

The University of Tulsa  
College of Law

**PROCEDURES FOR FACULTY APPOINTMENT,  
PROMOTION, AND TENURE**

Adopted May 27, 1975

As Amended through November 2, 2012

Reviewed: November 2, 2012  
PROCEDURES FOR FACULTY APPOINTMENT,  
PROMOTION, AND TENURE

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Section XI (Non-Tenure Track Director of Law Library).

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Section VIII.B.4 (publication requirement).

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Section II.C (definition of resident faculty).  
Section III.I (initial appointment of resident contract faculty)  
Section IV.D.1 (review of associate professors seeking promotion)  
Section IV.F.5 (range of decisions on review)  
Section VII.C.7 (materials provided to the Review Committee by candidates)  
Section VII.C.10 (appearance of a candidate before the Review Committee)  
Section VII.C.12 (response of candidate to recommendation of the Review Committee)  
Section VII.C.11 (written comments by Resident Faculty concerning the candidate)  
Section XI.D.2 (standards for Director of Law Library)  
Section XIII (standards for non-tenure track faculty)  
Section XIV (Eliminate Section for Director of Lawyering Skills;  
Director of the Legal Clinic)  
Section XV (Legal Clinic Faculty)

Amended March 26, 2004,  
Section III.I, IV.A (five year contracts for resident contract faculty).

Amended May 14, 2004  
Section VII.B (election of Review Committee during spring semester)

Amended September 24, 2004  
Section VII.B (limiting Review Committee to Tenure Track Faculty)  
Section IX.C. (procedures for selection of outside reviewers)

Amended February 25, 2005

Sections V.A.1, VI.B, X.D (consideration of narrative student comments)

Section VII.C.11 (submission of written comments by faculty)

Section VII.F (retention of Review Committee Reports)

Section XV.E (evaluations of non-classroom component of clinical teaching)

Sections II.C, II.E (Resident Contract Faculty privileges)

Amended April 22, 2005

Sections X.D (eliminating peer evaluations for Professional Reviews)

Section XI (standards for review of the Director of the MLIC)

Section XII.B.1 (scholarship standards for full-time legal writing faculty)

Section XV.D.1 (scholarship standards for clinical faculty)

Amended February 24, 2006

Sections VII.C (providing draft of recommendation to review candidate after Committee vote but before recommendation is finalized)

Amended March 24, 2006

Section III.C (standards for initial appointments)

Section IV.E (delete paragraph on review of professors without tenure and renumber succeeding paragraphs)

Section VII.C.7 (including narrative student comments with peer evaluations)

Amended November 2, 2012

Section VIII.B.4 (replaced contents)

Section XI.A.4 (added)

Section XII.B.3 (added and referenced to XII.B.3 in XII.B.1)

Section XV.D.3 (added and referenced D.3 in D.1)

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PROCEDURES FOR FACULTY APPOINTMENT,  
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**I. General Policy Statement**

The principal function of this College of Law is to preserve, to increase, and to transmit knowledge about law, about the administration of law, and about the ideal goal for all laws, the achievement of justice. The performance of this function depends largely on the quality of its faculty. The fundamental policy of this College of Law, insofar as appointments, promotions, and tenure are concerned, is to locate, recruit, hire, train, encourage and retain distinguished faculty members with outstanding qualifications. The procedures set forth in this document are established to further this fundamental policy. While recognizing the particular needs of this situation, these procedures are also intended both to implement and to compliment the regulations or guidelines for appointment, promotion, and tenure promulgated from time to time by the Association of American Law Schools, by the Section of Legal Education of the American Bar Association and by The University of Tulsa Board of Trustees.

**II. Definitions**

- A. Candidate:** An applicant for appointment to the Resident Faculty or a member of the Resident Faculty being considered for a new term contract, promotion, or tenure.
- B. Nonresident Faculty:** Personnel engaged in teaching and research designated as Visiting or Adjunct faculty.<sup>1</sup>
- C. Resident Faculty:** Members of the teaching or research programs of the College of Law at ranks of Professor, Associate, and Assistant Professor, including both Tenure Track and Resident Contract Faculty, but not including Nonresident Faculty. The duties, privileges, responsibilities, and review procedures governing Resident Contract Faculty are set out herein and in the Guidelines Governing Resident Contract Faculty Appointments in the College of Law at The University of Tulsa.
- D. Tenure:** Contractual employment until retirement.

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<sup>1</sup> Formerly designated "Auxiliary Faculty"

Comment: Tenure includes "continuing appointment," a term used in a prior document.

- E. Term Appointment:** Contractual employment for a period of one, two, three or five years.

### **III. Initial Appointments**

#### **A. Charge to the Faculty**

Each member of the Resident Faculty is encouraged to submit to the Appointments Committee the names of prospective candidates he or she believes deserve serious consideration.

#### **B. Charge to the Appointments Committee**

The Appointments Committee, working in conjunction with the Dean, is charged generally with the following duties:

- (1) establishing procedures that guarantee compliance with all local, state, or federal regulations pertaining to hiring;
- (2) identifying personnel needs;
- (3) establishing priorities of needs;
- (4) locating prospective appointees;
- (5) evaluating candidates; and
- (6) making recommendations to the faculty on all new appointments.

#### **C. Practices for Recommending Initial Appointment**

In recommending initial appointments, the following practices ordinarily will be followed, but may be departed from for compelling reasons:

1. An initial appointment as an Assistant Professor will be a term appointment for a period of three years. Such an appointment may be made to a person who, when he or she commences teaching here, evidences potential as an effective teacher and productive scholar.
2. An initial appointment as an Associate Professor will be a term appointment for a period of three years. Such an appointment may be made to a person who, when she or he commences teaching here, has had significant professional achievements and/or teaching experience and thereby evidences great potential to achieve sustained excellence as a teacher and scholar.
3. An initial appointment as Associate Professor with tenure may be made to a person who, when he or she commences teaching here, has had

significant professional achievements and/or teaching experience and thereby evidences sustained excellence as a teacher and scholar.

