

**BYLAWS**

**OF THE**

**UNIVERSITY OF HOUSTON**

**LAW CENTER**

This excerpt of the UHLC April 2018 Bylaws provides sections VII, VIII, and IX, and supporting definitions (Bylaws Excerpt), relating to:

- Promotion & Tenure Standards for Tenure-Track Faculty
- Non-Tenure Track (NTT) Faculty status information
- Promotion & Continuing Employment Agreement (CEA) Standards for Promotion Eligible NTT (PE-NTT) Faculty

Red boxes like this one appearing on any pages in this excerpt are present to redact information not a part of the Bylaws Excerpt

**April 2018**

## **BYLAWS OF THE UNIVERSITY OF HOUSTON LAW CENTER**

These Bylaws of the University of Houston Law Center (“Bylaws”) with all appendixes shall be distributed to all new faculty at the beginning of their term of employment and thereafter, as amended or updated, to all faculty members.

The University of Houston adopted a Non-Tenure-Track Faculty Policy (“NTT Policy”) on July 18, 2016, which required implementation of numerous items in the Bylaws. The amendments to these Bylaws of April 2018, implement the NTT Policy for the Law Center. To support the amendments, further definitions are given here.

### **DEFINITIONS**

- “CEA” means “continuing employment agreement,” which is a contract normally available to PE-NTT Faculty following successful completion of a probation period. The contract is a “rolling” contract, which is presumptively renewable each year for a new multi-year term.
- “CEA-NTT Faculty” means PE-NTT Faculty holding a CEA.
- “Clinical-LSS” Faculty are those Clinical Faculty at some rank who are primarily designated for teaching in the Law Center’s Lawyering Skills and Strategies program of instruction for writing, legal communication, and analysis skills. Clinical-LSS Faculty are a subset of Clinical Faculty.
- The term “faculty” when used in all lowercase means a reference to any person with a faculty title treated as faculty at the Law Center, including the NTT Faculty and tenured and tenure-track faculty.
- “Non-PE-NTT Faculty” means Law Center faculty holding titles in non-promotion eligible categories in the NTT Policy and the Bylaws.
- “NTT” means “Non-Tenure-Track.”
- “NTT Faculty” means any Law Center faculty covered by the NTT Policy.
- “PE-NTT Faculty” means Law Center faculty holding titles in promotion eligible categories in the NTT Policy and the Bylaws: Instructional, Clinical, and Research Faculty; where the faculty member is eligible to apply for a CEA after a probationary period.
- The term “promotion” means the promotion either of a Law Center tenure or tenure-track faculty member or of a PE-NTT Faculty, with the promotion stages progressing from Assistant to Associate to Full (at the rank of Full no modifier is used).
- “Promotable Faculty” at the Law Center includes: all tenured and tenure-track faculty; and all PE-NTT Faculty, with or without a CEA, and even if still in the probationary period.



## **VII. PROMOTION & TENURE STANDARDS FOR TENURE-TRACK FACULTY**

The Law Center adopted the contents of this Section at a faculty meeting in April 2012, but in a way that was not proposed as a Bylaws amendment. The document adopted has been transposed verbatim into this Section of the Bylaws, allowing only for differences in the heading numbers and levels, and to make it specific to tenured and tenure-track faculty. This new Section of the Bylaws was formally adopted as part of the amendments to implement the NTT Policy via the Bylaw amendments of April 2018.

### **A. General Statement**

It is the expectation of the Law Center that tenured and tenure-track faculty members shall meet the highest standards of scholarship, teaching, and service. The Law Center has a commitment to academic excellence and strives to maintain a faculty of the highest quality. A tenured or tenure-track faculty member must achieve excellence in legal scholarship, be a conscientious and effective teacher, and perform an appropriate measure of service.

### **B. Particularized Promotion and Tenure Standards**

#### **1. Tenure**

Candidates for tenure must demonstrate excellence in scholarship (as defined below), be a conscientious and effective teacher, and perform appropriate

service. The evaluation of a candidate's work must indicate that there is a reasonable expectation that the candidate will meet the standard for professor in due course.

**2. Associate Professor**

Candidates for promotion to Associate Professor must meet the standard for tenure.

