

## **UNIVERSITY OF BALTIMORE SCHOOL OF LAW PROMOTION, TENURE, AND RETENTION POLICY**

*Approval in November 2019; additions for lateral hires in 2021: full policy approved by the Law Faculty November 18, 2021; Law Dean November 29, 2021; by the Office of the Attorney General February 24, 2022; by the Interim Provost March 17, 2022; by the President March 17, 2022; and by the Chancellor July 27, 2022.*

### **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.

Individuals with tenure hired as Assistant Professors are eligible for promotion to Professor after serving four years in the rank of Associate Professor as of the beginning of the academic year in which the promotion to Professor will take effect. Individuals with tenure hired as Associate Professors, with or without tenure, are eligible for promotion to Professor after serving nine years as either a tenure-track or tenured professor at any university or college as of the beginning of the academic year in which the promotion to Professor will take effect.

**Contract Non-Renewal Notice.** Each tenure track full-time Assistant Professor faculty member who has not reached his/her tenure review year is to be given notice that his/her contract will not be renewed in accordance with USM II-1.00.I.C.3, as amended from time-to-time.

**Evaluation of Faculty Members.** Each tenure track full-time faculty member will be evaluated each year during the pre-tenure period. Evaluations are also conducted for full-time faculty members who are seeking promotion/tenure in accordance with the timelines set forth herein.

**Committee on Promotion and Tenure.** Evaluations of faculty members for purposes of pre-tenure evaluation, promotion and tenure are conducted by the law faculty's Committee on Promotion and Tenure. The criteria for pre-tenure evaluation, promotion and tenure determinations are competent classroom teaching, scholarly production, and service. The Committee has adopted standards to measure achievement in those areas. Committee

findings regarding pre-tenure evaluation and recommendations regarding 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 attend the CPT deliberations or 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 pre-tenure evaluation and submit findings or recommendations to the Dean. An individual subcommittee will be appointed to evaluate each candidate for the annual pre-tenure evaluation, 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 pre-tenure evaluation, 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. Pre-Tenure Evaluation, Promotion and Tenure**

#### **1. Pre-Tenure Evaluation and Tenure**

a. Tenure track faculty members are reviewed annually by the CPT and the Dean for reappointment. Notice of non-renewal of contract during the pre-tenure years shall be made in accordance with USM II.1.00I.C.

b. A faculty member hired as an Assistant Professor without tenure will receive a contract for one to three years, provided that no appointment without tenure may extend beyond

the end of the faculty's mandatory review year. Notice of non-renewal of contract will be provided as set forth in USM II – 1.00.I.C.3, as amended from time to time.

A faculty member hired as an Associate Professor or Professor without tenure will receive a contract for one to four years; except that if the faculty member has no prior teaching experience, then the faculty member may receive a contract for six years.

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. Associate Professors and Professors will be evaluated for tenure in accordance with USM II – 1.00.I.C.4 and 1.00.I.C.5, as amended from time-to-time.

An Associate Professor or Professor who does not receive tenure will not receive a contract renewal upon completion of his/her initial contract.

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 at the beginning of the next academic year. Negative tenure decisions will be conveyed in accordance USM II – 1.00.C.

## 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. Individuals with tenure hired as Assistant Professors are eligible for promotion to Professor after serving four years in the rank of Associate Professor as of the beginning of the academic year in which the promotion to Professor will take effect. Individuals with tenure hired as Associate Professors, with or without tenure, are eligible for promotion to Professor after serving nine years as either a tenure-track or tenured professor at any university or college as of the beginning of the academic year in which the promotion to Professor will take effect.

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 of the calendar year before the calendar year in which the promotion to Professor would take effect. 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.

e. 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 Pre-Tenure Evaluation

The criterion for pre-tenure evaluation 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 to demonstrate satisfactory progress toward meeting the scholarship standard for tenure. The candidate shall 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 third year review.

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 pre-tenure evaluation 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 pre-tenure evaluation, 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
- (xii) 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, either (a) be published or (b) be accepted for publication. 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 they are in substantially final form, and the candidate has received a binding, written commitment for publication from a publisher.

(ii) The following published materials are not scholarship under these promotion and tenure standards: briefs, bar review and continuing education outlines, op-eds, and practice manuals.

Published materials that do not constitute scholarship may be treated, depending on content, as a service or teaching contribution.

(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 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 scholarship for purposes of subsection D.2.

(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 law professor.

