

CHAPTER 3. PROMOTION AND TENURE

SECTION 1-301. UNIVERSITY PROMOTION AND TENURE POLICIES AND PROCEDURES. All matters of promotion and tenure in the College of Law are subject to the personnel policies and procedures set forth in Chapter 3 of the University Handbook For Appointed Personnel (2000 ed.), as amended (UHAP). Pursuant to UHAP, the faculty of the College of Law has adopted the following policies, standards, and procedures concerning promotion and tenure for Law College faculty members.

SECTION 1-302. PROMOTION AND TENURE POLICIES; STANDARDS; EVALUATION.

(a) General. A lifelong commitment to active and continued scholarship and to outstanding teaching are obligations of every faculty member. In making promotion and tenure decisions, an attempt is made to judge the likelihood that a candidate will be a productive, engaged scholar and effective teacher. This implies not only an attempt to judge the quality of the candidate's existing scholarly production and past teaching, but also the candidate's commitment to continued excellence in scholarship and teaching as essential parts of the academic life. The grant of tenure is largely a predictive assessment about future performance based on evidence of the candidate's accomplishments as a scholar and teacher at the time the tenure decision is made. Institutional service within the College of Law and the University community is also an important responsibility of faculty members and is relevant to the tenure or promotion decision. In addition, service to the legal profession or general public may be taken into account in assessing the candidate's overall professional contributions.

(b) Specific Standards.

(1) Teaching Effectiveness. The College of Law expects its faculty members to develop expertise in the subject matter of their courses, effectively communicate in the classroom, inspire critical thinking among students, and otherwise fulfill their teaching obligations with professionalism. Assessment of teaching quality is based on peer evaluations, student evaluations, the candidate's prepared course materials and descriptions of pedagogical techniques, and such other evidence, formal or informal, as may be available.

(2) Scholarly Contributions. As members of a research institution, faculty members have a continuing obligation to actively engage in legal scholarship. While the methodology and focus of legal scholarship varies widely, excellent scholarly work generally demonstrates intellectual rigor, analytical coherence, and originality. The quality of a candidate's scholarship, as judged by peers at this and other institutions, is a substantial factor in any tenure or promotion decision. It is expected that, by the time the tenure decision is considered, the candidate will have produced a body of scholarship that the Committee can review, not only for its own merit, but also as a predictor of the candidate's career commitment to sustained scholarly activity.

Ordinarily, a candidate's scholarship will be in the form of law review articles, but it may also include other categories of publications, such as articles in peer-reviewed journals, book

chapters, casebooks, monographs, and treatises. However, candidates should understand that preparing a book is often a less manageable task for purposes of adhering to the tenure timeline. It is generally expected that a tenure candidate whose first tenure-track appointment is at the College of Law will complete at least three law review articles or the equivalent after joining the faculty and before the award of tenure. In the case of an untenured lateral candidate, scholarly work completed at another law school while on a tenure-track appointment will generally be given the same weight as scholarly work completed at the College of Law. The Dean will clarify with all candidates the specific expectations at the time of the candidate's appointment. The entire body of work should be of sufficient quality and quantity to demonstrate the candidate's commitment to the production of sustained high-quality scholarship in the future.

(3) Institutional and Professional Service. Faculty members are expected to play important roles in law school governance and to participate to a reasonable degree in University committee work. Significant participation in the activities of the legal profession are factors that may also be considered in evaluating a faculty member's service contribution.

(c) Nature of Evaluation Process. The decision to recommend tenure requires complex judgments of great importance to the individual faculty member and the institution. The relevant factors are by nature not subject to precise quantification. In reaching a tenure decision, the Committee shall evaluate the candidate's teaching, scholarship, and service based on the record as a whole.

(1) A candidate may not receive tenure unless he or she has shown excellent performance and the likelihood of continued excellence in teaching, scholarship, and service. Excellence in teaching means that the candidate has a record of effectiveness and professionalism as a teacher. Excellence in scholarship means that the candidate has produced scholarship of sufficient merit and scope to demonstrate a commitment to sustained high-quality scholarly activity in the future. Excellence in service means that the candidate has met his or her responsibilities as a faculty member to participate in institutional and professional service.

(2) Promotion to full professor constitutes recognition that the faculty member has met the standards for tenure set forth above and is committed to a career that is devoted to fulfilling those standards on a continuing basis. For promotion to full professor, the candidate is expected to have produced additional substantial scholarship in publishable form, such as at least one high-quality law review article or the equivalent, and to demonstrate on the basis of the cumulative scholarly record that he or she has achieved a national reputation in his or her area of expertise. In addition, the candidate must have a record of sustained excellence in teaching and service and must have demonstrated the capacity to effectively fill leadership roles required of full professors at the College of Law. In sum, to be promoted to full professor, the overall credentials and record of the candidate must clearly establish his or her commitment to a professional lifetime of excellence in teaching, scholarly endeavor, and institutional and professional service.

