UNIVERSITY OF DENVER
COLLEGE OF LAW

REVISED
PERSONNEL POLICIES AND PROCEDURES

Adopted
November 19, 1982*

As Amended
November 24, 1986,
March 26, 1997,
May 3, 1999,
and November 13, 2000
and December 9, 2002

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I. PHILOSOPHY

The University of Denver College of Law is committed to academic excellence. Its key resource is its faculty; the College's excellence is dependent principally upon the quality of the scholarship and teaching of the faculty. Therefore, a major aim of the College should be to recruit and retain the best quality faculty available to it. All personnel policies must reflect these aims in every way, especially those policies governing promotion and the granting of tenure. Additionally, it is the intention of the faculty of the College of Law that its procedures and decisions be in accordance with the affirmative action plan of the University as well as the University's Faculty Personnel Guidelines Relating to Appointment, Promotion and Tenure of 1976, as amended.

Promotion and Tenure decisions should be undertaken on the basis of rigorous standards of excellence. The tenure process in effect begins with recruitment and continues through granting tenure and promotion to higher ranks. At the time of tenure and promotion decisions, the guiding question will be "Why should we grant tenure or promotion?" Therefore, a strong case for tenure and promotion must always be made.

II. ELIGIBILITY, CRITERIA AND PROCEDURES FOR APPOINTMENT

A. Eligibility

The Faculty Recruitment Committee shall identify, screen and recommend candidates for appointment to the faculty. Before that Committee begins the search for candidates, the College's immediate and longer range teaching needs shall be clarified by the faculty as a whole. The description of these needs should be sufficiently broad and flexible to enable consideration of outstanding candidates whose initial teaching assignments may not entirely reflect their longer-term interests. In addition, the teaching interests of current faculty members should be ascertained by the Committee and be given priority in assessing the teaching needs of the College of Law. Persons satisfying the descriptions formulated by this process and qualified to fulfill them shall be eligible for appointment to the College of Law faculty.

B. Criteria for Recommendation For Appointment

Recommendations for appointment to the faculty of the College of Law shall be based on potential for excellence in teaching, research, writing and other creative activity. The recommendation shall also take into account academic, public and professional service expected of the candidate and shall include expected contributions to the overall excellence and diversity of the College.
C. Procedures for Recommendation for Appointment

1. Identification of Candidates. The Faculty Recruitment Committee shall identify candidates for recommendation for appointment to the College of Law faculty (1) through the AALS national registration process; (2) by seeking the identification of such persons outside that process with the assistance of current faculty members and the Dean of the College of Law; (3) by seeking assistance of others who are in a position to make suggestions; and (4) by further exploring names submitted to the Committee without initial action on their part. The Committee shall obtain letters of recommendation, examine available examples of research and writing and determine that the standards stated are satisfied. In addition, each potential candidate shall be interviewed by members of the Recruitment Committee when feasible.

2. Visit by Candidates. Candidates identified by this process shall be invited to visit the College of Law. Those candidates who are able to accept the invitation to visit will be expected to make a presentation to the faculty and students designed to demonstrate their teaching ability unless the Faculty Recruitment Committee specifically waives the requirement for a presentation by a particular candidate. The candidate will also meet with members of the faculty and student representatives for informal discussions.

3. Recommendation to the Faculty. When the Faculty Recruitment Committee is satisfied that it has sufficient information to act, it shall make the appropriate recommendations to the College of Law faculty. A minority committee report may be made and acted upon by the faculty.

4. Faculty Decision. The tenure-track faculty shall decide by two-thirds vote of those actually voting which candidates shall be offered appointments by the Dean, subject to required University procedures and approval and rules adopted in accordance with VI.B.4.

5. Initial Rank. The rank to which the successful candidate is appointed should be consonant with applicable policies of the University and should be limited to the specific type of appointment or range of possible appointments established by the faculty vote.

6. Waiver. The procedures described in this document respecting recruiting, appointment or the granting of tenure at appointment may be waived in whole or in part for persons of known ability and outstanding accomplishment upon a two-thirds affirmative vote of the tenured faculty actually voting.

7. Information to New Professors. The Dean will provide each person newly appointed to the faculty relevant documents of the College of Law respecting expectations of performance, promotion and tenure.
The following Section IIA is applicable to tenure track faculty without tenure appointed to the faculty on or before March 26, 1997, who did not choose to be governed by Section IIIB set forth below, and to tenured faculty who were below the rank of full professor on March 26, 1997.

