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## **IV. FACULTY-RELATED POLICIES**

### **IV-1. Faculty Meetings**

#### **A. Eligibility to Attend**

Any full-time employee of the School of Law and any student enrolled at the School of Law may attend and speak at faculty meetings, unless the Dean or a majority of the faculty determine otherwise. No other person may attend a faculty meeting, except with the permission of the Dean or a majority of the faculty.

#### **B. Eligibility to Vote**

All full-time members of the teaching faculty—including teaching faculty who are not tenured or on the tenure-track—may vote at a faculty meeting, except as provided in the paragraph below. Visiting faculty and those who are not full-time members of the teaching faculty may not vote at faculty meetings.

Only tenured or tenure-track members of the faculty may vote on recommending whether a tenured or tenure-track appointment should be extended. (See also IV-3 regarding the three departments and IV-4 regarding the appointments process for tenure-track faculty.) Only tenured members of the faculty in the department may vote on recommending whether tenure should be granted to a prospective or existing member of the faculty. Only members of the faculty who have achieved a particular rank (e.g., associate professor or full professor) in the department may vote on recommending whether that rank should be conferred upon a prospective or existing member of the faculty. (See also IV-5 on promotion, tenure, and evaluation.) Each department shall vote separately on standards and rules for promotion, tenure, and evaluation.

In the Legal Studies Department, only members of the faculty in the department who have been granted tenure by the university (even if that tenure has not yet taken effect) may vote to approve, modify, or reject proposals regarding standards or rules regarding promotion, tenure, and evaluation, after consultation with the dean, untenured faculty members, and faculty members from other departments in the School of Law at a faculty meeting.

## **IV-2. Standing Committees**

### **Executive**

The Executive Committee meets regularly with the Dean and Associate Dean and advises them on various administrative and academic policy issues.

### **Admissions**

The Admissions Committee recommends to the faculty policies relating to the admission of students and the awarding of financial aid. It also oversees the admissions process and makes recommendations to the dean regarding financial aid.

### **Appointments**

The Appointments Committee recruits, screens, and consults with faculty about the hiring of tenure-track, contract, and visiting appointments to the faculty. The Committee may assist the associate dean in hiring adjunct faculty.

### **Curriculum**

The Curriculum Committee advises the faculty with respect to all curricular matters, including course offerings and proposals concerning new academic programs. It reviews all proposals for permanent curricular changes and makes recommendations to the faculty with respect to such proposals.

### **Deans and Directors**

The Deans and Directors meet regularly to discuss matters of common concern and to advise the dean.

### **Mission Advisory**

The Mission Advisory Committee focuses on ways to enrich the mission, plan Mission Roundtable discussions for the community, and runs the process for deciding the annual Mission Awards.

### **Promotion and Tenure**

The Promotion and Tenure Committee of each department implements the provisions of, and may recommend changes to, the promotion and tenure code. It also recommends policies for evaluations of all faculty, including visiting and adjunct faculty.

### **Student Discipline**

The Student Discipline Committee implements the provisions of the Student Discipline Code, including holding student disciplinary hearings when necessary, and recommends changes to the Code.

### **Worship**

The Worship Committee facilitates worship and spirituality within the community.

### **IV-3. Departmental Structure of School of Law Faculty**

- A. The School of Law will be divided into three departments: the Department of Legal Studies, the Department of Clinical Education, and the Department of Lawyering Skills. After consulting with the faculty, the Dean will recommend, and the President will appoint, chairs for each of these departments. The Dean will likely recommend that the Associate Dean be appointed to chair the Department of Legal Studies, the Director of Clinical Education be appointed to chair the Department of Clinical Education, and the Director of Lawyering Skills be appointed to chair the Department of Lawyering Skills.
- B. The fact that the School of Law is organized into departments will be virtually invisible to anyone outside of the law school—or, for that matter, to most people inside of the law school. It will have almost no impact on any of the operations of the School of Law, except in the areas of appointments and promotions. We will not refer to the departments on our website or in any of our publications. The departmental structure is merely a technical, behind-the-scenes means to achieve our goals in a manner that complies with University policies.
- C. *Except as described below or specifically provided otherwise in a University or law school policy*, all faculty working in all departments will have the same rights and responsibilities. The law school faculty will meet as a whole, and all faculty will vote on all matters. All committees will be committees of the entire School of Law (rather than of individual departments), all committees will be appointed by the Dean, and all faculty will be eligible to serve on all committees. All faculty will carry the rank of “Assistant Professor,” “Associate Professor,” or “Professor,” as appropriate. All faculty will receive contracts on the same form, and all faculty who receive tenure will receive the same tenure to the University. All of the policies of the University and School of Law will apply to all faculty in all departments, unless specific exceptions are made in the policies themselves.
- D. As to appointments:
1. Each department will have its own appointments committee, appointed by the head of the department in consultation with the Dean. Each appointments committee may be chaired by the head of the department, although it need not be. The appointments committee of a department may include faculty from other departments in the School of Law (or, for that matter, from other schools or colleges in the University), and in appropriate cases School of Law staff. However, the majority of committee members should be from the department in question, absent unusual circumstances (explained further in Policy IV-4).
  2. Each department will develop its own criteria for appointments, in consultation with the Dean and the faculty from the other two departments. For example, the Department of Legal Studies may decide that a record of published scholarship is a necessity and prior practice experience is not, while the Department of Clinical Education may decide precisely the opposite.

3. Each department's appointments committee will screen and interview candidates for faculty positions in that department (the "hiring department"). Candidates invited to interview on campus will interview with all available faculty in the hiring department. Candidates should also interview with at least some faculty from the other two departments, to the extent determined by the hiring department's appointments committee.

4. Only the votes of faculty in the hiring department will be counted in determining whether a candidate for appointment in that department has sufficient faculty support, under Policy IV-4, Paragraph G-1, to recommend to the Dean that the candidate be appointed. However, before voting on a candidate, the Dean and members of the hiring department should seek input (through discussion and/or votes) on the candidate from faculty in the other two departments who interviewed the candidate or otherwise have knowledge about the candidate. The votes of all departments are merely advisory to the Dean and the University administration. The Dean makes his or her own independent recommendation to the University administration and the final decision is made by the President.

5. After the President approves an appointment, the Dean, in consultation with the department head, will negotiate with a candidate regarding salary, rank, and other matters.

6. The processes for appointments are set forth more specifically in Policy IV-4.

E. Generally speaking, promotions and tenure will be handled similarly to appointments:

1. Each department will have its own promotions and tenure committee, appointed by the head of the department in consultation with the Dean. Each promotions and tenure committee may be chaired by the head of the department, although it need not be.

2. Each department will develop its own criteria for promotions and tenure, in consultation with the Dean and the faculty from the other two departments. For example, the Department of Legal Studies may decide to give substantially greater weight to published scholarship than the Department of Lawyering Skills. To be tenured, though, all faculty in all departments will have to demonstrate substantial accomplishment in teaching, scholarship, and service, consistent with University standards.

3. Only eligible faculty in a department will vote on whether a faculty member in that department should be recommended for promotion and/or tenure. However, before voting on a candidate, eligible faculty in a department should seek input regarding the candidate from (i) faculty within the department who are not eligible to vote on the candidate, and (ii) faculty in the other two departments.

- F. The School of Law will pay what is needed to attract strong faculty. If market rates for Legal Studies faculty are higher than those for Clinical Education faculty, or market rates for Clinical Education faculty are higher than those for Lawyering Skills faculty, then the salaries paid by the School of Law will reflect that fact. There is no expectation that an entry-level faculty member in one department will be paid identically to an entry-level faculty member in another department.
- G. Likewise, there may be some differences from department to department in summer research stipends, budgets for student research assistance, and professional development accounts, reflecting the fact that one department may have different expectations for its faculty than another department. In general, the School of Law will strive to provide all faculty with what they need to be successful.
- H. A faculty member in one department may teach a course in another department, with the consent of the Associate Dean and the relevant department heads. However, no faculty member has a right to demand to teach a course in another department, and no faculty member has a right to demand a full-time appointment in another department. For example, a member of the Lawyering Skills faculty cannot plead “burn out” and insist on being appointed to the Legal Studies or Clinical Education faculty. Likewise, if the entire Department of Clinical Education was abolished, the faculty in that department would have no right to be appointed to another department. Of course, faculty in one department can always apply for an opening in another department and be considered through the regular appointments process.
- I. The Director of Clinical Education and the Director of Lawyering Skills will receive joint appointments to the Department of Legal Studies and to their respective departments.

*Adopted by the Law Faculty, July 31, 2002*  
*Amendments Approved by the Law Faculty, August 8, 2002*  
*Placed in catalog, August 12, 2002*  
*Amendments Approved by the Law Faculty, December 5, 2005 and January 23, 2006*  
*Amendments Approved by the Law Faculty, April 30, 2007*

#### IV-4. Appointments Process: Tenure Track Faculty

As indicated in Policy IV-3, new tenured or tenure-track faculty members at the School of Law will be appointed to one of the three departments of the faculty (the “respective department” or “the hiring department”). Each department will have its own appointments committee and pursue the appointments process for its candidates. The following procedures govern the appointments process for each of the three departments: Clinical Education, Lawyering Skills and Legal Studies.

- A. The Faculty Appointments Committee (“Committee”) for the respective department will consist of at least four members of the tenured or tenure-track faculty in the case of the Legal Studies department, and three members of the tenured or tenure-track faculty in the case of the Clinical Education and Lawyering Skills departments.\* The head of the department, in consultation with the Dean, will appoint all members of the Committee and appoint one member to serve as Chair. The Chair may be, but does not need to be, the head of the department. All committee appointments are for one year. If a member is unable to complete his or her term, a replacement will be appointed to serve the balance of that term.

The majority of committee members should be from the respective department absent unusual circumstances. (In the case of the Clinical Education and Lawyering Skills departments, because of their small size, unusual circumstances include when two or more department members are unavailable to serve on the committee). However, the Committee may include faculty from other departments in the School of Law (or, for that matter, from other schools or colleges in the University) and in appropriate cases may include School of Law staff. (Additional members of the Committee—such as an Affirmative Action Representative—may be added by the University.)

- B. The Chair of the Committee will seek suggestions for entry-level and lateral faculty candidates from existing members of the law faculty and will encourage existing members of the law faculty to seek suggestions from the faculties of other law schools, prominent lawyers and judges, and other sources. The Chair will forward any suggestions that he or she receives to the other members of the Committee.
- C. The Committee will decide, by majority vote, which candidates will be invited to interview at the AALS Faculty Recruitment Conference and/or on campus. Members of the Committee will conduct screening interviews at the AALS Faculty Recruitment Conference. Committee meetings are closed to non-members, unless the Committee decides otherwise.
- D. A candidate invited to interview on campus will generally:

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\*[ **Note: The alternative is to not require that the 3- or 4-person minimum be met solely through faculty. That may make it somewhat easier to satisfy the departmental-majority requirement in smaller departments (where e.g., it is also desired to have a librarian on the committee), and it may make s-called “unusual circumstances” truly unusual. However, there are also sensible reasons for requiring that the minimums be met entirely through faculty: i.e., recruiting to the faculty should be done substantially by faculty.]**

1. Interview with all available members of the Committee, individually or as a group;
2. Interview with all available full-time members of the teaching faculty, usually in groups of three or four;
3. Interview privately with the Dean and the Associate Dean for Academic Affairs, if available;
4. Interview with members of the library staff, as a group;
5. Interview with the Vice President for Academic Affairs or his or her designee;
6. Interview with a panel of students appointed by the President of the Student Government; and
7. Present a “job talk,” to which all administrators, faculty, senior staff, and student panel members will be invited.

E. All faculty candidates who interview on campus will be discussed at a faculty meeting and voted upon by those eligible to vote. The Appointments Committee may present to the faculty its recommendations concerning whether to appoint a candidate, but there will be no separate vote on candidates by the Appointments Committee as part of the formal appointments process.