4. An initial appointment of Professor with tenure may be made to a person who, when he or she commences teaching here, has been a tenured professor at another law school and has already evidenced sustained excellence as a teacher and scholar.
5. Prior publication is mandatory for a tenured or tenure track position if the candidate has been employed as a full-time tenured or tenure track law professor for at least two years.

**D. Voting Eligibility**

All members of the Resident Faculty shall be eligible to vote on the question of whether an offer of an initial appointment will be extended.

**E. Two-Thirds Vote for Resident Faculty Appointment**

A recommendation by the Resident Faculty to extend an offer of an appointment shall be made on an affirmative vote of two-thirds of the members of the Resident Faculty present and voting.

**F. Procedures for Appointment of Nonresident Faculty to Resident Faculty**

If a Nonresident Faculty member is to be considered for a Resident Faculty appointment, the foregoing procedures shall be followed.

**G. Resident Faculty's Opportunity to Meet the Candidate**

As a general practice, a person will not be recommended to the Resident Faculty for a Resident Faculty appointment unless he or she has visited the College of Law or most of the members of the Resident Faculty have otherwise been given an opportunity to see the candidate in person.

**H. Majority Vote for Nonresident Faculty Appointment and Term**

Nonresident Faculty appointments shall be made on an affirmative vote of a majority of the members of the Resident Faculty present and voting. Unless otherwise approved in the vote of the initial appointment, a Nonresident Faculty appointment shall be for one year or less. Reappointment of Nonresident Faculty shall be approved in the same manner as initial appointments.

**I. Resident Contract Faculty.**

Resident Contract Faculty may be appointed for one, two, three, or five year terms at an initial academic rank specified by the Resident Faculty by an affirmative vote of a majority of the members of the Resident Faculty present and voting. Resident contract faculty will be eligible for five year contracts only after the sixth consecutive year of service. Although not eligible for tenure while under such a contract, resident contract faculty members may be appointed to an unlimited number of term contracts. Resident Contract Faculty shall be reviewed as provided in Section XIII.

**IV. Renewal of Appointment, Promotion, and the Granting of Tenure**

**A. Periodic Reviews for New Term Appointments for All Resident Faculty without Tenure**

Resident faculty who are not tenured and are appointed to two or three year terms shall be reviewed during the fall semester of the second year of their contracts. Resident faculty who are not tenured and are appointed to one year terms shall be reviewed during the spring semester of their contracts. Resident faculty who are not tenured and are appointed to five year terms shall be reviewed during the fall semester of the fourth year of their contracts. Resident contract faculty first appointed in the spring semester are reviewed at the same time as those appointed the preceding fall, unless otherwise specified in the offer letter. In addition to the reviews provided in this section, reviews normally shall be made at the times indicated in Sections B, C, D and E of this Part IV.

**B. Review of Assistant Professors**

An Assistant Professor normally will be reviewed during the fall semester of his or her third year after initial appointment and, at that time, normally either will be recommended for promotion to Associate Professor or will be notified that his or her existing term appointment shall not be renewed. [Section IV.B.3.¶2. of the University's "Statement on Academic Freedom, Responsibility, and Tenure" document states that "Normally the promotion and tenure decisions for assistant professors are rendered at the scheduled review during the professor's sixth year at The University of Tulsa."]

**C. Review of Associate Professors without Tenure**

**1. Initial Appointment as an Associate Professor**

A person, initially appointed as an Associate Professor, normally will be reviewed during the fall of the third year after initial appointment and, at that time, normally either will be recommended for tenure or will be

notified that his or her existing appointment shall not be renewed. [Section IV.B.2.¶1. of the University's "Statement on Academic Freedom, Responsibility, and Tenure" document states "If the original appointment was at the rank of associate professor, a decision for or against tenure shall be rendered prior to the end of the associate professor's fourth year at The University of Tulsa."]

## **2. Initial Appointment as an Assistant Professor**

A person, initially appointed as an Assistant Professor and then promoted to Associate Professor under the provisions of Section B above, normally will be reviewed during the second year of service as an Associate Professor and, at that time, normally either will be recommended for tenure or will be notified that his or her existing appointment shall not be renewed. In some cases, the recommendation may be that the existing term appointment be renewed for another three years. The decision for or against tenure, however, must be rendered prior to the end of the faculty member's sixth year at The University of Tulsa. [Section IV.B.2.¶1. of the University's "Statement on Academic Freedom, Responsibility, and Tenure" document states "If the original appointment was at the rank of assistant professor, the decision for or against tenure shall be rendered prior to the end of the faculty member's sixth year at The University of Tulsa."]

## **D. Review of Associate Professors Seeking Promotion**

Any Associate Professor is eligible for consideration for promotion to Professor; provided however:

1. An Associate Professor on Tenure Track normally will not be recommended for promotion to Professor unless he or she also is recommended for tenure at least contemporaneously with the promotion.
2. It is further expected that, normally, an Associate Professor will have been granted tenure at least two years prior to a recommendation for promotion to Professor.

## **E. Range of Decisions**

As a result of any review of a Resident Faculty member on a term appointment, one of the following decisions shall be made:

1. that the existing term appointment will not be renewed;
2. that the Resident Faculty member will be offered a new term appointment commencing with the next academic year;

3. that the Resident Faculty member will be promoted and granted a new term appointment commencing with the next academic year or promoted and granted tenure;
4. if the Resident Faculty member is an Associate Professor or a Professor, that the faculty member will be granted tenure;
5. if a review is for the purpose of promotion to Associate Professor, tenure, and/or promotion to Professor, any decision is deferred until a subsequent review; provided, however, that if such a review is combined with a review for contract renewal as required by Section A, the decision on contract renewal may not be deferred; and
6. if a review for the purpose of considering whether to grant tenure to a Resident Faculty member holding the rank of Professor occurs earlier than in the fourth year of the Resident Faculty member's existing term appointment, that any decision is deferred until a subsequent review. The decision for or against tenure shall be rendered prior to the end of the faculty member's fourth year at The University of Tulsa.

