

## PROMOTION AND TENURE STANDARDS AND PROCEDURES

Promotion and tenure standards are an integral part of the self-governance function of an educational institution. Through such standards and implementing procedures as are outlined below, Thomas M. Cooley Law School provides appropriate guidelines for faculty members seeking the recognition and security of promotion and tenure. The standards further provide the Law School with the means to assess and evaluate a faculty member's contributions, both current and anticipated. The utilization of these standards and procedures should appropriately benefit both the school and the members of the faculty and carry out the mission of the Law School.

These standards and procedures apply to promotion from one rank to another and grants of tenure. The enumerated *procedures* do not apply to the process of hiring a faculty member, to ordinary step increases within rank or to accelerated advancement within rank.

The *standards* enumerated for promotion and tenure, however, will provide a guide by which to measure a candidate for a tenure-track position at this Law School and for accelerated advancement within rank. In the event of an application to the dean for accelerated advancement within rank, the dean shall notify the tenured faculty of such application and shall afford an opportunity for tenured faculty input prior to granting or denying accelerated advancement within rank.

The three factors in the evaluation for promotion and/or tenure are teaching effectiveness, scholarship and service.

Teaching effectiveness is the quintessence of the educator with the classroom as the laboratory. The first and foremost mission of Thomas M. Cooley Law School faculty members is to teach in a thorough and effective manner consistent with the courses assigned to each individual.

There are many different pedagogies with even more permutations and subtleties. Teaching effectiveness is the goal, whether the pedagogy be lecture, problem, socratic dialogue or some combination of methodologies. Each faculty member should be committed to this goal and to channeling the necessary resources into the process of becoming an effective teacher. Periodic reviews by panels and student evaluations are the primary means by which a faculty member's effectiveness in the classroom is measured.

Scholarship is an essential element of a faculty member's commitment to a profession as an educator. Scholarship interacts with teaching to develop a more knowledgeable educator, experienced with both the written and spoken word.

The term "scholarship" can be used to describe a variety of endeavors. Consistent with Cooley's mission of "practical legal scholarship," such activities may take the form of a traditional law review type article in which theory predominates, or it may be more practice-oriented. The direction of scholarship may be guided by the faculty member's role with the law school. Those faculty members teaching more skills-oriented courses might develop materials more consistent with the courses they teach. The concept of scholarship should not be rejected or deemed inapplicable for faculty members teaching more skills-oriented courses. The promulgation of ideas in written form is as important for professors teaching skills courses as for professors teaching traditional courses. A faculty member is promoted or granted tenure not as a trial practice professor, but as a law school professor who is recognized as having the same breadth of teaching and scholarship skills as a faculty member teaching traditional courses. All non-tenured faculty are required to engage in scholarship as part of the evaluation process with a clear recognition that the type or degree of scholarship will not necessarily be the same for everyone.

Service is the third factor in the evaluation process. As members of the legal profession, faculty members have a strong commitment to serving the legal profession and the community. As faculty members at Thomas M. Cooley Law School, those same individuals must share in the administration phases of the law school as part of our faculty governance. The degree to which each faculty member participates in either in-house or professional and community service will vary according to interest and opportunity. However, each faculty member is required to engage in service as part of the promotion and tenure process.

I. Standards for Evaluation for Promotion, Advancement and Tenure.

A. Teaching Effectiveness

1. This factor shall be given greater weight than scholarship and service.
2. Evaluation of teaching effectiveness shall include, but shall not be limited to, a review of:
  - a. Teaching methods
  - b. Peer and student evaluations
  - c. Preparation of teaching materials, including audiotapes, videotapes and computer programs
  - d. Compliance with contract obligations and law school policies relating to teaching, including grading practices and timely submission of grades
  - e. Examination and grading practices
  - f. Courses taught, including new preparations
  - g. Application of research results to the classroom
  - h. Course load
  - i. Size and type of classes taught
  - j. Consultations and conferences with students
  - k. Participation in activities for the improvement of legal educators

