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13. Special Provisions and Procedures with Respect to Appointments, Reappointment, and Other Faculty Actions

a. *Limitation of Service in the Rank of Instructor*

An instructor is appointed annually for not more than five years in that rank, with the exception of instructors primarily teaching college writing and foreign language, as set forth in Section 9a. of the University Faculty Manual. An instructor who is not recommended for promotion to the rank of assistant professor will not be reappointed for a sixth year.

b. *Terms of Service*

Appointments prior to the granting of tenure are usually made for two years. However one-year appointments may be made when recommended by the Committee on Appointments and by the Committee on Rank and Tenure and such recommendation is supported by the dean of the Washington College of Law. Faculty on an initial two-year contract must be notified by the teaching unit no later than December 15 of the second academic year whether it will recommend renewal for another year.

An appointment to the full-time faculty is a contractual obligation to the University which is effective throughout the academic year and runs from September 1 to August 31. The obligations of full-time service are defined in Section 15 of this Manual. This obligation calls for nine months of full-time service to the University which shall include, specifically, the faculty member's active presence while the Washington College of Law is in session, from the start of orientation prior to the beginning of classes in the fall through Commencement Day in the Spring.

Payment for service is ordinarily made in nine monthly installments from September through May, although a faculty member may choose to apportion salary payments through the twelve-month period, September through August.

c. *Reappointment*

Reappointments are contingent upon the satisfaction of the general criteria for the evaluation of faculty members and upon the specific criteria for particular ranks outlined in Section 12 of this *Manual*. Only activities and achievements since the original appointment shall be considered in connection with a reappointment decision.

All non-tenured, tenure-track faculty members being considered for reappointment will be evaluated with respect to the above criteria for appointment. The findings and recommendations

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resulting will be communicated to the faculty member concerned and forwarded with the Full-Time Faculty Contract/Personnel Action Form as part of the reappointment process. An evaluation as set out in this paragraph may also be carried out in the first year of a second or third two-year contract at the request of the faculty member or the teaching unit head, if desirable for any reason relating to the faculty member's progress toward tenure. Normally, the Full-Time Faculty Contract/Personnel Action Form will be processed according to the procedures outlined in section 9.

Tenured faculty will be evaluated at least every three years by the teaching unit rank and tenure committee, and apprised of the results.

*d. Promotion in Rank*

A person who is recommended for promotion in rank must meet the criteria in effect for the initial appointment to that rank. Promotion to the rank of Associate Professor, and particularly to the rank of Professor, will involve much more than the mechanical application of specified criteria and is reserved for those persons who have demonstrated that they have made an outstanding contribution to the law school and to the University.

Except in extraordinary circumstances, members of the full-time faculty must serve the requisite number of years in rank as specified in Section 12 of this *Manual*, including at least two years at American University, before being eligible for promotion to the next succeeding rank.

*e. Designation of Special Titles other than Regular Faculty Ranks*

There are circumstances under which a faculty member may receive a special title. For example, an endowment fund may allow for the naming of a chair or a professorship in a school or college for an indefinite period or a fixed term. A faculty member who is to receive such a designation must have the recommendation of the Washington College of Law's Committee on Rank and Tenure and the dean of the Washington College of Law before action is taken by the provost and president.

*f. Documentary Support for Faculty Personnel Actions: Rights and Responsibilities of Faculty*

An individual faculty member is responsible for updating his/her own File for Action, and all the appropriate documents s/he has supplied will accompany the Faculty Personnel Action Form as it is sent through the personnel process.

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*g. Right of a Current or Prospective Faculty Member to be Informed of Personnel Action Recommendations*

Every faculty member will be informed promptly and in writing exactly what recommendation has been made for him/her by the Committee on Rank and Tenure and the dean of the Washington College of Law and/or the provost or the dean of academic affairs acting on behalf of the provost.

The dean of the Washington College of Law may report to a candidate the progress of the recommendation through the various stages and may indicate when final action may be expected. An offer of employment is not final until a contract is forwarded from the dean of academics affairs. In cases of the offer of tenure, final action by the Board of Trustees is required.

*b. Schedule of Notice for Appointment or Termination*

The precise terms and conditions of all appointments shall be stated in writing to the appointee. This *Faculty Manual* shall be made available to all faculty personnel and must be incorporated by reference in the letter of appointment.

It is the intention of the University that each full-time member of the teaching faculty (except those in a visiting status and those with temporary or emergency appointments) shall be advised by letter, or by a duly executed Faculty Personnel Action Form, as early as possible for each academic year whether s/he will be reappointed and, in cases of reappointment, the terms and conditions thereof.

Initial notification by the Washington College of Law of a recommendation of non-reappointment will follow this schedule:

- no later than January 31 of the first academic year of service if the appointment expires at the end of that academic year;
- no later than December 15 of the academic year in which the appointment expires after one year of full-time teaching at the University;
- at least twelve months before the expiration of an appointment after two or more years of full-time teaching at the University.

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In cases of termination for cause (e.g., incompetence, misconduct, or when based on a conviction of a felony), the preceding dates do not apply.

A faculty member who has entered the final year of pre-tenure service without being notified earlier of a decision on the granting of tenure will be entitled to at least a terminal year's contract for the ensuing year in the event that tenure is not awarded.