1. The faculty will meet in executive session when deliberating about candidates. All tenured and tenure-track faculty, including faculty from outside the hiring department, may attend the executive session during deliberations about the candidate. Those who have interviewed a candidate but who are not able to attend the executive session will be invited to share their views with the Chair (who, in turn, will convey those views at the executive session) or at a faculty meeting (prior to the beginning of the executive session).
2. Only tenured or tenure-track members of the faculty may vote on recommending whether an appointment to the tenured or tenure-track faculty should be made. Only tenured members of the faculty may vote on whether such an appointment should be tenured. *See* [Policy on “Eligibility to Vote”].
3. All tenured and tenure-track faculty eligible under paragraph E-2 may cast a vote on recommending whether to appoint a candidate. However, pursuant to paragraph G below, only the votes of members of the hiring department constitute a formal recommendation to the Dean concerning whether to appoint to candidate. Only the votes of members of the hiring department will be considered in determining whether, under paragraph G-1, the candidate has the required support from the faculty to permit a recommendation by the Dean to the University that the candidate be appointed.

4. Voting must be by secret ballot. Proxy ballots are not permitted; only those who have attended the meeting and listened to substantially all of the discussion regarding a candidate will be permitted to vote on that candidate.

5. The ballots will be counted and the results announced at the faculty meeting. The Dean will announce only (a) the total vote concerning the candidate and (b) whether the candidate has sufficient votes from members of the hiring department, under paragraph G-1, to support a recommendation by the Dean to the University that the candidate be appointed. The results will be kept confidential within the faculty. Except as permitted by this policy or by the Dean, neither the results of any vote nor any comments made about a particular candidate will be disclosed to any person who is not a full-time member of the teaching faculty. The minutes of the meeting will state only that the faculty met in executive session; the minutes will not describe the results of any votes or any comments made about particular candidates.

F. All votes regarding candidates are advisory only. Such votes represent the recommendation of the respective department's faculty to the Dean and the Executive Vice President regarding whether a candidate should be offered a faculty appointment—and, if so, whether the appointment should be tenured.

G. The Dean will make an independent recommendation to the Executive Vice President regarding whether a candidate should be offered a faculty appointment—and, if so, whether the appointment should be tenured.

1. In the absence of exceptional circumstances, the Dean will not recommend the appointment of a candidate unless:

a. Two-thirds of those tenured and tenure-track faculty members in the hiring department who are present and voting at the meeting vote to recommend the appointment of the candidate; and

b. Those tenured and tenure-track faculty members present and voting to recommend the appointment of the candidate represent a majority of all tenured and tenure-track faculty in residence in the hiring department.

2. In the absence of exceptional circumstances, the Dean will not recommend that a candidate be offered tenure unless:

a. Two-thirds of those tenured faculty members in the hiring department who are present and voting at the meeting vote to recommend that the candidate be offered tenure; and

b. Those tenured faculty members present and voting to recommend that the candidate be offered tenure represent a majority of all tenured faculty in the hiring department.

- H. After receiving the recommendations of the law faculty and the Dean, the Executive Vice President will make his or her own recommendation to the President, who makes the final decision regarding whether a candidate will be offered an appointment and whether that appointment will be tenured or untenured.

*Adopted by the Law Faculty, July 18, 2002*

*Placed in catalog, August 6, 2002*

*Amendments approved by the Law Faculty, December 5, 2005 and January 23, 2006*

## IV-5. Promotion, Tenure and Evaluation

### POLICY GOVERNING RANK AND TENURE OF TENURE-TRACK AND TENURED FACULTY<sup>‡</sup>

The faculty of the University of St. Thomas School of Law (“School of Law”) are generally bound by the University of St. Thomas’s Policies Governing Faculty Rank, Tenure, and Evaluations (“University Policy”). However, the University Policy was adopted before the reopening of the School of Law, and thus the University Policy does not reflect the fact that the rank and tenure policies of most American law schools differ substantially from the rank and tenure policies of other institutions of higher education. In order to attract and retain strong faculty, the School of Law’s policy varies in some respects from the University Policy.

#### A. Timing of Promotion and Tenure Decisions

1. Entry level faculty will typically be hired at the rank of Assistant Professor of Law.
2. Promotion to Associate Professor of Law will occur upon the successful completion of the first triennial review. [*This is a variance from the six-year period for service as an Assistant Professor in Section I.B.1.b. of the University Policy.*]
3. An Associate Professor of Law will be eligible for tenure after a total of six years on the faculty of the School of Law. The tenure decision will coincide with the second triennial review.
4. A tenured faculty member may seek promotion to Professor of Law only if he or she has had two articles or their equivalents published or accepted for publication within any three-year period after being granted tenure. [*This is a variance from the six-year period for service as an Associate Professor in Section I.B.1.a.. It is also a variance from Section IV.A.1.b., which requires at least three pieces of work since the promotion to Associate Professor.*]
5. Consistent with the University Policy, a prospective faculty member may negotiate exceptions to these policies with the Dean of the School of Law, subject to the approval of the Vice President for Academic Affairs.

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<sup>‡</sup> This policy applies to faculty in the Legal Studies, Lawyering Skills, and Clinical Education Departments of the Law School. References in this policy to the “respective department” refer to the department to which the faculty member was appointed.

## **B. Criteria Applicable to Promotion and Tenure Decisions**

### **1. General Criteria**

- a. A candidate for promotion or tenure must demonstrate commitment to the mission and vision of the School of Law and excellence in teaching, engaging the profession, and service to the University, the legal profession, and the community.
- b. A candidate may demonstrate commitment to the mission and vision of the School of Law in a wide variety of ways, such as by encouraging students to integrate their faith and values into their professional lives, publishing scholarship that integrates faith and ethics into the study of law, or providing service to the disadvantaged. To be promoted or tenured, a candidate must demonstrate that he or she has undertaken ongoing efforts, individually and in concert with others, to advance the mission and vision of the School of Law. Conduct that is inimical to the mission and vision of the School of Law is grounds for denial of promotion or tenure.
- c. Guidelines describing what demonstrates “excellence” in teaching, engaging the profession, and service, together with commitment to the mission and vision of the School of Law, are set forth in the “Standards for Promotion, Review, and Tenure for Faculty at the University of St. Thomas School of Law.”

### **2. Criteria for Promotion to Associate Professor of Law**

#### **a. Teaching**

- i. To be promoted to Associate Professor of Law, a candidate must demonstrate that he or she is making reasonable progress toward becoming an accomplished teacher.
- ii. The faculty candidate’s teaching shall be reviewed by three peer reviewers. This review ordinarily will be conducted in the academic year prior to the academic year in which the faculty member will be a candidate for promotion to Associate Professor, and the faculty candidate may choose whether the review shall take place in the fall or spring semester of that preceding academic year. The faculty candidate may request that this review be conducted in the fall semester of the academic year in which he or she is a candidate, which request shall be liberally granted by the departmental promotion and tenure committee when good cause is shown.

- iii The candidate shall select the first reviewer. If the person selected by the candidate declines to be a reviewer, the candidate shall make another selection. The departmental Promotion and Tenure Committee shall select the second reviewer. The Dean of the School of Law shall select the third reviewer. However, neither the Dean nor the Chair of the department may be a reviewer. In special circumstances, with approval of the Chair of the departmental Promotion and Tenure Committee and the Dean, the faculty candidate may select a faculty member from elsewhere in the University or from outside the University.
- iv In the Legal Studies Department, the reviewer shall be selected from among the members of the faculty in the School of Law who have been granted tenure.
- v. Before visiting a class session, the reviewer should meet with the faculty candidate to discuss the syllabus, text, and general philosophy of what the faculty candidate is trying to accomplish in the course, as well as the goals of the specific class session to be observed. After visiting the class session, the reviewer should meet again with the faculty candidate to briefly discuss the class session. The criteria for the peer review are those set forth in the Standards for Promotion, Review, and Tenure in Section IV-6.I. Based on these criteria, the faculty reviewers shall write a joint report which reflects the observations each of them has made and which becomes part of the candidate's portfolio.
- vi. A copy of the peer review report shall be provided to the faculty candidate, who may file a written response that will be included in the candidate's portfolio. Copies of any response must be sent to the reviewer, the chair of the departmental Promotion and Tenure Committee, and the Dean.

b. **Engaging the Profession.**

- i. To be promoted to Associate Professor of Law, a candidate must demonstrate that, by the spring of his or her third year on the faculty of the School of Law, he or she has published or had accepted for publication at least one article or its equivalent. The candidate must also demonstrate that he or she has made progress toward completing a second article or its equivalent. [*This is a variance from Section IV.A.2.b., which requires at least three pieces of substantive work for promotion to Associate Professor.*]
- ii. The scholarly work of the candidate must provide evidence that the candidate has undertaken an important research agenda and is making reasonable progress on that agenda.

**Section IV-5.B.2.b.iii (on promotion to Associate Professor) will be retained until no faculty member who joined the faculty before 2006-2007 still holds the title of Assistant Professor.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews of the candidate's scholarship from at least two experts in the faculty member's field(s).
  - (a) The external reviewers will be selected by the Dean and the Chair of the Promotion & Tenure Committee of the respective department.
  - (b) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will ask the candidate to identify three experts who would be acceptable to the candidate. If possible, at least one of the external reviewers selected by the Dean and the Chair of the Promotion & Tenure Committee will be one of the three experts identified by the candidate.
  - (c) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will also ask the candidate to identify up to three experts who would not be acceptable to the candidate. The Dean and the Chair of the Promotion & Tenure Committee will not select anyone so identified as an external reviewer.
  - (d) External reviewers will be asked whether the faculty member has addressed an important point in his or her chosen field and has demonstrated the potential to have a substantial impact on that field.

**Applicable to those joining the tenure-track in 2006-2007 or later.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews of the candidate's scholarship from at least four experts in the faculty member's field(s).
  - (a) Two of these external reviewers shall be chosen from a list of at least six names submitted by the candidate.
  - (b) The remaining external reviewers shall be selected by the Chair of the Promotion & Tenure Committee.

- (c) The candidate may also list the names of up to three scholars who should *not* be solicited, due to the candidate's belief that they would not be able to provide an objective evaluation of the candidate's work.
- (d) No external reviewer may hold an appointment at the University of St. Thomas. The external reviewer may not have a direct connection with the candidate, which is typically defined as having ever had a faculty or student relationship with the candidate (which does not include merely having been a student in a large law school section course taught by that person), having ever been a co-author with the candidate, or any other professional or personal relationship of comparable closeness. Faculty who have served on a professional committee or conference panel with the candidate would be appropriate external reviewers. If there is doubt about a given relationship between the candidate and a prospective reviewer, a determination on suitability will be made by the department Promotion & Tenure Committee.
- (e) In Legal Studies, external reviewers shall be tenured faculty at an ABA-accredited law school. For Legal Studies, with prior approval of the Chair of the department Promotion & Tenure Committee and the Dean, the faculty candidate may include on the list of six names a nationally-recognized scholar who is not affiliated with an educational institution or a scholar who holds a tenured faculty position in another discipline with expertise in the field(s) of the candidate's work.
- (f) External reviewers shall be solicited by the Chair of the department Promotion & Tenure Committee. The external reviewer's willingness to provide a letter will be confirmed by a standard letter that is available for candidate review (without the names and addresses of the external reviewers).
- (g) External reviewers will be asked to provide an independent assessment of one or more of the faculty candidate's works and to evaluate whether the faculty member has addressed an important point in his or her chosen field and has demonstrated the potential to have a substantial impact on that field. External peer reviewers will not be asked to make a direct recommendation as to whether promotion to Associate Professor at the University of St. Thomas should be granted. It will instead be the job of the departmental Promotion & Tenure Committee to interpret and place in

context the external letters of evaluation. Evaluations of suitability for promotion are made within the University of St. Thomas, with reference to the external letters and in accordance with the Standards for Promotion, Review, and Tenure in Section IV-6.I. The external reviewers' confidential assessments will be placed in the candidate's file.

- (h) In order to protect the confidentiality of external reviewers to the greatest extent possible, the assessment and recommendations written by the department Promotion & Tenure Committee, by the department Chair, by the Dean, and by the University Promotion & Tenure Committee will make no reference by name to the authors of the external letters of evaluation, though they will refer to the substance of those assessments in coming to their own conclusions.

