
THE UNIVERSITY OF AKRON SCHOOL OF LAW

FACULTY EVALUATION CRITERIA AND PROCEDURES

May 9, 2013

I. **Introduction**

A. **Rationale Underlying Evaluation Criteria and Procedures**

It is important that the professional performance of faculty members be evaluated in a manner that is recognized as fair and consistent. It is imperative that those instructors who are candidates for Reappointment, Tenure, and Promotion be evaluated in accordance with standards and procedures that are designed to assure such persons a just assessment of their professional work and contributions to the University; and it is also essential that the salary adjustments of faculty be based on criteria that are generally acknowledged to be legitimate.

To assure that these aims will continue to be satisfied at The University of Akron School of Law, the Faculty hereby approves, effective immediately, the following evaluation criteria and procedures.

B. **Overview of the University's Criteria for Retention, Tenure and Promotion**

Reappointment, Tenure and Promotion decisions at The University of Akron shall be based upon:

1. quality of teaching;
2. evidence of appropriate scholarship;
3. the amount and value of continued advanced study;
4. the worth of research and publications;
5. the professional recognition received;
6. service to the university, the school of law, the profession, and the community;
7. professional conduct.

Faculty Manual Sections 3359-20-03 and 3359-20-037(F)(3).

In evaluating the candidate's performance within these areas reasonable flexibility should be used, balancing where the case requires, heavier commitments, responsibilities and achievements in one area against lighter commitments, responsibilities and achievements in another.

C. The Quality of Law Teaching

Effective law teaching comprises a full range of faculty/student relationships as well as classroom instruction. It should both instruct and inspire. It will manifest itself differently in different persons and thus any criteria should be applied flexibly; however, for the purpose of assessing teaching competence, the following factors generally are to be taken into consideration:

- a. comprehensive knowledge of the subject matter and an appreciation of its relationship to other fields, including current developments in both application and theory;
- b. thoughtful preparation and organization of individual class sessions and overall course content;
- c. ability to stimulate intellectual curiosity and communicate knowledge to students as demonstrated by student participation in class and student involvement in independent learning;
- d. reasonable and fair evaluation of student work;
- e. effectiveness of clinical, individual or small group programs (where applicable);
- f. accessibility to students outside the classroom;
- g. development of innovative teaching materials and methodology;
- h. participation in teaching workshops and conferences (assuming funding permits);
- i. writing or speaking about teaching skills and teaching improvement, and
- j. enthusiasm about the subject taught and the enterprise.

D. Scholarship Within A Law Faculty; Scholarly Publications Defined

A basic responsibility of a member of the community of legal scholars is to refine, extend, and transmit knowledge. Accordingly, faculty should be productive scholars who publish works of high quality. Scholarly publications are evaluated for purposes of reappointment, tenure, promotion, and salary adjustment. Scholarly publications include, for example, journal articles, monographs, books, chapters in books, substantial supplements to books, and published law reform materials, such as those done by reporters for the American Law Institute, the National Conference of Commissioners on Uniform State Laws, and state law revision commissions. On-line articles that reflect substantially similar work to printed articles and that involve an acceptance policy similar to, or more rigorous than, law journals may be accepted by the faculty on an ad-hoc basis.

The research done by the law school faculty is increasingly heterogeneous. In addition to encompassing traditional doctrinal and theoretical research, faculty scholarship may apply empirical methods, rely upon primary historical materials, involve analyses of policy issues related to law reform, examine law school pedagogy, focus on issues and problems related to legal practice, or apply literary or textual analysis methods. The Law School values a wide range of styles and topics for faculty scholarship, including multi-disciplinary research and research that considers legal rules

and institutions outside the United States. Hence, the significant scholarly contribution requirement may be satisfied by work drawing on any of a wide range of research approaches, topics, and styles. In evaluating scholarly research by a candidate who critically and substantially draws upon other scholarly disciplines, the tenured faculty should consider indicia of scholarly achievement relevant to those disciplinary fields in addition to the indicia normally considered for candidates in the Law School, where doing so may illuminate aspects of achievement ignored by the Law School's normal indicia.

Scholarship may consist of, *inter alia*, published work about legal writing or practical skills pedagogy, law school education, or related matters so long as the work demonstrates a scholarly depth of research and is published in a respected publication, including those in the field of legal writing or clinical legal education.

In assessing scholarly publications, factors to be considered include:

1. thoroughness of research and analysis;
2. scope and depth of subjects covered;
3. difficulty and complexity of the subject matter;
4. originality;
5. clarity of expression;
6. actual or likely impact of the work.

E. Service Within A Law Faculty

Service within a law faculty is evaluated for purposes of reappointment, tenure, promotion, and salary adjustment. Service takes many forms, including service to the law school, the university, and the legal profession, as well as professionally related civic or public service. Some service contributions may be evidenced by writings, others may not be. All will be considered. Writing efforts that represent contributions to the law but are distinct from scholarly publications will be considered as service to the profession or academy.

II. **Evaluation Procedures for Retention, Tenure, and Promotion**

FACULTY AFFAIRS

A. Responsibility for Faculty Affairs

All matters relating to the appointment, reappointment, promotion, and tenure of all Faculty of the School of Law shall be decided by the Faculty voting and meeting as prescribed in these paragraphs.

B. Voting

- (1) Initial Appointment. All faculty members entitled to vote under paragraph

1 (A) (1) of the Bylaws, excluding clinical professors and professors of legal writing of any rank who are employed under multi-year appointments, may vote on the appointment of new members of the faculty.

- (2) Reappointment. All tenured faculty members, excluding the dean and clinical professors and professors of legal writing of any rank who are employed under multi-year appointments, who have served at least one year at the University of Akron may vote on the reappointment of members of the regular faculty.
- (3) Promotion. All tenured members of the faculty who hold rank equivalent to or higher than the rank to which a candidate may be elevated, excluding the dean and clinical professors and professors of legal writing of any rank who are employed under multi-year appointments, who have served at least one year at the University of Akron School of Law, may vote on the promotion in rank of the candidate.
- (4) Tenure. All tenured members of the faculty, excluding the dean and clinical professors and professors of legal writing of any rank who are employed under multi-year appointments, who have served at least one year at the University of Akron may vote on recommending a candidate for tenure.
- (5) Absentee ballots. Absentee ballots are not permitted.
- (6) Recusal. For purposes of voting on any reappointment, tenure or promotion matter, faculty shall recuse themselves from any discussion, voting or participation that would influence voting on reappointment, tenure and promotion matters when required under University regulation or state law.

C. RTP Meetings

- (1) Participation. Only the following members of the regular faculty may attend a Reappointment, Tenure and Promotion Committee (RTP Committee) meeting in which a candidate's reappointment, promotion, or tenure is considered or decided
 - (a) The candidate, during the portion of the meeting devoted to hearing the candidate
 - (b) The members of the Faculty eligible to vote on the decision before the committee
 - (c) The dean, for informational purposes. The chair shall invite the dean to attend all reappointment, tenure and promotion hearings during both the hearing and deliberation portions to participate for the informational purposes of both the dean and the Committee.

Informational purposes include giving information, requesting information from the candidate and committee members, and observing the deliberations in order to understand the basis for the committee's eventual recommendation.

The restriction of attendance on limited meetings shall not be construed as restricting participation by other Faculty members by communicating their opinion to such meetings by such methods as may be approved by the Faculty from time to time nor as limiting the privilege of petitions with regard to the subject matter of such meetings.

(2) Time

- (a) Appointments. The dean shall call meetings of faculty entitled to vote to consider questions of faculty appointments.
- (b) Reappointment, Tenure and Promotion. The dean shall call the organizational meeting for the RTP process by February 8. A chair shall be elected to serve for one year. All further meetings of the RTP Committee shall be called by the chair, consistent with meeting the deadlines included in the timeline in Chapter II(C)(2)(c) below. If the chair fails to call a meeting consistent with the deadlines, any faculty member eligible to attend the meeting may submit a request in writing to the Dean and the chair to call the meeting.
- (c) Timelines for Reappointment, Tenure and Promotion.

Spring Semester

By February 8	organizational meeting; election of chair; dean sends notification letter to all candidates
By February 22	candidates submit letters of intent
By March 1	chair obtains all excusals and recusals
By March 8	chair assigns all classroom and IPES evaluators
By April 15	candidate, dean, RTP Committee members submit names of potential external reviewers
By April 30	IPES committee selects pool of

potential external reviewers;
candidate submits scholarship for
external review; classroom
evaluators submit reappointment
reviews

Fall Semester

By first instructional day Fall	candidate submits all additional writings
By Friday, week 2	candidate completes file; dean's office completes file
By Friday, week 7	RTP committee submits all IPES and class reviews; all received EPRS to file
By Friday, week 9	RTP Committee hearing and decision
By Tuesday, week 10	dean and chair orally inform candidate of decision
By Friday, week 10	RTP draft recommendation circulated
By Tuesday, week 11	comments due; reconsideration moved, if applicable
By Friday, week 12	RTP recommendation final, to candidate and dean
By Tuesday week 13	concur and dissent complete, to candidate and dean
By Friday, week 14	dean holds meeting with RTP Committee if plans to recommend differently from the Committee candidate may file reply to RTP Committee recommendation
By Friday, week 16 or December 15, whichever earlier	dean submits recommendation, if negative, to candidate

By Friday, week two of Spring dean submits recommendation to provost, if negative

By Friday, week four of Spring dean submits recommendation to provost and candidate, if positive

- (d) Extensions of time. In the event that the date for completion of a step cannot be met, a request for extension and supporting rationale shall be forwarded to the appropriate committee chair, dean, or senior vice president and provost prior to the deadline. The request and rationale shall be included in the candidate's file. The committee chair, dean or senior vice president and provost shall accept or reject the request for extension. Rationale for the decision shall be included in the candidate's file. Extension of the deadline at any level does not automatically extend future deadlines.
- (3) Quorum and Voting. Two thirds of those eligible to attend shall constitute a quorum for the purpose of transacting business at any limited meeting. A majority vote of those present and voting shall be required to adopt any motion at a limited meeting. The vote in all meetings on the question of appointment, reappointment, promotion, and tenure shall be by secret ballot.
- (4) Decanal Recommendation. After the completion of all action(s) by the RTP Committee, the dean shall transmit the RTP Committee's recommendation concerning Reappointment, Tenure, or Promotion, to the University Administration. In addition, the dean shall transmit his or her own recommendation on the matter, to the University Administration, and a copy thereof to the candidate. If the dean intends to submit a recommendation contrary to that of the RTP Committee, the dean shall notify the Chair, who shall call a meeting of the RTP Committee. When the dean provides such notice to the Chair, he or she shall state in writing the compelling reasons for his or her intended contrary recommendation. The dean shall then meet with the RTP Committee to discuss the compelling reasons for the intended contrary recommendation.
- (5) Communication of Discussion and Vote. The dean and the chair of the RTP Committee shall inform each affected faculty member of the number of votes for and against any decision determining his/her Reappointment, Promotion, or Tenure, as soon as possible, and the articulated reasons therefore, regardless of the outcome of that vote. Information about discussions or decisions of RTP Committee meetings shall be held in confidence except that the dean and/or the chair may inform the faculty of decisions reappointing, promoting, or granting tenure to members of the faculty. The record of such meetings shall consist of a journal containing the time, place, record of attendance, and actions taken at the meeting.

