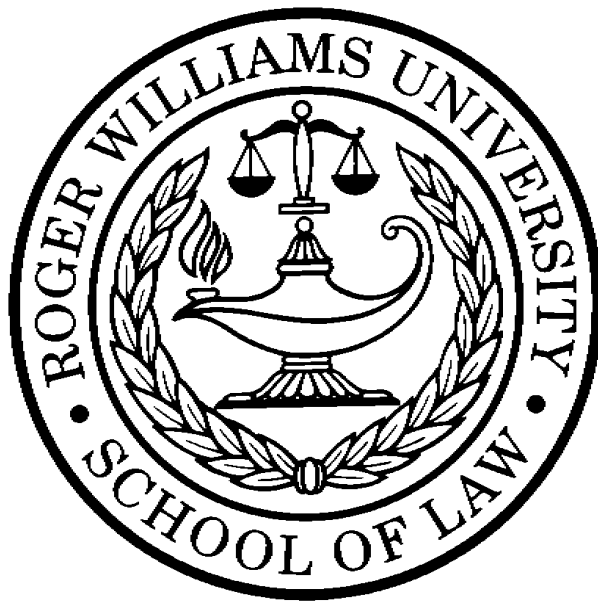


**ROGER WILLIAMS  
UNIVERSITY  
SCHOOL OF LAW**

**FACULTY HANDBOOK  
2020-2021**



Revised August 2020

# ***TABLE OF CONTENTS***

<b>PREAMBLE</b>	<b>1</b>
<b>ARTICLE I - GENERAL POLICY STATEMENTS</b>	<b>1</b>
§101    MISSION AND GOALS OF THE SCHOOL OF LAW	1
§102    GENERAL DUTIES AND RESPONSIBILITIES OF FACULTY	1
§103    ACADEMIC FREEDOM	2
§104    NON-DISCRIMINATION	2
§105    SEXUAL HARASSMENT	3
§106    DIVERSITY	3
§107    TEACHING	3
§108    SCHOLARSHIP	4
§109    PROFESSIONAL CONDUCT	4
§110    COMMUNITY SERVICE	6
§111    CONFIDENTIALITY	6
<b>ARTICLE II - DEFINITIONS</b>	<b>6</b>
§201    ABA	6
§202    AALS	6
§203    PRESIDENT	6
§204    BOARD OF DIRECTORS	6
§205    MANDATORY TENURE YEAR	6
§206    ACADEMIC YEAR	7
§207    FACULTY	7

§208	YEARS OF ELIGIBLE SERVICE	7
<b>ARTICLE III - GOVERNANCE</b>		7
§301	GENERAL STRUCTURE OF GOVERNANCE	7
	(a) Allocation of Authority Between Faculty and Dean	7
	(b) Advisory Board	8
§302	QUORUM AND VOTING PROCEDURES	8
	(a) Quorum	8
	(b) Faculty and Committee Action	8
§303	FACULTY MEETINGS	8
	(a) Call for Meetings	8
	(b) Faculty Entitled to Vote	9
§304	STANDING COMMITTEES OF THE FACULTY	9
	(a) List of Standing Committees	9
	(b) Eligibility to Serve on Standing Committees	10
	(c) Effect of Standing Committee Actions	10
§305	<i>AD HOC</i> COMMITTEES	10
§306	FACULTY AFFAIRS COMMITTEE	11
	(a) Definition of Complaint	11
	(b) Composition of Faculty Affairs Committee	11
	(c) Procedure for Reviewing Complaints	11
	(d) Complaints Filed with Outside Agencies	11
	(e) Time for Filing Complaint	12

<b>ARTICLE IV - APPOINTMENT AND SEPARATION POLICIES AND PROCEDURES</b>	<b>12</b>
§401 AUTHORITY TO APPOINT, REAPPOINT AND SEPARATE FACULTY	12
§402 TYPES OF APPOINTMENTS	12
(a) Probationary Appointments	12
(b) Continuous Appointments	13
(c) Term Appointments	13
(d) Emeritus Appointments	13
§403 LETTERS OF APPOINTMENT	14
§404 SUMMER SESSION APPOINTMENTS	14
§405 SEARCH AND APPOINTMENT POLICIES AND PROCEDURES	14
(a) Search Procedures	14
(b) Rank Upon Initial Appointment	15
(c) Credit for Prior Service	15
§406 SEPARATION FROM SERVICE	15
(a) Resignation	16
(b) Retirement	16
(c) Non-Renewal of Probationary Appointments	16
(d) Termination	18
(e) Dismissal for Cause	19
(f) Temporary Exclusion	20

<b>ARTICLE V - CRITERIA AND STANDARDS FOR PROMOTION AND TENURE</b>	21
§501 GENERAL STATEMENT ON PROMOTION AND TENURE	21
(a) Evaluations	21
(b) Mentoring	21
(c) Conferral of Tenure	21
§502 CRITERIA FOR PROMOTION AND TENURE	22
(a) Professional Conduct	22
(b) Teaching Proficiency	22
(c) Scholarship	23
(d) Community Service	23
§503 EVALUATION STANDARDS FOR PROMOTION AND TENURE	23
(a) Promotion to Associate Professor	24
(b) Tenure and Promotion to Professor	24
§504 ELIGIBILITY FOR PROMOTION AND TENURE	24
(a) Promotion to Associate Professor	24
(b) Tenure and Promotion to Professor	25
§505 RANK OF STANDARDS	25
§506 ADMINISTRATIVE GRANT OF TENURE	25
§507 YEARS OF ELIGIBLE SERVICE	25

<b>ARTICLE VI - PROCEDURES FOR PROMOTION AND TENURE</b>	<b>25</b>
§601    GENERAL PROCEDURES	25
(a)    Effective Date for Promotion and Tenure	25
(b)    Necessity for Application	25
(c)    Failure to Apply or to Apply in a Timely Fashion	26
§602    COMPOSITION OF THE EVALUATION COMMITTEE	26
§603    THE EVALUATION FILE	26
(a)    Confidentiality	26
(b)    Use of Student Evaluations	27
§604    COMMITTEE RECOMMENDATION	27
§605    APPEAL OF A COMMITTEE RECOMMENDATION	27
§606    DEAN’S RECOMMENDATION	27
§607    EFFECT OF DENIAL OF TENURE	27
§608    INTERNAL COMMITTEE RULES	27
<b>ARTICLE VII - PROCEDURES RELATED TO DISMISSAL FOR CAUSE</b>	<b>28</b>
§701    PRELIMINARY ACTION BY THE DEAN	28
(a)    Referral to Informal Committee of Inquiry	28
(b)    Suspension of Faculty Member	28
§702    INFORMAL COMMITTEE OF INQUIRY	28
(a)    Examination by Informal Committee of Inquiry	28
(b)    Report of Informal Committee	29

§703	RETENTION, PROMOTION AND TENURE HEARING	29
	(a) Burden of Proof	29
	(b) Attendance at Hearing by Affected Faculty Member	29
	(c) Record of Hearing	29
	(d) Testimony	30
	(e) Rules of Evidence	30
	(f) Findings of the Committee	30
	(g) Assistance of Counsel	30
§704	ACTION OF THE RETENTION, PROMOTION AND TENURE COMMITTEE FOLLOWING A HEARING	30
§705	ACTION OF THE PRESIDENT AND BOARD OF DIRECTORS	31
	<b>ARTICLE VIII - RIGHTS, OBLIGATIONS AND CONDITIONS OF SERVICE</b>	31
§801	GENERAL DUTIES AND RESPONSIBILITIES OF FACULTY	31
§802	PROFESSIONAL GROWTH AND DEVELOPMENT	31
	(a) Teaching Loads	31
	(b) Outside Employment	31
	(c) Professional Leaves and Sabbaticals	32
	(d) Travel	33
	(e) Conflicts of Interest	34
	(f) Outside Grants	35
§803	WORKING CONDITIONS	35
	(a) Offices	35
	(b) Classrooms	35
	(c) Computers	35

	(d) Secretarial Services	35
	(e) Academic Regalia	35
	(f) School of Law Letterhead	35
	(g) Scheduling of Classes and Examinations	36
	(h) Class Roll	36
	(i) Cancellation of Classes	36
	(j) Use of Copyrighted Material	37
§804	MEDICAL, COMPASSIONATE AND PUBLIC SERVICE LEAVES	37
	(a) Bereavement Leave	37
	(b) Jury Duty	37
	(c) Military Leave	37
	(d) Family Leave	38
	(e) Parental Leave	38
	(f) Personal Leave	38
§805	FRINGE BENEFITS	38
	(a) Workers' Compensation	38
	(b) Medical Insurance	39
	(c) Dental Insurance	39
	(d) Buy Back	39
	(e) Life Insurance	39
	(f) Short Term Disability Insurance	39
	(g) Long Term Disability Insurance	39
	(h) Retirement	39

(i)	Tuition Remission	40
(j)	Tuition Reimbursement	40
(k)	Tuition Grants	40
(l)	Benefits Availability to “Same-Sex Spouses: & “Domestic Partners”	41
§806	COMPENSATION	41
<b>ARTICLE IX - EFFECTIVE DATE, AMENDMENTS AND VARIANCES</b>		41
§901	EFFECTIVE DATE OF THE FACULTY HANDBOOK	41
§902	PROCEDURE FOR AMENDING THE FACULTY HANDBOOK	41
(a)	Proposed Amendments	42
(b)	Processing of Proposed Amendments	42
(c)	Implementation of Proposed Amendments	42
(d)	Notice of Amendments	42
§903	DEAN’S POWER TO MAKE A CONTRACT WHICH VARIES FROM THIS HANDBOOK	43
§904	NON-WAIVER OF TIME LIMITS	43
<b>APPENDIX A – FACULTY SICK LEAVE POLICY</b>		44
<b>APPENDIX B – FACULTY STUDENT FRATERNIZATION POLICY</b>		47
<b>APPENDIX C – RETENTION, PROMOTION AND TENURE COMMITTEE INTERNAL RULES</b>		48
<b>APPENDIX D – STANDARDS AND PROCEDURES FOR HIRING, EVALUATION AND CONTRACT RENEWAL OF FULL-TIME FACULTY NOT ON THE TENURE TRACK</b>		58
<b>APPENDIX E – ADJUNCT RECRUITMENT AND REVIEW COMMITTEE</b>		72
<b>APPENDIX F – FORMATIVE ASSESSMENTS AND PRACTICE MATERIALS POLICY</b>		73

## **PREAMBLE**

This handbook has been prepared to provide a convenient and comprehensive set of policies and guidelines regarding governance at Roger Williams University School of Law. As such, the document specifically incorporates the "1940 Statement of Principles on Academic Freedom and Tenure" prepared by the American Association of University Professors, the American Bar Association Standards for Approval of Law Schools and the Handbook of the Association of American Law Schools.

While it is intended that this document will provide guidance for all matters which may arise in relation to governance, it is recognized that few documents are totally comprehensive. The ABA Standards, the AALS Handbook, and other School of Law written policies and procedures may have to be consulted to provide additional guidance. However, should conflicts arise, the policies and procedures of this Handbook shall supersede in whole or in part any conflicting policies or procedures contained in any other document.

## **ARTICLE I - GENERAL POLICY STATEMENTS**

### **§101 MISSION AND GOALS OF THE SCHOOL OF LAW**

The mission of RWU Law is to prepare students for success in the public and private sectors and to promote social justice and the rule of law through engaged teaching, learning, and scholarship. In support of that mission, we strive to:

1. Provide an excellent legal education that is focused on the development of students' analytical, ethical, and other practice skills through the exploration of legal doctrine, policy, history and theory, including the relationship between law and social inequality.
2. Provide students guided opportunities to provide pro bono legal assistance to unrepresented individuals and organizations.
3. Attract and retain a student body, faculty, and staff with diverse backgrounds and experiences, especially those historically underrepresented in the legal profession.
4. Produce meaningful legal scholarship that provides analysis, insights, or information to lawyers, judges, legislators, policy-makers, scholars, journalists, and the public-at-large.
5. Provide service to the legal profession and the wider community.

### **§102 GENERAL DUTIES AND RESPONSIBILITIES OF FACULTY**

The responsibilities of Faculty are to teach, to conduct research and to publish the results of that research. General teaching loads will be determined by School of Law policies guided by relevant ABA and AALS requirements. Specific teaching loads will be determined by the Associate Dean or relevant administrator in consultation with the faculty member involved.

All courses, seminars and clinics should be offered and scheduled in accordance with the general policies of the School of Law, the needs of the students, the general requirements of the ABA Standards and relevant bar admission rules. Individual Faculty are responsible for planning and presenting the material assigned for their courses, seminars or clinics; establishing specific requirements and making them known to students; recommending texts; grading examinations and submitting grades in a timely fashion; and explaining examination grades to students. Scheduling is the responsibility of the Associate Dean, keeping in mind accreditation standards and sound educational principles.

Faculty are expected to interact with students on a regular basis outside the classroom. Student advising and sponsorship of student activities are among the most important non-classroom responsibilities of Faculty. Faculty are expected to be available to meet with students on a regular basis throughout the week.

Faculty are also expected to participate in School of Law governance, serving, as necessary, on committees which may be established by the Dean or Faculty.

### **§103 ACADEMIC FREEDOM**

The well being of an academic institution and of society in general can be maintained only if individuals and groups exercise their responsibility and freedom to search for the truth and to speak that truth as it is discovered. As members of a collegial community, the Faculty, administrators and students of Roger Williams University School of Law must extend to one another the trust and respect which creates the appropriate environment for the exercise of academic freedom.

The Faculty of the School of Law are entitled to freedom to pursue research and to publish the results of that research and are entitled to complete freedom in the classroom in discussing their subject. This freedom is tempered only by the Faculty's obligation to perform their other academic duties and to refrain from introducing controversial matters into their teaching which have no relation to their subject.

### **§104 NON-DISCRIMINATION**

The School of Law seeks to create and maintain an environment in which all members of the community are free from discrimination. It is the policy of the School of Law not to discriminate on the basis of sex, handicap, disability, race, color, religion, age, national or ethnic origin, marital status or on sexual or affectional preference in its employment practices, educational programs, admission policies, financial aid or other school administered programs. This policy includes, among others:

- recruitment and employment of Faculty who possess the necessary qualifications for appointment;

- renewal, promotion, tenure and separation of Faculty;
- leaves of absence and sabbaticals; and
- establishment of any other rights belonging to Faculty.

It is also the policy of the School of Law that no Faculty shall discriminate against any employee, applicant for employment, prospective student, student or other Faculty of the School of Law.

## **§105 SEXUAL HARASSMENT**

It is the policy of the School of Law that no person may harass another. Unwelcomed sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature constitute sexual harassment when:

- such proposals or conduct take place under circumstances which suggest that personnel or academic decisions subject to the influence of the person making such proposals or initiating such contact are dependent upon one's response;
- such proposals or conduct have the purpose or effect of interfering with an individual's work or academic performance, career opportunities or learning; or
- such proposals or conduct create an intimidating, hostile or offensive work or classroom environment.

Sexual harassment includes the use of authority to emphasize the sexuality or sexual identity of students in a manner which impairs those students' full enjoyment of their educational benefits or opportunities.

## **§106 DIVERSITY**

It is policy of the School of Law to employ and retain Faculty and staff on the basis of individual merit. However, the School of Law believes that diversity of Faculty and staff is directly related to the value of its educational mission. The benefits to be derived, especially in the context of the study of law, mandate that special care be taken to achieve a high level of diversity among Faculty and staff. Aspiring lawyers who have been exposed to diverse views will bring to the bar an enhanced appreciation of their unique role in society and their special responsibilities in the administration of justice for all people.

## **§107 TEACHING**

The School of Law regards teaching as its highest calling. The classroom is the core of its educational effort. A strong teacher challenges and motivates students to learn.

While sound teaching is often difficult to evaluate, it involves, at the very least, mastery of the subject matter and thorough preparation. A strong teacher enjoys the skills to introduce, exchange and explore ideas between and among the teacher and students. A strong teacher develops the analytical skills of the students.

In evaluating classroom performance for purposes of appointment, reappointment, promotion and tenure, the important factor is the quality of the teaching rather than the method. The School of Law rejects the orthodoxy that the only appropriate method for teaching law students is the "Socratic" method. It recognizes that there are other, equally effective models. The School of Law also recognizes the inherent difficulty of judging classroom performance on the basis of a few, random observations.

### **§108 SCHOLARSHIP**

Scholarship informs the teaching. Accordingly, research and the publication of the results of that research are important aspects of a faculty member's obligation to the School of Law and to the students. The creative thinking which is involved in scholarship improves the educational process and promotes respect for the School of Law.