**c. Service**

- i. To be promoted to Associate Professor of Law, a candidate must demonstrate that he or she provided service to the University, the legal profession, or the community.
- ii. In order to better collect information on the quality of service rendered to the department and to the university by a candidate, the department Committee on Promotion & Tenure may ask committee chairs (or, in the absence of the chair, another member of the committee) on which the candidate has served in the last four years to submit a letter describing the quality of the candidate's service on that committee. Quality shall be judged by impact, which will mean (at a minimum) attending meetings and making a contribution. To document other types of service, including service outside of the university itself (where such service has been agreed as being of relevance to the case for tenure or promotion), letters on the quality of service may be solicited from other individuals named by the candidate or provided directly by the candidate. In the assessment of department chairs, the department Committee on Promotion & Tenure shall ask the Dean or the Chair of the department for comment on the quality of the candidate's service in that role.

**3. Criteria for Granting of Tenure**

**a. Teaching**

- i. To be granted tenure, a candidate must demonstrate that he or she is an accomplished teacher.

- ii. The faculty candidate's teaching shall be reviewed by three peer reviewers. This review ordinarily will be conducted in the academic year prior to the academic year in which the faculty member will be a candidate for tenure, and the faculty candidate may choose whether the review shall take place in the fall or spring semester of that preceding academic year. The faculty candidate may request that this review be conducted in the fall semester of the academic year in which he or she is a candidate, which request shall be liberally granted by the departmental promotion and tenure committee when good cause is shown.
- iii. The candidate shall select the first reviewer. If the person selected by the candidate declines to be a reviewer, the candidate shall make another selection. The departmental Promotion and Tenure Committee shall select the second reviewer. The Dean of the School of Law shall select the third reviewer. However, neither the Dean nor the Chair of the department may be a reviewer. In special circumstances, with approval of the Chair of the departmental Promotion and Tenure Committee and the Dean, the faculty candidate may select a faculty member from elsewhere in the University or from outside the University.
- iv. In the Legal Studies Department, the reviewer shall be selected from among the members of the faculty in the School of Law who have been granted tenure.
- v. Before visiting a class session, the reviewer should meet with the faculty candidate to discuss the syllabus, text, and general philosophy of what the faculty candidate is trying to accomplish in the course, as well as the goals of the specific class session to be observed. After visiting the class session, the reviewer should meet again with the faculty candidate to briefly discuss the class session. The criteria for the peer review are those set forth in the Standards for Promotion, Review, and Tenure in Section IV-6.I. Based on these criteria, the faculty reviewers shall write a joint report which reflects the observations each of them has made and which becomes part of the candidate's portfolio.
- vi. A copy of the peer review report shall be provided to the faculty candidate, who may file a written response that will be included in the candidate's portfolio. Copies of any response must be sent to the reviewer, the chair of the departmental Promotion and Tenure Committee, and the Dean.

b. **Engaging the Profession.**

- i. To be granted tenure, a candidate must demonstrate that, by December 1 of his or her sixth year on the faculty of the School of

Law, he or she has published or had accepted for publication at least three articles or their equivalents. Articles published or accepted for publication prior to the candidate=s promotion to Associate Professor of Law are included in this total. [*This is a variance from Section IV.B.2.b., which requires at least two pieces of substantive work for tenure.*]

- ii. The scholarly work of the candidate must provide evidence of significant and influential scholarly accomplishment and the promise of continued achievement in scholarship.

**Section IV-5.B.3.b.iii (on granting of tenure) will be retained until no faculty member who joined the faculty before 2006-2007 remain untenured.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least three experts in the faculty member=s field(s) of any of the candidate=s scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate=s scholarship that has already been the subject of an external review.
  - (a) The external reviewers will be selected by the Dean and the Chair of the Promotion & Tenure Committee of the respective department.
  - (b) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will ask the candidate to identify three experts who would be acceptable to the candidate. If possible, at least one of the external reviewers selected by the Dean and the Chair of the Promotion & Tenure Committee will be one of the three experts identified by the candidate.
  - (c) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will also ask the candidate to identify up to three experts who would not be acceptable to the candidate. The Dean and the Chair of the Promotion & Tenure Committee will not select anyone so identified as an external reviewer.
  - (d) External reviewers will be asked whether the faculty member has provided evidence of significant and influential scholarly accomplishment and the promise of continued achievement in scholarship.

**Substitute subpart iii below as applicable to those joining the tenure-track in 2006-2007 or later.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least four experts in the faculty member's field(s) of any of the candidate's scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate's scholarship that has already been the subject of an external review.
- (a) Two of these external reviewers shall be chosen from a list of at least six names submitted by the candidate.
  - (b) The remaining external reviewers shall be selected by the Chair of the Promotion & Tenure Committee.
  - (c) The candidate may also list the names of up to three scholars who should *not* be solicited, due to the candidate's belief that they would not be able to provide an objective evaluation of the candidate's work.
  - (d) No external reviewer may hold an appointment at the University of St. Thomas. The external reviewer may not have a direct connection with the candidate, which is typically defined as having ever had a faculty or student relationship with the candidate (which does not include merely having been a student in a large law school section course taught by that person), having ever been a co-author with the candidate, or any other professional or personal relationship of comparable closeness. Faculty who have served on a professional committee or conference panel with the candidate would be appropriate external reviewers. If there is doubt about a given relationship between the candidate and a prospective reviewer, a determination on suitability will be made by the department Promotion & Tenure Committee.
  - (e) In Legal Studies, external reviewers shall be tenured faculty at an ABA-accredited law school. For Legal Studies, with prior approval of the Chair of the department Promotion & Tenure Committee and the Dean, the faculty candidate may include on the list of six names a nationally-recognized scholar who is not affiliated with an educational institution or a scholar who holds a tenured faculty position in another discipline with expertise in the field(s) of the candidate's work.

- (f) External reviewers shall be solicited by the Chair of the department Promotion & Tenure Committee. The external reviewer's willingness to provide a letter will be confirmed by a standard letter that is available for candidate review (without the names and addresses of the external reviewers).
- (g) External reviewers will be asked to provide an independent assessment of one or more of the faculty candidate's works and to evaluate whether the faculty member has provided evidence of significant and influential scholarly accomplishment and the promise of continued achievement in scholarship. External peer reviewers will not be asked to make a direct recommendation as to whether tenure at the University of St. Thomas should be granted. It will instead be the job of the departmental review committee to interpret and place in context the external letters of evaluation. Evaluations of suitability for tenure are made within the University of St. Thomas, with reference to the external letters and in accordance with the Standards for Promotion, Review, and Tenure in Section IV-6.I. The external reviewers' confidential assessments will be placed in the candidate's file.
- (h) In order to protect the confidentiality of external reviewers to the greatest extent possible, the assessment and recommendations written by the department Promotion & Tenure Committee, by the department Chair, by the Dean, and by the University Promotion & Tenure Committee will make no reference by name to the authors of the external letters of evaluation, though they will refer to the substance of those assessments in coming to their own conclusions.

**c. Service**

- i. To be granted tenure, a candidate must demonstrate that he or she provided significant service to the University, the legal profession, or the community
- ii. In order to better collect information on the quality of service rendered to the department and to the university by a candidate, the department Committee on Promotion & Tenure may ask committee chairs (or, in the absence of the chair, another member of the committee) on which the candidate has served in the last four years to submit a letter describing the quality of the candidate's service on that committee. Quality shall be judged by impact, which will mean (at a minimum) attending meetings and making a contribution. To document other types of service,

including service outside of the university itself (where such service has been agreed as being of relevance to the case for tenure or promotion), letters on the quality of service may be solicited from other individuals named by the candidate or provided directly by the candidate. In the assessment of department chairs, the department Committee on Promotion & Tenure shall ask the Dean or the Chair of the department for comment on the quality of the candidate's service in that role.

#### **4. Criteria for Promotion to (Full) Professor of Law**

##### **a. Teaching**

- i. To be promoted to Professor of Law, a candidate must demonstrate that he or she continues to be an accomplished teacher.
- ii. The faculty candidate's teaching shall be reviewed by three peer reviewers. This review ordinarily will be conducted in the academic year prior to the academic year in which the faculty member will be a candidate for promotion to Professor of Law, and the faculty candidate may choose whether the review shall take place in the fall or spring semester of that preceding academic year. The faculty candidate may request that this review be conducted in the fall semester of the academic year in which he or she is a candidate, which request shall be liberally granted by the departmental promotion and tenure committee when good cause is shown.
- iii. The candidate shall select the first reviewer. If the person selected by the candidate declines to be a reviewer, the candidate shall make another selection. The departmental Promotion and Tenure Committee shall select the second reviewer. The Dean of the School of Law shall select the third reviewer. However, neither the Dean nor the Chair of the department may be a reviewer. In special circumstances, with approval of the Chair of the departmental Promotion and Tenure Committee and the Dean, the faculty candidate may select a faculty member from elsewhere in the University or from outside the University.
- iv. In the Legal Studies Department, the reviewer shall be selected from among the members of the faculty in the School of Law who have been granted tenure.
- v. Before visiting a class session, the reviewer should meet with the faculty candidate to discuss the syllabus, text, and general philosophy of what the faculty candidate is trying to accomplish in the course, as well as the goals of the specific class session to be observed. After visiting the class session, the reviewer should meet

again with the faculty candidate to briefly discuss the class session. The criteria for the peer review are those set forth in the Standards for Promotion, Review, and Tenure in Section IV-6.I. Based on these criteria, the faculty reviewers shall write a joint report which reflects the observations each of them has made and which becomes part of the candidate's portfolio.

- vi. A copy of the peer review report shall be provided to the faculty candidate, who may file a written response that will be included in the candidate's portfolio. Copies of any response must be sent to the reviewer, the chair of the departmental Promotion and Tenure Committee, and the Dean.

b. **Engaging the Profession.**

- i. To be promoted to Professor of Law, a candidate must demonstrate that he or she has had two articles or their equivalents published or accepted for publication within any three-year period after December 1 of the academic year in which he or she was considered for tenure (which articles must be in addition to any previously included in the portfolio submitted in support of tenure). If a candidate has produced two additional articles or their equivalents, he or she may elect to be considered for promotion to Professor of Law as early as the succeeding academic year after the academic year in which he or she was considered for tenure. *[This is a variance from Section IV.A.1.b., which requires at least three pieces of substantive work after promotion to Associate Professor.]*
- ii. The scholarly work of the candidate must provide evidence that the candidate has achieved a national reputation in his or her field.

**Section IV-5.B.4.b.iii (on promotion to (Full) Professor of Law) will be retained until no faculty member who joined the faculty before 2006-2007 has not been promoted to full Professor.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least three experts in the faculty member's field(s) of any of the candidate's scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate's scholarship that has already been the subject of an external review.
  - (a) The external reviewers will be selected by the Dean and the Chair of the Promotion & Tenure Committee of the respective department.

- (b) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will ask the candidate to identify three experts who would be acceptable to the candidate. If possible, at least one of the external reviewers selected by the Dean and the Chair of the Promotion & Tenure Committee will be one of the three experts identified by the candidate.
- (c) Before selecting the external reviewers, the Dean and the Chair of the Promotion & Tenure Committee of the respective department will also ask the candidate to identify up to three experts who would not be acceptable to the candidate. The Dean and the Chair of the Promotion & Tenure Committee will not select anyone so identified as an external reviewer.
- (d) External reviewers will be asked whether the faculty member has achieved a national reputation in his or her field.

**Substitute subpart iii below as applicable to those joining the tenure-track in 2006-2007 or later.**

- iii. To assist it in making this determination, the Promotion & Tenure Committee of the respective department will seek external reviews from at least four experts in the faculty member's field(s) of any of the candidate's scholarship that has not already been the subject of an external review. The Promotion & Tenure Committee may, at its discretion, request additional external reviews of any of the candidate's scholarship that has already been the subject of an external review.
  - (a) Two of these external reviewers shall be chosen from a list of at least six names submitted by the candidate.
  - (b) The remaining external reviewers shall be selected by the Chair of the Promotion & Tenure Committee.
  - (c) The candidate may also list the names of up to three scholars who should *not* be solicited, due to the candidate's belief that they would not be able to provide an objective evaluation of the candidate's work.
  - (d) No external reviewer may hold an appointment at the University of St. Thomas. The external reviewer may not have a direct connection with the candidate, which is typically defined as having ever had a faculty or student

relationship with the candidate (which does not include merely having been a student in a large law school section course taught by that person), having ever been a co-author with the candidate, or any other professional or personal relationship of comparable closeness. Faculty who have served on a professional committee or conference panel with the candidate would be appropriate external reviewers. If there is doubt about a given relationship between the candidate and a prospective reviewer, a determination on suitability will be made by the department Promotion & Tenure Committee.

