

**LOYOLA UNIVERSITY SCHOOL OF LAW  
GUIDELINES GOVERNING TENURE, PROMOTION, AND MID-PROBATIONARY  
REVIEW DETERMINATIONS**

**I. GENERAL CONSIDERATIONS**

The Faculty of the School of Law has adopted these guidelines. As amended from time to time, they set forth the standards and procedures governing tenure, promotion, and mid-probationary review of members of the faculty. They shall be interpreted to comply with the standards, guidelines, and policies established by our accrediting agency, the American Bar Association, the criteria for membership in the Association of American Law Schools, and the standards and policies of Loyola University Chicago, as set forth in the Faculty Handbook and in other formal statements promulgated by the University such as the Provost's Memoranda of November 5, 2002 (evaluation of faculty), and February 5, 2003 (mid-probationary review). These guidelines also incorporate by reference the School of Law's mission statement, the University's mission statement, and the University's strategic plan. The guidelines are subject to applicable local, state and federal law including anti-discrimination laws.

These guidelines are grounded in fundamental principles which they are intended to implement and which should be considered in interpreting them.

- The constituencies we serve include the public, the legal profession and our students, past, present and future.
- All law schools have a mandate to educate for the profession and to study and illuminate the law and legal institutions for the benefit of the public and the legal profession.

- In executing these missions, each law school can and should determine its specific goals and the means to achieve them, for there is no single model of the successful law school. Instead, there is room for rich diversity.
- The tasks of determining the specific goals of each school and selecting means for their implementation belong to the faculty of each school, consistent with the general mission of all law schools and with the specific mission of the university of which the law school is a part.
- This responsibility is shared by all members of the faculty, and all must participate fully in the process. The duty of individual faculty members and the responsibility of the faculty collectively cannot be ceded or defaulted to administrators at the law school or the university level.
- Just as there is no single model of the successful law school, there is no single model of the “ideal professor.” The faculty is enriched and stimulated if its members reflect a diversity of experience, culture and point of view, and, to a proportionate extent, the school is better able to serve its various constituencies. The criteria for selection, retention and promotion of the faculty should be flexible enough to encourage such diversity without sacrifice of the goals of excellence in teaching, research and service.

These Guidelines have been designed to implement the principles described above to achieve three specific goals:

- (1) To foster a system in which decisions are made fairly, consistently, upon appropriate standards, and in full compliance

with anti-discrimination and other relevant laws

- (2) To help maintain an open, collegial environment which is conducive to a high level of faculty performance in teaching, research, and service.
- (3) To help in the ongoing development of curricula, programs, and research that will reflect the differing talents and contributions of individual faculty members.
- (4) To promote social justice and further the goals and values set forth in the respective mission statements of the School of Law and the University, and in the University's strategic plan.

## **II. CRITERIA FOR THE AWARDING OF TENURE AND PROMOTION**

The criteria for awarding tenure and promotion at Loyola University School of Law are: "excellence in scholarly accomplishment in teaching, research, service to students and the University, and professional contributions." (Faculty Handbook.)

Granting of tenure in individual cases should reflect the need for both collegiality and diversity within the faculty. To that end, exceptional strengths with respect to certain criteria may, to a limited extent, offset weakness with respect to others. Similarly, due account will be taken of an applicant's extraordinary administrative, teaching, or clinical responsibilities, and, in evaluating an applicant's research, appropriate weight will be given to his or her efforts to obtain external support for research. Although service is a significant factor, teaching and research are primary. All these factors are considered in the context of collegiality. Collegiality, as defined below, is a prerequisite to the granting of tenure or promotion in all cases.

### **Collegiality**

Collegiality is a person's ability and willingness to work with others in a constructive way. At a minimum, collegiality requires that the individual's presence in the School of Law is not a serious obstacle to the work of the School of Law or its members, and that the individual is generally able and willing to abide by School of Law's rules, regulations, and customs. In addition, all members of the School of Law community are expected to treat all other members of the community with professionalism and respect.