**F. Written Reasons Describing a non-Specified Decision**

If, as a result of a review conducted during a year when a decision specified in paragraphs A, B, C or E normally would be made, the decision is other than one which normally would be made at that time under the terms of the applicable paragraph, the Resident Faculty member affected shall be informed in writing of the reasons why the decision is other than one which normally would have been made at that time.

**V. Some Materials Relevant to the Evaluation Process Suggested for Inclusion in the Candidate's Dossier**

With the exception of the requirements of Section V.A.1, this list is intended to be suggestive and neither mandatory nor exclusive on what may be submitted. The Review Committee may, after reviewing what the candidate has chosen to submit, request further documentation. The order in which the items are listed is not to be considered either a comment on the weight or importance of the respective items. This list is for purposes of illustration only.

**A. Teaching Evaluation**

1. The dossier must include standardized computer print-outs and all narrative student comments submitted under the official course evaluation conducted by the University. Candidates may ask the Dean or the Dean's

designee to edit inappropriate comments and may also include letters submitted on their behalf by their former students.

All narrative student comments shall come to the Dean's office and the Dean's office shall maintain a book containing those comments for every Faculty Member that can then be reviewed by any member of the Faculty, and any Faculty Member can ask the Dean to edit any inappropriate remarks.

2. If the candidate has participated in any teaching clinic or in any other way has taken affirmative steps to improve or enhance his or her teaching ability, documentation of these efforts may also be considered.

**B. Written Work**

1. This term includes all published works of a scholarly nature whether legal or non-legal, manuscripts of books or articles to be submitted for publication. This category shall be considered more heavily than B.2.
2. Written work may also include ordered notes and drafts of work in progress, briefs or opinions which the candidate has written or to which he or she has made a substantial contribution; legislation prepared and submitted to the appropriate legislation committee whether or not such was finally adopted, or research presented in the form of testimony or recommendation to a legislative or other special study committee; significant drafting done for private clients or public interest groups; and copies of original materials distributed to classes for which the candidate is solely responsible.

**C. University and Community Service**

1. The candidate should list all university committees, projects, and administrative responsibilities that he or she has assumed or participated in during his or her university service career. Included should be a separate estimation of the time spent on services to students such as counseling students on academic, career and personal problems.
2. Service to the community is likely to assume many forms. Perhaps it could be subdivided:
  - a. Service to the legal community which would include participation in state and local bar association activities, ALI, ABA and teaching Continuing Legal Education courses.
  - b. Service to the larger community which encompasses all levels, local, state, national and international. This service would include

a multitude of humanitarian and charitable activities as well as political involvement and activism.

**D. Professional Growth and Development**

1. Participation in or attendance at special conferences or programs.
2. Coordination of special programs given at the law school.
3. Consulting or practice of law -- represented by summary of problems handled.
4. Any other manifestation of professional creativity.
5. Comprehensive time/activity survey. This should be condensed into one page and shown by graph or bar how one's time has been allocated since arrival or last review. The sheet should also indicate the number of courses involving new preparations that the candidate has taught, as well as those requiring heavier than normal contact hours with students such as small sections and courses requiring frequent critiquing of student performance.

**VI. Procedures for Evaluating Teaching**

**A. Classroom observations** will be implemented as follows:

1. Each observation panel member will observe two class sessions of the reviewee between September 1st and October 15th or, if applicable, at comparable times in the spring semester.
2. The timing of all classroom observation shall be determined by negotiations between the person being reviewed and observation panel members, with the presumption that where reasonably possible, the preferences of the reviewee will be respected.
3. The person being reviewed shall designate which course will be the subject of classroom observation.
4. The method of review will be by personal visitation in the classroom.
5. The observation panel for each person being reviewed shall consist of three Resident Faculty who are not members of the Review Committee. At least one member of the observation panel must be tenured. No untenured faculty member who is being reviewed will be selected to serve as a reviewer for another untenured faculty member.

6. The observation panel for each person being reviewed shall be selected at random by a drawing of names, and within the realms of possibility, no one faculty member shall serve on more than one observation panel.
7. The members of the observation panels shall be the only persons responsible for making classroom observations of persons being reviewed. However, the person being reviewed is free to invite others to attend his or her classroom sessions.
8. Members of observation panels shall submit individual evaluations of the person(s) they observed by October 15th, or if applicable, by a comparable designated date in the spring semester.

**B. Student evaluations** will be considered as follows:

No attempt will be made in advance to state how much weight the Review Committee will accord student evaluations in the form of either standardized computer print-outs or narrative student comments.

## **VII. The Review Committee and the Review Process**

**A. The Purpose of Review**

Review shall function to assist faculty members to become cognizant of strengths and weaknesses in the performance of their responsibilities. Guidance and assistance shall be provided to help Resident Faculty members realize professional growth and development. Review shall provide to Resident Faculty members a realistic appraisal of their prospects at The University of Tulsa College of Law. Review shall provide also the basis for renewing or terminating term appointments, the basis for granting or denying promotion, the basis for granting or denying tenure.

**B. The Election and Composition of the Review Committee**

Review shall be carried out by the Review Committee of The University of Tulsa College of Law. The Review Committee shall consist of five voting members and a first alternate and a second alternate to be elected by the Resident Faculty each year for a term of one academic year. Any Tenure Track Faculty member shall be eligible to serve on the Review Committee; except that no more than one untenured Resident Faculty member shall serve as a member of the Review Committee; and except that a Resident Faculty member shall be ineligible to participate as a member of the Committee in the review of his or her own status. The Chair of the Review Committee shall be elected by the Resident Faculty of

the College of Law. The Review Committee for the next academic year shall be elected during the spring semester of the prior academic year.

