TENURE AND PROMOTION, LONG-TERM
CONTRACTS AND POST-TENURE REVIEW

A. IUPUI POLICY

2002 Handbook; excerpt October 2005

Faculty and Librarian Review and Enhancement

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IUPUI's faculty and librarians represent its most important resource. The development
and maintenance of every faculty member or librarian's professional expertise must be
among the highest priorities of the institution. An overwhelming majority of faculty and
librarians are professionally competent, productive, and contribute to fulfilling the
mission of IUPUI. Thus, Faculty/Librarian Review and Enhancement is designed to focus
on two small groups of faculty and librarians - those who seek a change in career
direction or emphasis and those who are failing to meet minimum levels of performance
or productivity. Faculty/Librarian Review and Enhancement provides a structure for the
preparation and implementation of faculty/librarian development plans to meet the needs
of these two groups of individuals.

Background to original document

In preparing this document, a subcommittee of the IUPUI Faculty Affairs Committee
studied post-tenure review plans from many other institutions. Based on this study and
from discussion with members of the faculty, a draft document was prepared by the
subcommittee for consideration by the full committee. In consultation with William
Plater, Executive Vice-Chancellor and Dean of the Faculties, the final form of the
document was approved by the IUPUI Faculty Affairs Committee and forwarded to the
IUPUI Faculty Council. Since that time, input has been gathered through a variety of
forums. The subcommittee revised the document using this input, as well as advice from
the IUPUI Library Faculty, and the policy has been approved with its current language by
the IUPUI Faculty Affairs Committee.

The proposed plan is a cost-effective way of addressing the issue of the unsatisfactory
performance by faculty and librarians, as well as a logical step in assisting faculty and
librarians who seek a change in career direction or emphasis. However, any attempts to
deal with these two groups of faculty members or librarians will fail without an adequately planned and funded faculty/librarian development program that provides both the direction-changer and the under-performer with the opportunity for new challenges through a structured faculty development plan.

Although there are many high quality faculty/librarian development offerings on campus, there have not been comprehensive mechanisms to assist faculty or librarians who request a change in career direction or a new emphasis in or balance between teaching, research, or service, in the case of faculty, or performance, professional development, and service, in the case of librarians. Similarly, little has been done to identify and revitalize the careers of faculty and librarians whose performance has been unsatisfactory or whose efforts do not translate into adequate contributions to the mission of the department, school, or university. There must be a way to link these individuals to the faculty/librarian development process. Because of the diverse needs of faculty and librarians, basic foundational programs may be required, as well as programs which are innovative and at the cutting edge of educational theory and practice. In addition, there must be coordination between faculty/librarian development at the school level and the campus level. Some subject areas can only be addressed within the context of a school or department, while others require the scope and perspective of a campus or university-wide program. Continuous learning is expected of all faculty and librarians, but this can only happen when there are good programs and support at all of these levels.

Rights and Responsibilities

Faculty members and librarians have the responsibility to optimize and deploy their talents and expertise in a way that furthers the mission of the University, the school, and the department, as well as their own careers. Faculty and librarians must ensure that they demonstrate professional competence and that, at the least, a minimally satisfactory contribution is consistently made in all areas of faculty or librarian performance. Tenure requires mutual responsibilities and when faculty and librarians accept tenure, they also accept the obligation to grow and develop professionally, to keep current in their disciplines, and to meet the evolving needs of the University. Most faculty members and librarians meet and most exceed this standard. Prior to the tenure decision, the burden is on the faculty member/librarian to prove that tenure should be granted. However, once tenure has been earned, the burden shifts to the institution to show why the faculty member or librarian should no longer have tenure.

The University has the reciprocal responsibility to provide faculty members and librarians with the environment and resources needed for them to be as productive as possible, particularly providing strong protection for academic freedom. This includes not only meaningful faculty/librarian development programs and opportunities, but also the structure and administrative support so that faculty and librarian efforts can be seamlessly translated into achievement. In addition, administrators must be willing and able to make difficult decisions when individual faculty or librarian performance remains below minimally satisfactory levels.
Guiding Principles

- Faculty/Librarian Review and Enhancement must be clearly aimed at performance enhancement rather than designed as a punishment for performance inadequacies. The ultimate goal is to revitalize faculty members and librarians without jeopardizing academic freedom. The program should include an opportunity for faculty members or librarians to pursue new directions throughout their careers without penalty. Intermediate sanctions prior to dismissal, which have been developed at the school level with faculty input, should be sought only after all practical attempts at performance enhancement have been exhausted.

- Faculty/Librarian Review and Enhancement must recognize the diverse cultures of faculty and librarians, including the potential differences in those who are more recently hired from those who have been on the faculty or in a library for many years, those from teaching-oriented and research-oriented schools and programs, and the differences in mission of the various schools or libraries.

- Faculty/Librarian Review and Enhancement is not for purposes of programmatic change.

- For faculty, the review process should take into consideration all facets of faculty performance, including the distribution of effort among teaching, research, and service, while recognizing that a particular faculty member's contributions may be weighted more heavily towards one area or may shift, depending on the mission and needs of the department or school. For librarians, the review process should take into consideration all facets of librarian activities, including the distribution of effort between performance, professional development, and service, while recognizing that a particular librarian's contributions may be weighted more heavily towards one area or may shift, depending on the mission and needs of the department, school, or library.

- There should be a formal linkage between faculty/librarian review and faculty/librarian development. Sufficient resources must be available for faculty development awards and assistance.

- The faculty/librarian development program must be coordinated with the review process so that programs specific to the needs of faculty or librarians who wish to enhance performance are offered and are coordinated with faculty/librarian development programs already in place. There must be ongoing analysis of current faculty/librarian development strategies and a determination of whether they are adequate to meet the needs of all faculty, but particularly those who are subject to a faculty/librarian development plan under Plan B.

- Since administrators play an active role in faculty or librarian success, deans, program directors, library directors, and department chairs should be provided with training programs on leadership and personnel management. These individuals are responsible for providing an environment and formulating policies which promote faculty/librarian success. They must be able and willing to make the difficult decisions in the rare instances where corrective measures are necessary. Review of administrators' abilities in leadership and personnel management should be incorporated into the regular administrative review process.
The program should incorporate as much of the review mechanisms already in place to minimize the creation of duplicate processes. Peer review must be part of the process. For example, the existing process for annual reviews and/or reviews for salary recommendations could be used as an initiating mechanism to identify those faculty members or librarians who require an enhancement plan. The initiating mechanism should be designed to identify only those faculty members or librarians who, through annual reviews or feedback from annual reports, have been informed of persistent substandard performance over time (e.g., two consecutive annual reviews), rather than those with a single year of reduced productivity or lack of effectiveness.

The process must carefully balance the potential good from the program with the cost of the program, particularly since the percentage of faculty members and librarians needing an enhancement program is expected to be quite small. Continuous learning and development, however, are expected of all faculty members and librarians. There must be adequate opportunities and resources to support this commitment.

Schools shall be required to determine what constitutes "unsatisfactory performance." This definition and mechanism for measuring who has "unsatisfactory performance" shall be determined with faculty input and with full written notice to faculty upon the implementation of Faculty/Librarian Review and Enhancement in the school. For librarians, the definitions and mechanisms for measuring shall be determined by IUPUI Library Faculty documents, with written policies available to all librarians. However, the definition of "unsatisfactory performance" must include the concept of lack of effort, such that there is no evidence that the individual is trying to improve, rather than merely lack of results, which must take into account mitigating circumstances, such as a competitive research environment. Schools shall provide a copy of the policies to the Dean of Faculties' Office.

The first implementation of the review and enhancement process in a school should take place after a sufficient time for schools and libraries to develop criteria and guidelines, but not later than one year after the adoption of this policy by the IUPUI Faculty Council.

Due process must be assured.

A corollary of this policy is a fair and equitable retirement system which provides faculty members and librarians with the opportunity to retire from their positions in a dignified manner.

Plan A: Voluntary. The Faculty Member or Librarian Requests the Preparation of a Faculty/Librarian Development Plan

This process is strictly voluntary for the purpose of assisting the faculty member or librarian in evaluating his or her career and in the preparation a faculty/librarian development plan. For faculty, the focus of the review is on the faculty member accomplishments, research agenda, teaching efforts, and service contributions, relating these to the stated criteria for performance developed by the school, the school and/or department's mission, or the faculty member's desire for a change in career focus. For
librarians, the focus of the review is on the librarian's accomplishments, professional development agenda, and service contributions, relating these to the stated criteria for performance developed by the school, the school and/or library's mission, or the librarian's desire for a change in career focus.

No documents or results of this voluntary review may be used in any other university evaluation process, except by explicit consent of the faculty member or librarian.

1. Tenured faculty member or librarian requests assistance in the design of a faculty/librarian development plan. The request will contain a statement of the rationale for the request, including why a plan is needed and how the plan fits within the mission and goals of the school, the department, and/or the library. The individual to whom the request is submitted is identified in school-specific or IUPUI Library Faculty guidelines.

2. For faculty, the review will be conducted by an elected faculty review committee composed of a minimum of three tenured faculty members and excludes administrators at the level of department chair and above. Details of the election process are provided in school-specific guidelines. The faculty member has the right to reject a committee member in the case of a perceived conflict of interest. For librarians, the review will be conducted by an appropriate elected body, as specified in IUPUI Library Faculty documents.

3. The department chair, or in the case of schools without department chairs, the dean, the library director, or his or her designee, informs the faculty member or librarian of the nature and procedures of the review.

4. The faculty member or librarian and the department chair, or equivalent, prepare a review dossier, which includes the following at a minimum:
   For Faculty:
   · a current vita
   · a statement on teaching or a teaching portfolio
   · a statement on current research or creative work
   · a statement on current service
   For Librarians:
   · a current vita
   · a statement on performance
   · a statement on current professional development activities
   · a statement on current service

5. The department chair or equivalent:
   · may add any materials relevant to the review, including prior evaluations and other documents
   · must provide the faculty member or librarian with a copy of each item added

6. The faculty member or librarian may add materials to the dossier at any time during the review process.

7. Based on a review of the request for preparation of a faculty/librarian development plan and the dossier, the review committee shall decide whether the request is reasonable, particularly if the goals of the faculty member or librarian are inconsistent with the mission of the school, department, and/or library.
8. The review committee, in cooperation with the faculty member or librarian, will prepare a faculty/librarian development plan. This plan will provide specific guidance and advice to help the faculty member or librarian more effectively achieve his or her revised career goals. The plan should:
   - identify specific strengths and weaknesses related to the faculty member or librarian's future goals and the extent to which these goals fit within the mission of the school, department, or library
   - define specific activities and programs that could help the faculty or librarian achieve these goals
   - set appropriate timelines for the completion of these activities
   - indicate appropriate benchmarks which the faculty member or librarian could use to monitor his or her progress
   - identify the source of any funding or institutional commitments, such as assigned time or new research equipment, based on discussions with the dean or library director

9. In the development of the plan, the review committee shall consider whether the resources required to achieve the faculty member or librarian's goals are reasonable or an appropriate long-term investment.

10. The faculty/librarian development plan shall be signed by the faculty member or librarian, the dean, library director, or designee, and the department chair or equivalent.

11. Since participation in the review process and preparation of a faculty/librarian development plan is voluntary, the faculty member or librarian may stop the process at any time, up until the point that the plan is agreed to and signed.

Plan B. Involuntary. A Faculty Member or Librarian is Identified as Needing a Review and the Preparation of a Faculty/Librarian Development Plan.

