

11. General Criteria Used in Evaluation of Faculty Members

The evaluation of a member of the faculty at the time of initial appointment, at each renewal, and on the occasion of promotion in rank or appointment with tenure is based upon his/her actual and potential contribution to legal scholarship, to law teaching, to the legal profession, to the Washington College of Law community of students and faculty, and to the University.

The criteria set forth in this section are intended to guide both the Committee on Appointments and the Committee on Rank and Tenure of the Washington College of Law in the evaluation of faculty members. The purpose of these criteria is to focus the attention of these Committees to the overall contribution and performance of the faculty member without necessarily implying that equal weight need be assigned to the separate criteria.

In making its recommendations to the dean regarding reappointment, promotion, and granting of tenure and in making its recommendations to the faculty concerning appointments, the Committee on Rank and Tenure shall apply the applicable criteria set out herein.

Occasionally, the faculty or the Committee on Rank and Tenure may propose a faculty action although not all the criteria for the rank or status involved have been met. Such recommendation must be justified on the basis of the exceptional merits of the case and its relation to the mission of the Washington College of Law.

Probationary appointments are appointments without tenure. A probationary appointment creates no expectation or right to an appointment with tenure. It should be understood that non-renewal of probationary appointments may occur for many reasons, including, for example, as a result of the discontinuance of a course of study or a clinical program in the subject matter of which the probationary appointee claims expertise, even when an individual has fulfilled all other criteria for reappointment.

In order that the application of the criteria be clearly understood by all Washington College of Law faculty members, the faculty of the Washington College of Law should engage in full discussions of the criteria used by its Committee on Appointments and its Committee on Rank and Tenure for the appointment, retention, and promotion of members of its faculty. Such discussions involve the criteria specified in this *Manual*. Moreover, such discussions should occur at least once a year after the Committee on Appointments and the Committee on Rank and Tenure have held their annual information meeting and before the Committee on Rank and Tenure begins its review of faculty personnel actions.

a. Educational and Professional Background

A person recommended for appointment to the faculty shall have the educational background and the professional experience appropriate to the position proposed. In the case of any faculty member teaching in a clinic, membership in good standing of a state bar and eligibility to acquire the right to practice before the bar of the jurisdiction in which the faculty member is supervising students is an additional prerequisite for appointment, reappointment, tenure, and retention of tenure. The record should show the completion of requisite academic work and possession of recognized earned degrees attesting to educational background and an employment and professional history relevant to the teaching field and of sufficient duration to satisfy the

requirements of the rank to which appointment is sought.

The University prefers that the members of its faculty be diverse in their educational background and teaching experience and discourages the appointment of faculty members whose earned degrees have all been obtained at American University.

b. Effective Teaching

Quality of teaching is a primary consideration in the selection, reappointment, promotion, and granting of tenure of faculty members of the Washington College of Law.

Effective teaching includes superior classroom performance, organization, development, articulate presentation of subject matter, involvement of the student in the learning process with due concern for motivation, and an appropriate respect for the intellectual needs of students. The conduct of seminars, colloquia, or other forms of planned faculty-student interaction and the supervision of dissertations, theses, and independent study, when these are appropriate to the faculty member's duties, shall be considered an important part of effective teaching.

The provision of a stimulating atmosphere within which students can learn and grow intellectually is also a major professional contribution the faculty member can make to the development of students. This includes frequent and active presence on campus, student counseling and advising, and participation in activities that promote interaction between student life and the academic environment.

The following major factors will be considered as evidence of teaching ability:

- ability to communicate;
- preparation for class;
- breadth of knowledge relevant to the field;
- thoughtful organization of individual class sessions and overall course content;
- ability to stimulate students;
- ability to direct effectively a classroom meeting;
- ability to devise methods of determining a student's progress and achievement, appropriate to the courses taught;
- effectiveness and direction of research and clinical programs or similar individual or small group programs;
- accessibility to students and demonstrated interest and involvement in their welfare; and

- in the case of clinical faculty, additional factors to be considered are one-on-one interaction with and support of students for courtroom or administrative hearings.