**C. The Review Process**

1. The Review Committee shall establish a file system which shows the next time when each Resident Faculty member is to be reviewed.
2. On or before June 1 of each academic year, the Review Committee shall determine the names of Resident Faculty members to be reviewed during the academic year and shall determine the purpose for the review. In making this determination, the Review Committee shall follow the review schedule for Resident Faculty as set out in the University's "Statement on Academic Freedom, Responsibility, and Tenure."
3. On or before June 15 of each academic year, all Resident Faculty members shall be notified in writing by the Review Committee which members shall be reviewed during that academic year and of the purpose for each review.
4. On or before July 1 of each academic year, the Review Committee shall compile a list of prospective outside reviewers for candidates for promotion and tenure, according to the procedures described in Section IX.C.
5. Between July 1 and September 1, the Dean shall contact outside reviewers, according to the procedures described in Section IX.C.
6. On or before September 1, the candidate shall submit all work which he or she intends to place in his or her file to the Review Committee for distribution to outside reviewers. Outside reviewers shall be given until October 15 to submit reviews.
7. On or before October 15, each candidate shall provide the following to the Review Committee:
  - a. two copies of all written material, not previously submitted for review, which the candidate wishes to be considered by the Review Committee and the Faculty [Although this work must be in the candidate's file by October 15, the candidate may submit a letter of acceptance for publication by a law review or book publisher at any time during the review process.];
  - b. two copies of peer evaluations conducted pursuant to Section VI.A. and two copies of all standardized computer print-outs,

narrative student comments, and other materials submitted pursuant to Section V.A.; and

- c. two copies of any other material which the candidate wishes to be considered by the Review Committee and the Faculty. (See Section V.)

This material shall be placed in a dossier available to all members of the Resident Faculty and shall be open to the candidate.

8. The Review Committee shall apply the standards set out in Section VIII.
9. Evaluation of teaching shall be made by Resident Faculty observation of classroom performance, the use of student evaluation questionnaires, summaries of which shall be obtained by the Review Committee from the Dean, and such other techniques as the Resident Faculty may determine; provided that the candidate may request evaluation by additional techniques. In consultation with the candidate in accordance with the procedures described in Section VI, classroom observation shall be scheduled by the Review Committee on more than one occasion throughout the fall semester of the year of review. Observation techniques (such as personal visitation and audio and videotaping) shall be determined by the Review Committee, giving due weight to the preference of the candidate. Teaching evaluations must be completed by October 15.
10. On or before October 22, Resident Faculty may submit their own written comments concerning the candidate to the Review Committee. Copies of these written comments shall be included in the candidate's dossier and provided to the candidate, who may submit a written response to the Review committee.
11. On or before October 28, the Review Committee shall schedule a meeting for the purpose of reviewing contract renewals, promotions, and tenure. Professional reviews shall be conducted in the Spring semester. A candidate may appear once at the candidate's request before the Review Committee after the candidate's file is complete, but prior to the time the Review Committee takes its final vote on the candidate. The Review Committee may request the candidate to appear before it at its discretion and on its own motion. A candidate may designate a University Resident Faculty member, who is not a member of the Review Committee, to appear as an advocate with the candidate or on the candidate's behalf. After the Committee vote, and before the Committee's written recommendation is finalized, the Committee will provide the candidate with a draft of its recommendation to review for factual inaccuracies.

12. On or before November 10, the Review Committee shall send a written recommendation, including the vote of the Committee, to the Dean. The Dean shall promptly forward a copy of the recommendation to the candidate, and provide the candidate with the opportunity to submit a written response to the Review Committee's written recommendation before the recommendation is forwarded to the Resident Faculty of the College of Law. The written recommendation of the Review Committee, and any written response by the candidate, shall become a part of the candidate's dossier.
13. No later than two days before the Resident Faculty meets to consider the Review Committee's recommendation, the Dean shall distribute the Review Committee's written recommendation and the candidate's response, if any, to the Resident Faculty of the College of Law.
14. Between November 10 and November 20, the Resident Faculty shall meet to consider the Review Committee's recommendations. The Dean shall preside at the meeting but may not vote. At that meeting, the Resident Faculty of the College of Law shall examine the information upon which the Review Committee has based its deliberations, discuss the written recommendation of the Review Committee, and cast a secret ballot accepting or rejecting by majority vote the recommendation of the Review Committee. If the Resident Faculty votes to reject the recommendation of the Review Committee, it shall elect a Resident Faculty member to write a separate recommendation and rationale. The result of the vote of the Resident Faculty of the College of Law and any written recommendation and rationale shall become part of the review file. This recommendation must be completed by November 25. The candidate shall have an opportunity to respond orally or in writing to this report.

**D. Duties of the Dean**

1. The Dean shall consult independently with each Resident Faculty member eligible for promotion or tenure to discuss progress and development toward promotion or tenure and to establish goals for the next academic year.
2. Between November 25 and November 30, the Dean shall consider the recommendations of the Review Committee and the Resident Faculty and, if favorable, shall forward them along with his or her recommendation to the Provost for review and recommendation to the President. At that time, the candidate shall be advised in writing by the Dean of the nature of the recommendation being forwarded. If the Resident Faculty of the College of Law fails to recommend reappointment, the review shall end with the Dean notifying the candidate of the action of the Resident Faculty.

E. Notice of the terms and conditions of a renewal of appointment will in all cases be given not later than April 1<sup>st</sup>.