### **Excellence in Teaching**

Excellence in teaching is shown mainly in successful classroom performance. Supervision of independent study and research and the availability to and advising of individual students are considered part of teaching responsibilities. In determining excellence in teaching, student and alumni evaluations may be considered along with peer evaluations. The discharge of teaching responsibilities should also be consistent with the goals and values set forth in the respective mission statements of the School of Law and the University, and in the University's strategic plan.

### **Excellence in Research**

A. It is expected that candidates for tenure and promotion demonstrate significant scholarly achievement as well as potential for growth and continued success. This is demonstrated by active engagement with one's field through written publication and oral presentation of scholarship.

B. Scholarship should include carefully conceived analysis, whether the work is theoretical or empirical. The scholarship should be sufficiently ambitious to

justify the substantial commitment of time that the candidate should have invested in the work. Qualifying scholarship is informed, reflective, and deeply analytical. It should improve the state of knowledge of the subject being analyzed.

C. The quality of a candidate's scholarship is the first and foremost consideration for evaluation of the scholarship requirement in Tenure and Promotion decisions. The Tenure and Promotion Committee will solicit at least three external reviews evaluating the candidate's scholarly achievements and academic reputation. In addition, the faculty may consider, among other things, the placement of the scholarship, citation counts, substantive engagement with or reliance on the scholarship (especially by other scholars, but also by practitioners, judges, etc.), and whether the work was subject to peer review.

D. Although quality is the most important criterion for evaluating scholarship, there are quantitative indicators as well. Specifically, it is expected that usually a) a candidate for mid-probationary review will have completed at least two substantial works of scholarship; b) a candidate for tenure will have completed at least four substantial works of scholarship; and c) a candidate for full professor will have completed at least six substantial works of scholarship.

1. A law review article of significant depth, length, and scope would typically count as a "substantial work of scholarship." Other forms of scholarship may suffice, be counted partially, or be counted more, depending on the circumstances. Appropriate forms of scholarship include but are not limited to books; book chapters; and book reviews of

significant scope and length.

2. A work's quality and contribution to knowledge are the primary factors that cause it to be "substantial." Other factors that could, though need not necessarily, be considered in a given case include but are not limited to whether scholarship appears in student edited law reviews, peer reviewed journals, other scholarly journals, academic presses, or comparable publications, the degree of contribution that the candidate made to the work, and the factors listed above in Section C of this Part.

3. A work of scholarship is considered to have been "completed" if a full draft has been written and accepted for publication. It is not necessary for the piece to have been published yet. Circumstances in which a full draft has been written but has not yet been accepted for publication will be evaluated on a case-by-case basis

E. Candidates are entitled to full freedom in research and in the publication of the results. Scholarship that furthers the goals and values set forth in the respective mission statements of the School of Law and the University and the University's Strategic plan should be encouraged.

F. In general, the work considered for mid-probationary review, promotion, and tenure is that completed since appointment as a law professor. Other work, however, may bear on consideration of the candidate's overall scholarly potential and achievement.

### **Professional Contributions**

Faculty members are expected to contribute to the development and well-being

of the legal profession. Belonging to and attending meetings of professional associations, and participating on committees, serving as a professor-reporter at judicial conferences, and appearing before legislative and other government committees are some typical ways in which a faculty member contributes to the profession.

### **Service to Students and to the University**

Faculty members are expected to engage in activities which serve the students and the University. They may accept such assignments as moot court judge, law review advisor, student counselor, and membership on University and Law School committees. They should be available regularly for individual consultation with students and other members of the university community.

### **Community Service**

Community service may be considered as an additional factor in support of the application but shall not be accepted as a substitute for excellence in teaching or research, or service to the Law School, University or the legal profession. "Community service" is a broad concept which may include, among many other things, pro bono legal work, holding part-time elected or appointed offices such as serving on a zoning or library board, working for a charitable organization or holding office in a homeowners' association or condominium. The concept may also include charitable or similar work. Service consistent with the goals and values set forth in the respective mission statements of the School of Law and the University, and the University's Strategic Plan should be encouraged.

### **Note on Promotion**

Tenure-track faculty in the School of Law may hold the rank of assistant

professor, associate professor or professor.