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) that meet 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. See subsection E for outside review requirements.

(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 these must be published or accepted for publication. The candidate may submit any additional materials to his/her subcommittee by September 1 of that year. The scholarship standard for promotion to Professor generally must be satisfied by materials written and published or accepted for publication while a tenured or tenure-track full-time faculty member at the University of Baltimore School of Law. Those hired as Associate Professors with tenure must meet the same scholarship standard for promotion to Professor, except that articles (or their equivalent) published before joining the faculty may be credited toward satisfying the scholarship standard upon agreement of the Dean. See subsection E for outside review requirements.

(iii) 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.

(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 books, chapters of books, 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 meet the definition of scholarship set out in subsection D.2. Ordinarily, these publications will state a thesis, involve analysis, review and build on existing scholarly literature (not simply describe cases or statutes), and often include



normative recommendations. In most cases, works whose audience is primarily students or practitioners would not meet the scholarship requirements for purposes of promotion and tenure (though such works may meet the definition of scholarship for non-promotion and tenure purposes including summer research fellowships, post-tenure review, and other evaluation purposes).

### 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 law 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 or her 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.

The Dean may allow candidates to withdraw their candidacy after Sept. 1. This withdrawal can only be made after the Dean has consulted with the chair of the CPT. If a candidate withdraws, the new subcommittee shall consult with the members of the previous subcommittee.

However, if the subcommittee has already sent its proposed report to the candidate, this proposed report and any written response the candidate makes will become a permanent part of the candidate's record and will be distributed to the full CPT if and when the candidate again applies for promotion. If the subcommittee has already sent its final report to the CPT chair, the final report will also become a permanent part of the candidate's record and will be distributed to the full CPT if and when the candidate again applies for promotion

### **III. Procedures**

#### A. Committee and Evaluation Subcommittees of Candidates for Pre-Tenure Evaluation

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 tenure for each year prior to tenure. The candidate shall be allowed to challenge proposed members of the evaluation subcommittee for cause and shall also have one peremptory strike.

2. The subcommittee shall evaluate the teaching and service of candidates for tenure. 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.

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

5. 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.

6. Every candidate for pre-tenure evaluation shall be discussed by the full CPT.

7. 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.

8. 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.

9. 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.

10. 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 or her 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 preemptory strike.

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

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

4. 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. The Dean will review and send his/her recommendation to the Provost. The Provost will then make a recommendation to the President who will make the final decision on promotion and tenure.

#### 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 Pre-Tenure Evaluation, Promotion or Tenure*

At the start of a review for pre-tenure evaluation, 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 Pre-Tenure Evaluation, 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 (i.e. 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

(v) The candidate's self-assessment report.

## E. Evaluation of Scholarship

1. Each article (or its equivalent) submitted by a candidate, up to three, shall be evaluated by two outside evaluators. In the case of a book authored or co-authored by the candidate, it shall meet these outside review standards if the subcommittee sends one chapter that the candidate played a substantial role in authoring for outside review.
2. The outside evaluators shall be knowledgeable and published in the field of the candidate's scholarship and shall hold the rank to which the candidate seeks to be promoted. The outside evaluators also shall be currently employed 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 School of Law.
3. The subcommittee should compile a list of potential, qualified evaluators. The subcommittee shall consult with the candidate as to the correct field of expertise, to obtain the names of possible evaluators, and to obtain the names of people who may suggest evaluators.
4. The subcommittee shall select evaluators who can fairly and objectively evaluate the scholarship, avoiding bias or conflict of interest, taking into consideration the information provided by the candidate.
5. The subcommittee shall compile a tentative list of evaluators and show the list to the candidate, who shall disclose any personal or professional relationship with any of the potential evaluators. The candidate shall advise the subcommittee of any reason why any of the potential evaluators may be unable to fairly and objectively evaluate the candidate's work. The candidate's objection to an evaluator shall be in writing. The subcommittee should acquiesce to any reasonable objections raised by the candidate to a particular proposed evaluator. If the candidate feels that the selection of evaluators is unfair, he or she may appeal to the chairperson of the CPT, who may submit the matter to the CPT for resolution in the chairperson's discretion. No evaluator may be selected who has not gone through the procedure specified in this paragraph 5.
6. The designated member of the subcommittee shall contact potential evaluators and ensure that they are willing to perform the review and can do so in a timely manner.
7. The subcommittee shall promptly give the candidate the names of the outside evaluators who are ultimately selected once the selection process has been completed. 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.
8. When the outside evaluators are selected, the subcommittee chairperson shall send to him or her the candidate's relevant scholarship, together with the promotion and tenure scholarship standards (II. D. 2. of the policy in the School of Law Faculty Handbook). A suggested cover letter to the outside evaluators is contained in the appendix.

