

Footnote:

¹In this policy, "Provost" means "Office of the Provost" and that the Associate Provost and Associate Vice President for Academic Human Resources (or other administrator in the Provost's Office) has been delegated responsibility for this role in order to clearly separate any future decision making required by the Provost pursuant to the Faculty Grievance Procedure with respect to implementation/enforcement of this policy.

UNIVERSITY INDEMNIFICATION POLICY

The following policy was approved by the Board of Trustees on March 15, 1974 and revised on September 2, 1983.

Michigan State University will support its trustees, officers, faculty, and staff when acting in the performance of assigned duties on behalf of the University. This policy also applies to students while engaged in approved academic programs and volunteers who are performing services for the University with prior written approval of the appropriate University official. The University will defend, save harmless, and indemnify such persons against any suit or proceeding, wherever brought, premised upon the fact that he or she is or was a member of the Board or an officer, employee, student, or volunteer of the University. The indemnity extends to expenses including attorney fees, judgments, fines, and amounts paid in settlement, actually and reasonably incurred, and with respect to any criminal action or proceeding where such person had no reasonable cause to believe that his or her conduct was unlawful. As a condition of indemnification, the trustee, official, employee, student, or volunteer is required to cooperate fully on a continuous basis with the University Attorney and the Office of Insurance and Risk Management.



POLICY ON REAPPOINTMENT AND PROMOTION OF FIXED TERM FACULTY

Pertinent Bylaws sections are 1.3.2 (definition of fixed term faculty) and 1.4.3.1, 1.4.3.2, and 1.4.3.3 (appointment and promotion or reappointment).

I. RANK AND TITLE

Per Bylaw section 1.3.2, fixed term faculty members are employed as assistant professors, associate professors, and professors.

In general, fixed term faculty members' titles shall be Assistant Clinical Professor of Law, Associate Clinical Professor of Law, or Clinical Professor of Law.

II. REAPPOINTMENT, PROMOTION, AND RETENTION

Reappointment means appointment at the same rank under a fixed term contract. Assistant professors and associate professors without a rolling contract may be reappointed. Associate

professors without a rolling contract and assistant professors may hold the same rank for no more than four years.

Promotion means movement from assistant professor to associate professor, from associate professor on a fixed term contract to associate professor with a rolling three-year contract, and from associate professor to professor with a rolling five year contract.

Retention means continued employment as an associate professor with a rolling three-year contract or as a professor with a rolling five-year contract. Assistant professors and associate professors on fixed term contracts may not be retained.

III. PROCESS OF REAPPOINTMENT, RETENTION, AND PROMOTION

The process of application and consideration shall be governed by Bylaws sections 1.4.3.1, 1.4.3.2, and 1.4.3.3. The applicant shall prepare a report presenting materials justifying reappointment, retention, or promotion.

Pursuant to Bylaws section 1.4.3.1, the Faculty Advisory Council shall make a recommendation to the faculty, and the faculty permitted to vote as provided by this policy, by an affirmative vote of those present and voting, shall advise the Dean.

For promotion to associate professor with a fixed term three year contract or a three-year rolling contract, all tenured members of the regular faculty shall be entitled to vote.

For promotion to professor, tenured faculty holding the rank of full professor may vote on promotion.

A. Process for candidates hired at the rank of assistant professor

Assistant professors shall be hired on a one year or three year fixed term contract.

An assistant professor who has served fewer than four years on a fixed term contract may apply for reappointment for up to a total of four years at the rank of assistant professor.

An assistant professor must apply for promotion to associate professor in the third year of full-time employment as an assistant professor unless the assistant professor is reappointed to a fourth year. If reappointed to a fourth year at the same rank, a fixed term faculty member must apply for promotion in the fourth year.

Associate professors shall have an initial, fixed term, three-year contract that may be followed by reappointment for one additional year. In the second year of full-time employment as an associate professor on a fixed term contract, the associate professor may apply for promotion to associate professor with a rolling three-year contract or for promotion to professor with a rolling five-year contract. Unless reappointment for a fourth year is granted, in the third year of full-time employment as an associate professor on a fixed term contract, the associate professor must apply for promotion to associate professor with a rolling three-year contract or to professor with a five-year rolling contract. If an associate professor is granted a fourth year at the same rank, the

associate professor must apply for promotion in the fourth year.

An associate professor with a rolling three-year contract is not required to apply for promotion to professor.