- (6) Written Recommendation from RTP Committee. The RTP Committee shall provide a written recommendation to the candidate and the dean. The written recommendation shall include:
- (a) documentation of the committee's procedures, a report of the vote, and an explanation of the application of university and school of law criteria to the candidate
 - (b) a finding that the candidate has or has not satisfactorily met all relevant criteria in the university and school of law guidelines
 - (c) a finding that the committee has followed all approved procedures in evaluating the candidate
 - (d) a finding that the recommendation is consistent with the goals of the school of law as articulated in its guidelines
 - (e) in recommendations for reappointment after the second year, a statement of how the candidate can enhance performance toward meeting the goal of tenure and promotion.

A draft of the written recommendation will be prepared by a member of the faculty entitled to vote on such decision, and will be made available for inspection by all faculty eligible to vote at said meeting for their comments and suggestions. After consideration of incorporation of any suggestions or comments, a final draft of the statement of reasons shall be prepared and made available for inspection by all faculty eligible to vote. Any such faculty member may, if he/she so desires, submit a written statement of reasons for his or her individual decision (a concur/dissent), and provide a copy to the candidate and the dean.

- (7) Opportunity for Reply. The candidate may submit a reply to the RTP Committee recommendation. Such reply, if any, shall be submitted to the dean (and may be copied to the chair of the RTP Committee) within fourteen days of the candidate's receipt of the written recommendation from the RTP Committee.

D. Reconsideration and Appeals

- (1) Reconsideration of the RTP Committee decision can only be obtained pursuant to Robert's Rules of Order, i.e., on the timely motion of any member who voted with the majority in the decision.
- (2) Any faculty member who identifies procedural error or inadequate consideration shall report it immediately to the dean for corrective action.
- (3) Any appeal shall be to the university Faculty Rights and Responsibilities Committee, as outlined in Faculty Manual section 3359-20-037-N.

E. The Letter of Intent, Candidate File, and Implementation of Evaluative Criteria

(1) Letter of Intent.

- (a) During the first year of service as a non-tenured faculty member, no review shall be conducted, and reappointment shall be automatic pursuant to University Rule 3359-20-03.10 (D)(1).
- (b) During his or her second year of service and thereafter, a candidate shall indicate a decision to apply for reappointment, promotion, or tenure by a letter of intent sent to the dean and the RTP Committee chair by February 22. If applicable, the letter of intent shall inform the Committee of the criteria set the candidate has elected to be used.

(2) Candidate File.

- (a) The candidate shall submit the following materials for inclusion in the RTP file in accord with the appropriate deadlines in the RTP timeline:
 - (1) A current vita
 - (2) A narrative statement addressing how the candidate meets university and unit criteria
 - (3) All writings the candidate wishes the committee to consider in assessing scholarship
 - (4) Evidence of teaching performance, which shall include syllabi and examinations from the current year and the previous year, and may include other teaching materials at the candidate's option
 - (5) Evidence of professional activity, such as a list of conferences attended and speaking engagements
 - (6) Evidence of service, such as a list of service contributions to the university, the School of Law, the professional community or the community
 - (7) Accomplishments from the previous year and Plans and Goals for the upcoming year
 - (8) Other materials the candidate wishes the RTP Committee to consider
 - (9) A table of contents for materials included in the file as submitted.
- (b) The dean's office shall add the following materials to the candidate's RTP file:
 - (1) All previous reappointment, promotion, and tenure recommendations from committees and the dean
 - (2) Student evaluations of teaching from the two semesters preceding the hearing date

- (c) The members of the RTP Committee assigned as official evaluators of candidate teaching or scholarship, or other members submitting independent written evaluations of teaching or scholarship, shall add the following materials to the candidate's file:
 - (1) Written evaluations of class observations
 - (2) Written evaluations of scholarship submitted by the candidate for review, when applicable
 - (3) External peer evaluations of candidate scholarship, when applicable
 - (d) The deadlines in the timeline apply to submitting materials for the file. The RTP Committee chair shall notify RTP Committee members of any additions to the file, as provided in the Faculty Manual 3359-20-037 (L)(7)(d)(ii) and (M)(5)(d)(ii).
- (3) Student Evaluations of Teaching.
 - (a) To assure student evaluations are completed in every course, the Dean's Office shall provide to each faculty member, no later than the second to the last week of each instructional period, the appropriate number of evaluation forms for each class in sealed packets. The faculty member may select any class session during the last two weeks of the instructional period to engage in the evaluative process, and shall set aside no less than 15 minutes of the class session for the completion of evaluation forms. The Student Bar Association shall designate a student in each class to distribute and collect the evaluation forms, but if the student designated by the Student Bar Association is unavailable, the faculty member shall select another student to distribute and collect forms. Once collected, completed evaluation forms shall be placed in another sealed envelope. At the completion of the class session, the student designee shall return the envelope containing the forms to the Dean's Office. The Dean's Office shall designate a secretary or other nonteaching faculty personnel to receive the evaluations. In the event the Dean's Office is closed, the sealed envelope shall be addressed to the Dean's designee, and the student designee shall place the envelope in the locked box used for faculty and administrative mail. The Dean's Office shall retain the evaluations both before and after tabulation.
 - (b) The Dean's Office shall compile the numerical results of the evaluation, and shall prepare a photostatic copy of the written comments. The Dean's Office shall provide the numerical results and all photostatic copies of the written comments to the faculty member evaluated. The Dean's Office shall provide the numerical

results of the evaluation to the Student Bar Association.

- (c) The numerical results of the evaluation, and the original evaluation forms and written comments must be retained in the Dean's Office for at least a five-year period. The subject faculty member, the dean, and faculty members eligible to vote on the Reappointment, Tenure or Promotion of the subject Faculty member will be permitted to view the original evaluation forms and the written comments during the period of their retention in the Dean's Office.
- (4) Peer Evaluations of Teaching. The RTP Committee's evaluation of a candidate's teaching performance shall be based in part on classroom visits of at least 50 minutes by a minimum of three tenured faculty members of equal or higher academic rank. Each faculty observer shall consult a teaching evaluation checklist during the class and use this as a reference point in the observer's critique of the evaluatee. Each of the three assigned observers shall provide the evaluatee with an oral or written critique soon after the class observation. These critiques shall also be memorialized for use by the RTP Committee. Failure to provide such a critique to the evaluatee will result in exclusion of that observer's critique from the RTP Committee's consideration. The written statement of reasons for the RTP Committee's decision shall include the RTP Committee's evaluation of the candidate's teaching performance.
- (5) Peer Evaluations of Scholarship.¹ The RTP Committee may review relevant scholarship that has been published by a particular candidate. The Committee shall review all publications, drafts, or other materials that the candidate submits. The candidate shall submit materials to the dean for inclusion in the candidate's file in accordance with the appropriate timeline. If the Committee, in its discretion, considers any materials submitted after this deadline, it should attempt to follow the procedures set out below, but it shall not be bound by any deadlines with respect to late-filed materials.

(a) Internal Peer Evaluation of Scholarship (IPES)

The RTP Committee shall assign three of its members to review the candidate's scholarship and serve as an Internal Peer Evaluation of Scholarship (IPES) Committee. The reviewers shall hold academic rank equal to or higher than the candidate's academic rank. Each reviewer shall prepare a written evaluation of the candidate's scholarship. The reviewer shall provide a copy of the evaluation to the candidate and submit a copy to the candidate's personnel file no later than two weeks prior to the

¹ Effective August 20, 2001.

candidate's RTP hearing.

All other members of the RTP Committee are encouraged to review the candidate's scholarship, and to submit written evaluations if their views are at variance with a view expressed by the assigned reviewers. Any negative evaluation shall be committed to writing and provided to the candidate and submitted to the file at least one week before the RTP hearing.

(b) External Peer Review of Scholarship (EPRS)

External peer review of scholarship (EPRS) is required for candidates applying for promotion and tenure in 2003 or after. Scholarly Publications that have already been subjected to external review need not be reviewed again by external reviewers, but may be reviewed at the option of the candidate or the IPES Committee.

