

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 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

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

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