

**UNIVERSITY OF BALTIMORE
SCHOOL OF LAW
PROMOTION, TENURE, AND RETENTION POLICIES**

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I. Summary

Promotion and Tenure Periods for Full-Time Faculty Members. An Assistant Professor is eligible for tenure and promotion to Associate Professor after five years of service. An Assistant Professor whose primary responsibilities are teaching in the clinic is eligible for tenure review at his or her option either in the fifth or sixth year of service.

A faculty member with no prior teaching experience hired as an untenured Associate Professor or Professor is eligible for tenure after five years of service. A faculty member with prior teaching experience hired as an untenured Associate Professor or Professor is eligible for tenure after three years of service.

A tenured Associate Professor is eligible for promotion to Professor after four years in the rank of Associate Professor.

Contract Termination Notice. Each tenure track full-time faculty member who has not reached his/her tenure review year is to be given notice that he/she will not be retained by June 15 prior to the final year of his/her contract, in which case the faculty member will receive a terminal one-year contract.

Evaluation of Faculty Members. Each tenure track full-time faculty member will be evaluated each year for purposes of a decision on retention. Evaluations are also conducted for full-time faculty members who are seeking promotion/tenure in accordance to the timelines set forth herein.

Committee on Promotion and Tenure. Evaluations of faculty members for purposes of retention, promotion, and tenure are conducted by the law faculty's Committee on Promotion and Tenure. The criteria for retention, promotion, and tenure determinations are competent classroom teaching, scholarly production, and service. The Committee has adopted standards to

measure achievement in those areas. Committee recommendations regarding retention, promotion, and tenure are made to the Dean, who in turn makes recommendations to the Provost.

II. Policies

The law faculty has adopted the following policies regarding retention, promotion, and tenure.

A. Committee Structure

1. *Committee on Promotion and Tenure (CPT)* – This committee shall consist of all tenured members of the full-time teaching faculty and all tenured Associate and Assistant Deans. The Dean is an ex officio, non-voting member of the CPT. All members of the CPT may vote on issues of procedure. All full Professors on the CPT may vote on promotion or tenure, or both, for any faculty member, but other members of the CPT equal or junior in rank to an individual under consideration for promotion or tenure, or both, may not vote on the promotion or tenure of that individual. Annually the CPT shall examine the qualifications of those faculty members eligible for promotion, tenure, or retention and submit recommendations to the Dean. An individual subcommittee will be appointed to evaluate each candidate for retention, tenure, and promotion (see III.A. and III.B.).

2. *Promotion and Tenure Policy Committee (PTPC)* – A separate committee of the faculty shall be formed to recommend to the voting faculty all matters of retention, tenure and promotion policy. This committee shall be known as the Promotion and Tenure Policy Committee (PTPC). Its members shall be appointed by the Dean. The PTPC shall be chaired by the chairperson of the CPT, and its other members shall include one tenured Professor, one tenured Associate Professor, one untenured Professor of any rank, and one other faculty member of any rank.

3. *Chairperson* – A chairperson shall be designated by the Dean. The chairperson is responsible for organizing and facilitating the work of: 1) the CPT and 2) the PTPC and for reporting committee actions in writing to the faculty.

B. Retention, Promotion, and Tenure

1. *Retention and Tenure*

a. Tenure track faculty members are reviewed annually by the CPT and the Dean for reappointment. Notice of termination during the probationary appointment shall be as follows:

By June 15 of the first year of service, in which case the appointment terminates at the end of the second contract year. Thereafter, not later than twelve (12) months prior to the expiration of the appointment.

b. A faculty member hired as an Assistant Professor without tenure continues under contract from year to year for six years unless notice is given to the contrary. A faculty member hired as an Associate Professor or Professor without tenure continues under contract from year to year for four years unless notice is given to the contrary; except that if the faculty member has no prior teaching experience, then the faculty member continues under contract from year to year for six years unless notice is given to the contrary. Full-time faculty members hired as Assistant Professors, except for those whose primary responsibilities are teaching in the clinic, will be evaluated for tenure during the fifth year of service. Assistant Professors whose primary responsibilities are teaching in the clinic will be evaluated for tenure at their option either in their fifth or sixth year of service. Such faculty members must inform the CPT chairperson of their choice by January 15 of their fourth year of service. Failure to notify the chairperson by January 15 will result in the candidate automatically being considered for tenure and promotion in their fifth year of service. Faculty members hired as Associate Professors or Professors without tenure shall be evaluated for tenure during their third year of service; except that if the faculty member has no prior teaching experience, he or she shall be evaluated for tenure during the fifth year of service.

c. For tenure decisions, scholarship must be published, accepted for publication, or in final draft form by September 1.

d. A newly hired tenure track faculty member who has full-time law school teaching experience but is not tenured at another law school may be evaluated for tenure during his or her third year of service at the University of Baltimore School of Law. The Dean may reduce the time period to not less than two years if the faculty member has taught full time for at least three years at an ABA accredited law school.