IIIA. FACULTY ADVISORY COMMITTEE

For each new faculty member without tenure and each tenured faculty member at a rank below professor, an Advisory Committee of three faculty members shall be selected, two by the Dean and one by the candidate. It shall be the responsibility of the Advisory Committee to do the following.

A. Meet with the Faculty Member. Meet with the faculty member as needed to discuss progress and problems and to offer assistance and advice.

B. Attend Class. Attend a fair sample of the faculty member's classes in order to assess in-class performance.

C. Report. Prepare a preliminary report in the appointee's second year and a more complete report when the appointee becomes eligible for promotion or tenure, as described in V and VI. [As amended November 24, 1986].

The following Section IIIB is applicable to tenure track faculty without tenure appointed to the faculty after March 26, 1997, to tenure track faculty without tenure appointed on or before that date who chose to be governed by this Section IIIB, and to persons appointed to the faculty after that date who are tenured but are below the rank of professor.

IIIB. FACULTY ADVISORY COMMITTEE

A. Appointment of Mentor. Within a reasonable time after a new faculty member without tenure or at a rank below professor joins the faculty (hereinafter, "candidate"), the Dean shall appoint at least one tenured faculty member as a mentor for that candidate after consultation with the candidate.

B. Replacement of Mentor. The Dean may remove and replace a mentor at any time as the Dean determines to be appropriate. Examples of reasons that such action might be appropriate include that the candidate's research interests have changed, the mentor's schedule has changed such that it is not feasible for the mentor to devote the time to the mentoring process that is necessary, or serious personal differences between the mentor and the candidate make it unlikely the mentor can function effectively in the role of mentor.

C. Mentor's Role in Evaluation. Any faculty member who has served as a mentor for a faculty
member who is under review shall not prepare any evaluation of that candidate. It is expected but not required that the relationship between the two be confidential, and that the mentor will neither oppose nor support the candidate in decisions involving tenure or promotion or review.

D. Appointment of Advisory Committee. As to each candidate without tenure, the Dean shall, after consulting with that candidate, at the end of the candidate’s first, third and fifth years on the faculty, appoint an advisory committee to evaluate the work of the candidate.

E. Rotation of Advisory Committee Members. Each such review committee shall be composed of three tenured faculty members at least two of whom have not previously served on an advisory committee for that untenured candidate.

F. Task of Advisory Committee. Each such advisory committee shall be charged with reviewing and evaluating the work of the candidate. Each member of the advisory committee shall observe the untenured candidate teach at least one class of each of two courses that candidate is teaching during the year in which the evaluation is compiled, review the students’ evaluations of that candidate’s teaching made since the prior review, and read that candidate’s written work produced since the prior review. One member of the advisory committee shall evaluate the candidate’s community service. The advisory committee shall prepare a written report to the Policy Committee regarding the candidate’s teaching, scholarship and service since the candidate was hired, in the event of a second or sixth year review, or since the last report in the event of a fourth year review.

IV. POLICY REGARDING TEACHING AND ADMINISTRATIVE RESPONSIBILITIES OF BEGINNING LAW TEACHERS

A. Initial Tenure Track Appointment [added November 24, 1986].

1. An initial tenure track appointment made after October 1, 1986, shall be for a three-year term, except where the faculty approves a different period. A review by the Policy Committee of an appointee’s progress shall take place toward the end of the second year. The review shall take into account a preliminary report of the appointee’s Advisory Committee covering teaching, research and publication, university service, and community service. The Policy committee will also seek faculty and other appropriate input.

2. After consideration of the record, the Policy Committee will recommend to the Dean either
   (a) that the appointment not be renewed on completion of the final year of the appointment;
   (b) that an additional appointment of 1-3 years past the initial appointment term is appropriate;
3. The Committee's recommendation will be communicated to the Dean, who will inform the appointee of the Committee's recommendation, and the action which the Dean believes appropriate.

4. The procedures described above shall not interfere with or supersede the procedures relating to the granting of tenure or promotion as contained in other provisions of the Personnel Policies and Procedures of the College of Law.