Sound scholarship adds to the fund of law-related knowledge and is communicated to others who can be reasonably expected to use and build upon it. While the traditional and most familiar means for communicating scholarship in the context of a law school are law review articles and books, the School of Law recognizes that other means of communication exist and encourages interdisciplinary efforts and non-traditional means for communicating ideas which build upon the existing fund of law-related knowledge.

In evaluating scholarship for purposes of appointment, reappointment, promotion or tenure the important factors are the quality, originality and creativity of the scholarship. The perceived prestige of the medium through which the scholarship is communicated is not the important factor. By the same token, it is expected that quality and productivity improve as the faculty member matures.

### **§109 PROFESSIONAL CONDUCT**

Law Faculty enjoy a unique position. They are frequently the first professional role models for the students they teach and, for that reason alone, tend to greatly influence the future professional behavior of their students. For this and other reasons, including the effect of professional conduct on the reputation of the School of Law, Faculty must be held to the highest standards of professional conduct both as teachers and as lawyers.

In evaluating the professional conduct of law Faculty, the School of Law is guided by the ABA Rules of Professional Conduct, the ABA Code of Professional Responsibility and the following statement drawn from the 1966 AAUP Statement on Professional Ethics.

- Faculty, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end Faculty devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although Faculty may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

- As teachers, Faculty encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Faculty demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Faculty make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between teacher and student. They avoid any exploitation, harassment or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

- As colleagues, Faculty have obligations that derive from common membership in the community of scholars. Faculty do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas, Faculty show due respect for the opinions of others. Faculty acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Faculty accept their share of responsibility for the governance of their institution.

- As members of an academic institution, Faculty seek above all to be effective teachers and scholars. Although Faculty observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Faculty give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, Faculty recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

- As members of their community, Faculty have the rights and obligations of other citizens. Faculty measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their school. As citizens engaged in a profession that depends upon freedom for its health and integrity, Faculty have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

## **§110 COMMUNITY SERVICE**

The School of Law encourages Faculty to utilize their talents in furthering the well-being of the School of Law by actively engaging in activities which advance the mission of the School, assist with governance and encourage the non-classroom activities of the students. The School of Law also encourages Faculty to engage in activities which improve the administration of justice and the good of society. Such activities include, by way of illustration, *pro bono* representation of individuals or groups unable to afford legal assistance, service to the judiciary and participation in charitable pursuits.

## **§111 CONFIDENTIALITY**

Information received by a faculty member about a student, a staff member or other Faculty while serving on a committee evaluating that person for retention, promotion, tenure or for any other purpose may be disclosed only to the committee, the Dean or other person having the right to such information. Similarly, information regarding a student's beliefs, views, and political affiliations learned as a teacher, advisor or counselor should be kept confidential, except that information which may relate to the School of Law's certification of students as morally fit for the admission to the bar should be communicated as soon as practical to the Dean.

## **ARTICLE II - DEFINITIONS**

### **§201 ABA**

ABA means the American Bar Association.

### **§202 AALS**

AALS means the Association of American Law Schools.

### **§203 PRESIDENT**

President means the President of Roger Williams University School of Law.

### **§204 BOARD OF DIRECTORS**

Board of Directors means the Board of Directors of Roger Williams University School of Law.

### **§205 MANDATORY TENURE YEAR**

The mandatory tenure year is a probationary appointee's sixth year of eligible service during which the appointee must either receive tenure or be given a terminal appointment.

## **§206 ACADEMIC YEAR**

The academic year begins one week before orientation and ends when final examination grades are due for the spring semester.

## **§207 FACULTY**

Faculty include all persons holding a probationary, continuous or term appointment at the School of Law.

## **§208 YEARS OF ELIGIBLE SERVICE**

Years of eligible service means years of service to Roger Williams University School of Law plus any credit for prior service granted at the time of appointment except that visiting Faculty who accept a probationary appointment may elect not to include the visiting year or years for purposes of computing years of eligible service.

# **ARTICLE III - GOVERNANCE**

## **§301 GENERAL STRUCTURE OF GOVERNANCE**

The School of Law is a tax exempt corporation organized under the laws of the State of Rhode Island and Providence Plantations. It is governed by a Board of Directors whose members are dedicated to the maintenance of a sound educational institution, possess the capability of participating in the formulation and development of the institution and have no financial interest in the operation of the School of Law. General policies for the School of Law are established by the Board of Directors, but the Dean and Faculty have the responsibility for formulating and administering the program of the School of Law, including such matters as Faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policy; and academic standards for retention, advancement and graduation of a student.

### **(a) Allocation of Authority Between Faculty and Dean**

The allocation of authority between the Dean and Faculty varies markedly among American law schools because the allocation of such authority is a matter for institutional determination. However, the School of Law believes that there is no clear line separating the Dean's authority and responsibility from that of the Faculty. It believes in the concept of shared governance involving extensive Faculty participation either as a committee of the whole or as a committee of representatives. The variety and complexity of tasks involved in operating the School of Law necessarily require a joint effort between the Dean and Faculty under the guidance of the President and Board of Directors. Collegiality is the hallmark of the School of Law's governance structure.

**(b) Advisory Board**

The School of Law may involve a Board of Advisors, Visitors or Overseers in a participatory or advisory capacity, but the Board of Directors, President, Faculty and Dean retain control over matters entrusted to them by law or the ABA Standards for Approval of Law Schools.

**§302 QUORUM AND VOTING PROCEDURES**

This section applies to faculty meetings and meetings of any committee created under this Handbook except where otherwise noted.

**(a) Quorum**

A quorum of the Faculty or of a committee created under this Handbook is constituted when one-half the voting members are present at a meeting. Once constituted, a quorum cannot be defeated by the departure of members who leave during the meeting.

**(b) Faculty and Committee Action**

Unless otherwise noted in this Handbook, a majority vote of the members present and voting is required to approve any report, to pass any motion or resolution or to take any other action.

- (1) A vote to abstain is not counted for this purpose. However, more than one vote is necessary for any action to be valid.
- (2) A vote to grant or deny retention, promotion or tenure must be taken by ballot signed by the member voting.

**§303 FACULTY MEETINGS**

The concept of shared governance is furthered by periodic meetings of the Faculty where they can gather in the spirit of collegiality to discuss matters of importance to the School of Law. Faculty meetings should be held as often as necessary, but no fewer than two times during each semester. In so far as practical, such meetings will be held in the School of Law building at times when no Faculty entitled to participate in the meeting are teaching a regularly scheduled class.

**(a) Call for Meetings**

Faculty meetings are customarily called at the request of the Dean who shall preside at all such meetings. In the absence of the Dean, the Associate Dean shall preside. Faculty

meetings will also be called when a request is made to the Dean by any three Faculty entitled to participate.

**(b) Faculty Entitled to Vote**

All Faculty holding probationary, continuous or non-visiting full-time term appointments, as described in Article IV, §402, are entitled to attend and vote at faculty meetings on all matters not involving a conflict or potential conflict of interest. However, the Dean may vote only in the case of a tie and then only on issues not involving matters over which the Dean must exercise independent judgment. Other Faculty and administrators not holding Faculty appointment may be invited to participate on a non-voting basis.

**§304 STANDING COMMITTEES OF THE FACULTY**

The major burden for Faculty participation in governance will be assumed by Standing Committees of the Faculty which act for the Faculty in a representative capacity. The chairs of the Standing Committees will be appointed by the Dean. Members will be appointed by the Dean in consultation with the chairs after soliciting expressions of committee preferences from the Faculty.

**(a) List of Standing Committees**

The Standing Committees of the Faculty include, but are not limited to the following:

- (1) the Curriculum Committee which shall oversee the development of the curriculum including the content of each course, the sequencing of courses and the status of each course as required or elective;
- (2) the Admissions Committee which shall develop policies and procedures for the admittance of students;
- (3) the Faculty Appointments Committee which shall conduct, in cooperation with the Dean and Associate Dean, searches for new or replacement Faculty;
- (4) the Academic Standards Committee which shall develop policies and standards for the retention, advancement and graduation of students;
- (5) the Library Committee which shall develop, in cooperation with the Director of the Law Library, policies related to the operation of the library;
- (6) the Retention, Promotion and Tenure committee which shall evaluate Faculty for retention, promotion and tenure and develop procedures, policies and standards for those evaluations;

(7) the Full-Time Faculty Recruitment Committee, which shall conduct, as set forth in Appendix D, searches for “Full-Time Faculty Not On The Tenure Track” and perform other duties as set forth in Appendix D; and

(8) the Adjunct Recruitment and Review Committee, as set forth in Appendix E.

**(b) Eligibility to Serve on Standing Committees**

All Faculty eligible to vote at faculty meetings are eligible to serve as voting members of Standing Committees except that only Faculty holding continuous appointments are eligible to serve on the Retention, Promotion and Tenure Committee. Notwithstanding this limitation, the Retention, Promotion, and Tenure Committee shall seek the advice of non-tenured Faculty on matters related to policy. Where appropriate, Faculty not eligible to vote at faculty meetings and administrators not holding Faculty appointment may be invited to serve on Standing Committees as non-voting members.

**(c) Effect of Standing Committee Actions**

Recommendations or other actions taken by a standing committee are decisions, recommendations or other actions of the Faculty unless specifically overruled by a simple majority of Faculty voting at the faculty meeting where the matter is considered. The following exceptions apply:

- (1) hiring recommendations made by the Faculty Appointments Committee will not be considered recommendations of the Faculty if one third or more of all Faculty entitled to vote in faculty meetings vote against the recommendation;
- (2) recommendations for retention, promotion, or tenure made by the Retention, Promotion and Tenure Committee are recommendations to the Dean and are not reviewable by the Faculty;
- (3) recommendations made by the Admissions Committee to admit or to deny admission to specific students are not reviewable by the Faculty; and
- (4) recommendations by the Academic Standards Committee to dismiss or not to dismiss students for academic deficiency are not reviewable by the Faculty.

**§305 AD HOC COMMITTEES**

From time to time, the Dean may appoint *Ad Hoc* committees to investigate and make recommendations to the Faculty or the Dean on matters of non-recurring importance.

## **§306 FACULTY AFFAIRS COMMITTEE**

The School of Law recognizes and endorses the need to protect academic due process and academic freedom and to respect professional conduct. The School of Law also recognizes and endorses the importance of adjusting complaints properly without fear of prejudice or reprisal. Accordingly, the School of Law encourages the informal and prompt settlement of complaints arising under this Handbook. All complaints, except for those relating to reappointment, tenure, promotion, dismissal, suspension, resignation or terminations which are covered under other sections of this Handbook, are subject to review by the Faculty Affairs Committee.

### **(a) Definition of Complaint**

A complaint is defined as an allegation by a faculty member that there has been a violation of School of Law policy or procedures as set forth in this Handbook other than those related to reappointment, tenure, promotion, dismissal, suspension, resignation or termination.

### **(b) Composition of Faculty Affairs Committee**

The Faculty Affairs committee shall be comprised of three Faculty entitled to vote at Faculty meetings who have been elected by the Faculty at the first Faculty meeting of the academic year or as otherwise necessary.

### **(c) Procedure for Reviewing Complaints**

The procedure for dealing with complaints is for the faculty member first to attempt to resolve the issue through informal discussions with the Dean. If no resolution is forthcoming, the faculty member may bring the matter before the Faculty Affairs Committee which will discuss the matter with the faculty member involved and make recommendations to the Dean. If the Dean disagrees, the recommendations of the committee and the recommendations of the Dean will be brought to the President for review. The decision of the President is final.

### **(d) Complaints Filed with Outside Agencies**

When a complaint substantially similar to a complaint under these procedures has been filed with an outside agency, excluding a court of law, the Faculty Affairs Committee shall not review the matter. A complaint which has been filed with an outside agency cannot thereafter be presented as a complaint to the Faculty Affairs Committee.

**(e) Time For Filing Complaint**

Any complaint brought under this section must be brought within a reasonable time of the alleged violation and not later than the end of the academic year in which the alleged violation occurred.

**ARTICLE IV - APPOINTMENT AND SEPARATION POLICIES AND PROCEDURES**

**§401 AUTHORITY TO APPOINT, REAPPOINT AND SEPARATE FACULTY**

Authority to appoint, reappoint and separate Faculty is vested in the Dean under the authority of the President and Board of Directors.

**§402 TYPES OF APPOINTMENTS**

All appointments to the Faculty are tenured, tenure track or non-tenure track appointments.

**(a) Probationary Appointments**

Probationary appointments are tenure track appointments given to those Faculty who are expected to apply for a position with tenure upon successful completion of the requirements for tenure. Probationary appointees are subject to the reappointment procedures outlined in this Article. An initial appointment shall normally be for two academic years. Following the Committee's review of a probationary faculty member in the second-year of academic service under § 501(a), one of the following actions may be taken:

- (1) Reappointment for a term of one academic year.
- (2) Reappointment for a term of two academic years.
- (3) Non-reappointment.

If the Committee conducts a review of a probationary faculty member in the third year of academic service under §501(a), one of the following actions may be taken:

- (1) Reappointment for a term of one academic year.
- (2) Appointment for a terminal period of one academic year.
- (3) Non-reappointment.

If the Committee conducts a review of a probationary faculty member in the fifth year of academic service under §501(a), one of the following actions may be taken:

- (1) Reappointment for a term of one academic year.
- (2) Appointment for a terminal period of one academic year.
- (3) Non-reappointment.

**(b) Continuous Appointments**

Continuous appointments are tenured appointments given to those Faculty who have applied for and received tenure pursuant to Article VI. Continuous appointees are entitled to appointment renewal by the School of Law unless separated pursuant to the provisions of this Article.

**(c) Term Appointments**

Term appointments are non-tenure track appointments given to those Faculty whose relationship with the School of Law is limited to the term of employment stipulated in the letter of appointment. Term appointments do not confer upon the faculty member any entitlement to continued employment beyond the terms specified in the letter of appointment.

- (1) The title of Visitor is extended to those persons who are employed full-time to teach or pursue scholarly activities at the School of Law for a limited period of time. There normally shall be a limit of three consecutive years to such an appointment. Visiting Faculty are entitled to all Faculty benefits except the right to attend Faculty meetings.
- (2) The title of Adjunct is a temporary academic title extended to those persons who teach less than a full load and have no other Faculty responsibilities. Adjunct Faculty are entitled to no Faculty benefits other than those related to academic freedom and human rights and those which are mandated by Federal or State Government Regulation.

**(d) Emeritus Appointments**

The title of Professor Emeritus may be granted to those Faculty who have limited or terminated their responsibilities as tenured members of the Faculty after ten or more years of distinguished service to the School of Law as Professor of Law. A Professor Emeritus is designated by the Board of Directors upon the recommendation of the President and Dean. No compensation accrues by virtue of the rank of Professor Emeritus.

### **§403 LETTERS OF APPOINTMENTS**

Letters of appointment for tenured and tenure-track Faculty will be issued by the Dean on or before April 15 of the academic year prior to the academic year for which the appointment is effective. Faculty who fail to return signed letters within ten (10) calendar days will be deemed to have resigned. Term appointment letters will be issued in accordance with the specifics of the original term appointment, if the original term appointment was for more than one (1) year.

### **§404 SUMMER SESSION APPOINTMENTS**

Summer session appointments are term appointments made by the Dean. In accordance with the needs of the School of Law, preference is given to Faculty of the School of Law. Service during a summer session does not count toward tenure, promotion or sabbatical.

### **§405 SEARCH AND APPOINTMENT POLICIES AND PROCEDURES**

In the case of tenure-track Faculty, the authority of the Dean to hire Faculty is customarily exercised through recommendations made to the Dean by the Faculty acting directly in a Faculty meeting or acting indirectly through the Faculty Appointments Committee. In rare cases involving unexpected vacancies during a period when a quorum of the Faculty Appointments Committee cannot be convened, this authority may be exercised by the Dean unilaterally. Under such circumstances, the Dean should attempt to make the appointment on a term basis and to consult with such Faculty as are available. In the case of other appointments, this authority is exercised through recommendation of the Faculty Appointments Committee or the appropriate administrator.

#### **(a) Search Procedures**

Planning, with special attention to recruiting tenure track Faculty, is one of the responsibilities of the Dean, the Associate Dean and the Faculty Appointments Committee. Each year the Dean, Associate Dean and Chair of the Committee will meet to determine if vacated positions are to be filled and if new positions are to be authorized.