For faculty, the purpose of the review is to identify a faculty member's unsatisfactory performance, to re-affirm or change the division of efforts between teaching, research, and service, to structure a development plan to remedy any deficiencies, and to monitor the progress towards achievement of the plan. For librarians, the purpose of the review is to identify a librarian's unsatisfactory performance, to re-affirm or change the division of efforts between performance, professional development, and service, to structure a development plan to remedy any deficiencies, and to monitor the progress towards achievement of the plan.

The faculty/librarian development plan is an agreement indicating how specific deficiencies in a faculty member or librarian's performance shall be remedied. The generation of a plan is a collaborative effort among the faculty member or librarian, the review committee, and the dean or library director and should reflect the mutual aspirations and intentions of the faculty member or librarian, the department, and the school or library.
1. The review process is initiated at the school level when at least two consecutive annual reviews indicate that a faculty member or librarian's performance is unsatisfactory, as defined by his or her school or library.

2. The Dean or library director notifies the faculty member or librarian being selected for
   · For faculty, the Dean may grant an exemption to a faculty member subject to review if there are extenuating circumstances, such as health problems, which contributed to unsatisfactory performance, or in the event of impending retirement.
   · For librarians, the appropriate administrator may grant an exemption to a librarian subject to review if there are extenuating circumstances, such as health problems, which contributed to unsatisfactory performance, or in the event of impending retirement.

3. For faculty, the review will be conducted by an elected faculty review committee composed of a minimum of three tenured faculty members and excludes administrators at the level of department chair and above. Details of the process to elect and replace committee members are provided in school-specific guidelines. The faculty member has the right to reject a committee member in the case of a perceived conflict of interest. For librarians, the review will be conducted by an appropriate elected body, as specified in IUPUI Library Faculty documents.

4. The review committee can terminate the process if it finds that there is no basis for the review.

5. The findings of the review fall within three categories:
   · Some strengths, no deficiencies.
     If the committee determines that the faculty member or librarian has met the minimum level of performance, as set by the school or library, the faculty member or librarian and dean or library director will be informed and the review process terminated.
   · Some strengths, some deficiencies, but deficiencies are not substantial or chronic.
     If the committee identifies some deficiencies in the faculty member or librarian's performance as compared to the minimum level of performance set by the school or library, but these deficiencies are not judged to be substantial or chronic, the committee shall state its findings in writing, including the specific deficiencies identified. The findings shall be sent to the faculty member or librarian and the dean or library director. The faculty member or librarian should be offered the opportunity to have a faculty/librarian development plan through the review committee process described under Plan A: Voluntary.
   · Substantial chronic deficiencies.
     If the committee determines that there are substantial chronic deficiencies in the faculty member or librarian's performance, as measured against the school or library's minimum level of performance, the committee shall state, in writing, the specific deficiencies identified. The findings shall be sent to the faculty member or librarian and his or her dean or library director.

6. The faculty member or librarian and the committee shall work together to draw up a faculty/librarian development plan. The plan will provide specific guidance and
advice to help the faculty member or librarian remedy the identified deficiencies. The plan should:

· identify specific strengths which should be enhanced
· identify the specific deficiencies to be addressed
· define specific goals or outcomes that are needed to remedy the deficiencies
· outline the specific activities and programs that should be completed to achieve these goals and outcomes
· set appropriate timelines for the completion of these activities
· indicate appropriate benchmarks to be used in monitoring progress
· indicate the criteria for annual progress reviews
· identify the source of any funding or institutional support, such as assigned time or new research equipment, based on discussions with the dean or library director

7. The plan becomes final upon the signatures of the faculty member or librarian, the dean, library director or designee, and the department chair or equivalent. The signatures indicate that the formulation of a faculty/librarian development plan has been completed and is ready for implementation. It does not imply a faculty member or librarian's agreement with the findings. Rights of appeal are provided as described under #8. If a faculty member or librarian refuses to cooperate in the creation or implementation of a development plan, the dean may initiate a range of sanctions (see item 12). If a faculty member or librarian initiates an appeal, sanctions shall be suspended pending completion of the appeal processes.

8. The faculty member or librarian shall have the right of appeal as specified in the IU Academic Handbook, the IUPUI Supplement to the IU Academic Handbook, or the appropriate IUPUI Library Faculty documents.

9. The faculty member or librarian and the review committee shall meet at least annually to review the faculty member or librarian's progress towards remedying the deficiencies. A progress report will be sent to the faculty member or library and the dean or library director.

10. If progress is not made based on the specified timelines and benchmarks which are part of the faculty/librarian development plan agreement, the dean or library director may employ a variety of sanctions which have been developed at the school level with faculty input, as defined within school-specific guidelines or in IUPUI Library Faculty documents.

11. When the objectives of the plan have been met, or in any case, no later than three years after the start of the development plan, the review committee shall make a final report to the faculty member or librarian and the dean or library director.

12. Failure to successfully complete or demonstrate progress towards completion of the faculty/librarian development plan may result in significant sanctions for the faculty member or librarian, including initiation of dismissal proceedings based on alleged professional incompetence or alleged misconduct, as specified in the IUPUI Dismissal Procedures for Tenured Faculty and Librarians.

13. The procedures for dismissing faculty for misconduct or incompetence are separate from these policies and may be invoked, when appropriate, at any time; dismissal policies supercede the Policy for Faculty and Librarian Review and Enhancement.
B. LAW SCHOOL STANDARDS AND PROCEDURES FOR IMPLEMENTING THE UNIVERSITY’S POLICY ON FACULTY REVIEW AND ENHANCEMENT

The university’s policy on Faculty and Librarian Review and Enhancement requires each school to adopt certain implementing procedures and standards. For law school faculty, the policy will be implemented as follows:

1. Voluntary requests for review may be submitted to the Associate Dean for Academic Affairs.

   Comments
   
   The university’s policy provides for both voluntary review of faculty who seek a change in career direction or emphasis and involuntary review of faculty who fail to meet minimum levels of performance and productivity. Voluntary requests for assistance in the design of a development plan are to be submitted to an individual designated by the school. The review, whether voluntary or involuntary, is to be conducted by an elected faculty review committee. See paragraph 5 below.

2. The Executive Committee, in conjunction with its annual review of faculty for salary recommendations, shall participate in the process of identifying faculty for involuntary review and may make recommendations to the Dean in this regard. The Dean shall be responsible for informing faculty of any deficiencies identified in annual reviews.

   Comments
   
   The university’s policy requires that peer review be part of the process of identifying faculty for involuntary review and suggests that annual reviews for making salary recommendations would be an appropriate mechanism. The law school’s Executive Committee meets with the Dean each year to review annual reports submitted by faculty about their activities and goals. Although the Executive Committee does not make salary recommendations, the committee’s discussion of faculty reports serves as input to the Dean in making decisions about faculty salaries. Paragraph 2 requires this process to be used in identifying faculty for involuntary review.

3. Involuntary review of a faculty member may be initiated by the Dean only if the Dean, with the concurrence of a majority of the Executive Committee, concludes in two or more consecutive annual reviews that the faculty member’s performance is unsatisfactory.

   Comments
   
   The university’s policy provides that an involuntary review may be initiated when at least two consecutive annual reviews indicate that a faculty member’s performance is
unsatisfactory. Paragraph 3 requires the concurrence of the Dean and the Executive Committee on those annual reviews.

4. Faculty are expected to make substantial ongoing contributions to the mission of the law school in the areas of teaching, scholarship, and service. To meet minimum requirements for satisfactory performance, faculty are expected to:

   a. perform their teaching responsibilities competently and professionally, including but not limited to meeting classes as scheduled (or rescheduled, if necessary), being available on a reasonable basis to meet with students outside of class, and timely reporting of grades; and

   b. engage regularly in:
      (i) scholarly research, publication, or other creative activity, including but not limited to writing articles, reviews, books, or portions of books, preparing significant original teaching material, making scholarly presentations, or writing papers in connection with pursuing an advanced degree that will enhance the faculty member’s work in law; and
      (ii) service activities benefiting the law school, university, legal profession, or community.

A faculty member’s performance shall not be considered to be unsatisfactory if the faculty member is making a good faith effort and there are mitigating circumstances.

Comments

The university’s policy requires each school to define the term “unsatisfactory performance” in the context of the school’s mission. The policy also provides that the initiating mechanism for involuntary review should be designed to identify faculty who have been informed of “persistent substandard performance over time.” After an involuntary review has been initiated, the policy apparently contemplates that preparation of a development plan will be voluntary with the faculty member unless the school’s elected review committee finds “substantial chronic deficiencies.”

Satisfactory performance is defined in paragraph 4 in terms of competent and professional teaching, scholarly research, publication, or other creative activity, and service. The term “engage regularly” is used in subparagraph b to connote that faculty are expected to engage in both scholarship and service activities over time, although not necessarily both in every year.

The last sentence of paragraph 4 is intended to comply with the following directive in the university’s policy:

“[T]he definition of ‘unsatisfactory performance’ must include the concept of lack of effort, such that there is no evidence that the individual is trying to improve, rather than merely lack of results, which must take into account mitigating circumstances, such as a competitive research environment.”

5. A faculty review, whether voluntary or involuntary, shall be conducted by an ad hoc committee consisting of three tenured faculty members, other than administrators, who are elected by a majority vote of the law school’s voting faculty.
Comments

The university’s policy provides that faculty reviews will be conducted by an elected committee composed of at least three tenured faculty members, excluding administrators at the level of department chair and above. The policy states that: “The faculty member has the right to reject a committee member in the case of a perceived conflict of interest.”

Paragraph 5 provides for a faculty review committee consisting of three tenured faculty members elected by a majority vote of the law school’s voting faculty. The procedures for conducting a review are provided in the university’s policy.

6. If a faculty member is subjected to an involuntary development plan and fails to make progress in accordance with timelines and benchmarks specified in the plan, the Dean may impose a temporary reduction in the faculty member’s salary as a sanction. If the faculty member fails to complete the involuntary development plan successfully, or refuses to cooperate in the creation or implementation of an involuntary development plan, the Dean may impose a permanent reduction in the faculty member’s salary as a sanction in lieu of initiating dismissal proceedings against the faculty member.