Except for cases of termination for cause, a faculty member who has not been informed by the appropriate date specified in the above schedule that he/she is not to be recommended for reappointment may assume that he/she will be reappointed for the following academic year.

Final notification of termination will be given in writing to the faculty member reasonably soon after the decision to terminate is made.

Reappointment of members of the full-time faculty to a succeeding academic year, and reappointment of members of the full-time faculty who are serving other term appointments, may be accomplished only by notice from the dean of academic affairs (except the year of terminal appointment). Notwithstanding the notification schedule above, no person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time or in the manner described above. The University will undertake its best efforts to reach a decision in accordance with the schedule specified above.

If notice is not received in accordance with the schedule above, it is the faculty member's responsibility to inquire of the dean of academic affairs, through the Dean of the Law School, who will respond with a status report within two weeks. If the faculty member does not receive a final decision concerning reappointment at least two weeks prior to the first day of classes of the Fall term, the faculty member shall be deemed to have received a favorable decision concerning reappointment from the dean of academic affairs. A faculty member who does not receive notification of a recommendation of non-reappointment in accordance with the schedule above will be entitled to at least a terminal year's contract for the ensuing year in the event that reappointment for a succeeding academic year does not occur.

*i. Candidates who are not US citizens or permanent residents*

For faculty appointees who are not US Citizens or permanent residents the dean of the Washington College of Law should contact the university counsel for information about visas and work authorization for the potential faculty member. The office of university counsel provides information on visa matters for foreign nationals and advises the University in matters regarding immigration laws and regulations. Candidates who are not US citizens or permanent residents are

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responsible for obtaining appropriate visa authorizations before the commencement of work.

*j. Resignations*

A faculty member who resigns from the University while under contract must do so in writing to teaching unit heads or to the dean of the college or school. Formal acceptance of a letter of resignation on behalf of the University must come from the dean of academic affairs. This ensures that all contractual obligations to the University have been, or will be, met. The dean of the college or school or the teaching unit head, must acknowledge receipt of the resignation to the faculty member, with an indication that the letter is being forwarded to the dean of academic affairs for action. The dean of academic affairs will notify the faculty member as to the status of his/her resignation.

In all cases, a letter of resignation should be forwarded to the college or school dean's office. The college or school dean's office should then forward the resignation letter to the dean of academic affairs and to the Office of Human Resources.

*k. Adjunct Faculty Ranks*

Departments, schools, and colleges may appoint adjunct faculty to supplement the effort of the full-time faculty. Adjunct faculty ranks are: Lecturer, Professorial Lecturer, Adjunct Associate Professor, Adjunct Professor, and Distinguished Adjunct Professor. The qualifications for appointment to adjunct faculty ranks must be germane to the course or courses to which the individual is assigned.

For Lecturer, qualifications include academic or professional experience that is comparable to the requirements for the full-time rank of Instructor stated in Section 9 of this *Manual*.

For Professorial Lecturer, or for any lecturer assigned to teach a graduate course, the criteria for the full-time rank of Assistant Professor in Section 9 of this *Manual* apply, except that, in the absence of a doctorate, relevant full-time professional responsibility and achievement must be shown.

For Adjunct Associate Professor, either the qualifications for the full-time rank of Associate Professor in section 9 of this *Manual* must be shown, or long-term, relevant experience in the candidate's professional field and highly satisfactory teaching performance.

For Adjunct Professor, either the qualifications for the full-time rank of Professor in Section 9 of this *Manual* must be shown, or relevant full-time professional responsibility and achievement, a

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high standing in the candidate's professional field, and highly satisfactory teaching performance.

For Distinguished Adjunct Professor, either the qualifications for the full-time rank of Professor in Section 9 of this *Manual* must be shown, or relevant full-time professional responsibility and exceptional achievement. Distinguished service in the candidate's professional field or outstanding teaching performance is also required.

14. Appointment With Tenure

a. *In General*

A faculty member granted tenure may continue in the rank to which s/he has been appointed with tenure or at a higher rank until retirement, unless the University finds it necessary, after due process, to invoke its right to terminate the association at an earlier date. Termination must be based upon proof of adequate cause for dismissal which will be related directly and substantially to the fitness or performance of the faculty member in his/her professional capacity as a teacher, researcher, or creative member of his/her professional field.

If, for reasons of financial exigency of a program in which a tenured faculty member is teaching the termination of a tenured appointment is proposed, such termination shall be considered only as a last resort after every effort has been made to meet the need in some other way and to find for the faculty member a suitable assignment in the University.

b. *Eligibility for Tenure*

Tenure is not acquired merely by successive reappointment over a specified period of time. The granting of tenure is a positive judgment based on the process set forth in Section 9 of this *Manual*. For a positive tenure decision, a faculty member must have demonstrated high quality in both teaching and scholarship. There must also be evidence of the ability to continue significant growth in these areas and continue to make positive contributions to the University community such as institutional service to the Washington College of Law community.

i. *Minimum Rank*

To be eligible for an appointment with tenure, a faculty member must have attained the rank of assistant professor or higher. Normally, the requirements for a positive tenure decision would be equivalent to the qualifications for the rank of Associate Professor or higher.

ii. *Years of Service: Full-Time Faculty*

To be eligible for tenure, a full-time faculty member must have six years of full-time teaching