

SCHOOL OF LAW TENURE AND PROMOTION RULES (Revised May 10, 2018)

1. Introduction

These procedures and practices shall be used in making decisions on tenure and promotion of tenure-track faculty members in the School of Law. Such procedures and practices are subject to the Academic Tenure Regulations of the University of Missouri, Chapter 310 of the University of Missouri Collected Rules and Regulations, as they may be modified from time to time.

2. Promotion and Tenure Committee

The faculty's role in the promotion and tenure process is carried out by the Promotion and Tenure Committee ("the Committee"). When considering tenured or tenure-track faculty, this Committee is composed of all the tenured faculty, including the Dean, in the School of Law. However, only tenured full professors shall vote on recommendations for advancement in rank to full tenured professor. Participation of the Dean and any faculty member who serves on the campus promotion and tenure committee shall be as directed in the University of Missouri Collected Rules and Regulations or the Provost's Annual Promotion and Tenure Call Letter. The Dean shall appoint a Promotion and Tenure Subcommittee to aid in the administration of these rules. When considering retention or promotion of an NTT Assistant or Associate Professor, the Promotion and Tenure Subcommittee shall be augmented with at least one NTT faculty member of higher rank than the NTT faculty member being reviewed, if such faculty exist. When considering retention of an NTT Professor, the Promotion and Tenure Subcommittee shall be augmented with at least one NTT Professor, if such faculty exist. When voting on retention or promotion of an NTT Assistant or Associate Professor, the Promotion and Tenure Committee shall be augmented to include all NTT faculty members of higher rank than the NTT faculty member being reviewed. When voting on retention of an NTT Professor, the Promotion and Tenure Committee shall be augmented to include all NTT Professors.

3. Initial appointment of new faculty members

The initial appointment of a faculty member to a regular academic position without tenure is usually with the rank of Associate Professor of Law. Such appointment is a term appointment for a term of one year. Any appointment to the faculty made with tenure is outside the scope of these rules, although the guidelines contained herein may be considered by the faculty and University in making such hiring decisions.

4. The tenure decision

- (a) The factors that are considered in the tenure decision are the candidate's teaching, research and publications, law school and university service, and service to the profession and the law. Of these, teaching and research and publication are of paramount importance.
- (b) Teaching: The candidate must demonstrate a commitment to quality teaching and the potential to be an excellent teacher. This is generally determined by a review of student evaluations, peer teaching evaluations of classes the candidate has taught, and consideration of any teaching honors or awards.

- (c) Research and publication: In order to be favorably considered for tenure, the candidate shall produce two law review articles (or the equivalent) determined by the Committee to be of high quality and which have been published or accepted for publication in journals determined by the Committee to be the equivalent or better than the Missouri Law Review or the Journal of Dispute Resolution. At least one of the articles should be published or accepted for publication in a journal other than these UMC publications.

The candidate may meet this requirement by publication of material other than traditional law review article(s), provided that the candidate first obtains a determination by the Promotion and Tenure Subcommittee that the proposed publication(s) are equivalent in scholarly value. Such request and any approval shall be in writing.

To be considered as part of the tenure decision, an article must have been submitted for publication after the date the candidate accepts an offer of employment, completed by September 1 of the academic year the candidate is considered for tenure, and accepted for publication by November 1 of that year. In addition, a candidate who occupied a tenure-track faculty position at a law school approved by the American Bar Association may choose to have one article considered for the tenure decision that was written and published while the candidate was in his or her previous academic appointment. A candidate who otherwise occupied a full time faculty position at an institution of higher learning may petition the Promotion and Tenure Subcommittee in writing for approval to have an article considered for tenure that was written and published while that candidate was in his or her previous academic appointment. The Subcommittee shall approve the request if it determines that the academic environment and faculty position in which the article was prepared is similar to a tenure track position at an American Bar Association approved law school.