Comments

Under the university’s policy, a faculty development plan is supposed to include “appropriate timelines” for the completion of activities and “appropriate benchmarks” to use in monitoring progress. In the case of an involuntary review, the review committee is required to meet at least annually with the faculty member to review progress and prepare a progress report. If progress is lacking under the timelines and benchmarks specified in an involuntary plan, the policy provides that the dean “may employ a variety of sanctions which have been developed at the school level with faculty input, as defined within school-specific guidelines…”

The policy also provides that failure to successfully complete or demonstrate progress toward completion of an involuntary development plan “may result in significant sanctions for the faculty member… including initiation of dismissal proceedings based on alleged professional incompetence or alleged misconduct…”. Furthermore, if a faculty member “refuses to cooperate in the creation or implementation of a development plan, the dean may initiate a range of sanctions…”

Paragraph 6 specifies salary reduction (temporary for lack of progress, permanent for failure to complete or refusal to cooperate) as a permissible intermediate sanction of dismissal.
C. LAW SCHOOL STANDARDS AND PROCEDURES
GOVERNING PROMOTION, TENURE, LONG-TERM CONTRACT STATUS, THREE-YEAR REVIEWS, AND REAPPOINTMENTS
2008

TABLE OF CONTENTS

PART 1: COMMITTEE CALENDAR

PART 2: COMMITTEE RESPONSIBILITIES AND PROCEDURES

I. Advice and Counsel
II. Definitions
III. Persons Subject to Evaluation
IV. Guidelines for Faculty Subject to Evaluation
   A. General Principles
   B. General Guidelines and Expectations
V. Procedures for Decisions and Recommendations on Promotion, Tenure, Long-Term Contracts, Non-Renewal of Long-Term Contracts, Three-Year Reviews, and Reappointments
   A. General Procedures for Committee and Subcommittee
   B. Voting Rules for Committee and Subcommittee
   C. Procedures for the Award of Long-Term Contracts and Promotion Of Clinical Rank Faculty

PART 3: STANDARDS FOR PROMOTION, TENURE, LONG-TERM CONTRACTS, NON-RENEWAL OF LONG-TERM CONTRACTS, THREE-YEAR REVIEWS, AND REAPPOINTMENTS

I. University Standards
II. Law School Standards for Promotion, Tenure, Long-Term Contracts, Non-Renewal of Long-Term Contracts, Three-Year Reviews, and Reappointments
   A. Tenure-Track Faculty
      1. General Standards for Tenure and Promotion
      2. Teaching Standards
      3. Research Standards
      4. Service Standards
   B. Clinical Rank Faculty
   C. Non-Renewal of Long-Term Contracts
   D. Three-Year Reviews
   E. Reappointments

PART 4: RULES OF CONFIDENTIALITY

PART 5: AMENDMENT PROCESS
PART 1: COMMITTEE CALENDAR

*September 10:* Promotion and tenure/long-term contract dossiers due to Office of the Vice Dean; Subcommittee begins review of dossiers.

*Mid-September:* Chair to send out reminder to all probationary faculty that our P&T standards require at least one peer evaluation per class per semester (and summer) and that probationary faculty should not wait until the end of a semester to request peer evaluations.

*November 1:* Committee makes its recommendations and reports on applications for promotion, tenure, and long-term contracts. (See Part 2, Section V for additional deadlines in the Promotion, tenure, and long-term contract review process.)

*Mid-January:* At the beginning of the Spring semester, Chair to appoint mentors for new faculty members.

*Mid-January:* Probationary Faculty who are in their third year of appointment submit materials to Chair for three-year review. Subcommittee begins three-year review process.

*Late January* (at least 30 days before March 1): Dean or Chair may request summary report from faculty member (in the penultimate year of a long-term contract) of the faculty member’s performance relating to putative ground(s) for non-renewal.

*March 1:* Chair (with Committee approval) or Dean to notify faculty member of specific grounds which may exist for non-renewal of long-term contract. Faculty member may request meeting to discuss reasons for non-renewal.

*March 15:* Chair to notify persons who expect to seek promotion or tenure/long-term contract in the next academic year that they must convey those intentions to the Chair and the Vice Dean by May 15.

*April 1:* Dean to solicit nominations for Chair of Committee for the following academic Year.

*Late April:* Committee votes on any reappointment decisions as required by the University. Committee approves three-year reviews. Committee votes on non-renewal of long-term contracts. Committee elects next year’s Chair and next year’s representative on campus committee (May 1 deadline).

*May 15:* Persons seeking promotion or tenure/long-term contract in the next academic year to inform Chair and Vice Dean of their intentions.

*May 15:* Candidates for promotion and tenure/long-term contracts meet with the Vice Dean to review a list of persons from whom outside reviews may be solicited.
PART 2: COMMITTEE RESPONSIBILITIES AND PROCEDURES

I. Advice and Counsel

A. The Vice Dean shall meet with newly appointed faculty members early in the first semester of their appointment to provide information regarding the promotion, tenure or long-term contract process. The Vice Dean, Committee Chair, and newly appointed faculty member shall meet at the beginning of the second semester of the faculty member’s appointment to discuss selection of a mentor. On the basis of this discussion, the Chair shall then appoint a member of the Committee to act as the newly appointed faculty member’s mentor. The Committee member so appointed shall ordinarily serve as mentor for the appointee throughout the latter’s probationary period, but at the request of the probationary appointee or upon the request or inability to serve of the mentor, a new mentor may be appointed. The mentor should meet with the candidate at least once per semester and provide general advice and counsel about the reappointment, three-year review, promotion, tenure, and long-term contract process. The Chair shall take such steps as are necessary to assure that the mentoring process is working satisfactorily.

B. All tenured faculty and faculty holding long-term contracts shall also be available to provide advice and counsel to probationary appointees on all matters within the Committee’s responsibility.

II. Definitions.

For purposes of this document, the following definitions apply:

A. “Tenured Faculty” are persons who have achieved tenure.

B. “Tenure-Track Faculty” are persons holding probationary appointments leading to appointment with tenure.

C. “Clinical Rank Faculty” are persons who have been granted long-term contract status and persons holding probationary appointments leading to a long-term contract.

D. “Probationary Faculty,” depending on the context, includes Tenure-Track Faculty, Clinical Rank Faculty holding probationary appointments leading to a long-term contract, or both.

III. Persons Subject to Evaluation.

A. The following faculty members are subject to evaluation by the Committee:

1. All Probationary Faculty are subject to determinations of renewal or non-renewal of appointments during the probationary period (reappointment recommendations). Probationary Faculty shall also be given a review of their progress toward tenure or long-term contract status during the third year of their initial appointment (three-year review).
2. Probationary Faculty who seek an award of a long-term contract are subject to Committee decision regarding these awards. In the case of tenure, the Committee’s decision is a (favorable or unfavorable) recommendation to the University. In the case of a long-term contract, a decision made in accordance with the procedure set forth in Part 2, Section V.C, is final, except as may be provided otherwise in University rules and procedures.

3. Probationary Faculty, Tenured Faculty who seek promotion, and Clinical Rank Faculty with long-term contracts who seek promotion are subject to Committee decision regarding promotions in rank. The Committee’s decision is a (favorable or unfavorable) recommendation to the University.

4. Clinical Rank Faculty are subject to Committee decision regarding non-renewal of long-term contracts as set forth in Part 3, Section II.C. The Committee’s decision is final, except as may be provided otherwise in University rules and procedures.

IV. Guidelines for Faculty Subject to Evaluation

A. General Principles

1. The burden of proof is on candidates for tenure, promotion, or long-term contract to present evidence of performance satisfying University and Law School standards. It is therefore expected that faculty seeking tenure, promotion, or long-term contract will submit evidence sufficient to allow the Committee to make these assessments.

B. General Guidelines and Expectations

1. The Committee expects that all Probationary Faculty will submit student evaluations for each class taught in each semester on forms approved by the Committee.

2. The Committee expects that all Probationary Faculty will submit at least one peer review of teaching for each class taught in each semester. The Committee expects that faculty who plan to establish teaching as an area of excellence will submit additional peer reviews, including reviews of teaching or teaching materials from qualified evaluators outside the law school, to support the faculty member’s case. The Committee expects that Probationary Faculty will, over the course of the probationary period, seek and obtain peer reviews of teaching from a variety of Committee members, rather than several reviews from few members.

3. The Committee expects that all Tenure-Track Faculty will submit evidence of active research activity, including publication of scholarly works. The Committee further anticipates that Tenure-Track Faculty will normally seek promotion and tenure on the basis
of excellence in research. In such cases, the Committee expects evidence of the development and execution of scholarly works, as set forth in Part 3, Section II.

4. The Committee expects all Probationary Faculty to produce evidence of active service to the Law School, the University, the profession, and the community. In the case of a Probationary Faculty member who expects to seek a long-term contract or tenure on the basis of excellence in service, the Committee expects substantial evidence of sustained and exceptional service activities that make important contributions to the reputation of the law school, as set forth in Part 3, Section II.

5. The Committee expects all Probationary Faculty to submit evidence of satisfactory teaching. In the case of a Probationary Faculty member who expects to seek a long-term contract or tenure on the basis of excellence in teaching, the Committee expects substantial evidence of excellence in a classroom or other instructional settings, as set forth in Part 3, Section II.

6. Tenure requires explicit action. The review leading to a recommendation of tenure shall ordinarily take place during the sixth year of probationary appointment (taking into account any credit toward tenure granted in the initial appointment). A Probationary Faculty member who has not received a notice of non-reappointment may request to be considered for tenure at any time after initial appointment. Probationary Faculty who are considered earlier than the sixth year, however, must present evidence of achievements comparable to those who have served the full period. Early applicants should be forewarned that only one full review can be expected. If the decision is negative, the faculty member’s appointment shall terminate at the end of the academic year following the year in which the negative decision was made.

7. It is the intent of the Committee that the procedures for Clinical Rank Faculty conform as nearly as possible to the procedures for Tenure-Track Faculty. Thus, for example, it is anticipated that the decision to award a renewable long-term contract will be made during the Probationary Faculty member’s sixth year.

V. Procedures for Decisions and Recommendations on Promotion, Tenure, Long-Term Contracts, Non-renewal of Long-Term Contracts, Three-Year Reviews, and Reappointments.

A. General Procedures for Committee and Subcommittee

1. No later than March 15, the Chair shall inform the faculty that notice of intent to apply for promotion, tenure, or a long-term contract in the next academic year must be provided to the Chair and Vice Dean no later than May 15.

2. No later than April 1, the Dean shall solicit nominations for Chair of the Committee and for committee representative to the IUPUI
Promotion and Tenure Committee for the following academic year. The Dean shall submit names of nominees to the current Chair, who shall convene a meeting of the full Committee no later than May 1 for the purpose of electing the Chair and representative. The Chair shall also accept nominations from the floor at the meeting called for the election. Election shall be by majority vote of members present, assuming a quorum. The Chair shall serve a term of two consecutive years, except for extenuating circumstances. Election as Chair also operates as election as chair of the Subcommittee described in paragraph 4 below.

3. As soon as possible, and in no case later than May 15, the candidate for promotion, tenure, or long-term contract should meet with the Vice Dean to review a list of outside reviewers. The Vice Dean should solicit outside reviews as soon as practicable.

4. No later than June 15, the Chair shall appoint a Subcommittee composed of the Chair, five or six Tenured Faculty members of the Committee, and two or three Clinical Rank Faculty members with long-term contracts. The Subcommittee’s function shall be to (1) make initial promotion, tenure, and long-term contract recommendations and decisions pursuant to University standards and procedures and pursuant to the law school standards and procedures established by the full Committee, (2) to conduct three-year reviews of Probationary Faculty members in the spring of the third year of service of such probationary members, and (3) to make initial reappointment decisions and recommendations. The Subcommittee is required to adhere to standards and procedures established by the full Committee. It is therefore required to justify its decisions and recommendations in writing under and by reference to these standards and procedures. Subcommittee decisions and recommendations shall be made by majority vote of all eligible Subcommittee members. The Chair is a voting member of both the full Committee and the Subcommittee.

5. The candidate’s file/dossier shall be completed and submitted to the Vice Dean no later than September 10. The Vice Dean shall make the file/dossier available for review by Committee members.