Candidates for Early Tenure: Except for candidates for tenure in their last year of eligibility, a candidate for tenure shall be fully qualified by January 15 of the calendar year before the tenure decision is made. The candidate may supplement his or her file after date of application.

e. The CPT makes its recommendation to the Dean, who in turn makes a recommendation to the Provost and to the President. If the evaluation of the CPT results in an affirmative tenure recommendation and is accepted by the Dean and the University authorities, tenure is effective immediately following an affirmative tenure decision. If a negative tenure decision is made, the President shall notify the candidate by April 30 of non-renewal of appointment, effective at the conclusion of the subsequent academic year.

2. *Promotion*

a. Full-time faculty members holding the rank of Assistant Professor are evaluated for promotion to Associate Professor at the same time they are evaluated for tenure. This evaluation may be accelerated to occur in the candidate's fourth year or, with permission of the Dean and according to USM policy, delayed to the candidate's sixth year of service.

b. A tenured Associate Professor is eligible for promotion to Professor after four years in the rank of Associate Professor. However, a candidate who believes that he or she will have satisfied the criteria in the areas of teaching, scholarship, and service for promotion to Professor by the end of his or her third year in the rank of tenured Associate Professor may notify the chairperson of the CPT by January 15 of the candidate's second year as tenured Associate Professor that he or she elects to be considered for promotion to Professor after three years in the rank of tenured Associate Professor.

c. A faculty member with tenure who is seeking promotion to Professor shall apply to the Dean to be considered for promotion no later than January 15. At the time of application, the candidate for promotion must be fully qualified. At the time of the application, the candidate shall submit a memorandum setting forth why the candidate has satisfied the criteria for promotion, including copies of all scholarship he/she wishes to be considered by the CPT subcommittee. The candidate's application can be supplemented after the date of application.

d. The CPT subcommittee for a candidate seeking promotion to Professor shall visit the classes of the candidate during the spring semester of the academic year of application and the following fall semester. The subcommittee shall file its report with the CPT by November 15. The CPT shall meet and file its report to the Dean by December 10.

f. The CPT makes its recommendation to the Dean, who in turn makes a recommendation to the Provost and the President. If the evaluation of the CPT results in an affirmative promotion recommendation and is accepted by the Dean and the University authorities, promotion is effective at the beginning of the next academic year.

C. *Criteria for Retention*

The criterion for retention is satisfactory progress towards meeting the teaching and service criteria for promotion and tenure.

During the third year of service, there is an additional requirement for retention of satisfactory progress toward meeting the scholarship standard for tenure. This retention standard requires the submission of a draft of a scholarly work, completed while a member of the UB faculty, which has been, or would reasonably be expected to be, accepted by a law review. The Promotion and Tenure Committee will vote on whether the scholarship presented by the candidate meets the scholarship standard for retention.

Unless the candidate elects a binding scholarship review by September 1, the Promotion and Tenure Committee will also advise the candidate that the work either: (1) would be expected to meet the scholarship standard for tenure; or (2) would not be expected to meet the scholarship standard for tenure. This opinion is not binding on either the Promotion and Tenure Committee or the candidate.

If the candidate elects a binding scholarship review, the Committee will obtain at least two outside reviews of the candidate's scholarship. The outside review process shall be identical to outside scholarship review for tenure and promotion decisions. After the outside reviews are obtained, the Promotion and Tenure Committee will vote on whether the scholarship presented for retention review also meets the scholarship standard for tenure, which decision shall be binding and conclusive on both the candidate and the Promotion and Tenure Committee when the candidate applies for tenure.

Candidates whose primary responsibilities are teaching in a clinic will have their initial scholarship review in their fourth year of service unless the candidate elects an earlier scholarship review during his/her third year of service by notifying the chair of Promotion and Tenure Committee by June 1 of the candidate's third year of service. All materials for scholarship review must be submitted by September 1. No scholarship will be considered by the Promotion and Tenure Committee that was submitted after September 1.

D. Criteria for Promotion and Tenure

The criteria for promotion and tenure are teaching of high quality, scholarly production, and service. Service is not given as much weight as the other two criteria.

1. *Teaching*

- a. Statement of Policy – Evaluation of teaching can only be done properly if many different sources of information are considered. Peer review is the single most important aspect of evaluating and improving the quality of teaching. The comments in student evaluations are a valuable source of information as to particular areas that significant numbers of students may have found to be effective or ineffective in promoting learning; numerical scores from student evaluations that are lower, in a statistically significant way, than one's peers can also indicate instances where closer peer evaluation of teaching may be warranted. Nonetheless, student evaluation forms should not be used by themselves to determine

whether an individual faculty member meets the standards required for retention, promotion, or tenure. Unsubstantiated rumors and unrepresentative anecdotes shall not be the basis for any decision based on the quality of teaching.