B. It shall be the policy of the faculty that professors who are in their first two years of law teaching be given every consideration possible to provide the time necessary to prepare new courses and undertake the research and writing essential to developing expertise in their respective specialties. Professors in their first two years of law teaching should be given no more than average teaching loads, including the opportunity to repeat courses when possible, and be given no greater than average administrative and other responsibilities. This policy is subject to the discretion of the Dean and the Associate Dean for Academic Affairs, to schedule teaching and other faculty assignments in the best interests of our students.

V. ELIGIBILITY AND CRITERIA FOR PROMOTION AND TENURE

A. Eligibility for Promotion and Tenure

1. Tenure and Associate Professor. Assistant Professors of Law shall be considered for promotion to the rank of Associate Professor of Law, and for tenure, during or after their fourth year of full-time teaching in a tenure track appointment at the College of Law (such promotion and/or tenure, if granted, to be effective at the beginning of the year following the year in which consideration for promotion takes place).

2. Professor. Associate Professors of Law shall be considered for promotion to full Professor of Law during or after the third year of full-time teaching as Associate Professor of Law at the College of Law (such promotion, if granted, to be effective at the beginning of the year following the year in which consideration for promotion takes place).

3. Law School Teaching Experience. Full-time equivalent law school teaching experience, including the University of Denver, shall be credited toward satisfying the time limits of Section V.A. 1 and 2.

4. Waiver. Sections 1 and 2 may be waived in whole or in part upon a two-thirds affirmative vote by the eligible faculty actually voting.

5. Applicability. Sections 1, 2 and 3 shall apply only to faculty members whose first
tenure track appointment at the College of Law is effective during or after the Fall Quarter of 1982. Faculty members whose first tenure-track appointment at the College of Law was effective during the Fall Quarter of 1982 shall have the option of sections 1, 2 and 3 applying to their candidacy.

6. Limits on Time for Gaining Tenure. After a maximum of seven years aggregate equivalent full-time service in the ranks of Assistant Professor, Associate Professor or Professor at the University of Denver, a faculty member either shall be awarded tenure or released. When credit toward eligibility for tenure has been granted under V.A. 3., the seven year nontenure period shall be adjusted as provided in the University of Denver Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure, pp. A26-A27 (1980) including any subsequent amendments.

B. Criteria for Tenure Track and Tenured Faculty Other Than Clinical Faculty

Promotion and tenure recommendations of tenure track and tenured faculty shall be based on demonstrated excellence and continuing potential for excellence in teaching, research, writing and other creative activity.

Recommendations shall also take into account University, public and professional service and contributions to the overall excellence and diversity of the College of Law. Administrative services and the presence of a professional behavior towards colleagues, students and other members of the College of Law community shall also be considered.

C. Evaluation Criteria for the Clinical Director

Promotion and tenure recommendations for faculty on a clinical tenure track shall be based on:

1. Demonstrated excellence in clinical teaching. Factors indicating excellent teaching include:
   a. Ability to communicate with and relate well to students;
   b. Thoughtful organization of course content and pedagogy appropriate to clinical teaching;
   c. Preparation for classes, meetings, and consultations;
   d. Ability to provide students with appropriate supervision and feedback;
   e. Ability to stimulate student thinking;
   f. Ability to direct classroom meetings and individual or small-group student sessions;
   g. Ability to devise methods of determining a student's progress and achievement;
   h. Accessibility to students and demonstrated interest and involvement in their intellectual welfare.

2. Demonstrated excellence in scholarship. Factors indicating excellence in scholarship include:
a. Qualitative component. Clinical faculty must make meaningful creative contributions to legal knowledge. The scholarship must demonstrate the ability to conduct thorough research, to analyze with rigor and to synthesize findings, as evaluated by outside reviewers and members of our faculty.

b. Quantitative component. Sustained output of quality scholarship cannot be precisely quantified. Ordinarily, a candidate will be expected to produce multiple examples of scholarly works as a basis for tenure and promotion. However, a single, correspondingly more extensive work could constitute satisfaction of this standard. In evaluating the quantitative component, the extraordinary demands of clinical teaching shall be taken into account.

c. Form of scholarship. Clinical faculty may make meaningful contributions to academic scholarship, empirical research on clinical education, publication of writings on clinical or other legal issues, development of clinical and other course materials, published presentations at clinical or other conferences, legislative initiatives, or engage in other such research and applied creativity. This list is not intended to be exclusive, however, evidence of scholarship should be in writing for outside review and evaluation.

