

GOVERNING RULES
OF
THE UNIVERSITY OF MEMPHIS
CECIL C. HUMPHREYS SCHOOL OF LAW

Adopted 5/5/1989

With Amendments through 4/14/2023

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CECIL C. HUMPHREYS SCHOOL OF LAW**

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**GOVERNING RULES OF UNIVERSITY OF THE MEMPHIS
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**As Adopted 5/5/1989
With Amendments through 4/14/2023**

ARTICLE I

ADMINISTRATION

- A. The Dean: The Dean of the School shall be the chief academic and administrative officer and shall report to the Vice-President of Academic Affairs and to the President of the University. The commonly understood duties of the decanal position are: administering the academic and intellectual affairs of the school; preparing budget and financial plans; overseeing faculty recruitment, appointment, retention, promotion and tenure; initiating and participating in preparation for long-range planning and policy objectives; maintaining and improving relations with alumni/ae and with national, state and local bar associations; overseeing the proper functioning of the Placement Office; maintaining good public relations and adequate contacts with the university community and with the respective law school accreditation associations; and providing leadership in fund raising activities.
- B. The Associate Dean for Academic Affairs: The commonly understood duties of the Associate Dean for Academic Affairs are: acting as Dean in the absence of the Dean of the School of Law; assisting the Dean in the performance of his duties; acting as the scheduling officer for the school; coordinating the work of the faculty; administering research projects and the funding for such projects; and performing other tasks assigned by the Dean.

- C. Other Administrative Positions: Depending on the availability of funds and capabilities of available personnel, one or more administrative positions may be established by the Dean to assist the Dean in the administration of the law school. The duties to be assigned to such position(s) shall be determined by the Dean. The person(s) occupying such position(s) shall have title(s) commensurate with their duties and in compliance with University policies. Such administrative positions may include persons responsible for student affairs, continuing legal education, placement, admissions, alumni affairs and development.

ARTICLE II

FACULTY

- A. Faculty: Faculty shall include all those individuals holding full or part-time teaching positions in the school, whether on a regular, visiting or adjunct (part-time) appointment, and who hold the academic rank of Emeritus Professor, Professor, Associate Professor, Assistant Professor, Professor of Teaching, Associate Professor of Teaching, and Assistant Professor of Teaching.
- B. Full-Time Faculty: A full-time faculty member is an individual who has academic rank, who devotes substantially all working time to law teaching, administration, and/or legal scholarships. Outside professional activities which are of service to the general public, local, state and national bar associations, or which relate to the faculty member's capacity as a scholar, teacher or administrator are permissible. No outside activity shall unduly interfere with the teaching, administrative and/or scholarly duties of a full-time faculty member. Individuals holding full-time faculty appointments in the School of Law who serve in administrative positions in the School of

Law or the University (e.g., Dean, Associate Dean for Academic Affairs, and University Counsel) shall be considered full-time faculty for the purposes of faculty governance.

- C. Other than Full-Time Faculty: All faculty not deemed to be full-time faculty shall have the obligations and duties of their employment specified in the contract of employment between that individual and the School of Law and the University. Other than full-time faculty members shall not participate in faculty governance except in advisory capacities when requested.
- D. Faculty Appointments:
1. Full-Time Faculty: Full-time faculty, not including full-time visiting and full-time temporary faculty, shall be recruited and screened by the Faculty Recruitment Committee which shall report and make recommendations to the faculty for consideration. The faculty, at a meeting called for such purpose, shall consider such reports and recommendations and shall determine whether, in the case of each applicant, he or she is qualified for appointment to the faculty. To be deemed qualified, such applicant must receive approval of at least two-thirds (2/3) of the faculty present and voting at the meeting. This approval shall be forwarded to the Dean for further pursuant to University policies. No full-time faculty member may be appointed without such faculty approval.
 2. Adjunct Faculty Appointment and Reappointment: Adjunct (part-time) faculty for appointment or reappointment shall be recruited and screened by the Dean who shall report and make recommendations to the faculty concerning such appointment or reappointment. The faculty at a meeting called for such purpose shall consider such

reports and recommendations and shall determine whether, in the case of each applicant, he or she is qualified for appointment or reappointment as an adjunct faculty member. To be deemed qualified, such applicant must receive approval of at least two-thirds (2/3) of the faculty present and voting at the meeting. This approval shall be forwarded to the Dean for further action pursuant to University policies. No adjunct faculty member may be appointed or reappointed without such faculty approval.