- (1) If Faculty are to be hired, the Chair of the Faculty Appointments Committee will arrange for a search in keeping with the needs of the School of Law and its policies related to human rights. The Chair is responsible for maintaining accurate records of the search, including the resumes of all the candidates. After the search has concluded, the records are to be transferred to the Associate Dean who will maintain them in accordance with accreditation standards and the requirements of State and Federal Regulation.
- (2) After the Faculty Appointments Committee has identified prospective Faculty, the chair will invite selected candidates to interview on campus. As soon as practical the committee will communicate its hiring recommendations to the Faculty at a

faculty meeting. The Faculty in turn will communicate their recommendations to the Dean.

- (3) Successful candidates will be notified by the Dean who shall also be responsible for transmitting relevant information and personnel documents to them. **(b)**

### **Rank upon Initial Appointment**

Faculty appointed from a tenured or tenure track position at a law school approved by the ABA retain the rank they held at the other law school. Except in rare cases, Faculty will not be promoted upon hiring. The initial rank for Faculty appointed from a non-tenure track position will depend upon the circumstances surrounding the appointment and the relative experience of the individual. Ordinarily, persons appointed with fewer than ten years experience at the bar will be hired at the rank of Assistant Professor of Law. Persons appointed with ten or more years experience will be hired at the rank of Associate Professor. Exceptions may be made for good cause.

### **(c) Credit for Prior Service**

Newly appointed Faculty with prior tenure track experience at a law school approved by the ABA may elect, if the Dean agrees, to tack up to five (5) years credit for that prior experience toward eligible service for promotion and tenure. In instances where newly appointed faculty members have acquired other significant teaching experience at the college or university level, have produced important scholarship, or have made important contributions to the law, the administration of justice, or public policy, the Dean, with the advice and consent of at least two-thirds of the Retention, Promotion, and Tenure Committee, may extend an offer of up to five (5) years of eligible service for promotion and tenure. With the advice and consent of at least two-thirds of the Retention, Promotion, and Tenure Committee, and at least two-thirds of the Faculty Appointments Committee, and subject to the approval of the Board of Directors, the Dean may extend an offer of an appointment with tenure. In all circumstances, the faculty member must make his or her election of credit in writing at the time of initial appointment. In the absence of a writing, no credit will be given. Once made, the election is irrevocable.

## **§406 SEPARATION FROM SERVICE**

From time to time, individual faculty members or the School of Law will find it necessary to sever their relationship. Separation may arise for a number of reasons: resignation; retirement; non-renewal of probationary Faculty; termination; dismissal for cause; temporary exclusion; and denial of tenure. The policies and procedures related to each type of separation are set forth below except for the related to denial of tenure which are set forth in Article VI and the procedures related to dismissal for cause which are set forth in Article VII.

**(a) Resignation**

Faculty members may voluntarily terminate their appointments by resigning effective at the end of an academic year, provided that they give notice in writing at the earliest possible opportunity, but not later than March 15th of the academic year preceding the year for which the resignation is effective. Faculty members may request that the Dean waive this requirement of notice in case of hardship. Faculty who do not return signed letters of appointment within ten (10) calendar days of issuance will be deemed to have resigned unless the delay is excused by the Dean.

**(b) Retirement**

Retirement from active service to the School of Law is the termination of duties and responsibilities for the faculty member because of age, infirmity or other valid reason after rendering service to the School of Law. After retirement, faculty members are entitled to use the School of Law Library and retain access to law school cultural and educational events.

**(c) Non-Renewal of Probationary Appointments**

The authority of the Dean to reappoint is customarily exercised through recommendations to the Dean by the Retention, Promotion and Tenure Committee after careful evaluation of the faculty member's performance. The term non-renewal means that the School of Law has decided not to renew a Faculty appointment during the probationary period prior to the mandatory tenure year. A non-renewal of a probationary appointment may either be a non-reappointment or an appointment for a terminal period of one year. The policies and procedures of this section apply to all non-renewals other than the denial of tenure.

- (1) Non-renewal is different from termination and dismissal for cause. Reasons for non-renewal include, but are not limited to the following; incongruity between the teaching expertise of the faculty member and the educational goals of the School of Law; unfavorable peer evaluation of the faculty member's teaching or scholarship which make promotion or the award of tenure unlikely; or unfavorable evaluation of faculty member's other responsibilities.
- (2) A notice of non-renewal is not a dismissal for cause; therefore, it is not necessary for the School of Law to set forth its reasons in the initial notice of non-renewal. The probationary faculty member is entitled to know the reasons for non-renewal, and upon written request, to have the reasons given in writing. If the Faculty member wishes to know the reasons for non-renewal, the request must be made to and honored by the Dean.
- (3) Notice of non-renewal shall be given in writing as follows:

- (i) Notice of non-reappointment shall be given on or before December 15 of the second, third, or fourth academic years of service, or at least six months prior to the expiration of an appointment if it expires during an academic year;
  - (ii) Notice of appointment for a terminal period of one year shall be given on or before January 31 of the second, third, or fourth academic years of service, or at least six months prior to the expiration of the appointment if it expires during an academic year.
- (4) Probationary Faculty are entitled to the advice and assistance of their senior colleagues. The value of the advice and assistance is enhanced if there are periodic evaluations prior to the mandatory tenure year.
  - (i) Each year the Chair of the Retention, Promotion and Tenure committee will meet with the Dean and Associate Dean to determine who is scheduled for review. The Chair will then meet with each of the affected faculty members to discuss the procedures of the committee and to invite the faculty member to submit materials the faculty member believes will be helpful to the committee evaluation.
  - (ii) The committee will evaluate all aspects of the faculty member's performance with regard to scholarship, teaching, community service and professional conduct and other aspects of the faculty member's professional duties. The evaluation will include among other things, class visitations and analysis of the submitted scholarship.
  - (iii) A recommendation by the Retention, Promotion, and Tenure Committee that a probationary faculty member be reappointed shall be communicated in writing to the Dean by March 1 of the academic year of evaluation. A recommendation of non-reappointment must be communicated in writing to the Dean by December 8 of the academic year of evaluation. A recommendation of appointment for a terminal period of one year must be communicated in writing to the Dean by January 15 of the academic year of evaluation.
  - (iv) In any year in which a probationary faculty member applies for promotion, the promotion review will substitute for any retention review. A recommendation to grant promotion is deemed to be a recommendation of reappointment. A recommendation to deny promotion is a recommendation of non-renewal unless otherwise noted by the committee.
- (5) Non-renewal is not subject to appeal except that probationary Faculty are entitled to request a review by the Faculty Affairs Committee if it is alleged that the

decision on non-renewal unlawfully discriminated against the faculty member, violated the faculty member's academic freedom or was made under circumstances where the Retention, Promotion and Tenure Committee failed to abide by its procedural rules. In the latter case, the review is limited to the procedural aspects of the matter and the recommendation of the Faculty Affairs Committee is limited to a recommendation of reconsideration.

**(d) Termination**

Termination is a severance action by which the School of Law terminates the services of faculty members without prejudice to their performance. Reasons for termination include the discontinuance of a program, the contraction of enrollment which would require a reduction in Faculty beyond normal attrition, financial exigency or prolonged mental or physical illness.

- (1) Terminations for *bona fide* discontinuance of a program or contraction of enrollment shall be made by the Dean. A faculty member whose position is terminated as a result of the discontinuance of a program or contraction of enrollment will be notified in accordance with the deadlines specified in §406(c) (3) of this article. Faculty terminated under this section have the right to bring the matter before the Faculty Affairs Committee.
- (2) The termination of a continuous appointment, or of a probationary or term appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably *bona fide* financial exigency which threatens the survival of the School of Law as a whole and which cannot be alleviated by less drastic means. Before Faculty are terminated because of financial exigency, the Board of Directors must declare that a financial exigency exists. Prior to declaring a state of financial exigency, the Board of Directors shall explore reasonable alternatives to the declaration.
- (3) The termination of an appointment for medical reasons will be based upon clear and convincing medical evidence that a faculty member is or will be unable to perform the terms, conditions and normal duties of the appointment for a period of at least one year.
  - (i) The decision to terminate for medical reasons will be made only after there has been appropriate consultation with the faculty members or their representatives and their physicians. At a faculty member's request within twenty (20) working days of the notice of termination, the matter may be reviewed by the Faculty Affairs Committee. In any such case of termination, the School of Law will work within the disability program to ease the burden of any such termination.

- (ii) Faculty whose positions have been terminated due to prolonged mental or physical illness will be given preference should a position for which they are suited becomes available after their recovery from such prolonged illness.
- (4) When financial exigency or the discontinuance of a program or the contraction of enrollment necessitates the termination of Faculty, an effort will be made by the School of Law to assist such Faculty in finding employment elsewhere. No replacement will be hired within a period of two years unless the terminated Faculty have been offered reappointment and have been given at least one month after written notice of the offer of reappointment within which to accept the reappointment. It shall be the duty of terminated Faculty to keep the School of Law informed of their current address for purposes of this section. Notice sent to the last known address by the School of Law shall be presumed to have been received if sent by certified mail.
- (5) Where terminations are necessary for discontinuance of programs, contraction of enrollment, or financial exigency, the following order of priority and conditions shall apply.
  - (i) Prior to involuntarily terminating Faculty, the School of Law will attempt to reduce Faculty through voluntary programs including retaining all Faculty on a reduced salary and work load and voluntary early or phased retirements.
  - (ii) Full-time Faculty shall not be terminated in favor of retaining part-time Faculty except in extraordinary circumstances when a serious distortion of the academic program would otherwise result.
  - (iii) Faculty members with tenure shall not be terminated in favor of retaining faculty members without tenure except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.
  - (iv) The decision of extraordinary circumstances shall be made by the Dean in consultation with the Faculty.
  - (v) Academic quality and program integrity are factors which must be considered in all decisions.

**(e) Dismissal for Cause**

The School of Law may terminate the appointment of any faculty member for adequate cause. Adequate cause sufficient for dismissal must relate to the continuation of a faculty member's professional performance as a teacher or lawyer, or both. Adequate cause shall

be determined by the Dean in accordance with this section and may not be used to restrain a faculty member's academic freedom or rights as a citizen. The burden of proof that adequate cause exists rests with the School of Law.

- (1) Adequate cause sufficient for dismissal may be based on any one or more of the following grounds:
  - (i) incompetency, including inefficiency;
  - (ii) immorality, including dishonesty, harassment and vulgarity;
  - (iii) neglect of duty, including the failure to adhere to class or examination schedules, the failure to attend Faculty or committee meetings and the failure to prepare and grade examinations in a timely fashion;
  - (iv) violating School of Law rules and policies, including accreditation standards necessarily incorporated in those rules and policies;
  - (v) insubordination, including disruptive behavior and breaches of confidentiality; and
  - (vi) misconduct, including professional misconduct as a lawyer or teacher, or both.
- (2) Misconduct, which includes the conviction of a crime, the violation of a state or federal law involving moral turpitude or disbarment from the practice of law are irrebuttably presumed to be adequate cause for dismissal. Lesser professional sanctions imposed by a Board of Bar Examiners or Court may be adequate cause, depending upon the circumstances surrounding the imposition of sanctions.
- (3) In normal circumstances, dismissal for cause should be preceded by a written admonition by the appropriate administrative officer describing the alleged problem and warning that the faculty member's appointment status is in jeopardy. The warning should also stipulate the period of time within which correction of the alleged problem is expected. If the faculty member fails to correct the alleged problem, dismissal actions may be instituted.

**(f) Temporary Exclusion**

If a faculty member's continued presence at the School of Law represents a risk of substantial harm to persons, including the faculty member, or to equipment or other property, the faculty member may be temporarily excluded from all law school and campus facilities. The compensation of a faculty member temporarily excluded shall not

be discontinued. Exclusion exceeding two (2) weeks may be reviewed by the Faculty Affairs Committee at the faculty member's request.

## **ARTICLE V - CRITERIA AND STANDARDS FOR PROMOTION AND TENURE**

### **§501 GENERAL STATEMENT ON PROMOTION AND TENURE**

Promotion in academic rank and tenure are the means by which the School of Law encourages, recognizes and rewards faculty members for excellence in the performance of their duties. Tenure is also recognized as promoting favorable conditions for the exercise of academic freedom and for the orderly development of the School of Law as a community of teachers and scholars. Faculty are evaluated on the basis of professional conduct, teaching, scholarship and community service.

#### **(a) Evaluations**

The probationary period which precedes the granting of tenure and the time in rank which precedes promotion give individuals time to demonstrate their ability and also give their colleagues time to observe and evaluate them on the basis of their performance as Faculty. During this period, a faculty member has the same academic freedom as a tenured faculty member and non-renewal cannot be based on reasons which involve a violation of academic freedom. Termination, dismissal or suspension of a probationary faculty member can occur only in accordance with the provisions of Article IV of this handbook.

Faculty members holding probationary appointments are evaluated for reappointment on a regular basis. The Committee will engage in a comprehensive review of each probationary faculty member's teaching, scholarship, service, and professionalism in the faculty member's second, fourth, and tenure year. At its discretion, the Committee may choose to review the probationary member's teaching, scholarship, service, or professionalism in an additional year or years if the Committee has concerns about the probationary faculty member's progress towards tenure.

#### **(b) Mentoring**

The faculty recognizes that it has an affirmative responsibility to provide mentoring to each probationary faculty member, including but not limited to years in which the probationary faculty member is not subject to the evaluation process for reappointment, promotion, or tenure described in subsection (a).

#### **(c) Conferral of Tenure**

Conferral of tenure means that a faculty member has been granted continued full-time appointment within the School of Law until retirement, resignation, separation or

dismissal as defined in Article IV. A tenured appointment cannot be terminated unless there is proof of adequate cause, prolonged mental or physical illness, financial exigency or changes in the educational program.

## **§502 CRITERIA FOR PROMOTION AND TENURE**

The criteria stated in this article apply to any faculty member for purposes of awarding promotion or granting tenure. This criteria shall be used by the Retention, Promotion and Tenure Committee in determining whether a faculty member should be promoted or tenured. In order to qualify for promotion or tenure, each faculty member is expected to maintain the highest level of professional conduct, to teach proficiently, to produce useful and constructive scholarship and to provide service to the School of Law and the outside community.

### **(a) Professional Conduct**

The criteria for professional conduct include the following:

- (1) compliance with the ethical standards of the profession of law, the profession of teaching and the School of Law;
- (2) compliance with the School of Law academic rules;
- (3) compliance with the laws of the United States of America and the individual states;
- (4) maintenance of regular office hours and availability to students outside of class;
- (5) ability to work constructively with students;
- (6) use of meaningful and fair student evaluation and examination procedures;
- (7) punctuality and consistency in meeting academic obligations; and
- (8) ability to cooperate and work constructively with administration, staff and faculty members.

### **(b) Teaching Proficiency**

The criteria for teaching proficiency include the following:

- (1) knowledge of subject matter;
- (2) ability to induce and stimulate critical, thoughtful analysis of legal problems;

- (3) effective classroom presentation including the ability to communicate clearly;
- (4) enthusiasm for subject matter, including the ability to stimulate and maintain student interest;
- (5) innovation and imagination in the presentation of materials;
- (6) maintenance of discipline, control, and professional decorum in the classroom; and
- (7) a demanding standard for evaluating student performance.

**(c) Scholarship**

Scholarship is represented by research resulting in published work product, alone or as a significant contributor to a jointly authored work, including treatises, books, monographs or articles in journals, periodicals or other appropriate publications; original teaching materials; papers for presentation to learned or professional societies; and briefs and memoranda of law.

The criteria for scholarship include the following:

- (1) quality;
- (2) originality; and
- (3) creativity.

**(d) Community Service**

The criteria for community service includes:

- (1) participation in the School of Law committee work and in Faculty meetings;
- (2) participation in professional and community service organizations; and
- (3) assistance in student extra-curricular activities such as moot court, law review, Student Bar Association and other groups, clubs and societies.

**§503 EVALUATION STANDARDS FOR PROMOTION AND TENURE**

The criteria contained in §502 shall be applied according to the following standards.

**(a) Promotion to Associate Professor**

An eligible assistant professor shall be recommended for promotion to associate professor if the Retention, Promotion and Tenure Committee finds that the assistant professor meets the following:

- (1) satisfactory professional conduct;
- (2) good teaching proficiency;
- (3) satisfactory scholarship; and
- (4) satisfactory community service.

**(b) Tenure and Promotion to Professor**

An eligible probationary appointee may be recommended for tenure and promotion to professor if the Retention, Promotion and Tenure Committee finds the probationary appointee meets the following:

- (1) satisfactory professional conduct;
- (2) good or excellent teaching proficiency, but if good teaching proficiency, then excellent scholarship;
- (3) good or excellent scholarship, but if good scholarship, then excellent teaching proficiency; and
- (4) good community service.