3. Professional Service. In evaluating a candidate, teaching and scholarship are primary. Candidates are expected, however, to participate in governance and to demonstrate a commitment to service to the college of law, the university and the legal profession. Candidates must also exhibit professional behavior toward academic colleagues and members of the legal profession.

4. Administration and guidance of clinical programs. The Faculty, through its Advisory and Policy committees shall evaluate the above areas of faculty performance. In the evaluation of the administrative performance of an candidate for promotion and tenure who serves as clinical director, the Dean of the College of Law shall conduct an annual performance review designed to ascertain:

   a. demonstrated excellence in clinical teaching or in the supervision of clinical teachers;

   b. demonstrated ability to administer effectively, maintain, improve, and create outstanding clinical education programs.

The results of the Dean's assessments shall be reported to the above faculty committees for the purposes of promotion and tenure review.

E. Criteria for Tenure Track and Tenured Faculty Serving as Clinical Director

Promotion and tenure recommendations for faculty serving as Clinical Director shall be based on:

1. demonstrated excellence in clinical teaching or in the supervision of clinical teachers;
2. Demonstrated ability to administer effectively, maintain, improve, or create a clinical teaching program; and

3. Made a substantial contribution to the academic or professional legal community in at least one of the following ways or through comparable activities:

   a. Publication of scholarly work including law related subjects and clinical education; and/or
   b. Participation in professional activities, such as drafting of legislative or administrative proposals, serving on public advisory committees or commissions or bar committees, participating in litigation that raises important questions of public policy, or participating, through publication or teaching, in continuing professional education.

D. Criteria Tenure-Track or Tenured Clinical Faculty

Promotion and tenure recommendations for faculty on a clinical tenure track shall be based on:

1. Demonstrated excellence in clinical teaching. Factors indicating excellent teaching include:
   a. Ability to communicate with and relate well to students;
   b. Thoughtful organization of course content and pedagogy appropriate to clinical teaching;
   c. Preparation for classes, meetings, and consultations;
   d. Ability to provide students with appropriate supervision and feedback;
   e. Ability to stimulate student thinking;
   f. Ability to direct classroom meetings and individual or small-group student sessions;
   g. Ability to devise methods of determining a student’s progress and achievement;
   h. Accessibility to students and demonstrated interest and involvement in their intellectual welfare.

2. Demonstrated excellence in scholarship. Factors indicating excellence in scholarship include:
   a. Qualitative component. Clinical faculty must make meaningful creative contributions to legal knowledge. The scholarship must demonstrate the ability to conduct thorough research, to analyze with rigor and to synthesize findings, as evaluated by outside reviewers and members of our faculty.
b. Quantitative component. Sustained output of quality scholarship cannot be precisely quantified. Ordinarily, a candidate will be expected to produce multiple examples of scholarly works as a basis for tenure and promotion. However, a single, correspondingly more extensive work could constitute satisfaction of this standard. In evaluating the quantitative component, the extraordinary demands of clinical teaching shall be taken into account.

c. Form of scholarship. Clinical faculty may make meaningful contributions to academic scholarship, empirical research on clinical education, publication of writings on clinical or other legal issues, development of clinical and other course materials, published presentations at clinical or other conferences, legislative initiatives, or engage in other such research and applied creativity. This list is not intended to be exclusive, however, evidence of scholarship should be in writing for outside review and evaluation.

3. Professional Service. In evaluating a candidate, teaching and scholarship are primary. Candidates are expected, however, to participate in governance and to demonstrate a commitment to service to the college of law, the university and the legal profession. Candidates must also exhibit professional behavior toward academic colleagues and members of the legal profession.

VI. PROCEDURES FOR PROMOTION AND TENURE

A. The Faculty Policy Committee. The Policy Committee of the College of Law shall, in addition to its traditional functions, assume primary responsibility for formulation of a recommendation of the College of Law regarding promotion and tenure of the faculty of the College of law. The Policy Committee is a committee of five members of the faculty of the College of Law elected by the faculty for a term of twelve months. Eligibility for membership on that Committee and for voting for membership on that Committee extends to all members of the faculty of the College of Law who are on a tenure-track appointment. Voting shall be anonymous. Elections for membership on the Policy Committee (5 members, 1 alternate) shall be conducted in the following manner:

1. First Ballot: The incumbent Policy Committee shall prepare a ballot listing all faculty members eligible to serve as a member of the committee. Each eligible faculty member may vote for six eligible candidates. A ballot will be counted only if it includes votes for six different individuals. Of all candidates who receive at least a majority of the total number of valid ballots cast, the five individuals who receive the highest number of votes will become members of the Policy Committee and the individual who receives the next highest number of votes will be the Alternate. The candidate receiving the highest number of votes shall serve as Chair. A coin toss will

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1 This includes all items in section B.3 “Form of Scholarship” and B.4 “Prior Examples of Scholarship” in Criteria for Promotion and Tenure in the attached Policy Committee Rules for Promotion and Tenure, pages 17-18.
be used to break ties if necessary. If fewer than six individuals receive majority votes on the first ballot, an additional ballot will be required.

2. **Subsequent Ballots:** If fewer than six people are elected on the prior ballot, the incumbent Policy Committee shall prepare another ballot in the following manner:

   a. The total number of individuals listed on the ballot shall be equivalent to the number of vacancies left after the prior ballot plus three (e.g., if four persons receive majority votes on the first ballot, then two vacancies remain; the next ballot shall include the names of five candidates);

   b. The Policy Committee shall prepare a ballot with the names of the individuals who received the highest vote totals on the prior ballot, but whose totals were less than a majority of valid ballots, up to the number of individuals determined pursuant to 2.a. If more than one person accrued the same number of votes, those people shall be treated equivalently (in this circumstance, the total number of individuals listed on the ballot may exceed the number specified in 2.a).

   c. Each eligible faculty member may vote for eligible candidates to fill the remaining positions. A ballot will be counted only if it includes votes for the number of individuals needed to fill the remaining vacancies. Among individuals whose vote totals are at least a majority of the total number of valid ballots cast, those individuals who receive the highest vote totals will be elected to the remaining vacancies.

If two or more faculty members who receive a majority vote also receive the same number of votes, and, as a result, the number of faculty members eligible for the last remaining vacancy or vacancies on the Policy Committee exceeds the number of remaining vacancies, an additional ballot will be required to break the tie and will be conducted in the same manner as the second ballot.

If fewer than the required number of individuals receive majority votes, an additional ballot will be required and will be conducted in the same manner as the second ballot.

Elections shall be conducted by the Policy Committee and held once a year in the Spring Semester. Vacancies which occur shall be filled as soon as feasible by election for the remainder of the term.

B. **Procedural Rules Governing the Policy Committee in Matters of Promotion and Tenure.**

1. **Majority Voting.** Decisions shall be by majority vote.

2. **Open Voting.** The vote cast by individual members of the Committee regarding recommendations on promotion and tenure shall be disclosed in the report of the College of Law Recommendations for Promotion and Tenure.

3. **Voting Qualifications.** Policy Committee members shall disqualify themselves on matters directly affecting themselves but members are qualified to participate fully, including voting, on any other matter coming before the Committee.

4. **Rule Making.** The Policy Committee may make such rules as it deems necessary to
implement the purposes of this document, including voting and polling procedures, but the rules shall not contravene specific provisions of these policies and procedures. Notice of proposed rules shall be given to the faculty. Rules shall be effective seven days after such notice unless the faculty disapproves by formal resolution on or prior to the effective date.

C. Basis of Decision Regarding Promotion and Tenure. The Policy Committee shall use as a basis for decision the following classes of information.

1. The Advisory Committee. The Committee shall request a report from the Advisory Committee for the candidate. The Advisory Committee shall file the report within two weeks of receiving the request. The Advisory Committee report shall contain information and evaluation relevant to the stated criteria for promotion and tenure, including outside evaluation of available research and writing and may include a recommendation. Persons from whom evaluations are to be obtained include those submitted by the candidate and those sought independently by the Committee. The Advisory Committee shall make the report available to the candidate and each faculty member prior to the faculty poll as provided in VI.C.3.

2. The Candidate. The Committee shall invite the candidate to submit any information the candidate believes to be relevant.

3. The Faculty. The Committee shall determine the sense of the faculty toward the candidate by conducting an informal, written poll of each faculty member which requests any relevant information and preferences the faculty member wishes to provide. The faculty member may retain anonymity if he or she desires to do so. All tenure-track members of the faculty are eligible to contribute such information and to state their preferences. The written poll, without the names of the individual faculty members, shall be retained and made available to the candidate. They shall be made available to the faculty at the option of the candidate, except that in the event of a review, the information may be supplied to the faculty without the consent of the candidate.