- (e) In Legal Studies, external reviewers shall be tenured faculty at an ABA-accredited law school. For Legal Studies, with prior approval of the Chair of the department Promotion & Tenure Committee and the Dean, the faculty candidate may include on the list of six names a nationally-recognized scholar who is not affiliated with an educational institution or a scholar who holds a tenured faculty position in another discipline with expertise in the field(s) of the candidate's work.
- (f) External reviewers shall be solicited by the Chair of the department Promotion & Tenure Committee. The external reviewer's willingness to provide a letter will be confirmed by a standard letter that is available for candidate review (without the names and addresses of the external reviewers).
- (g) External reviewers will be asked to provide an independent assessment of one or more of the faculty candidate's works and to evaluate whether the faculty member has achieved a national reputation in his or her field. External peer reviewers will not be asked to make a direct recommendation as to whether promotion to Professor of Law at the University of St. Thomas should be granted. It will instead be the job of the departmental review committee to interpret and place in context the external letters of evaluation. Evaluations of suitability for promotion are made within the University of St. Thomas, with reference to the external letters and in accordance with the Standards for Promotion, Review, and Tenure in Section IV-6.I. The external reviewers' confidential assessments will be placed in the candidate's file.
- (h) In order to protect the confidentiality of external reviewers to the greatest extent possible, the assessment and recommendations written by the department Promotion &

Tenure Committee, by the department Chair, by the Dean, and by the University Promotion & Tenure Committee will make no reference by name to the authors of the external letters of evaluation, though they will refer to the substance of those assessments in coming to their own conclusions.

**c. Service**

- i. To be promoted to Professor of Law, a candidate must demonstrate that he or she has continued to provide significant service to the University, the legal profession, or the community.
- ii. In order to better collect information on the quality of service rendered to the department and to the university by a candidate, the department Committee on Promotion & Tenure may ask committee chairs (or, in the absence of the chair, another member of the committee) on which the candidate has served in the last four years to submit a letter describing the quality of the candidate's service on that committee. Quality shall be judged by impact, which will mean (at a minimum) attending meetings and making a contribution. To document other types of service, including service outside of the university itself (where such service has been agreed as being of relevance to the case for tenure or promotion), letters on the quality of service may be solicited from other individuals named by the candidate or provided directly by the candidate. In the assessment of department chairs, the department Committee on Promotion & Tenure shall ask the Dean or the Chair of the department for comment on the quality of the candidate's service in that role.

**C. Confidentiality**

External reviews will be made available to the candidate, and the candidate will be given an opportunity to respond to those reviews. However, the reviews will be redacted so that the identity of the reviewer is not disclosed to the candidate. The Dean, the Chair of the Promotion & Tenure Committee of the respective department, and the members of that Promotion & Tenure Committee will not disclose the identity of external reviewers to the candidate or any other person who is not directly involved in deciding whether the candidate will be promoted or tenured.

**D. Use of APh.D. or equivalent doctorate from an accredited institution@**

In the University Policy, the phrase "Ph.D. or equivalent doctorate from an accredited institution" will be defined to include the Juris Doctor when the University Policy is being applied to the faculty of the School of Law.

**E. Third-Year/Triennial Review for Faculty Candidates Not Simultaneously Seeking Promotion**

When a faculty candidate is being evaluated as part of the third-year/triennial review process, but is not simultaneously seeking promotion, the review shall proceed according to the standards and procedures applicable for a faculty candidate seeking promotion to Associate Professor.

*Adopted by the Law Faculty, February 19, 2003  
Amendments Approved by the Law Faculty, May 17, 2004 and April 30, 2007*

## IV-6. Standards for Promotion, Review, and Tenure

Promotion, review, and tenure at the University of St. Thomas School of Law are based upon four broad categories of performance: teaching accomplishment; research and scholarship; service to the institution, to the profession, and to the community; and commitment to the mission and vision of the School of Law. Sections I, II, and III below articulate the standards on teaching, scholarship, and service. With respect to the category of commitment to the mission and vision, the University of St. Thomas School of Law Policy Governing Rank and Tenure emphasizes that “[t]o be promoted or tenured, a candidate must demonstrate that he or she has undertaken ongoing efforts, individually and in concert with others, to advance the mission and vision of the School of Law.” The policy offers the following as examples of demonstrated commitment to the mission and vision: “encouraging students to integrate their faith and values into their professional life, publishing scholarship that integrates faith and ethics into the study of law, or providing service to the disadvantaged.” While not every aspect of instruction, scholarly work, or service need be directly related to the School of Law’s mission and vision, the candidate must demonstrate that commitment through some regular and ongoing element of his or her academic or professional life

The individual statements below setting forth standards on teaching, scholarship, and service - must be interpreted in light of the significance of tenure. Recommendation for tenure is a recognition by the faculty and administration of the University of St. Thomas School of Law that the individual to whom it is awarded has demonstrated qualities and achievements that embody the ideals and mission of the School of Law and that continued excellence in professional performance may be anticipated. For that reason, in making promotion, review, and tenure evaluations, an attempt must be made to judge not only the quality of the candidate’s past teaching, existing scholarly production, history of service, and reported advancement of mission, but also the candidate’s commitment to and capability of achieving sustained teaching excellence, continuing and significant scholarly engagement, ongoing meaningful service, and enduring dedication to the mission, all as essential elements of academic life at this institution. The burden of persuasion remains always upon the candidate.

### I. Teaching

#### A. General Expectations for Teaching

1. **Expectation of Teaching Accomplishment.** The University of St. Thomas School of Law Policy Governing Rank and Tenure provides that a candidate for tenure must demonstrate excellence in teaching. A candidate for associate professor must demonstrate that he or she is making reasonable progress toward becoming an accomplished teacher.
2. **University Expectations for Teaching.** The University of St. Thomas Policy Governing Rank, Tenure and Evaluations provides the following summary of teaching expectations: “Effective teaching presumes currency, breadth, and depth of knowledge. In addition, St. Thomas expects its faculty to communicate information, ideas and values by using teaching methods and techniques that recognize a variety of learning styles, cultural

backgrounds, and instructional settings. Whenever possible, faculty should approach teaching with an intent to demonstrate the interrelatedness of disciplines and of learning. Instructional and curricular innovations that are directed to these goals should be developed. Likewise, faculty should provide ways for students to become actively engaged in the work of the discipline(s). Recognizing that much learning goes on outside of the classroom, faculty should also be effective and skillful formal and informal advisors to students.”

3. **School of Law General Expectations for Teaching.** In the School of Law, instruction should develop students’ knowledge, understanding, and critical appraisal of various substantive areas of law, the legal system as a whole including its institutions and decision-making processes, the interrelationships between the legal system and other social institutions, the ideas and historical events that have shaped the law and legal system, the integration of faith into an understanding of the law and professional life, and the moral obligations and professional responsibilities of lawyers, as well as essential skills in legal analysis, legal research and writing, oral and written advocacy, problem-solving, negotiation, and counseling.

B. **Specific Expectations for Teaching:** Specific expectations concerning teaching excellence in the School of Law for Legal Studies faculty include the following components

1. **Knowledge of the Subject Matter.** The accomplished professor both will have a command of the subject, demonstrating breadth and depth of knowledge, and will remain current on developments in the field.
2. **Integration of Faith and Values.** The accomplished professor will in a manner appropriate to the course integrate faith and values by (1) facilitating discussion of the relevance of faith and values to the questions raised in class, (2) encouraging students’ integration of their faith and deepest ethical principles into their professional character and identity, (3) preparing students to become accomplished servant leaders in the practice of law, in the judiciary, in public and community service, in business, and in education, (4) and enhancing the professional responsibility of students.
3. **Planning and Organization.** The accomplished professor will be effective in organizing the study of the subject, including defining instructional objectives, being well-prepared for each class, preparing appropriate syllabi and materials, covering material consistently so that large amounts of material are not left for the end of the semester, and structuring the classroom discussion in a manner that facilitates learning.
4. **Planning, Organization, and Supervision of Clinical Casework.** The accomplished professor will be effective in acquiring client caseloads that balance the purpose of providing educational opportunities with the need to provide service to the larger community and the necessity of faculty

research and scholarship. The accomplished professor will also be an effective supervisor of certified student work with clients, balancing professional obligation to clients with student responsibility for casework.

5. **Creating a Learning Environment.** The accomplished professor will create a classroom or clinical environment that is conducive to learning and motivates students to learn, making effective use of different teaching methods and technology as appropriate.
6. **Fostering Student Development and Engagement.** The accomplished professor will foster student engagement in the classroom, or for clinical legal education faculty in case team meetings and the clinical program as a whole, and stimulate critical analysis by students.
7. **Effective Communication.** The accomplished professor, by being organized and understandable in communication of concepts by lecture, questioning, or moderation of student discussion as appropriate, will effectively and clearly communicate with students.
8. **Developing Student Communication Skills.** The accomplished professor will assist students in developing oral and written communication skills through facilitating classroom participation, preparation of papers, client casework and representation, and other means as appropriate to the course. The accomplished professor will provide meaningful and appropriate critique of students' papers, oral presentations, client casework, and classroom preparation, as pertinent.
9. **Receptivity and Availability to Students.** The accomplished professor will be reasonably available to students, including being receptive to student questions, maintaining regular office hours, offering advice to students on academic and professional matters, and reviewing student examinations and papers. The accomplished clinical legal education professor will be reasonably available to students by scheduling regular meetings for casework review and student evaluation, being receptive to student questions, maintaining availability for appointments with students not currently enrolled in clinical coursework, offering advice to students on academic and professional matters, and reviewing student casework and other clinical responsibilities.
10. **Fairly Evaluating Student Performance.** The accomplished professor will fairly evaluate student performance, including (as pertinent to the course) devising appropriate examinations; developing guidelines for student papers or presentations; impartially grading student examinations, papers, or presentations; or devising and using appropriate tools for reviewing and evaluating such areas of clinical performance as student goal definition and execution, professional responsibility, and case responsibility.

11. **Diligence in Meeting Teaching Obligations.** The accomplished professor will be diligent in meeting teaching obligations, including generally beginning and ending class on time; canceling classes only when necessary due to academic or professional conflicts, religious holidays, illness, or other exigent circumstances; generally scheduling a make-up class or other means of replacing a canceled class; and timely submission of grades.
12. **Educational Innovation.** A professor is encouraged to develop new courses or segments of courses, or prepare innovative teaching materials, such as clinical simulations, problems sets, skills exercises, computer-based materials, and audiovisual materials. Although these activities are not required, they will be considered as favorable evidence of superior teaching ability.

## II. Scholarship

### A. General Expectations for Scholarship

1. **University Expectation for Professional Engagement.** The University of St. Thomas Policy Governing Rank, Tenure and Evaluation includes the following general statement on engaging the profession: “Since the primary professional responsibility of the St. Thomas faculty member is the creation and enrichment of the university’s learning community, it follows that a corollary expectation is engagement with the discipline. The vital center of any university is the expression of the life of the mind that results from engaging the profession. That engagement is the source of the community’s intellectual vitality and connects it with the national and international world of scholarship. That connection means, too, that it is from peers at St. Thomas and at institutions around the world that we receive evaluation of our achievements as teacher/scholars.”
2. **School of Law Expectation for Professional Engagement.** The School of Law expects that its faculty members will engage in research and will disseminate that research through published scholarship. The process of research and scholarship is particularly important to the professional growth and development of untenured faculty members for four reasons. First, as expressed in the Vision Statement of the University of St. Thomas School of Law, scholarly engagement “expand[s] knowledge about law and society and [contributes to] the improvement of legal institutions and other organizations.” Second, research activities and the publication of scholarship contribute to a faculty member’s expertise and can enhance the quality of his or her teaching. Similarly, through the dissemination of his or her scholarship, a faculty member can extend the reach of his or her teaching to a new and larger audience. Third, the quality of scholarship is a significant indication of the quality of the mind that produces it. Therefore, evidence of scholarly ability and continual productivity are indications that a faculty member is capable of, and committed to, a career

of intellectual and professional engagement. Fourth, as stated in the May 13, 1999 Resolution of the University of St. Thomas Board of Trustees which authorized reopening of the School of Law, the University was committed, inter alia, to “establish[ing] a national law school of the highest quality.” No law school can attain national prominence without being comprised of faculty who regularly are producing significant and influential scholarship.