While the attainment of tenure and promotion to a higher rank are distinct achievements in an academic career, and, therefore, are considered separately, the criteria for promotion reflect the same areas of activity described in this Part. Accordingly, promotion to a higher rank does not reflect mere longevity; rather it is earned by professional growth and recognition by professional colleagues, as evidenced by professional activities of the faculty member to be promoted.

### **III. MENTORING COMMITTEE**

Prior to the beginning of the second year of the appointment of any person to the faculty in a tenure-track position (without a concurrent award of tenure), that person may request the appointment of a mentoring committee to serve as a resource to the faculty member on matters relating to his or her progress toward promotion and/or tenure. The Dean shall inform the faculty member of his/her right to have such a committee appointed. A request shall be made to the chair of the faculty rank and tenure committee, who shall appoint a three-person committee from among members of the tenured faculty who have indicated a willingness to serve. Changes in the personnel of the committee may be made from time to time, in the discretion of the chair of the faculty rank and tenure committee. The faculty member and mentoring committee shall decide how the committee can best aid him or her to meet the requirements for promotion and/or tenure. Suggested uses of the mentoring committee include observation of classes conducted by the faculty member, review of the faculty member's scholarship, and advice concerning professional contributions and service. Any suggestions, comments or recommendations shall be confidential and shall be

communicated only to the faculty member.

Service on a mentoring committee shall not limit the right of any member of the committee to participate fully in any subsequent deliberations and to vote on the faculty member's application for promotion and/or tenure.

#### **IV. MID-PROBATIONARY REVIEW – REQUIREMENTS AND PROCEDURES**

##### **A. Applicability**

These requirements and procedures shall apply to anyone commencing a regular tenure track appointment at the rank of Assistant Professor on or after July 1, 2001.

Mid-probationary review is required for all persons described in the preceding sentence and, in no case, may anyone waive the requirement. The person being reviewed shall hereinafter be referred to as "the candidate."

##### **B. Purpose and Nature of the Mid-Probationary Review**

- To assist the candidate to know the opinions of colleagues regarding the progress being made toward tenure.
- To provide the School of Law with the opportunity to determine, in a fair and objective way, whether a tenure-track faculty member, roughly at the mid-point of the probationary period, has a reasonable likelihood of achieving tenure.

The mid-probationary review is a holistic judgment based on:

- (1) The overall quality of the candidate's accomplishments and promise in teaching, scholarship and service during the probationary period.
- (2) The adequacy of the candidate's progress toward tenure.
- (3) The likelihood of the candidate's ultimate success.

**C. Scheduling the Mid-Probationary Review**

1. The mid-probationary review should be initiated and completed in a single semester and should be scheduled to be completed during the third or fourth year of probationary service. Years of probationary service shall be calculated by adding full semesters of service. Semesters during which the candidate was on formally granted leave of absence for all or any part of the semester for any reason shall not be counted.

2. The specific semester of a candidate's mid-probationary review should be negotiated at the time of hiring and included in the letter of appointment from the Provost. If a contracted semester for the review is in the letter of appointment, it cannot be changed without the written approval of the candidate, the Dean and the Provost. If the semester is changed by mutual agreement, the new semester shall be in the third or fourth year of probationary service.

3. If the semester of the mid-probationary review has not been set as provided in paragraph 2, *supra*, it shall be set by the Provost upon recommendation by the Dean. In making a recommendation, the Dean shall consider the following factors

a. The mid-probationary review should normally occur in the sixth or seventh semester of a candidate's probationary service.

b. A request by the candidate supported by members of the candidate's mentoring committee, to schedule the review in a specific semester within the third or fourth year of probationary service, supported by good and sufficient reason, shall be given great weight by the Dean.

c. Finally, the Dean may consider, among other things, the number of years of the probationary period at Loyola, the characteristics of research in

the candidate's specific area of the law, and the anticipated needs of the School of Law.