**3. Full Professor**

Candidates for full professor must demonstrate excellence in scholarship (as defined below) and that the candidate is a conscientious and effective teacher and performs appropriate service. Candidates must demonstrate significant contributions to their field that have had and will continue to have an impact and recognition beyond the University. The candidate must also show a record of accomplishments in scholarship, teaching, and service that are distinguished by quality and significance over time.

**4. Definitions**

(a) "Excellence" as applied to tenure and promotion to Associate Professor means that the work of the candidate constitutes a serious and significant contribution to the discipline, and is original, thorough, accurate, and analytical.

(b) "Excellence" as applied to promotion to full Professor means that the work of the candidate constitutes a serious and significant contribution to the discipline, is recognized in the candidate's field(s) of expertise, and is original, thorough, accurate, and analytical.

**C. Assessment Methodology**

The rating of scholarship shall be based on its influence in the field, originality, and creativity. The rating of teaching shall be based on the individual's degree of conscientiousness in preparation, his or her efforts at continuous improvement, and effectiveness with students. The rating of service shall be based on its benefits to the Law Center, University, the legal profession, and the greater community.

The phrase "may be shown" as used in the remainder of this Section is intended to provide guidance on sources and types of evidence likely to be relevant but is not intended to limit the evidence that may be considered.

**1. Scholarship Assessment**

Assessment of scholarship should include at least the candidate's books, monographs, journal articles, book chapters, other papers, electronic or interactive scholarly works, and other media evincing scholarly thought and contributing to legal understanding. Assessment may be based on completed works as well as works in press and works accepted for publication. The evaluations of a candidate's portfolio shall be conducted by the Law Center faculty with input from external reviewers.

**2. Teaching Assessment**

Assessment of teaching shall include at least:

(a) teaching evaluations by students, including any

commentary relating to the candidate, along with comparative Law Center data;

(b) formal or informal peer assessment of the candidate's teaching effectiveness;

(c) course or program development by the candidate

(i) course development may be shown by sample course syllabi, teaching-grant proposal abstracts, courseware, cases and simulations, modifications of teaching for instructional television, or internet teaching;

(ii) program development may be shown by student advising; direction of graduate research; or interdisciplinary program development;

(d) the candidate's facilitation of student success, which may be shown by such factors as assistance to students who have won awards, published scholarly works, obtained internships or judicial clerkships, or otherwise excelled in professional accomplishments;

(e) commitment of the candidate to enhancing teaching ability, such as professional development activities, scholarly approaches to evaluating teaching effectiveness, teaching excellence awards, guest lecturing, and team teaching.

### **3. Service Assessment**

Assessment of service should include at least an examination of contributions to Law Center or institute efforts, to campus-wide activities, to external professional organizations or through involvement with (or advocacy before) law reform organizations or executive, legislative, judicial or administrative bodies. The extent to which the candidate has received other compensation for any such form of service may be taken into account in determining its substantiality.

## **VIII. NON-TENURE-TRACK (NTT) FACULTY**

The Law Center's implementation of the University NTT Policy includes several substantial variations from the University policy approved by the Law Center faculty on March 5, 2018. There is a memorandum record of these variations between the Law Center's Dean's office and the Provost's office. These are systemic variations and not one-time exceptions for a particular faculty member.

### **A. Available Titles**

The following are available titles for NTT Faculty appointments at the Law Center. Other titles may be utilized by the Law Center only with the permission of the Office of the Senior Vice Chancellor/Senior Vice President for Academic Affairs and Provost.

1. Adjunct Faculty (not promotion eligible)
2. Visiting Faculty (not promotion eligible)
3. Lecturing Faculty (not promotion eligible)
4. Research Scholar Faculty (not promotion eligible)

5. Instructional Faculty (promotion eligible)
6. Research Faculty (promotion eligible)
7. Clinical Faculty (promotion eligible)

## **B. Faculty Hiring Subject to ABA Accreditation Policies**

All PE-NTT Faculty appointments must be in accordance with applicable rules and restrictions, including the American Bar Association Standards and Rules of Procedure for Approval of Law Schools. If the Promotable Faculty determine that any provision of these Bylaws is not in accordance with such applicable rules and restrictions, the Promotable Faculty shall amend these Bylaws in accordance with Article XII so that such provision, as amended, is in accordance with such applicable rules and restrictions.

