous year, relevant scholarship, and any other material the candidate may choose to submit. The Law Library Director Review and Retention Committee shall forward to the Faculty Review Committee the annual evaluations, along with the evaluations and recommendations prepared for previous contract renewal reviews. In addition to the criteria specified in above paragraphs governing contract renewal, the criteria to be applied in evaluating a Director for promotion to Professor of Legal Research are the same as the criteria specified in the Law Faculty Handbook in effect at the time of application governing the promotion to Professor of ASP.

9. The Director of the Law Library shall be eligible to apply for sabbatical leave after completion of six years of continuous full-time employment and on the same basis as Faculty as provided in the Faculty Handbook in effect at the time of application.



## **Chapter 8: Faculty Development and Leaves**

### **A. Professional Development Leaves with Pay: Sabbatical Leave**

The University Faculty Handbook Section 8.A. governs sabbatical leave process and standards, with the addition of the following Law School specific process and standards.

1. Application Process for a Sabbatical Leave – The Dean and Associate Deans for Academic Affairs will review each sabbatical proposal, determine whether each proposal should be approved, and thereafter rank-order the requests. The proposals, recommendations, rank-ordered list, original proposals and other materials required in section 8.A. of the UFH will then be forwarded to the Provost by the date specified on the University’s Faculty Calendar.
2. Outside Employment During a Sabbatical Leave – A Faculty member who takes a sabbatical leave agrees not to undertake any remunerative activities that would intrude on their sabbatical work. Scholarships, fellowships, or grants-in-aid linked to the sabbatical project are not considered outside employment.
3. Base Pay Considerations and Benefits Continuation During Leaves

Faculty members granted a leave with or without pay will be treated for purpose of salary review and cost of living reviews as if they had continued to teach at the University during the leave period.

### **B. Law School Support for Professional Development**

1. Promoting Faculty Scholarship – In the interest of promoting Faculty scholarship and encouraging discussion of scholarly issues, Faculty members are encouraged to present works-in-progress to their colleagues. The Law School will provide a forum for these presentations and for scholarly presentations by Faculty members and scholars from other institutions of higher learning. In the interest of improving scholarship and in the spirit of collegiality, Faculty members are encouraged to read each other’s works-in-progress and to provide the work’s author with comments.
2. Summer Research Grants – The Law School may provide summer research grants to assist Faculty with scholarship. Faculty members who wish to be considered for a summer research grant must make a written application to the Academic Associate Deans. The Dean awards summer

research grants. Application deadlines and procedures will be circulated at least thirty (30) days prior to the application due date.

- a. **Amount and Payment of Grant** – The amount of each summer research grant is determined by the Dean. Within thirty (30) days after the Dean determines the Faculty members to whom she/he will award a research stipend, the Dean shall inform the Faculty as to the recipients of the stipend. The Dean will also disclose to the Faculty the high, low, and average of the amounts awarded.
- b. **Production Required Before Subsequent Grant** – A Faculty member may apply for a subsequent grant before the work for the previous grant is completed; however, a Faculty member is ordinarily limited to two grants at a time. To be eligible for a subsequent grant for a large-scale project, the Faculty member must show significant progress toward completion of the project, as indicated by actual work product not later than May 15 of the year of the next grant application. Summer funding for any one large-scale project will ordinarily be limited to two years.
- c. **Criteria for Award of Grant** – In making summer research grant awards, the Dean should consider these criteria: the scholarly merit of the project; the time that has passed since the applicant last received a summer research grant; the applicant's contributions to the Law School in teaching, service, and scholarship; whether the applicant will be engaged in other remunerative activities during the grant period; whether the project is likely to generate income for the Faculty member; the progress toward completion of a prior grant; and any other matter the Dean considers relevant. Faculty members may receive both a summer research grant and teach a Law School course during the same summer.

## **Chapter 9 - Amendments to this Law Faculty Handbook (Section 13 of the University Faculty Handbook)**

In addition to the Amendment requirements set forth in Section 10 of the University Faculty Handbook:

- A. Amendments to the Tenure Policy in Chapter 7.A. may be recommended to the Provost of the University if approved by a majority vote of members present and voting at a meeting of the Faculty Review Committee and a majority of the tenured and tenure-eligible doctrinal, clinical, and legal writing Faculty members present and voting at a Faculty meeting. No amendment to the Tenure Policy shall apply to candidates appointed to the Faculty prior to adoption of the amendment unless the candidate agrees to be governed by the amended policy.
- B. Amendments to the standards for ASP professors in Chapter 7.B. may be adopted by a majority vote of the Faculty, present and voting, on such amendment. Unless an ASP Professor subject to these Standards elects otherwise, any amendment shall have prospective application, making it applicable to any Faculty member who obtains their first full-time appointment to the Faculty after the applicable date of such amendment.
- C. Any amendment to this Law Faculty Handbook concerning Faculty membership, powers, duties and voting rights shall be subject to the approval of the Board of Trustees.
- D. Any amendment to this Law Faculty Handbook not falling within the categories described in paragraphs (A) and (B) above and not preempted by the non-school-specific provisions of the University Faculty Handbook may be adopted by a majority of the Faculty present and voting on such amendment, subject to any further University approval that may be required.