ARTICLE III

FACULTY GOVERNANCE AND MEETINGS

- A. Governance: The full-time faculty acting as a collegial body shall, except for those acts and powers vested in the Dean, govern the School of Law, making such policies, decisions, rules and regulations as are necessary for the operation and best interests of the school.
- B. Faculty Meetings: The faculty shall have meetings called by the Dean or person acting in his absence, by an administrative officer of the University or upon petition by at least four of the full-time faculty members. The faculty shall meet at least three times during each academic semester, excluding summer semesters, and as often in addition thereto as needed.
- C. Notice of Meetings: The Dean or other persons calling the meeting shall give adequate notice of such meeting to the faculty and shall also circulate a proposed agenda.
- D. Conduct of Meetings: Faculty meetings shall be held at a time and place reasonably convenient to the faculty. The Dean or the person in his absence shall be the presiding officer. A quorum shall consist of a majority of the members of the full-time faculty qualified to vote.

The Dean may be counted for the purpose of determining whether a quorum is present. A faculty member must be physically present at the meeting to vote. Any faculty member may request a secret vote and such request must be honored. Each tenured, tenure-track, or teaching faculty member shall have one vote. Visiting and temporary full-time faculty may attend meetings of the full-time faculty but shall not have the right to vote. The Dean shall have no vote except to break a tie vote. Other than full-time faculty members may attend any faculty meeting, but shall have no vote. Unless otherwise provided herein, Robert's Rules of Order, latest edition, shall govern conduct of the meeting.

- E. Dean's Veto of Faculty Action: The Dean shall have the power to veto any action taken by the faculty within seven (7) days of the meeting at which such action was taken. If the Dean shall veto or decide to take action contrary to any decision which has been voted upon by the faculty, the Dean shall, not more than seven (7) days after such veto, inform the faculty of the exercise of the Dean's veto power and shall, not more than seven (7) days after the faculty has been informed of such exercise of the Dean's veto power, call a faculty meeting at which time a majority vote of the faculty present shall be sufficient to override the Dean's exercise of the veto power.

ARTICLE IV

PROMOTION AND TENURE GUIDELINES

A. Preamble

The reputation of a law school and its ability to attract excellent students and new faculty heavily depends on the reputation of its faculty as scholars and dedicated educators. The Cecil C. Humphreys School of Law (the "Law School") has a responsibility for recruiting, developing, mentoring,

supporting, and retaining outstanding faculty. This document is intended to provide a framework to facilitate efforts to support and nurture faculty through the tenure and promotion processes. The procedures and substantive guidelines for faculty hired after January 1, 2017 will be evaluated based on these Revised Promotion and Tenure Guidelines. The procedures for tenure and/or promotion applications for faculty hired prior to January 1, 2016, will be governed by these Revised Promotion and Tenure Guidelines. However, faculty hired prior to January 1, 2017, may elect to apply the substantive guidelines of either these Revised Promotion and Tenure Guidelines or the Promotion and Tenure Guidelines that were in place at the time of hire. Substantive guidelines are highlighted in the text.

B. Promotion and Tenure

A new, full-time tenure-track faculty member, whose performance is satisfactory, will be reappointed one academic year at a time for a maximum probationary period of six-years. As a tenure-track faculty member begins year six of the probationary period, the faculty member must make application for tenure and promotion to Associate Professor if the faculty member has not already attained that rank. (Exceptions to the minimum probationary period may be made under special circumstances in accordance with the University of Memphis Faculty Handbook.) Faculty members who are not approved for tenure will not have their contracts renewed at the end of the probationary period. However, they will be rehired for the following year on a one-year, nonrenewable contract.