## **C. Overview of PE-NTT Promotion and CEA**

This section VIII.C gives an overview of the basic hiring and promotion scenarios applicable to particular ranks of the PE-NTT Faculty titles, to assist in understanding the specific provisions that follow. To the extent that there is a conflict between this overview and those later provisions, the latter control.

1. The NTT Policy does not envision hiring a PE-NTT Faculty member at any rank directly into a CEA. However, the Law Center implementation allows that approach: a candidate may be hired directly into the NTT rank of Associate Professor or “full” Professor (a “full” Professor is indicated by omission of the modifier Assistant or Associate) with a CEA immediately in effect.
2. A PE-NTT Faculty member may be hired at the rank of Assistant Professor without a CEA. A PE-NTT Faculty member hired at the rank of Assistant Professor who completes the probationary period shall apply to be promoted to the Associate Professor rank with concurrent award of a CEA. The promotion from Assistant to Associate is always accompanied by a CEA; the NTT Policy does not envision retaining the entry title, Assistant Professor, and obtaining the CEA.
3. A PE-NTT Faculty member may be hired at the rank of Associate Professor without a CEA. A PE-NTT Faculty member hired at the rank of Associate Professor who completes the applicable probationary period may apply (a) for a CEA without concurrently applying for the rank of Professor or (b) to be promoted to the Professor rank with concurrent award of a CEA, as long as the applicable period in rank has been fulfilled.
4. A PE-NTT Faculty member may be hired at the rank of Professor without a CEA. A PE-NTT Faculty member hired at the rank of Professor who completes the probationary period may apply for a CEA.

## **D. Non-Promotion Eligible Path Titles**

### **1. Adjunct Faculty**

#### **a. Definition**

Adjunct Faculty appointments are for persons who have a primary employment responsibility outside of the University.

b. Available Titles

The only available title is Adjunct Faculty.

c. Qualifications for Appointment

A terminal degree, normally a Juris Doctorate or equivalent degree, typically is required for individuals appointed as Adjunct Faculty. In exceptional circumstances, other individuals are eligible for appointment by the Dean or Associate Dean, with approval of the Office of the Provost.

d. Appointment Procedure and Duration and Nature of Appointment

Adjunct Faculty are appointed by the Dean or Associate Dean for a semester or an academic year.

**2. Visiting Faculty**

a. Definition

Visiting Faculty appointments are generally for persons who have a full-time appointment at another higher education institution. The Law Center implementation of the University NTT Policy, however, also allows the Law Center to hire a person as a Visiting Assistant Professor who does not have a full-time appointment at another higher education institution.

b. Available Titles

Visiting Faculty may be assigned the following titles, which are assigned at appointment and do not reflect any promotion pathway: Visiting Assistant Professor, Visiting Associate Professor, Visiting Professor, Visiting Scholar, and Scholar-in-Residence.

c. Qualifications for Appointment

A terminal degree, normally a Juris Doctorate or equivalent degree, typically is required for individuals appointed as Visiting Faculty. In exceptional circumstances, other individuals are eligible for appointment by the Dean or Associate Dean, with approval of the Office of the Provost.

d. Appointment Procedure and Duration and Nature of Appointment

Visiting Faculty are appointed by the Dean or Associate Dean for a semester or an

academic year, with approval of the Office of the Provost, except that the Law Center Faculty Appointments Committee shall assess before appointment all Visiting Faculty members who are being considered for a tenured and tenure-track position contemporaneously or as a possible future hire; this assessment shall be similar in scope to the assessment given a tenured or tenure-track hire. No Visiting Faculty member may remain as a Visiting Faculty member for more than three consecutive years.

### **3. Lecturing Faculty**

#### **a. Definition**

Lecturing Faculty appointments are for persons who are engaged to teach one or more specific courses, on either a part-time or full-time basis.

#### **b. Available Titles**

Lecturing Faculty may be assigned the following titles, which are assigned at appointment and do not reflect any promotion pathway: Lecturer, Senior Lecturer, and Professor of Practice. The title Professor of Practice is ordinarily reserved for persons who are qualified by their past experience outside of academia and whose current level of expertise and demonstrated or potential ability will significantly enhance the instruction of students and advance the goals of the academic unit or program in ways that cannot be provided solely by the tenured or tenure-track Faculty.