An associate professor with a fixed term contract seeking promotion to professor may be promoted to associate professor with a rolling three-year contract, rather than promoted to professor with a five-year rolling contract. If an associate professor with a rolling three-year contract seeks promotion to professor and promotion is denied, the associate professor shall be retained as an associate professor with a rolling contract.

Professors shall have a rolling five-year contract.

With permission from the Dean, a fixed term faculty member may apply for promotion earlier than otherwise allowed under this policy.

B. Additional process for promotion to professor with a rolling five-year contract

When a person applies for promotion to the rank of professor, an ad hoc committee of three faculty members shall be appointed by the Dean, after consultation with the Faculty Advisory Council. The ad hoc committee shall be composed of two tenured faculty who are professors of law and one fixed term faculty who is a fixed term professor. If there are no fixed term professors, the committee shall be composed of three tenured faculty who are professors of law.

The ad hoc committee shall review and evaluate the materials submitted for consideration by the applicant. The applicant shall submit a list of three qualified outside evaluators. The ad hoc committee shall choose two qualified outside evaluators, at least one of which is from the applicant's list. Within his or her competence to judge, the outside evaluator shall submit to the ad hoc committee comments on quality of teaching; contributions to a program, if relevant; service; and additional achievements.

The ad hoc committee shall make a recommendation to the Faculty Advisory Council concerning the applicant. Pursuant to Bylaws section 1.4.3.1, the Faculty Advisory Council shall make a recommendation to the faculty, and the faculty permitted to vote as provided by this policy, by an affirmative vote of those present and voting, shall advise the Dean on the promotion of fixed term faculty members to professor.

C. Lateral Hires

At the time of the initial hire, the Committee on Faculty Appointments and the regular faculty, per Bylaws section 1.4.2.3, by an affirmative vote of the majority of those present and voting, may recommend to the Dean that a candidate for fixed term position be hired as associate professor or

professor as defined above.

IV. DUTIES AND STANDARDS FOR PROMOTION AND RETENTION

A. Duties of Fixed Term Professors

1. Teaching

Teaching is the central responsibility of fixed term faculty. At every level of experience, a fixed term faculty member should aspire to become or remain an excellent teacher, the standard required for award of a rolling contract to an associate professor. Assignment of additional administrative duties is the prerogative of the Dean and shall not be considered in evaluation of teaching, although administrative duties may result in a reduction of teaching load.

Fixed term faculty should consistently engage students in active learning that assists students to acquire knowledge, understanding, skills, and professionalism, although adherence to any particular teaching methodology is not required. Their teaching should demonstrate sustained:

- mastery of all subjects taught;
- ability to motivate students, challenge them to think rigorously and critically, and prompt them to explore subjects creatively;
- ability to communicate well with students in a variety of settings;
- accessibility to students outside the classroom;
- habits of professionalism, including treating all students with respect;
- encouragement of professionalism in students and their work product;
- thoughtful, effective course design;
- effective, timely assessment of student learning;
- selection, design, and creation of appropriate teaching materials and curricula fostering competence and creativity;
- success with a variety of teaching methods; and
- creative engagement with the art of teaching and mentoring.

Upon a candidate's application for reappointment or promotion, the Faculty Advisory Committee shall assess teaching by arranging a minimum of one classroom visit and considering, at least:

- student evaluations;
- teaching materials developed by the candidate individually and, in the case of programs, in collaboration with other members of the program;
- examples of evaluated student work-product; and
- the materials the candidate submits in his or her report.

2. Participation in a Program

Appointment in a particular area, for example, the Research, Writing, and Advocacy program, the Clinical Law programs, or the Alternative Dispute Resolution program, carries with it additional responsibilities described in Section V below.

3. Service

Fixed term faculty also have duties of service to the law school and university. Service may include, for example, attending faculty and committee meetings; assisting students with upper level writing requirements, law review, or moot court; working with student organizations; and other opportunities for service that arise.

4. Other Optional Activities

Recognizing the time-consuming nature of teaching well, particularly in some of the courses regularly taught by fixed term faculty, the law college encourages, but does not require, the following: presentations, publication, attendance or participation in local and national professional organizations, teaching other courses in the law college and outside of it, pro-bono representation and briefs, public interest consulting, professional participation in public service or governmental agencies, serving as an officer in a public interest organization, or other forms of service to the greater legal community and the public good. These activities are commended, but are not required for promotion to associate professor with a rolling three-year contract.