**D. Sequence of Events**

1. The schedule to be followed for the mid-probationary review shall be determined by the chair of the faculty rank and tenure committee. The schedule should be prepared no later than six calendar weeks before the commencement of the semester selected for the review. The schedule should be prepared after consultation with the Dean or the Associate Dean for Academic Affairs and distributed in writing to the candidate and all members of the faculty rank and tenure committee. At the time the schedule is prepared, the chair of the faculty rank and tenure committee shall appoint a three-person subcommittee from among those eligible to vote at the meeting at which the mid-probationary review recommendation is to be determined. The candidate may nominate three faculty members eligible to vote at the meeting to serve on the review committee. Members of the candidate's mentoring committee are eligible to serve on the review committee. If the candidate is applying for promotion at the time of the mid-probationary review, all members of the review committee should hold the rank to be applied for or higher. If the candidate shall have timely submitted three nominations, as provided for above, at least one member of the review committee shall be a nominee of the candidate. The review committee shall be primarily responsible for gathering information that may be helpful and relevant to making an informed judgment regarding the candidate's progress toward tenure and, if applicable, eligibility for promotion. Such information should, among others, include descriptive and evaluative information about the candidate's teaching; reviews by external experts selected by the review committee from a list provided by the candidate and members of the faculty rank and tenure committee, of the candidate's scholarly accomplishments; and descriptive

and evaluative statements from colleagues on or off campus regarding the value of the candidate's contributions in the area of service. The candidate may also submit any evidence relevant to the quality of the candidate's teaching, scholarship and service. The candidate may submit the candidate's scholarship to an outside evaluator or evaluators of the candidate's choice for review and comment. The judgments and opinions of any such evaluators may also be submitted. The November 5, 2002, Memorandum of the Provost entitled "Considerations Pertaining to the Evaluation, Promotion, and Tenure of Tenure-Track Faculty" and any relevant subsequent statements by Loyola University Chicago should be consulted for further guidance.

2. In preparing the schedule, the chair of the faculty rank and tenure committee shall consider the following sequencing and timing guidelines. The times referred to are suggested and not mandatory. Every reasonable effort, however, should be made to conform to the following suggested times.

a. **By the end of week 3 of the semester:** The review committee should have arranged to have gathered and made available the information that may be helpful and relevant to making an informed judgment regarding the candidate's progress toward tenure. The candidate should submit all relevant materials to the chair of the faculty rank and tenure committee. At a minimum these materials should include a personal statement regarding the candidate's teaching philosophy, scholarly program, participation in institutional and professional service, and a current academic resume. The candidate is strongly encouraged to supply backup materials such as course syllabi, assignments, exams, and any evidence as may be relevant to indicating the effectiveness of the candidate's teaching; materials indicating the

progress being made on the candidate's scholarship, including publications, manuscripts submitted, works in progress, and the like; and such evidence as may be relevant to indicating the initiative, effort, and benefits resulting from the candidate's contributions in the area of service and institutional citizenship.

b. **During weeks 4 and 5 of the semester:** Before meeting to deliberate, each member of the faculty rank and tenure committee shall carefully review the materials that have been assembled. Members should review these materials with the same thoroughness as these are evaluated in a review for tenure. Additional relevant materials may be added at any time before the vote on the candidate. If such material is added, the chair of the faculty rank and tenure committee shall give the members appropriate notice of the addition or contents of any such additional material.

c. **During week 6 of the semester:** The faculty Rank and Tenure Committee shall meet to deliberate regarding the overall quality of the candidate's accomplishments and promise in teaching, scholarship, and service as a candidate for tenure; the adequacy of the candidate's progress toward tenure; and the likelihood of the candidate's ultimate success. All of these factors shall be considered in the context of collegiality which is a prerequisite to the granting of tenure in all cases.

The meeting and the process of decision making shall be governed generally by the rules and procedures set forth in these Guidelines in Part VI, E. "Procedures for Tenure and Promotion Determinations," *infra*. The vote, however, shall be to recommend or not recommend to continue the candidate's probationary period and, if the candidate has applied for promotion, to recommend or not recommend promotion. The faculty review committee shall report as described in Part VI, D. "Appointment of Faculty Review Committee," *infra*.

In cases where it is judged that the candidate's accomplishments are strong, and that the candidate is making acceptable progress toward tenure, and that there is a promising and reasonable likelihood of the candidate's ultimate success in earning tenure from the University, members should vote to recommend continuation of the candidate's probationary period. In all other cases, members should vote to recommend termination of the candidate's probationary period.