#### **c. Qualifications for Appointment**

A terminal degree, normally a Juris Doctorate or equivalent degree, typically is required for individuals appointed as Lecturing Faculty. In exceptional circumstances, other individuals are eligible for appointment by the Dean or Associate Dean, with approval of the Office of the Provost.

#### **d. Appointment Procedure and Duration and Nature of Appointment**

Appointment of Lecturing Faculty, including the specific offer and all related conditions, is the responsibility of the Dean or Associate Dean, with approval of the Office of the Provost. Lecturing Faculty are appointed for a semester or an academic year, although a longer appointment is possible under unusual circumstances with approval of the Office of the Provost. After three consecutive appointments for one-year terms, reappointment of Lecturing Faculty is the responsibility of the Dean or Associate Dean, with approval of the Office of the Provost, based upon the recommendation of the Law Center Faculty Appointments Committee.

### **4. Research Scholar Faculty**



a. Definition

Research Scholar Faculty appointments are for persons who are primarily engaged in (i) written creative work or research or (ii) service at the Law Center or University level in relation to such research or its administration.

b. Available Titles

Research Scholar Faculty may be assigned the following titles, which are assigned at appointment and do not reflect any promotion pathway: Research Scholar, Senior Research Scholar, Research Legal Scholar, Senior Research Legal Scholar, Research Attorney, and Senior Research Attorney.

c. Qualifications for Appointment

A terminal degree, normally a Juris Doctorate or equivalent degree, typically is required for individuals appointed as Research Scholar Faculty. In exceptional circumstances, other individuals are eligible for appointment by the Dean or Associate Dean, with approval of the Office of the Provost.

d. Appointment Procedure and Duration and Nature of Appointment

Appointment of Research Scholar Faculty, including the specific offer and all related conditions, is the responsibility of the Dean or Associate Dean, with approval of the Office of the Provost. Research Scholar Faculty are appointed for a semester or an academic year, although a longer appointment is possible under unusual circumstances with approval of the Office of the Provost. After three consecutive appointments for one-year terms, reappointment of Research Scholar Faculty is the responsibility of the Dean or Associate Dean, with approval of the Office of the Provost, based upon the recommendation of the Law Center Faculty Appointments Committee.

e. Teaching

Research Scholar Faculty shall not have specific teaching or related obligations as a condition of their appointment; however, they may teach courses as needed by the Law Center.

## **E. Promotion Eligible (“PE”) Titles**

### **1. Instructional Faculty**

a. Definition

Instructional Faculty appointments are for persons whose primary responsibilities are (i) teaching students and (ii) service at the Law Center or University level.

Instructional Faculty may serve as an advisor to LL.M. students or J.D. students, or as a co-advisor with a tenured or tenure-track faculty member to LL.M. students or J.D. students.

**b. Available Titles**

Instructional Faculty may be assigned the following titles/ranks: Instructional Assistant Professor, Instructional Associate Professor, and Instructional Professor.

**c. Qualifications for Appointment**

Individuals at each academic rank will have experience and qualifications comparable to that of tenured or tenure-track faculty members at the equivalent academic rank. A terminal degree, normally a Juris Doctorate or equivalent degree, typically is required for individuals appointed as Instructional Faculty. In exceptional circumstances, other individuals are eligible for appointment by the Dean or Associate Dean, with approval of the Office of the Provost.

**d. Appointment Procedure**

Initial appointment of Instructional Faculty, including the specific offer and all related conditions, is the responsibility of the Dean or Associate Dean, with approval of the Office of the Provost, based upon the recommendation of the relevant Law Center faculty. The Law Center Faculty Appointments Committee is responsible for reviewing prospective applicants and making recommendations to the relevant Law Center faculty for appointment. Instructional Faculty may be appointed initially at the Assistant, Associate, or Professor rank by the Dean or Associate Dean, with approval of the Office of the Provost, based on the recommendation of the relevant Law Center faculty. Regardless of the initial rank, all Instructional Faculty are subject to the probationary periods described in Subsection (e), unless hired at the Associate or Professor rank with a CEA immediately in effect.

**e. Duration and Nature of Appointment**

Contracts for Instructional Faculty who have not been granted a CEA are one-year contracts for a probationary period of six years for faculty hired at the rank of Assistant Professor and four years for faculty hired at the rank of Associate Professor or Professor. In cases of exceptional merit, promotion may be granted earlier with the approval of the Office of the Provost. The decision to rehire Instructional Faculty at the midpoint of the applicable pre-CEA probationary period is made by the Dean or Associate Dean, based on the recommendation of the Law Center Promotion, Tenure and CEA Committee.