Student evaluations of teaching effectiveness shall be important tools in ascertaining teaching effectiveness and will be used in evaluation and review of faculty members at all levels. The statistical information from formal student evaluations, however, should not be the sole kind of evidence regarding teaching effectiveness used in personnel recommendations and decisions.

c. Creative, Scholarly, and Professional Development

A broad scholarly knowledge of one's field, creative work and production of significant scholarship are essential to the mission of the university and to effective teaching. The University is committed to support and assist in the development of scholarly research and effective teaching. The Washington College of Law also recognizes that professional activities may constitute a contribution of importance to the law.

Evidence of development, scholarship, and creativity includes the publication of significant scholarly contributions, development and publication of teaching methods and materials, public lectures, leadership in professional organizations, and other professional activity that demonstrates concern with the advancement of the faculty member's discipline or interdisciplinary work.

Scholarship is defined as consisting of original contributions to the author's field of knowledge such as would warrant recognition among scholars and educators in the same field. In applying this governing standard to legal research, it must be noted that legal scholars can find many outlets to pursue their areas of scholarship and research. Interests may range from the highly abstract to eminently practical contributions. Legal scholars may seek to accomplish a wide range of purposes in their scholarship. The scholarly piece, in whatever form or length, should reflect those qualities of mind that justify the imposition of the scholarship requirement. Scholarship may be represented in an effective analysis of empirical data that breaks new ground in determining how the law functions. The scholarly piece may include a carefully conceived doctrinal or theoretical construction that is offered as a perspective on existing material. Whether it be a new way of perceiving established dogma or a proposal for new directions, the scope of scholarly work should be sufficiently ambitious to justify the substantial commitment of time invested in the work. Scholarship, in sum, is informed, reflective, deeply analytical, and in some substantial part a personal statement. By way of contrasting example, a book that simply collects the views of others, an article that merely reports the holding of a number of judicial opinions, or an analysis of a current legal issue that is content to summarize the contentions already made by others is not sufficient evidence of scholarship. Furthermore, only in the most exceptional circumstances would a brief supporting a litigant's position be able to meet the scholarship requirement. Thus, not all written work that appears in the traditional forms necessarily meet the standards of quality for legal scholarship.

Quality of scholarship is not measurable in terms of pages or even numbers of pieces, but instead should be sufficient in relation to the time spent at the Washington College of Law to demonstrate a devotion to intellectual inquiry and scholarly productivity through the person's professional life. Scholarly publications prior to coming to the Washington College of Law may be relevant insofar as they indicate that these qualities are not recently acquired.

d. Professional Conduct and Service to the Institution, Community, and Discipline

The American Bar Association Model Rules of Professional Conduct and Canons of Judicial Ethics are incorporated herein. Insofar as there may be any inconsistency between such Code and the provisions of this *Manual*, the provisions of this *Manual* shall prevail.

Faculty members are expected to devote substantially all of their time to the Washington College of Law. In addition to the duties of teaching and scholarship, the responsibility of a full-time faculty member includes attendance and participation in faculty meetings, committee work, and accessibility to students for conferences. Compliance with faculty determinations regarding the timing of examinations and the publication of students' grades is expected of all faculty and must take priority over all outside activities.

Activities outside the Washington College of Law should include the application of professional skills in service to the community and the profession which may be manifested through activities of a bar association or other professional, governmental, or community organizations relevant to the major field of the teacher. What is important in measuring such activities is the quality of service and the depth of involvement and the extent to which they enrich teaching and scholarship. Despite the long term value and importance of these activities, it must be emphasized that full-time membership on a faculty involves a commitment to teaching and scholarship as a principal activity.

Furthermore, a member of the faculty should actively contribute to the general development of the University. Participation in faculty meetings and committees and in student organizations and activities constitutes such a contribution, as does the use of the member's professional skills and training in the affairs of the communities which the University serves and of society at large.