**E. Communicating the Outcome to the Candidate**

The outcome of the process shall be communicated to the candidate as provided in these guidelines in Part VI, E. "Procedures for Tenure and Promotion Determinations." As provided therein, the chair shall, as promptly as possible, inform the candidate of the action taken. The Dean shall forward the memorandum of the report together with his or her approval of its recommendations to the Provost. The Dean shall also communicate in writing to the candidate and to the faculty rank and tenure committee the action taken by the Dean. The communication to the candidate must contain a summary of the significant considerations that formed the basis for the action taken.

1. If the outcome of the mid-probationary review is to continue the probationary period: Any statement given to the candidate about the action of the faculty rank and tenure committee or the Dean shall make it clear that the decision to continue the probationary period is not a guarantee that the candidate will ultimately achieve tenure. In addition, the letter from the Dean must contain a statement that it should not be considered as creating a legally or morally binding obligation on the University to make a positive tenure decision, in whole or in part, at such time that a petition from the

candidate for tenure is reviewed and decided. The letter from the Dean to the candidate should include suggestions with regard to any problems in teaching, scholarship or service that remain to be overcome, indicators of success that are yet to be achieved, and recommendations for further strengthening the candidate's ultimate case for tenure. The Dean shall meet with the candidate to discuss the mid-probationary review letter, the suggestions it may contain and any other relevant matters. This discussion should occur by the end of week 9 to allow the candidate to make timely application for a Probationary Faculty Development Grant. The letter from the Dean to the candidate will become part of the candidate's personnel file so that it can be included in the materials to be reviewed should the candidate petition for tenure.

2. If the outcome of the mid-probationary review is to discontinue the probationary period: The letter from the Dean to the candidate will state the outcome of the mid-probationary review and the reasons for the decision to discontinue the probationary period. Upon verification of the information with the Office of Faculty Affairs, the letter should include a statement indicating the point in time when the candidate would no longer be employed as a tenure track faculty member. The letter should include a statement informing the candidate of the candidate's rights to appeal the decision under the existing faculty appeals procedures of the University."

## **V. PROCEDURE FOR TENURE AND PROMOTION DETERMINATIONS**

### **A. Application for Promotion or Tenure**

On the petition of any faculty member, the faculty, constituted as hereinafter provided, shall consider that member's application for tenure and/or

promotion in any academic year, subject to Paragraph B, below.

A faculty member who applies for promotion or tenure or whose promotion or tenure proposed by another member of the faculty shall submit to the tenured faculty rank and tenure committee by the time specified by the committee a statement detailing his or her qualifications for promotion and/or tenure, together with supporting documentation. The submission should relate to the written standards for candidacy as specified in Parts II and III, *supra*.

**B. Time for Application for Promotion and/or Tenure**

1. Timetable for tenure-track faculty members who start at the entry level as Assistant Professors

a) Tenure and/or Promotion to Associate Professor

i) Those who join the faculty at the entry level as Assistant Professors must apply for tenure and/or promotion to Associate Professor during their fourth, fifth, or sixth year.

ii) The standards for tenure and promotion are unaffected by which year is chosen.

iii) Faculty members may apply in their seventh year if there is good cause and if they receive permission from the dean of the law school, so long as the other University requirements for this procedure are met, as outlined in the Faculty Handbook.

iv) In exceptional cases, faculty members may apply earlier than their fourth year if they receive permission from

the dean of the law school.

v) If tenure is not granted by the sixth year (or by the seventh year in cases arising under Section V.B.1.a.iii above) then the candidate will be notified prior to the conclusion of the year of application that the following year constitutes a final appointment.

b) Promotion to full Professor

i) One may apply for full Professor in the second year after becoming an Associate Professor,<sup>1</sup> or at any time thereafter.

ii) The standards for promotion are unaffected by which year is chosen.

iii) In exceptional cases, faculty members may apply early for promotion to full Professor.