**F. Retention of Review Committee Reports**

At the completion of the review process, one complete copy of the Review Committee's report will be retained by the Office of the Dean in a specific binder of Review Committee reports.

## **VIII. Standards Applicable in Renewal of Appointments, Promotions, and Tenure Decisions**

**A. Standards**

A Resident Faculty Member will be recommended for renewal of appointment, promotion, or tenure only if he or she has demonstrated the qualities necessary for sustained excellence **both** as a teacher **and** as a creative and productive scholar. Other factors to weigh in making a decision are the extent, relevance, and significance of his or her contributions to legal education, law reform, public service, and the administration of justice.

**B. Measuring Attainment of Standards**

1. The Association of American Law Schools has stated as part of its "Approved Association Policy" that "Faculty members have an important responsibility to advance as well as to transmit ordered knowledge." Therefore, the characteristics in a teacher which must rise to the level of excellence relate to both teaching and scholarship. The standard requires members of the faculty charged with making a renewal of appointment, promotion, or tenure decision to look to the future as well as to the past. In voting on any renewal of an appointment, promotion, or tenure recommendation, faculty members must to the best of their ability determine whether the candidate has demonstrated qualities necessary for **sustained** excellence. The burden is on the candidate to demonstrate the presence of the qualities necessary for sustained excellence; there is no presumption that a favorable recommendation will be made.
2. It is expected that the rigor with which the above standards are applied will vary depending on the decision to be made. For example, in the first regular review of a Resident Faculty member after his or her initial appointment where no promotion decision is involved, a recommendation for a renewal of an appointment should take into account whether the candidate has demonstrated progress in developing qualities indicative of real potential for excellence in teaching and scholarship. In other words,

the recommendation should take into account the length of employment and teaching loads of the candidate affected, including the somewhat limited opportunity to achieve sustained excellence in both teaching and scholarship. On the other hand, the decision to recommend tenure, being the most important decision from both a personal and an institutional standpoint, should be made only when the Review Committee and the Resident Faculty of the College of Law are reasonably convinced that the above standards have, in fact, been met. In like manner, the decision to promote an Associate Professor, who has received tenure, to Professor should be made only when the sustained excellence demonstrated at the time of the tenure decision has continued unabated.

3. The qualities necessary for sustained excellence in scholarship will be evidenced primarily by written work which is sufficiently substantial and ambitious to permit confident judgment by the members of the Review Committee and the Resident Faculty of the College of Law.
4. Absent special circumstances, a candidate not covered by: XI (Director of Mabee Legal Information Center) XII (Full-Time Legal Writing Faculty), XV (Clinical Faculty) shall not have minimally satisfied applicable scholarship requirements for promotion or tenure unless he or she has at least one publication for each academic year of service completed at the college of law. Publication means: (1) an article published by a scholarly periodical, or (2) a book published by a non-vanity press. Unpublished works will be considered publications if they have been accepted for publication. A work in progress at the time of hiring at the College of Law will be considered in the quantity standard if published after commencement of employment with the College of Law. A book may be considered as the equivalent of multiple publications depending upon its length and quality.

## **IX. Outside Review of Resident Faculty Scholarship**

### **A. Mandatory Outside Review**

All candidates for promotion or tenure shall have their scholarly works evaluated by reviewers from other law schools.

### **B. Scholarly Works to be Reviewed**

Each reviewer shall be sent all of the candidate's scholarly work which the candidate intends to place in his or her file.

### **C. Selection of Outside Reviewers**

1. The Review Committee and the candidate shall have the opportunity to compile a list of prospective reviewers.

a. The Candidate's List

The candidate may choose not to exercise this option if she or he so desires. The candidate shall send his or her list of potential outside reviewers to the Chair of the Review Committee.

b. The Review Committee's List

The Review Committee shall request members of the Resident Faculty who are familiar with the candidate's field of scholarship to submit a list of at least ten potential outside reviewers. If no one on the Resident Faculty is familiar with the candidate's field, the Review Committee shall compile the list from the AALS register. In compiling the list, the Committee shall consider the length of time the potential reviewer has taught in the field, his or her publication list, and the quality of the potential reviewer's law school.

2. Challenges to the Review Committee's Lists

a. Once the Review Committee has compiled its own preliminary list of 10-30 potential reviewers for each candidate, the candidate shall receive a copy of the Review Committee's list.

b. The candidate shall be entitled to make two types of challenges to any name on the list

1) One "peremptory" challenge to any name on the Committee's list. This challenge shall be automatic and the candidate will not have to offer any reason for her or his challenge.

2) Each candidate may have unlimited "for cause" challenges. The candidate shall bear the burden of persuading the majority of the members of the Review Committee as to the merits of the challenge. Possible reasons "for cause" may include:

a) evidence of hostility by a potential reviewer to the genre of scholarship utilized by the candidate;

b) evidence of significant professional rivalry between the candidate and the potential reviewer;

- c) evidence of personal animosity between the potential reviewer and the candidate;
- d) evidence that the central theme of the candidate's work consists of a specific attack on the work of the potential reviewer; or
- e) any other significant evidence which indicates that the reviewer will not be neutral towards the candidate.

3. Candidate's Obligation To Inform Review Committee

A candidate has an obligation to inform the Review Committee of any relationship, personal or professional, that the candidate has with any person on the Review Committee's list of prospective reviewers or on his or her own list. The Review Committee may take this information into account in making its final selections of reviewers.

4. Merging the Lists

- a. Once a list of prospective reviewers has been compiled, the Review Committee shall meet to consider any "for cause" challenges, if necessary.
- b. The Review Committee will then select three of the names on its list as prospective reviewers.
- c. The Review Committee will then select two names from the candidate's list of potential reviewers list if feasible.
- d. The Review Committee will then rank a sufficient number of names in order of preference, to serve as a "back-up" list if its five selections do not agree to serve as reviewers.
- e. When the Review Committee has completed its rankings of prospective reviewers, it shall forward the list to the Dean.
- f. The Dean shall be responsible for contacting persons on the list and forwarding the appropriate materials to the reviewers. Prospective reviewers will be told that only members of the Review Committee, and, on rare occasions, another member of the faculty in the candidate's field, will be aware of their identity. The candidate will not be aware of the reviewer's identity.