- b. Criteria for Evaluating Teaching – Evaluations of faculty teaching should include topics such as:
- (i) Professor's mastery of subject
 - (ii) Coverage given to the theory, policy, and uncertainties of law as well as knowledge of rules
 - (iii) Rigor of Course
 - (iv) Logical organization of the course
 - (v) Relevance of course content to students' professional development
 - (vi) Modeling of and holding students to high professional standards
 - (vii) Methods of engaging and inspiring students
 - (viii) Clarity and effectiveness in communicating goals, organization, and substance of the class to students
 - (ix) Fairness of assessment of student performance
 - (x) Respect for students
 - (xi) Professor's response to comments and observations in previous reviews

Other issues raised by either the review of student evaluation forms or provided by the Dean to the subcommittee

2. *Scholarship*

a. Statement of Policy – The faculty of the School of Law recognizes scholarship as one of three central responsibilities as professors of law.

b. Rationale – The faculty of law has defined scholarship as one of the criteria for promotion and tenure for the following reasons:

First, scholarship is valuable in and of itself. It is one of the major means by which a professor of law can contribute to the life of the law and share in the intellectual traditions of the university.

Second, scholarship contributes to teaching effectiveness. It does so by enriching one's understanding of the law, improving one's ability to communicate complex and difficult ideas, and helping maintain one's intellectual curiosity and vitality.

c. Definition of Scholarship – For purposes of promotion and tenure, "Scholarship" means written and published materials that meet all of the following criteria:

(i) Analytical. The materials must provide a detailed, well-supported and sophisticated analysis that increases our understanding of the topic, and must do more than describe a body of law or a legal problem.

(ii) Significant. The materials must make a significant contribution to the legal literature. They must do more than reiterate or rephrase previous analysis of the topic and they must not represent the work of others.

(iii) Learned. The materials must demonstrate deep familiarity with and understanding of the body of knowledge associated with the topic.

(iv) Well-written. The materials must be written in a manner appropriate to the subject matter, and must demonstrate the candidate's ability to convey his or her ideas effectively.

(v) Disinterested. The materials must not be published to serve the interests of any client, either paid or pro bono.

d. Materials to be Considered

(i) In order for materials to be considered as evidence of scholarship they must be both written and published. For purposes of promotion and tenure, informally disseminated materials such as transcripts of speeches or materials duplicated for classroom distribution shall not be considered "published." Only materials published by or accepted for publication by a generally recognized publisher such as a law review, other scholarly journal or a publishing house shall be considered "published." Materials shall be considered "accepted for publication" only if: (1) the materials are in galley or page-proof form; or (2) the materials are in a final manuscript form with respect to the substance of the analysis, and the candidate has received a binding, written commitment to publication from a publisher.

(ii) Certain published materials shall not be considered for purposes of satisfying the scholarship requirement. These materials generally fail to meet one or more of the criteria listed above in subsection D.2., "Definition of Scholarship." Such written materials include, but are not limited to, briefs, bar review and continuing education outlines and practice manuals.

(iii) Materials prepared by a candidate acting in the capacity of reporter or draftsman in connection with the preparation of a model

or uniform act, a restatement or similar project may be considered only if the candidate demonstrates that he or she was substantially responsible for both the conceptual structure and the overall execution of the project, and that his or her contribution meets the definition of scholarship set out in subsection D.2.

(iv) Scholarship that is interdisciplinary in nature may meet the criteria for scholarship, but scholarly work unrelated to law is not relevant to the School of Law's essential function, and thus shall not be considered for purposes of promotion and tenure.

(v) Co-authored materials may be considered only if the candidate demonstrates that he or she bore substantial responsibility for the conceptualization and execution of the work.

e. **Specific Standards for Promotion and Tenure**

(i) Tenure and Promotion to Associate Professor. An Assistant Professor who is a candidate for tenure is automatically also a candidate for promotion to Associate Professor. Such candidate must demonstrate scholarly achievement and a commitment to scholarship as a central element of his or her responsibilities as a Professor of law. The candidate must have accepted for publication, at the time he or she is considered for tenure and promotion to Associate Professor, at least two law review articles (or their equivalent), or one article of exceptional quality (or its equivalent), that meet or meets the definition of scholarship set out in subsection D.2. For those hired as Assistant Professors on the standard five or six year tenure track, the scholarship standard must have been satisfied by materials published or accepted for publication while a full-time faculty member at the University of Baltimore School of Law. Those hired as Associate Professors or Professors without tenure must meet the same scholarship standard for tenure as required for the Assistant Professor, except that articles published before joining the faculty may be credited toward satisfying the scholarship standard upon agreement of the Dean. For any promotion or tenure decision the subcommittee must secure at least two outside reviews of the candidate's scholarship. Additional reviews, including ones suggested by the candidate, will also be considered. All outside reviews should be received by the subcommittee by October 1 of the candidate's review year.