1. The Application Process

a. Notice Regarding Tenure and/or Promotion. On or before the first day of April, a faculty member who wishes to apply for tenure and/or promotion during the upcoming fall semester will

notify the Dean in writing of such intent (hereinafter "Applicant").

b. Promotion and Tenure Committee. The Promotion and Tenure Committee (the "P & T Committee") for consideration of promotion to associate professor and/or tenure will consist of all tenured associate and full professors except the Dean. For promotion to associate professor of teaching, all tenured associate and full professors except the Dean and all associate and full professors of teaching will serve on the P & T Committee. For promotion to full professor, the P & T Committee will consist of all tenured professors who have attained the rank of full professor. For promotion to full professor of teaching, all tenured professors and professors of teaching who have attained the rank of full professor will serve on the P & T Committee. The committee's primary function is to consider the substance of a faculty member's qualifications for tenure and/or promotion, ensuring that the Applicant has met the minimum criteria.

c. Chair of P & T Committee. The Chair will be appointed by the Dean for the upcoming academic year during the spring semester but no later than April 15th. The Chair of P & T will serve for a one-year term. The Chair will appoint a mentor (the "Mentor") for each Applicant. The Chair will select the Mentor in consultation with the Applicant; however, the Mentor must have attained the rank as to which the Applicant is seeking promotion. A Mentor for each Applicant will be selected before April 30th. In addition, the Chair of P & T will manage the process for the P & T Committee's evaluation of teaching. See Section IV.C.1.b. The

Chair of P & T will schedule a meeting to discuss and vote on promotion and tenure applications. The meeting should be held by the middle of October.

d. Submission Guidelines/Dossier. The Applicant has the responsibility of submitting data pertinent to the Applicant's application for tenure and/or promotion in the areas of teaching, scholarship, and service. The list of materials necessary for the dossier can be found on the Provost's website. Pertinent materials will be prepared and uploaded into an electronic dossier by the Applicant. The Dean will ensure that the Applicant, Mentor, and Chair of P & T receive an internet link to a personal folder in which the application materials can be uploaded. All dossiers for tenure/promotion will be submitted electronically. In addition, the Applicant will assemble a hardcopy binder with copies of the content included in the electronic dossier. In preparing the dossier, the Applicant may seek help from the Applicant's Mentor. A timeline for Tenure and Promotion is provided in Section IV, Appendix A.

e. Mentor: The Mentor for each Applicant will help the Applicant assemble the dossier, manage the external scholarship review process, and compile peer reviews of the Applicant's teaching, scholarship, service, and administration (when applicable). Prior to the closure of the edossier, the Applicant will be provided with an opportunity to review the materials submitted by others (e.g., external reviews, peer reviews, etc.) and to submit any comments or exhibits in response to such materials. Anonymous and/or unattributed submissions and any

submissions arising after the closure of the edossier will be handled in accordance with the procedures set forth in Section IV.B.1.f. and IV.B.1.g(5) respectively. In addition, the Mentor may also draft the P & T Committee Report for the Applicant, if appointed to do so by the Chair of P & T.

f. Peer Review. The Mentor for each Applicant will invite Law School faculty, administration, and staff who have knowledge of the Applicant's teaching, scholarship, service, or administration to provide written comments about the Applicant's performance in these areas. Anonymous and/or unattributed submissions and/or comments are not allowed. An exception exists in situations where the anonymous comment or submission contains content that could reasonably be expected to affect the voting outcome. If the Chair of P & T makes such a determination, the Chair will request an investigation by or additional information from the Administration to reasonably substantiate the content. The Administration will seek a response from the Applicant. If the content cannot be reasonably substantiated in the opinion of the Chair of P & T before the meeting, it will not be allowed. If the submissions and/or comments are allowed, the Applicant will be given the opportunity to provide a response for consideration by the P & T Committee. Comments provided must be based on first-hand knowledge and should not include hearsay. Submissions meeting these criteria will be uploaded to the dossier by the Mentor.

g. Voting:

(1) An Applicant for promotion or tenure is not allowed to be present during the discussion or vote on the Applicant's application.

(2) Spouses and family members may not vote, participate, or be present in the consideration of their family member's tenure and/or promotion application.

(3) In order to vote, a P & T Committee member must have reviewed an Applicant's dossier either on-line or checked out the paper dossier and be physically present for the discussion. On the day of the P & T meeting, the Chair of P & T will determine which P & T Committee members have reviewed the dossier(s).

(4) Faculty members on leave for the fall semester may participate in the voting process only if they have had the opportunity to evaluate the Applicant's dossier and are physically present for the P & T Committee meeting.