#### **D. Response By the Candidate to an Outside Review**

Upon receipt of a completed review of a candidate's work, the Dean shall immediately forward a copy of the review to the Review Committee. The Review Committee Chair shall remove all identifying information from the outside review and place it in the candidate's file. The candidate shall also receive a copy of the review, with the reviewer's name and any other identifying information removed. The Review Committee shall not disclose the identity of the reviewer to the candidate or any other person who is not a member of the Review Committee. The Review Committee will have the option to disclose the identity of a reviewer to a member of the faculty who is an expert on the candidate's field of scholarship, if a majority of the Review Committee agrees there are unusual circumstances which warrant this departure from usual procedures. Although not obligated to do so, the candidate shall have the opportunity to respond to any specific criticism articulated in the outside reviews. This response should be made in writing and should be submitted to the candidate's file.

### **X. Professional Review of Tenured Faculty**

Pursuant to the University's Statement on Academic Freedom, Responsibility, and Tenure, the purpose of the review of a tenured faculty member is to provide each tenured faculty member with peer input as to his or her continued growth as a teacher, a scholar and a participant in law school, university and community services. The standard to be used for this review process shall be **the continuation of excellence in the foregoing areas**. The foregoing standard shall not, however, in any way be used to alter, diminish, or otherwise adversely affect the rights of tenure under the University's document, "Statement on Academic Freedom, Responsibility, and Tenure."

- A. In reviewing a faculty member who is tenured the Review Committee should consider creativity, experimentation, risk-taking and diversity, bearing in mind that each faculty member has unique gifts to contribute.
- B. In conducting any such review and preparing a report, the following shall be considered.
  - 1. Student evaluations of the teaching of the faculty member under review and any peer evaluations that are prepared.
  - 2. Scholarly publications, writing efforts, statements and other data indicative of the faculty member's growth as a teacher and a scholar.
  - 3. Service to the law school, the university, and the community.
- C. Peer evaluations shall not be conducted unless requested by the person under review or by majority vote of the Review Committee. If requested, peer

evaluations of teaching shall be prepared by members of classroom observation panels consisting of two full professors with tenure and one associate or assistant professor, none of whom is a member of the Review Committee. Classroom observation procedures utilized by each observation panel shall conform to our procedures for faculty members other than professor with tenure, except that only one visit per panel member shall be required.

- D. The student evaluations shall be the university evaluation summaries of the faculty member and all narrative student comments submitted under the official course evaluation conducted by the University covering courses taught during the appropriate time period.
- E. Review Committee Findings
  - 1. The Review Committee's findings with respect to the activities set forth in Section B, supra, shall be reported in writing to the faculty member being reviewed and to the Dean of the College of Law.
  - 2. If, in reviewing a tenured faculty member, the Review Committee determines that there are areas in need of improvement, it shall notify the faculty member in writing, specifying the nature of its findings and suggesting procedure for eliminating the deficiencies.
  - 3. If any of the areas in need of improvement constitute signs of dereliction, poor or unprofessional performance, the Review Committee shall explicitly, in writing, inform the faculty member of the weaknesses along with a suggested procedure for their correction.
- F. In all review processes, academic freedom and the meaning of tenure shall be preserved. The enumeration of specific freedoms and rights in this document or elsewhere shall not be deemed to be exhaustive, and shall not be construed in any other way, or to any extent, to exclude, disparage, diminish, or otherwise adversely affect other rights and freedoms protected by tenure, or by continuing appointment, or by academic freedom.

## **XI. Director of Mabee Legal Information Center ("MLIC")**

- A. The Director of the MLIC should be initially appointed a member of the faculty at the same rank that would be appropriate for any other faculty appointment, subject to Section III.C.
- B. The Director shall have the option of faculty status on either a tenure track or a non-tenure track. A Director appointed on a tenure track may not move to a non-tenure track, but a Director appointed on a non-tenure track may move to a tenure

track in accordance with the provisions of Section XI.I of the University's "Statement on Academic Freedom, Responsibility, and Tenure."

- C. Review of the Director shall be governed by the Procedures for Faculty Appointment, Promotion, and Tenure (Procedures). The standards contained in the Procedures shall be applied to the Director of the Law Library without modification. The following standards shall apply to the review of the Director for promotion, tenure and contract renewal:
1. Effectiveness in operating a service oriented library in support of both teaching and professional scholarship at the College of Law. The extent to which this criterion is met will be determined by the assessment of students, the faculty, and the dean. Their views may be ascertained both by formal surveys and interviews, letters, and other specific communications. Some of the factors to be considered will be the level of assistance provided in finding relevant materials (including the use of computerized research aids), development and maintenance of methods for keeping track of materials taken from the library, and the obtaining of requested materials through purchase or interlibrary borrowing.
  2. Effectiveness as a manager of the library staff. The extent to which this criterion is met will be determined by an assessment of the library staff, the law school Library Committee, and the dean. Some of the factors to be considered are whether the staff is well-integrated and efficient and whether individuals are terminated or positions altered when that is required, and whether excellent people are employed when vacancies occur.
  3. Effectiveness in keeping within the library budget and in prudent management of budgeted funds. An important criterion for evaluation will be the Director's ability to run the library with the funds made available. In evaluating the Director's effectiveness with respect to other matters, the state of the budget will be a major consideration and the Director will not be downgraded for not providing services that cannot be afforded. However, the ability to develop sound priorities among alternative services, including the choice of materials to be purchased that will best serve the faculty and the students, will be considered.
  4. A candidate shall not have minimally satisfied applicable scholarship requirements unless he or she has at least one publication for each promotion or tenure decision he or she has faced, including the current one. When a promotion or a tenure decision has been deferred or denied, the candidate must have at least one publication for every two years of service completed. For promotion to full professor, the minimum publication requirement shall be either one publication for every two years

of service since tenure, or four publications since tenure in the six years preceding the application for promotion to full professor.