(ii) Promotion to Professor. A candidate for Professor must demonstrate maturation as a scholar and a continuing commitment to scholarship as a central element of his or her responsibilities as a

law Professor. Between the date the faculty approved a candidate for tenure or promotion to associate professor, whichever is later, and January 15 of the year the candidate is considered for promotion to Professor, the candidate must have written at least two law review articles (or their equivalent) that meet the definition of scholarship set out in subsection D.2 and that have been accepted for publication.¹ The candidate may submit any additional materials to his/her subcommittee by September 1 of that year. For any promotion or tenure decision the subcommittee must secure at least two outside reviews of the candidate's scholarship. Additional reviews, including ones suggested by the candidate, will also be considered. All outside reviews should be received by the subcommittee by October 1 of the candidate's review year.

(iii) Explanatory Notes.

(1) The standards set forth above are designed to impose increasingly higher standards on the two successive stages of the promotion and tenure process.

(2) The references to equivalent of law review articles mean that candidates may submit treatises, books, chapters of books or treatises, or similar materials in satisfaction of the minimum criteria for the amounts of scholarly work that must be published in order for a candidate to be considered for promotion or tenure. Such other forms of publication must be equivalent to law review articles, however, in length and substance, and they must, of course, meet the definition of scholarship set out in subsection D.2.

(iv) Scholarship Evaluation Regarding Tenure Decisions for Persons with Tenure at Other Schools

(1) The CPT subcommittee shall review the scholarship of the visitor under the same standards used for all tenure decisions. The subcommittee shall review the scholarship published during the five years prior to the beginning of service at the University of Baltimore, as well as any scholarship accepted or published during the period of visitorship.

(2) The subcommittee shall obtain outside reviews of the visitor's scholarship under the same procedures set forth for

¹ Candidates who apply for full professor by January 20, 2010, shall have until September 1 of that year to fulfill their scholarship requirement.

all outside reviews, except that scholarship need not be sent for outside review to the extent that the tenure subcommittee is provided outside reviews that were completed and submitted to another law school within five years prior to the date of the beginning of service at the University of Baltimore School of Law.

3. *Service*

a. Associate Professor and Tenure – The candidate for promotion to Associate Professor or for tenure must have carried his or her share of faculty responsibilities to the School and to the University conscientiously and effectively. In addition, involvement in public service activities is desirable. This includes, for example, bar association projects, pro bono legal representation, consultantships and other efforts which involve the interaction of law and society.

b. Professor – Significant service to the larger legal community is required for promotion to Professor because such service has long been recognized as part of the law Professor's vocation. Such service by law school faculty members is consistent with the obligation of lawyers to provide pro bono service to the public. Service can increase a faculty member's knowledge of how the law works in practice, enabling the teacher to be more effective in the classroom. Service is a fertile source of ideas for scholarly work. Law school faculty members are uniquely qualified to provide community service because they have more time to devote to service than private practitioners.

In addition to service to the broader legal community, service to the law school, the University, and the University System of Maryland (USM) is required as a condition of employment and as a traditional responsibility of law school faculty members.

c. Criteria for the Evaluation of Service – In order to satisfy the service requirement for promotion to Professor, a faculty member must have both: (1) provided significant service to the law school, the University, or the USM; and (2) provided significant service to the legal community outside of those institutions.

The two categories of service are judged on a case-by-case basis, with the significance of both the quality and quantity of the service evaluated. In most cases, a faculty member should document his service (e.g., provide a written draft of a speech, legislation drafted, memoranda written) and this documentation should be reviewed to substantiate the activity and evaluate its significance.

A strong showing in one of the two categories of service may overcome a marginal showing in the other, although some satisfactory activity in each category of service is required for consideration for promotion to Professor. On the other hand, a faculty member should not devote so much time to service that his performance as a classroom teacher and as a scholar suffers.

Service to the law school, the University, and the USM may include service on faculty, University, and USM committees and Senates. Such service includes participation in meetings of committees, Senates, and the Faculty Council and subcommittees of these bodies of which a faculty member is a member. Such service also may include ad hoc preparation of oral and written reports, service as a faculty advisor to student organizations, or participation in faculty development programs.

The following activities are examples of service to the larger legal community:

- (i) Pro bono litigation;
- (ii) Drafting of actual or model legislation or administrative rules for government agencies, state bar associations, the ABA, the National Conference of Commissioners on Uniform State Laws, public interest groups, etc.;
- (iii) Drafting or other substantial contributions to position papers or reports by state bar associations, the ABA, the National Lawyers Guild, public interest groups, and other organizations;
- (iv) Active participation in the projects of law school organizations such as the Society of American Law Teachers, Center for Critical Legal Studies, or the ABA Legal Education Section;
- (v) Active participation in bar governance activities;
- (vi) Providing comments or testimony on proposed legislation or rules;
- (vii) Organization of legal conferences. Activities that take place at the law school or University, such as faculty colloquiums and programs and lectures offered to the public may qualify as service to the larger legal community.