6. The Subcommittee’s decisions and recommendations shall be communicated to the full Committee for review under the following procedure:
   a. The Subcommittee shall communicate its tentative draft report and decision or recommendation to all members of the Committee at least two weeks before the full committee is to meet to review Subcommittee decisions and recommendations. At this time, the Subcommittee shall also provide each member of the Committee with a copy of the candidate’s CV, personal statement, student evaluation summaries, peer evaluations, and reviews of scholarship.
Members of the full Committee may comment on the draft during this period and the Subcommittee may in its discretion revise its draft or decision/recommendation in response to comments.

b. The Subcommittee shall communicate in its final draft, including any revisions made in response to comments, to all members of the Committee eligible to vote at least one week before the full committee is to meet to review Subcommittee decisions and recommendations. Motions or suggestions to amend the Subcommittee’s written evaluation or report shall be deemed out-of-order unless communicated to all Committee members in writing at least three days before the meeting, except this rule may be suspended by a majority vote of Committee members present. The Subcommittee’s written evaluation or report, as amended by the full committee, shall constitute the full committee’s evaluation or report. Provided, however: (1) the Subcommittee should revise its written evaluation to reflect the full committee’s discussion where the evaluation fails adequately to anticipate that discussion, and (2) the Subcommittee shall include in the final evaluation or report a fair summary of the views of dissenting members of the full committee. The fair summary of dissenting views may be added to the report by amendment at the full committee meeting (following the required advance written notice requirement) or by revisions made by the Subcommittee following such meeting.

7. Members of the Subcommittee shall be chosen in the following manner:

a. Each academic year, the Chair shall appoint the members of the Subcommittee according to the principles stated herein. It is the obligation of each member of the Committee to serve on the Subcommittee when called upon to do so. The chair shall report any refusal to serve on the Subcommittee promptly to the Dean and to the Committee.

b. The Chair shall make appointments to the Subcommittee under the following principles:

i. To the extent practicable, appointments must be by rotation, such that each tenured member of the full Committee serves on the Subcommittee one in every three years and no tenured member serves on the Subcommittee more than one year in each three consecutive year period. These requirements shall not, however, prevent a member from serving as Chair (and, therefore, as a member of the Subcommittee in the capacity of Chair) for consecutive years or for more than a single year within this period. To the extent practicable, appoints of Clinical Faculty to the
Subcommittee shall follow the rotation principles applicable to Tenured Faculty.

ii. Exceptions to the rotation principle may be made on the basis of unavailability for good and sufficient reasons, such as illness, leave or sabbatical. However, members holding the positions of Dean or Vice Dean are not eligible to serve on the Subcommittee.

iii. Vacancies arising for reasons other than expiration of a term of office should be filled for the remainder of the term of office on the basis of the rotation principle. Time served on the Subcommittee by reason of appointment to fill a vacancy arising from a reason other than expiration of a term of office shall be considered in applying the rotation principle to vacancies created by reason of expiration of a term of office.

8. Decisions on non-renewal of long-term contracts shall be made by the full Committee in accordance with the standards and procedures set forth in Part 3, Section II.C.

9. Three-year reviews of Probationary Faculty, and where necessary - four-year reviews of Probationary Faculty, shall be conducted by the Subcommittee, subject to full Committee review, in the spring of the third year of a Probationary Faculty member’s service. Standards and procedures for three-year reviews are set forth in Part 3, Section II.D.

10. Reappointment recommendations shall be made by the Subcommittee, subject to full Committee Review, as required by University rule or practice. Except where a reappointment coincides with a three-year review, a recommendation to reappoint shall not require a written report or evaluation of the Subcommittee or full Committee, unless so required by University rule or practice. Standards and procedures for reappointment are set forth in Part 3, Section II.E.

B. Voting Rules for Committee and Subcommittee

1. The following rules shall govern eligibility of full Committee members to vote and quorum requirements.
   a. A majority of all Committee members eligible to vote on a matter shall constitute a quorum. Proxies may not be counted for quorum purposes and proxy votes may not be counted. [Provided, however, that a proxy may be counted for quorum purposes and for voting purposes if in writing and if signed by an otherwise eligible member who is absent by reason of leave, sabbatical leave or serious illness.]*
   b. A member of the full Committee is eligible to vote on a matter if he or she has a right to vote under the Committee voting rules set forth in the Faculty Constitution.

*The underlined sentence may be inconsistent with university policy prohibiting proxy voting.
c. A member is present at a meeting for quorum and voting purposes if physically present or if constructively present by means of conference call or other electronic means enabling mutual communication.

d. The full Committee shall meet in a single full-day session in the fall semester to consider all Subcommittee decisions and recommendations of the fall semester. It is expected that the academic calendar will provide for an appropriate date on which all Committee members will be available for this purpose. The full Committee shall also meet in a single full day session in the spring semester to consider all Subcommittee decisions and recommendations of the spring semester. It is expected that the academic calendar will similarly provide for an appropriate date on which all Committee members will be available for this purpose. The Chair shall make every reasonable effort to ensure that the Committee’s semester business is completed on the single date set aside for it, but may call additional meetings where necessary.

2. In cases in which the Committee’s authority and responsibility is limited to making a recommendation or reporting its vote, eligible members of the full Committee, following consideration of amendments to the Subcommittee’s report, shall vote to approve or disapprove the Subcommittee’s recommendation. The votes for and against the Subcommittee recommendation shall be deemed to constitute and shall be reported as votes for and against the recommended action where a quorum is present. Matters over which the full committee has decision making authority (such as adoption, repeal or amendment of committee standards and procedures) shall be decided by a majority of those members eligible to vote who are present at the meeting called to consider such matters where a quorum is also present. Provided, however, that the required vote for awarding a long-term contract is stated in the Committee’s procedures for such an award set forth in Part 2, Section V.C.

3. Tenured Faculty members of the Subcommittee, including the Chair, are eligible to vote on all matters coming before the Subcommittee. Clinical Rank Faculty members of the Subcommittee are eligible to vote on decisions and recommendations regarding candidates who seek an award of a long-term contract or promotion in clinical rank. Clinical Rank Faculty members of the Subcommittee shall otherwise fully participate in the work of the Subcommittee.

4. The Chair shall record member attendance at all Committee and Subcommittee meetings and shall report same to the Dean.
annually, prior to the expected date of annual reviews of faculty members by the Dean and Executive Committee.

C. Procedures for Award of Long-Term Contracts and Promotion of Clinical Rank Faculty.

1. Except as herein provided, the procedures for the award of long-term contracts and the promotion of Clinical Rank Faculty shall be the same as those for Tenure-Track Faculty.

2. After a probationary period of not more than seven years, a probationary Clinical Rank Faculty member shall be eligible for a renewable long-term contract of seven years. The procedures for obtaining a renewable long-term contract shall be the same as those governing the award of tenure, except that the law school has authority to award a long-term contract and the law school therefore makes a final decision, rather than a recommendation, regarding a long-term contract.

3. In awarding a long-term contract, the law school acts through the Committee and Dean, or solely through the Committee, as follows:
   a. If the candidate receives a vote in favor of awarding a long-term contract by two-thirds or more of all the Committee members eligible to vote, the long-term contract shall be awarded.
   b. If the candidate receives a vote in favor of awarding a long-term contract by a simple majority of all Committee members eligible to vote, but less than two-thirds of all Committee members, the contract shall be awarded only upon approval of the Dean.
   c. If the candidate receives neither (1) a two-thirds favorable vote nor (2) a favorable majority vote and the Dean’s approval, the candidate is awarded a one-year terminal contract.
   d. Committee voting shall be in accordance with the procedures set forth in Part 2, Section V.B.

4. Faculty who hold long-term contracts shall participate as full Committee members on applications by Probationary Faculty for appointment to long-term contracts, and on applications by Clinical Rank Faculty for promotion in rank. No faculty member, however, shall vote on an application for promotion to a rank which the member has not attained.

PART 3: STANDARDS FOR PROMOTION, TENURE, LONG-TERM CONTRACT, NON-RENEWAL OF LONG-TERM CONTRACT, THREE-YEAR REVIEWS, AND REAPPOINTMENTS

I. University Standards

A. The University=s standards for promotion, tenure, and the achievement and renewal of a long-term contract are set forth in the INDIANA UNIVERSITY ACADEMIC HANDBOOK and any amendments thereto. Further
II. Law School Standards For Promotion, Tenure, and Long-Term Contract, Non-renewal of Long-Term Contract, Three-Year Review, and Reappointment

A. Tenure-Track Faculty

1. General Standards for Tenure and Promotion
   a. Like many law schools in the United States, the Law School makes initial probationary appointments at the Associate Professor level. Therefore, it is not unusual for candidates to seek tenure and promotion to full professor in the same year. Although tenure and promotion decisions need not be made in the same year, a recommendation for tenure without promotion shall be made only when the candidate shows substantial evidence that he or she will achieve promotion to the rank of professor in due time.
   
   b. The criteria for tenure and the criteria for promotion are similar, but not identical. After the appropriate probationary period, tenure shall be granted to Tenure-Track Faculty whose professional characteristics indicate that they will continue to grow and serve with distinction in their appointed roles. The candidate must have established a record of excellence in one area of responsibility (teaching, research, or service) and at least satisfactory performance in the other two areas, or the candidate must have demonstrated a balance of strengths in all three areas that is equivalent. To demonstrate a balance of strengths, the candidate must present a record that approaches excellent performance across all areas in that his or her performance is highly satisfactory in all three areas and promises to provide benefits to the university comparable to those anticipated from excellent performance in one area. Maintaining high standards of professional conduct is also a requirement for tenure and is expected across all areas of responsibility.
   
   c. For tenure decisions, the Committee shall review the entire body of the candidate’s work, including any work completed prior to appointment at the Law School. For promotion decisions, the Committee shall review work completed in rank.
   
   d. Collaborative work is valued, but Probationary Faculty should make clear their individual roles in collective
activity, preferably as related by other colleagues involved in the joint work.

e. Promotion to the rank of full professor is based upon achievement beyond the level required for tenure. If teaching is the primary criterion, the candidate must provide substantial evidence of excellence in a classroom or other instructional settings, an extraordinary ability to stimulate students, and evidence of a national reputation for excellence in teaching that includes dissemination of ideas within the profession through publication, presentation or other means. If research or other creative work is the primary criterion, the candidate must demonstrate a continued growth in scholarship that has brought a national reputation as a first-rate scholar in the candidate’s field. If professional or academic service is the primary criterion, the candidate must provide substantial evidence of sustained and distinguished service activities that make important contributions to the reputation of the law school and establish the candidate as a leading figure in his or her field.

2. Teaching Standards
   a. Because it is among the primary tasks of a law school to prepare its graduates for entry into the legal profession, the importance of the teaching function cannot be overemphasized. The prime requisites of an effective teacher are intellectual competence, integrity, independence of thought, a spirit of constant inquiry, a vital interest in working with and teaching students, and an ability to impart enthusiasm and a spirit of intellectual integrity. It is the responsibility of each candidate to demonstrate at least a satisfactory level of teaching effectiveness. Satisfactory teaching requires, at a minimum, quantitative and qualitative evaluations from students and peers indicating that instruction has fostered appropriate learning outcomes. Additional evidence may take any appropriate form, including new course development or significant course revision presented with evidence of effectiveness, effective use of technology, statements of teaching goals and philosophy, copies of syllabi, exams and teaching materials, and descriptions of innovative teaching methods.

   b. To establish excellence in teaching, the evidence must show a degree of effectiveness that distinguishes the candidate from the level of professional competence expected of all experienced teachers. The candidate must document highly successful teaching methods and outcomes, a well-conceived teaching philosophy, and
evidence of innovative and reflective teaching practices. Excellence in teaching can be shown by high accomplishments of students instructed, mentored or advised (if consistently linked to the influence of the candidate); local, national or international teaching awards; and significant funding of teaching projects. Candidates are expected to produce effective course and curricular products, and to show evidence of having disseminated ideas within the profession through publication, presentation, or other means. Such evidence may include original and substantial teaching materials (such as published or unpublished casebooks, problems, or computer lessons), published writings about teaching and legal education, and meaningful participation in organizations, conferences, and workshops devoted to teaching.

c. To demonstrate excellence in teaching, external peer reviews are required and should clearly demonstrate that the candidate has achieved excellence as a teacher and has established a reputation for the high quality of his or her work.