3. **General Quantitative Expectation for Scholarship.** For these reasons, the University of St. Thomas School of Law Policy Governing Rank and Tenure provides that a candidate for tenure must demonstrate accomplishment in engaging the profession. At each stage of the evaluation process, the Law School Policy defines an expected amount of scholarly contribution in terms of “an article or its equivalent.” Thus, a candidate for associate professor “must demonstrate that, by the spring of his or her third year on the faculty of the School of Law, he or she has published or had accepted for publication at least one article or its equivalent. The candidate must also demonstrate that he or she has made progress toward completing a second article or its equivalent.” Further, “[t]o be granted tenure, a candidate must demonstrate that, by December 1 of his or her sixth year on the faculty of the School of Law, he or she has published or had accepted for publication at least three articles or their equivalents.” Finally, to be promoted to full professor of law, the candidate must have “had two articles or their equivalents published or accepted for publication within any three-year period after being granted tenure.”

4. **General Qualitative Expectation for Scholarship.** As general statements for each stage of review, the University of St. Thomas School of Law Policy Governing Rank and Tenure provides that (1) the scholarship of the candidate for promotion to associate professor must “demonstrate[] the potential to have a substantial impact in the field,” (2) the scholarship of the candidate for tenure “must provide evidence of significant and influential scholarship accomplishment and the promise of continued achievement in scholarship, and (3) the scholarship of the candidate for promotion to full professor of law “must provide evidence that the candidate has achieved a national reputation in his or her field.”

The quality of the candidate’s research and scholarship will be evaluated both (1) by external reviewers, whose expertise in the field and lack of direct connection to the School of Law ordinarily assure an independent and informed evaluation of the scholarship and its impact in the field, and (2) by the Committee on Promotion and Tenure of the pertinent department.

5. **Promise of Continued Achievement in Scholarship.** The candidate must demonstrate evidence of a continuing and serious commitment to the scholarly enterprise. The award of tenure is a long-term commitment of

the institution to the faculty member and therefore should be awarded only if there is substantial reason to believe that significant and influential scholarly work will continue. Three factors may be taken into account in making this evaluation. First, the pattern of scholarship during the untenured period is important. A faculty member who works steadily on research and writing during the untenured period is usually considered more likely to continue scholarly activity than the faculty member who is inactive for long periods of time. Second, consideration will be given to the number and scope of completed projects and works in progress. Although the minimum quantitative expectation is three articles or their equivalents during the untenured period, a candidate's submission of additional works or documentation of additional works in progress strengthens the conclusion that the candidate is inclined to future scholarly efforts. Third, concrete evidence of a thoughtful research agenda, in which present and future planned works are tied together within a theme or plan to achieve a national reputation in a field, suggests the faculty member will continue to work on scholarship.

**B. A Statement on Scholarship for Legal Studies Faculty**

1. **Specific Quantitative Expectation for Legal Studies Scholarship.** In terms of the quantitative expectation of scholarship, for faculty in the Legal Studies Department, "an article" means a substantial article in a law review or law journal. A substantial article is one that is approximately 40 published pages or more in length.

In defining what is "equivalent" to a substantial "article" in a law review or law journal, the vehicle for publication must be a university press book, a book in another press (including treatises, text or case books, and monographs), or an article in a peer-reviewed academic journal. Publication in a bar or professional journal, general-circulation journal, or newspaper ordinarily will not be considered of sufficient scholarly standing to qualify as the equivalent of an article. To be equivalent to an article, the work should be of the same total length as a substantial article in a law review or law journal as defined above.

In certain circumstances, depending upon the significance and impact of each such work, publication of multiple smaller works may satisfy the expectation of one article or its equivalent, but the candidate for tenure must present at least two full-length articles or their equivalents. Depending upon length, publication of a book may qualify as the publication of more than one article or its equivalent.

The School of Law encourages tenured faculty when appropriate to collaborate with other scholars here, at other law schools, or in other disciplines in conducting research and co-authoring scholarship. However, given the difficulty of evaluating the separate contributions of each scholar to co-authored works and the importance of being able to determine that

the candidate individually is capable of completing important scholarly work independently, at least two of the articles or their equivalents submitted by the candidate for tenure should be authored solely by the candidate. If the candidate presents a co-authored work to be considered as one of the required articles or its equivalent, the burden is on the candidate to demonstrate clearly his or her contribution and to what degree that contribution is equivalent to an article.

2. **Specific Qualitative Expectation for Legal Studies Scholarship.**

Beyond submitting at least the minimum quantitative expectation for published scholarship, the candidate in the Legal Studies Department must present scholarly work of excellent quality. As stated in the University of St. Thomas School of Law Policy Governing Rank and Tenure, the candidate for promotion to associate professor must demonstrate that he or she “has undertaken an important research agenda and is making reasonable progress on that agenda.” The candidate for tenure must demonstrate that his or her scholarship “is significant and influential.” The candidate for promotion to full professor must demonstrate that his or her scholarship has gained “a national reputation” in the field. The quality of the candidate’s research and scholarship will be evaluated for the following elements.

- a. **Worthiness of the Topic.** Identification of a legal or law-related subject worthy of intellectual exploration.
- b. **Appropriateness of Research.** Indication of careful, accurate, and thorough research in legal and relevant non-legal materials.
- c. **Quality of Analysis.** Thoughtful and comprehensive analysis and synthesis, that is, going beyond mere description or explication of the law to offer new insight on a legal problem or issue such as by identifying and reconciling inconsistencies or apparent inconsistencies in the law; critically evaluating positions, rules, or developments in an area of the law; developing a new organizing principle or frame of reference for a set of legal materials or a field of law; or presenting and defending a solution to a legal problem through a proposed statute, legal rule, or legal theory.
- d. **Nature of Subject.** Difficulty or complexity of the subject matter undertaken.
- e. **Originality.** Originality of the ideas expressed.
- f. **Clarity of Communication.** Clear articulation of the findings and conclusions reached through the candidate’s research and analysis.
- g. **Impact of the Work.** Probable impact or significance of the work, which may be demonstrated by, for example, citations, published reviews, scholarly comment in other publications, documented comments from professionally respected readers, inclusion of the work in solicited symposia, and documented effect on law reform.
- h. **Integrity of Scholarly Activity.** Demonstration of integrity in scholarship, by acknowledging the contributions of others, making

proper attribution to sources, and making appropriate use of research assistants.

Although not required, scholarship that explores the intellectual integration of religious faith into the study of law, professional ethics, public policy, and social justice is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

**C. A Statement on Scholarship for Lawyering Skills Faculty.**

- 1. Specific Quantitative Expectation for Lawyering Skills Scholarship.**  
For tenure, Lawyering Skills faculty are expected to have published or accepted for publication three articles or their equivalents. Of the articles, at least one must be substantial, approximately 40 published pages long. The remaining two articles must be approximately 20 pages long.

In defining what is “equivalent” to an “article” in a law review or law journal, the vehicle for publication must be a university press book, a book in another press (including treatises, text or case books, and monographs), or an article in a peer-reviewed academic journal. Publication in a bar or professional journal, general-circulation journal, or newspaper ordinarily will not be considered of sufficient scholarly standing to qualify as the equivalent of an article. To be equivalent to an article, the work should be of the same total length as one of the three law review or law journal articles described above as required for tenure in Lawyering Skills.

In certain circumstances, depending upon the significance and impact of each such work, publication of multiple smaller works may satisfy the expectation of one article or its equivalent of approximately 20 pages. However, a candidate for tenure in Lawyering Skills must present at least one article or its equivalent of approximately 40 pages and one article or its equivalent of approximately 20 pages. Depending upon length, publication of a book may qualify as the publication of more than one article or its equivalent.

To be promoted to Professor of Law, a candidate must present at least two articles or their equivalents within any three-year period after being granted tenure. One article must be substantial (approximately 40 pages long), and one article must be approximately 20 pages long.

The School of Law encourages tenured faculty when appropriate to collaborate with other scholars here, at other law schools, or in other disciplines in conducting research and co-authoring scholarship. However, given the difficulty of evaluating the separate contributions of each scholar to co-authored works and the importance of being able to determine that the candidate individually is capable of completing important scholarly work independently, at least two the articles or their equivalent submitted by the candidate for tenure should be authored solely by the candidate. If

the candidate presents a co-authored work to be considered as one of the required articles or its equivalent, the burden is on the candidate to demonstrate clearly his or her contribution and to what degree that contribution is equivalent to an article.

2. **Specific Qualitative Expectation for Lawyering Skills Scholarship.**

Beyond submitting at least the minimum quantity of published scholarship, the candidate in the Lawyering Skills Department must present scholarly work of excellent quality. As stated in the University of St. Thomas School of Law Policy Governing Rank and tenure, the candidate for promotion to associate professor must demonstrate that he or she “has undertaken an important research agenda and is making reasonable progress on that agenda.” The candidate for tenure must demonstrate that his or her scholarship “is significant and influential.” The candidate for promotion to full professor must demonstrate that his or her scholarship has gained “a national reputation” in the field.

The quality of the candidate’s research and scholarship will be evaluated for the following elements:

- a. **Worthiness of the Topic.** Identification of a legal or law-related subject worthy of intellectual exploration.
- b. **Appropriateness of Research –** Indication of careful, accurate, and thorough research in legal and relevant non-legal materials.
- c. **Quality of Analysis.** Thoughtful and comprehensive analysis and synthesis, that is, going beyond mere description or explication of the subject to offer new insight on a problem or issue such as by identifying and reconciling inconsistencies or apparent inconsistencies in the area; critically evaluating positions, rules, or developments in the area; developing a new organizing principle or frame of reference for the subject; or presenting and defending a solution to a legal or law-related problem.
- d. **Nature of Subject.** Difficulty or complexity of the subject matter undertaken.
- e. **Originality.** Originality of the ideas expressed.
- f. **Clarity of Communication.** Clear articulation of the findings and conclusions reached through the candidate’s research and analysis.
- g. **Impact of the Work.** Probable impact or significance of the work, which may be demonstrated by, for example, citations, published reviews, scholarly comment in other publications, documented comments from professionally respected readers, inclusion of the work in solicited symposia, and documented effect on law reform.
- h. **Integrity of Scholarly Activity.** Demonstration of integrity in scholarship, by acknowledging the contributions of others, making proper attribution to sources, and making appropriate use of research assistants.

Although not required, scholarship that explores the intellectual integration of religious faith into the study of law, professional ethics, public policy, and social

justice is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

**D. A Statement on Scholarship for Clinical Education Faculty.**

1. In addition to their teaching, Clinical Education faculty should contribute through the scholarship (1) to the development of the law, lawyering or legal education, or (2) to the improvement of legal institutions or procedures. Given the different nature of clinical faculty work and the year-round client responsibilities inherent in teaching in this setting, clinical faculty are expected to publish work of a different type and quantity than non-clinical tenure-track faculty.

Because of the nature of their teaching activities and professional engagement, Clinical Education faculty can find many outlets to pursue their areas of scholarship and research. Interests may range from the highly abstract to eminently practical contributions. Clinical Education faculty may seek to accomplish a wide range of purposes in their scholarship. Excellence in scholarship that contributes to the University of St. Thomas community, the community of legal scholars and professionals, and the wider academic community can be manifested in many forms.