Service to the federal, state, or local governments, the bar, or the public for which compensation is received may qualify as service to the larger

legal community if the compensation is nominal (*i.e.*, well below market rates charged by private practitioners for such work--similar to the rate of pay by the State of Maryland for Hearing Officers and Reporters).

Examples of such service are:

- (i) Serving as Reporter for a governor's commission or committee or for a bar association section or committee;
- (ii) Participation as an instructor in CLE programs such as those sponsored by MICPEL, ALI-ABA, PLI, or other groups, or in other legally-related educational programs;
- (iii) Service as an administrative hearing officer; and
- (iv) Client representation undertaken on the basis of a special appointment from a court, public agency, or public interest group.

Other types of activity may be found to be service to the larger legal community, on a case-by-case basis. Activity that qualifies as service to the larger legal community still must be evaluated to determine whether it is significant.

Legal practice, consulting, and other activity that is paid at or near market rates charged by private legal practitioners for such work do not qualify as service to the larger legal community. Major private legal practice outside the law school is inconsistent with the role of a law school faculty member. Other major commitments of time to compensated work or employment unrelated to legal education are inappropriate for a law school faculty member.

4. *Timeliness*

All dates regarding promotion and tenure are to be strictly applied. If a candidate fails to make an election or to submit required material by the dates stated in this handbook, the candidate shall be deemed to have waived his/her ability to make an election (thereby having the effect of not allowing any extension for a later date of consideration or, in the case of those faculty seeking promotion to Professor, thereby waiving his/her consideration for such promotion in that school year) or, if he/she has not submitted the required written evidence of scholarship by the stated date, the candidate shall be deemed not to have satisfied the scholarship requirement. Waiver of the Law School deadline(s) in especially extenuating circumstances shall be within the exclusive discretion of the Dean. Exercise of such discretion shall be in writing and made available to the Committee on Promotion and Tenure and the candidate.

III. Procedures

A. Committee and Evaluation Subcommittees of Candidates for Retention

1. An individual subcommittee composed of three members of the CPT shall be appointed by the chairperson of the CPT to evaluate each candidate for retention. The candidate shall be allowed to challenge proposed members of the evaluation subcommittee for cause and shall also have one preemptory strike.
2. The subcommittee shall evaluate the teaching and service of candidates for retention. During the third year of service, the subcommittee shall also evaluate the scholarship of the candidate.
3. A candidate's first subcommittee shall serve for three semesters (fall, spring, fall) in the case of a candidate whose service on behalf of the law school begins in a fall semester.
5. The subcommittee shall send its recommendation and report to the CPT chairperson who shall distribute it to each member of the CPT.
6. Within two weeks of receiving the subcommittee's report, any member of the CPT who desires that the full committee meet shall notify the chairperson.
7. If twenty-five percent (25%) of the entire CPT (subcommittee members included) request a meeting, the chairperson shall call a meeting of the entire committee, as soon as possible, to consider the recommendation of the subcommittee and to make a committee recommendation to the Dean. If no such meeting need be called, the chairperson shall forward the subcommittee's report and recommendation to the Dean as the report and recommendation of the committee.
8. During the candidate's third year of service, the entire CPT shall meet to consider the recommendation of the subcommittee and to make a committee recommendation to the Dean.
9. If the Dean accepts the recommendation of the Committee, he shall so notify the members of the committee and the candidate. If the Dean rejects the recommendation of the committee, he shall notify the members of the Committee in writing of his rejection.
10. Within two weeks of receiving notice of the Dean's rejection of the CPT's recommendation, any member of the committee who has reservations about the Dean's decision should so notify the chairperson of the committee in writing.
11. If sixty percent (60%) of the members of the entire CPT (subcommittee included) express such reservations and if the committee as a whole has not met to consider the original subcommittee report, the chairperson shall call a meeting

of the entire committee, as soon as possible, to consider asking the Dean to reassess his decision.

B. Committee and Evaluation Subcommittees of Candidates for Tenure and Candidates for Promotion to Professor

1. An individual subcommittee composed of three members of the CPT shall be appointed by the chairperson of the CPT to evaluate the qualifications of each candidate for tenure, and candidates for promotion to Professor. The candidate shall be allowed to challenge proposed members of the subcommittee for cause and shall have one peremptory strike.

2. The subcommittee shall evaluate the teaching, scholarship, and service of the candidate.

4. The subcommittee shall send its recommendation and report to the CPT chairperson who shall distribute it to each member of the Committee.

5. Upon receipt of the subcommittee report, the CPT chairperson shall call a meeting of the CPT to discuss and vote whether the CPT shall recommend to the Dean that tenure and/or promotion should be granted.

C. Withdrawal

Candidates for promotion may withdraw from consideration for promotion by September 1.

D. Evaluation of Teaching

1. *Scope of peer review*

The scope of review should extend beyond the classroom visit. In addition to classroom visits, reviewers should examine the syllabus, evaluation instruments, as well as other material used in teaching.