9. The evaluators should be identified during the spring semester. Requests for outside review of scholarship should be made by March 15. Outside reviews must be received by October 1.

10. A candidate for promotion or tenure may have his or her scholarship evaluated by any person, provided that the candidate provides his or her subcommittee with that person's evaluation in writing and the evaluator's curriculum vitae, as well as information about the evaluator's relationship, if any, with the candidate, including whether the evaluator has read or commented on drafts of the candidate's scholarship under review. The subcommittee and CPT shall consider, and give appropriate weight to, evaluations of a candidate's scholarship by evaluators selected by the candidate.

11. All outside reviews are advisory to the subcommittee. In all cases, the subcommittee and the CPT shall make its own determination of whether the candidate's writings meet the School of Law definition of scholarship contained in subsection D.2.c.

#### 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 pre-tenure evaluation, 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 Promotion and Tenure subcommittees, establishing a schedule for evaluating the subcommittees' action on candidates, and delivering candidates' files to subcommittee chairpersons. Candidates under review shall send the subcommittee chairs their class schedules as soon as these are finalized. At least one subcommittee member must visit each of the candidate's classes during the Spring and Fall.

The subcommittee chair must provide the candidate with a copy of the subcommittee's report by November 1. Such proposed report should indicate at the top of the first page that it is the proposed report and it should be signed by all three subcommittee members; signatures may be either digital or by hand writing, at the discretion of the subcommittee chair. After the candidate has given any response to the subcommittee, and the subcommittee has considered this response, subcommittee chairs must provide the CPT chair with a final subcommittee report by November 15. Such final report should indicate at the top of the first page that it is the final report and it should be signed by all three subcommittee members; signatures may be



either digital or by hand writing, at the discretion of the subcommittee chair. Reports on all candidates will be then distributed to the full CPT.

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

#### Summary of Dates

January 15—A faculty member with tenure who is seeking promotion to Professor shall apply to the Dean.

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

October 1—For tenure and promotion decisions, all outside reviews of scholarship should be received by subcommittee chair.

November 1—Candidate to receive copy of subcommittee draft report to allow for comments and corrections.

November 15—Subcommittee report to be signed and sent to P & T Committee chair.

December 10—The CPT shall meet and file its report to the Dean.

February 15—deadline for recommendation from Dean to Provost and President.

April 30—deadline for President's decision to candidate.

#### 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 pre-tenure evaluation or tenure. The chairperson may seek the assistance of the Dean in determining who must be reviewed for pre-tenure evaluation or tenure.

#### I. List of Candidates

By February 1 of the preceding year, the chairperson shall compose a list of candidates for pre-tenure evaluation, promotion, and tenure. The list shall include the names of all untenured full-time faculty members (candidates for pre-tenure evaluation), 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 pre-tenure evaluation, 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 peremptory 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 findings regarding candidates for pre-tenure evaluation and recommendations regarding candidates for 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 for a negative decision regarding promotion or tenure 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>.

### **V. Law Faculty Appointment to Professor of the Practice for the University of Baltimore School of Law Library Director.** (This appointment is in addition to any Librarian faculty appointment by the University).

#### Hiring Criteria

1. The individual is appointed as the University of Baltimore School of Law Library Director.
2. The individual has demonstrated excellence in the practice as well as leadership in specific fields.
3. The appointee shall have attained regional and national prominence and, when appropriate, international recognition of outstanding achievement.
4. The appointee shall have demonstrated superior teaching ability appropriate to assigned responsibilities.

5. As a minimum, the appointee shall hold the terminal professional degree in the field or equivalent stature by virtue of experience.
6. The Appointee will hold the rank of Professor but, while having that stature, will not have rights that are limited to tenured faculty.
7. Initial appointment is for periods up to five years, and reappointment is possible.
8. This title does not carry tenure, nor does time served as a Professor of the Practice count toward achieving tenure in another title.
9. This appointment is a joint appointment to whatever librarian faculty position the Law Library Director is appointed to under the Librarian Status pursuant to the University of Baltimore Librarian Policy on Promotion and Permanent Status.
10. This position of Professor of the Practice reports directly to the Dean of the School of Law.
11. This position does not alter the voting faculty designation of the Librarian of the School of Law in the Faculty By-Laws in the University of Baltimore School of Law Faculty Handbook.