**§504 ELIGIBILITY FOR PROMOTION AND TENURE**

Faculty members are eligible for promotion or tenure in accordance with the schedule described below.

**(a) Promotion to Associate Professor**

A faculty member holding an appointment as an assistant professor may apply for promotion to associate professor upon the completion of three (3) academic years of eligible service as an assistant professor, provided that no one is eligible for promotion in their first year of service at Roger Williams University School of Law even if the application of this rule extends the period of eligible service to more than three (3) years.

**(b) Tenure and Promotion to Professor**

A faculty member is permitted to apply for tenure only in his or her sixth year of eligible service. A faculty member's sixth year of eligible service is his or her mandatory tenure year. A grant of tenure is accompanied by a promotion to professor and all tenured members of the faculty shall hold the rank of professor.

**§505 RANK OF STANDARDS**

When used to evaluate Faculty, the standards in §503 shall be ranked in ascending order as follows: Unsatisfactory, Satisfactory, Good, Excellent.

**§506 ADMINISTRATIVE GRANT OF TENURE**

Nothing in this Handbook shall be construed to prevent the School of Law from administratively awarding tenure or promotion to the Dean or to Associate Deans even if they do not meet the eligible years of service requirement.

**§507 YEARS OF ELIGIBLE SERVICE**

For the purpose of determining years of eligible service, a faculty member's years of service as an administrator at the School of Law shall not be counted unless this section is waived in writing by the Dean at the request of the faculty member.

**ARTICLE VI - PROCEDURES FOR PROMOTION AND TENURE**

**§601 GENERAL PROCEDURES**

A recommendation with regard to promotion or the award of tenure is based on the judgment by the committee responsible for promotion and tenure and the Dean as to whether or not the individual meets the established criteria and the degree of correspondence between the individual's expertise and the School of Law's educational needs. Promotion and the award of tenure are, in the final instance, decisions made by the Board of Directors unless delegated to the Dean.

**(a) Effective Date for Promotion and Tenure**

Where applications for promotion or tenure are approved, such promotion or tenure become effective with the beginning of the academic year following the year in which the decision is rendered.

**(b) Necessity for Application**

Neither promotion nor the award of tenure is automatic. Eligible Faculty who wish to be candidates for promotion or tenure must make application to the Dean in the form

required in §603 of this Article by September 30 of the academic year in which they seek the review. The Dean will then inform the committee responsible for conducting the evaluation on or before October 1 of the same year.

**(c) Failure to Apply or to Apply in a Timely Fashion**

The failure to apply or to apply in a timely fashion for promotion will be deemed a waiver of the faculty member's right to such a review until the next following academic year. The failure to apply or to apply in a timely fashion for tenure in the faculty member's mandatory tenure year has the same effect as the denial of tenure as provided for in §607 of this Article.

**§602 COMPOSITION OF THE EVALUATION COMMITTEE**

The committee responsible for evaluating candidates for promotion or tenure is the Retention, Promotion and Tenure Committee except in cases involving an application for promotion to professor or involving an application for tenure from a professor. In such cases the committee responsible for evaluating the candidate shall be comprised of tenured professors appointed by the Dean.

**§603 THE EVALUATION FILE**

The evaluation conducted by the committee will be based on evidence contained in the candidate's evaluation file. The evaluation file consists of two parts. The first part is the application prepared by the candidate. It must contain a letter specifying the purpose for which the review is requested, a detailed table of contents, a current *curriculum vitae*, evidence of teaching proficiency (including student evaluations, course syllabi and instructional materials prepared by the faculty member), evidence of scholarship (including reprints, photocopies or citations to articles and other scholarly materials), letters of recommendations (if any), and other evidence indicating compliance with the criteria and standards for promotion and tenure. The second part of the evaluation file includes the reports prepared or received by the committee conducting the evaluation, as well as reports prepared by prior evaluation committees. Customarily this part will include written reports prepared by members of the committee who visit the candidate's classes, written evaluations of the candidate's scholarship prepared by committee members or other experts within or outside the School of Law. Copies of all material included in the second part of the evaluation file must be made available to the candidate.

**(a) Confidentiality**

The material contained in the evaluation file may be made available only to the Board of Directors, the President, the Dean, the Associate Dean, the committee and the candidate. Only the candidate may make the material available to others. In cases where outside experts are to be consulted, the candidate must agree as to the experts or be afforded the opportunity to submit reports from other experts chosen by the candidate individually.

**(b) Use of Student Evaluations**

Student evaluations are an appropriate item to be used in evaluating a candidate's teaching proficiency, but should be used cautiously. Student evaluations should never substitute for classroom visits conducted by committee members.

**§604 COMMITTEE RECOMMENDATION**

After the evaluation is completed, the committee conducting the evaluation must prepare a written recommendation to the Dean, stating the reasons which support the recommendation. The written recommendation should be conveyed to both the Dean and the candidate by the last day of January in the year of review. The recommendation to the Dean should be accompanied also by the complete evaluation file including the written reports prepared or received by the committee.

**§605 APPEAL OF A COMMITTEE RECOMMENDATION**

A candidate who is not recommended for promotion or tenure may appeal the recommendation to the Faculty Affairs Committee if the candidate believes the committee making the recommendation failed to abide by its procedural rules. The candidate has the burden of proof. The scope of the review by the Faculty Affairs Committee is limited to the procedural aspects of the matter. The Faculty Affairs Committee may not substitute its judgment for that of the committee responsible for the evaluation. The recommendation of the Faculty Affairs Committee is limited to a recommendation of reconsideration in accordance with appropriate procedures.

**§606 DEAN'S RECOMMENDATION**

Following receipt of the committee's recommendation, the Dean must prepare an independent recommendation in writing for transmittal to the Board of Directors. The Dean's report shall also be communicated in writing to the candidate by the end of February of the year of review.

**§607 EFFECT OF DENIAL OF TENURE**

A faculty member who has been denied tenure will receive a terminal appointment for the following year. A faculty member who fails to receive tenure before the end of the mandatory tenure year will receive a terminal appointment for the following academic year. A person who has received a terminal appointment may not receive an appointment for a year subsequent to the terminal year.

**§608 INTERNAL COMMITTEE RULES**

The Retention, Promotion and Tenure Committee may adopt such internal procedures rules or guidelines as maybe necessary for the conduct of its evaluations. Such procedures, rules and

guidelines shall first be submitted to the Dean for the Dean's approval. To the extent that any such internal procedures, rules or guidelines conflict with this Handbook, the Handbook governs.

## **ARTICLE VII - PROCEDURES RELATED TO DISMISSAL FOR CAUSE**

### **§701 PRELIMINARY ACTION BY THE DEAN**

Whenever the Dean believes that the performance of a faculty member warrants dismissal for cause, the Dean will meet with the affected faculty member and will give the affected faculty member a written statement of the reasons for dismissal for cause, including any evaluation reports from any faculty committee which may have evaluated the affected faculty member's performance.

#### **(a) Referral to Informal Committee of Inquiry**

If the Dean and the affected faculty member are unable to resolve the issue of dismissal for cause informally, the Dean shall refer the matter to an Informal Committee of Inquiry to examine the allegations of dismissal for cause.

#### **(b) Suspension of Faculty Member**

The affected faculty member may be assigned to non-classroom duties by the Dean or suspended if there is concern for the well being of the Faculty member or others.

### **§702 INFORMAL COMMITTEE OF INQUIRY**

Whenever any faculty member is given a written statement of reasons for dismissal for cause by the Dean, three members of the Tenure Committee will be elected by the Tenure Committee to act as an Informal Committee of Inquiry, upon receipt of the allegations of dismissal for cause from the Dean.

#### **(a) Examination by Informal Committee of Inquiry**

The Informal Committee of Inquiry shall attempt to resolve the status of the faculty member informally. If the committee cannot resolve the status of the faculty member informally within ten (10) days after receipt of the Dean's charges, it will examine the grounds for dismissal for cause.

The examination will be held within twenty (20) days after the receipt of the Dean's charges. The committee shall examine the Dean's allegations and the evaluation reports, if any, prepared by any faculty evaluating team after any review of the affected faculty member. The committee shall consider any additional facts submitted by the affected faculty member and by the Dean. It shall determine whether to recommend that the affected faculty member be dismissed for cause.

A two-thirds vote of all committee members is required to recommend dismissal for cause. The affected faculty member will not be permitted to be present, unless allowed by the Informal Committee of Inquiry, and, if present, the affected faculty member will not be permitted to be accompanied by counsel at the examination nor to confront nor to cross-examine witnesses.

**(b) Report of Informal Committee**

The Informal Committee of Inquiry shall make a written report of its findings and shall transmit that report to the Dean, the affected faculty member and the Tenure Committee.

**§703 RETENTION, PROMOTION AND TENURE HEARING**

A faculty member who has been given written notice of dismissal for cause by the Dean has the right to a hearing before the Retention, Promotion and Tenure Committee upon conclusion of the Informal Committee of Inquiry proceedings. Any affected faculty member who wishes to exercise the right to a hearing must inform the Chair of the Retention, Promotion and Tenure Committee within five (5) days of the receipt of the report of the Informal Committee of Inquiry. The Chair of the Retention, Promotion and Tenure Committee shall set a time and place for the hearing and send written notice to the affected faculty member and the Dean not later than seven (7) days after receipt of the request for a hearing from the affected faculty member. The hearing shall take place within thirty (30) days following the request for a hearing.

**(a) Burden of Proof**

The burden of proof to establish cause for dismissal shall be on the Dean.

**(b) Attendance at Hearing by Affected Faculty Member**

The affected faculty member may attend the hearing and may be accompanied by private counsel. Cost for counsel shall be borne by the affected faculty member. The affected faculty member or the private counsel may confront and cross-examine all witnesses who are called by the committee. If the committee chooses in the interest of justice to use a writing or other form of document in lieu of calling a witness to testify to the facts contained in the document, the committee will inform the affected faculty member and disclose the document to the affected faculty member prior to the hearing.

**(c) Record of Hearing**

A verbatim record of the hearing shall be made and given to the affected faculty member if requested. The cost of that record shall be borne by the School of Law.

**(d) Testimony**

Testimony of a member of the School of Law Faculty or a member of the Faculty of another law school may be admitted on the issue of the affected faculty member's fitness or qualifications.

**(e) Rules of Evidence**

The committee is not bound by the strict rules of evidence and may admit any information which it decides is of a probative value in determining the issues involved.

**(f) Findings of the Committee**

At the close of the hearing and after deliberation, the committee shall make written findings of fact and recommendations, which shall be submitted to the affected faculty member and the Dean. The findings of fact shall be based solely upon the hearing record.

**(g) Assistance of Counsel**

The committee may request the assistance and presence of counsel at any time.

**§704 ACTION OF THE RETENTION, PROMOTION AND TENURE COMMITTEE FOLLOWING A HEARING**

The Retention, Promotion and Tenure Committee may recommend dismissal for cause or any lesser penalty it deems appropriate to the President. A copy of its recommendations shall be transmitted to the Dean and the affected Faculty member. A recommendation of dismissal requires at least a two-thirds majority vote by the Tenure Committee. If the Dean disagrees with the Tenure Committee, the Dean must submit an independent report to the President. If the Dean and the Tenure Committee agree that a penalty less than dismissal should be enforced against the affected faculty member, the Dean will assess the appropriate penalty. If two or more members of the Tenure Committee disagree with the Tenure Committee's decision, they may make a written minority report setting forth the basis for their disagreement.

If the Tenure Committee does not recommend dismissal by a two-thirds majority and the Dean desires to take the matter before the President for examination, the Dean will make a written report to the President. A copy of the report will be delivered to the Chair of the Tenure Committee and the affected faculty member. The Tenure Committee may make a written reply to the Dean's report within ten (10) days after date of receipt of the Dean's report. Such reply report shall be delivered to the Dean, the President and the affected faculty member.

## **§705 ACTION OF THE PRESIDENT AND BOARD OF DIRECTORS**

The President may, on request of the affected faculty member or the Dean, examine the record of proceedings before the Tenure Committee. The President may affirm, modify or overrule the decision of the Tenure Committee. If the President overrules or modifies the decision of the Tenure Committee, the President may remand the proceedings for appropriate reconsideration and further finding of fact by the Tenure Committee. The Tenure Committee will meet to reconsider its original decision if the matter is remanded to it within ten (10) days after receipt of the remand. It will make a written report of a their consideration and transmit that report to the Dean and to the President for examination. The President will then transmit his or her recommendation to the Board of Directors for action. Upon receipt of the recommendation of the President, the Board of Directors may affirm, remand, modify or overrule the decision.

## **ARTICLE VIII RIGHTS, OBLIGATIONS AND CONDITIONS OF SERVICE**

### **§801 GENERAL DUTIES AND RESPONSIBILITIES OF FACULTY**

Within the framework established by this Handbook, the specific duties and responsibilities of the individual faculty members of the School of Law are determined by the Dean in consultation with the individual faculty member. The duties and responsibilities described in this Handbook apply only to full-time Faculty.

### **§802 PROFESSIONAL GROWTH AND DEVELOPMENT**

Faculty are expected to engage in professional development. In so far as possible, the School of Law will foster a proper climate for such development through its policies regarding teaching loads, academic travel, leaves and other related matters.

#### **(a) Teaching Loads**

The standard teaching load for full-time Faculty is eleven to thirteen credits per academic year. Specific Faculty assignments are made after consultation between the Faculty member and the Dean or the Associate Dean. The specific assignment shall take into account the faculty member's particular qualifications. However, Faculty are responsible for carrying out satisfactorily the duties of their individual Faculty assignments. From time to time, Faculty may be afforded the opportunity to teach a reduced load. Request for a reduced load should be made to the Dean and specify the professional reasons for the request. The Dean shall endeavor to comply with the request whenever it is in the best interest of the School of Law to do so.

#### **(b) Outside Employment**

The School of Law recognizes that consulting work may be a valuable professional experience for faculty members. However, consulting work must not interfere with the

faculty members contractual arrangements with the School of Law. Faculty members may neither permit their names to be listed on law firm stationery nor have an "of counsel" relationship with any law firm.

Generally, consulting may not consume more than ten hours per week and the subject matter of the consulting must be related to the faculty member's teaching expertise. Prior permission to consult must be received from the Dean. This policy does not apply during the summer if the Faculty has not received a research stipend or a summer session teaching appointment. Faculty members may not cancel class in order to arrange for consulting opportunities.

**(c) Professional Leaves and Sabbaticals**

Professional leaves and sabbaticals are negotiated agreements whereby faculty members are absent from their regular duties of appointment for one or more semesters for professional reasons. Faculty who are on leave are guaranteed the right to return to their former position. Previously earned benefits and seniority are not lost.

- (1) A paid leave or sabbatical means that the School of Law will pay all or a part of the faculty member's regular salary and fringe benefits. An unpaid leave means the School of Law pays no part of the faculty member's regular salary.
- (2) Professional leaves of two or more semesters generally do not count for promotion or tenure unless otherwise specified in writing prior to the date on which the leave commences. Leaves for one semester generally count toward promotion or tenure unless otherwise specified in writing prior to the date on which the leave commences.
- (3) The policies and procedures for medical, compassionate and public service leaves are provided for in §804.
- (4) Professional leaves, with or without pay, are for a definite period, normally for a single semester or an academic year. Under unusual circumstances leaves may be extended to as many as two (2) academic years. Leaves are to be requested in writing to the Dean in time to allow for administrative planning. The written request must specify the purpose, plans and length of the leave. The final decision will be made by the Dean.
- (5) Unpaid leaves of absence may be requested at any time after the faculty member has completed two years of service to Roger Williams University School of Law.
- (6) Eligibility for paid leaves or sabbaticals is limited to faculty members who, at the time that the award begins, have been awarded tenure, have completed six years of service at Roger Williams University School of Law excluding credit granted

for service at other law schools and have not been the recipient of a sabbatical award during the prior six years. The major purpose of a sabbatical award is to provide the faculty member with a definite period of time for uninterrupted scholarly research or intellectual development. The proposed research project may be judged either on its potential contribution to the fund of legal scholarship or on its contribution to the sabbatical candidate's teaching. Sabbatical awards may not be used for paid employment elsewhere. Faculty members wishing to take temporary positions elsewhere should apply for an unpaid leave rather than a sabbatical award.