- D. The non-tenure track status shall be governed by the following provisions:
1. The Director shall have faculty status only during his or her appointment as Director of the MLIC.
  2. During the Director's appointment as a member of the faculty, the Director shall serve as any other Resident Contract Faculty member with respect to committee assignments and attendance and voting at faculty meetings.
  3. Teaching and Scholarship. If the Director makes contributions through teaching and/or publication (including the publication of bibliographies and other library related materials), that, as well as other service to the law school, the university, and the community, will be given consideration in the review of the Director.
- E. The tenure track status shall be governed by the following provisions:
1. In addition to the standards specified in Section XI.C., the Director must also satisfy the same standards with respect to teaching and scholarship as are expected of other tenure track faculty members, except as provided below in Section XI.E.2.
  2. For purposes of satisfying Section VIII.B.4 of this document, publication for the Director may include articles published by scholarly periodicals and books published by a nonvanity press. Publication may also include, without limitation, law review articles on law librarianship, and legal research or issues arising from the teaching of legal research, publications stemming from governmental or professional society appointments, and other works related to the specialized tasks of teaching legal research.
  3. If the Director is awarded tenure and subsequently resigns as the Director, the Director shall retain tenure after the resignation only if the faculty votes to recommend that the Director retain tenure. An involuntary termination as Director shall not affect tenure or tenure-track status as a faculty member.

## **XII. Full-Time Legal Writing Faculty**

- A. A person selected for a full-time legal writing position shall be appointed a member of the Resident Faculty at the same rank that would be appropriate for any other Resident Faculty appointment, subject to Section III.C.

- B. Full-time legal writing faculty shall be governed by the Procedures for Faculty Appointment, Promotion, and Tenure (Procedures), subject to Section XII.B.1 and XII.B.2.
1. For purposes of satisfying Section XII. B. 3 of this document, publication for full-time legal writing faculty may include articles published by scholarly periodicals and books published by a non-vanity press. Publication may also include, without limitation, law review articles on legal education or issues arising from the teaching of legal writing, practice materials, CLE publications, reports and proposals which make a contribution to the profession, publications stemming from governmental or professional society appointments, and other works related to the specialized tasks of teaching legal writing.
  2. The written work described in Section V.B.2 of this document shall be equally weighted with the written work described in Section V.B.1.
  3. A candidate shall not have minimally satisfied applicable scholarship requirements unless he or she has at least one publication for each promotion or tenure decision he or she has faced, including the current one. When a promotion or a tenure decision has been deferred or denied, the candidate must have at least one publication for every two years of service completed. For promotion to full professor, the minimum publication requirement shall be either one publication for every two years of service since tenure, or four publications since tenure in the six years preceding the application for promotion to full professor.
- C. Full-time legal writing faculty have legal writing as their primary teaching responsibility. Full-time legal writing faculty are not entitled or automatically qualified to teach non-legal writing courses. Full-time legal writing faculty may, however, teach traditional classroom and seminar courses if, in the judgment of the Dean in consultation with the Director of the Legal Writing Program, there is a teaching need in the area, the faculty member has demonstrated substantive knowledge in the area and an ability to teach the course, and teaching the course will not have an adverse impact upon the overall legal writing program or require the use of an adjunct to teach his or her legal writing courses.
- D. Full-time legal writing faculty are not entitled to transfer to a non-legal writing faculty line. Full-time legal writing faculty may apply for a non-legal writing faculty position and will be considered along with the general pool of applicants, but will receive no preference.

### **XIII. Standards for Non-Tenure Track Faculty**

A person with non-tenure track status shall be reviewed and promoted as a faculty member under the same timetable and guidelines contained in the Procedures for Faculty Appointment, Promotion, and Tenure (Procedures), except that the person shall not be required to fulfill any scholarship requirement.

### **XIV. Director of Lawyering Skills; Director of the Legal Clinic (Deleted)**

### **XV. Clinical Faculty**

- A. A person selected for a clinical faculty position shall be appointed a member of the faculty at the same rank that would be appropriate for any other faculty appointment as provided in Section III. C.
- B. A person appointed to a position as a clinical faculty member shall be employed either on a non-tenure track basis under renewable term contracts or on a tenure track basis.
- C. Non-tenure track status shall be governed by the following provisions:
  - 1. A clinical faculty member with non-tenure track status shall be reviewed and promoted under the same timetable and guidelines contained in the Procedures for Faculty Appointment, Promotion, and Tenure (Procedures), except that the clinical faculty member (a) shall not be subject to any scholarship requirement and (b) shall be subject to the review of the non-classroom component of clinical teaching set out in Section E below. In addition, an appropriate fulfillment of administrative duties shall be considered.
  - 2. A non-tenure track clinical faculty member appointed to a three year term shall be reviewed during the fall semester of his or her second year. At the conclusion of the review process, and upon the recommendation of the faculty and the Dean, and with the approval of the Provost, the faculty member may be offered another term contract. Following the review, the non-tenure track faculty member shall be notified in writing by April 1 that his or her appointment will either be renewed or be allowed to expire.
- D. A Tenure Track clinical faculty member shall be reviewed under the procedures established for other tenure track faculty, subject to the provisions of this Section and Section E below.
  - 1. For purposes of satisfying Section XV.D.3 of this document, publication for clinical faculty may include articles published by scholarly periodicals and books published by a non-vanity press. Publication may also include, without limitation, law review articles on legal education or issues arising

from clinical teaching, practice manuals, CLE publications, reports and proposals which make a contribution to the profession, publications stemming from governmental or professional society appointments, and other works related to the specialized tasks of clinical teaching. Appellate briefs and memoranda of law in cases that raise novel issues may also be considered but are not alone sufficient to demonstrate scholarship.