3. Research Standards

a. As adapted to the setting in the Law School, the University statement on research and creative activities creates the expectation that a law teacher will make contributions to legal scholarship before being granted promotion or tenure. Ordinarily, these contributions are by way of significant publications of an original and creative nature, such as articles in recognized law reviews, books, or monographs. The significance of a publication will normally require evidence of its impact. Impact may be assessed by, among other methods, reviews of, references to or citations to the contribution in scholarly works, in judicial opinions or in the work of other legal actors, by presentations of the contribution before conferences and workshops, or by peer assessments of the importance of the contribution. Satisfactory performance in research requires, at a minimum, significant contributions to the scholarly literature in the candidate’s field.

b. Candidates who rely upon research as the primary criterion for tenure or promotion must submit evidence of excellence as a legal scholar. This requires outside reviews of publications or outside assessments of the candidate=s overall scholarly record.

c. To establish excellence in research, the Law School expects the quality and quantity of the candidate’s work to support
a conclusion that the candidate has the ability to produce high-quality scholarly work exhibiting rigorous legal analysis and will continue to produce high-quality scholarly work throughout her or his academic career.

d. Tenure and promotion decisions are based primarily on the quality of the candidate’s scholarship rather than the quantity, but the candidate must demonstrate the ability to produce a significant body of scholarly work. High-quality legal scholarship takes time to produce and typically results in research products that are fewer in number but significantly longer than in other academic disciplines (50-100 printed pages not being unusual for a well-researched law review article). As a general guideline, the Law School expects a candidate for tenure to have published (or accepted or circulated for publication) a minimum of three solely-authored, high-quality law review articles, and a candidate for promotion to professor a minimum of four, or the equivalent in other forms of legal scholarship. Because there are relatively few peer reviewed journals in legal scholarship, and many student-edited journals have strong reputations, publication in peer reviewed journals is not required. Articles need not be placed in top-rated journals (whether peer reviewed or student-edited); the Committee recognizes that high-quality legal scholarship can, and often does, appear in journals that are not so-called “prestigious,” including journals that specialize in particular disciplines or subject matter, and journals that publish contributions from prominent legal scholars in colloquia, symposia, or other formats.

e. The following factors may influence the Committee’s judgment whether a candidate’s research product, taken as a whole, is sufficient to demonstrate that the candidate has the ability to produce high-quality scholarly work exhibiting rigorous legal analysis and will continue to produce high-quality scholarly work throughout her or his academic career:
   i. the extent to which a research product is demonstrably a candidate’s independent effort;
   ii. the quality of a research product, as evidenced by the reputation of the publication in which it appears, the clarity of expression, the depth of analysis, and the difficulty of the research undertaken;
   iii. the quantity of a research product, as evidence by the number of published works and their length;
   iv. the impact of the research product in the academic community or the legal profession, as evidenced by
citations or references to the work in other publications, judicial opinions, and legal briefs;

v. the growth and development of the candidate’s research product throughout his or her academic career; and

vi. special difficulties inherent in the nature of the endeavor.

f. Legal scholarship may take different forms, including:

i. pure description--a clear explication of what a case, statute, regulation, or body literature says. This category includes both a summary simplifying a larger quantity of material and a clarification of more complicated raw material

ii. analytical description--in addition to what is covered by the preceding category, this category contemplates the identification of inconsistencies and the reconciliation of apparent inconsistencies

iii. analysis--in addition to the preceding, this category includes commentary which adds insights of the author not coming directly out of the material

iv. critical analysis--this category identifies written work in which the author develops a position through which she or he demonstrates the implications, justifications, or significance of the material under consideration

v. original synthesis--this category refers to the bringing together of the materials under consideration in an original way by developing a new organizing principle or a new frame of reference

vi. proposed solution--this category involves the presentation and defense of a solution to a problem through a proposed statute, regulation, or legal theory

The foregoing attributes of legal scholarship are intended to be suggestive only. It is unlikely, however, that a faculty member would be awarded promotion or tenure on the basis of research products falling primarily within categories (i) or (ii). Most of the candidate’s scholarship should fall within categories (iii) – (vi). Empirical legal scholarship is not required.

4. Service Standards

a. All faculty members have a fundamental obligation to perform a satisfactory measure of service to the profession, to the community, to the University, and to the Law School. Satisfactory service requires, at a minimum, effective performance
of and regular participation in law school committee work, attendance at faculty and committee meetings, and other contributions to the operation and development of the law school.

b. To establish excellence in service, the candidate must provide substantial evidence of sustained and exceptional service activities that make important contributions to the reputation of the law school. The candidate must have served in important leadership roles that have substantially contributed to the achievement of significant regional, national, or international goals related to law, higher education, or the legal profession. Significant publications, presentations, and other disseminations of the candidate’s work are expected. Evidence may also include awards and recognition of accomplishments, service as chair of important committees, service as principal organizer of workshops, meetings, or conferences, and other evidence of the impact of the candidate’s work. Outside peer evaluations of the importance and impact of the candidate’s service and external letters evaluating the candidate’s service activities are essential. Candidates who anticipate designating service as an area of excellence should refer to University and campus publications for additional guidance on documenting and evaluating service activities as they prepare their dossiers during the probationary period.

B. Clinical Rank Faculty

1. Promotion in clinical rank and the award of a renewable long-term contract are, except as is hereinafter indicated, governed by the same standards as those which govern promotion and tenure of Tenure-Track Faculty.

2. The Committee recognizes that there are some differences between the work of Clinical Rank Faculty and that typical of other faculty. It further recognizes that faculty seeking a long-term contract or promotion in clinical rank are to be evaluated only with respect to teaching and service, not research. Legal research leading to traditional publications such as books, monographs, and law review articles are not required for an award of a long-term contract or promotion. Candidates are urged, however, to consult the standards set forth in Part 3, Section II.A, as well as University and campus guidelines, which specify the type of creative work that should be included in a dossier to justify the claimed area of excellence in teaching or service. The following principles and policies are provided for the guidance of faculty as they prepare their dossiers for long-term contracts or promotion in clinical rank:

   a. The principle that the burden of proof is on candidate subject to evaluation is equally applicable to tenure-track and faculty who seek long-term contracts or promotion in clinical rank. This burden includes producing evidence of performance in teaching
and service. Because Clinical Rank Faculty are evaluated on the basis of teaching and service only, it is essential that they produce evidence of excellence in at least one of these categories. Clinical Rank Faculty are not eligible for long-term contracts or promotion based on a balance of strengths, and must demonstrate excellence in either teaching or service.

b. Although the following are not exclusive, they constitute both possible forms of evidence and the Committee=s expectations regarding appropriate and desirable evidence of teaching and service performance:

i. **Student Evaluation.** Student teaching evaluations should address the individual performance of the faculty member through use of numerical ratings. The standard teaching evaluation form used by Tenure-Track faculty is the preferred instrument, but Clinical Rank Faculty may propose alternative instruments for Committee approval.

ii. **Peer Evaluation.** The Committee recognizes that much clinical teaching occurs outside of a traditional class experience and that peer evaluation of such teaching by members of the Committee may present logistical and client confidentiality problems. Nevertheless, peer evaluations under the guidelines set forth in Part 1, Section IV.B are expected. Evaluations may take the form of interviews conducted by members of the Committee (at the invitation of the Clinical Faculty Member). If a teaching assignment includes classroom components, the Committee expects that peer evaluations of classes will be obtained. Standard peer evaluations of teaching in traditional, non-clinical courses should be conducted when faculty teach such courses. Members of the Committee have the responsibility both to respond constructively to requests from Clinical Rank Faculty for such visits and to promptly report in writing their evaluations.

iii. **Presentations.** Presentations to the Committee, to the faculty, or in programs outside the law school regarding teaching methods and other pedagogical issues are appropriate and desirable means of communicating information to the Committee about teaching performance and are a basis for Committee evaluation of such performance.

iv. **Writing.** Teaching materials, grant applications, manuals, and other written or electronic products created by faculty and employed in teaching are evidence of teaching performance and should be submitted in the evaluation process. So, too, are books and articles about teaching,
about clinical methods, or about other matters relevant to teaching.

v. **Outside Evaluations.** As members of the legal profession and judges may be in a position to observe and evaluate the performance of both clinic students and the faculty supervising such students, faculty may solicit evaluations from such persons and submit them for consideration by the Committee. The Committee nevertheless recognizes that the adversary process may inhibit or preclude such evaluations.

vi. **Service Activities.** Clinical Rank Faculty seeking promotion or a long-term contract should submit evidence of substantial service activities. This may include evidence of academic or conference presentations, presentations before bar and community groups, *pro bono* activities, and service to the law school.

vii. **Intellectual Activity.** Although University policy precludes evaluation of research as a distinct area of clinical activity, it should be recognized that this does not obviate the expectation that all faculty be engaged in significant intellectual activity related to teaching and service functions. Such activity may be demonstrated through evidence of teaching materials and innovations, research and writing concerning clinical education and closely-related fields (such as legal ethics, legal services, legal skills, substantive legal questions typically encountered in clinical experiences, and issues of legal education), legal briefs or memoranda prepared by the faculty member, participation in ABA, AALS, and other programs and conferences, etc. Reviews of work of this type should be included as evidence of faculty performance. Such reviews may include both assessments by faculty members at the Law School and reviews by members of other faculties.

3. In evaluating a candidate who seeks a long-term contract or promotion in clinical rank, the Committee should bear in mind the different nature of the teaching responsibilities and service opportunities of Clinical Rank Faculty. Written work and participation in professional conferences or programs, whether published or not and whether in the form of texts, articles, teaching materials, assessments of clinical teaching models and methods, or practice-related documents, will be considered as evidence of the faculty member’s performance.

C. **Non-renewal of Long-Term Contracts**

1. Long-term contracts shall be renewed unless good cause is shown for non-renewal in the form of professional incompetence, serious misconduct, financial exigency as defined by the University, or closure or permanent

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Updated 7/14/2011  
Section T - Page 29 of 46
downsizing of a clinic, LARC, or other program in which Clinical Rank Faculty work.

2. No later than March 1 of the penultimate year of a long-term contract, the Chair of the Committee, acting pursuant to a majority vote of the Committee, or the Dean shall notify the holder of the long-term contract when specific cause for non-renewal may exist. To assist the Dean or Chair in making such a determination, no later than thirty days before March 1, the Dean or the Chair may require the faculty member to provide a summary report of his or her performance relating to the putative ground(s) for non-renewal.

3. At the request of the faculty member so notified, the Chair shall set a time for review of the putative ground(s) for non-renewal. Before the meeting, the Dean, any Committee member, and the faculty member may submit any materials pertinent to the question of non-renewal; and in appropriate cases the Chair may appoint a subcommittee of at least three members to consider and report on the materials submitted. The faculty member shall be invited to discuss the reasons for non-renewal at the Committee meeting at which the review is made.

4. No later than the end of April in the year in which grounds for non-renewal have been brought to the attention of the Committee or at such other time as University or contractual provisions require, the Committee shall meet to consider the relevant facts and materials and shall make a final decision regarding renewal. A majority vote of Committee members eligible to vote on the matter shall be final.

5. When notice of cause for non-renewal is not given by March 1 of the penultimate year of a long-term contract, the Committee shall be deemed to have approved renewal of the long-term contract.