- (i) Candidates for sabbaticals must prepare and submit an application to the Dean by March 1 of the academic year which precedes the sabbatical year by two years. Sabbaticals will be awarded competitively by the Dean. The sabbatical application should contain two parts: a standard *curriculum vitae* and a research proposal.
- (ii) Sabbatical awards provide payment of full salary for one semester or half salary for two semesters. Fringe benefits, including School of Law contributions, remain in effect during the period of the sabbatical award. Should the Faculty during the sabbatical leave receive earned income or a grant or fellowship stipend which would cause their income for the academic year to exceed their School of Law payments, the amount of the sabbatical award will be reduced proportionately. This policy provision is applicable only to the living expenses part of grant income and not to funds specifically granted for travel, equipment or salaries of research assistance.

**(d) Travel**

Travel is defined to include all means of transportation, meals, lodging, gratuities, telephone and incidental expenses, such as registration fees, that are directly associated with the trip to be taken by the faculty member. Within the limits of the budget and prudent fiscal management, travel expenses will be reimbursed to the faculty member making the trip. Travel expenses will be reimbursed up to: \_\_\_\_ ¢ per mile reimbursement at a rate set annually by the Internal Revenue Service for the use of personal vehicles; actual air, bus or train fare other than first class; and the actual cost of package plans for conventions, workshops, etc. that are covered by one fee.

Travel vouchers must be approved by the Associate Dean prior to any Faculty being authorized to travel at School of Law expense. The intent of this provision is to better control the cost of travel and to verify in advance that the individual is on School of Law business in the event of an accident involving an insurance claim.

Reimbursement of expenses related to travel are restricted to the cost incurred by the faculty member involved. Cost for Non-Faculty traveling with a faculty member are not subject to reimbursement. Costs associated with private entertainment are also not reimbursable.

You will find detailed travel information on the law school's Business Affairs webpage <http://law.rwu.edu/sites/dean/businessaffairs>

**(e) Conflicts of Interest**

Conflicts of interest in the School of Law context may arise in a variety of areas and are to be avoided in all cases. In any instance where a conflict of interest may arise, it is the responsibility of faculty members to consult with the Dean.

- (1) Faculty should avoid having members of their immediate family enrolled as students in any class in which they are the instructor. Exceptions may be made only if the course is required for the student program and there is no possibility of that student enrolling in a course with a different instructor.
- (2) The School of Law's name and seal are the exclusive property of the School of Law and, consequently, should not be used without the written prior permission of the Dean.
- (3) Faculty members publish a considerable number of reports in the form of bulletins, circulars, articles, monographs and books, some of which are copyrighted and others of which are not. Material from such recognized publication is, of course, quotable, and proper recognition should be given both to the individual author and to the School of Law in connection with such quotation.
- (4) The School of Law's name or official stationery may not be used in connection with outside activities except those related to academic and scholarly activities.
- (5) While faculty members, as citizens, are free to engage in political activities, any member who wishes to engage in direct political activities which will involve a substantial amount of time should request a leave of absence from the School of Law. The terms of such leave of absence shall be set forth in writing and the leave will not affect unfavorably the tenure status of a faculty member, except the time spend on such leave will not count as probationary service unless otherwise agreed to in writing prior to the commencement of the leave.
- (6) The exclusive right to transmit all communications from the administrative staff and Faculty and from each member thereof to the President or to the Board of Directors rests with the Dean. Therefore, the Dean is the official medium of

communication between the Faculty and the President, the Board and the Committees of the Board.

**(f) Outside Grants**

Faculty are encouraged to seek research or study grants from agencies and foundations outside the School of Law. Such grants may not be requested until the faculty member involved has discussed the matter with the Dean. This is to avoid multiple, competing grants to the same agencies and foundations.

**§803 WORKING CONDITIONS**

**(a) Offices**

Office space is provided for each faculty member in the School of Law building.

**(b) Classrooms**

The School of Law will furnish classrooms to accommodate various functions such as lectures, seminars and meetings. The School of Law will meet to the best of its ability the special request of a faculty member for classroom equipment, instructional aids, etc.

**(c) Computers**

To the extent possible, Faculty will be provided with individual personal computers and relevant software.

**(d) Secretarial Services**

Faculty will be provided such secretarial services as are needed for their professional work. Secretaries are not permitted to work on the personal affairs of the Faculty.

**(e) Academic Regalia**

Faculty will appear in academic regalia at commencement and at other formal School of Law functions which may be announced.

**(f) School of Law Letterhead**

Faculty may use School of Law letterhead on School of Law business. School of Law stationery should not be used for personal correspondence or political activities.

**(g) Scheduling of Classes and Examinations**

Class and examination scheduling are administrative responsibilities accomplished in the best interest of the students and within appropriate accreditation standards.

- (1) Classes and examinations are normally scheduled from 8:00 A.M. to 10:30 P.M. Monday through Thursday, from 8:00 A.M. to 5:00 P.M. on Friday and from 8:00 A.M. to 1:00 P.M. on Saturday. Faculty are expected to conform their personal schedules in order to be available for teaching at these times, if so requested.
- (2) To the extent possible, Faculty will not be required to teach more than one class per day.
- (3) Within limits, Faculty shall be afforded a bulk of time for research, advising, class preparation, etc.
- (4) Faculty shall be in the School of Law building during the administration of their examinations unless excused by the Dean or Associate Dean. If excused, they are nonetheless expected to be available to answer questions which may arise during the administration of the examination.
- (5) Examinations must be prepared by Faculty and submitted to the Faculty secretaries three weeks before the date scheduled for the examination. This is to provide ample opportunity to type, proofread and reproduce the examination.
- (6) All examinations will be graded anonymously.
- (7) All grades are due into the Associate Dean's or Registrar's office within four weeks of the administration of the examination. Grades for papers, clinics and other courses for which there is no final examination are due within four weeks of the last day of classes.

**(h) Class Roll**

Class attendance will be taken by the faculty as required by relevant accreditation standards or policies of the School of Law.

**(i) Cancellation of Classes**

Regularly scheduled classes may not be cancelled without the prior permission of the Associate Dean where such permission is practical to obtain. In the case of emergencies, such as an unexpected illness, every effort should be made to notify the Associate Dean and have another Faculty member teach the scheduled classes. Otherwise, all classes which have been missed must be made up at a time convenient to the students.

**(j) Use of Copyrighted Material**

§107 of the Federal Copyright law revision of 1978 provides that "fair use" of a copyrighted work, including use by reproduction in copies, for purposes such as "teaching (including multiple copies for classroom use) scholarship or research is not an infringement of copyright." The four statutory criteria used to determine whether the use made of a work in any particular cases a fair use include: the purpose and character of the use, including whether such use is of a commercial nature or is for non profit educational use; the nature of the copyrighted work; the amount or substantiality of the portion used in relation to copyrighted work as a whole; and the effect of the use upon the potential market for or value of the copyrighted work.

**§804 MEDICAL, COMPASSIONATE AND PUBLIC SERVICE LEAVES**

The leaves covered in this section are other than those referred to as leaves for professional development which are discussed in §802 of this article.

**(a) Bereavement Leave**

Faculty are provided up to five consecutive calendar days of absence on the death of a spouse, child, parent, grandparent, grandchild or sibling.

**(b) Jury Duty**

Service as a juror is encouraged as part of faculty member's civic responsibility. However, during the academic year, such service may interfere with the faculty members assigned duties. An official request to exempt a faculty member from jury duty will be made in those cases where an employee's absence would impair the operation of the School of Law.

Jury duty includes actual sitting as a juror and all hours spent in preliminary examination and interview required by the court prior to such service. Faculty are expected to fulfill their Faculty obligations on any day when they are excused from jury duty for at least half a day.

**(c) Military Leave**

Military differential pay will be granted for a period up to two weeks to full-time faculty members who are activated to National Guard duty because of an emergency caused by an "Act of God" or civil disturbance. Faculty members will be reimbursed for the difference between the basic military pay received and their School of Law salary. Military allowances for quarters, subsistence and incentives are to be included in computing military pay.

**(d) Family Leave**

The University's Family Leave Policy, incorporating federal family and medical leave and state family leave, applies to all eligible faculty members. The policy is available in full text from the University's Office of Human Resources.

**(e) Parental Leave**

Parental leave will be granted without pay up to one (1) year. This leave runs concurrently with the family leave referenced in section (e) above. The faculty member involved shall be guaranteed a position upon return. The faculty member on parental leave shall notify the School of Law of the intention to return to work four months prior to the start of the semester. The time spent on a parental leave will not count toward promotion or tenure.

**(f) Personal Leave**

Any full-time member of the Faculty may request a full-time or part-time leave of absence without pay. Application should be made in writing to the Dean. For a faculty member on leave without pay. Leave without pay may be used for education, for child care, to extend a maternity leave when sick leave is not applicable, or adoption and other reasonable personal needs not stated. Leave without pay may not exceed one (1) year without written approval of the Dean.

**§805 FRINGE BENEFITS**

Full-time Faculty are provided a comprehensive program of fringe benefits, the nature of which shall be determined from time to time by the School of Law.

Details of coverage for the fringe benefits program will be provided by the School of Law on an annual basis. Copies of relevant documents, policies or pamphlets shall be maintained in the Dean's office or the personnel office. However, nothing in this Handbook shall be construed to limit or otherwise abridge the right of the School of Law to increase, decrease, modify or amend the nature of fringe benefits provided, the carriers providing such coverage, if any, or the levels of coverage applicable thereto.

**(a) Workers' Compensation**

All Faculty are protected under Workers' Compensation in case of on-the-job injuries. All such injuries, however minor, should be reported promptly to the Dean. Faculty are responsible for completing an official injury report, available from the Office of Human Resources, in all such instances.

**(b) Medical Insurance**

All Faculty are offered Blue Cross Blue Shield of Rhode Island Healthmate Coast-to-Coast individual or family medical insurance upon the first of the month after their date of hire or during the University's annual open enrollment period. There are co-pays for this insurance that are deducted bi-weekly from the employee's salary.

**(c) Dental Insurance**

Each faculty member is provided at the School of Law's expense with Delta Dental of Rhode Island individual or family dental insurance.

**(d) Buy Back**

Faculty members who choose to waive both the medical and dental insurance are entitled to receive the current buy back in lieu of these insurances. Proof of current existing health and dental policies must be provided to the Office of Human Resources. Buy back is paid in the first pay check of each month.

**(e) Life Insurance**

The School of Law provides each faculty member with \$100,000 of term life insurance.

**(f) Short Term Disability Insurance**

Roger Williams University School of Law provides each faculty member under its present insurance policy with short term disability insurance coverage which supplements Rhode Island Temporary Disability Insurance.

**(g) Long Term Disability Insurance**

Roger Williams University School of Law provides each faculty member under its present insurance policy with long term disability insurance.

**(h) Retirement**

All full-time Faculty shall have the right to join and make deposits in TIAA/CREF or AIG retirement funds at the faculty member's option. The School of Law agrees to deposit to the credit of the faculty member the amount equal to two times the faculty member's contribution, but not to exceed ten percent of the faculty member's base salary in any calendar year. The School of Law also participates in the TIAA/CREF and AIG supplemental retirement annuity program and allows Faculty to contribute to this plan through payroll deduction. The School of Law does not contribute financially to this supplemental program.

**(i) Tuition Remission**

Full-time Faculty with six (6) months or more of continuous service may enroll, tuition-free, in any course given on any permanent campus both maintained and operated by Roger Williams University provided that attendance at such courses does not conflict with the Faculty's normal working hours.

Full-time Faculty with six (6) months or more of continuous service, their spouses or formally registered domestic partner (consistent with controlling health benefits policy and procedural parameters) and that employee's legally dependent children who are 23 years of age or younger at the start of the semester for which tuition remission is sought (who qualify as such according to IRS regulations and are included on their parent's tax return), may enroll tuition-free in any undergraduate degree program as a matriculated student, on any permanent campus both maintained and operated by the University. There is no tuition remission for School of Law courses.

Acceptance into a course or degree program is necessarily contingent upon availability of classroom space, and also upon the ability of the student to complete the course or program successfully. Cost of books, supplies, and fees are payable by the student.

**(j) Tuition Reimbursement**

Employees, employed in full-time permanent positions may, accompanied by a detailed recommendation from the Dean, request tuition contribution from the University in order to attend another institution of higher education on the basis both that the course of study leading to a degree will directly benefit the University and that the course of study is not offered by the University. Employees must complete a "Tuition Refund Request" form accompanied by the course description with authorized signatures and forward the form to the Office of Human Resources. This program is not limited to an undergraduate degree program, but is limited to a maximum of six (6) credit hours per semester if matriculating in a degree program. Otherwise, enrollment is limited to four (4) credit hours per semester. Prior to any reimbursement for tuition paid by the recipient in accordance with this policy, proof both of at least a passing grade and of actual payment by the recipient is necessary and in form reasonably required by the University. There will be no reimbursement for any course in which a failing grade is achieved. The dollar value of reimbursement for graduate-level courses is limited to the IRS non-taxable threshold dollar level per calendar year. Attendance at such courses must not conflict with the employee's normal working hours.

**(k) Tuition Grants**

1. This policy does not address student financial aid, including any University grants for University delivered or sponsored programs, either in the United States or abroad.

2. Tuition Exchange Programs: Independent of University policy, the University may contractually affiliate, directly or through a formal program such as the Council of Independent College Tuition Exchange Program (CIC-TEP), with other institutions of higher education enabling tuition aided attendance at such other institutions of higher education. Information, availability and process associated with such programs will be both facilitated and coordinated through the University's Office of Human Resources.

**(I) Benefits Availability to "Same-Sex Spouses" & "Domestic Partners"**

Applicability of any of the foregoing fringe benefits as set out above, to same-sex spouses and domestic partners is subject to and conditional upon the "Roger Williams University & Roger Williams University School of Law: Benefits Information Regarding Same-Sex Spouses & Domestic Partners". The policy is available in full text from the University's Office of Human Resources.

**§806 COMPENSATION**

Compensation includes both salary and costs paid by the School of Law for the faculty member's benefit that are made available through insurance and other plans. Each component of compensation is subject to annual review to effect the most prudent use of the School of Law financial resources.

Most Faculty elect to receive their base salary over a ten month period beginning in August. However, for the convenience of Faculty, payment of base salary may be elected to be received over a twelve month period commencing in August. Annual written notice to the Dean is required to elect this option. An election to receive base salary over twelve months does not amend the terms of the Faculty appointment letter.

Faculty are paid monthly on the last business day of the month.

**ARTICLE IX - EFFECTIVE DATE, AMENDMENTS AND VARIANCES**

**§901 EFFECTIVE DATE OF THE FACULTY HANDBOOK**

The policies and procedures contained in this Handbook are effective on July 1, 1993 and apply to all Faculty appointed for the 1993-94 and subsequent academic years.

**§902 PROCEDURE FOR AMENDING THE FACULTY HANDBOOK**

The following procedure is adopted as an orderly and collegial process for initiating and considering amendments to this Handbook. However, nothing in this section shall be construed to limit or abridge the responsibility, authority or prerogative of the President, Board of Directors or Dean to administer and govern the School of Law.

**(a) Proposed Amendments**

Proposals for amending this Handbook may be suggested by any Faculty member, the President, the Board of Directors or the Dean except that proposals modifying Article VIII, §805 must be initiated by the President or Board of Directors. All such proposals shall contain the text of the proposed amendment and a statement of the reasons for proposing the amendment.

**(b) Processing of Proposed Amendments**

Proposed amendments must be submitted in writing to the Dean who will place the matter on the agenda of a regularly scheduled faculty meeting for discussion. If the proposed amendment was initiated by a faculty member and the Faculty approves the amendment, the Dean shall so inform the President and provide the President with the Dean's recommendation. If the Faculty does not approve the amendment, the matter is concluded. In the case of a proposed amendment initiated by the President or the Board of Directors, the Faculty action shall be communicated to the President without regard to the results.

- (1) The President may approve, reject, amend or remand any amendments to the Handbook proposed in accordance with this Section.
- (2) Proposed amendments approved by the President shall be submitted to the Board of Directors for action. Final authority to approve, reject, amend or remand any amendments to this Handbook rests with the Board of Directors.

**(c) Implementation of Proposed Amendments**

Amendments to this Handbook approved by the Board of Directors shall take effect at the beginning of the academic year following the academic year in which the amendment was approved by the Board. Any transition provisions will be specific to a given policy and noted in the language of the amendment.

**(d) Notice of Amendments**

All Faculty will be informed of amendments as soon as practical, but nothing in this section shall be construed to relieve Faculty from responsibility for insuring that their copy of the Handbook is current or to limit or otherwise delay the effective date of any amendments.

