

## **WASHINGTON COLLEGE OF LAW GUIDELINES FOR PROMOTION AND TENURE**

Our guidelines consist of the Washington College of Law Faculty Manual provisions on promotion and tenure and our Rank and Tenure Rules. The following seeks to summarize these provisions without in any way interpreting, modifying, amending or replacing our Manual or Rules.<sup>1</sup>

With the exception of newly-hired faculty members who join the faculty in the fall semester of any year, all faculty members eligible to seek retention, contract renewal, promotion, tenure, or promotion with tenure have a Subcommittee of the Rank and Tenure Committee assigned to them in the January preceding the academic year in which the faculty member becomes eligible for such personnel action. Persons who join the faculty in the fall semester have a Subcommittee assigned to them in that semester. New faculty members without prior teaching experience have a purely advisory Subcommittee assigned to them for their first semester. These Subcommittees consist of three tenured faculty members from the Washington College of Law. Some continuity in the tenure-track review process from year to year is favored. Therefore, where possible, one, but no more than one, Subcommittee member should have served on a Subcommittee for the same tenure-track faculty candidate in the prior year. An effort should be made to appoint one member to the Subcommittee who has expertise in the same subject area or areas as the eligible faculty member. If no member of the Subcommittee has similar subject matter expertise, the Subcommittee may arrange to have another member of the faculty with such expertise attend the classes of the eligible faculty member, in addition to the class visits by all members of the Subcommittee.

Only tenured faculty members are eligible to vote on tenure cases. In both promotion and tenure cases, faculty members who vote must be present for a discussion prior to voting. Votes are confidential and presented in their aggregate with no attribution. No proxy votes are permitted.

The eligible faculty member will be invited to prepare materials in support of his or her candidacy, including the candidate's curriculum vitae, data on teaching, institutional service, professional accomplishments, and scholarly works published and/or in progress.

The Rank and Tenure Subcommittee will prepare a report that presents a clear and concise representation of the candidate's career to date. The report will primarily focus on the candidate's career at the Washington College of Law.

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<sup>1</sup> As stated in the University Faculty Manual approved by the Board of Trustees in May 2010: "This *Manual* applies to the Washington College of Law faculty only when not inconsistent with the *Washington College of Law Faculty Manual*. In particular, faculty appointments, promotions, tenure, and grievance decisions in the Washington College of Law are not subject to review by either the Committee on Faculty Actions or the Committee on Faculty Grievances. The *Washington College of Law Faculty Manual* supersedes and preempts this *Manual* when its practices and procedures, including but not limited to those enunciated by the American Bar Association and the Association of American Law Schools, are inconsistent with this *Manual*."

The Rank and Tenure Subcommittee report will include an introduction that summarizes the candidate's full-time years of service, at the Washington College of Law or elsewhere, including details on leaves taken. The introduction will summarize the Subcommittee's overall recommendation.

The report may comment on items in memoranda from previous Rank and Tenure Subcommittees. Likewise, the report may comment on whether the candidate has incorporated suggestions made in previous reviews, achieved his or her stated research objectives and/or improved his or her teaching.

## **I. Scholarship Evaluation**

Under the Washington College of Law's Rank and Tenure Rules of Operation, candidates will be invited to submit relevant supporting materials when applying for reappointment, promotion, or tenure. Such materials include both published scholarly work and works in progress. Except for initial appointments to tenured or tenure-track positions or in extraordinary circumstances, review of scholarly work is limited to those writings produced while at the Washington College of Law. Review of scholarly work may include, however, writings that, while commenced previously, are substantially completed during the faculty member's employment at the Washington College of Law. Review of co-authored writing is guided by a memorandum from the faculty member describing the process of collaboration and the nature and extent of his or her contributions, submitted on the understanding that it may be circulated for comments to the other author or authors of the writing in question. Furthermore, scholarship completed prior to joining the Washington College of Law may be noted to evidence the candidate's history of scholarship.

Section 12 of the Washington College of Law Faculty Manual sets out the scholarly requirements for promotion and tenure. For promotion to Associate Professor, the candidate must demonstrate "significant scholarly achievement and professional growth" and "potential for becoming a scholar of distinction." For promotion to Full Professor, the candidate must demonstrate "a record of significant and substantial contribution to scholarship in law and the legal profession and community." In addition, "[t]here must be a record of continuing evidence of relevant and effective professional service and demonstrated ability for continuing achievement in all areas." Section 14 of the Washington College of Law Faculty Manual declares:

For a positive tenure decision, a faculty member must have demonstrated high quality in both teaching and scholarship. There must 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.