- (d) Service to the law school and the university. It is expected that the candidate will contribute to the operation of the law school and the university, and in particular will contribute to the law faculty community.
- (e) Service to the profession. While such service is expected, it should not detract from the candidate's teaching and research. Such service may be at a local, state, national, or international level as is consistent with the faculty member's field(s) of interest. Such service should include the development and improvement of the law.

5. The promotion decision

- (a) The basic requirement for promotion to the rank of full professor is the demonstration of a commitment to excellence in teaching, research and publication, service to the law school and the University, and service to the profession.
- (b) Teaching: The candidate must have demonstrated a high level of competency in the classroom. This is generally determined by a review of student evaluations, peer teaching evaluations of classes the candidate has taught since the tenure decision, and consideration of any teaching honors or awards.

- (c) Research and publication: To be favorably considered for promotion to the rank of full professor, a candidate is expected to have produced four law review articles (or the equivalent) determined by the Committee to be of high quality and which have been published or accepted for publication in journals determined by the Committee to be the equivalent of or better than the Missouri Law Review or the Journal of Dispute Resolution. At least two of the articles should be published or accepted for publication in a journal other than these UMC publications.

These four articles include the publications which were considered as meeting the requirement for tenure, but must include at least two articles published or accepted for publication subsequent to the tenure application. The additional articles (or their equivalent) should reflect a commitment to an area or areas of interest and demonstrate to the Committee an expertise in such area(s).

The candidate may meet this requirement by publication of material other than traditional law review article(s), provided the candidate first obtains a determination of the Promotion and Tenure Subcommittee that the proposed publication(s) is equivalent in scholarly value. Such request and any approval shall be in writing.

- (d) Service to the law school and the university. It is expected that the candidate will have continued service to the law school and the university.
- (e) Service to the profession. It is expected that the candidate will have continued service to the profession consistent with the candidate's major areas of interest and research, and the development and improvement of the law in those areas.

6. Schedules for tenure and promotion

- (a) Tenure. The Committee votes on whether to recommend tenure during the fall semester of a candidate's fourth year except as provided for early or later consideration in these rules or the collected rules or regulations of the University of Missouri. This provides for a full three year period of evaluation. A candidate who has previously been employed for one or more years in a tenure-track faculty position at another institution of higher learning may request to be given credit for an equivalent number of years. The candidate must make this request by notifying the Dean and the Chair of the Promotion and Tenure Subcommittee in writing by June 1 of the academic year in which the application for tenure will be considered. In making this decision, the Committee shall consider the academic environment of the candidate's past institution of higher learning, the candidate's faculty position, and the candidate's experience.
- (b) Promotion to the rank of full professor. The Committee votes on whether to recommend promotion to the rank of full professor during the fall semester after the completion by the candidate of the requirements for promotion. Ordinarily this will occur during the fall of the candidate's seventh or eighth year, but may occur earlier or later. The candidate must notify the Dean in writing of the candidate's application for promotion by June 1 of the calendar year in which the application will be considered.

- (c) Initial appointment with rank of Professor of Law without tenure. If the initial appointment is with the rank of Professor of Law without tenure, the time period in the schedule for granting of tenure is shortened by one year.