2. *Self-Assessment Report for Retention, Promotion or Tenure*

At the start of a review for retention, promotion or tenure, the faculty being reviewed should prepare a one-to-three page self-assessment report in which the instructor provides a statement of his/her goals for the course, teaching methods and philosophy, goals for student outcomes, and plan for improvement. The following list of questions can help in preparing the self-evaluation report:

- a. What do I want students to get out of my courses? [Note: Each course should be discussed separately]
- b. What techniques do I use that are most successful in accomplishing these goals? What have been the least successful?
- c. How do I motivate students?

- d. What is the nature and quality of feedback I give during the course of a semester?
- e. Based on student evaluation forms, informal discussions with students, discussions with peer reviewers, and comments from the Dean:
 - (i) What are the most common positive things said about my teaching?
 - (ii) What are the most common negative things said about my teaching?
 - (iii) Do I agree with the comments? To the extent the comments are valid, what I have done in response?
- f. What steps have I taken or do I plan on taking to improve my teaching?

The self-assessment report will be included in the sub-committee's report.

3. *Classroom Visits for Retention, Promotion, and Tenure*

- a. **Arranging Visits** – Each subcommittee chairperson shall schedule classroom evaluations by members of the subcommittee to assure coverage of all the candidate's courses within the period before the subcommittee report is due. Each member of the candidate's promotion and tenure subcommittee must observe at least one class each semester. Additionally, at least one member of the subcommittee must observe each of the candidate's courses at least once each semester.

For each reviewer, one of the visits should be announced ahead of time. The instructor being reviewed should be informed of the timing of that visit at least a week before the specific class session being reviewed. If both the faculty member being reviewed and a member of the subcommittee agree, a video taping of one class can be used in lieu of this visit. The reviewer's other visit should be unannounced.

At the beginning of each semester where an instructor is being reviewed, the instructor will inform the subcommittee chair of any specific class sessions that would be unrepresentative [such as midterms, review sessions, etc.]. In no case should a required visit be held on the first or final class sessions, nor should more than one reviewer attend a given class session.

- b. **Guidelines for Classroom Reviews** – Prior to the classroom visit, the reviewer should read the candidate's self-assessment report. During a classroom visit, reviewers should include in their observation their evaluation of the following:
 - (i) Instructor's ability to realize his or her goals for the class
 - (ii) Organization of the class [Was it clear at beginning of class how this session related to the previous one? Was

the relationship of different parts of the class session to one another clear? Did the ending of the class provide a guide to what would happen next class?]

- (iii) Content of Class [Level of sophistication of presentation; where appropriate, discussion of theory and policy of law as well as of rules]
- (iv) Degree to which students are engaged [participation of students; sense of the level of student interest; level of inappropriate student behavior (ie surfing the web)]
- (v) Instructor relationship with class [Are students treated with respect? Are students challenged intellectually? Do students seem to feel comfortable talking in class?]

c. After the Classroom Visit – Within one week after a classroom visit, the reviewer should meet with the instructor being reviewed. In addition to the topics described in the “Guidelines for Classroom Review”, the reviewer should also discuss suggestions for improving teaching.

4. *Contents of Report on Teaching*

- a. The subcommittee’s report on teaching must include an evaluation of the candidate’s teaching, discussing the topics described in II. D.1.b.
- b. The report must include a discussion of the following:
 - (i) Classroom visits;
 - (ii) The candidate’s syllabus for each course taught;
 - (iii) The candidate’s exam and/or other assessment materials for each course;
 - (iv) The candidate’s student evaluations, including the comment portions of the form; and

The candidate’s self-assessment report.

E. Evaluation of Scholarship

1. A subcommittee evaluating a candidate for promotion or tenure shall seek the evaluation of the candidate’s scholarship by outside evaluators.
2. Such outside evaluators shall be knowledgeable and published in the field of the candidate’s scholarship. Preferably, such outside evaluators shall be current or former faculty members at an ABA approved law school. They shall not be employed, on either a full-time or part-time basis, by the University of Baltimore Law School.
3. The subcommittee chairperson should compile a list of potential evaluators by asking faculty who teach in the candidate’s subject area (either at U.B. or other institutions) for their recommendations. In addition, the subcommittee chairperson may wish to do a Lexis/Westlaw check to ensure that

these persons are still publishing in the subject area. The chairperson may consult with the candidate as to the correct field of expertise, or to obtain the names of possible evaluators or of people who may suggest evaluators.

4. The subcommittee chairperson shall show the tentative list of evaluators to the candidate who shall disclose any personal or professional relationship with any of the potential evaluators and shall advise the chairperson of any reason why any of the potential evaluators may be unable to fairly and objectively evaluate the candidate's work. The candidate's response shall be in writing.