D. Three-Year Reviews

1. The primary purpose of a three-year review is to provide Probationary Faculty members with feedback from the Committee regarding their progress toward promotion, tenure, or long-term contract. To facilitate the review, the Probationary Faculty member should submit to the Chair a current vita and a personal statement (not to exceed 5 pages) similar in organization to the statement the faculty member would expect to write at the time of a promotion, tenure, or long-term contract decision. In particular, it should state the anticipated area(s) of excellence or an intention to request consideration on the basis of a balance of strengths, as applicable. The Chair or the Vice Dean may ask the Probationary Faculty member to submit other materials as well. The Vice Dean may request outside reviews of the faculty member’s work to facilitate the review.

2. Upon a recommendation of the Subcommittee described in Part 2, Section V, the Committee shall provide the Probationary Faculty member with a written assessment that includes an evaluation of progress toward promotion, tenure, or long-term contract using the appropriate standards for such decisions. The assessment shall identify any problems and include suggestions aimed at helping the faculty member rectify such problems before a promotion, tenure, or long-term contract decision is to be made. At the time of the review, each Committee member present shall declare by secret ballot his or her view on
the following: “If the faculty member’s performance continues at the present level, there is a [high probability/probability/low probability] that I would vote to recommend [tenure/long-term contract].”

3. In the event a third year review reveals significant issues, the candidate may request a fourth year review. If a candidate requests a fourth year review, the review will be conducted in the manner and pursuant to the procedures for a third year review.

E. Reappointments
   1. Upon a recommendation of the Subcommittee described in Part 2, Section V, the Committee shall make reappointment recommendations for Probationary Faculty as required by University rule or practice. Before making its recommendation to the Committee, the Subcommittee shall review a faculty member’s Faculty Annual Survey form and any other documents or materials that were part of the annual review process. Except where a reappointment decision coincides with a three-year review, a recommendation to reappoint shall not require a written report or evaluation of the Subcommittee or full Committee. A recommendation of non-reappointment shall require a written report or evaluation setting forth the reasons for the recommendation.

PART 4: RULES OF CONFIDENTIALITY

I. Prohibitions: Members of the Committee, in communicating with persons who are not members of the Committee, shall not:
   A. attribute to a particular Committee member any specific comment made or question asked in a meeting;
   B. communicate the position or opinion of any Committee member on any matter related to particular persons under evaluation by the Committee; or
   C. reveal the Committee's assessments of, recommendations, or decisions regarding persons subject to Committee review.

II. Purposes: These rules have as their purposes:
   A. encouraging candid Committee deliberations by protecting Committee members from disclosure of their views; and
   B. protecting the privacy of persons subject to Committee review; and
   C. preserving the integrity of the promotions and tenure process in general.

III. Exceptions: The following exceptions apply to these rules:
   A. Attributions or communications required by University policies or procedures, by law or by appropriate University officials or other authorities authorized to require disclosure.
   B. Advice or reports of Committee actions, concerns, or assessments to a person subject to the Committee's review regarding that person when:
      1. the report is made by the Committee Chair, a dean, or a mentor; and
      2. the report does not attribute comments, questions, or opinions to particular Committee members.
C. Discussions between a Committee member and a person subject to Committee review about Committee advice, concerns, or assessments when the discussion does not attribute comments, questions, or opinions to particular Committee members.

D. Reports or discussions by a Committee member of the member’s own positions or opinions.

E. Attributions or communications beyond the scope of official business between the Committee and a person subject to the Committee’s review when:

   1. the Committee member whose comments, questions, or opinions are attributed or communicated has expressly consented or has “otherwise waived confidentiality” as defined below; or
   2. the attributions or communications are about Committee assessments or recommendations of a person subject to the Committee’s review if, and only if, the following conditions are satisfied:
      i. the comments, questions, or opinions of particular Committee members are not revealed; and
      ii. the person to whom the assessments or recommendations relate has expressly consented or has “otherwise waived confidentiality” as defined below.

IV. Definitions: As used in the prohibitions and exceptions above the following definitions shall apply:

A. “Attribution” includes both direct identification of a Committee member and words or actions clearly calculated to result in identification of a Committee member.

B. A member or person subject to review by the Committee “otherwise waives confidentiality” under the following conditions:

   1. A member when the member has disclosed the member’s own particular comments, questions, positions, opinions, assessments, recommendations, or decisions to any person not a member of the Committee.
   2. A person subject to review by the Committee when that person has disclosed the Committee’s assessments, recommendations, or decisions to any person not a member of the Committee and has attributed a particular comment, question, position, or opinion to a member of the Committee.

   3. The waiver of confidentiality is limited in scope to:
      a. those persons reasonably within the group or class of persons to whom the member or person has made a disclosure; and
      b. the subjects discussed or issues raised by the member’s or person’s disclosure.
V. Promulgation: The Chair should annually call these rules to the attention of the members of the Committee.

PART 5: AMENDMENT PROCESS

I. Minor or technical amendments to these standards, rules, and procedures may be made by the Chair after consulting with the Subcommittee, provided that the Chair shall report all such amendments to the Committee. All other amendments require approval of the Committee by a majority vote of those present at a meeting and eligible to vote thereon.

D. RULES of CONFIDENTIALITY (Revised 2007)

I. Prohibitions: Members of the Promotion and Tenure Committee, in communicating with persons not members of the Committee, shall not:
   A. attribute to a particular Committee member any specific comment made or question asked in a meeting;
   B. communicate the position or opinion of any Committee member on any matter related to particular persons under evaluation by the Committee; or
   C. reveal the Committee's assessments of, recommendations, or decisions regarding persons subject to Committee review.

II. Purposes: These rules have as their purposes:
   A. encouraging candid Committee deliberations by protecting Committee members from disclosure of their views; and
   B. protecting the privacy of persons subject to Committee review; and
   C. preserving the integrity of the promotions and tenure process in general.

III. Exceptions: The following exceptions apply to these rules:
   A. Attributions or communications required by University policies or procedures, by law or by appropriate University officials or other authorities authorized to require disclosure.
   B. Advice or reports of Committee actions, concerns, or assessments to a person subject to the Committee's review regarding that person when:
      1. the report is made by the Committee chair, a dean, or a mentor; and
      2. the report does not attribute comments, questions, or opinions to particular Committee members.
   C. Discussions between a Committee member and a person subject to Committee review about Committee advice, concerns, or assessments when the discussion does not attribute comments, questions, or opinions to particular Committee members.
   D. Reports or discussions by a Committee member of the member’s own positions or opinions.
   E. Attributions or communications beyond the scope of official business between the Committee and a person subject to the Committee’s review when:
1. the Committee member whose comments, questions, or opinions are attributed or communicated has expressly consented or has “otherwise waived confidentiality” as defined below; or
2. the attributions or communications are about Committee assessments or recommendations of a person subject to the Committee’s review if, and only if, the following conditions are satisfied:
   a. the comments, questions, or opinions of particular Committee members are not revealed; and
   b. the person to whom the assessments or recommendations relate has expressly consented or has “otherwise waived confidentiality” as defined below.

IV. Definitions: As used in the prohibitions and exceptions above the following definitions shall apply:
   A. “Attribution” includes both direct identification of a Committee member and words or actions clearly calculated to result in identification of a Committee member.
   B. A member or person subject to review by the Committee “otherwise waives confidentiality” under the following conditions:
      1. A member when the member has disclosed the member’s own particular comments, questions, positions, opinions, assessments, recommendations, or decisions to any person not a member of the Committee.
      2. A person subject to review by the Committee when that person has disclosed the Committee’s assessments, recommendations, or decisions to any person not a member of the Committee and has attributed a particular comment, question, position, or opinion to a member of the Committee.
      3. The waiver of confidentiality is limited in scope to:
         a. those persons reasonably within the group or class of persons to whom the member or person has made a disclosure; and
         b. the subjects discussed or issues raised by the member’s or person’s disclosure.

V. Promulgation: The Chair of the Committee should annually call these rules to the attention of the members of the Committee.

E. UNIVERSITY POLICY ON CLINICAL RANKS
   (excerpt from Indiana University Academic Handbook, August 2001)

   **Regulation of Clinical and Lecturer Appointments**

   [EXPLANATION AND COMMENT: The regulation of lecturer and clinical appointments is intended to further the Trustees’ policy regarding “associate faculty.” Associate faculty have played and will continue to play an important role in the teaching mission of Indiana University. For this reason, all campuses should establish]
formal policies treating the appointments, evaluation and professional development of such faculty.

Standards for appointment for associate faculty should guarantee that courses are taught by qualified individuals. Their teaching should be evaluated on a regular basis by customary measures of classroom effectiveness. Reappointment of associate faculty should be predicated on satisfactory teaching evaluation.

Schools and departments should take steps to integrate associate with full-time faculty and to promote their professional development. Such steps should include formal orientation of associate faculty to the university and to their specific teaching responsibilities. Associate faculty should be provided with resources adequate to promote their success as teachers and the enhancement of their pedagogical skills. Exceptional performance by associate faculty should be recognized by appropriate measures. (Board of Trustees, September 24, 1994)

CLINICAL FACULTY

Use of Clinical Appointments
Clinical appointments are appropriate for those who work primarily in the clinical setting. Clinical faculty may be involved in research that derives from their primary assignment in clinical teaching and professional service; however, continued appointment and advancement in rank must be based on performance in teaching and service.

[EXPLANATION AND COMMENT: Clinical appointees teach and practice full-time in the clinical professional setting. It follows that clinical appointments will be limited to academic units (and departments within academic units) in the professional-client service disciplines. Clinical faculty may contribute to the research efforts of a unit through their clinical work, but they are not expected to do individual research. Faculty who, in addition to teaching and service, have portions of their time allocated to doing research for which they are a principal or co-principal investigator, who have research laboratories, or who are otherwise expected to do individual research should be in tenured/tenure-probationary positions. While individual faculty members hired in tenure-probationary appointments may switch to the clinical appointments during the first five years of their probationary period, such a switch must involve giving up the research component of their faculty work, except for their clinical role in collaborative research trials. Clinical appointments are not intended as a means of retaining tenure-probationary faculty members who will not be able to demonstrate the performance levels in teaching, research, and service required for the granting of tenure.]

Rights and Privileges
Clinical faculty are expected to follow and be protected by University policies, including those pertaining to faculty hiring and faculty annual reviews. The faculty salary policies of the University, campus, school, and department shall apply to clinical faculty. Clinical faculty have the right to petition the campus faculty board of review. Clinical faculty are not eligible for University sabbatical leave, but schools may provide sabbatical-like leaves for their clinical faculty to provide opportunities for professional learning and collaboration with other colleagues.
Participation in University and campus faculty governance is governed by the Constitution of the Faculty of Indiana University and the faculty constitutions on each campus. The role of clinical faculty in governance within the unit shall be determined by vote of the tenured and tenure-probationary faculty of the unit, provided that where non-tenure track appointees have voting privileges, their voting participation must be structured in a way that reserves at least 60% of voting weight to tenure track faculty. The academic integrity of the school and its programs ultimately is the responsibility of tenured and tenure-probationary faculty.

The rights of clinical faculty and the regulations concerning their roles within each school shall be written and available to the school faculty. A copy of all rights and regulations shall be filed with the campus academic officer and with the campus faculty governance body.