7. Process

- (a) At least once each year the Dean meets with each non-tenured faculty member and each faculty member below the rank of full professor regarding his or her progress toward achieving tenure and promotion.
- (b) The Committee annually reviews the progress of all non-tenured faculty members. If a tenured non-full professor so requests in writing to the Dean by September 1 of any academic year, the Committee shall also review the progress of such person.
- (c) The Committee meets during the winter (second) semester to conduct such reviews. Reviews are based on the candidate's scholarship, teaching, and service, but no votes or other formal actions are taken. After each review, the Dean promptly conveys to the candidate concerned the general content of the Committee discussion and in particular informs the candidate of any qualities that were perceived as weaknesses.
- (d) In accordance with Chapter 310 of the University of Missouri Collected Rules and Regulations, an untenured faculty member may request an early recommendation for tenure before their fourth year at the Law School. Any request for an early recommendation for tenure must be made in writing to the Dean and the Chair of the Promotion and Tenure Subcommittee by June 1 of the year in which the candidate is to be considered. If the Committee chooses to take no action on a faculty member's request for early recommendation for tenure under paragraph 7(f), the Committee's decision shall not adversely affect the faculty member's candidacy in the fourth year. A faculty member who requests early recommendation for tenure may withdraw that request at any time prior to the Committee's vote.
- (e) A tenured faculty member who applies for promotion to the rank of Professor as provided in Paragraph 6(b) shall include in the application copies of the scholarly writings to be considered. Such writings must have been accepted for publication, and the notification must identify the publisher. Both internal and external reviews of the writings will be based on the copies submitted with the application.
- (f) The Committee meets in the fall semester to consider for tenure those non-tenured faculty members who are in their fourth year except as otherwise provided in these rules or the collected rules or regulations of the University of Missouri, any non-tenured faculty member being considered for an early recommendation, and any faculty member being considered for promotion to the rank of full professor. At this meeting the candidate has the opportunity to present his or her views and to provide any further relevant information either in writing or by appearing personally.

The Committee then makes one of the following decisions as to non-tenured faculty members:

- (1) To recommend tenure be granted.
- (2) To recommend tenure be denied.
- (3) In the case of a non-tenured faculty member being considered for an early recommendation (i.e. before the fourth year), to take no action. If this decision is made, the faculty member concerned will continue to be evaluated and considered for tenure in accord with the normal schedule.

The committee then makes one of the following decisions as to faculty members being considered for promotion to the rank of full professor:

- (1) To recommend promotion to the rank of full professor.
 - (2) To take no action. If this decision is made, the faculty member concerned will continue to be evaluated with regard to promotion.
- (g) Decisions of the Committee under subsection (f) above shall be made by secret written ballot. Ballots shall be marked "Yes" (to recommend granting of tenure or promotion), or "No" (to recommend denial of tenure or to take no action on promotion). In the case of a non-tenured faculty member being considered for an early recommendation of tenure the ballot may also be marked "Defer" (to defer consideration of tenure). Ballots marked otherwise than above will not be tallied.

8. Outside Evaluations

- (a) Prior to any faculty determination to recommend tenure, promotion or both, the Promotion and Tenure Subcommittee, in consultation with the Dean, will seek outside evaluations of all scholarship of the candidate.
- (b) Such outside evaluation will include wherever possible, at least:
 - (1) two evaluations of each of the candidate's individual scholarly publications which are being considered for tenure or promotion under Paragraphs 4(c) or 5(c) (including, in the case of promotion, the candidate's publications since being recommended for tenure); and
 - (2) two overall evaluations of the candidate's publications which are being considered for tenure or promotion under Paragraphs 4(c) or 5(c) (including, in the case of promotion, the publications previously considered for tenure).
- (c) The evaluator's report(s) should assess the significance of the scholarship to the legal profession and the advancement and understanding of the law.
- (d) The candidate's publications other than those being considered for tenure or promotion under Paragraphs 4(c) or 5(c) are typically reviewed internally in writing by the candidate's faculty colleagues.

9. Effect of leave.

Under the Academic Tenure Regulations, a leave without pay does not count within the probationary period for tenure consideration. Thus a leave without pay will extend the schedule by the period of the leave. A non-tenured faculty member who takes a leave with pay may request that the period on leave not be counted in this time schedule and that the probationary period thus be extended by the period of the leave. Whether or not such requests are granted is within the discretion of the Dean with the consent and approval of the Office of the Provost.

10. Committee Recommendations

The Committee makes its recommendation to the Dean, the Provost and the Chancellor. The Dean forwards to the Provost the Committee recommendations along with his or her own recommendations; any statement of the faculty member concerned; and any other relevant information. After review by the Provost, the recommendations of the Committee and the Dean and any other relevant information are forwarded to the Chancellor for a final decision. All faculty members on appointment to regular academic positions in the school of Law, including the faculty member concerned, have access to the recommendations, external and internal reviews of publications, and all other materials that are forwarded.