B. Scholarship

1. This factor shall be given equal weight with service.
2. "Scholarship" shall include any work of a creative, analytical, critical or explanatory nature, which contributes to the understanding, interpretation, development or reform of the substantive or procedural law, the administration of justice or legal education or the use of law or legal techniques in other disciplines.
3. Evidence of scholarship may include, but shall not be limited to, the following:
  - a. Writing of books, articles, notes, comments and book reviews, with indication as to whether the research product is:
    - (1) Published;
    - (2) Accepted for publication, but not yet published;
    - (3) Accepted for publication, subject to revision, with status of revising effort;
    - (4) Submitted for publication but not yet evaluated;
    - (5) Work in progress.
  - b. Presentation of papers;
  - c. Publication of teaching materials;
  - d. Preparation of statutes or regulations, or preparation and submission of written reports or studies to and for governmental agencies or non-governmental organizations concerned with the operation, evaluation, furthering understanding or improvement of the law;
  - e. Acquisition of an advanced degree either in the law or law-related.
4. Scholarship may be prepared or published in a variety of formats, including an electronic format.

5. Evaluation of a candidate's scholarship shall be based, inter alia on the following criteria:
  - a. The number and type of beneficiaries of the scholarship;
  - b. The impact of the scholarship on law, society or the legal profession;
  - c. The extent to which the scholarship enhances the faculty member's academic professional skills;
  - d. The amount of time and effort devoted to the scholarship;
  - e. The extent of the contribution to the program and standing of the Law School;
  - f. The clarity of writing, the depth of analysis and the creativity of the approach.
6. Evidence of scholarship is required in the promotion and tenure process but there can be special circumstances in which there is justification for an appropriate reduction in scholarship for advancement within a rank. Examples of an appropriate reduction would be for faculty who also have substantial administrative duties, faculty who perform substantial service or faculty who work with professional skills programs.

C. Service

1. This factor shall be given equal weight with scholarship.
2. Service shall include, but shall not be limited to, the following:
  - a. Administrative or committee responsibilities with the Law School;
  - b. Participation in activities of the legal profession;
  - c. Legal representation consistent with policies of the Law School which is of a public service nature, makes a substantial contribution to the law or enhances a person's academic professional skills;
  - d. Use of legal skills or knowledge on behalf of local, state or federal government; or business, professional or community organizations.
3. The performance of more service than is normally performed by faculty members may justify an appropriate reduction in scholarship for advancement within a rank. This provision shall not apply to the scholarship requirements for promotion or tenure.

4. The following factors shall be considered in evaluating service activities:
  - a. The number and type of beneficiaries of the service;
  - b. The impact of the service on law, society or the legal profession;
  - c. The extent to which the service enhances the faculty member's academic professional skills;
  - d. The amount of time and effort devoted to the service activities;
  - e. The extent of the contribution to the program and standing of the Law School.
5. In reporting on service the faculty member should include not only the committee or other type of service, but also indicate the extent and nature of the work done in performing such service.

D. Standards for Promotion and Tenure

1. General Considerations: Promotion is a reward for past performance. In general, evaluation for promotion is based upon the faculty member's entire professional history with greatest weight given to professional history at Thomas M. Cooley Law School. Each level of promotion must indicate continued growth in professional competence and accomplishment.
2. No faculty member shall be promoted from Assistant to Associate Professor unless there is evidence that the candidate is a good teacher, has a satisfactory record of scholarship and has a satisfactory record of service. The teaching factor shall not apply to librarians or other tenure-track faculty who may not have teaching responsibilities.
3. The granting of tenure and/or promotion to Professor is in recognition of the candidate's potential as a faculty member of this Law School. It recognizes a significant level of achievement with evidence for continual productivity and professional growth.
4. No faculty member shall be promoted to Professor or be granted tenure unless there is evidence that the candidate is and gives promise of continuing to be a good teacher, one who is and demonstrates potential for a career as a productive scholar, and one who will maintain a satisfactory record of service.

5. The degree of scholarship required of any member seeking promotion and/or tenure may vary according to teaching and service responsibilities. The examples cited above allow for various activities to be considered as evidence of scholarship. This is not to say that a contribution in any one or more than one category would comply with the standard for promotion and/or tenure. The assessment of scholarship activity will be made cumulatively.

No faculty member can expect to be promoted to Associate Professor without evidencing scholarship, at least once, on some topic related to the law.

No faculty member can anticipate promotion to Full Professor and/or the conferral of tenure unless the candidate has evidenced more significant scholarship on topics related to the law.