2. The written work described in Section V.B.2 of this document shall be equally weighted with the written work described in Section V.B.1.
3. A candidate shall not have minimally satisfied applicable scholarship requirements unless he or she has at least one publication for each promotion or tenure decision he or she has faced, including the current one. When a promotion or a tenure decision has been deferred or denied, the candidate must have at least one publication for every two years of service completed. For promotion to full professor, the minimum publication requirement shall be either one publication for every two years of service since tenure, or four publications since tenure in the six years preceding the application for promotion to full professor.

E. Clinical teaching, for both tenure track and non-tenure track clinical faculty, consists of both a classroom component and a non-classroom component. Review of the classroom component of clinical teaching is governed by the procedures at Section VI.A for evaluating the classroom component of other faculty. Review of the non-classroom component of clinical teaching, which constitutes the majority of teaching time for clinical faculty, shall be governed by the following:

1. The Director of the Legal Clinic shall maintain an evaluation form suitable to the assessment of the non-classroom component of clinical teaching, and distribute it each term to all students in the clinic. These evaluations shall be in addition to the usual student evaluations of classroom teaching.
2. The Review Committee shall solicit written evaluations from other clinical faculty members, including the Director of the Legal Clinic and summer and adjunct faculty at the Legal Clinic, and clinical legal fellows at the Clinic. These evaluations should address the professional ethics and competence as well as the teaching effectiveness of the faculty member being reviewed and also consider the ten criteria from the University student evaluation form that the College of Law considers in reviews of faculty.

F. Clinical faculty have clinical teaching as their primary teaching responsibility. Clinical faculty are not entitled or automatically qualified to teach non-clinical courses. Clinical faculty may, however, teach traditional classroom and seminar courses if, in the judgment of the Dean in consultation with the Director of the Legal Clinic, there is a teaching need in the area, the faculty member has demonstrated substantive knowledge in the area and an ability to teach the course,

and teaching the course will not have an adverse impact upon the overall clinical program.

- G. Clinical faculty are not entitled to transfer to a non-clinical faculty line. Clinical faculty may apply for a non-clinical faculty position and will be considered along with the general pool of applicants, but will receive no preference.

## **XVI. Miscellaneous**

- A. All issues involving charges of violation of academic freedom, charges of academic misconduct, termination for cause of a tenured faculty member, or an immediate termination, without offering a termination contract, of a non-tenured faculty member are governed by regulations established by the Board of Trustees of The University of Tulsa and are not affected by these procedures.
- B. This document is subordinate to The University of Tulsa Statement on Academic Freedom, Responsibility, and Tenure, and while this document is intended to both compliment and implement, in the College of Law, the policies and procedures contained in The University of Tulsa Statement, should a conflict arise between any part of this document and a corresponding part of The University of Tulsa Statement, The University of Tulsa Statement shall govern.

**THE UNIVERSITY OF TULSA**  
**College of Law**  
**Guidelines Governing Resident Contract Faculty Appointments**  
**in the College of Law at The University of Tulsa**

Approved by the College of Law Faculty February 25, 2005  
Approved by Provost \_\_\_\_[Date]\_\_\_\_

**Purpose of this Document**

The University of Tulsa - *Statement on Academic Freedom, Responsibility, and Tenure* (hereafter referred to as the *Statement*) (as amended May 12, 2004) defines Resident Contract Faculty in paragraph II.C as individuals who hold full-time or part-time term appointments of five years or less at the rank and title recommended by the appropriate academic and administrative units.

Section II.C requires that "[e]ach college, in consultation with the appropriate academic unit, shall submit to the provost for approval, guidelines defining the duties, privileges, responsibilities, and review procedures governing resident contract faculty." Section I.D.1.a provides: "Resident faculty at the rank of instructor or above shall have voting rights in faculty meetings, regardless of tenure or contract status, subject to the specific limitations imposed by this document on matters of promotion, tenure, or professional review, or to limitations imposed by the written college policies on contract faculty mandated by this document."

**Qualifications**

The primary difference in qualifications between Resident Contract Faculty and resident tenure faculty is that significant experience in the practice of law may substitute for traditional academic credentials. Resident Contract Faculty receive a nontenure-track contract, the length of which is spelled out in the *Statement* and the Procedures for Faculty Appointment, Promotion, and Tenure (hereafter referred to as the Procedures) . Otherwise, resident contract faculty have all the rights and privileges of faculty as provided in the *Statement* and Procedures and may be appointed to an unlimited number of term contracts.

**Appointment**

Appointment at a specified rank is made according to criteria specified in the Procedures.

**Duties**

Teaching: Resident contract faculty are to teach as assigned by the Dean.

Service: Resident contract faculty are also expected to participate in departmental, collegiate, university, and/or community activities.

**Privileges and Responsibilities**

During a person's resident contract appointment as a member of the faculty, the person shall be covered by all sections of the *Statement* and the Procedures, except those sections dealing explicitly with tenure or tenure appointments. He or she will be eligible for election or appointment to all committees except the review committee and will be eligible to serve on classroom observation panels for the review of teaching of all faculty members, including

resident tenure faculty. He or she will be allowed to attend all faculty meetings but may not vote on the promotion, tenure, or contract renewal of resident tenure faculty. He or she qualifies for all privileges and benefits of university faculty and staff employees including those contingent on length of service.

### **Review**

Resident contract faculty members shall be reviewed in accordance with the *Statement* and the Procedures.