The process for obtaining external review shall be as follows:

- (1) The candidate shall choose and submit materials for external review to the members of the candidate's IPES Committee by the Friday of the last instructional week in Spring Semester. Additional writings may be submitted by the first instructional day in Fall Semester, but may not be able to be timely evaluated.
- (2) The IPES Committee shall administer the external review process, under supervision of the chair of the RTP Committee.
- (3) The candidate shall submit at least five names of potential reviewers to the IPES Committee by April 15.
- (4) Members of the RTP Committee and the dean may also submit names of potential reviewers to the IPES Committee by April 15.
- (5) The IPES Committee shall apprise the candidate of the names submitted to them.
- (6) The IPES Committee shall select at least one of the reviewers submitted by the candidate, and shall select a pool of potential reviewers sufficient to guarantee receipt of three external reviews. (If three reviews are not timely received, the dean may permit the file to go forward if compelling circumstances, documented by the committee chair, justify the absence of any of the external reviews.)
- (7) The candidate shall receive a list of the reviewers the IPES Committee plans to solicit for reviews. The candidate may request that any prospective reviewer be disqualified for cause by the RTP Committee chair.
- (8) The RTP Committee chair shall timely transmit the

- candidate's material(s) to the selected reviewers.
- (9) External reviewers shall receive the following information:
 - (a) Reviewers shall be informed
 - (1) that their review and their identity will be disclosed to the candidate and the RTP Committee
 - (2) that their review and their identity shall otherwise be deemed by the university and the candidate as confidential to the extent permitted by law
 - (3) that the reviewer may request that the candidate sign a release and waiver
 - (4) that the review may be subject to disclosure under circumstances including, but not limited to subpoena, court order, or public records request.
 - (b) Reviewers shall be provided a copy of the quality factors included in Chapter I.D(1)-(6), and asked to assess the candidate's scholarship in accordance with those factors and to provide a reasoned analysis of the scholarship in support of that assessment.
 - (c) Reviewers shall be informed they are not to express an opinion on whether they would tenure or promote the candidate.
 - (6) Peer Evaluation of Service. The RTP Committee's evaluation of a candidate's service shall be facilitated by the report of one member of the Committee who shall be assigned to review the candidate's service.
 - (7) The RTP Committee may consider other relevant information, provided the candidate has an opportunity to respond thereto.
 - (8) Preparation for Hearing. The dean will meet with each faculty member in the fall of each year to discuss accomplishments of the previous year and plans/goals for the coming year. The candidate's Annual Professional Review Interviews (APRI) will occur prior to his/her hearing for Reappointment, Tenure, and Promotion, and much of the same information to be conveyed to the RTP Committee will have been provided to the dean prior to the Professional Review Interview.

To better prepare candidates for their hearings, and to make more productive use of the limited time available at the hearings, at the Professional Review Interview, or at a later time (prior to the hearing), to the extent practicable, the dean shall provide a candidate with specific input as to:

- (a) the need or desirability of submitting further particular information, or documentation, beyond that already submitted to the Dean or to the RTP Committee;
- (b) the known concerns of any member of the RTP Committee that are likely to be raised during the hearing.

While matters other than those identified by the dean may be raised in the hearing, this is discouraged. Whenever practicable, the dean should raise these concerns with the candidate in the Professional Review Interview. In order to assist the dean in providing this input, the RTP Committee may meet to identify the matters above, or may individually submit such information to the dean in writing.

The RTP Committee may recess and continue hearings when this is deemed appropriate.

F. Evaluation When Credit Is Sought For Teaching, Scholarship, or Service As A Faculty Member At Another Law School.

Candidates for tenure or promotion may request that credit be provided for teaching, scholarship, or service as a faculty member at another law school. To evaluate a candidate requesting such credit, the RTP Committee will be obliged to collect additional information respecting the candidate (as described below). A candidate wishing to seek such credit shall so inform the dean in the letter of intent in the year in which such credit will be sought. The dean shall then promptly inform the RTP Committee of the candidate's intention to seek such credit. The RTP Committee shall then select a team of three RTP Committee members who will work with the dean to gather the information reasonably necessary for the evaluation of the candidate's work performed elsewhere.

The dean and the team will be guided by the criteria identified in this document respecting that position which the candidate is seeking, and shall gather, to the extent practicable, comparable materials respecting the candidate's work at the law school(s) for which credit is being sought.

To facilitate this process, the candidate shall provide the dean and the team with the following information: an identification of the law school[s] and the particular years spent there; a description of the faculty member's teaching and/or administrative responsibilities at that law school during that period; a copy (or, if unavailable, a description) of any evaluations completed by faculty or students at that school (including if available, peer and student evaluations of teaching, and peer evaluations of research, scholarship, character, contributions to that law school, university, the profession, or the community); a consent to allow the team to contact the administrator(s) and/or chair of any faculty review committee of

that law school to collect comparable evaluative information; and, the names of two faculty who served at that law school with the candidate who can provide a peer evaluation of the candidate.

The dean and the team shall collect any additional information reasonably necessary for the evaluation of the candidate's work performed elsewhere, including additional peer evaluations by persons not named by the candidate.

The dean and the team shall complete this information gathering process not less than 30 days before the meeting at which the candidate's status is considered and decided. The team shall then memorialize the information it has gathered in a report respecting the candidate's work at the other law school(s), and shall provide a copy of this report to the candidate, the dean, and the chair of the RTP Committee meeting, not less than 28 days before that meeting. A candidate wishing to provide any further information, or a reply to the report of the team, may do so by adding such to the materials submitted for the Professional Review Interview, and/or by speaking to the matter at the meeting at which the candidate's status is considered. The report of the team shall be included with the other materials that are to be reviewed by the RTP Committee in advance of its meeting on the candidate.

G. Evaluation When Credit Is Sought For A Year Spent As A Visiting Faculty Member.

Under the Faculty Manual 3359-20-03(A)(1)(c)(i) (1999 edition) and this document, candidates for tenure or promotion may be awarded credit for one year in service as a visiting faculty member at professorial rank (assistant professor, associate professor, or professor) at the University of Akron. A candidate wishing to seek credit for a year of service shall notify the dean in the letter of intent at the time that the candidate requests to be considered for tenure or promotion. The dean and RTP Committee shall gather information respecting the candidate's year(s) in service as a visitor that is of the type considered for faculty seeking credit for teaching, scholarship, or service elsewhere and/or for faculty employed at the University of Akron. The dean and the RTP Committee shall provide the candidate with an opportunity to review such information collected, if the candidate has not previously received same, and to supplement this information. All information gathered or received shall be placed in the candidate's file to be reviewed by the RTP Committee in advance of the candidate's hearing.

III. **Standards to be Satisfied in Order to Qualify for Reappointment (in the Pre-Tenure Period)**²

² These Standards do not apply to Administrators (who are dealt with in Chapter VII), or to the Directors of the Legal Clinics, the Law Library, or Legal Writing (who are dealt with in Chapter VIII), or to Professors of Legal Writing (who are dealt with in Chapter IX, or to Clinical Professors (who are dealt with in Chapter IX).

To qualify for Reappointment as an untenured faculty member, the candidate must satisfy the following criteria:

(1) Teaching.

- (a) For the first reappointment decision, have achieved a teaching evaluation of at least "fair" (in the context of a novice teacher) by a majority of the appropriate RTP Committee in the semester of his/her candidacy.

For subsequent reappointment decisions, have achieved a teaching evaluation of at least "acceptable" to "good" by a majority of the appropriate RTP Committee in the semester of his/her candidacy.

- (b) For the first and subsequent reappointment decisions, have received formal student evaluations, which shall be considered by the RTP Committee. Whenever deemed appropriate, the RTP Committee may also seek the written or oral evaluation of alumni specializing in the subject area of the candidate, who can assess the effectiveness of the candidate's teaching.³
- (c) For the second reappointment decision, if the faculty member has not taught at an accredited law school before, have attended at least one teaching methodology seminar or workshop sponsored by the Association of American Law Schools, an ABA or AALS- approved law school, or The University of Akron, at some point during the first two years of law teaching.

(2) Scholarship.⁴

- (a) For the first reappointment decision, the candidate must submit a written outline of the first scholarly writing project upon which he or she is working.⁵
- (b) For the second and subsequent reappointment decisions, the candidate must have exhibited the capacity and desire to undertake the production of high quality written work and a willingness to produce research

³ Student evaluations of courses that are required or are tested on the Ohio Bar Examination can reasonably be expected to be lower than such evaluations of purely elective courses, and the RTP Committee is expected to make allowances for this fact. Due allowances should also be made for atypical features of a particular course and for heavy or non-customary-subject-area teaching loads, especially those assumed to meet exigencies.

⁴ Scholarly publications are defined in Chapter I.D., above.

⁵ Effective November 1, 1999, and applies retroactively, i.e., to faculty with employment start dates at the University of Akron School of Law preceding the effective date.

products throughout his (her) academic career.

- (i) For the second reappointment decision, the faculty member must submit at least a written draft of a scholarly writing for review by the RTP Committee.⁶
 - (ii) For the third reappointment decision, the faculty member must have submitted at least one scholarly writing for publication.⁷
 - (iii) For the fourth reappointment decision, if the faculty member is seeking tenure in year six, he/she must submit written evidence of his/her scholarly progress since his/her last review.⁸
- (3) For the first and subsequent reappointment decisions, have made reasonable efforts to keep abreast of changes in the law and advances in teaching law. The faculty member should demonstrate a continued commitment to learning and sharing knowledge and understanding, at levels appropriate to his or her experience and status. Continued learning related to teaching law is encouraged, as is learning related to subject areas taught, areas of law in which research is being undertaken, or in other areas which advance the value of the faculty member in the school.

A faculty member may demonstrate such a commitment by a variety of means, including but not limited to the following:

- (a) Attending (as an instructor or an audience member) an appropriate professional seminar or conference, or reviewing a videotape or audiotape of the seminar or other conference materials.
- (b) Publication, or presentation of newly developed materials in an appropriate professional gathering.
- (c) Undertaking advanced study or research, whether leading to a degree or

⁶ Effective November 1, 1999. This provision does not apply to faculty with employment start dates at the University of Akron School of Law preceding November 1, 1999, unless the candidate so elects. A candidate may choose to be evaluated for reappointment under the criteria in effect at the time of initial appointment or the criteria in effect at the time of the candidacy. Once elected, the same criteria set shall be used for all decisions. The candidate shall indicate the criteria to be used in the letter of intent to apply for reappointment. The scholarship criteria for faculty with an employment start date before November 1, 1999 are set out in Appendix B.

⁷ Id.

⁸ Id. As the tenure decision will require that a second scholarly writing will need to be published or at minimum accepted for publication at the time of the tenure hearing, candidates at the fourth reappointment decision will be well-advised to submit an expanded outline or draft of said scholarly writing if the second scholarly publication has not yet been published at the time of the fourth reappointment hearing.

otherwise leading to professional recognition.

- (d) Participation in professional activities that demonstrate the participant's interest in current legal developments, such as testifying before legislative bodies, working on drafting committees, participation in legal reform organizations, or other such activities.
- (e) Participation in forums, networks, or other activities that facilitate exchange and review of ideas with other faculty (especially from other schools), practitioners, or other persons outside our law school.