**2. Timetable for tenure-track faculty members who do not start at the entry level**

a) When reviewing a candidate for hiring, the faculty (or, with respect to promotion rather than tenure, the dean) may recommend to the university that an offer be extended with the title of Associate Professor or full Professor, and/or an offer with tenure, due to

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<sup>1</sup>For example, a faculty member who begins working at Loyola as an entry-level Assistant Professor on July 1, 2010 could apply for tenure and promotion in Fall 2013 (during her fourth year); become a tenured Associate professor effective July 1, 2014; apply for full Professor in Fall 2015; and become a full Professor effective July 1, 2016.

previous experience that the candidate may have.

b) Neither the standards nor the timetable guidelines for tenure and promotion to Associate Professor apply to lateral candidates.

Instead, the rank and tenure offered to lateral candidates at the time they are hired will be decided on a case-by-case basis.

c) If a lateral candidate enters Loyola as an Associate Professor, then the timetable guidelines for promotion to full Professor will apply to her unless otherwise specified at her hiring.

**C. Appointment of Faculty Review Committee**

A faculty member applying for promotion or tenure may, at the time of submitting the application, nominate three faculty members eligible to vote on the application to serve on the review committee. Upon receipt of the application, the chair of the faculty rank and tenure committee shall appoint a three-person subcommittee to review it and to report on such review to the tenured faculty eligible to vote. If the application is for both tenure and promotion, all members of the review committee shall hold the rank applied for or higher. If the applicant shall have timely submitted three nominations, as provided for above, at least one member of the review committee shall be a nominee of the applicant. It is anticipated that the subcommittee's report, which may be given orally or submitted in writing, will include observations regarding excellence in teaching based on classroom visits and other appropriate inquiries, comments on its view of the applicant's scholarly contributions, and comments on his or her record of service to the University, the profession and the community. When reviewing scholarship, the subcommittee shall submit all or a significant portion of the

applicant's written work to an outside evaluator or evaluators. Before such submission, the subcommittee shall solicit from the applicant his or her suggestions regarding the choice of evaluators. The applicant is to be informed of the evaluations, including the name of the evaluator(s), and has the right to submit a written response to any evaluation submitted to the subcommittee. An applicant may also submit his or her scholarship to an outside evaluator or evaluators of his or her choice for review and comment.

Although the subcommittee reports to the tenured faculty on the application, it does not recommend any decision on the application.

Service on the subcommittee shall not limit the right of an individual faculty member to participate fully in the deliberations and to vote on the application for promotion and/or tenure.

The University's annual assessment forms submitted by the Dean concerning the applicant shall not be considered in the tenure/promotion process at the level of the faculty committee on rank and tenure.

**D. RANK AND TENURE COMMITTEE MEMBERSHIP AND PROCEDURES**

**1. Rank and Tenure Committee Membership**

The Rank and Tenure Committee shall consist of all tenured members of the faculty.

**2. Rank and Tenure Committee Chair**

The Rank and Tenure Committee shall be chaired by the senior member of the faculty who holds the rank of professor in attendance at the meeting. The Dean and Associate Dean for Academic Affairs of the School of Law shall be

ineligible to serve as chair should either be the senior faculty member present. No faculty member shall chair the committee for longer than four consecutive years. After a chairperson completes his or her four year term, the next senior faculty member with rank of professor in attendance shall chair the committee.

**3. Eligibility for Voting**

a. In the case of applications for tenure, only tenured faculty are eligible to vote.

b. In the case of applications for promotion, only faculty who presently have appointments at or above the rank to which promotion is sought may vote. Thus, associate and full professors may vote on the candidacy of faculty members being considered for promotion to associate professor, but only full professors may vote on candidates being considered for promotion to full professor.

**4. Voting Procedures**

Sixty per cent of the tenured faculty eligible to vote shall constitute a quorum. A majority of those eligible to vote, determined without reference to the number present at the meeting, but determined after excluding (1) all members of the tenured faculty on leave of absence who are not present at the meeting; and (2) all members of the tenured faculty electing not to vote because of University policy, must concur for a tenure or promotion determination to constitute a recommendation of the committee. All other matters, except adoption or amendment of these guidelines, may be determined by a majority of those present at a meeting at which a quorum is present. In neither case may proxy votes of absent members be in any way considered.