However varied the purposes of scholarship and however diverse the forms in which scholarship is manifested, a work of scholarship must ultimately constitute an “article or its equivalent” – that is, it must appear in writing, be the result of thoughtful labor, and be disseminated to, and warrant recognition by, a significant audience, keeping in mind the special characteristics and purpose of the work. Illustrations of what constitutes an article or its equivalent include the following.

- a. A university press book or book in another press (including treatises, text or case books, and monographs);
- b. An article, essay, or book review in a legal periodical, law or multidisciplinary journal or law review. Contributions of this type can advance either the state of the law or the state of clinical teaching methodology or practice;
- c. A section, chapter, or portion of a legal treatise or encyclopedia (includes a major revision);
- d. A research project report, such as one under the auspices of an institute such as the American Bar Foundation or under research grant or contract;
- e. A publication of a learned society such as ALI-ABA, a national or state bar association, AALS, or a publication contributed as part of a judicial, CLE, or administrative conference;
- f. A manual for use by the judiciary, state or federal agencies, or the practicing bar.

- g. A brief, a technical report, policy recommendation, memorandum, or other document, submitted in conjunction with legal, legislative or administrative proceedings;
- h. A report or white paper stemming from a governmental appointment such as a presidential, gubernatorial or other executive commission, legislative committee, court appointment or administrative agency appointment ;
- i. A draft or enacted version (with written comments or testimony) of new or reforming legislation, rules, regulations or guidelines.

2. **Specific Quantitative Expectation for Clinical Legal Education**

**Scholarship.** For tenure, Clinical Legal Education faculty are expected to publish three articles or their equivalents as defined above. Of the articles, at least one must be approximately 40 pages long. The remaining two articles must be approximately 20 pages long.

In certain circumstances, depending upon the significance and impact of each such work, publication of multiple smaller works may satisfy the expectation of one article or its equivalent of approximately 20 pages. However, a candidate for tenure in Clinical Legal Education must present at least one article or its equivalent of approximately 40 pages and one article or its equivalent of approximately 20 pages. The 40 page work must be drawn from any of categories 1 through 6 above, and no more than one of the 20 page works can be drawn from categories 7 through 9 above.

To be promoted to Professor of Law, a candidate must present at least two articles or their equivalents within any three-year period after being granted tenure. One article must be substantial (i.e. approximately 40 pages long) and be drawn from any of categories 1 through 6, and one article must be approximately 20 pages long.

The School of Law encourages Clinical Legal Education faculty to collaborate with other scholars, practitioners, judges, and policy makers, and members of other disciplines. However, given the difficulty of evaluating the separate contributions of each scholar to co-authored works and the importance of being able to determine that the candidate individually is capable of completing important scholarly work independently, at least two of the articles or their equivalent submitted by the candidate for tenure should be authored solely by the candidate. If the candidate presents a co-authored work to be considered as one of the required articles or its equivalent, the burden is on the candidate to demonstrate clearly his or her contribution and to what degree that contribution is equivalent to an article.

3. **Specific Qualitative Expectation for Clinical Legal Education**

**Scholarship.** Beyond submitting at least the minimum quantity of published scholarship, the candidate in the Clinical Legal Education

Department must present scholarly work of excellent quality. As stated in the University of St. Thomas School of Law Policy Governing Rank and tenure, the candidate for promotion to associate professor must demonstrate that he or she “has undertaken an important research agenda and is making reasonable progress on that agenda.” The candidate for tenure must demonstrate that his or her scholarship “is significant and influential.” The candidate for promotion to full professor must demonstrate that his or her scholarship has gained “a national reputation” in the field. The quality of the candidate’s research and scholarship will be evaluated for the following elements.

- a. Worthiness of the Topic. Identification of a legal or law-related subject worthy of intellectual exploration.
- b. Appropriateness of Research. Indication of careful, accurate, and thorough research in legal and relevant non-legal materials.
- c. Quality of Analysis. Thoughtful and comprehensive analysis and synthesis, that is, going beyond mere description or explication of the subject to offer new insight on a problem or issue such as by identifying and reconciling inconsistencies or apparent inconsistencies in the area; critically evaluating positions, rules, or developments in the area; developing a new organizing principle or frame of reference for the subject; or presenting and defending a solution to a legal or law-related problem.
- d. Nature of Subject. Difficulty or complexity of the subject matter undertaken.
- e. Originality. Originality of the ideas expressed.
- f. Clarity of Communication. Clear articulation of the findings and conclusions reached through the candidate’s research and analysis.
- g. Impact of the Work. Probable impact or significance of the work, which may be demonstrated by, for example, citations, published reviews, scholarly comment in other publications, documented comments from professionally respected readers, inclusion of the work in solicited symposia, and documented effect on law reform.
- h. Integrity of Scholarly Activity. Demonstration of integrity in scholarship, by acknowledging the contributions of others, making proper attribution to sources, and making appropriate use of research assistants.

Although not required, scholarship that explores the intellectual integration of religious faith into the study of law, professional ethics, public policy, and social justice is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

### III. Service

- A. **University Expectation for Service.** The University of St. Thomas Policy Governing Rank, Tenure and Evaluation includes the following general statement on service: “St. Thomas faculty are members of the university community and of communities beyond the boundaries of the campuses. As members, they have responsibilities to each, responsibilities that result from a particular discipline, but also from the special commitment to people that motivates them as educators. Because the faculty of St. Thomas expects those who are part of it to use their energy, knowledge and values to enrich the quality of life in their communities, it includes evaluation of performance in them among the criteria of professional achievement.”
- B. **School of Law Expectation for Service.** The University of St. Thomas School of Law Policy Governing Rank and Tenure provides that to be promoted to associate professor, the candidate must have provided “service to the University, the legal profession, or the community.” To be granted tenure, the candidate must demonstrate that he or she provided “significant service to the University, the legal profession, or the community.” To be promoted to full professor, the candidate must demonstrate that he or she “has continued to provide significant service to the University, the legal profession, or the community.”
- C. **Basic Expectation of Service to the School of Law.** While recognizing that each faculty member brings his or her own values and understandings to the responsibilities of service, there are basic expectations of faculty involvement, including service on School of Law committees, participation in the processes of School of Law governance, and assistance to the School of Law in creating an environment that promotes academic achievement and professional responsibility. Faculty teaching Lawyering Skills classes are expected to participate in the development and policymaking of the Lawyering Skills program as part of their service to the Law School and to comply with overall program policies and goals. Clinical legal education faculty are expected to participate in the development and policymaking of the Clinical Legal Education program as part of their service to the Law School and to comply with overall program policies and goals.
- D. **Service to the University.** While service to the School of Law is one integral means of providing service to the University, additional service to the University as a whole, such as through university committees, mentoring of faculty outside the School of Law, or membership in bodies of university governance, is encouraged, especially for faculty who have achieved tenure.
- E. **Service to the Profession and the Community.** Faculty members are expected, in a manner consistent with their own values and understanding of the responsibility of service, to participate in the community, professional organizations, or institutions that comprise the legal system, especially when performed in a manner that draws upon the professional expertise of the faculty member. As examples, the faculty member may participate in programs designed to improve the level of knowledge, competence, and ethical behavior within the

legal profession; may participate in efforts to improve the effectiveness or fairness of the law, legal institutions, or the legal system as a whole; may provide educational opportunities for members of the public or for faith-based or other non-profit organizations about the law and legal institutions; or may provide legal services to the poor and disadvantaged or non-profit organizations. Service that integrates faith and the law in the profession and that addresses the needs and improves the condition of the disadvantaged and underserved is particularly valued and also is evidence of the required commitment to the mission and vision of the School of Law.

- F. **Recognition That Teaching and Scholarship are Primary Activities for Untenured Faculty.** The School of Law expects all of its faculty members to be engaged in service to the university, to the community, or to the profession. Because of its value to the academic, professional, and larger community, as well as its potential to enhance one's teaching and scholarship, every faculty member should be engaged in service. At the same time, it is contemplated that a faculty member's principal focus should be on teaching and scholarship during the years preceding consideration for tenure. This statement is not intended to discourage greater service on the part of untenured faculty, but is made in recognition of the tremendous commitment of time and energy required to meet expectations for teaching and scholarship, as well as the expectation that the contribution of each faculty member to service outside the School of Law will increase as he or she progresses in the academic vocation.

*Adopted by Tenured Faculty of Pertinent Department, May 17, 2004*

## **School of Law Promotion and Tenure: Timetable and Operating Guidelines**

To provide further direction to law school faculty members who are anticipating promotion or tenure and to tenured faculty members and deans participating as decision-makers in the promotion and tenure process, as well as triennial/third-year review this document sets forth a timetable and operating guidelines for actions to be taken by the candidate, the Promotion and Tenure Committee, tenured faculty members, the Department Chair, and the Dean. This timetable and operating guidelines are intended for guidance only in the implementation of the approved promotion and tenure policy. Accordingly, the timetable and guidelines set forth below must be interpreted in a manner consistent with the governing “Policy Governing Rank and Tenure of Tenure-Track and Tenured Faculty” approved by the Faculty, Law School, and University, which is included as Part IV-5 of the School of Law Policies.

### **Spring Semester, Academic Year Before Candidacy**

**Peer Review Panel Observes Teaching.** In the Spring Semester of the academic year before the academic year in which a faculty member will be a candidate for promotion, tenure, or third-year review, the candidate’s teaching will be observed by a peer review panel of three faculty. See Sections Sections IV-5.B.2(a), 3(a), and 4(a).

### **Summer**

**Beginning Preparation of Candidate Portfolio.** The candidate for promotion, tenure, or third-year review should begin preparing a portfolio in support of his or her application, with particular attention given to preparing a personal statement or narrative. The appendix to this document provides further guidance on the contents of the portfolio.

**Appointment of Promotion and Tenure Committee.** The Dean shall appoint the Chair and members of the Promotion and Tenure Committees for each Department (Legal Studies, Lawyering Skills, and Clinical Education) after consultation with the pertinent Department Chair. The Committee shall consist of at least three members. In the event that fewer than three members of the Department faculty are tenured, the Dean shall appoint tenured faculty members from other Departments in the School of Law or from allied disciplines elsewhere in the University, again after consultation with the Department Chair.

**Appointment of Faculty Mentors.** Before the beginning of classes for the first semester in August, the Chair of the Promotion and Tenure Committee shall appoint a tenured faculty member as mentor for each untenured faculty member in the Department.

### **October**

**Scholarship for External Review.** By October 1, the candidate for promotion, tenure, or third-year review shall provide copies of scholarship to be submitted to external reviewers for independent evaluation.

**Candidate's List of Acceptable/Unacceptable External Reviewers.** By October 1, the candidate for promotion, tenure, or third-year review shall submit a list of six experts who are acceptable to the candidate, from which two of the external reviewers will be selected. The candidate may also submit a list of up to three experts who would not be acceptable, and no expert on that list will be selected. See Sections IV-5.B.2(b)(iii), 3(b)(iii), and 4(b)(iii).

**Selection of External Reviewers.** By the end of October, the Dean and the Chair of the Promotion and Tenure Committee will select external reviewers (at least four in cases of promotion to associate professor or full professor and at least five in cases of tenure). As delegated such responsibility by the Chair of the Promotion and Tenure Committee, the Dean will contact the selected external reviewers and arrange for preparation of an evaluation of the candidate's designated scholarship. Within a reasonable time after receipt, the Dean shall provide to the candidate copies of the evaluations by external reviewers, with identifying information redacted. See Sections IV-5.B.2(b)(iii), 3(b)(iii), and 4(b)(iii).

**Submitting of Portfolio by Candidate for Tenure.** By October 15, the candidate for tenure must submit his or her portfolio. (Candidates for promotion and/or third-year review have until December 1 to submit the portfolio.)

## November

**Discussion Meeting and Invitation of Evaluations on Candidate for Tenure.** In cases of tenure, by approximately November 15, the tenured faculty of the pertinent department will meet to discuss the candidate's application for tenure (the Dean shall not attend this meeting). The Committee also will invite untenured faculty and faculty from other departments to share their evaluations of the candidate with the Committee by e-mail, memo, or conversation with Committee members. Unless otherwise agreed, all such contributions shall be confidential. In the interest of fairness, the Committee will not include a negative factor arising from this faculty input process in its final report and recommendation without allowing the candidate to respond, whether or not the source of the negative evaluation is revealed.