[EXPLANATION AND COMMENT: The University Faculty Constitution defines the voting faculty as “all faculty members on tenure or accumulating credit toward tenure.” The Constitution further states that “the voting members of individual campuses may extend voting privileges to others on matters of individual campus significance.” The rationale for the distributions of rights and privileges is to leave the responsibility for the preservation of the most basic academic interests of the institution in the hands of those with the greatest protection of their academic freedom for the purposes of teaching, research, and service including the service of faculty governance; i.e. those with tenure. Non-tenure track appointees otherwise should have as many faculty privileges as is consistent with their qualifications and responsibilities.] Clinical faculty are not eligible for academic administrative appointments at and above the department chair level.

[EXPLANATION AND COMMENT: The integrity of the academic programs will be best served by requiring that those individuals holding administrative appointments with direct authority for academic programs have the full range of academic qualifications associated with the tenure track, as well as the fuller protection of academic freedom that tenure provides.]

Appointment and Advancement
The faculty of each unit using clinical appointments shall decide whether those appointments will be with the titles of Clinical Professor, Associate Clinical Professor, or Clinical Senior Lecturer and Clinical Lecturer. Initial clinical appointments should be at the level appropriate to the experience and accomplishments of the individual. The process for appointment with probationary status or appointment with a long-term contract shall go through the ordinary procedures for faculty appointments. Promotions in rank of Assistant and Associate Clinical Professors should go through the normal faculty procedures appropriate to the unit of the university, including peer review by the primary unit, and campus promotion (and tenure) committees. The faculty of each unit using Assistant and Associate Clinical Professor appointments shall adopt criteria for promotion that are appropriate to the duties that may be assigned to clinical appointees. Those criteria must be written, available to unit faculty, and filed with the campus academic officer. Clinical Lecturers shall be promoted to Clinical Senior Lecturers upon their being appointed to long-term contracts following a probationary period.
Protection of Academic Freedom
Clinical appointees are not eligible for tenure; however, in order to protect their academic freedom, individuals appointed as clinical faculty shall be given long-term contracts after a probationary period of not more than seven years. The exact mechanism for this shall be determined by the dean and the faculty governance body within each school using clinical appointments and be approved by the chancellor, but the mechanism should be a long-term contract of not less than five years or be some equivalent, such as a rolling three year contract. The criteria for granting long-term contracts after a probationary period shall be analogous to the criteria for granting tenure, except that clinical faculty shall earn the right to a long-term contract on the basis of their excellence only in those responsibilities that may be assigned to them. Each school will establish procedures and specific criteria for review of long-term contracts or their equivalent.

Clinical faculty appointments during the probationary period shall be subject to the same policies and procedures with respect to appointment, reappointment, non-reappointment, and dismissal as apply to tenure-probationary faculty during the probationary period. After the probationary period, dismissal of a clinical faculty member holding a longer term which has not expired may occur because of closure or permanent downsizing of the program in which the faculty member teaches and serves; otherwise, dismissal of such clinical faculty shall occur only for reasons of professional incompetence, serious misconduct, or financial exigency. Non-reappointment of clinical faculty to a new contract term may occur for the foregoing reasons or may occur as well for reason of changing staffing needs of the clinical program. Non-reappointment decisions regarding clinical faculty holding a long-term contract after the probationary period must be made with faculty consultation through processes established by the school’s faculty governance institutions. The jurisdiction of campus faculty grievance institutions includes cases of dismissal and non-reappointment of clinical faculty.

[EXPLANATION AND COMMENT: Probationary periods for part-time faculty may be longer than seven years, where regulations adopted by the faculty of the academic unit so provide. University practice requires that probationary periods be served on a continuing basis unless a leave of absence has been applied for and been granted. The University is not obliged to relocate within the institution clinical faculty whose positions are eliminated because of closure, permanent downsizing, or changing staffing needs of their clinical programs. Where an instructional line is converted from non-tenure to tenure track, a clinical faculty member occupying the line may apply for the tenure-track position, but is not guaranteed appointment.]

(University Faculty Council, February 13, 2001; Board of Trustees, May 14, 2001)

F. IUPUI DEAN OF FACULTIES’ GUIDELINES FOR PREPARING AND REVIEWING PROMOTION AND TENURE DOSSIERS

The Dean of the Faculties Guidelines for Preparing and Reviewing Promotion and Tenure Dossiers are revised annually, based on feedback received during each year’s promotion and tenure cycle.
G. UNIVERSITY POLICY ON PROMOTION AND TENURE

See attached document: Adoption of Principles for Promotion and Tenure Procedures on Campuses on Indiana University

H. LAW SCHOOL SUMMARY STANDARDS FURNISHED TO THE CAMPUS P & T COMMITTEE

ATTACHMENT A.

Template for Departmental Expectations for Declared Area of Excellence for Advancement (Tenure Track)

Department:             School: LAW SCHOOL

1. For promotion from assistant professor to associate professor:

   Like many law schools in the United States, the Law School makes initial probationary appointments at the Associate Professor level. Therefore, the law school does not address the issue of advancement from assistant to associate professor.

2. For promotion from associate professor to full professor (with tenure):

   a. Because the Law School makes initial probationary appointments at the Associate Professor level, it is not unusual for candidates to seek tenure and promotion to full professor in the same year. Although tenure and promotion decisions need not be made in the same year, a recommendation for tenure without promotion shall be made only when the candidate shows substantial evidence that he or she will achieve promotion to the rank of professor in due time.

   b. The criteria for tenure and the criteria for promotion are similar, but not identical. After the appropriate probationary period, tenure shall be granted to Tenure-Track Faculty whose professional characteristics indicate that they will continue to grow and serve with distinction in their appointed roles. The candidate must have established a record of excellence in one area of responsibility (teaching, research, or service) and at least satisfactory performance in the other two areas, or the candidate must have demonstrated a balance of strengths in all three areas that is equivalent. To demonstrate a balance of strengths, the candidate must present a record that approaches excellent performance across all areas in that his or her performance is highly satisfactory in all three areas and promises to provide benefits to the university comparable to those anticipated from excellent performance in one area. Maintaining high standards of professional conduct is also a requirement for tenure and is expected across all areas of responsibility.

   c. For tenure decisions, the Committee shall review the entire body of the candidate’s work, including any work completed prior to appointment at the Law School. For promotion decisions, the Committee shall review work completed in rank.

   d. Collaborative work is valued, but Probationary Faculty should make clear their individual roles in collective activity, preferably as related by other colleagues involved in the joint work.
If research or other creative work is the primary criterion, the candidate must demonstrate a continued growth in scholarship that has brought a national reputation as a first-rate scholar in the candidate’s field.

a. As adapted to the setting in the Law School, the University statement on research and creative activities creates the expectation that a law teacher will make contributions to legal scholarship before being granted promotion or tenure. Ordinarily, these contributions are by way of significant publications of an original and creative nature, such as articles in recognized law reviews, books, or monographs. The significance of a publication will normally require evidence of its impact. Impact may be assessed by, among other methods, reviews of, references to or citations to the contribution in scholarly works, in judicial opinions or in the work of other legal actors, by presentations of the contribution before conferences and workshops, or by peer assessments of the importance of the contribution. Satisfactory performance in research requires, at a minimum, significant contributions to the scholarly literature in the candidate’s field.

b. Candidates who rely upon research as the primary criterion for tenure or promotion must submit evidence of excellence as a legal scholar. This requires outside reviews of publications or outside assessments of the candidate’s overall scholarly record.

c. To establish excellence in research, the Law School expects the quality and quantity of the candidate’s work to support a conclusion that the candidate has the ability to produce high-quality scholarly work exhibiting rigorous legal analysis and will continue to produce high-quality scholarly work throughout her or his academic career. The following factors may influence the Committee’s judgment whether a candidate’s research product, taken as a whole, is sufficient to demonstrate that the candidate has the ability to produce high-quality scholarly work exhibiting rigorous legal analysis and will continue to produce high-quality scholarly work throughout her or his academic career:

i. the extent to which a research product is demonstrably a candidate’s independent effort;
ii. the quality of a research product, as evidenced by the reputation of the publication in which it appears, the clarity of expression, the depth of analysis, and the difficulty of the research undertaken;
iii. the quantity of a research product, as evidenced by the number of published works and their length;
iv. the impact of the research product in the academic community or the legal profession, as evidenced by citations or references to the work in other publications, judicial opinions, and legal briefs;
v. the growth and development of the candidate’s research product throughout his or her academic career; and
vi. special difficulties inherent in the nature of the endeavor.

d. Tenure and promotion decisions are based primarily on the quality of the candidate’s scholarship rather than the quantity, but the candidate must demonstrate the ability to produce a significant body of scholarly work. High-quality legal scholarship takes time to produce and typically results in research products that are fewer in number but significantly longer than in other academic disciplines (50-100 printed pages not being unusual for a well-researched law review article). As a general guideline, the Law School expects a candidate for tenure to have published (or accepted or circulated for publication) a minimum of three solely-authored, high-quality law review articles, and a candidate for promotion to professor a minimum of four, or the equivalent in other forms of legal scholarship. Because there are relatively few peer reviewed journals in legal scholarship, and many student-edited journals have strong reputations, publication in peer reviewed journals is not required. Articles need not be placed in top-rated journals (whether peer reviewed or student-edited); the Committee recognizes that high-quality legal scholarship can, and often does, appear in journals that are not so-called “prestigious,” including journals

With research as declared area of excellence:
http://faa.iupui.edu/common/uploads/library/FAA/APPD735652.doc#stdReCr
that specialize in particular disciplines or subject matter, and journals that publish contributions from prominent legal scholars in colloquia, symposia, or other formats.

With **teaching** as declared area of excellence:*  

If teaching is the primary criterion, the candidate must provide substantial evidence of excellence in a classroom or other instructional settings, an extraordinary ability to stimulate students, and evidence of a national reputation for excellence in teaching that includes dissemination of ideas within the profession through publication, presentation or other means.

a. Because it is among the primary tasks of a law school to prepare its graduates for entry into the legal profession, the importance of the teaching function cannot be overemphasized. The prime requisites of an effective teacher are intellectual competence, integrity, independence of thought, a spirit of constant inquiry, a vital interest in working with and teaching students, and an ability to impart enthusiasm and a spirit of intellectual integrity. It is the responsibility of each candidate to demonstrate at least a satisfactory level of teaching effectiveness. Satisfactory teaching requires, at a minimum, quantitative and qualitative evaluations from students and peers indicating that instruction has fostered appropriate learning outcomes. Additional evidence may take any appropriate form, including new course development or significant course revision presented with evidence of effectiveness, effective use of technology, statements of teaching goals and philosophy, copies of syllabi, exams and teaching materials, and descriptions of innovative teaching methods.

b. To establish excellence in teaching, the evidence must show a degree of effectiveness that distinguishes the candidate from the level of professional competence expected of all experienced teachers. The candidate must document highly successful teaching methods and outcomes, a well-conceived teaching philosophy, and evidence of innovative and reflective teaching practices. Excellence in teaching can be shown by high accomplishments of students instructed, mentored or advised (if consistently linked to the influence of the candidate); local, national or international teaching awards; and significant funding of teaching projects. Candidates are expected to produce effective course and curricular products, and to show evidence of having disseminated ideas within the profession through publication, presentation, or other means. Such evidence may include original and substantial teaching materials (such as published or unpublished casebooks, problems, or computer lessons), published writings about teaching and legal education, and meaningful participation in organizations, conferences, and workshops devoted to teaching.

c. To demonstrate excellence in teaching, external peer reviews are required and should clearly demonstrate that the candidate has achieved excellence as a teacher and has established a reputation for the high quality of his or her work.