4. Students. The Committee shall consider regularly conducted student evaluations of the candidate.

5. The Dean. The Committee shall invite the Dean or his or her designate to contribute information he or she deems relevant in writing or in person.

6. Other. The Committee may seek other information it deems relevant to a decision regarding promotion or tenure.

7. Communication to Candidate. The substance of the information collected by the Policy Committee shall be communicated to the candidate within a reasonable time prior to the decision on the candidate.

D. Report of College of Law Recommendation
1. Contents. The Report of the College of Law Recommendations for Promotion and Tenure shall contain the Committee decision and vote regarding recommendation, stating that the decision is either affirmative or negative and stating the reasons for the decision. If any member of the Policy Committee wishes to do so, a dissenting recommendation may be filed with the College of Law recommendation.

2. Distribution. The recommendation shall be distributed to the candidate, the faculty and the Dean. Further distribution shall not be made.

3. Timing. The Policy Committee shall make its recommendation in a timely fashion consistent with the University schedule regarding consideration for promotion and tenure.

E. Review of the Recommendation

1. Basis of Review. Review of the recommendation shall be limited to the question whether there was adequate consideration by the Policy Committee in formulating its decision regarding a recommendation against promotion or tenure. "Adequate consideration" means compliance with these Personnel Policies and Procedures.

2. Who May Seek Review. Review may be sought by a candidate who receives a negative recommendation.

3. Timing or Review Request. A candidate who seeks review shall do so within one week of receiving notice of a negative recommendation.

4. How Review is Sought. Review shall be sought by notifying in writing the Policy Committee Chair and the Dean that such review is sought.

5. Who Shall Review. Review shall be by the eligible tenure-track faculty (tenured faculty in cases of tenure and faculty at or above the level to which promotion is sought.)

6. Timing of Review. The review shall be held within two weeks from the time notice is received that review is sought.

7. The Decision on Review.

   a. Voting on Review. The decision on review shall be by a majority of the eligible faculty actually voting. Abstentions are not votes. Attendance at the review hearing is not required. Members of the Policy Committee are eligible to vote if they are otherwise eligible faculty members. The Policy Committee shall allow 7 days for voting on review following the hearing.

"Refer to UNIVERSITY OF DENVER Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure, p. A-14 (1980).
Voting on review shall be anonymous.

b. Disposition on Review. The review faculty shall (a) affirm or (b) disaffirm for inadequate consideration and remand the decision to the Policy Committee.

8. The Decision on Remand. On remand, the Policy Committee shall reconsider the adequacy of its procedures and recommendation and make a second recommendation in accord with the timing provisions of VI.D.3.

F. The Recommendation of the College of Law Regarding Promotion and Tenure.

1. The Recommendation.

a. Affirmative. The recommendation is affirmative and final if the Policy Committee makes an affirmative recommendation.

b. Negative. The recommendation is negative and final if the Policy Committee makes a negative recommendation which is not remanded following a review.

c. Other. If the second recommendation provided for in VI.E.8. above is reviewed and disaffirmed then the original recommendation, the new recommendation, and the disaffirmances by the faculty shall constitute the final recommendation of the College of Law.

2. Communication of the Recommendation. The final recommendation of the College of Law shall be communicated by that Committee to the candidate, the faculty and the Dean.

VII. EFFECTIVE DATE OF THESE RULES

Except as otherwise provided, these rules shall become effective immediately upon approval by a majority of the faculty.

VIII. OTHER PROVISIONS

A. Opinion on Rules. Upon adoption of these rules by the faculty, the Dean shall request an opinion from the Vice Chancellor for Academic Affairs whether these rules are in compliance with the applicable University rules.

B. Exclusions from Rules. It is not intended that these rules govern:

1. The recommendation of the Dean of the College of Law;
2. Appeals beyond the College of Law;
3. Termination of appointments prior to the decision regarding promotion or tenure; or
4. Part time and Adjunct Professors, or other nontenure-track appointments.
INTRODUCTION

The Policy committee proposes to formalize as rules its decision criteria on promotion and tenure recommendations. The Committee considers this to be important for a variety of reasons.