5. In selecting the potential outside evaluators the subcommittee chairperson should consult with the other subcommittee members. The chairperson should attempt to select reviewers who could fairly and objectively evaluate the scholarship, avoiding bias or conflict-of-interest, taking into consideration the information provided by the candidate. The chairperson should acquiesce, if possible, to any reasonable objections raised by the candidate to a particular proposed evaluator. The chair should also seek an appropriate balance of perspectives among the potential reviewers.

6. The subcommittee chairperson should then contact potential reviewers by telephone to ensure that they are willing to perform the review and are aware of the applicable deadlines. To make sure the process proceeds on a timely basis, the reviewers should be identified during the spring semester. Requests for outside review of scholarship should be made by March 15. Outside reviews should be received by October 1.

7. When the reviewers are selected, the subcommittee chairperson should send the candidate's writings, together with the promotion and tenure scholarship standards (II.D.2. of the policy in the School of Law Faculty Handbook), accompanied by the approved cover letter (see appendix) to the outside evaluators.

8. The candidate should be given the names and a brief description of the outside evaluators' qualifications promptly after they have been selected and at least one week prior to the scholarship being sent to them. If the candidate feels that the selection of evaluators is unfair, he or she may appeal to the chairperson of the CPT. A candidate is prohibited, while an outside evaluator is engaged in evaluating the candidate's scholarship, from communicating with the outside evaluator with respect to the candidate's scholarship that is being evaluated.

9. The subcommittee should endeavor to have each article (up to three) evaluated by at least two evaluators. In many situations there will be two articles in the same or related fields being evaluated. In such cases the subcommittee chairperson should endeavor to find two evaluators, each of whom were willing to evaluate both articles. If that is not possible, the subcommittee chairperson should ensure that each article is evaluated by at least one and preferably two

persons, and that at least one of the candidate's articles is evaluated by two or more persons.

These requirements (at least one review of each article and two reviews of one article) are bare minimums. The normal preference is to have each article reviewed by at least two evaluators. The total number of outside reviews and evaluators should be determined on an individual basis, by the subcommittee chairperson, upon consultation with other subcommittee members and the chairperson of the CPT, based on availability of reviewers and other relevant factors.

If at least two articles, after having been reviewed by outside evaluators, have been found by the subcommittee to satisfy School of Law scholarship standards, the subcommittee may evaluate whether additional pieces meet these standards without having them sent to outside evaluators.

10. A candidate for promotion or tenure may have his or her scholarship evaluated by any person who is not on his or her subcommittee, provided that the candidate provides his or her subcommittee with that person's evaluation in writing and a brief description of the evaluator's qualifications, the evaluator's relationship, if any, with the candidate, and the evaluator's previous involvement, if any, with drafts of the candidate's scholarship that is subject to the evaluation. The subcommittee and CPT shall consider, and give appropriate weight to, evaluation of a candidate's scholarship by evaluators selected by the candidate.

11. When material submitted by a candidate for consideration as scholarship is written in a language other than English, the candidate must provide the subcommittee with an English language translation of the material.

12. All outside reviews are advisory to the subcommittee. In all cases, the subcommittee shall make its own determination of whether the candidate's writings meet the School of Law definition of scholarship.

F. Confidentiality

Members of the CPT are free to discuss all CPT and subcommittee deliberations with all other full-time faculty members. Whatever is said about candidates for retention, tenure, and promotion, as well as the identity of the persons making the comments, can be discussed with members of the faculty who are not eligible to serve on the CPT or who were not in attendance at the subcommittee or full CPT meeting. Such information, however, cannot be discussed with persons such as students, staff, family, friends, members of the legal community, etc.

G. Committee Organization

The chairperson shall call a meeting of the CPT before March 1 of the academic year preceding each review cycle.

The meeting shall be for the purpose, among others, of approving the final selection of evaluation subcommittees, establishing a schedule for evaluating the subcommittees' action on candidates, and delivering candidates' files to subcommittee chairpersons. Current semester class schedules are to be sent by the candidate to the subcommittee chairperson when subcommittees are approved. At least one subcommittee member must visit the candidate's class during the Spring and Fall. All additional outside reviews should be received by the subcommittee chairperson by October 26. Subcommittee reports must be received by the CPT chairperson by November 15 (N.B. the candidate must have received a copy of the report by November 1 to allow for his or her comments etc.) Reports on all candidates will be then distributed to members of the P&T Committee.

The chairperson may call other meetings of the CPT as deemed necessary.

H. Initiation of Communication to Potential Candidates

At or near the beginning of classes each fall, the chairperson shall notify each candidate who is required to be considered for retention or tenure. The chairperson may seek the assistance of the Dean in determining who must be reviewed for retention or tenure.

I. List of Candidates

By February 1 of the preceding year, the chairperson shall compose a list of candidates for retention, promotion, and tenure. The list shall include the names of all untenured full-time faculty members (candidates for retention), all untenured full-time faculty members in their fourth year of service (candidates for tenure), and applicants for promotion to Associate Professor and Professor. The chairperson may seek the assistance of the Dean in determining who may be eligible for advancement.