5. Additional Achievement for Appointment as Professor

Promotion to professor recognizes sustained excellence in the duties described above and program duties, if any, described below coupled with other exceptional accomplishments of the type enumerated in section 4 above (Other Optional Activities); other activities in local, national, or international associations that make a national or international contribution; or signal contributions to the Law College.

B. Standards

Reappointment as an assistant professor on fixed term contracts requires effective performance of the duties described above and program duties, if any, described below.

Promotion from assistant professor to associate professor and reappointment as an associate professor on fixed term contracts for up to four years requires commendable performance of the duties described above and program duties, if any, described below that demonstrates progress toward excellence in performance of those duties.

Promotion from associate professor with a fixed term contract to associate professor with a rolling three-year contract recognizes excellent performance of the duties described above and program duties, if any, described below.

Promotion from associate professor to professor recognizes additional exceptional accomplishments required for appointment as a professor and sustained excellent performance of the other duties described above and program duties, if any, described below.

V. ADDITIONAL DUTIES OF FIXED TERM FACULTY IN PARTICULAR PROGRAMS

A. Research, Writing, and Advocacy (RWA) Program

Fixed term faculty in the RWA program have an additional duty to contribute to the overall success of the program through professional team work and collegial participation. Hallmarks of excellent participation in the RWA program include, but are not limited to:

- attendance at RWA faculty meetings;
- timely preparation and critique of materials for the RWA program;
- sharing of insights about, and techniques for, teaching; and
- general willingness to assist other members of the program.

The Faculty Advisory Council shall arrange for evaluation of this duty by, for example, soliciting reports from other members of the RWA program or other appropriate means.

B. Clinical Law Programs

Fixed term faculty in the Law College's Clinical Law Programs not only are expected to impart professionalism and the need for collegiality to their students, they also must demonstrate these attitudes in their work with each other. Among the many opportunities that will present themselves to demonstrate superior professional and collegial behavior in clinical work are the following:

- Seeking and implementing ways in which individual Clinics can work collaboratively;
- Actively participating in Clinic faculty/staff meetings, Clinic retreats, and other in-house venues designed to inform about and enhance clinical work;
- Disseminating to each other educational information obtained through reading, attendance at conferences, meetings, and lectures, etc.; and
- Volunteering for assignments that promote or enhance the Clinics as a whole and carrying out those assignments in a timely, effective manner.

The FAC shall determine how to evaluate this responsibility.

C. Alternative Dispute Resolution Program

Fixed term faculty in the Law College's ADR Program should be evaluated by the standards articulated for Clinical Faculty where applicable and, in addition:

- Effective teaching, including clinical and ADR competition components;
- Skills in administering a clinical program (if applicable);
- Service to the academic and legal community, including civic and charitable organizations; and
- Performance objectives identified in consultation with the dean to advance the program.

VI. REVIEW AND TERMINATION OF FIXED TERM FACULTY DURING THE CONTRACT PERIOD

Fixed term faculty members shall be reviewed by the Dean at least annually.

Contracts of fixed term faculty may be terminated for cause pursuant to the MSU policy entitled "Dismissal for Cause Fixed-Term Faculty - Academic Staff" or because of elimination or material modification of the faculty member's program if the faculty member teaches in a program during the contract period.

A rolling contract continues to roll subject to a positive review by the Dean. After two consecutive, negative reviews, the Dean may convert a rolling contract to a three-year or five-year fixed term contract. Before the end of the contract term, the Dean may reinstate the rolling contract after one or more positive reviews. Throughout this process, the Dean is to consult the director(s) or other members of fixed term faculty member's program, if any.

VII. APPLICATION OF POLICY TO FIXED TERM FACULTY EMPLOYED AT DATE OF IMPLEMENTATION

A. Title

1. [Current fixed term faculty whose title does not represent their current rank under this policy may retain their current title.]

2. For fixed term faculty referred to under Sections VII.A.1, title is independent of contractual relation with the college, and the fixed term faculty member's rank is determined under this policy by whether the current contract is rolling or fixed and the length of service at the time this policy is enacted.

B. Continuation of Employment for Current Fixed Term Faculty to Allow for Adequate Notice of the New Policy

If a current fixed term faculty member is performing according to the terms of the faculty member's current contract, then he or she may, at the faculty member's discretion, receive a two year contract extension beginning July 2009, during which time the faculty member must apply for promotion according to the terms of this policy, if continued employment is desired.

C. Service

Current fixed term faculty members who were not assigned to committees before July 2009 will not be evaluated on non-performance of service during the period preceding July 2009.