#### Appointment Procedure

1. The Dean shall submit a request to the Appointments Committee to recommend appointment of the Law Library Director to the law school appointment of Professor of the Practice.
2. The Appointments Committee shall review the qualifications and teaching evaluations of the Law Library Director and make a recommendation thereto to the Law Faculty Council.
3. Law Faculty Council shall then make a recommendation to the Dean.

#### Reappointment Criteria

1. By February 1 of the year before the end of the Law Library Director's appointment as Professor of the Practice, the Dean shall appoint a review committee of the Law Library Director for purposes of recommending reappointment as Professor of the Practice.
2. The review committee shall review the Law Library Director's accomplishments in carrying out the administration of the law library; service to law school, University, and any librarian associations; as well as any teaching.

### **VI. Policy for Review of Professors of the Practice (adopted Sept. 2020)**

#### A. Applicability and Scope of Review

This policy shall apply to faculty holding the rank of Professor of the Practice and shall include review of the Law Library Director if the Director teaches courses offered by the School of Law as part of the Director's duties. The review undertaken pursuant to this policy shall be for the purposes of evaluating the teaching of Professors of the Practice. It is the intent of this policy to perform a review of teaching that is substantively and procedurally equivalent to the review conducted pursuant to the promotion and tenure process.

The review shall not include an evaluation of the administrative duties performed by Professors of the Practice. The review of the administrative duties performed by Professors of the Practice will be conducted on an annual basis through the usual review process for administrative staff. Professors of the Practice administrative duties will be evaluated by their respective supervisors (the Associate Dean for Academic Affairs and the Associate Dean for Experiential Learning). The annual review will include any committee service performed by the Professor of the Practice.

#### B. Timing and Use of Teaching Review

Professors of the Practice shall have their teaching reviewed pursuant to this policy in every academic year of their teaching, including the year preceding the expiration of their contract, and -- when necessary -- in the final year of their contract. The last teaching review conducted prior to the expiration of their contract will be presented to the voting faculty for the purpose of making a recommendation to the Dean as to whether the contract for the Professor of the Practice should be renewed. The teaching review shall also be used for developmental purposes to provide feedback and helpful suggestions for the Professor of the Practice's teaching.

#### C. Standards and Procedures for Teaching Review

1. 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 by themselves do not form a reliable basis for evaluating whether a Professor of the Practice meets the standards required for contract renewal. Unsubstantiated rumors and unrepresentative anecdotes shall not be the basis for any decision based on the quality of teaching.

2. Criteria for Evaluating Teaching—Evaluations of 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 the 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; (xxii) Respect for students; (x) Professor's response to comments and observations in previous reviews; (xi) Other issues raised by either the review of student evaluation forms or provided by the Dean to the subcommittee.

These criteria are referenced in a rubric that shall be used for Professor of the Practice teaching reviews.

### 3. Procedures for Teaching Review

#### a. 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.

#### b. Self-Assessment Report

At the start of a review for contract renewal, 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:

1. What do I want students to get out of my courses? [Note: Each course should be discussed separately.]
2. What techniques do I use that are most successful in accomplishing these goals? What have been the least successful?
3. How do I motivate students?
4. What is the nature and quality of feedback I give during the course of a semester?
5. 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?
  - (iv) 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.

c. Classroom Visits

i. Arranging the visit—Each subcommittee chairperson shall schedule classroom evaluations by members of the subcommittee to assure coverage of all the Professor of the Practice's courses within the period before the subcommittee report is due. Each member of the Professor of the Practice's subcommittee must observe at least one class each semester. Additionally, at least one member of the subcommittee must observe each of the Professor of the Practice'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 instructor 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.

ii. Guidelines for classroom reviews—Prior to the classroom visit, the reviewer should read the Professor of the Practice'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 the 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 (i.e. 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?]

iii. 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.

d. Contents of Report on Teaching—The subcommittee’s report on teaching must include an evaluation of the Professor of the Practice’s teaching, discussing the topics described above.

The report must include a discussion of the following:

- (i) Classroom visits;
- (ii) The instructor’s syllabus for each course taught;
- (iii) The instructor’s exam and/or other assessment materials for each course;
- (iv) The instructor’s student evaluations, including the comment portions of the form; and
- (v) The instructor’s self-assessment report.

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