## II. Procedures for Evaluation of Candidates

- A. Each tenure-track member of the faculty who has not achieved tenure and the rank of Professor shall be appointed a Professor as mentor.
- B. It shall be the responsibility of the mentor to counsel and assist the candidate in understanding and achieving the requirements for promotion and tenure. The mentor shall not sit as a panel member for that candidate but shall be available for consultation by the panel. The mentor may, with the consent of the candidate, participate in any panel meetings at which the candidate is present.
- C. Consistent with the provisions of Board Policy 202(8), a non-tenured faculty member may, due to exceptional circumstances, receive deferral of a decision on promotion and/or tenure for one year with the Dean's approval.
- D. Within 14 days after receipt of a request for accelerated advancement, promotion, or tenure, the Dean shall provide the Chair of the Promotion and Tenure Committee with the names of all candidates for advancement, promotion and/or tenure.
- E. The Chair shall notify all faculty members of the candidates' names and the promotion being sought by each. Any faculty member may submit information and recommendations to the panel.
- F. A panel of three tenured professors including at least one who teaches in the candidate's primary area of expertise, shall be appointed for each candidate to be reviewed. The panel is initially responsible for evaluating the teaching effectiveness, scholarship and service activities of the candidate according to the criteria stated above.

1. The Chair of the Promotion and Tenure Committee shall notify the panel of their appointment and also notify the candidate of the panel membership. Not more than one week after receiving notification of the composition of the panel, the candidate shall have the right to file written objections to the composition of the panel. If the candidate demonstrates good cause why a member of the panel should be replaced, the Chair of the Promotion and Tenure Committee shall appoint a replacement.
2. The panel chair shall contact the individual candidate and arrange for promotion materials to be delivered to the panel for review.
3. It is the candidate's responsibility to provide the materials for the panel. A candidate may consult with his/her mentor or the panel concerning the materials to be included.
4. Members of the panel who will observe the candidate in the classroom shall arrange for appropriate dates to sit in on class.
5. Following a review of the candidate's materials and observation of the candidate in the classroom, the panel shall prepare a written report. The report shall state the panel's observations relating to the teaching effectiveness, scholarship and service of the candidate. The factual basis for those observations shall be included in the report. Recommendations or suggestions for the candidate may also be included.
6. Prior to submitting the report to the Chair of the Promotion and Tenure Committee the panel shall provide the candidate with a copy of the proposed report. The candidate may request a meeting with the panel to discuss the report before it is formally submitted. The candidate shall also be provided with a copy of any revisions or changes to the report prior to its submission.
7. The Chair shall notify the Promotion and Tenure Committee and convene to consider the report as submitted by the panel. The candidate's materials shall be available for review by the tenured faculty for one week prior to the meeting.
8. On the day of the scheduled vote, but preceding the vote, the Promotion and Tenure Committee shall meet to discuss the candidate's qualifications for advancement, promotion and/or tenure. The candidate shall not be present during the discussion but rather should be available to enter on invitation to answer questions or to provide clarifications.

9. The vote shall be by secret ballot and only members of the Committee may vote. If practical, Committee members on leave of absence should vote. Absentee voting by Committee members who are not on leave of absence shall be permitted only if the absent faculty members are excused from attending regular faculty meetings. The candidate shall be recommended for promotion upon receipt of an affirmative vote of a majority of the Committee members.
10. The panel and the Committee Chair shall provide a copy of the Committee's recommendation to the candidate and meet with the candidate not less than one week following the Committee meeting. Any suggestions or comments from the Committee shall be communicated to the candidate at that time.
11. Not more than one week after receipt of the Committee's recommendation, the candidate shall have the right to request that the Committee reconsider its recommendation. Any such request must be in writing and must state the reasons for the request. If a majority of the Committee believes that reconsideration is appropriate, the Committee shall reconvene to reconsider its recommendation pursuant to the procedures noted in paragraphs eight and nine above.
12. The Chair of the Committee shall forward the written recommendation of the Committee to the Dean within two weeks following the meeting at which the recommendation is made.
13. Within one week after the Committee has forwarded its written recommendation to the Dean, the candidate shall have the opportunity to submit to the Dean in writing a response to the Committee's recommendation.
14. The Committee recommendation for Promotion and/or Tenure and any candidate response to the Committee recommendation shall be submitted with the Dean's recommendation to the President for presentation to the Board of Directors.

Approved by the Board of Directors, January 13, 1990