A. The Policy Committee believes that the elaboration of decision criteria in rules is generally desirable. Application of established standards is superior to development of ad hoc standards in the process of evaluation and recommendation of candidates in an adjudicative process. The Committee's action in cases brought before it will be improved, we think, if the Committee promulgates rules establishing standards which are consistent with but more specific than the general criteria stated in the Personnel Policies and Procedures.

B. The Policy committee represents the faculty in the promotion and tenure process and the faculty is entitled to know the criteria applied by the Committee. The faculty participates in the process by which promotion and tenure decisions are made. It can do so better by also participating in the rule-making process on decision criteria applied by the Policy Committee.

C. Published rules will enhance the credibility of Committee actions, and minimizes rumor and conjecture about the basis for committee recommendations.

D. Rules will also promote consistency among the faculty Advisory Committees. Ad hoc methods are less likely to assure equal treatment to all candidates in the Advisory Committee stage of our procedure. Through rules, the Policy committee provides guidance to the Advisory Committees as to what the Policy Committee deems relevant and of relative importance in the promotion or tenure decision. Through rule making, the two-tier process will be more closely coordinated, more consistent and less idiosyncratic.

E. Promulgated rules will serve as an aid to faculty recruitment. A more precise statement of the expectations to be imposed on new faculty is needed. In the past, candidates for appointment have asked for more information on expectations, and new faculty have asked for clarification soon after their appointment to the faculty. Promulgated rules will provide the clarification needed by new faculty. They will also insure that the clarification provided will be stated consistently to everyone affected.
Although the above statement of reasons for promulgation of rules could be expanded, those set forth do provide a reasonable basis for the Policy Committee’s action.

PHILOSOPHY

The Personnel Policies and Procedures document adopted by the faculty on November 19, 1982, contains a statement of philosophy which makes abundantly clear the following:

1. The College is committed to academic excellence;
2. Academic excellence is dependent principally upon the quality of the scholarship and teaching of its faculty;
3. Rigorous standards of excellence are to be the basis of promotion and tenure decisions; and
4. Accordingly, a strong case for tenure and promotion must always be made, for, at the time of the decision, the deciding question will be "Why should we grant tenure or promotion?" [Personnel Policies and procedures, November 19, 1982, Part I]

These philosophical concepts find expression in the criteria for promotion and tenure which appear in the Personnel Policies and Procedures document.

CRITERIA FOR PROMOTION AND TENURE

Promotion and tenure recommendations shall be based on demonstrated excellence and continuing potential for excellence in teaching, research, writing and other creative activity.

Recommendations shall also take into account University, public and professional service and contributions to the overall excellence and diversity of the College of Law. Administrative services and the presence of a professional behavior towards colleagues, students and other members of the College of Law community shall also be considered.

Personnel Policies and Procedures, November 19, 1982, V. B.

Since their adoption, these criteria have been applied to determine the promotion and tenure recommendations of the Policy Committee. Because the Committee has now had experience in interpreting and applying the criteria and because the faculty has authorized the Committee to make such rules as it deems necessary to implement the purposes of the Personnel Policies and Procedures (Id., VI B.4.), the Policy committee has prepared the following proposed rules which further elaborate and make more specific the promotion and tenure criteria.

A. Teaching

1. Importance of Teaching
The candidate must demonstrate excellence as a teacher. Normally this will require a showing of excellent performance in a variety of circumstances, including large classes, and willingness and flexibility in accepting new teaching assignments. Education of students is the primary mission of the College of Law. Consequently, it is essential that members of the faculty demonstrate a capacity and a commitment to explain, to inspire, to challenge the minds of students, and to develop their legal skills. Not only must the Committee be able to conclude that the candidate is effective as a teacher, but it must also be able to predict with reasonable confidence that the candidate will continue to function in the future in all respects as a challenging, stimulating and knowledgeable teacher.

To aid the Committee in making a more reliable prediction as to future teaching quality, there should be evidence of an active, inquiring, insightful, and intellectually curious mind. Assuming that the quality of the candidate's commitment to scholarly growth is a partial measure of the quality of the mind that produces it, the Committee concludes that there is a relationship between teaching excellence and commitment to scholarship.