## December

**Submitting of Portfolio by Candidate for Promotion/Review.** By December 1, the candidate for promotion and/or third-year review must submit his or her portfolio. If the candidate so notifies the Chair of the Promotion and Tenure Committee, the candidate may have until the first day upon which classes begin in the second semester in January to submit drafts of scholarly works-in-progress.

**Confirmation by Candidate for Tenure of Publications.** By December 1, the candidate for tenure shall confirm to the Chair of the Promotion and Tenure Committee that he or she has published or had accepted for publication at least three articles or their equivalents.

**Committee's Recommendation on Candidate for Tenure.** By approximately December 15, the Promotion and Tenure Committee shall deliberate and complete its report and recommendation on the candidate for tenure, including any minority view. The Committee's deliberations shall be confidential. (The Dean shall not attend deliberation meetings of the

Promotion and Tenure Committee, but may meet with the Committee to further discuss its report and recommendation after it has been submitted.) The report and recommendation shall be given to the candidate, be circulated to all tenured members of the faculty in the pertinent Department, and be submitted to the Department Chair and the Dean.

**Response to Committee Report by Candidate for Tenure.** After receiving the Committee's report and recommendation, the candidate for tenure shall have one week (seven calendar days) to submit to the members of the tenured faculty in the pertinent Department, the Department Chair, and the Dean any response by the candidate to the Committee's report and recommendation.

**Faculty Vote on Candidate for Tenure.** By approximately December 31 (but not earlier than eight days after circulation of the Committee's report and recommendation, unless the candidate waives the right to respond), in cases of tenure, the members of the tenured faculty in the pertinent Department shall meet, deliberate, and vote on whether tenure should be granted to the candidate. Tenured faculty members who have not reviewed the candidate's portfolio shall not vote on that candidate's tenure. The Department tenured faculty's deliberations shall be confidential. (The Dean may attend this meeting as an observer but may not participate in the discussion or vote.) When the Dean subsequently submits his report and recommendation to the Vice President for Academic Affairs, he shall include a report of the Department tenured faculty vote, along with the separate reports and recommendations of the Promotion and Tenure Committee and the Department Chair.

**Discussion Meeting and Invitation of Evaluations on Candidate for Promotion.** By approximately December 15, in cases of promotion and third-year review, those faculty of the pertinent department who hold the rank to which the candidate seeks promotion will meet to discuss the candidate's application for promotion (the Dean shall not attend this meeting). The Committee also will invite faculty not yet having achieved that rank and faculty from other departments to share their evaluations of the candidate with the Committee by e-mail, memo, or conversation with Committee members. Unless otherwise agreed, all such contributions shall be confidential. In the interest of fairness, the Committee will not include a negative factor arising from this faculty input process in its final report and recommendation without allowing the candidate to respond, whether or not the source of the negative evaluation is revealed.

## **January**

**Department Chair Recommendation on Candidate for Tenure.** By approximately January 1, the Department Chair shall submit a report and recommendation to the Dean on the candidate for tenure. In the event that the Department Chair was a member of the Promotion and Tenure Committee, the Department Chair may either prepare a separate report and recommendation or may simply state that he or she endorses the report and recommendation of the Promotion and Tenure Committee. The candidate for tenure shall receive a copy of the Department Chair's report and recommendation.

**Dean's Recommendation on Candidate for Tenure.** By approximately January 15, the Dean shall write a report and recommendation on the candidate for tenure and shall provide a copy to the candidate. The Dean shall forward to the Vice President for Academic Affairs the

following: the candidate's portfolio, the Dean's report and recommendation, the Department Chair's report and recommendation, the Promotion and Tenure Committee's report and recommendation, and the vote of the tenured faculty in the Department.

**Submission of Work-in-Progress by Candidate for Promotion/Review.** By the first day of classes for the second semester, the candidate for promotion and/or third-year-review may provide the Chair of the Committee with the latest draft of any scholarly works-in-progress.

**Committee's Recommendation on Candidate for Promotion/Review.** By approximately January 30, the Promotion and Tenure Committee shall deliberate and complete its report and recommendation on the candidate for promotion and/or third-year-review, including any minority view. The Committee's deliberations shall be confidential. (The Dean shall not attend deliberation meetings of the Promotion and Tenure Committee, but may meet with the Committee to further discuss its report and recommendation after it has been submitted.) The report and recommendation shall be given to the candidate, be circulated to all tenured members of the faculty in the pertinent Department, and be submitted to the Department Chair and the Dean.

## **February**

**Response to Committee Report by Candidate for Promotion/Review.** After receiving the Committee's report and recommendation, the candidate for promotion or review shall have one week (seven calendar days) to submit to the Department Chair and the Dean any response to the report and recommendation of the Promotion and Tenure Committee. In addition, any tenured faculty member in the Department (who was not on the Promotion and Tenure Committee) who disagrees with the report and recommendation of the Promotion and Tenure Committee may submit a comment to the Dean. The candidate shall receive a copy of any comment so submitted by another faculty member.

**Department Chair Recommendation on Candidate for Promotion/Review.** By approximately February 15, the Department Chair shall submit a report and recommendation to the Dean on the candidate for promotion and/or third-year-review. In the event that the Department Chair was a member of the Promotion and Tenure Committee, the Department Chair may either prepare a separate report and recommendation or may simply state that he or she endorses the report and recommendation of the Promotion and Tenure Committee. The candidate for promotion and/or third-year-review shall receive a copy of the Department Chair's report and recommendation.

## **March**

**Dean's Recommendation on Candidate for Promotion/Review.** By approximately March 1, the Dean shall write a report and recommendation on the candidate for promotion and/or third-year-review and shall provide a copy to the candidate. The Dean shall forward to the Vice President for Academic Affairs the following: the candidate's portfolio, the Dean's report and recommendation, the Department Chair's report and recommendation, and the Promotion and Tenure Committee's report and recommendation.

## January-May

**University's Academic Council Recommendation and President's Decision on Candidate for Tenure.** After deliberation in January and February, the University's Academic Council makes a recommendation to the President regarding candidates for tenure, with the final decision being reserved to the President.

**Vice President for Academic Affairs's Evaluation and Meeting with Candidate for Promotion/Review.** By the end of May, the Vice President for Academic Affairs shall meet with the candidate for promotion and/or third-year-review and then prepare an evaluation narrative, which is added to the portfolio and the candidate's personnel file, a copy of which shall be given to the candidate.

**University's Academic Council Recommendation and President's Decision on Candidate for Promotion.** After deliberation in April and May, the University's Academic Council makes a recommendation to the President regarding candidates for promotion, with the final decision being reserved to the President.

## Appendix: Contents of Portfolio for Seeking Promotion and Tenure

Faculty who are anticipating promotion or tenure in the next several years understandably have requested guidance on what items should be included in the "portfolio" that is submitted by the candidate and will eventually be passed along to the central administration. The following is intended as general guidance, and is not exhaustive (that is, the candidate should feel free to submit other documentation of teaching, scholarship, and service beyond that listed here):

1. **Personal Statement.** As perhaps the most important element of the candidate's submission, the central administration expects each candidate to present a narrative case for promotion or tenure. To make the most effective and persuasive case for promotion or tenure, the candidate should forthrightly address difficulties or challenges, along with steps taken toward improvement, as well as strengths. With the substantive standards and expectations in mind (as set out in the law school's standards), this Personal Statement should explain how the candidate has met the expectations in each of the three traditional areas:

Teaching (explaining one's educational philosophy and how it has been implemented in instruction including any innovations),

Engaging the Profession/Scholarship (explaining how one is engaging the profession through scholarship, the intellectual substance and significance of each work, how scholarship has been received by the pertinent professional audience, and the candidate's continuing scholarly agenda),

Service (describing service to the university, law school, profession, and community, including areas of particular interest or emphasis in service), and

Commitment to Mission (describing the candidate's commitment to the mission and vision of the School of Law as set forth in Section V of the School of Law Policies).

Although the Personal Statement need not be unduly lengthy, neither should it be terse and abbreviated. For promotion (or third-year review), the narrative may be relatively brief, only four or five single-spaced pages. For tenure, a more substantial description and argument is appropriate, likely somewhere between 8 and 15 single-spaced pages.

2. **Updated Curriculum Vitae.** This should be included in the portfolio immediately after the Personal Statement.
3. **Copies of Annual Faculty Reports and Reviews.** The Dean's office should be responsible for ensuring that copies of these documents are prepared for submission in the portfolio.
4. **Copy of Triennial Review (for those later seeking tenure or promotion to full professor.** The Dean's office again should be responsible for ensuring that a copy of this document is prepared for submission in the portfolio.
5. **Copy of Initial Appointment Letter (and any later modifications).** The Dean's office again should be responsible for ensuring that a copy of this document is prepared for submission in the portfolio.
6. **Documentation of Teaching.** Copies of syllabi for each course taught (which the Dean's office has been collecting)

Copies of annual mentor written reports of teaching (the Dean's office again should be responsible for ensuring that copies of these documents are prepared for submission in the portfolio)

Copies of student questionnaires for each class taught (the Dean's office again should be responsible for ensuring that copies of these documents are prepared for submission in the portfolio)

Any other materials the candidate may wish to submit that reflect curricular or teaching innovation

7. **Documentation of Engaging the Profession/Scholarship.** Copies of all articles published or accepted for publication

Copies of articles in progress if a completed draft or completed draft section is available

Copies of presentations made at conferences

Copies of other significant presentations or publications (i.e., continuing legal education materials, general periodical articles, opinion-editorial pieces, etc.)

Copies of scholarly commentary on articles, books, or conference/symposia presentations (e.g., citations in other scholar's works, letters regarding an article, comments on an article by commentators at conferences or symposia)

8. **Documentation of University, Law School, Professional, or Community Service.**  
Itemization of all university and law school committees on which candidate served, including brief description of committee's nature and work performed on committee

Letters from chairs of university and law school committees documenting candidate's service

Description of service as advisor to student organizations

Description of other service to university or law school

Description of professional service or leadership, preferably supported by letters from those in a position to evaluate that service or leadership

Description of community service or leadership, preferably supported by letters from those in a position to evaluate that service or leadership

*Adopted by Promotion and Tenure Committee, January 2004  
Revised, January 2007*

## IV-7. Teaching Course Loads

- A. The Associate Dean for Academic Affairs will make teaching assignments for each semester. The Associate Dean may consult with the Dean and with the faculty—individually or as a group—before finalizing teaching assignments.
- B. The benchmark expectation is that each tenured or tenure-track faculty member will teach ten credits per academic year.
- C. In making teaching assignments, the Associate Dean may vary from this benchmark expectation to the extent that he or she deems appropriate. In deciding whether to vary from this benchmark expectation, the Associate Dean may consider, among other things:
  - 1. Whether the faculty member is teaching two sections of the same course during the same semester<sup>‡</sup>;
  - 2. Whether the faculty member is teaching two sections of the same course during the same year;
  - 3. Whether a course will require a new prep<sup>@</sup> for the faculty member;
  - 4. Whether the death, illness, resignation, or absence of another faculty member makes it unusually difficult to cover a required course or a popular elective course during a particular academic year;
  - 5. Whether an unusually large or small number of students are likely to enroll in a course;
  - 6. Whether a course is in the first-year curriculum;
  - 7. Whether a course requires a faculty member to give intensive one-on-one attention to students;
  - 8. Whether the faculty member is tenured;
  - 9. Whether the faculty member is about to be considered for tenure;
  - 10. Whether the faculty member is an unusually productive or unproductive scholar;
  - 11. Whether the faculty member is serving in an administrative capacity or otherwise has unusually heavy administrative demands;

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<sup>‡</sup>A faculty member who teaches two sections of the same course during the same semester will generally get full credit for the first section and one-half credit for the second section. For example, a faculty member who teaches two sections of the same four-credit course during a particular semester will be deemed to have a six-credit teaching load for purposes of this Policy on Course Loads.