(5) The P & T Committee will review, discuss, and evaluate each Applicant's dossier. The P & T Committee deliberations will be based on the criteria for tenure and promotion outlined in this and other university documents. No facts or information will be introduced at the meeting as to any matter that is not raised or present in the Applicant's dossier. However, if after the Applicant's dossier has been completed a significant new matter or issue comes to light, the Chair of P & T will be notified. If the Chair of P & T concludes that the matter or issue is significant, the Chair

of P & T will notify the Applicant and give the Applicant the opportunity to respond in writing prior to the meeting at which the vote is taken. The new matter or issue along with the Applicant's written response may be considered by the P & T Committee. Comments expressed during deliberations will be kept confidential. Applicants applying for the same rank will be reviewed and discussed in alphabetical order by last name. After all Applicants applying for the same rank have been discussed, a vote will be taken by secret ballot. A simple majority vote is required for a positive recommendation.

- h. P & T Report. The P & T Committee will issue a report (the "Committee Report") assessing the Applicant's qualifications and indicate whether the Applicant meets the criteria for promotion and/tenure. To the extent feasible, the Committee Report will contain the rationale for the P & T Committee's recommendation that is consistent with the vote of the P & T Committee. The Committee Report will not include reference to isolated or ancillary comments. The Committee Report will be drafted by the Chair of P & T or a member the P & T Committee selected by the P & T Chair. Because each faculty member makes unique contributions to the Law School, each Committee Report should be tailored to highlight the contributions of the individual Applicant. Typically, the length of the Committee Report will be between five and seven pages. It will include a summary analysis of the student teaching evaluations, a description and assessment of any academic advising and/or mentoring responsibilities, and a

summary of peer teaching evaluations. With respect to scholarship, the Committee Report will provide summaries of the external reviews and a brief description of the journals or other forums in which the Applicant's work has appeared. Finally, with respect to service, the Committee Report will provide an analysis of the Applicant's service in the context of the expected service contributions to the Law School, legal profession, and the community. The Committee Report will be circulated to all P & T Committee members for review. Any member of the P & T Committee may offer factual corrections within three days of the receiving the draft of the Committee Report. By November 15th or no fewer than three days following circulation of the Committee Report to the P & T Committee, the Chair of the P & T committee will incorporate appropriate factual corrections and submit the completed report to the members of the P & T Committee and to the Dean.

- i. Minority Report. If the decision of the P & T Committee is not unanimous, then the dissenting member or members of the P & T Committee may elect to submit a minority report, which explains the rationale for their dissent. If a member or members of the P & T Committee elect to submit a minority report, the minority report must be signed. Minority reports may not be submitted anonymously.
- j. Dean's Recommendation. The Dean will prepare a letter providing an independent recommendation and summary explanation for the recommendation regarding award of tenure and/or

promotion. The Dean's letter becomes part of the dossier which is transmitted to the Provost. The Dean will close the dossier and forward the dossier to the Provost. If the Dean's recommendation differs from the P & T Committee's recommendation, the Dean's summary must explain the reasons for the differing judgment. The Dean will meet with the P & T Committee and explain the rationale for the decision. The Dean will notify the candidate in writing of his or her recommendation and of the P & T recommendation regarding tenure and/or promotion. The vote of the P & T Committee shall be included. The notification should not include any rationale for the vote or recommendations.

In cases involving promotion only, the dean will meet with the candidate to transmit the recommendations which the Dean and the P & T Committee have made and reasons for those recommendations.

C. General Criteria

1. Teaching Skill and Effectiveness: Teaching is central to the purposes and objectives of the University and the Law School. It encompasses classroom instruction, development of courses and certificate programs, mentoring students, testing, grading, and professional development of the faculty member as a teacher. Effectiveness in teaching requires having a current, accurate, and balanced command of the field being taught, the ability to communicate one's knowledge, and the willingness to interact and exchange views with students. Effectiveness in teaching also is evidenced by the fostering of intellectual stimulation and inspiration. Neither tenure

nor promotion will be awarded in the absence of clear, convincing, and continuing evidence of an acceptable level of effective teaching.

a. *Criteria.* Since evaluation of teaching is a qualitative process, multiple sources of evidence will be employed. The Applicant should organize, record, and exhibit evidence of the Applicant's teaching efforts in such a manner that colleagues are able to assess the Applicant's insights and achievements in instruction. Included should be a statement of teaching philosophy and student evaluations (SETE) including comments, course syllabi, examinations, and anything else relevant to teaching quality.