2. Factors Indicating Teaching Ability.

Faculty members may be outstanding teachers for various reasons. While it does not seem feasible to specify all of the components of excellence in teaching, the following major factors will be considered in evaluating teaching ability:

a. Ability to communicate;
b. Preparation for class;
c. Breadth and depth of knowledge relevant to field;
d. Thoughtful organization of individual class sessions and overall course content;
e. Ability to stimulate student thinking;
f. Ability to direct a classroom meeting;
g. Ability to devise methods of determining a student's progress and achievement, appropriate to the courses taught;
h. Effectiveness in directing research, clinical programs or other individual or small group programs; and
i. Accessibility to students and demonstrated interest and involvement in their intellectual welfare.

Solid achievement in these areas will be expected of the candidate.
3. Evaluation of Teaching Ability

Student teaching evaluations are of great importance and will be considered in the formulation of a recommendation. Evaluations by faculty observers are equally important because colleagues have the experience to judge candidates in their own profession by comparison with a range of teachers. Evaluation by colleagues should be based on the factors listed in paragraph 2, above. The Policy Committee recognizes that some members of the faculty are able to judge the depth of a particular teacher's knowledge with special competence.

B. Scholarship

The candidate will be expected to show clearly the capacity and the commitment to contribute to the development of the law, legal education, or the improvement of legal institutions or procedures. In addition, the Committee must be able to conclude that the candidate is committed to continue to make such contributions.

1. Qualitative Component of Scholarship

The Policy Committee interprets the research and writing criteria to contain a minimum or threshold qualitative component which requires serious scholarship, demonstrating more than the legal craftsmanship ordinarily to be expected of a lawyer. For example, a book collecting the views of others, an article reporting cases, or an analysis of a current legal issue which simply summarizes the contentions already made by others will not serve to satisfy the qualitative criterion of scholarship. The scholarship must demonstrate the ability to conduct thorough research, to analyze with rigor and to synthesize findings.

2. Quantitative Component of Scholarship

Sustained output of quality scholarship is a criterion for tenure and promotion which is not subject to precise quantification. Ordinarily, a candidate will be expected to produce multiple examples of scholarly works as a basis for judgment. However, the Committee recognizes that a single, correspondingly more extensive work could constitute satisfaction of the standard.

3. Form of Scholarship

The primary focus of an evaluation of scholarship is on its quality and the form in which that scholarship is disseminated is of secondary importance. Ideally, the Policy Committee would like to see the recognition of faculty work by its inclusion in prestigious publications. Nevertheless, any form of dissemination, including the following, will be taken into account and will be evaluated: books; articles; publications of learned and professional societies; publications of government bodies, commissions, and task forces;
book reviews of significant length and scope; final contract, grant, or other research project reports; and briefs upon significant public or private legal issues. Works prepared for publication which are complete or substantially complete and are in a form suitable for outside review and evaluation can also be taken into account.

4. Prior Examples of Scholarship

All scholarship accomplished by a candidate may be considered by the Policy Committee. However, scholarship prior to appointment on this faculty, or prior to a previous decision on tenure or promotion, will not alone suffice to support a favorable recommendation.

5. Outside Evaluation of Scholarship

Evaluators should be scholars in the field. Their evaluations will be expected to be in writing to permit circulation of their views rather than circulation of an interpretation of their views. The Policy Committee will assess the stature of the several outside evaluators of a candidate's scholarship as well as their evaluations. The duty imposed on the Advisory Committee to secure such outside evaluations precludes the use of members of the faculty of the College of Law from performing the outside evaluation. [Personnel Policies and Procedures, VI.C.1.]

C. Professional Service

In evaluating a candidate, teaching, research and writing are primary. The Policy Committee will also take into account service to the university, the public, and the profession; contributions to the overall excellence and diversity of the College of Law; and professional behavior toward members of the College of Law community.

The candidate will be expected to have demonstrated his or her involvement in activities related to the welfare and betterment of the College of Law. This includes, but is not limited to, such activities as attendance and participation in: faculty meetings; College and University committee assignments; development activities; CLE; alumni and Bar relations; faculty and student recruiting; College of Law activities; substitute teaching; scholarly consultations with colleagues and others; and review and critique of colleagues' work when requested and appropriate. A cooperative working relationship with students, staff, faculty and the administration is also expected.

The important factor in measuring such activities in relation to tenure or promotion is the quality of the service and the depth of involvement and not mere membership in groups or merely peripheral involvement.

Despite the relevance of these activities, the Committee reiterates that full time membership on the faculty involves a primary commitment to teaching and scholarship.