SECTION 1-303. INITIAL STATUS UPON HIRE; PROMOTION; STANDARDS.

(a) Faculty members may be hired at the rank of assistant, associate, or full professor, but faculty candidates with significant professional experience after receiving their law degree are typically hired at the level of associate professor without tenure. Associate and full professors may be hired either as tenured or tenure eligible. In order for a faculty member to be initially hired in a tenured capacity, the member must satisfy all the criteria for the rank at which tenure is sought.

(b) Assistant professor is not a tenurable rank, and a person hired at that rank may only be hired as tenure eligible. If a faculty member is initially appointed as an assistant professor, promotion to associate professor constitutes recognition that the faculty member has demonstrated a capacity for teaching, scholarship, and service of the type and quality that eventually should result in a favorable tenure decision.

(c) If a faculty member is initially appointed at the associate professor level without tenure, the standards set forth in Section 1-302 must be met before tenure may be awarded. Except when a faculty member is initially appointed as a full professor, the faculty member must be awarded tenure before or concurrently with promotion to full professor.

(d) If a faculty member is initially appointed as a full professor without tenure but is tenure eligible, to obtain tenure the member must satisfy all the criteria regarding teaching, scholarship, and service for a person to be promoted to the rank of full professor with tenure.

SECTION 1-304. TENURE AND PROMOTION RECOMMENDATION; EVALUATION OF CANDIDATE'S SCHOLARSHIP.

(a) **Outside Evaluators.** In determining whether or not to recommend a faculty member for tenure, for promotion to full professor, or for both, the Faculty Status Committee shall have the candidate's scholarly work evaluated by individuals expert in the field of the candidate's scholarship. The evaluators ordinarily should not be associated with the University of Arizona. If the scholarship is in the form of law review publications, at least three experts must be asked to evaluate the publications.

(b) **Selection of Outside Evaluators.** Selection of the outside evaluators must be made by the Faculty Status Committee in the following manner:

- (1) the candidate provides a list of suggestions to the Status Committee;
- (2) the Status Committee generates a list of potential evaluators, some or none of whom may be from the candidate's list;
- (3) the candidate reviews the Status Committee's list and strikes any person that the candidate feels will not conduct a fair or competent evaluation; and

(4) the Status Committee selects the actual evaluators from the remaining names. No more than 50 percent of the actual evaluators selected by the Status Committee may be solely from the candidate's suggested list. If the Status Committee and the candidate both nominate the same potential evaluator, the evaluator is not considered to have come solely from the candidate's suggested list.

(c) **Use of University of Arizona Evaluators.** In determining whether or not to recommend an assistant professor for promotion to associate professor prior to any consideration for a tenure recommendation, the Committee may have the candidate's scholarship evaluated by individuals associated with the University of Arizona.

(d) **Confidentiality of List of Evaluators.** The list of actual evaluators selected by the Committee is confidential and shall not be revealed to the candidate.

(e) **Candidate's Right to Evaluations and to Respond.** Prior to the Committee's decision on tenure, redacted copies of the outside evaluations must be provided to the candidate. The copies shall be edited to mask the identity of the evaluator and his or her institution. The candidate may respond in writing to the evaluations. In contacting outside evaluators, the Committee shall disclose that this procedure will be followed.

(f) **Committee's Recommendation to Faculty; Response of Candidate.** The Committee shall report its recommendation regarding the tenure decision to the members of the faculty that are eligible to vote on the matter and, for purposes of review, make available to the faculty members all of the written materials upon which it based its recommendation. The specific recommendation of the Committee shall be forwarded to the candidate before the faculty meeting. Except for the redacted outside evaluations of scholarly contributions, information upon which the recommendation is based need not be disclosed to the candidate. At the faculty meeting at which the recommendation is to be considered, the candidate may appear for the purpose of making a statement to the faculty.

SECTION 1-305. TIMING OF TENURE DECISION.

(a) If a faculty member is appointed at the assistant or associate professor level, the tenured Law Faculty will ordinarily make a tenure decision in the fall of the fifth or sixth year of the candidate's appointment, at the candidate's choice. Previous teaching experience at another educational institution may be considered in the College time period.¹ In computing the time period for purposes of this section, any formal leave of absence granted to the candidate for reasons of parental delay, illness or other disability, or family need shall, at the candidate's option, be excluded from the candidate's tenure review period.²

¹ See UHAP § 3.06 (2000 ed.), as amended.

² See UHAP § 3.12.01 and ch. 8 (2000 ed.), as amended.

(a) **Tenure.** A candidate may be awarded tenure earlier than the candidate's fifth year if the candidate establishes that the requirements for tenure set forth in Section 1-302 have been met.