### **§903 DEAN'S POWER TO MAKE A CONTRACT WHICH VARIES FROM THIS HANDBOOK**

Notwithstanding any provision contained in this Handbook, the Dean may offer a contract which contains terms which deviate from this Handbook.

### **§904 NON-WAIVER OF TIME LIMITS**

Unless otherwise noted in this Handbook, no time limits may be waived absent a showing of good cause. No faculty holding probationary appointment may receive promotion or tenure because the relevant Committee, Dean, President, Board of Directors or their delegate fails to meet a deadline prescribed by this Handbook. No faculty member subject to dismissal for cause obtains any right to remain a faculty member by any failure to meet any time requirement.

## **APPENDIX A**

### **FACULTY SICK LEAVE POLICY**

#### **Purpose:**

The intent of this leave policy is to establish a standard level of leave protection for School of law (SOL) full-time faculty that are impacted by a personal medical condition, including pregnancy, that results in the inability to perform his/her faculty duties.

#### **Definitions:**

Coverage period: This policy is applicable year round.

#### **Absence:**

The policy provides compensation through multiple Components where the employee is not able to provide service to the SOL due to a personal medical condition, including pregnancy and associated maternity leave, that results in the inability to perform his/her faculty duties". This program is not available to care for a family member.

#### **Initial Absence Period:**

The initial absence period is the first three weeks of an Absence. Compensation: Compensation under the leave policy can be made through multiple sources. SOL funds, Rhode Island's Temporary Disability Insurance (TDI) funds, Short Term Disability (STD) and Long Term Disability. Funds are sources of income available to the faculty member depending on the nature and duration of the absence.

#### **Weekly Period:**

A weekly period is defined as five working days.

#### **Bi-Weekly Pay:**

A bi-weekly pay is the normal gross pay less deductions for an academic year and is remitted on a 26 bi-weekly pay period cycle.

#### **Fiscal Year:**

July 1 through June 30.

#### **Leave Program:**

SOL will provide 100% of faculty member pay for up to the first three weeks of an Absence in a fiscal Year. If the Absence extends beyond 3 consecutive days or 1 week, the faculty member will complete a Family Medical Leave of Absence (FMLA) request and submit the applicable forms to the Department of Human Resources. Upon conclusion of the faculty member reaching three weeks of an Absence, for the next six (6) weeks the SOL will provide payment up to the

faculty member's. regular biweekly pay after reducing for the amount by what the faculty member is receiving (or is entitled to receive if he/she had applied) from TDI as well as from STD.

After the additional six (6) weeks of payment has been made, the SOL will no longer provide payments to the faculty member. The faculty member will have the option of 1) applying for short term disability if not already done so, or 2) applying for long term disability, or 3) remaining on FMLA leave without pay from the SOL. While the faculty member is on short term disability, long term disability or leave without pay no accrual of additional leave under this policy is available.

Notwithstanding the above, a faculty member's first Absence under this policy in any Fiscal Year that does not extend beyond 3 consecutive days or 1 week in duration shall not be charged against the faculty member's sick leave allocation provided such Absence is taken in compliance with Section 8b3(i)(Cancellation of Classes) of the Faculty Handbook.

Once the Absence ends and the faculty member presents a medical return to work authorization from his/her physician, the faculty member's standard wages shall resume.

Faculty members who utilize 100% of the nine (9) week allocation of paid leave within a Fiscal Year and then return to active status will receive an allocation of future sick leave based on the following schedule:

- 1) After completion of 12 months additional continuous service -5 weeks
- 2) After completion of 24 months additional continuous service -7 weeks
- 3) After completion of 36 months additional continuous service -9 weeks

If an Absence extends into a new Fiscal Year there shall be no new/additional allocation of paid leave for the continuation of that Absence, nor shall the one-time exception for a "first Absence" apply again.

If the faculty member does not utilize any of the nine (9) week allocation of leave, the faculty member will carry over the unused allocation of leave until it, together with any accrued sick leave from additional service, reaches a maximum limit of 45 days or 9 weeks (30 days/6 weeks being pay subject to offset). When a faculty member has exhausted his or her available paid leave under this policy, the faculty member must apply for FMLA or parental leave or personal leave and will have the option of then 1) applying for short term disability, or 2) applying for long term disability, or 3) remaining on FMLA leave without pay from the SOL or parental leave without pay from the SOL or a personal leave without pay from the SOL.

A faculty member who has previously been on an Absence under this Policy for a pregnancy and associated maternity leave and who subsequently has another Absence under this Policy for another pregnancy and associated maternity prior to accruing the full nine (9) week allocation of paid sick leave shall, nonetheless, be entitled to borrow up to six (6) weeks (for a not to exceed maximum of nine (9) weeks) against future sick leave accrual for said Absence, Should said faculty member leave the employment of the SOL prior to the above-referenced borrowed leave time being accrued under the Policy, then said faculty member shall be responsible for repaying the non-accrued amount to the SOL at the time employment ends, In advance of any borrowing, the faculty member shall be responsible for signing a SOL agreement that acknowledges the repayment obligation, that treats such borrowing as an advance against my future earnings, and that authorizes the SOL, pursuant to R.J.G.L § 28-14-10 and § 28c14-24{bt to, in part, deduct from the faculty member's salary or other payments due from the SOL to recover any monies which are due hereunder."

July 1, 2011

## **APPENDIX B**

### **FACULTY/STUDENT FRATERNIZATION POLICY**

Roger Williams University School of Law (“School of Law”) is dedicated to preparing students for entry into the legal profession and committed to maintaining an environment where the education of students is of the greatest importance. Physically intimate or sexual relationships (“Intimate Relationships”) between School of Law faculty members and students, even if consensual, may negatively affect the educational environment for students. Intimate Relationships carry risks of actual and apparent conflicts of interest, breach of trust, abuse of power, charges of sexual harassment, and breach of professional ethics.

For these reasons, the School of Law, in consultation with its faculty, has determined that Intimate Relationships between faculty members and students are prohibited.

This Policy is not intended to reduce or hinder social contact between faculty members and students that arises as part of acceptable faculty/staff-student relationships or events on or off campus. This Policy is aimed at individual, personal physically intimate and/or sexual relationships.

#### *Pre-Existing Relationships*

On occasion, a faculty member will have an Intimate Relationship with an individual who then becomes a student, or an individual with a pre-existing Intimate Relationship with a student will join the School of Law faculty. It is the obligation of the faculty member to disclose such relationship to the Dean of the School of Law, who shall take the steps that he or she deems necessary to ensure that the educational experience of the student, and other students in the School of Law, is not materially affected by the Intimate Relationship. Since individual cases may vary, the Dean has discretion to consider specific circumstances — the nature of the relationship, the specifics of the student’s academic program and the faculty member’s responsibilities, and constraints on the School of Law — in fashioning these steps. The steps can range from no action, to the recusal of the faculty member from matters involving the student, to changes, as applicable, in the faculty member’s teaching, advising, service, or other duties.

This Policy is to be read and construed as consistent with Roger Williams University’s (University) governing Conflict of Interest and Sexual Harassment Policies and in case of conflict among and/or between either of the two, the University’s Conflict of Interest and/or Sexual Harassment Policies will govern.

## **APPENDIX C**

### **RETENTION, PROMOTION, AND TENURE COMMITTEE INTERNAL COMMITTEE RULES**

#### **2. The Retention Evaluation File**

The retention evaluation conducted by the committee will be partially based on evidence contained in the probationary faculty member's evaluation file. The file consists of documents assembled and submitted by the probationary faculty member. It should contain a table of contents, a current curriculum vitae, evidence of teaching proficiency (including student evaluations, course syllabi, instructional materials prepared by the faculty member, and examinations), evidence of scholarship (including reprints, photocopies or citations to articles and other scholarly materials), evidence of community service (a statement by the faculty member enumerating service will suffice), letters of recommendation (if any), and other evidence indicating compliance with the criteria and standards for promotion and tenure. The annual Faculty Activities Report to the Dean is another useful guide for assembling information for the committee.

The evaluation file should be submitted to the Chair of the Committee by the probationary faculty member prior to September 30th. It may be amended and supplemented at any time during the year. The file will be returned to the faculty member after the retention evaluation report is prepared.

To supplement the evaluation file submitted by the probationary faculty member, the Dean's office will forward to the RPT Committee any student evaluations from a probationary faculty member's classes that are completed after September 30 and prior to the signing of the committee's report on that faculty member. These materials will be made part of the evaluation file and stored and made accessible in the same manner as the rest of the file.

Adopted by the RPT Committee in January 2014.

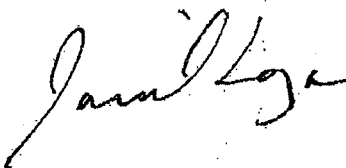
## APPENDIX C

### RETENTION, PROMOTION AND TENURE COMMITTEE INTERNAL RULES

#### 1. Participation and Voting

Evaluations of teaching, scholarship, professional conduct, and community service, and comparisons of those evaluations with the standards and criteria elaborated in the Faculty Handbook, are difficult tasks, the performance of which is an obligation of the Committee on Retention, Promotion, and Tenure. Decisions regarding whether faculty meet the various criteria for retention, promotion, and tenure are aided by the discussions and deliberations of the full Committee. The Committee believes that the process is too important to the applicant for promotion or tenure and to the institution to allow evaluations and voting without substantial participation in the process and deliberation. Pursuant to sections 304(a)(6) and 608 of the Faculty Handbook, as a matter of internal procedure regarding the conduct of evaluations, the Committee adopts a procedural rule that professors who are unable to participate substantially in the work of the Committee, including current evaluations and deliberations, will not be allowed to vote on decisions being made by the Committee. It is anticipated that faculty on leave or on sabbatical will not be in a position to participate and vote. However, in the rare instance that a faculty member on leave or sabbatical is able to attend Committee meetings and conduct current evaluations, he or she will be allowed to participate in the deliberations of the Committee.

(As amended on March 21 2008)



Retention, Promotion, and Tenure Committee  
INTERNAL COMMITTEE RULES

2. The Retention Evaluation File

The retention evaluation conducted by the committee will be partially based on evidence contained in the probationary faculty member's evaluation file. The file consists of documents assembled and submitted by the probationary faculty member. It should contain a table of contents, a current *curriculum vitae*, evidence of teaching proficiency (including student evaluations, course syllabi, instructional materials prepared by the faculty member, and examinations), evidence of scholarship (including reprints, photocopies or citations to articles and other scholarly materials), evidence of community service (a statement by the faculty member enumerating service will suffice), letters of recommendation (if any), and other evidence indicating compliance with the criteria and standards for promotion and tenure. The annual Faculty Activities Report to the Dean is another useful guide for assembling information for the committee.

The evaluation file should be submitted to the Chair of the Committee by the probationary faculty member prior to September 30<sup>th</sup>. It may be amended and supplemented at any time during the year. The file will be returned to the faculty member after the retention evaluation report is prepared.

To supplement the evaluation file submitted by the probationary faculty member, the Dean's office will forward to the RPT Committee any student evaluations from a probationary faculty member's classes that are completed after September 30 and prior to the signing of the committee's report on that faculty member. These materials will be made part of the evaluation file and stored and made accessible in the same manner as the rest of the file.

Adopted by the RPT Committee in January 2014.

OK  
m  
8/26/14

### 3. Subcommittees

The Chair of the Retention, Promotion and Tenure Committee may appoint subcommittees for purposes of evaluation of probationary faculty members. Subcommittees appointed under this rule will usually consist of three members of the Committee qualified to vote on the probationary faculty member's retention, promotion, or tenure. From one evaluation to the next, the Chair will attempt to rotate members of subcommittees assigned to a particular probationary faculty member, with the aim of review by as many members of the Committee as possible prior to the tenure decision on that faculty member.

The subcommittee shall have the primary responsibility for fact-finding necessary for the evaluation of the probationary faculty member. The subcommittee shall report its factual findings to the Committee in order to assist the entire Committee in evaluating the faculty member under consideration. The vote on retention, promotion, or tenure, in accordance with Section 602 of the faculty handbook, shall be by all members of the Committee qualified to vote on the question.

The entire Committee is expected to review the retention, promotion, and tenure file of every faculty member evaluated, including scholarship. However, during most evaluations, the subcommittee of three will be the only Committee members visiting classes. The purpose of the subcommittee is twofold - 1) to report to the Committee on observations during class visits, thereby reducing the number of faculty visiting classes in any particular year, and 2) to take the primary responsibility for fact-finding regarding the probationary faculty member and the initial drafting of the evaluation report.

The subcommittee will review carefully the entire file presented by the faculty member, including examinations, syllabi, student course evaluations, scholarship, statements and evidence of community service (both inside and outside the institution), and indicia of professional conduct. While it is the responsibility of the probationary faculty member to submit all materials for Committee consideration on or before September 30<sup>th</sup>, the subcommittee may request or receive additional information to supplement the evaluation file. However, for probationary faculty members being evaluated for retention purposes in their second year of service, no materials of any kind will be accepted or reviewed after October 15<sup>th</sup>. For third year retention, promotion, and tenure candidates, after January 15<sup>th</sup>, the only material that will be accepted and thereafter reviewed by the subcommittee of the Committee are student evaluations from the previous semester and letters indicating that the draft an article previously submitted to the Committee as evidence of scholarship has been accepted for publication.

It is anticipated that the subcommittee will convene from time to time during the fact-finding process. If a serious performance problem is perceived by the subcommittee, the subcommittee will bring that fact to the attention of the entire Committee as soon as possible to enable non-subcommittee members who so desire to visit classes or engage in the fact-finding process. In the year of review for tenure, if the Committee wishes to obtain the opinions of experts from outside the law school regarding the quality of scholarship submitted to the Committee, the subcommittee will be responsible for contacting the outside evaluators.

*approved Jan Paul Ho-*  
*1/18/01*

Retention, Promotion, and Tenure Committee  
INTERNAL COMMITTEE RULES

4. Sets of Evaluation Files

It is the responsibility of probationary faculty members to submit sets of the faculty member's evaluation file (in the form set forth in Faculty Handbook section 603 and/or Committee Internal Rule No. 2 of October 7, 1997) in such number as deemed adequate by the Chair of the Committee and communicated to the faculty member, for purposes of the faculty member's retention, promotion or tenure. In the ordinary course, the Committee will require the faculty member to provide 3 sets of the faculty member's evaluation file; however, the Chair can require such other number of sets of evaluation files as the Chair deems necessary for the Committee to perform its evaluation.

Approved  
Brenda Kiper  
Interim Dean

10-25-01

Retention, Promotion, and Tenure Committee  
INTERNAL COMMITTEE RULES

5. Drafts of Scholarship Submitted to the Committee

A faculty member under retention, promotion, or tenure review may submit a draft (i.e., a work of scholarship that has not been published) as part of the evaluation file. Unless otherwise requested by the faculty member under review, the Committee will treat such draft only as evidence of progress on scholarship and will not evaluate the quality of the draft. If the faculty member believes that the draft is of publishable quality and desires that the Committee evaluate the quality of the draft in the Committee's report, the faculty member should make a written demand to the Committee Chair.

OK  
DAR  
5/24/04

Retention, Promotion, and Tenure Committee

INTERNAL COMMITTEE RULES

6. Transition Mentor for Newly Appointed Faculty

Upon the appointment of an individual to a tenure-track position at the law school, the Chair of the Retention, Promotion, and Tenure Committee, in consultation with the Dean and Associate Dean for Academic Affairs, will designate a member of the Committee to serve as a "transition mentor" to the incoming faculty member. The "transition mentor" will be an advisor to the new faculty member from the time of hiring through the first year of employment at the law school. The Committee contemplates that the mentor will advise the new faculty member on such things as casebook selection, creation of a syllabus, formulation of a scholarship agenda, classroom teaching, etc. The mentor and at least one other member of the RPT Committee should visit or view a videotape of the faculty member's classes early in the first semester and offer specific advice to the new faculty member on his or her teaching. When a subcommittee of the RPT Committee is formed for purposes of reviewing the faculty member for retention, the subcommittee shall include the transition mentor.

Adopted by the RPT Committee in January 2014.

OK  
m-7  
8/26/14

7. **Withdrawal of Application for Promotion or Tenure**

When a faculty member who is not yet in her or his mandatory tenure year has submitted an application for promotion or tenure on or before September 30<sup>th</sup>, as required by Article VI, § 601(b) of the Faculty Handbook, that faculty member may unilaterally, and without prejudice, withdraw that application up through but not later than the close of business on October 15 of the same calendar year. After that date and time, no such application may be withdrawn.