A CEA may be granted to an Instructional Faculty member upon the successful completion of the applicable probationary period, based on a favorable recommendation of the relevant Law Center faculty and approval from the Office

of the Provost. The term of any CEA for Instructional Faculty is limited to three years and is presumptively renewable for multiple three-year terms on a rolling basis, predicated upon satisfactory annual performance reviews. If, however, an Instructional Faculty member's position is based on external funding, any CEA for such member is subject to the contingency that sustained external funding is available for the duration of the entire agreement.

Notwithstanding satisfactory annual performance review, the service of an Instructional Faculty member with a CEA may not be renewed if there are substantial decreases in enrollment, increases in tenure-track faculty hiring, or for any of the reasons listed in the NTT Policy.

The timing for establishing contracts with Instructional Faculty, including preliminary steps such as letters of intent and notice of non-renewal, shall be as stated in the NTT Policy.

No appointments of Instructional Faculty may be converted into tenure-track faculty positions. Instructional Faculty shall not be considered for tenure, and instructional time served in any Instructional Faculty position shall not be counted toward tenure. Exceptions to this provision shall be approved in advance by the Dean or Associate Dean and the Office of the Provost.

f. Promotion

Instructional Faculty with the rank of Instructional Assistant Professor are required to apply for promotion to the rank of Instructional Associate Professor after completion of the applicable probationary period (six years), based on a favorable recommendation of the relevant Law Center faculty and approval from the Office of the Provost. Instructional Faculty with the rank of Instructional Associate Professor are eligible for promotion to the rank of Instructional Professor after completion of the applicable period in rank (four years), based on a favorable recommendation of the Law Center faculty and approval from the Office of the Provost. In cases of exceptional merit, promotion to the rank of Instructional Professor may be granted earlier with the approval of the Office of the Provost.

g. General Privileges

Instructional Faculty shall have the same general privileges as other categories of Promotable Faculty and shall receive specific privileges as given in the NTT Policy.

h. Academic Privileges

Instructional Faculty's academic privileges are the same as those of tenured and tenure-track faculty and are governed by the same regulations as outlined in the University Faculty Handbook.

i. Compensation

Salaries for Instructional Faculty must be set by the same procedures used during the annual budget cycle for tenured and tenure-track faculty, but depend on the availability of funding. Instructional Faculty who will be reappointed for the next academic year must be considered for salary increases in accordance with the University's guidelines for persons classified as faculty.

**2. Research Faculty**

a. Definition

Research Faculty appointments are for persons who are primarily engaged in (i) written creative work or research and (ii) service at the Law Center or University level.

b. Available Titles

Research Faculty may be assigned the following titles/ranks: Research Assistant Professor, Research Associate Professor, and Research Professor.

c. Qualifications for Appointment

Individuals at each academic rank will have experience and qualifications comparable to that of tenured or tenure-track faculty members at the equivalent academic rank. A terminal degree, normally a Juris Doctorate or equivalent degree, typically is required for individuals appointed as Research Faculty. In exceptional circumstances, other individuals are eligible for appointment by the Dean or Associate Dean, with approval of the Office of the Provost.

d. Appointment Procedure

Initial Appointment of Research Faculty, including the specific offer and all related conditions, is the responsibility of the Dean or Associate Dean, with approval of the Office of the Provost, based on the recommendation of the relevant Law Center faculty. The Law Center Faculty Appointments Committee is responsible for reviewing prospective applicants and making recommendations to the relevant Law Center faculty for appointment. Research Faculty may be appointed initially at the Assistant, Associate, or Professor rank by the Dean or Associate Dean, with approval of the Office of the Provost, based on the recommendation of the relevant Law Center faculty. Regardless of the initial rank, all Research Faculty are subject to the probationary periods described in Subsection (e), unless hired at the Associate or Professor rank with a CEA immediately in effect.

e. Duration and Nature of Appointment

Contracts for Research Faculty who have not been granted a CEA are one-year contracts for a probationary period of six years for faculty hired at the rank of Assistant Professor and four years for faculty hired at the rank of Associate Professor or Professor. In cases of exceptional merit, promotion may be granted earlier with the approval of the Office of the Provost. The decision to rehire Research Faculty at the midpoint of the applicable pre-CEA probationary period is made by the Dean or Associate Dean, based on the recommendation of the Law Center Promotion, Tenure and CEA Committee.