12. Whether the faculty member has a compelling professional reason for a course load reduction, such as a unique scholarly opportunity that would be extraordinarily beneficial for the faculty member and the School of Law; and
  13. Whether the faculty member has a compelling personal reason for a course load reduction.
- D. The Associate Dean may regard the benchmark expectation as an *average* that should be attained over a two- or three-year period, thus allowing the Associate Dean to permit a faculty member to have a Aheavy@ teaching year (e.g., two three-credit courses in the fall and two four-credit courses in the spring) followed by a Alight@ teaching year (e.g., one four-credit course in the fall and one two-credit course in the spring). Such a schedule may permit faculty to be more productive scholars.
- E. To the extent possible, the Associate Dean should schedule courses so that faculty members do not have to teach on every weekday, so as to help faculty maintain scholarly productivity.

*Adopted by the Law Faculty, June 13, 2002  
Placed in catalog, August 6, 2002*

## **IV-8. Unpaid Leaves of Absence**

### **A. General Policy**

Faculty members who have an opportunity to make significant contributions to human welfare or knowledge through professional service away from the Law School that will also result in professional growth in relation to their responsibilities as faculty members may request a leave without compensation to take advantage of the opportunity. Opportunities for such service include, but are not limited to, positions of responsibility in governmental or nonprofit agencies, teaching or research under foundation or government grants or awards, and appointments as visiting members of other faculties.

No faculty member should expect to be granted more than two semesters of leave in any six-year period to teach at another college or university. This rule does not apply to leaves granted for other purposes; however, leaves of absence of more than two years, for whatever professional purpose, are discouraged and will rarely be approved.

Each request for leave without compensation will be considered on its merits in comparison with other requests within the same academic year and with regard to the personnel resources available to the school to maintain the curriculum during the faculty member's absence. The applicant may be required to assist in a search for the personnel to replace him or her during the leave.

### **B. Procedure for Requesting Unpaid Leave**

A faculty member who intends to apply for leave without compensation should notify the Associate Dean for Academic Affairs informally as soon as possible, and should make a formal request by a letter, addressed to the Associate Dean, that includes information concerning the purpose and duration of the leave. The approval of the Associate Dean is required for the grant of leave without compensation.

The formal request should be submitted as early as possible in the academic year preceding that in which the leave is desired. The later a request is received, the more difficult it will be to accommodate the request. At the minimum, the faculty member should comport with the Statement of Good Practices of the Association of American Law Schools, which provides in relevant part that a faculty member should not request a leave after April 1 to accept a visiting position at another law school for the next academic year.

*Adopted by the Law Faculty, June 13, 2002*

## **IV-9. Outside Employment and Consulting by Full-time Faculty (UST)**

### **INTRODUCTION**

This policy was initially developed by the Deans/Directors' Group and then considered by the Task Force on Rank, Tenure, and Promotion. That task force recommended removal of this policy from the Rank, Tenure, and Promotion section and placement in the Operating Policies and Procedure section (January 1995).

The primary responsibility of faculty personnel is to render to the University the most effective service possible, and to devote his/her full working time to the University. At the same time, consulting and other outside activities of a professional nature are encouraged by the University where such activities give faculty members experience and knowledge valuable to professional growth and development.

All "outside professional activities" are subject to this University policy. Conflict between such activities and a faculty member's primary responsibility or the appearance of conflict should be avoided. In recognition that "outside professional activities" can make a valuable contribution to the University, to the community at large and to the individual's professional growth, the following policies and procedures have been developed to guide the community.

#### **A. Outside Employment**

1. Faculty members who engage in outside employment that cannot be considered as "outside professional activities" must obtain prior written permission of the department chair/program director and the Vice President for Academic Affairs before undertaking the employment or outside activity.
2. Faculty who plan to teach a regular course at another institution during the academic year must receive written permission of the department chair/program director and the Vice President for Academic Affairs.

#### **B. Consulting**

1. All consulting work is expected to be conducted in a professional and ethical manner. In addition, the faculty member shall avoid an actual or implied conflict of interest in his/her consulting activity.
2. When the faculty member engages in consulting activity beyond his/her normal duties, the following principles apply:
  - (a) The consulting activity should contribute positively to the work of the faculty member as a teacher at St. Thomas and/or should contribute to the community service function of the University.
  - (b) The faculty member's normal duties should not suffer because of the consulting activity. In particular, classes should not be missed or cancelled because of consulting activity. Normal duties include but are not limited to library support, course development, student

counseling, student recruitment, department and division meetings, representation of St. Thomas in suitable outreach activities, laboratory work, and the maintenance and updating of laboratory equipment (where applicable), appropriate scholarly activities.

(c) Unless otherwise approved in writing by the appropriate dean, times spent by full-time faculty members on “outside professional activities” must be limited to four weekdays a month during the academic year.

(d) An annual listing of all consulting engagements during the academic year should be submitted as an attachment to the faculty member’s annual activity report.

3. Consulting activity should be judged, not simply or primarily on the basis of the financial remuneration involved, but principally on the way that it contributes to the faculty member’s performance as a teacher at St. Thomas.

4. The University especially recognizes consulting activity for the benefit of non-profit organizations and institutions, where no recompense is received and where the activity is considered as part of the normal workload of the faculty member. In some cases, faculty may receive released time for such activity.

5. Faculty of the University are encouraged to consider consulting as an integral part of their normal activities in teaching, professional activity, and service since consulting can contribute to effectiveness in each area.

## **IV-10. Outside Employment and Consulting by Full-time Faculty (UST Law)**

### **A. Outside Employment**

1. In addition to adhering to the University of St. Thomas's policy on outside employment, law faculty members will not without the permission of the Dean:
  - a. have an ongoing relationship with a law firm or a business (e.g., an "of counsel" relationship);
  - b. be named on a law firm or business letterhead; or
  - c. have a professional telephone listing.

### **B. Outside Employment Report**

At a time to be designated by the Dean, each faculty member will submit an annual report to the Dean describing the nature and extent of any outside employment or consulting activities undertaken during the previous year.

### **C. Use of University or Law School Letterhead**

A faculty member may use the university or law school letterhead in connection with outside professional activities or consulting that, in the judgment of the faculty member, will reflect well on the law school. However, if using the letterhead, a faculty member will include a brief statement indicating that the work being done and any opinions being expressed are those of the faculty member in his or her personal capacity and do not necessarily reflect the views of the university or law school.

*Adopted by the Law Faculty, February 19, 2003*

## **IV-11. Faculty Office Hours**

### **A. General Expectations**

If UST Law is to create a strong community and succeed in accomplishing its mission, faculty must generally be present in the law building and available to each other and to their students. During the academic year, faculty are generally expected to work in the law building during core business hours, unless the University is closed or the faculty member is on vacation. Although faculty will often need to be away from the law building on law school business, faculty should not routinely work at home or away from their offices more than the equivalent of one weekday per week.

### **B. Office Hours**

Every member of the faculty who is teaching at least one course during a semester is required to designate at least four hours per week as “office hours.” Office hours should be spread over no fewer than two days. The faculty member should be in his or her office and available for students during office hours.

A faculty member should give students notice of his or her office hours. If, during a particular week, a faculty member knows that he or she will not be able to be in his or her office during office hours, the faculty member should attempt to notify students of that fact. Being available by appointment, by phone, or by e-mail is not a substitute for maintaining regular office hours.

*Adopted by the Law Faculty, June 6, 2002  
Placed in catalog, August 6, 2002*

## **IV-12. Adjunct Faculty**

### **A. Summary of University Policy**

Section I.B.2 of the St. Thomas University Policy Governing Rank, Tenure and Evaluation [University Policy] provides that faculty members appointed on a part-time basis are designated as either a Senior Member of the Adjunct Faculty or a Member of the Adjunct Faculty. A Senior Member of the Adjunct Faculty has ten years of teaching experience at the University of St. Thomas or a minimum of twenty courses taught at the University of St. Thomas. The University requires effective teaching for all adjunct faculty.

Section II.G of the University Policy provides that “At least once per year, the department chair should evaluate the adjunct faculty member’s performance. This may be done in person or through technology. Courses taught by new adjunct faculty should be visited by an experienced faculty member at least once during the initial semester of teaching at St. Thomas, and annually thereafter.”

### **B. Hiring Adjunct Faculty**

The Associate Dean for Academic Affairs shall hire adjunct faculty as necessary to meet curricular needs. The Associate Dean may seek the advice and assistance of the Appointments Committee and faculty members in a subject area where an adjunct professor is needed. The Associate Dean will give consideration to diversity and mission-fit in the hiring of the adjunct faculty. The Associate Dean has ultimate authority to dismiss or not to rehire an adjunct faculty member.

### **C. Developing the Teaching Skills of the Adjunct Faculty**

The Administrative Dean (the AD) and the Chairperson of the relevant Promotion and Tenure Committee (the Chair) shall work together to develop the teaching skills of the adjunct faculty.

The Chair will organize an orientation for adjunct professors in August of each academic year and inform the AD of the date and place. The Chair will arrange for the faculty member in charge of speaker programs to invite adjunct faculty to all speaker programs for the law school, and to include the adjunct faculty in all brown bags with the full-time faculty to discuss teaching. The adjunct faculty contract will provide that adjunct faculty will attend orientation and at least one teaching development program or brownbag each academic year.

The Chair will assign a full-time faculty member to serve as a mentor for each adjunct faculty member, and will ensure that the mentor visits one class, reviews the student evaluations and files a brief report.

The Chairs will organize an appreciation lunch for adjunct faculty at the end of each year and inform the AD of date and place.

The AD will be responsible for the logistics of orientation, lunches, notices to adjunct faculty about brown-bag lunches and events, and the management of the adjunct files, ensuring both that the adjunct faculty in fact attend at least orientation and at least one teaching development program each year and that a current resume, syllabus, exams, grades, and a report from a mentor are in each file. The AD will also ensure that each adjunct faculty member has an examination on file at least two days before the examination is given and that the adjunct faculty meet grading deadlines. The AD will organize the distribution and the collection of student evaluations for adjunct faculty.

#### **D. Evaluating Adjunct Faculty Members**

Adjunct faculty members will provide a syllabus to their full-time faculty mentor and to the AD.

The AD will distribute and collect student evaluations of faculty at the end of each course taught by an adjunct professor.

A full-time faculty mentor will visit the adjunct faculty member's course at least once during the semester, and, after reviewing also the course syllabus and materials, the student evaluations, write a brief report.

The written report may address the following criteria (from the UST Tenure Policy Section II.C.1.a.):

1. knowledge, accuracy, appropriateness and command of content;
2. planning and organization;
3. use of teaching strategies that create a learning environment;
4. clarity and effectiveness of communication;
5. appropriateness of syllabus and materials; and
6. strengths and areas for continuing development.

The mentor should review the report with the adjunct faculty member.

If a mentor finds substantial problems with an adjunct professor's teaching, the mentor should inform the Chair, and the Chair should also visit the class. The mentor and the Chair should discuss their findings with the Associate Dean.

#### **E. Most Significant Challenges**

1. Hiring adjunct faculty who support the mission.
2. Assisting adjunct faculty to reflect the mission in the classroom.
3. Creating a community where adjunct faculty feel included and honored.

*Adopted by the Law Faculty, July 31, 2002  
Placed in catalog, August 7, 2002*

### **IV-13. Reimbursing Attorney License Fees, Bar Dues, and CLE Expenses**

Faculty may use funds in their professional development accounts (PDAs) to pay for attorney license fees, bar membership dues, and continuing legal education ("CLE") expenses. However, faculty are strongly discouraged from using PDA funds to pay for CLE courses. Most states (including Minnesota) allow attorneys to earn CLE credit at no cost by preparing to teach and teaching CLE courses. As much as possible, faculty should earn CLE credit in this manner.

The School of Law will not reimburse administrators and staff for attorney license fees, bar membership dues, or CLE expenses. The Dean may make an exception for an employee who cannot perform the essential functions of his or her job without maintaining an active attorney's license. Even in those cases, the law school will not pay CLE expenses, but will expect the administrator or staff member to earn CLE credits by teaching or by attending low-cost CLE courses.

*Adopted by the Law Faculty, October 2, 2002*