It is understood that new teachers will need to spend more time preparing their class materials and improving their teaching techniques and skills. More experienced teachers may be expected to undertake efforts of a broader variety, although they too should continue to improve teaching as well as substantive knowledge. Because of such activities, a faculty member's activities under this provision should be viewed over a three-year period where possible; flexibility in application of the requirement should be retained to avoid imposing unfair hardship; and consideration should be given to the opportunities available to the faculty member.

- (4) For the second reappointment decision, have made a substantial contribution to the following endeavors, either singly or in combination, during his/her period as a faculty member:
 - (a) Service to the School of Law;⁹
 - (b) Service to the University;¹⁰
 - (c) Professionally Related Public (or Civic) Service;¹¹
 - (d) Service to the Legal Profession.¹²

⁹ This includes, but is not limited to, service on faculty committees, acting as advisor to student organizations (including student competition teams), arranging for conferences and speakers, actively recruiting prospective students, assisting visiting faculty (including holders of the Brennan and Seiberling Endowed Chairs), and participation in other activities that contribute to the intellectual life of the School of Law.

¹⁰ This includes, but is not restricted to, service on University Council and/or University committees or boards, contributing to interdisciplinary studies or activities, and advising or formally addressing undergraduate students on law-related subjects.

¹¹ This includes, but is not limited to, non-compensated service to courts, administrative agencies, state and local legislative bodies, executive offices, and professionally-related assistance to the community or to charitable organizations. Non-professionally related public (or civic) service is welcomed but is not relevant to this criterion.

¹² This contemplates some useful contribution beyond mere membership in professional organizations. Any significant professional recognition is valued, whether or not accorded by an organization to which the faculty member belongs.

- (5) Have demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.
- (6) Have restricted his/her outside activities so as to comply with the following three applicable regulations: Faculty Manual 3359-20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Section 6-5 f. of Article 6 of Bylaws of the Association of American Law Schools.¹³

IV. **Standards to be Satisfied in Order to Qualify for Tenure**¹⁴

A candidate for Tenure at The University of Akron School of Law must satisfy the following criteria:

- (1) Regular faculty may be granted tenure not later than the end of the sixth year¹⁵ of active service in professorial rank at the University of Akron, based upon the following criteria.
 - (a) Service as a full-time faculty member of the School of Law for at least two years. The last year before tenure candidacy must be served at the University of Akron School of Law.
 - (b) A candidate may apply for early tenure in accordance with the criteria of the Faculty Manual in 3359-20-037 (C)(2)(c).
 - (c) A candidate with clearly extenuating circumstances may apply for an additional probationary year in accordance with Faculty Manual 3359-20-037 (C)(2)(b).

¹³ See Appendix A.

¹⁴ These Standards do not apply to Administrators (who are dealt with in Chapter VII), or to the Directors of the Legal Clinics, the Law Library, and Legal Writing (who are dealt with in Chapter VIII), or to Professors of Legal Writing (who are dealt with in Chapter IX, or to Clinical Professors (who are dealt with in Chapter IX).

Indefinite tenure may be granted to a dean upon initial appointment to that position. See Chapter VII.

¹⁵ Since the Tenure review process (including the hearing) will take place during the fall semester of the candidate's sixth year of teaching, he (she) will not yet have actually completed his (her) sixth year at the time of the Tenure review process. A full-time appointment for two semesters shall equal one year of active service. Summer sessions or leaves without compensation granted for one-half or more of any semester may not be counted toward the probationary period for tenure. Faculty Improvement Program Leaves count toward the probationary period for tenure. Tenure may be granted effective with the beginning of the academic year of service after which the candidate applied, or as specified in the certificate of appointment issued by the Board of Trustees.

- (d) A candidate may choose to be evaluated for tenure under the criteria in effect at the time of initial appointment or the criteria in effect at the time of the candidacy. Once elected, the same criteria set shall be used for all decisions. The candidate shall indicate the criteria to be used in the letter of intent to apply for tenure.
- (2) Teaching.
 - (a) Have achieved a teaching evaluation of at least "good" by a majority of the appropriate RTP Committee in the academic year of his/her candidacy.¹⁶
 - (b) Have received formal student evaluations, which shall be considered by the RTP Committee.¹⁷
- (3) Scholarship¹⁸

Have completed two scholarly publications, at least one of which must have been published at the time of the tenure hearing. While there is a strong preference that the second publication should also be published at the time of the tenure hearing, in unusual situations including but not limited to instances of a delay in publication, a manuscript with a letter of acceptance from the publisher will be sufficient.¹⁹

 - (a) One of the candidate's scholarly publications may have been published before the candidate was employed on a tenure track position at the University of Akron, if the publication occurred within five years of their initial appointment here.²⁰
 - (b) For purposes of this provision, scholarly publications include publications that occurred after the employment start date at the University of Akron while the candidate was a visitor to another faculty or the candidate was on leave, provided that the publication reflects that the candidate was

¹⁶ The candidate for Tenure must demonstrate his or her ability to excite students about the study of law, and instill in them the curiosity and desire to continue to grow in the knowledge of their selected profession. While this ability on the part of the teacher to stimulate his (her) class can grow as he or she becomes more experienced, the basic capability to become an exciting teacher should be perceived by his (her) peers at the time of his (her) candidacy for tenure.

¹⁷ See footnote 7, which also applies here.

¹⁸ Scholarly publications are defined in Chapter I.D., above.

¹⁹ Effective November 1, 1999, prospectively only, ie. This provision does not apply to faculty with employment start dates at the University of Akron School of Law preceding November 1, 1999, unless so elected by the candidate (if applicable). The scholarship criteria for faculty with an employment start date before November 1, 1999 are set out in Appendix B.

²⁰ Id.

employed at the University of Akron at the time of the publication.²¹

- (c) A candidate for tenure upon initial appointment must have published at least two scholarly publications.

It is desired that a candidate possess both the capacity to produce high quality work and a willingness to produce research products throughout his/her academic career.

- (4) Have made a substantial contribution to the following endeavors, either singly or in combination, during the three-year period preceding his/her candidacy:
 - (a) Service to the School of Law;²²
 - (b) Service to the University;²³
 - (c) Professionally Related Public (or Civic) Service;²⁴
 - (d) Service to the Legal Profession;²⁵
- (5) Have made reasonable efforts to keep abreast of changes in the law and advances in teaching law. The faculty member should demonstrate a continued commitment to learning and sharing knowledge and understanding, at levels appropriate to his or her experience and status. Continued learning related to teaching law is encouraged, as is learning related to subject areas taught, areas of law in which research is being undertaken, or in other areas which advance the value of the faculty member in the school.

A faculty member may demonstrate such a commitment by a variety of means, including but not limited to the following:

- (a) Presenting at an appropriate professional seminar or conference for the profession or the academy.
- (b) Publication, or presentation of newly developed materials in an appropriate professional gathering.
- (c) Undertaking advanced study or research, whether leading to a degree or otherwise leading to professional recognition.
- (d) Participation in professional activities that demonstrate the participant's interest in current legal developments, such as testifying before legislative bodies, working on drafting committees, participation in legal reform organizations, or other such activities.
- (e) Participation in symposia, forums, networks, or other activities that facilitate exchange and review of ideas with other faculty (especially from

²¹ Id.

²² See footnote 13.

²³ See footnote 14.

²⁴ See footnote 15.

²⁵ See footnote 16.

other schools), practitioners, or other persons outside our law school.

Because of limitations on financial assistance for attending conferences and other such activities, a faculty member's activities under this provision should be viewed over a three-year period where possible; flexibility in application of the requirement should be retained to avoid imposing unfair hardship; and consideration should be given to the opportunities available to the faculty member.

- (6) Have demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.
- (7) Have restricted his/her outside activities so as to comply with the following three applicable regulations: Faculty Manual 3359-20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Section 6-5 f. of Article 6 of Bylaws of the Association of American Law Schools.²⁶

V. **Standards to be Satisfied in Order to Qualify for Promotion to Associate Professor**²⁷

A person must satisfy the following criteria in order to become a candidate for promotion to Associate Professor at The University of Akron School of Law:

- (1) A candidate for Associate Professor must serve as a full time faculty member of the School of Law for at least one year.
- (2) Teaching.
 - (a) Have achieved a teaching evaluation of at least "good" by a majority of the appropriate RTP Committee in the academic year of his/her candidacy.
 - (b) Have received formal student evaluations, which shall be considered by the RTP Committee.²⁸
- (3) Scholarship.²⁹

Have completed one scholarly publication which shall have been accepted for

²⁶ See Appendix A.

²⁷ These Standards do not apply to Administrators (who are dealt with in Chapter VII), to Directors of the Legal Clinics, the Law Library, and Legal Writing (who are dealt with in Chapter VIII), or to Professors of Legal writing (who are dealt with in Chapter IX, or to Clinical Professors (who are dealt with in Chapter IX).

²⁸ See footnote 7, which also applies here.

²⁹ Scholarly publications are defined in Chapter I.D., above.

publication at the time of the promotion hearing.³⁰

- (a) For purposes of this provision, a scholarly publication includes a publication that occurred after the employment start date at the University of Akron while the candidate was a visitor to another faculty or the candidate was on leave, provided that the publication reflects that the candidate was employed at the University of Akron at the time of the publication.

A candidate should demonstrate both the capacity to produce high quality work and a willingness to produce research products throughout his/her academic career.

- (4) Have made reasonable efforts to keep abreast of changes in the law and advances in teaching law. The faculty member should demonstrate a continued commitment to learning and sharing knowledge and understanding, at levels appropriate to his or her experience and status. Continued learning related to teaching law is encouraged, as is learning related to subject areas taught, areas of law in which research is being undertaken, or in other areas which advance the value of the faculty member in the school.