b. *P & T Committee Evaluations.* The Chair of the P & T Committee will appoint at least two Committee members to attend classes taught by the Applicant. The appointed P & T Committee members will prepare a written evaluation that will be included in the Applicant's dossier and shared with the full P & T Committee. The written evaluation will assess the Applicant's teaching effectiveness as evidenced by the classes attended. The evaluation will also address command of the subject matter, ability to engage students, and ability to present material in an interesting, organized, and logical manner. The selected Committee members will each visit at least two classes of the Applicant in the semester in which the application for promotion and/or tenure is made. However, if the Applicant is teaching a seminar or a 2-hour one day-a-week course, then one class visit is sufficient. Committee members have the discretion to attend the class or classes or

evaluate the class or classes based on a video recording.

However, any class that is evaluated for the purposes of promotion and/or tenure should be recorded and access should be provided to the full P & T Committee. All class visits should occur before September 30th.

2. Research and Scholarly Activity. Intellectual contributions and scholarship advance knowledge and learning by producing new ideas and understanding. It is a fundamental responsibility of faculty and constitutes the foundation upon which all other activities are built. As provided in the Faculty Handbook, scholarship can be divided into five sub-categories: engaged scholarship, creative activity, inquiry, integration, and the scholarship of teaching.

a. General Criteria. The quality of a faculty member's research and scholarly activity is measured by the significance of the issue or issues addressed to the evolution of legal thought within the subject area of the activity, the thoroughness of the research undertaken, the depth of the analysis engaged in, the logical nature of the presentation and the comprehensibility and the readability of the expression, as well as objective indicators such as length and citations. The extent to which the research and scholarly activity is shown to be of value to attorneys, judges, legislators, executive office holders, other law faculty, or the general public is also a measure of the quality of a faculty member's research and scholarly activity. Peer recognition is also an important criterion in evaluating intellectual contributions and/or scholarship. See Section IV.D.1

and IV.D.2 for Minimum Requirements for scholarship for promotion or tenure.

b. Activities Considered. Manifestations of research and scholarly activity which will be considered include:

(1) Articles authored by the Applicant and published in regularly published law reviews and professional journals. Coauthored articles may be considered to the extent the Applicant identifies the specific portions of the article authored by the Applicant.

(2) Papers presented at professional meetings or seminars if the papers were reproduced and distributed to the attendants.

(3) Reports or memoranda authored by the Applicant and submitted to a governmental entity and published by that governmental entity in a form that clearly identifies the Applicant as the contributor of an identifiable portion of the publication.

(4) Casebooks and other teaching materials that have been produced and used in the teaching of a Law School course. In this context, if the material is not commercially reproduced by an established publisher, then the Applicant must submit the names and schools of the users in order for the materials to be considered.

(5) Other books directed at and beneficial to legal audiences or to the advancement of legal thinking generally.

(6) External and internal grants are supported and encouraged. Their contributions will be evaluated in light of their source and upon the contributions made to the intellectual life of the Law School.

(7) The Law School recognizes that legal academics may make significant scholarly contributions in non-print publication venues, including but not limited to blogging and other web contributions.

(8) The Applicant may submit for consideration other material not provided herein if the Applicant believes the material to be relevant evidence of the Applicant's research and scholarly activity. In this event, the Applicant must also provide a written justification for the consideration of the materials.

c. *External Evaluation of Research and Scholarly Activity.* The purpose of external peer reviews is to provide an informed, objective evaluation of the quality of scholarship, research or creative activity of the Applicant. Each major piece of scholarship will be reviewed externally. It is expected that the external reviewers will be selected from peer or comparable institutions with national reputations in the faculty member's discipline. Because external reviewers can be difficult to obtain and place a burden on the busy schedules of the evaluators, an honorarium will be provided. In order to obtain external reviews in a timely manner, the process of developing the lists of potential external reviewers, as described below, should be

initiated in May of the spring semester preceding the fall tenure and promotion process.