*approved*  
*Jean David Lopez*  
*6/18/11*

Retention, Promotion, and Tenure Committee

INTERNAL COMMITTEE RULES

8. Interpretation of Faculty Handbook § 504(a)

The Retention, Promotion, and Tenure Committee interprets § 504(a) of the Faculty Handbook to mean that a faculty member holding an appointment as an assistant professor may, at the outset of his or her third year of eligible service, apply for promotion to associate professor to take effect upon the completion of three academic years of eligible service as assistant professor.

Adopted by the RPT Committee in January 2014.

ok



8/26/14

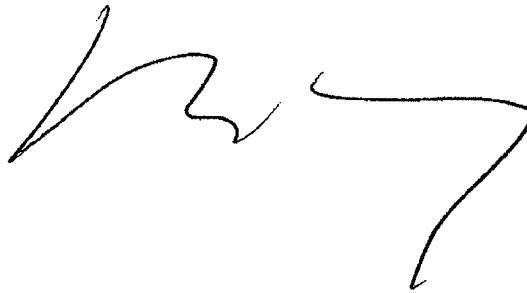
Retention, Promotion and Tenure Committee

INTERNAL COMMITTEE RULES

9. Responsibility to Vote on Retention, Promotion and Tenure

Every active member of the Retention, Promotion and Tenure Committee has a responsibility to vote affirmatively or negatively on a candidate's application for tenure, that is, to vote either for or against recommending tenure. Abstentions of any kind are not permitted. In addition, every voting committee member has a responsibility either to sign the committee report that evaluates a candidate's application for tenure and presents the committee's recommendation or to sign a separate report explaining in what ways he or she disagrees with the committee's evaluation or recommendation. Separate reports must be circulated to all members of the committee before the final committee report is presented for their signatures, and will be affixed to the majority committee report. The same rules shall apply to applications for retention and promotion.

Adopted by the RPT Committee in April 2015

A large, stylized handwritten signature in black ink, consisting of several sweeping, connected strokes.

## **APPENDIX D**

### **STANDARDS AND PROCEDURES FOR HIRING, EVALUATION AND CONTRACT RENEWAL OF FULL-TIME FACULTY NOT ON THE TENURE TRACK**

These standards and procedures govern hiring, performance evaluation and contract renewal for full-time faculty who are not on the tenure track at Roger Williams University School of Law. For purposes of these standards and procedures, a faculty member is considered full-time if he or she teaches seven or more credits per academic year and his or her position is not primarily administrative. Unless otherwise specified, these standards and procedures apply to all full-time faculty not on the tenure-track but eligible for long-term contracts, including Professors of Legal Practice, Clinical Professors of Law, and Professors of Experiential Education.

#### **I. Terms of Appointment and Renewal of Full-Time Faculty Not on the Tenure Track**

- A. Each member of the full-time faculty not on the tenure track will be hired for an initial term of one year in accordance with the procedures outlined in Part II of this document. Following the successful completion of the one year initial term, a full-time faculty member is eligible to be considered for a renewal contract of one, two, or three years. The duration of the renewal contract shall be at the discretion of the Dean based upon the recommendation of the Full-Time Faculty Evaluation Committee made in accordance with the procedures outlined in Part III of this document. In those cases in which a full-time faculty member is given a one or two year contract, at the completion of that contract she or he shall either be granted a three year contract or not renewed; that determination shall be at the discretion of the Dean based upon the recommendation of the Full-Time Faculty Evaluation Committee made in accordance with the procedures outlined in Part III of this document. To receive a three year contract, a full-time faculty member must demonstrate at least good proficiency in all of the applicable standards for evaluation set out in Part IV below.
- B. Upon the successful completion of a three year contract, a member of the full-time faculty shall either be granted a five year presumptively renewable contract or not renewed. An offer of an initial five year presumptively renewable contract shall be based upon: 1) the recommendation of at least two-thirds of the voting members of the Full-Time Faculty Evaluation Committee; and 2) the approval of at least two-thirds of the voting members of the faculty who are present and voting at a meeting convened by the Full-Time Faculty Evaluation Committee for this purpose. To receive a five year presumptively renewable contract, a full-time faculty member must have achieved excellence in teaching and at

least good proficiency in all of the other applicable standards for evaluation set out in Part IV below.

- C. Upon the successful completion of a five year presumptively renewable contract, a full-time faculty member shall be granted another presumptively renewable five year contract unless the Dean makes a finding, based upon a recommendation of the Full-Time Faculty Evaluation Committee, that the presumption in favor of renewal has been overcome.
- D. Upon completion of four years of full-time service at the law school, a member of the full-time faculty may vote at committee and faculty meetings on all matters except matters related to the hiring, retention, promotion, or tenure of tenure-track and tenured faculty.

## **II. Hiring of Full-Time Faculty Not on the Tenure Track**

- A. The Dean shall appoint a Full-Time Faculty Recruitment Committee. The Chair of this Committee shall be a member of the tenured faculty and at least two additional members of the Committee shall be members of the tenured or tenure-track faculty. Any voting member of the Committee must be tenured, tenure-track, or have voting rights based upon four or more years of full-time faculty service at the law school. If the Committee will be recruiting a Professor of Legal Practice, the Committee shall include the Coordinator of the Legal Practice Program. If the Committee will be recruiting a Professor of Clinical Law or a Professor of Experiential Education, the Committee shall include the Assistant Dean for Experiential Education.
- B. The Committee shall conduct a national search to fill any vacancy or new full-time faculty position. The Committee shall identify the strongest candidates among the applicants and interview the best qualified of them. Interviews shall be conducted live, by telephone, over the internet, or in-person. After reviewing the relevant information, the Committee shall select as finalists candidates who receive affirmative votes from at least two-thirds of the voting members of the Committee.
- C. Each finalist shall be brought to campus to meet the Dean (or the Dean's designate) and any interested members of the faculty, staff, and law school community. While on campus, each finalist shall make a group presentation appropriate for the requirements of the position.
- D. After all finalists have visited the campus, the Committee shall reconvene to review feedback from any interested members of the faculty, staff, and law school community. Before a final vote in the Committee, the Committee shall also contact references of each

of the finalists. The Committee shall forward to the faculty those finalists who receive affirmative votes from at least two-thirds of the voting members of the Committee.

- E. Members of the faculty eligible to vote on non-tenure track faculty appointments shall meet to evaluate each finalist and forward to the Dean the name or names of those who receive the support of at least two-thirds of the voting members of the faculty who are present and voting at a meeting convened by the Full-Time Faculty Recruitment Committee for this purpose. If more than one finalist is approved, the voters shall rank the finalists. It is presumed that the Dean will extend offers to the approved finalists in that order. If the Dean does not adhere to the ranking when making offers, she or he must provide the faculty with a written explanation for doing so.
- F. Nothing in these rules shall prevent a Dean facing exigent circumstances from making an employment offer for a “visiting” position without compliance with some or all of the procedures set out above. In such a situation, the Dean shall provide the faculty with a written explanation of the need to diverge from these rules. An offer made under exigent circumstances, absent a recommendation from the Full-Time Faculty Recruitment Committee, shall be for a term of no more than one year. If the Dean wishes to extend an offer for a term of more than one year, the Dean must so advise the Full-Time Faculty Recruitment Committee, which in turn will comply with as much of the procedure outlined in subsections A. through E. above as time permits; an offer for a term of more than one year may be extended only upon the positive recommendation of the Full-Time Faculty Recruitment Committee and for a term of no more than two years. If a candidate is hired under exigent circumstances, and the Dean determines that the position will continue after the term of the visit, there must be a national search as described above to fill the position. Any candidate hired under exigent circumstances who later seeks a full-time faculty position must participate in the national search process.
- G. Exceptional circumstances. Upon request from the Dean, the Committee may decide that a national search for a new full-time faculty position is not required when it concludes that, notwithstanding the fact that a faculty member will be teaching seven or more credits during an academic year, other factors indicate that the position does not involve full-time employment and a national search would be an unnecessary use of faculty resources. The Committee may find that such exceptional circumstances arise if the Dean or Associate Dean requests that a faculty member serving a Term Appointment (as defined in § 402(c) of this Handbook) teach seven or more credits during an academic year but the faculty member continues to have the duties and receive the benefits of a Term Appointment. Relevant factors for granting an exception under this section include the compensation and benefits offered to the faculty member, the responsibilities of the faculty member, and whether the faculty member qualifies as a full-time employee under

University policies. In addition, the Committee should only grant an exception under this section if it is satisfied that the faculty member has demonstrated effective teaching. An exception granted under this section does not change the terms of a Term Appointment.

### **III. Procedures for Evaluation of Full-Time Faculty Not on the Tenure Track**

- A. The Dean shall appoint a Full-Time Faculty Evaluation Committee to evaluate candidates who are on the full-time faculty not on the tenure track. The Chair of this Committee must be a member of the tenured faculty. The Committee shall include at least three members of the tenure-track or tenured faculty (the Chair and at least two other members of the tenure-track or tenured faculty). If the Committee will be evaluating a Professor of Legal Practice, the Committee shall include the Coordinator of the Legal Practice Program. If the Committee will be evaluating a Professor of Clinical Law or a Professor of Experiential Education, the Committee shall include the Assistant Dean for Experiential Education.
- B. A full-time faculty member who is not on the tenure-track shall be evaluated at the end of each semester during his or her initial one year contract. The evaluation at the end of the fall semester shall be delivered orally to the faculty member being evaluated. The evaluation at the end of the spring semester shall be in writing. To enable the Committee to engage in a thorough evaluation, each such faculty member shall submit materials to the Chair of the Committee by no later than January 15 for the fall semester and by no later than April 20 for the spring semester.
- C. A full-time faculty member who is not on the tenure-track shall be evaluated during the last year of each contract prior to the five-year presumptively renewable contract. To enable the Committee to engage in a thorough evaluation, each such faculty member shall submit materials to the Chair of the Committee by no later than January 15 of the last year of his or her contract.
- D. For Professors of Legal Practice each submission shall include:
  - 1. A copy of all major written assignments;
  - 2. A copy of three critiqued papers for each major assignment. The three critiqued papers must include a strong paper, a weak paper, and an average paper;
  - 3. A sampling of handouts and/or other prepared instructional materials;
  - 4. A list and/or report of attendance at professional conferences, workshops, meetings, and/or symposia;

5. A list of law school activities (e.g., committees, work with student advisees, work with students on law review notes, service as moot court or mock trial advisor); and
6. A brief self-study report noting areas of strength and areas needing improvement, goals for future improvement or advancement, and any other information deemed relevant to the Committee's evaluation. The report should note, among other things, contributions made to the Program, such as problems written or added to the curriculum, contributions to innovative teaching methods, and pedagogical changes made or planned for the future. For the evaluation during the initial one year contract, this self-study should be provided to the Committee only with the April 20 submission.

E. For Clinical Professors of Law each submission shall include:

1. A copy of the most recent course syllabus and clinic office manual;
2. A copy of any reading assignments for the course;
3. A copy of any materials used in simulation exercises and, if applicable, a sampling of written or recorded feedback that is provided to the students with respect to each such exercise;
4. A list and/or report of attendance at professional conferences, workshops, meetings, and/or symposia;
5. A list of law school activities (e.g., committees, work with student advisees, work with students on law review notes, service as moot court or mock trial advisor); and
6. A brief self-study report noting areas of strength and areas needing improvement, goals for future improvement or advancement, and any other information deemed relevant to the Committee's evaluation. The report should note, among other things, pedagogical changes made or planned for the future. For the evaluation during the initial one year contract, this self-study should be provided to the Committee only with the April 20 submission.

- F. For Professors of Experiential Education each submission shall include:
1. A copy of the most recent course syllabus and, if applicable, any procedural or instructional manuals for a clinical externship program or other program;
  2. A copy of any reading assignments for the course;
  3. A copy of any materials used in simulation exercises and, if applicable, a sampling of written or recorded feedback that is provided to the students with respect to each such exercise;
  4. A list and/or report of attendance at professional conferences, workshops, meetings, and/or symposia;
  5. A list of law school activities (e.g., committees, work with student advisees, work with students on law review notes, service as moot court or mock trial advisor); and
  6. A brief self-study report noting areas of strength and areas needing improvement, goals for future improvement or advancement, and any other information deemed relevant to the Committee's evaluation. The report should note, among other things, pedagogical changes made or planned for the future. For the evaluation during the initial one year contract, this self-study should be provided to the Committee only with the April 20 submission.
- G. A full-time faculty member who is not on the tenure tack but who is in the last year of a five-year presumptively renewable contract shall be reviewed by the Committee. The Committee shall consider teaching evaluations and shall decide the appropriate level of review required in order to support its written recommendation to the Dean, including what submissions it will request from the faculty member.
- H. For faculty members who are in the last year of any contract other than a five-year presumptively renewable contract, the Committee shall prepare a written evaluation report that includes a recommendation with respect to contract renewal and, when applicable, the length of the contract term. The evaluation in the report shall contain an assessment of the candidate's performance with respect to the standards and criteria set out in this document. In addition to reviewing the document submissions specified above, the Committee shall also conduct classroom visits, review student evaluations, and seek other information that may be relevant to its evaluation.

- I. When a faculty member is eligible for a one, two or three year contract, the Committee shall deliver its written report to the Dean, with a copy provided to the candidate, by no later than May 15 if the faculty member is in his or her initial one year contract and by no later than March 1 if the faculty member is in a subsequent contract. When a faculty member is eligible for his or her first five year presumptively renewable contract, the Committee shall deliver its written report to all voting members of the faculty, with a copy provided to the Dean and to the candidate, by no later than March 1. When a faculty member is eligible for a subsequent five year presumptively renewable contract, the Committee shall deliver its written report to the Dean, with a copy provided to the candidate, by no later than March 1.
- J. Contract renewal determinations prior to an offer of a five year presumptively renewable contract shall be at the discretion of the Dean based upon the recommendation of the Committee. The Dean's determination must be communicated to the candidate by no later than June 1 if the faculty member is in his or her initial one year contract and by no later than April 1 if the faculty member is in a subsequent contract. If the Dean deviates from a Committee recommendation under these provisions, he or she shall provide the Committee with a written explanation of his or her decision. An offer of an initial five year presumptively renewable contract shall be based upon: 1) the recommendation of at least two-thirds of the voting members of the Committee; and 2) the approval of at least two-thirds of the voting members of the faculty who are present and voting at a meeting convened by the Full-Time Faculty Evaluation Committee for this purpose. The faculty determination must be communicated to the candidate by no later than April 1.

#### **IV. Standards and Criteria for Evaluation of Full-Time Faculty Not on the Tenure Track**

Each member of the full-time faculty not on the tenure track shall be evaluated by the Full-Time Faculty Evaluation Committee during the final year of his or her contract. To receive a three year contract, a full-time faculty member must demonstrate at least good proficiency in all of the applicable standards for evaluation set out below. To receive a five year presumptively renewable contract, a full-time faculty member must have achieved excellence in teaching and at least good proficiency in all of the other applicable standards for evaluation set out below.

##### **A. Professors of Legal Practice**

A member of the full-time faculty who carries the title of Professor of Legal Practice shall be evaluated on the following criteria:

##### **1. Effective Teaching**

Teaching is the primary consideration for evaluating the performance of a Professor of Legal Practice. Evaluation of this criterion takes into account all aspects of teaching, including classroom performance, interaction with students, and written and oral critiques of student work.

The evaluation of teaching shall include, but not be limited to, the following considerations:

- (a) command of legal analysis, legal writing, and oral advocacy;
- (b) focused, well-organized classroom presentations that stimulate student discussion;
- (c) the use of appropriate research and writing problems, other instructional materials (handouts, exercises, quizzes, etc.), and other tools designed to advance the pedagogical goals of the Legal Practice Program;
- (d) the ability to provide insightful, detailed, and timely critiques of student papers and prescribe solutions to the student in a professional tone appropriate to assisting a student in improving his or her writing and analysis;
- (e) the ability to grade in a way that accurately reflects a paper's quality as compared with that of other papers;
- (f) accessibility to students for consultation and demonstrated interest in students' development outside of the classroom;
- (g) a demonstrated respect for students and an ability to work with students both in and out of the classroom in an effective manner;
- (h) the ability to provide students with fair notice of assignments, assignment deadlines, schedule changes, and other such matters; and
- (i) a demonstrated commitment to learning, implementing, and keeping current with the best practices in legal research and writing pedagogy.