A faculty member may demonstrate such a commitment by a variety of means, including but not limited to the following:

- (a) Presenting at an appropriate professional seminar or conference for the profession or the academy.
- (b) Publication, or presentation of newly developed materials in an appropriate professional gathering.
- (c) Undertaking advanced study or research, possibly leading to a degree or otherwise leading to professional recognition.
- (d) Participation in professional activities that demonstrate the participant's interest in current legal developments, such as testifying before legislative bodies, working on drafting committees, participation in legal reform organizations, or other such activities.
- (e) Participation in symposia, forums, networks, or other activities that facilitate exchange and review of ideas with other faculty (especially from other schools), practitioners, or other persons outside our law school.

Because of limitations on financial assistance for attending conferences and other such activities, a faculty member's activities under this provision should be viewed over a three-year period where possible; flexibility in application of the requirement should be retained to avoid imposing unfair hardship; and consideration should be given to the

³⁰ This provision is effective November 21, 2009, and applies to all persons presently employed at the University of Akron School of Law and any and all future employees.

opportunities available to the faculty member.

- (5) Have made a substantial contribution to the following endeavors, either singly or in combination, during his (her) period as an Assistant Professor:
 - (a) Service to the School of Law;³¹
 - (b) Service to the University;³²
 - (c) Professionally Related Public (or Civic) Service;³³
 - (d) Service to the Legal Profession.³⁴
- (6) Have demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.
- (7) Have restricted his/her outside activities so as to comply with the following three applicable regulations: Faculty Manual 3359-20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Section 6-5 f. of Article 6 of Bylaws of the Association of American Law Schools.³⁵

VI. Standards to be Satisfied in Order to Qualify for Promotion to Full Professor³⁶

In order to become eligible for promotion to Full Professor in the School of Law a faculty member must satisfy the following criteria:

- (1) A minimum of two years must elapse between the granting of the rank of associate professor and the application to the rank of professor.³⁷ The last year of candidacy must be spent in active service in the University of Akron School of Law.³⁸

³¹ See footnote 13.

³² See footnote 14.

³³ See footnote 15.

³⁴ See footnote 16.

³⁵ See Appendix A.

³⁶ These Standards do not apply to Administrators (who are dealt with in Chapter VII), to Directors of the Legal Clinics, the Law Library, and Legal Writing (who are dealt with in Chapter VIII), or to Professors of Legal writing (who are dealt with in Chapter IX, or to Clinical Professors (who are dealt with in Chapter IX).

³⁷ The University interprets this standard to mean that a candidate whose promotion to Associate Professor became effective in Fall 2001 would be eligible to apply for promotion to Professor during the 2003 RTP cycle, with Fall 2004 being the effective date of the promotion to Professor.

³⁸ Effective _____. Per Faculty Manual 3359-20-037 (M)(b)(1) (July 2001), a candidate may be granted promotion to Professor based upon the criteria in effect either at the time of the candidate's last official promotion (or grant of tenure, if no promotion), or the criteria in effect five years prior to the candidate's application, whichever is the most recent. The criteria applying

- (2) Teaching.
 - (a) Have achieved a teaching evaluation of at least "good" by a majority of the appropriate RTP Committee in the academic year of his/her candidacy.
 - (b) Have received formal student evaluations, which shall be considered by the RTP Committee.³⁹
- (3) Scholarship.

Have published at least four scholarly publications by the time of the promotion hearing: the one required for promotion from assistant to associate professor and three additional publications. In addition, the candidate must show evidence of continuing scholarly activity such as an outline or a draft of the next scholarly project.⁴⁰

 - (a) One of the candidate's scholarly publications may have been published before the candidate was employed on a tenure track position at the University of Akron, if the publication occurred within five years of their initial appointment here.⁴¹
 - (b) For purposes of this provision, scholarly publications include publications that occurred after the employment start date at the University of Akron while the candidate was a visitor to another faculty or the candidate was on leave, provided that the publication reflects that the candidate was

before _____ was the following: "Have served at least four years in the rank of Associate Professor, with at least two of these years having been spent in active service at The University of Akron School of Law. The last year (year of promotion candidacy) must be served at The University of Akron School of Law. In truly exceptional circumstances an individual may request a promotion hearing after having served only three years in the rank of Associate Professor, assuming the last year has been served at The University of Akron School of Law." Footnotes thereto acknowledged that the promotion review process (including the hearing) would take place in the fall of the third or fourth year, and therefore, the candidate would not have actually completed his/her third or fourth year at the time of the promotion review process.

³⁹ See footnote 7, which also applies here.

⁴⁰ This provision became effective November 1, 1999, and during the window from November 1, 1999, through and including September 1, 2009, it was not to apply to any faculty member with an employment start date at the University of Akron preceding November 1, 1999. Superseding Faculty Manual 3359-20-037 (July 1, 2001) provides, however, that a candidate may be granted promotion to Professor based upon the criteria in effect either at the time of the candidate's last official promotion or the criteria in effect five years prior to the candidate's application, whichever is the most recent. This shortens the applicable window to five years. The scholarship criteria for faculty with an employment start date before November 1, 1999 are set out in

Appendix B.

⁴¹ Id.

employed at the University of Akron at the time of the publication.⁴²

A candidate should demonstrate both the capacity to produce high quality work and a willingness to produce research products throughout his/her academic career.

- (4) Have made reasonable efforts to keep abreast of changes in the law and advances in teaching law. The faculty member should demonstrate a continued commitment to learning and sharing knowledge and understanding at levels appropriate to his or her experience and status. Continued learning related to teaching law is encouraged, as is learning related to subject areas taught, areas of law in which research is being undertaken, or in other areas which advance the value of the faculty member in the school.

A faculty member may demonstrate such a commitment by a variety of means, including but not limited to the following:

- (a) Presenting at an appropriate professional seminar or conference for the profession or the academy.
- (b) Publication, or presentation of newly developed materials in an appropriate professional gathering.
- (c) Undertaking advanced study or research, whether leading to a degree or otherwise leading to professional recognition.
- (d) Participation in professional activities that demonstrate the participant's interest in current legal developments, such as testifying before legislative bodies, working on drafting committees, participation in legal reform organizations, or other such activities.
- (e) Participation in symposia, forums, networks, or other activities that facilitate exchange and review of ideas with other faculty (especially from other schools), practitioners, or other persons outside our law school.

Because of limitations on financial assistance for attending conferences and other such activities, a faculty member's activities under this provision should be viewed over a three-year period where possible; flexibility in application of the requirement should be retained to avoid imposing unfair hardship; and consideration should be given to the opportunities available to the faculty member.

⁴² Id.

- (5) Have made a substantial contribution to the following endeavors, either singly or in combination, during his/her period as an Associate Professor:
 - (a) Service to the School of Law;⁴³
 - (b) Service to the University;⁴⁴
 - (c) Professionally Related Public (or Civic) Service;⁴⁵
 - (d) Service to the Legal Profession.⁴⁶
- (6) Have demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.
- (7) Have restricted his/her outside activities so as to comply with the following three applicable regulations: Faculty Manual 3359-20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Section 6-5 f. of Article 6 of Bylaws of the Association of American Law Schools.⁴⁷

VII. Standards to be Satisfied in Order for an Administrator to Qualify for Reappointment, Tenure, and/or Promotion

A. Introduction -- Criteria for Reappointment, Tenure & Promotion

A person must satisfy the following criteria in order to become a candidate for Reappointment, Tenure⁴⁸ and Promotion in the School of Law if one is a full-time administrator.

Reappointment, Tenure and Promotion at the School of Law shall be based upon:

- 1. quality of teaching;
- 2. evidence of appropriate scholarship;
- 3. the amount and value of continued advanced study;
- 4. the worth of research and publications;
- 5. the professional recognition received;
- 6. service to the School of Law;
- 7. service to the profession;

⁴³ See footnote 13.

⁴⁴ See footnote 14.

⁴⁵ See footnote 15.

⁴⁶ See footnote 16.

⁴⁷ See Appendix A.

⁴⁸ Indefinite tenure may be granted to a dean upon initial appointment to that position by means of an application to the RTP Committee. See Sec. 3359-20-03, Sec. A(13), of the Faculty Manual.

8. participation in civic (professional) activities;
9. demonstration that he/she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.

When an administrator has been performing other duties since leaving a full-time teaching/research assignment, his or her record of accomplishment in the discipline shall be judged in comparison with faculty members with similar years of academic experience at the time when the administrator ceased to be a full-time instructor.

Because an administrator may not be current with recent developments in his or her academic discipline, the committee shall consider if the candidate could function as a teaching member of the faculty within one year after relinquishing the administrative appointment.

B. Quality of Teaching

In the RTP Committee's evaluation of teaching the following expectations are to be applied to each candidate.

Administrators: If an administrator elects to teach, his/her teaching can be evaluated in traditional terms as in the case of any other faculty member.⁴⁹ To the extent the administrator devotes less time to teaching due to the fact the administrator is compelled to assume teaching duties in addition to bearing a full time administrative load, that fact should be taken into account by the evaluators.

C. Evidence of Appropriate Scholarship

In the RTP Committee's evaluation of scholarship, the following expectations are to be considered for each candidate.

Administrators: If an administrator elects to write, the writing can be evaluated in traditional terms as in the case of other faculty members.

D. Amount and Value of Continued Advanced Study

In the RTP Committee's evaluation of the amount and value of continued study the following expectations are to be applied to each candidate.

Administrators: It is expected that the administrator keep up with developments in legal education and law school administration. Attendance at American Bar Association, Association of American Law Schools and related group workshops and meetings, along with actual performance, are indicators.

⁴⁹ This will involve student evaluations and peer evaluations. See Chapter II.E.(1), (2), and (3).

E. Professional Recognition Received

In the RTP Committee's evaluation of professional recognition received the following expectations are to be considered for each candidate.

Administrators: The faculty may consider the fact that the individual has been an officer of a professional group or served in a substantial capacity with a professional group.

Any significant awards or honors that have been bestowed on the person by a professional group can be considered.

F. Service to the School of Law, Service to the Profession and Participation in Civic Activities

In the RTP Committee's evaluation of an administrator's service to the School of Law, service to the profession and participation in civic activities, the following criteria are to be applied:

1. Service to the School of Law, excluding routine administrative duties
2. Service to the Legal Profession
3. Service to the University
4. Professionally related public (or civic) service.