J. Selection of Evaluation Subcommittees

The chairperson, with the advice and consent of the other officers of the CPT, shall tentatively compose a subcommittee to evaluate each candidate for retention, promotion, or tenure. The subcommittee shall be composed of three members of the CPT who are senior in rank to the candidate, except in the case of a candidate for tenure who holds the rank of Professor, in which case the subcommittee members shall be Professors. Other considerations of composing subcommittees may include compatibility of candidate and evaluator class schedules, rotation of evaluators, expertise of evaluators, and subcommittee balance.

Prior to formal appointment and announcement of a proposed member of a subcommittee, the chairperson shall advise the candidate of the names of each proposed member of the subcommittee for possible challenges by the candidate for "good cause" and one possible preemptory strike. Challenges and strikes shall be kept in confidence by

the chairperson. In the event such challenges are sustained by the chairperson or in the event of a peremptory strike, the chairperson shall, as before, tentatively compose a subcommittee and communicate with the candidate regarding that action.

After tentative subcommittee assignments have been made with the participation of the candidates, the chairperson shall communicate those assignments to the members of the CPT for CPT approval. The chairperson shall advise each candidate of the final composition of the candidate's subcommittee and the candidate's rights and responsibilities in the evaluation process.

K. Evaluation Subcommittees

The chairperson of the CPT shall appoint the chairperson of each subcommittee. Each subcommittee chairperson shall gather data on the candidate and disseminate it to members of the subcommittee. Such data shall include prior reports on the candidate from the committee file, student course evaluations from the Dean's office, and other data from the candidate.

A member of the CPT who is not a member of a candidate's subcommittee may participate in the evaluation of a candidate. In such case that member shall give reasonable notice to the candidate before visiting the candidate's class.

A candidate may request an evaluation of teaching, scholarship and service by a faculty member who is not assigned to the candidate's subcommittee. In such case that faculty member is subject to the same policies and procedures as is an assigned member of the candidate's subcommittee.

After completion of visitation reports and review of the candidate's submissions, the subcommittee chairperson shall call a meeting of the subcommittee to discuss the candidate's fitness for advancement. The subcommittee shall prepare a report, analyzing the candidate's achievements in the areas of teaching, scholarship, and service. The report shall include a recommendation regarding the candidate's retention, promotion or tenure.

A subcommittee shall first send its draft evaluation report to the candidate. A candidate shall have two weeks after receiving the report to request a hearing before the subcommittee, but that candidate can waive the two-week period. If the candidate does not request a hearing before the subcommittee during this period, the subcommittee shall forward its report, with any necessary changes to the draft report included, to the chairperson who shall distribute it to the full CPT. If the candidate requests a hearing before the subcommittee during this specified period, the subcommittee shall not send its report to the CPT chairperson until such hearing has been held. A hearing shall be held within two weeks of the subcommittee's receipt of the candidate's request and the subcommittee's final report shall be submitted to the full CPT, with a copy to the candidate, not later than one week after the completion of the hearing.

The subcommittee chairperson shall return the candidate's committee file to the CPT chairperson.

L. Committee Action

The chairperson of the Committee shall advise the candidate of the action the Committee has taken on the subcommittee's recommendation.

The report of the subcommittee, and the report of action taken by the Committee, if any, shall be included by the Dean with his recommendation to the Provost regarding the candidate's advancement. Such reports also become part of the candidate's committee file.

M. Candidate's Access

The candidate shall have access to all documentation, including the reports and recommendations of the CPT, the Dean, Provost, and President.

IV Appeal to University

The appeal procedures are set forth in the University of Baltimore Promotion and Tenure Policy that can be found in the online Policy Guide at <http://www.ubalt.edu/policies/index.cfm?page=105>.

APPENDIX A

Approved Cover Letter to Outside Evaluator

Dear _____ :

Thank you for agreeing to be an outside reviewer for the scholarship of, _____, who is being considered this year for tenure and promotion to _____. Enclosed are copies of articles that we are asking you to review.

Enclosed also is a copy of the University of Baltimore School of Law Scholarship Standard. We would appreciate your giving us your candid judgment of the overall quality and significance of the candidate's scholarship, keeping in mind the Definition of Scholarship contained in the attached policy. We are not, of course, asking for your judgment as to whether the candidate should be granted tenure or be promoted, but rather for your careful evaluation of the candidate's scholarship in light of the enclosed standards.

As I indicated over the telephone, we need to receive your written evaluation of the candidate's scholarship no later than October 1. Of course, if it is possible for you to complete that evaluation earlier, we would greatly appreciate your doing so. When you send the evaluation, please also enclose a copy of your current vitae. Please be aware that the candidate will receive a copy of your evaluation.

Thank you again for agreeing to assist us in this important tenure and promotion process. Please feel free to give me a call if you have any questions.

Very truly yours,

Professor of Law

Enclosures

cc: _____, Chairperson
Committee on Promotion and Tenure