A CEA may be granted to a Research Faculty member upon the successful completion of the applicable probationary period, based on a favorable recommendation of the relevant Law Center faculty and approval from the Office of the Provost, contingent on sustained external funding's being available for the duration of the entire agreement. The term of any CEA for Research Faculty is limited to three years and is presumptively renewable for multiple three-year terms on a rolling basis, predicated upon satisfactory annual performance reviews and contingent on sustained external funding's being available for the duration of the entire agreement.

The timing for establishing contracts with Research Faculty, including preliminary steps such as letters of intent, and notice of non-renewal, shall be as stated in the NTT Policy.

No appointments of Research Faculty may be converted into tenure or tenure-track faculty positions. Research Faculty shall not be considered for tenure, and time served in any Research Faculty position shall not be counted toward tenure. Exceptions to this provision shall be approved in advance by the Dean or Associate Dean and the Office of the Provost.

f. Promotion

Research Faculty with the rank of Assistant Research Professor are required to apply for promotion to the rank of Associate Research Professor after completion of the applicable probationary period (six years), based on a favorable recommendation of the relevant Law Center faculty and approval from the Office of the Provost. Research Faculty with the rank of Associate Research Professor are eligible for promotion to the rank of Research Professor after completion of the period in rank (four years), based on a favorable recommendation of the relevant Law Center faculty and approval from the Office of the Provost. In cases of exceptional merit, promotion to the rank of Research Professor may be granted earlier with the approval of the Office of the Provost.

g. Research Privileges and Responsibilities

Research Faculty members will conduct written creative work or research in modalities similar to those followed by tenured and tenure-track faculty. Subject

to approval by University authorities, Research Faculty may submit proposals as principal investigators.

h. Teaching and Related Obligations

Research Faculty shall not have specific teaching or related obligations as a condition of their appointment; however, they may teach courses as needed by the Law Center. Research Faculty may serve as an advisor to LL.M. students or J.D. students, or as a co-advisor with a tenured or tenure-track faculty member to LL.M. students or J.D. students. Research Faculty may serve on (but not chair) thesis and dissertation committees, but they may not constitute the majority of the committee.

i. General Privileges

Research Faculty shall have the same general privileges as other Promotable Faculty and shall have specific privileges as given in the NTT Policy.

j. Academic Privileges

Academic privileges for Research Faculty are the same as those of tenured and tenure-track faculty and are governed by the same regulations as outlined in the University Faculty Handbook. Research Faculty may participate in Law Center or University affairs. However, Research Faculty may not constitute a voting majority on any Law Center committee. Research Faculty are allowed to submit as co-investigators for the Grants to Enhance and Advance Research (GEAR) Program.

k. Compensation

Research Faculty are typically externally funded and not paid from the state budget, so any salary increases are dependent on the availability of external funding, but should be in line with average merit increases.

**3. Clinical Faculty**

a. Definition

Clinical Faculty appointments are for persons whose primary responsibilities are: (i) teaching (1) through client or field-based educational programs and services or (2) in the Law Center's legal writing program, currently entitled Lawyering Skills and Strategies (LSS) and (ii) service at the Law Center or University level. Clinical Faculty may serve as an advisor to LL.M. students or J.D. students, or as a co-advisor with a tenured or tenure-track faculty member to LL.M. students or J.D. students.

b. Available Titles

Clinical Faculty may be assigned the following titles/ranks: Clinical Assistant Professor, Clinical Associate Professor, and Clinical Professor.

c. Qualifications for Appointment

Individuals at each academic rank will have experience and qualifications comparable to that of tenured or tenure-track faculty members at the equivalent academic rank. A terminal degree, normally a Juris Doctorate or equivalent degree, typically is required for individuals appointed as Clinical Faculty. In exceptional circumstances, other individuals are eligible for appointment by the Dean or Associate Dean, with approval of the Office of the Provost.