Whether he/she has restricted his/her outside activities so as to comply with the following applicable regulations: Faculty Manual Sec. 3359-08-03 -20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Sections 6-5 b. and f. of Article 6 of Bylaws of the Association of American Law Schools.⁵⁰

G. Professional Conduct

The RTP Committee will consider whether the candidate has demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual. The following shall also be expectations considered for each candidate.

Since the faculty plays an important role in the formulation of University and School of Law policies and in the administration of the University and School of Law, recognition is given to faculty members who prove themselves to be able administrators and who participate effectively and imaginatively in faculty government and the formulation of School and University policies. Outstanding and dedicated work on standing and ad hoc committees and in other School

⁵⁰ See Appendix A.

activities such as Moot Court, Mock Trial, Client Counseling, Jessup and other competitions and dedicated performance in administrative appointments also qualify as intangible factors of value to the University.

Administrators: Participation in the active life of the School of Law and University through service on faculty committees and university committees is valued. Participation in the various Law School and University sponsored events at the School and elsewhere for students and alumni is also considered useful and worthwhile.

VIII. Standards to be Satisfied in Order for a Director of Legal Clinics, Director of the Law Library, or Director of Legal Writing Qualify for Reappointment, Tenure, and/or Promotion

A. Introduction -- Criteria for Reappointment, Tenure & Promotion

A person must satisfy the following criteria in order to become a candidate for Reappointment, Tenure and Promotion in the School of Law if one is a full-time director of legal clinics, director of the law library, or director of legal writing.

Reappointment, Tenure and Promotion at the School of Law shall be based upon:

1. quality of any teaching;
2. evidence of appropriate scholarship;
3. the amount and value of continued advanced study;
4. the worth of research and publications;
5. the professional recognition received;
6. service to the School of Law;
7. service to the profession;
8. participation in civic (professional) activities;
9. demonstration that he/she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.

In evaluating candidates for Reappointment, Tenure and Promotion the following categories of positions do not fit neatly into the traditional faculty role of teacher/scholar: director of legal clinics, director of the law library, and director of legal writing. Although these positions are not those usually held by teacher/scholars, they are necessary positions in a modern school of law to provide a complete legal education for students. It is necessary that they be members of the law faculty so that an integrated and coherent plan of instruction and the necessary support and training can be provided to properly educate law students.

B. Quality of Teaching

In the RTP Committee's evaluation of teaching, the following expectations are to be applied to each category of candidate.

- a. Director of Legal Clinics: A director of legal clinics teaches in a one-on-one or small group setting and has substantial administrative responsibilities. The teaching should be judged in the context of this environment, not that of larger group classes more traditional to law teaching.
- b. Director of the Law Library: A director of a law library tends to teach skills courses or teach through special lectures or through one-on-one instruction, and has substantial administrative responsibilities. The director of the law library's teaching should be judged in the context of this environment, not that of larger group classes more traditional to law teaching.
- c. Director of Legal Writing: A director of Legal writing teaches legal writing through large group lectures, small group discussion, and in one-on-one conferences, and has substantial administrative responsibilities. The director of legal writing's teaching should be judged in the context of this environment, not that of larger group classes more traditional to law teaching.

C. Evidence of Appropriate Scholarship

Legal scholarship comprises the careful study, criticism and extension of knowledge in a given field and the effective written communication of it. It should reflect the ability to contribute new insights or illuminate old truths. It should have depth, precision, balance, continuity and originality. Scholarship may include:

- (a) books;
- (b) treatises or monographs;
- (c) book reviews of significant length and scope;
- (d) law review articles and articles written for publication in non-law review periodicals circulated within the legal profession
- (e) official or unofficial published explanations, comments, or descriptions of statutes or rules;
- (f) drafting of legislation or administrative regulations with supporting memoranda;
- (g) significant briefs and memoranda of law;
- (h) practice manuals, bar review, or continuing legal education materials;
- (i) teaching materials (published or unpublished but distributed) containing substantial substantive textual discussion, notes and materials by the candidate;
- (j) research project reports such as those under the auspices of the American

- (k) Bar Foundation or under contract research; publications of learned and professional societies such as the American Law Institute, the American Bar Association, the Association of American Law Schools, the American Association of Law Libraries, the American Judicature Society, bar associations, and various judicial and administrative conferences; and
- (l) development of computer assisted instruction software for legal education or software for the legal profession.

In the RTP Committee's evaluation of scholarship the following expectations are to be considered for each category of candidate.

- a. Director of Legal Clinics: A director of legal clinics prepares clinical materials, assists students by advising them and critiquing their work for clinical training, and has substantial administrative responsibilities. A director of legal clinics may prepare pleadings and briefs for court cases. This writing usually demands all the director's creative energy. The directors' writing should be judged in the context of this environment, not that of traditional teaching faculty.

A director of legal clinics will, however, be expected to demonstrate excellence in advocacy.

- b. Director of the law library: A director of the law library is primarily an administrator and one-on-one teacher. The director's writing must be fit into the context of work that must be done to keep the law library functioning. When a director of the law library writes, it generally is on library operations and bibliography, not on aspects of law from a scholarly point of view. The director's writing should be judged in the context of this environment, not that of traditional teaching faculty.
- c. Director of legal writing: A director of legal writing prepares teaching materials, assists students by advising them and critiquing their work in legal writing, and has substantial administrative responsibilities. This work usually demands all of the director's creative energy. The director of legal writing's writing should be judged in the context of this environment, not that of traditional teaching faculty.

D. Amount and Value of Continued Advanced Study

In the RTP Committee's evaluation of the amount and value of continued study the following expectations are to be applied to each category of candidate.

- a. Director of legal clinics: It is expected that the director of legal clinics keeps current with substantive legal developments in areas relevant to the clinic and to clinical legal education. Attendance at continuing education

programs, American Bar Association, Association of American Law Schools and related group workshops and meetings, along with actual performance, are indicators.

- b. Director of the law library: It is expected that the director of the law library keep current with developments in library and information science along with law library administration. Attendance at American Bar Association, Association of American Law Schools, American Association of Law Libraries and related group workshops and meetings, along with actual performance, are indicators.
- c. Director of Legal Writing: It is expected that the director of legal writing keep up with developments in teaching legal writing. Attendance at Association of American Law Schools and related group workshops and meetings, along with actual performance, are indicators.

E. Professional Recognition Received

In the RTP Committee's evaluation of professional recognition received, the following expectations are to be considered for each category of candidate.

Director of legal clinics, director of the law library, and director of legal writing: The faculty may consider that the individual has been an officer of a professional group or served in a substantial capacity with a professional group. Any significant awards or honors that have been bestowed on the person by a professional group can be considered.

F. Service to the School of Law, Service to the Profession and Participation in Civic Activities

In the RTP Committee's evaluation of service to the School of Law, service to the profession and participation in civic activities, the following expectations are to be considered for each candidate.

The candidate should have made a substantial contribution in at least one (and preferably two) of the following four areas during his (her) evaluation period.

- 1. Service to the School of Law.
- 2. Service to the Legal Profession
- 3. Service to the University.
- 4. Professionally related public (or civic) service.

Have restricted his/her outside activities so as to comply with the following three applicable regulations: Faculty Manual 3359-20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Section 6-5 f. of Article 6 of Bylaws of the Association of

American Law Schools.⁵¹

G. **Professional Conduct**

The RTP Committee will consider whether the candidate has demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual. The following shall also be expectations considered for each candidate.

Since the faculty plays an important role in the formulation of University and School of Law policies and in the administration of the University and School of Law, recognition is given to faculty members who prove themselves to be able administrators and who participate effectively and imaginatively in faculty government and the formulation of School and University policies. Outstanding and dedicated work on standing and ad hoc committees and in other School activities, such as Moot Court, Mock Trial, Client Counseling, Jessup and other competitions, and dedicated performance in administrative appointments also qualify as intangible factors of value to the University.

Director of legal clinics, director of the law library, and director of legal writing: Participation in the active life of the School of Law and University through service on faculty committees and university committees is valued. Participation in the various Law School and University sponsored events at the School and elsewhere for students and alumni is also considered useful and worthwhile.

IX. **Standards to be Satisfied in Order for a Clinical Professor or Professor of Legal Writing to Qualify for Reappointment to a Multi-Year Appointment and/or Promotion**

A. **Introduction – Definition of “Clinical Professor” and “Professor of Legal Writing” and General Criteria for Reappointment and Promotion**

1. **Definition of “Clinical Professor” and “Professor of Legal Writing”**

For purposes of Chapter IX the terms “Clinical Professor” and “Professor of Legal Writing” shall refer to any candidate who is or will be eligible for reappointment to a multi-year appointment as a Clinical Professor or Professor of Legal Writing at any rank.

2. **General Criteria for Reappointment and Promotion of Clinical Professors and Professors of Legal Writing**

At each stage of their careers, full-time Clinical Professors and

⁵¹ See Appendix A.

Professors of Legal Writing are expected to demonstrate appropriate progress and work of high quality in their teaching, scholarship, and service. Reappointment and promotion shall be based upon:

1. quality of any teaching;
2. evidence of appropriate scholarship;
3. the amount and value of continued advanced study;
4. the worth of research and publications;
5. the professional recognition received;
6. service to the School of Law;
7. service to the profession;
8. participation in civic (professional) activities;
9. demonstration that he/she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.

B. Appointment, Reappointment, and Promotion of Clinical Professors and Professors of Legal Writing

1. Full-time Clinical Professors and Professors of Legal Writing may be appointed by the faculty at the rank of Clinical Instructor or Writing Instructor or at the rank of Assistant, Associate, or full Clinical Professor or Assistant, Associate, or full Professor of Legal Writing.
2. The first two years of employment for Clinical Professors and Professors of Legal Writing shall be on a probationary basis, unless in the case of a faculty member hired at the rank of Assistant Clinical Professor or Assistant Professor of Legal Writing the faculty directs otherwise, in which case the faculty member shall be awarded a three-year appointment. Reappointment to the second probationary year shall be considered in accordance with the procedures set forth in Chapter II.
3. Upon termination of the candidate's second probationary year the candidate shall be eligible for reappointment under a three-year appointment at the same rank or at the rank of Assistant Clinical Professor or Assistant Professor of Legal Writing, whichever is higher. Reappointment under a three-year appointment shall be considered in accordance with the procedures set forth in Chapter II.
4. Upon the termination of the first three-year appointment, the candidate shall be eligible for reappointment under a presumptively renewable five-year appointment that contains a form of security of position reasonably similar to tenure. Reappointment under the first five-year appointment shall be considered in accordance with the procedures set forth in Chapter II.