With **service** as declared area of excellence:*  

If professional or academic service is the primary criterion, the candidate must provide substantial evidence of sustained and distinguished service activities that make important contributions to the reputation of the law school and establish the candidate as a leading figure in his or her field.

a. All faculty members have a fundamental obligation to perform a satisfactory measure of service to the profession, to the community, to the University, and to the Law School. Satisfactory service requires, at a minimum, effective performance of and regular participation in law school committee work, attendance at faculty and committee meetings, and other contributions to the operation and development of the law school.

b. To establish excellence in service, the candidate must provide substantial evidence of sustained and exceptional service activities that make important contributions to the reputation of the law school.
The candidate must have served in important leadership roles that have substantially contributed to the achievement of significant regional, national, or international goals related to law, higher education, or the legal profession. Significant publications, presentations, and other disseminations of the candidate’s work are expected. Evidence may also include awards and recognition of accomplishments, service as chair of important committees, service as principal organizer of workshops, meetings, or conferences, and other evidence of the impact of the candidate’s work. Outside peer evaluations of the importance and impact of the candidate’s service and external letters evaluating the candidate’s service activities are essential. Candidates who anticipate designating service as an area of excellence should refer to University and campus publications for additional guidance on documenting and evaluating service activities as they prepare their dossiers during the probationary period.

*Please note if this is not typically pursued in your department as an area of excellence for the purposes of advancement. When that is the case, criteria for excellence do not need to be listed.

ATTACHMENT B.

Template for Departmental Expectations for Declared Area of Excellence for Advancement (Clinical Track)

Department:  
School:  LAW SCHOOL

1. For promotion from assistant professor to associate professor:

Like many law schools in the United States, the Law School makes initial probationary appointments at the Associate Professor level. Therefore, the law school does not address the issue of advancement from assistant to associate professor.

2. For promotion from associate professor to full professor:

Promotion in clinical track and the award of a renewable long-term contract are, except as is hereinafter indicated, governed by the same standards as those which govern promotion and tenure of tenure-track Faculty. The standards for promotion and tenure (as adapted to faculty in clinical track) are set forth below. They are followed by specific additional guidance for clinical track faculty who seek long-term contract status and promotion to full professor.

a. Because the Law School makes initial probationary appointments at the Associate Professor level, it is not unusual for clinical track candidates to seek long-term contract and promotion to full professor in the same year. Although long-term contract and promotion decisions need not be made in the same year, a recommendation for long-term contract without promotion shall be made only when the candidate shows substantial evidence that he or she will achieve promotion to the rank of professor in due time.
b. The criteria for long-term contract and the criteria for promotion are similar, but not identical. After the appropriate probationary period, long-term contracts shall be granted to clinical track faculty whose professional characteristics indicate that they will continue to grow and serve with distinction in their appointed roles. The candidate must have established a record of excellence in one area of responsibility (teaching or service) and at least satisfactory performance in the other area. Maintaining high standards of professional conduct is also a requirement for long-term contract and is expected across all areas of responsibility.

c. For long-term contract decisions, the Committee shall review the entire body of the candidate’s work, including any work completed prior to appointment at the Law School. For promotion decisions, the Committee shall review work completed in rank.

d. Collaborative work is valued, but Probationary Faculty should make clear their individual roles in collective activity, preferably as related by other colleagues involved in the joint work.

With teaching as declared area of excellence:*


The standards for promotion of long-term contract-track faculty on the basis of teaching are as follows:

If teaching is the primary criterion, the candidate must provide substantial evidence of excellence in a classroom or other instructional settings, an extraordinary ability to stimulate students, and evidence of a national reputation for excellence in teaching that includes dissemination of ideas within the profession through publication, presentation or other means.

a. Because it is among the primary tasks of a law school to prepare its graduates for entry into the legal profession, the importance of the teaching function cannot be overemphasized. The prime requisites of an effective teacher are intellectual competence, integrity, independence of thought, a spirit of constant inquiry, a vital interest in working with and teaching students, and an ability to impart enthusiasm and a spirit of intellectual integrity. It is the responsibility of each candidate to demonstrate at least a satisfactory level of teaching effectiveness. Satisfactory teaching requires, at a minimum, quantitative and qualitative evaluations from students and peers indicating that instruction has fostered appropriate learning outcomes. Additional evidence may take any appropriate form, including new course development or significant course revision presented with evidence of effectiveness, effective use of technology, statements of teaching goals and philosophy, copies of syllabi, exams and teaching materials, and descriptions of innovative teaching methods.

b. To establish excellence in teaching, the evidence must show a degree of effectiveness that distinguishes the candidate from the level of professional competence expected of all experienced teachers. The candidate must document highly successful teaching methods and outcomes, a well-conceived teaching philosophy, and evidence of innovative and reflective teaching practices. Excellence in teaching can be shown by high accomplishments of students instructed, mentored or advised (if consistently linked to the influence of the candidate); local, national or international teaching awards; and significant funding of teaching projects. Candidates are expected to produce effective course and curricular products, and to show evidence of having disseminated ideas within the profession through publication, presentation, or other means. Such evidence may include original and substantial teaching materials (such as published or unpublished casebooks, problems, or computer lessons), published writings about teaching and legal education, and meaningful participation in organizations, conferences, and workshops devoted to teaching.

c. To demonstrate excellence in teaching, external peer reviews are required and should clearly demonstrate that the candidate has achieved excellence as a teacher and has established a reputation for the high quality of his or her work.

With service as declared area of excellence:*
The standards for promotion of long-term contract track faculty on the basis of service are as follows:

If professional or academic service is the primary criterion, the candidate must provide substantial evidence of sustained and distinguished service activities that make important contributions to the reputation of the law school and establish the candidate as a leading figure in his or her field.

a. All faculty members have a fundamental obligation to perform a satisfactory measure of service to the profession, to the community, to the University, and to the Law School. Satisfactory service requires, at a minimum, effective performance of and regular participation in law school committee work, attendance at faculty and committee meetings, and other contributions to the operation and development of the law school.

b. To establish excellence in service, the candidate must provide substantial evidence of sustained and exceptional service activities that make important contributions to the reputation of the law school. The candidate must have served in important leadership roles that have substantially contributed to the achievement of significant regional, national, or international goals related to law, higher education, or the legal profession. Significant publications, presentations, and other disseminations of the candidate’s work are expected. Evidence may also include awards and recognition of accomplishments, service as chair of important committees, service as principal organizer of workshops, meetings, or conferences, and other evidence of the impact of the candidate’s work. Outside peer evaluations of the importance and impact of the candidate’s service and external letters evaluating the candidate’s service activities are essential. Candidates who anticipate designating service as an area of excellence should refer to University and campus publications for additional guidance on documenting and evaluating service activities as they prepare their dossiers during the probationary period.

In addition to the foregoing, the following specific guideline is provided regarding clinical faculty members:

Although the following are not exclusive, they constitute both possible forms of evidence and the Committee’s expectations regarding appropriate and desirable evidence of teaching and service performance:

i. Student Evaluation. Student teaching evaluations should address the individual performance of the faculty member through use of numerical ratings. The standard teaching evaluation form used by Long-term contract-Track faculty is the preferred instrument, but Clinical Rank Faculty may propose alternative instruments for Committee approval.

ii. Peer Evaluation. The Committee recognizes that much clinical teaching occurs outside of a traditional class experience and that peer evaluation of such teaching by members of the Committee may present logistical and client confidentiality problems. Nevertheless, peer evaluations under the guidelines set forth in Part 1, Section IV.B are expected. Evaluations may take the form of interviews conducted by members of the Committee (at the invitation of the Clinical Faculty Member). If a teaching assignment includes classroom components, the Committee expects that peer evaluations of classes will be obtained. Standard peer evaluations of teaching in traditional, non-clinical courses should be conducted when faculty teach such courses. Members of the Committee have the responsibility both to respond constructively to requests from Clinical Rank Faculty for such visits and to promptly report in writing their evaluations.

iii. Presentations. Presentations to the Committee, to the faculty, or in programs outside the law school regarding teaching methods and other pedagogical issues are appropriate and desirable means of communicating information to the
Committee about teaching performance and are a basis for Committee evaluation of such performance.

iv. Writing. Teaching materials, grant applications, manuals, and other written or electronic products created by faculty and employed in teaching are evidence of teaching performance and should be submitted in the evaluation process. So, too, are books and articles about teaching, about clinical methods, or about other matters relevant to teaching.

v. Outside Evaluations. As members of the legal profession and judges may be in a position to observe and evaluate the performance of both clinic students and the faculty supervising such students, faculty may solicit evaluations from such persons and submit them for consideration by the Committee. The Committee nevertheless recognizes that the adversary process may inhibit or preclude such evaluations.

vi. Service Activities. Clinical Rank Faculty seeking promotion or a long-term contract should submit evidence of substantial service activities. This may include evidence of academic or conference presentations, presentations before bar and community groups, pro bono activities, and service to the law school.

vii. Intellectual Activity. Although University policy precludes evaluation of research as a distinct area of clinical activity, it should be recognized that this does not obviate the expectation that all faculty be engaged in significant intellectual activity related to teaching and service functions. Such activity may be demonstrated through evidence of teaching materials and innovations, research and writing concerning clinical education and closely-related fields (such as legal ethics, legal services, legal skills, substantive legal questions typically encountered in clinical experiences, and issues of legal education), legal briefs or memoranda prepared by the faculty member, participation in ABA, AALS, and other programs and conferences, etc.

Reviews of work of this type should be included as evidence of faculty performance. Such reviews may include both assessments by faculty members at the Law School and reviews by members of other faculties.

In evaluating a candidate who seeks a long-term contract or promotion in clinical rank, the Committee should bear in mind the different nature of the teaching responsibilities and service opportunities of Clinical Rank Faculty. Written work and participation in professional conferences or programs, whether published or not and whether in the form of texts, articles, teaching materials, assessments of clinical teaching models and methods, or practice-related documents, will be considered as evidence of the faculty member’s performance.

ATTACHMENT C.

(submitted Spring 2011)

Teaching
Associate to Full Clinical Professor  
(all law faculty are hired at the Associate level)

**Demonstrate a national reputation for excellence in teaching that includes dissemination of ideas within the profession through publications, presentations, or other forms of dissemination of the candidate’s work.**

Presentations regarding teaching methods and other pedagogical issues at local, state, regional, and international conferences hosted by academic institutions or bar organizations.

Teaching materials, assignments, manuals, and other written or electronic products created by faculty and employed in teaching that have been disseminated to and adopted by faculty at other law schools or practicing lawyers.

Books and articles about teaching, about clinical methods, or about other matters relevant to teaching. This research and writing may concern clinical education and closely-related fields (such as legal ethics, legal services, legal skills, substantive legal questions typically encountered in clinical experiences, and issues of legal education).

**Service**

Associate to Full Clinical Professor  
(all law faculty are hired at the Associate level)

**A mass substantial evidence of sustained and distinguished service activities that make important contributions to the reputation of the law school and establish the candidate as a leading figure in his or her field through publications, presentations, or other forms of dissemination of the candidate’s work.**

Presentations in the candidate’s field(s) of expertise at local, state, regional, and international conferences hosted by academic institutions or bar organizations.

Teaching materials, assignments, manuals, and other written or electronic products created by faculty in their field(s) of expertise that have been disseminated to and adopted by faculty at other law schools or practicing lawyers.

Books and articles in the candidate’s field(s) of expertise. This research and writing may concern clinical education and closely-related fields (such as legal
ethics, legal services, legal skills, substantive legal questions typically encountered in clinical experiences, and issues of legal education).

Legal briefs or memoranda prepared by the faculty member in the candidate’s field(s) of expertise.