(c) Except in the case of a formal leave of absence or parental delay under Section 1-306, a candidate's tenure-eligible appointment may not be renewed more than six successive years. If a candidate seeks tenure earlier than the sixth year, a decision against awarding tenure does not preclude the candidate from seeking tenure again before the expiration of the candidate's pre-tenure review period.

(d) If a faculty member is appointed at the full professor level, the time period for tenure review shall be determined at the time of appointment by the Dean in consultation with the tenured faculty, but the time period may not exceed three years or the time prescribed in the University Handbook for Appointed Personnel, whichever is shorter.³

SECTION 1-306. DELAYED CONSIDERATION FOR TENURE. A tenure-eligible faculty member may request that the tenure review period be extended in accordance with the University Handbook for Appointed Personnel⁴. Requests must be addressed to the Dean, who shall act upon them in consultation with the Faculty Status Committee. Requests must also be approved by the Provost's Office. If a tenure decision is delayed under this section, the candidate shall not be subject to additional scholarship requirements in order to qualify for tenure. The Faculty Status Committee will establish with the individual candidate a revised schedule of class visits, faculty seminar, and scholarship goals. Nothing in this section is intended to limit the authority of the University to refuse to renew a temporary contract at the end of its terms pursuant to University guidelines.

SECTION 1-307. TIMING OF PROMOTION.

(a) **Promotion to Associate Professor.** If the initial appointment at the College is at the assistant professor level, the candidate ordinarily may expect to be considered for promotion to associate professor without tenure in the candidate's third year in connection with the third-year review under Section 1-308(b)(3). Ordinarily, a candidate will not be considered for promotion to associate professor unless the candidate has completed at least one law review article of the quality described in Section 1-302(b)(2).

(b) **Promotion to Full Professor.** A candidate may seek promotion to full professor under the standards of Section 1-302(c)(2) at the time the candidate seeks tenure or at any time after receiving tenure. A candidate may be awarded tenure and promoted to full professor at the same time if the candidate's overall record establishes that the requirements for both the award of tenure and promotion to full professor have been met.

³ See UHAP § 3.12.06 (2000 ed.), as amended.

⁴ See UHAP § 3.12.01 (2000 ed.), as amended.

SECTION 1-308. TENURE REVIEW: GENERAL GUIDELINES AND SCHEDULE.

(a) General Guidelines. The faculty expects that during the first six years of teaching a tenure candidate will develop as a teacher and as a scholar. The faculty is committed to supporting that development in numerous ways. This includes visiting the candidate's classes and in welcoming the candidate to visit theirs, by discussing the candidate's research interests, and by reviewing drafts of the candidate's scholarly work. These guidelines are to assist the candidate's teaching and scholarship skills; they are not, however, exclusive. The candidate should feel free to seek out whatever additional help and guidance that he or she deems appropriate. To this end, the process under subsection (b) is designed to afford a candidate ample opportunity to demonstrate that she or he is meeting and has met the criteria for retention, promotion, and tenure. Information developed during the process will be employed by the faculty in making these judgments. The schedule set out in subsection (b) may be varied by the Faculty Status Committee in individual cases.

(b) Schedule.

(1) First Year of Appointment.

(A) During the first semester of a candidate's appointment:

(i) the Status Committee and the Dean shall meet informally with the candidate to discuss faculty expectations regarding promotion and tenure and to review the requirements set forth in this schedule; and

(ii) at the request of the candidate, a faculty member who is known as an effective teacher may visit the candidate's class and thereafter discuss teaching with the candidate. A report of this visit shall not be submitted to the Status Committee, or any member thereof, or placed in the candidate's tenure file.

(B) During the first year of a candidate's appointment, the candidate:

(i) shall visit at least one class session in two different professors' courses and then meet with them to discuss teaching;

(ii) shall review video tapes of at least two of his or her classes;
and

(iii) may invite other members of the faculty to assist in the review.

(C) During the second semester of a candidate's first year of appointment, separate teams, each consisting of two tenured faculty members selected by the Status Committee, shall each visit one class session of each of the candidate's courses, excluding seminars. For example, team one will visit course A once and team two will visit course B once. If the candidate has only one class during the second semester, that class shall be visited twice,

once by each team. After a visitation, the team members who visited the candidate's class shall discuss their impressions of the class with the candidate and each member shall file a written evaluation of the class with the Status Committee, copies of which shall be given to the candidate. The written evaluations shall become a part of the candidate's tenure file.

(D) After a candidate has turned in his or her final grades for the second semester of the candidate's first year of appointment, the Dean and Status Committee shall meet with the candidate to discuss the candidate's student and faculty teaching evaluations, annual performance review, and research and scholarship, including any works in progress or completed works.