5. Upon the termination of any five-year appointment the candidate shall be eligible to continued employment under subsequent five-year appointments that contain a form of security reasonably similar to tenure in accordance with the terms of those appointments. The faculty will play no formal role in these subsequent reappointment decisions.
6. Full-time Assistant Clinical Professors and Assistant Professors of Legal Writing are eligible for promotion to Associate Clinical Professor or Associate Professor of Legal Writing, respectively, after having served for at least two years in the rank of assistant. Full-time Associate Clinical Professors and Associate Professors of Legal Writing are eligible for promotion to Full Clinical Professor or Full Professor of Legal Writing, respectively, in the year that they become eligible for employment under a five-year appointment, or in any year thereafter, after having served for at least two years in the rank of associate. Promotion to either rank shall be considered in accordance with the procedures set forth in Chapter II.

C. Quality of Teaching for Clinical Professors and Professors of Legal Writing

The teaching of Clinical Professors and Professors of Legal Writing shall be evaluated according to criteria relevant to teaching in a clinical setting or a writing program. Candidates for reappointment or promotion shall have achieved a teaching evaluation of at least "good" by a majority of the appropriate RTP Committee in the academic year of his/her candidacy and shall have received formal student evaluations which shall be considered by the RTP Committee.

In the RTP Committee's evaluation of teaching, the following expectations apply to each category of candidate:

1. Clinical Professors: A Clinical Professor teaches in a one-on-one or small group setting. The Clinical Professor's teaching should be judged in the context of this environment, not that of larger group classes more traditional to law teaching.
2. Professors of Legal Writing: A Professor of Legal Writing teaches legal writing through large group lectures, small group discussion, and one-on-one conferences. The Professor of Legal Writing's teaching should be judged in the context of this environment, not that of larger group classes more traditional to law teaching.

D. Evidence of Appropriate Scholarship for Clinical Professors and Professors of Legal Writing

1. Definition of Scholarship

The scholarship of Clinical Professors and Professors of Legal Writing occurs in a broader range of settings beyond scholarly publications as defined in Chapter I.D. For purposes of recommending reappointment and promotion of Clinical Professors and Professors of Legal Writing, scholarship may include:

- (a) books;
- (b) treatises or monographs;
- (c) book reviews of significant length and scope;
- (d) law review articles and articles written for publication in non-law review periodicals circulated within the legal profession
- (e) official or unofficial published explanations, comments, or descriptions of statutes or rules;
- (f) drafting of legislation or administrative regulations with supporting memoranda;
- (g) significant briefs and memoranda of law;
- (h) practice manuals, bar review, or continuing legal education materials;
- (i) teaching materials (published or unpublished but distributed) containing substantial substantive textual discussion, notes and materials by the candidate;
- (j) research project reports such as those under the auspices of the American Bar Foundation or under contract research;
- (k) publications of learned and professional societies such as the American Law Institute, the American Bar Association, the Association of American Law Schools, the American Association of Law Libraries, the American Judicature Society, bar associations, and various judicial and administrative conferences; and
- (l) development of computer assisted instruction software for legal education or software for the legal profession.

2. **Scholarship Criteria for Reappointment and Promotion**

Candidates for reappointment and/or promotion shall have produced published or unpublished work of high quality within any of the categories set forth in the preceding paragraph. A candidate should demonstrate both the capacity to produce high quality work and a willingness to produce research products throughout his/her academic career. In assessing scholarly publications, factors to be considered include:

- 1. thoroughness of research and analysis;
- 2. scope and depth of subjects covered;
- 3. difficulty and complexity of the subject matter;
- 4. originality;

5. clarity of expression;
6. actual or likely impact of the work.

In preparing briefs and memoranda of law, candidates for multi-year appointments as Clinical Professors at any rank shall also be expected to demonstrate excellence in advocacy.

3. Additional Scholarship Criteria for Promotion

Candidates for promotion to the rank of Associate Clinical Professor or Associate Professor of Legal Writing shall have produced at least one high quality scholarly writing, as defined in Chapter I.D, which shall have been accepted for publication by the time of the promotion hearing. This requirement may also be satisfied by producing two high quality scholarly writings other than those included in the definition in Chapter I.D, including, *inter alia*, writings published in bar or professional journals that receive broad external dissemination, and significant memoranda of law filed with the court.

Candidates for promotion to Clinical Professor or Professor of Legal Writing shall have produced at least four high quality scholarly writings, as defined in Chapter I.D, which shall have been published by the time of the promotion hearing. These four writings may consist of the one required for promotion from assistant to associate professor and three additional writings. Each of these required writings may also be satisfied by producing two high quality scholarly writings other than those included in the definition in Chapter I.D, including, *inter alia*, writings published in bar or professional journals that receive broad external dissemination, and significant memoranda of law filed with the court.⁵²

E. Amount and Value of Continued Advanced Study for Clinical Professors and Professors of Legal Writing

In the RTP Committee's evaluation of the amount and value of continued study the following expectations are to be applied to each category of candidate.

1. Clinical Professors: It is expected that Clinical Professors shall keep current with substantive legal developments in areas relevant to the clinic and to clinical legal education. Attendance at continuing education programs, American Bar Association, Association of American Law Schools and related group workshops and meetings, along with actual

⁵² Any candidate for promotion to Clinical Professor or Professor of Legal Writing under this provision who was hired before May 9, 2013, has the option to apply for promotion using this standard or the prior standard, which was in effect until May 9, 2013, so long as the candidate is reviewed for this promotion before or during academic year 2019-2020.

performance, are indicators.

2. Professors of Legal Writing: It is expected that Professors of Legal Writing shall keep up with developments in teaching legal writing. Attendance at Association of American Law Schools and related group workshops and meetings, along with actual performance, are indicators.

F. Professional Recognition Received by Clinical Professors and Professors of Legal Writing

In the RTP Committee's evaluation of professional recognition received, the faculty may consider that the candidate has been an officer of a professional group or served in a substantial capacity with a professional group. Any significant awards or honors that have been bestowed on the person by a professional group can be considered.

G. Service to the School of Law, Service to the Profession and Participation in Civic Activities by Clinical Professors and Professors of Legal Writing

In the RTP Committee's evaluation of service to the School of Law, service to the profession and participation in civic activities, the following expectations are to be considered for each candidate.

The candidate should have made a substantial contribution in at least one (and preferably two) of the following four areas during his (her) evaluation period.

1. Service to the School of Law.
2. Service to the Legal Profession
3. Service to the University.
4. Professionally related public (or civic) service.

Clinical Professors shall have demonstrated substantial involvement in service to the legal profession during the evaluation period.

The candidate shall have restricted his/her outside activities so as to comply with the following three applicable regulations: Faculty Manual 3359-20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Section 6-5 f. of Article 6 of Bylaws of the Association of American Law Schools.

H. Professional Conduct of Clinical Professors and Professors of Legal Writing

The RTP Committee will consider whether the candidate has demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-

037(F)(3)(d) of the Faculty Manual. The following shall also be expectations considered for each candidate.

Since the faculty plays an important role in the formulation of University and School of Law policies and in the administration of the University and School of Law, recognition is given to faculty members who prove themselves to be able administrators and who participate effectively and imaginatively in faculty government and the formulation of School and University policies. Outstanding and dedicated work on standing and ad hoc committees and in other School activities, such as Moot Court, Mock Trial, Client Counseling, Jessup and other competitions, and dedicated performance in administrative appointments also qualify as intangible factors of value to the University.

Participation in the active life of the School of Law and University through service on faculty committees and university committees is valued. Participation in the various Law School and University sponsored events at the School and elsewhere for students and alumni is also considered useful and worthwhile.

I. Non-Compensatory Perquisites of Employment for Clinical Professors and Professors of Legal Writing

Clinical Professors and Professors of Legal Writing who are entitled to vote under Paragraph 1(A)(1) of the bylaws shall be entitled to non-compensatory perquisites reasonably similar to those provided other full-time faculty members, except that they shall not be entitled to vote or serve on committees with respect to the appointment, reappointment, tenure, or promotion of tenure track faculty.

X. Criteria to be Used in Evaluating Tenured Faculty Members Who Are Not Candidates for Promotion (tenured Full Professors, tenured Associate Professors who are not currently eligible for promotion, etc.) and Clinical Professors and Professors of Writing Who Are Employed under Existing Multi-Year Appointments and Who Are Not Candidates for Promotion or Reappointment under New Multi-Year Appointment

In evaluating tenured faculty members who are not currently candidates for promotion and Clinical Professors and Professors of Writing who are employed under existing multi-year appointments and who are not candidates for promotion or reappointment under new multi-year appointments, the dean of the School of Law should consider the following criteria:

- (1) The faculty member's student evaluations in the previous academic year.⁵³

⁵³ Not applicable to a faculty member who is a clinician or law librarian.

If an administrator elects to teach, his (her) teaching can be evaluated in traditional terms as in

Student evaluations of courses which are required or are tested on the Ohio Bar Examination can reasonably be expected to be lower than such evaluations of purely elective courses, and the dean is expected to make allowances for this fact in his consideration of student evaluations. Due allowances should also be made for atypical features of a particular course and for heavy or non-customary-subject-area teaching loads, especially those assumed to meet exigencies.

- (2) Whether the faculty member has, during the present or previous two academic years, produced a scholarly publication.⁵⁴
 - (a) Scholarly publications may have been published before the candidate was employed on a tenure track position at the University of Akron, if the publication occurred within five years of their initial appointment here.⁵⁵
 - (b) Scholarly publications include publications that occurred after the employment start date at the University of Akron while the candidate was a visitor to another faculty or the candidate was on leave, provided that the publication reflects that the candidate was employed at the University of Akron at the time of the publication.⁵⁶
- (3) Whether the faculty member has, during the present or previous two academic years, demonstrated his/her continued commitment to learning and sharing knowledge by doing one or more of the following:
 - (a) Presenting at an appropriate professional seminar or conference for the profession or the academy.
 - (b) Publication, or presentation of newly developed materials in an appropriate professional gathering.
 - (c) Undertaking advanced study or research, whether leading to a degree or otherwise leading to professional recognition.
 - (d) Participation in professional activities that demonstrate the participant's interest in current legal developments, such as testifying before legislative bodies, working on drafting committees, participation in legal reform organizations, or other such activities.

the case of any other faculty member. To the extent the teaching suffers from lack of preparation due to the fact that the administrator is compelled to assume teaching duties in addition to bearing a full time administrative load, that fact should be taken into account by the Dean.