## **2. Contributions to the Legal Practice Program**

Contributions to the Legal Practice Program include:

- (a) collaboration in the creation of research and writing problems, instructional materials (handouts, exercises, quizzes, etc.), and other tools designed to advance the pedagogical goals of the Legal Practice Program;
- (b) assistance provided to colleagues in the Legal Practice Program, including sharing pedagogical and programmatic materials and assisting in the creation of program-wide materials;

- (c) professional growth and development through attendance at conferences or workshops; and
- (d) legal research and writing scholarship and other legal scholarship.<sup>1</sup>

---

<sup>1</sup> Scholarship is neither required nor expected for the award of a long-term contract. However, the Dean and the faculty encourage and support Professors of Legal Practice who engage in scholarship regarding legal research and writing and other legal subjects. If a Professor of Legal Practice chooses to undertake scholarship, that scholarship will be considered as part of his or her professional growth and development.

### **3. Programmatic and School-Wide Citizenship**

Citizenship means teamwork, compliance with the policies of the school and the Legal Practice Program, and an appropriate balance between individual initiative and acceptance of guidance. Considerations include, but are not limited to:

- (a) the ability to coordinate and work well with the Coordinator of the Legal Practice program and with other Professors of Legal Practice;
- (b) the acceptance of a fair share of the responsibility for creating exercises used by the Legal Practice faculty and for sharing innovative teaching ideas;
- (c) compliance with the program's syllabus, schedule, and other policies and pedagogical goals;
- (d) professionalism in his or her relationships with other faculty within the program, other faculty, administrative personnel and staff, and students;
- (e) the ability to solve problems reasonably, decisively, and in a timely manner;
- (f) the use of sound judgment in all aspects of the professor's work;
- (g) service on law school and university committees; and
- (h) any other service to the law school and external community.

#### **B. Clinical Professors of Law**

A member of the full-time faculty who carries the title of Clinical Professor of Law shall be evaluated on the following criteria:

##### **1. Effective Teaching**

Teaching is the primary consideration for evaluating the performance of a Clinical Professor of Law. Evaluation of this criterion takes into account all aspects of clinical teaching, including classroom performance, interaction with students, supervision of student case work, and oral and written critiques of student work.

The evaluation of teaching shall include, but not be limited to, the following considerations:

- (a) development and execution of a sound course design that includes instruction in the relevant doctrinal subject matter and in lawyering skills;
- (b) effective classroom presentations designed to engage the students and to accomplish identified goals;

- (c) effective case supervision, including enabling students to exercise independent judgment while ensuring effective service to clinic clients;
- (d) the exploration and modeling of professional and ethical thinking and behavior through case discussions and other mechanisms;
- (e) accessibility to students for consultation and demonstrated interest in students' development outside of the classroom;
- (f) a demonstrated respect for students and an ability to work with students both in and out of the classroom in an effective manner;
- (g) the ability to provide students with fair notice of assignments, assignment deadlines, schedule changes, and other such matters; and
- (h) a demonstrated commitment to learning, implementing, and keeping current with the best practices in clinical pedagogy.

## **2. Contributions to the Clinical Program**

Contributions to the Clinical Program include:

- (a) regular attendance at scheduled meetings of the clinical and experiential education faculty and staff;
- (b) compliance with programmatic deadlines;
- (c) compliance with programmatic grading norms;
- (d) providing assistance to colleagues in the Clinical Program, including sharing pedagogical and programmatic materials and assisting in the creation of program-wide materials;
- (e) professional growth and development through attendance at conferences or workshops; and
- (f) clinical, experiential education, and other legal scholarship.<sup>2</sup>

## **3. School-Wide and External Citizenship**

Citizenship for a Clinical Professor of Law means teamwork, engagement with others both inside and outside of the law school, and maintaining an active presence in the legal community.

Considerations include, but are not limited to:

---

<sup>2</sup> Scholarship is neither required nor expected for the award of a long-term contract. However, the Dean and the faculty encourage and support Clinical Professors of Law who engage in scholarship regarding clinical pedagogy and other legal subjects. If a Clinical Professor of Law chooses to undertake scholarship, that scholarship will be considered as part of his or her professional growth and development.

- (a) establishing and maintaining professional relationships with other faculty within the program, faculty outside of the program, administrative personnel, staff, and students;
- (b) establishing and maintaining a professional reputation in the external community, including with other practitioners and with the judiciary;
- (c) providing service on law school and university committees as well as other service to the law school community; and
- (d) providing service to the external community in ways that further the interests or reputation of the clinic and/or the law school.

### **C. Professors of Experiential Education**

A member of the full-time faculty who carries the title of Professor of Experiential Education shall be evaluated on the following criteria:

#### **1. Effective Teaching and Effective Program Administration**

Teaching and, when applicable, effective administration of a clinical externship program, are the primary considerations for evaluating the performance of a Professor of Experiential Education. Evaluation of these criteria take into account all aspects of clinical and experiential teaching, including classroom performance, interaction with students, oral and written critiques of student work, and, when applicable, interaction with field supervisors, monitoring of student fieldwork, and monitoring of fieldwork supervision.

Teaching performance considerations include, but are not limited to:

- (a) development and execution of a sound course design;
- (b) effective classroom presentations designed to engage the students and to accomplish identified goals;
- (c) the exploration and modeling of professional and ethical thinking and behavior;
- (d) accessibility to students for consultation and demonstrated interest in students' development outside of the classroom;
- (e) a demonstrated respect for students and an ability to work with them in an effective manner;
- (f) the ability to provide students with fair notice of assignments, assignment deadlines, schedule changes, and other such matters; and

(g) a demonstrated commitment to learning, implementing, and keeping current with the best practices in experiential education pedagogy.

Program administration performance considerations include, but are not limited to:

(a) effective fieldwork supervision, including ensuring that students are engaged in meaningful legal work and are receiving timely and meaningful feedback; and

(b) developing and maintaining effective and professional relationships with current and future fieldwork supervisors and placement sites.

## **2. Contributions to the Experiential Education Program**

Contributions to the Experiential Education Program include:

(a) regular attendance at scheduled meetings of the clinical and experiential education faculty and staff;

(b) compliance with programmatic deadlines;

(c) providing assistance to colleagues, including sharing pedagogical and programmatic materials and assisting in the creation of program-wide materials;

(d) professional growth and development through attendance at conferences or workshops; and

(e) experiential education and other legal scholarship.<sup>3</sup>

## **3. School-Wide and External Citizenship**

Citizenship for a Professor of Experiential Education means teamwork, engagement with others both inside and outside of the law school, and maintaining an active presence in the legal community. Considerations include, but are not limited to:

(a) establishing and maintaining professional relationships with other faculty within the program, faculty outside of the program, administrative personnel, staff, and students;

(b) establishing and maintaining a professional reputation in the external community;

(c) providing service on law school and university committees as well as other service to the law school community; and

---

<sup>3</sup> Scholarship is neither required nor expected for the award of a long-term contract. However, the Dean and the faculty encourage and support Professors of Experiential Education who engage in scholarship regarding experiential education pedagogy and other legal subjects. If a Professor of Experiential Education chooses to undertake scholarship, that scholarship will be considered as part of his or her professional growth and development.

(d) providing service to the external community in ways that further the interests or reputation of the experiential education program and/or the law school.

## **APPENDIX E**

### **ADJUNCT RECRUITMENT AND REVIEW COMMITTEE**

The Dean shall appoint an Adjunct Recruitment and Review Committee, which shall help identify and recruit Adjunct Professors and shall review the performance of Adjunct Professors. The Committee shall be composed of members of the full-time faculty who have voting rights. For purposes of this Appendix, an Adjunct Professor is anyone who teaches less than seven credits per academic year and does not have voting rights.

1.     **Recruitment.** The Committee shall work with the Associate Dean for Academic Affairs to identify and recruit Adjunct Professors to fill curricular needs and to increase the diversity of the faculty.

2.     **Performance Review for Adjunct Professors.**

a.     Each semester, the Associate Dean for Academic Affairs shall, in consultation with the Committee, prepare a list of Adjunct Professors for the Committee to conduct performance reviews. The Associate Dean shall give priority to the review of Adjunct Professors who: (i) have not previously taught at the law school, (ii) teach large enrollment courses, or (iii) have received below average student evaluations.

b.     The Committee shall find appropriate faculty members to help evaluate the Adjunct Professors on the list provided by the Associate Dean. Faculty members who perform this task shall attend at least one class taught by the Adjunct Professor and shall also review the Adjunct Professor's course syllabus, exams, and other teaching materials. Faculty members shall report their evaluations in writing to the Committee.

c.     All tenured faculty, tenure-track faculty, and faculty otherwise having voting rights shall help review Adjunct Professors, as assigned by the Committee, subject to the following limits: (a) no tenured faculty member shall be required to evaluate more than three Adjunct Professors in a two-year period, and (b) no other faculty member shall be required to evaluate more than two Adjunct Professors in a two-year period.

d.     The Committee shall review the evaluations it receives, shall determine whether additional evaluation is required, and shall submit a written report on each Adjunct Professor it reviews to the Associate Dean.

e.     The Associate Dean will review the reports submitted by the Committee and inform the Committee and the reviewing faculty members of any administrative conclusions and actions taken by the end of each academic year, and make any recommendations for further faculty involvement.

f.     To the extent possible, the Committee shall provide constructive feedback to the Adjunct Professors it reviews.

## APPENDIX F

### FORMATIVE ASSESSMENTS AND PRACTICE MATERIALS POLICY

- 1) **Scope:** This policy applies to all first-year doctrinal courses and all required second-year doctrinal courses.

- 2) **Terminology:**

**Summative Assessment:** A “summative assessment” is a test given at the end of a course designed to measure what the student *has learned*. A final exam in a law school course is a classic example of a “summative assessment.”

**Formative Assessment:** By contrast, a “formative assessment” is a test, problem set, written exercise, or other assignment given during a course that is designed to help *advance the student’s learning*. This policy governs and is targeted at formative assessments in required doctrinal courses, as described more fully below.

- 3) **Goal of Formative Assessment:** The goal of a formative assessment is threefold:

**First**, and most importantly, to help each student learn and self-correct by having faculty give assessments during a course that are accompanied by meaningful feedback to the student;

**Second**, to enable the faculty to identify as early as possible those students in need of substantive or writing remediation; and

**Third**, to inform the faculty as to the topics and skills that the class as a whole has and has not mastered.

- 4) **Formative Assessment Requirements:** In all courses subject to this policy, faculty must give at least three formative assessments, as described in this policy. Faculty are encouraged to give more formative assessments than this minimum number. Formative assessments are recommended but not required in other courses, including bar-tested electives.

- 5) **Guidelines for Formative Assessments:** Formative assessments that meet the following guidelines will count toward fulfillment of this policy:

- a) **Form of Formative Assessments:** To qualify as a formative assessment that counts towards the requirements of this policy, an assessment must be (1) given as the course is ongoing, (2) administered to all students, and (3) answered by students in written or digitally recorded form.
- b) **Feedback on Assessments:** Formative assessments must be followed by prompt and meaningful written feedback to enable each student to understand what he or

she has learned and has not yet learned. Written feedback may be individual to the student, or it may take the form of an answer key explaining in detail what was expected and why, as long as the answer key in combination with the student's results from the assessment will enable each student to determine where he or she is lacking in knowledge or skills.

- c) **Faculty Monitoring of Results:** For formative assessments to fulfill their role, faculty must also review and track the progress of each student and of the class as a whole. Based on this information, faculty should take follow-up actions promptly as necessary to improve student learning. Such follow-up may include referral of specific students to the Academic Success Program.
- d) **Forms of Assessment:** Formative assessments may take different forms and may include, for example, midterm exams, quizzes, essays, problem sets, short answer questions or multiple choice questions, provided that the assessment is designed and administered to qualify as a formative assessment under the guidelines set forth in this policy.
- e) **Examples:** Below are some examples of methods that would (or would not) qualify as the type of "formative assessment" that counts towards fulfillment of this policy. These examples are illustrative, and do not provide an exhaustive list:
  - i. A multiple choice quiz in which the students receive only a total score or grade would *not* qualify as a formative assessment.
  - ii. A multiple choice quiz *would* qualify as a formative assessment if, following the quiz, (1) each student is told which questions he or she missed, provided with an explanation as to why each answer choice was correct or incorrect, and given an opportunity to ask questions, and (2) the faculty member reviews the quiz results promptly to identify individual students who may need support, measure the knowledge of the class as a whole, and take any follow-up actions necessary.
  - iii. A short essay question assigned to all students *would* qualify as a formative assessment if student essays are promptly returned to each student with meaningful written feedback explaining what the student did well and what needs improvement. Such written feedback could be provided either (1) by the faculty member or (2) by a teaching assistant under the supervision of the faculty member.
  - iv. A short essay question assigned to all students would *not* qualify as a formative assessment if essay answers were returned to students only with a grade or score, but with no written comments or individualized guidance to help the student learn and improve.

- v. Teaching methods used during a class that consist of a faculty member asking a student targeted questions in front of the group of students (such as the “Socratic” teaching method) does *not* qualify as a “formative assessment” as used in this policy.
- vi. Faculty may, and are encouraged to, use teaching methods during courses that help students learn but do not provide the individualized feedback necessary to qualify as a “formative assessment” under this policy (such as a problem set assigned as homework that is reviewed collectively in class, but not otherwise monitored by the faculty member).

**6) Formative Assessments in First-Year Courses:** As to the formative assessments required in each first-year class, the following additional requirements apply:

- a) **Timing:** In each first-year course, the first formative assessment must be given no later than five weeks into the semester and graded promptly. This is intended to enable faculty to take early action to identify students who may be at risk and refer them, as needed, for additional help.
- b) **Relationship to Midterm Policy:** The law school will continue to use its practice of requiring each first-year section to have a midterm exam in at least one course (assigned to faculty on a rotating basis). A midterm exam will count as one of the formative assessments for that course. Faculty may choose to give midterm exams whether or not required to do so.
- c) **Multiple Choice:** In courses covering subjects tested on the MBE, at least one formative assessments should employ bar-style multiple-choice questions.
- d) **Essays:** The formative assessments in each first-year course must include, at a minimum, one essay with individualized written feedback. This may be part of a midterm exam or may be a stand-alone assignment.
- e) **Scheduling:** Midterm exams and other similarly demanding formative assessments in first-year classes should be scheduled in coordination with the first-year schedule as a whole. Midterm exams will be scheduled at a time that enables students an opportunity to learn from and improve their performance well before the final exam (generally in early October).

**7) Formative Assessments in Other Courses.** For upper-level courses subject to this policy, the following additional requirements apply:

- a) **Bar-Style Practice Questions:** Faculty teaching upper-level courses on subjects frequently tested on bar exams should use formative assessments that will expose

students to bar-type assessments similar in form and content to those the students will encounter in taking the bar exam.

- b) **Multiple Choice Practice Questions:** Formative assessments should include multiple-choice bar-style testing for upper-level courses teaching MBE-related subjects (currently, Constitutional Law, Criminal Procedure, Evidence, and Remedies fall into this category). For Professional Responsibility, formative assessments should include multiple-choice questions like those on the MPRE.
  - c) **Essay Practice Questions:** For subjects that will be tested in bar essays, formative assessments should include essay-type testing of the type typically used in bar exams (currently, this includes the required upper-level courses in Constitutional Law, Criminal Procedure and Evidence and the elective courses in Business Organizations, Conflicts of Law, Family Law, Sales, Secured Transactions, and Wills and Trusts).
- 8) **Weight in Grading:** In order to underscore the importance of formative assessments, one or more formative assessments in a course must count toward the student's final grade.
- 9) **Additional Resources to Assist in Formative Student Learning:** To enable students to engage in self-directed learning not only requires giving students meaningful feedback, but also providing them with practice materials that allow ample opportunities for students to test themselves to learn the material covered in a course. To that end, additional resources must be provided by faculty to support student learning in each course subject to this policy, as follows:
- a) **Past or Sample Exams:** Faculty must provide students by the middle of the semester at least one past final exam from the course, along with an answer key or scoring rubric (or a sample exam of comparable length, with an answer key). Faculty are encouraged to make available more than this minimum number of past or sample exams.
  - b) **Follow-up Practice Problems:** To facilitate student-driven learning, faculty shall also make available to students, directly or through Academic Support or the Library, self-testing materials such as problem sets, CALI exercises and similar problem-based resources that tie to the specific material taught in the faculty member's course. Faculty need not draft their own practice problems so long as they provide guidance to students as to which parts of any recommended commercial practice problems correspond to the subjects covered in the faculty member's course.
  - c) **Other Learning Resources:** Faculty are also encouraged to provide students with additional types of learning resources, particularly in first-year courses.

Such materials could include, for example, outlining or case-briefing instructions or essay practice exercises. Other helpful materials may include treatises or hornbooks that the faculty member recommends to supplement and explain the course material.