Discussion and deliberations shall center on the candidate's merits under these

guidelines and on the candidate's potential for furthering the missions of the School of Law and the University, and the University's strategic plan. It is expected that all discussion and deliberations will be conducted in an appropriately professional manner and that members of the faculty will refrain from irrelevant, belittling comments, which shall be ruled out of order upon the making of an appropriate motion, if necessary. All discussion and deliberations will comply with all applicable requirements of law, including anti-discrimination law.

After due deliberation the committee shall vote by closed ballot either to recommend or not recommend tenure and/or promotion. No other choices, except abstention, shall be available. In casting their votes, all members will be subject to all applicable requirements of local, state and federal law, including anti-discrimination law and guided by the goals and values set forth in the mission statements of the School of Law and the University, and the University's strategic plan. At the conclusion of the meeting the chair shall, as promptly as possible, inform the petitioner of the action taken.

The deliberations must be held in the utmost confidence. If, even in light of this fact, a committee member who will be present at the meeting wishes to make a comment or ask a question anonymously concerning the qualifications of the applicant, a written copy of the comment or question may be given to the chair in advance of the meeting. The chair will read the question or comment at the meeting without revealing the identify of its author.

A memorandum in support of the faculty rank and tenure committee recommendation shall thereafter be prepared by the chair or a person delegated by the

chair. The chair shall delegate this responsibility if its vote was not in accord with that of the majority, but need not reveal the reason for the delegation. No person who failed to vote with the majority shall accept the assignment of writing the recommendation of the committee. No reason for declining to write the recommendation shall be given.

The memorandum shall be made available to all members of the rank and tenure committee who were eligible to vote on a candidate's application at least three days prior to convening the committee for its approval. Any member of the committee present at the original meeting at which the recommendation was voted upon may vote on adoption of a majority report. Any member of the committee present when the original meeting was held may submit a minority report on behalf of himself or herself and any members of the committee who voted in opposition to the action of the committee who expressly join the dissenting recommendation. Any member of the committee may file a concurring recommendation; however, it is urged that this right rarely be exercised.

On approval of the memorandum by a majority vote of the eligible members of the committee present at the meeting, the chair shall transmit the report to the Dean of the School of Law. Those who voted in opposition to the original action of the committee should vote only with respect to whether the report constitutes an accurate reflection of the views expressed at the original meeting, but should not indicate that their vote is so limited. Disapproval of the recommendation by a majority vote shall require the appointment of a new drafter for the majority report.

The Dean shall forward the memorandum to the University Rank and Tenure Committee together with his or her approval or disapproval of its recommendations.

The Dean shall communicate in writing to the individual faculty member and to the committee the action taken by the Dean.

## **VI. PROCESS FOR REVISION OF THE GUIDELINES**

These guidelines may be amended at a meeting by a majority vote of the faculty rank and tenure committee, calculated without reference to the number present at the meeting, but determined after excluding all members of the tenured faculty on leave of absence who are not present at the meeting. Untenured faculty members and clinicians may attend the meeting and may speak but may not vote. A proposal to amend these guidelines may be made by any faculty member (excluding clinicians) and any Dean who is also a faculty member. The proposal shall be referred to the chair of the faculty rank and tenure committee. The chair shall appoint a subcommittee of three faculty members to discuss the proposal. The subcommittee shall include the maker of the proposal and two members of the faculty (at least one of whom shall be tenured). Upon the request of at least a majority of the subcommittee, the chair of the faculty rank and tenure committee shall call a meeting of the committee to consider the proposal. The subcommittee shall present the proposal in draft form. Amendments and modifications of the draft proposal may be made at the meeting by a majority vote of the faculty rank and tenure committee, as defined above. A final proposed amendment, if approved by the requisite majority of the faculty rank and tenure committee shall be forwarded to the Dean, the University Rank and Tenure Committee and the Provost.

## **VII. INTERNAL OPERATING PROCEDURES**

The faculty rank and tenure committee may adopt and amend internal operating procedures at a meeting by a majority vote of all committee members, calculated without reference to the number present at the meeting, but determined after excluding

all members on leave of absence who are not present at the meeting. These operating procedures may include administrative rules and procedures for implementing these guidelines. Any such rules and procedures shall be consistent with the substance of these guidelines and, in the event of any conflict, these guidelines shall control.

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Revised on May 20, 2021 (Rank and Tenure Committee)