⁵⁴ Scholarly publications are defined in Chapter I.D., above.

⁵⁵ Effective November 1, 1999, prospectively only, ie. This provision does not apply to faculty with employment start dates at the University of Akron School of Law preceding November 1, 1999.

⁵⁶ Effective November 1, 1999, prospectively only, ie. This provision does not apply to faculty with employment start dates at the University of Akron School of Law preceding November 1, 1999.

- (e) Participation in forums, networks, or other activities that facilitate exchange and review of ideas with other faculty (especially from other schools), practitioners or other persons outside our law school.

Because of limitations on financial assistance for attending conferences and other such activities, a faculty member's activities under this provision should be viewed over a three-year period where possible; flexibility in application of the requirement should be retained to avoid imposing unfair hardship; and consideration should be given to the opportunities available to the faculty member.

- (4) Whether the faculty member made a substantial contribution to the following endeavors, either singly or in combination, in the present or previous academic year:
 - (a) Service to the School of Law;⁵⁷
 - (b) Service to the University;⁵⁸
 - (c) Professionally related public (or civic) service;⁵⁹
 - (d) Service to the Legal Profession.⁶⁰
- (5) Have demonstrated that he or she is actively interested in the law, is ethical, diligent and reliable, and meets the standards of professional conduct listed in 3359-20-04(H) and 3359-20-037(F)(3)(d) of the Faculty Manual.
- (6) Have restricted his/her outside activities so as to comply with the following three applicable regulations: Faculty Manual 3359-20-02(I)(9), pages 30-32 (May 1992 edition); Standard 402 of A.B.A. Standards and Rules of Procedure for Approval of Law Schools; and Section 6-5 f. of Article 6 of Bylaws of the Association of American Law Schools.⁶¹

Optional With The Faculty Member:

- (7) A short (approximately one page) written self-evaluation provided by the faculty member.⁶²
- (8) A short (approximately one page) peer evaluation jointly prepared by three tenured faculty members of the same or higher rank as the evaluatee. At least two of such evaluators should have recently visited a class instructed by the

⁵⁷ See footnote 13.

⁵⁸ See footnote 14.

⁵⁹ See footnote 15.

⁶⁰ See footnote 16.

⁶¹ See Appendix A.

⁶² No negative inferences shall be drawn from a faculty member's election not to submit a self-evaluation statement.

evaluatee, at the latter's invitation.⁶³

- (9) Any other relevant evidence of professional achievement submitted by the faculty member.

XI. Standards For Conferral of Distinguished Professor Status

A full professor at The University of Akron School of Law who has performed at a level significantly beyond the expectations for the rank of full professor may be recommended for promotion to the rank of Distinguished Professor. Any such recommendation is to be made under the criteria set forth below, and under procedures which are also set forth below which are unique to this promotion.

A full professor must satisfy the following criteria to receive a recommendation for promotion to the rank of distinguished professor.

- (1) Have served as a full professor for five or more years.
- (2) Be considered an excellent teacher by his/her peers. [In reaching such a determination, the RTP Committee may consider student evaluations.]
- (3) Have received extraordinary professional recognition in his/her field through his/her scholarly activity. [In reaching such a determination, the RTP Committee is expected to seek outside evaluations of scholarly contributions.]
- (4) Have made exceptional contributions to the education of students in the School of Law, and earned the considered respect of his/her faculty peers.

A recommendation of a full professor to the rank of distinguished professor shall be made in accordance with the following procedures:

- (a) A nomination for distinguished professor may be made either by a majority vote of the faculty of the School of Law, or by the dean.
- (b) Upon learning that a nomination has been made, the dean shall call a meeting of the RTP committee. [It is preferable that a nomination for this rank be made early in the fall semester, so that the RTP Committee may undertake consideration of such nomination at a time when other retention, tenure, or promotion matters are considered.]
- (c) The RTP Committee shall elect from among themselves a subcommittee comprising three distinguished and/or full professors to assess the nominee's qualifications. Ideally the subcommittee will include persons close to the

⁶³ No negative inferences shall be drawn from a faculty member's election not to provide a peer evaluation.

candidate's field, but, in any event, the subcommittee may solicit the advice of other faculty members in assessing the nominee's professional accomplishments. The subcommittee shall choose its own chair. The nominee shall submit the names of five or more outside evaluators from which the subcommittee shall contact at least three. The subcommittee must also seek evaluations from persons not on the nominee's list. The subcommittee shall report its findings to the RTP Committee without recommendation.

- (d) The RTP Committee will then consider the report of the subcommittee at a meeting at which a quorum is present, and vote on whether to recommend that the nominee receive the rank of distinguished professor. A majority vote of those present and voting is required to approve such a recommendation.
- (e) If a recommendation for distinguished professor status is made, the RTP Committee shall forward such recommendation to the Dean. The RTP Committee may prepare a statement of reasons for that faculty decision, and may forward same to the Dean with its recommendation.
- (f) The Dean shall forward a recommendation of the RTP Committee for distinguished professor status, and any statement of reasons for that faculty decision, together with whatever comments the Dean wishes to make, to the University Distinguished Professor Recommendation Committee convened by the Senior Vice President and Provost.

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Attachment: Appendix A (3 pp.)
10/09/86 Law Faculty Ratified Initial Document.

HISTORY: LAW FACULTY RATIFIED A MANDATORY ACTION:

- 04/09/87 Law Faculty Ratified Amendments to Subparagraphs (a) and (b) of Section II.E(1).
- 11/12/87 Law Faculty Ratified Amendments to Section II E (1) (a/b/c).
- 12/10/87 Law Faculty Ratified Amendments to Section I.B(2). Administratively updated throughout at various Faculty Manual cite references and at Appendix A.
- 04/13/89 Law Faculty Ratified Amendments to Section II.C(6/7), D(1/2) respecting RTP calendar timing. Administratively updated throughout at various Faculty Manual cite references and at Appendix A.
- 02/13/92 Law Faculty Ratified "X. Standards for Conferral of Distinguished Professor Status."
- 09/17/92 Law Faculty Ratified "IV. Proposed Standards to be Satisfied in Order to Qualify

for Tenure." at (1).

- 02/09/95 Law Faculty Ratified Previously Voted Upon Amendments to II., adding Sec. F.; and to IV, adding the second paragraph in (1), and footnote 12, and adding to footnote 11.; removing surplusage "Proposed" term in headings; and revising citations and page references to Faculty Manual, to reflect passages' placement in later editions.
- 8/31/2000 Law Faculty Ratified Previously Voted Upon Amendments to I.D. (definition of scholarship); I.E. (definition of service); IV.(1). (definition of clearly extenuating circumstances for purposes of additional probationary year); and segments of III., IV., V., VI. and IX. (revisions to the scholarship provisions for retention, tenure, promotion, and salary adjustments); and also Enacted I.G. (evaluation when credit is sought for year visiting elsewhere), and Enacted a new paragraph in section IV.(1) (probationary year may be extended from five to six years at the option of the candidate), and throughout the document, substituted "RTP Committee" for "Limited Law Faculty."
- 10/25/2000 Law Faculty Ratified Amendment to Section I.E. respecting procedures for internal peer evaluation of scholarship.
- 11/9/2000 Law Faculty Ratified Amendment to Section II.B., regarding decanal voting.
- 2/8/2001 Law Faculty Ratified Amendment of one word in language of first sentence of I.D.
- 11/29/01 Law Faculty Ratified Amendments to Sections I. A. (rephrasing criteria to match the University regulation); I.D. (replacing one word); I.E. first line (same); II. B. (all existing sections, and adding (5) and (6) to harmonize with University regulation; II.C. (1), (2), (4), (5), (6) and (7) to comply with University Regulations; II. D. (same); II.E. added (1), (2), (5)(b), and revised (4) and (5)(a) to comply with and/or harmonize with University regulations; ; II. F. first two lines; III. (3) (a) and (e) and comparable provisions throughout sections IV, V and VI, to provide for presenting at (rather than attending), and include symposia; III. (5) and comparable provisions throughout to harmonize with University regulation; IV.(1) regarding tenure requirements to harmonize with University regulations; IV.(3)(a) and comparable provision throughout V., VI., and IX. so that publication elsewhere would include any scholarly publication during a five year period prior to employment, whether or not the person was teaching at the time; V.(1) reducing the time of active service from three years to one year, and in V.(3) the number of publications to one, for promotion to associate professor; and VI. (1) altering the time that must elapse for eligibility for promotion to full professor, again to harmonize with University regulation.
- 4/10/08 Law faculty ratified amendments to Section I.D. relating to duty of faculty to be productive scholars who publish work of high quality, to the definition of

scholarship, and to the ordering of the criteria for evaluating scholarly works.

- 11/24/08 Law faculty ratified Amendments to Section II.A. and added a new Section IX relating to Clinical Professors and Professors of Legal Writing. Existing Sections IX and X are renumbered as Sections X and XI.
- 4/22/2010 Law faculty ratified amendments to Sections IX and X of FECP relating to Clinical Professors and Professors of Legal Writing.
- 4/21/2011 Law faculty ratified amendments to Sections II and III, abolishing first- year review and six-week model and introducing a service report per candidate.
- 5/9/2013 Law faculty ratified amendments to Chapter I, section D (definition of scholarship); and Chapter IX, sections B (promotion of clinical professors and professors of legal writing), C (criteria for evaluating teaching by clinical professors and professors of legal writing), and D (criteria for evaluating scholarship by clinical professors and professors of legal writing). The law faculty also ratified technical amendments to other provisions throughout the FECP for the sake of clarity and consistency of terminology.

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