The Washington College of Law Manual defines scholarship "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.” The Manual notes that “the scope of scholarly work should be sufficiently ambitious to justify the substantial commitment of time that the professor should have invested in the work. Scholarship . . . is informed, reflective, deeply analytical, and in some substantial part a personal statement.” The Manual further declares:

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.

Under the Rank and Tenure Rules, before review of scholarship is begun, the Subcommittee chair meets with the candidate to discuss the written work to be reviewed. This gives the candidate an opportunity to discuss unique factors pertaining to the field in which the faculty member has written and the nature of the works to be reviewed.

Under the Rank and Tenure Rules, the Subcommittee chair invites the candidate to supply the names of possible reviewers. The candidate must describe the relationship he or she has with each proposed reviewer. The Subcommittee chair is not required to choose any of these proposed reviewers and must solicit reviewers beyond those suggested by the candidate. External reviewers may be contacted only by the Subcommittee. They may not be contacted by the candidate. The Rules provide:

Reviewers should not be selected where there is even the appearance of personal or professional conflict. Careful consideration should be given to whether a person who has previously reviewed a piece of scholarship, is extensively quoted or cited in, and/or advised the faculty member concerning it, should be selected as a reviewer of the scholarship in question.

Persons chosen as external reviewers must have subject matter expertise in the area of the candidate’s writings. At least three outside reviews must be received for each piece under review.

After receipt of the external reviews, the chair of the Subcommittee prepares a written summary of the reviews and gives this, along with redacted copies of the reviews, to the candidate, who is given the opportunity to comment on them. The summary and reviews are included in the Subcommittee’s report and recommendation.

## **II. Review of Teaching**

As noted above, Rank and Tenure Subcommittees are formed every January. As a result, the Subcommittee is able to view the candidate's classes both in the spring and in

the following fall semesters. This ability to view two semesters of teaching not only gives the Subcommittee a chance to see the candidate teach a variety of classes, but also gives the Subcommittee the opportunity to view the candidate's progress.

Since each of the three members of the Subcommittee is required to visit at least two classes over this two-semester timeframe, the Subcommittee as a group views a minimum of six class sessions. Prior to a class visit, the Subcommittee member requests class materials from the candidate. After a class visit, the Subcommittee member meets with the candidate to provide feedback on teaching strengths and possible areas for improvement. The Subcommittee member thereafter reports these views in a written memorandum to the Subcommittee Chair.

The teaching qualifications for promotion and tenure are found in Section 12 of the Washington College of Law Faculty Manual, and Section 9 of the University Faculty Manual. Focusing only on the teaching standards, in order to be promoted to Associate Professor, Section 12 requires that the candidate shall have demonstrated "high quality teaching ability" and "academic engagement with students in and outside the classroom." For Professor, Section 12 requires that the candidate shall have demonstrated "excellent teaching ability and continuing academic engagement with students in and outside the classroom." For tenure, Section 14 of the Washington College of Law Faculty Manual requires that a candidate "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..."

The Subcommittee's report to the Rank and Tenure Committee must attach each Subcommittee member's memorandum on teaching, and state the relevant standard for the promotion or tenure decision under consideration. In addition, the Subcommittee's report summarizes each member's view of the candidate's teaching as well as the Subcommittee's overall conclusion regarding whether the candidate has met the applicable teaching standard. Finally, the Subcommittee's report contains statistical summaries of the candidates' student evaluations; written student comments are available for review by any member of the Rank and Tenure Committee.

In addition to those items that must be included in the Subcommittee's report on teaching, Washington College of Law's Rank and Tenure rules state that the report may include syllabi or other teaching materials, and summaries of the student comments.

### **III. Description of Service**

Service is an integral component of a faculty member's responsibilities and must be apparent when considering promotion or tenure. The Subcommittee's report to the Rank and Tenure Committee includes a discussion of the candidate's participation in law school and university administrative functions, as well as the candidate's participation and contribution to the development of the legal system and/or legal profession.

*This does not constitute an employment contract.*

The faculty member must demonstrate a sustained and continuing record of contribution and leadership through service activities. Therefore, the Subcommittee report indicates whether or not the candidate has fully satisfied Section 12 of the Washington College of Law Faculty Manual, which provides that “[i]n 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.” Moreover, “a member of the faculty should actively contribute to the general development of the University” and “[p]articipation 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.”