d. Appointment Procedure

Initial appointment of Clinical Faculty, including the specific offer and all related conditions, is the responsibility of the Dean or Associate Dean, with approval of the Office of the Provost, based upon the recommendation of the relevant Law Center faculty. The Law Center Faculty Appointments Committee is responsible for reviewing prospective applicants and making recommendations to the relevant Law Center faculty for appointment. Clinical Faculty may be appointed initially at the Assistant, Associate, or Professor rank by the Dean or Associate Dean, with approval of the Office of the Provost, based on the recommendation of the relevant Law Center faculty. Regardless of the initial rank, all Clinical Faculty are subject to the probationary periods described in Subsection (e) unless hired at the Associate or Professor rank with a CEA immediately in effect.

e. Duration and Nature of Appointment

Contracts for Clinical Faculty who have not been granted a CEA are one-year contracts for a probationary period of three years for faculty hired at the rank of Assistant Professor and three years for faculty hired at the rank of Associate Professor or Professor. In cases of exceptional merit, promotion may be granted earlier with the approval of the Office of the Provost. The decision to rehire Clinical Faculty at the midpoint of the applicable pre-CEA probationary period is made by the Dean or Associate Dean, based on the recommendation of the Law Center Promotion, Tenure and CEA Committee.

A CEA may be granted to a Clinical Faculty member upon the successful completion of the applicable probationary period, based on a favorable recommendation of the relevant Law Center faculty and approval from the Office of the Provost. With the exception of the provisions of Section VIII.E.3(j), the term of any CEA is limited to three years and is presumptively renewable for multiple three-year terms on a rolling basis, predicated upon satisfactory annual performance reviews. If, however, a Clinical Faculty member's position is based on external funding, any CEA for such member is subject to the contingency that sustained external funding is available for the duration of the entire agreement.

Notwithstanding satisfactory annual performance review, the service of a Clinical Faculty member with a CEA may not be renewed if there is good cause for non-renewal, including termination or material modification of clinical programs, substantial decreases in enrollment, or for any of the reasons listed in the NTT Policy.

The timing for establishing contracts with Clinical Faculty, including preliminary steps such as letters of intent, and notice of non-renewal, shall be as stated in the NTT Policy.

No appointments of Clinical Faculty may be converted into tenure-track faculty positions. Clinical Faculty shall not be considered for tenure, and teaching time served in any Clinical Faculty position shall not be counted toward tenure. Exceptions to this provision shall be approved in advance by the Dean or Associate Dean and the Office of the Provost.

f. Promotion

Clinical Faculty with the rank of Clinical Assistant Professor are required to apply for promotion to the rank of Clinical Associate Professor after completion of the applicable probationary period (three years), based on a favorable recommendation of the relevant Law Center faculty and approval from the Office of the Provost. Clinical Faculty with the rank of Clinical Associate Professor are eligible for promotion to the rank of Clinical Professor, after completion of the period in rank (three years), based on a favorable recommendation of the relevant Law Center faculty and approval from the Office of the Provost. In cases of exceptional merit, promotion to the rank of Clinical Professor may be granted earlier with the approval of the Office of the Provost.

g. General Privileges

Clinical Faculty shall have the same general privileges as other Promotable Faculty and shall receive specific privileges as given in the NTT Policy.

h. Academic Privileges

Clinical Faculty's academic privileges are the same as those of tenured and tenure-track faculty and are governed by the same regulations as outlined in the University Faculty Handbook.

i. Compensation

Salaries for Clinical Faculty must be set by the same procedures used during the annual budget cycle for tenured and tenure-track faculty, but depend on the availability of funding. Clinical Faculty who will be reappointed for the next academic year must be considered for salary increases in accordance with the



University's guidelines for persons classified as faculty.

j. **Five-Year CEA for Clinical Professors**

Notwithstanding the provisions of Section VIII.E.3(e), Clinical Faculty shall be awarded a five-year CEA upon earning the highest rank of Professor and completing any applicable probationary periods, unless hired at the Professor rank with a five-year CEA immediately in effect.