(2) Second Year of Appointment.

(A) During a candidate's second year of appointment, one team consisting of two tenured faculty members selected by the Status Committee shall visit one class session of a course taught by the candidate, the course to be designated by the Status Committee. After the visitation, the team members who visited the candidate's class shall discuss their impressions of the class with the candidate and each shall file a written evaluation of the class with the Status Committee, copies of which shall be given to the candidate. The written evaluations shall become a part of the candidate's tenure file.

(B) During the second year, the candidate shall conduct a faculty seminar. The topic of the seminar must directly relate to a current scholarly project in which the candidate is engaged. Prior to the presentation, the Status Committee shall meet with the candidate to discuss the content and format of the presentation.

(C) After a candidate has turned in his or her final grades for the second semester of the candidate's second year of appointment, the Dean and Status Committee shall meet with the candidate to discuss the candidate's student and faculty teaching evaluations, annual performance reviews, the candidate's current scholarly projects and completed works, and any other matters concerning the candidate's progress for promotion and tenure.

(3) Third Year of Appointment; Renewal Recommendation.

(A) During the third year of a candidate's appointment, one team consisting of two tenured faculty members selected by the Status Committee shall visit one class session of one of the candidate's courses, the course to be designated by the Status Committee. However, if the candidate's second year-end review expressed concerns about the candidate's classroom teaching, the Status Committee may arrange for a separate team to observe a class session in an additional course taught by the candidate. After a visitation, the team members who visited the candidate's class shall discuss their impressions of the class with the candidate and each shall file a written evaluation of the class with the Status Committee, copies of which shall be given to the candidate. The written evaluations shall become a part of the candidate's tenure file.

(B) During the third year of a candidate's appointment, the Status Committee shall conduct an in-depth review of the progress of the candidate for purposes of achieving tenure and promotion. The third year review also includes consideration of the candidate for renewal of his or her appointment. No later than March 1st of that year, the Committee shall report its recommendation in full to the Dean and the tenured faculty as to whether the candidate's appointment should be renewed. The tenured faculty, in turn, shall consider the report and provide its own recommendation to the Dean. The Committee's report and recommendation shall be in writing and shall include its evaluation of the candidate's teaching, completed scholarship and works in progress, faculty seminar presentation, institutional and professional service, annual performance reviews, and any other relevant factors. While outside evaluations of the candidate's research and scholarship are not required for purposes of appointment renewal, the Committee should conduct a careful internal evaluation of the candidate's scholarship, immediate research agenda, and long-term scholarly trajectory.

(C) In the case of a candidate whose initial appointment was as assistant professor, the third-year review shall include a consideration of promotion to associate professor. Ordinarily, a candidate will not be considered for promotion to associate professor unless the candidate has completed at least one scholarly work of the quality described in Section 1-302(b).

(D) No later than April 1 of a candidate's third year of appointment, the Dean shall make an independent recommendation to the Provost that the candidate's appointment either be renewed or not be renewed at the conclusion of the candidate's third year of appointment.

(E) If a candidate's appointment is to be renewed at the conclusion of his or her third year of appointment, the Dean, Status Committee, and candidate shall meet after the candidate has turned in his or her final grades for the second semester to discuss the candidate's student and faculty teaching evaluations, to review the candidate's scholarship, immediate research agenda and long-term scholarly trajectory, and to explore any other appropriate matters raised by the Dean, the Committee, the tenured faculty, or the candidate regarding the candidate's progress toward tenure and promotion.

(4) Fourth Through Sixth Year of Appointment.

(A) During the fourth through the sixth year of a candidate's appointment:

(i) the Faculty Status Committee shall determine how many class visits, if any, are appropriate in the particular candidate's case; and

(ii) the Dean and Status Committee shall meet with the candidate after the candidate has turned in his or her final grades for the second semester in each year to discuss the candidate's student and faculty teaching evaluations, research and scholarship, and any other matters concerning the candidate's progress towards promotion and tenure.

(B) The candidate's scholarly works to be considered in the tenure decision should have been published or accepted for publication by the beginning of the

academic year in which the candidate seeks tenure in order to allow for sufficient time to seek outside evaluations during the fall of that year.

SECTION 1-309. CLASS VISITATION POLICY. The class visits provided for in Section 1-308 may be either announced or unannounced. After consulting with the Chair of the Status Committee, the candidate has the right to choose whether the visits shall be announced or unannounced.

SECTION 1-310. CHAPTER EFFECT ON AND ELECTION BY FACULTY CANDIDATE. A faculty member is subject to the provisions of this Chapter in effect at the time the faculty member joins the faculty, but the candidate may elect to be governed by the provisions of this Chapter as amended. [Chapter 3 amended throughout by faculty vote February 22, 2010.]