**IX. PROMOTION & CONTINUING EMPLOYMENT AGREEMENT (CEA) STANDARDS FOR PROMOTION ELIGIBLE NON-TENURE-TRACK (PE-NTT) FACULTY**

**A. Review Criteria for PE-NTT Faculty.**

**1. General.**

- a. **Areas for review of Research Faculty.** Research Faculty shall be reviewed for (i) written creative work or research and (ii) service. Review should appropriately take into account a Research Faculty member's favorable teaching assessments; however, the exclusion of teaching assessments from the review may not be considered as an adverse factor in the review.
- b. **Areas for review of Instructional and Clinical Faculty.** Instructional Faculty and Clinical Faculty shall be reviewed for (i) teaching and (ii) service. Review should appropriately take into account favorable assessments of the faculty member's written creative work or research; however, the exclusion of assessments of the faculty member's written creative work or research from the review may not be considered as an adverse factor in the review.

**2. Review criteria.**

- a. **Teaching.** Assessment of teaching should include at least:
  - (1) teaching evaluations by students, including any commentary relating to the faculty member, along with comparative Law Center data;
  - (2) formal or informal peer assessment of the faculty member's teaching effectiveness;
  - (3) course or program development by the faculty member
    - (a) course development may be shown by sample course syllabi, teaching grant proposal abstracts, courseware, cases, simulations and other experiential learning techniques, modifications of teaching for instructional broadcast, or internet teaching;

- (b) program development may be shown by student advising, direction of graduate research, or interdisciplinary program development;
- (4) the faculty member's facilitation of student success, which may be shown by such factors as assistance to students who have won awards, published scholarly works, obtained internships or judicial clerkships, or otherwise excelled in professional accomplishments;
- (5) commitment of the faculty member to enhancing teaching ability, such as professional development activities, scholarly approaches to evaluating teaching effectiveness, teaching excellence awards, guest lecturing, and team teaching.

The phrase "may be shown" as used above is intended to provide guidance on sources and types of evidence likely to be relevant but is not intended to limit the evidence that may be considered.

- b. **Service.** Assessment of service should include at least an examination of contributions to Law Center or institute efforts, to campus-wide activities, to external professional organizations, or through involvement with (or advocacy before) law-reform organizations or executive, legislative, judicial, or administrative bodies. The extent to which the faculty member has received other compensation for any such form of service may be taken into account in determining its substantiality.
- c. **Written creative work or research.** Assessment of written creative work or research should include consideration of the faculty member's contributions to (i) the development of the law, public policy, lawyering, or legal education or (ii) the improvement of institutions or procedures in relation to law or public policy. Given the pragmatic nature of PE-NTT Faculty's work and teaching, PE-NTT Faculty are not expected to publish work of the same type or quantity as tenured or tenure-track faculty, nor is the work of PE-NTT Faculty to be evaluated under the same standards applied to the work of tenured or tenure-track faculty, though PE-NTT Faculty's written creative work should be of high quality and significance.

## **B. Review Standards and Procedures for Particular PE-NTT Faculty ranks.**

### **1. For PE-NTT Faculty during the probationary term.**

- a. **Timing Requirements.** All PE-NTT Faculty must go through two reviews during the probationary term: (1) a pre-promotion performance review (which occurs near the mid-point of the applicable probationary period); and (2) review in the year they go up for a CEA. Typically, a CEA is awarded upon promotion from Assistant to Associate.
- b. **Standards for Review.** Instructional and Clinical Faculty candidates for a CEA must be conscientious and effective teachers and perform appropriate service. Research Faculty candidates for a CEA must demonstrate excellence in written creative work or research and perform appropriate service.

- c. **Procedures for Review.** The procedures for annual review during the probationary period of PE-NTT Faculty at the rank of Assistant and Associate Professors required by the NTT Policy are incorporated by reference.

**2. For Associate Professors Eligible for Promotion to the rank of Professor.**

- a. **Timing Requirements.** A PE-NTT Associate Professor may apply for review to determine his or her eligibility for promotion to the rank of Professor. An Associate Professor may request the review allowed by this section in the candidate's final year as Associate Professor during the applicable time-in-rank period or during the year in which the candidate is granted approval by the Dean to seek promotion, whichever is earlier.
- b. **Standards for Review.** Promotion to the rank of PE-NTT Faculty Professor requires significant contributions to the candidate's field that have had an impact beyond the University. The candidate must demonstrate a record of sustained accomplishment distinguished by quality and significance over time in the relevant areas for review specified under Section IX.A.1.
- c. **Procedures for Review.** The procedures for review of PE-NTT Faculty Associate Professor candidates for promotion to the rank of Professor required by the NTT Policy are incorporated by reference.