(1) **Selecting Reviewers:** The Applicant will develop a list, normally four to eight names of recommended peer reviewers from outside the University. The Applicant may also submit a list (with justifications) of persons who may pose a conflict for consideration by the Applicant's Mentor. The Applicant will provide the Applicant's Mentor with a list of potential external reviewers by May 1st. In conjunction with submitting the list of external reviewers, the Applicant will also provide the Applicant's Mentor with a copy of the scholarly works that are ready to be reviewed externally. However, if an Applicant completes a substantial scholarly work over the summer and receives an offer of publication, then the Applicant may elect to have the scholarly work reviewed at the beginning of the fall semester.

(2) The Mentor will strive to obtain at least three external reviews per substantial scholarly work with at least one reviewer chosen from the Applicant's list. In addition to compiling and uploading the external reviews into the Applicant's dossier, the Mentor will prepare for the dossier a brief paragraph describing the credentials for each reviewer and any relationship between the reviewer and the Applicant. Each reviewer will receive the Applicant's c.v., scholarship, and a letter from the Mentor (see Appendix C).

(3) If a work has been reviewed externally in conjunction with a previous application for tenure or promotion, then the work does not have to be re-reviewed in a subsequent tenure or promotion application. The evaluations required in this section will not apply to writings published before the Applicant became a member of the Law School's faculty.

3. Service. All faculty are expected to engage in Law School and/or University Service. Faculty may also engage in professional and public service.

a. *Law School and University Service*. The Applicant's contribution to the Law School and University is measured by: (1) the faculty member's level of participation and general availability to colleagues and students in carrying out the advisory and administrative functions and duties of the Law School and University and (2) the extent to which the particular services rendered furthered the goals and improve the quality of the Law School and University. Among the activities to be considered are Law School and University committee work, recruiting efforts, and student advising and coaching, both formal and informal. The Applicant is encouraged to report in the Applicant's Service Narrative about any other contributions that the Applicant would like to have considered.

b. *Professional and Public Service*

(1) Professional Service. Professional Service will include services rendered to the executive, legislative, and judicial branches of government; federal, state and local bar activities, especially committee service; services

rendered in connection with legal education organizations or journals; and institutional service which requires commitment of professional expertise.

(2) Public Service. Public Service will include pro-bono legal services, educational activities conducted to benefit the general public, and activities designed to inform students in secondary and elementary schools about the legal profession. It also includes serving on the board of a non-profit organization or other substantial service to a non-profit organization.

(3) Procedure. The Applicant will provide the Promotion and Tenure Committee with a list of public and professional activities, including a description of work performed, offices held, length of service, and letters from individuals who are familiar with the Applicant's service (if the Applicant so chooses).

(4) Evaluation. The P & T Committee will review the information in order to evaluate the Applicant's contribution to the profession through public and professional service. Evaluations will be based on the follow factors: (1) length of service; (2) whether the Applicant held an office in the organization; (3) whether the Applicant served in any administrative capacity; (4) whether the Applicant contributed positively to the profession by involvement with the activity; and (5) whether the Applicant provided a service to the community.

(5) Excluded Services. Professional or public service will not include compensated legal services.

(6) Other Professional Service. The Applicant may submit additional evidence of involvement in a professional activity or public service not listed above if the Applicant believes the activity contributes to the advancement of the profession or is a public service.

4. Other Factors to be Considered: Professional comportment consistent with the Faculty Code of Conduct.

D. Minimum Requirements

1. Promotion to Associate Professor and to Receive Tenure. To attain the rank of Associate Professor and/or to receive tenure, the Applicant's dossier must provide documented evidence of ability in teaching, scholarship, and service. In the area of scholarship, the grant of tenure and/or promotion to Associate Professor is based on whether the Applicant has documented evidence of high quality professional productivity which is leading to national recognition. The normal expectation of scholarly production for promotion or tenure is two full-length law review articles, not including co-authored pieces, assessed by the criteria in Section IV.C.2.a. At least one of the articles must be published, while it is permissible that the Applicant have an offer of publication for the second article, even if it has not yet been published. Depending on the circumstances, it may be possible to satisfy the scholarship requirement for promotion or tenure with alternative publications that reflect ability and effort equivalent to researching and writing two full-length law review articles.

2. Promotion to Full Professor. In order to attain the rank of Professor, the Applicant's dossier must provide evidence of sustained ability in teaching, scholarship, and service. In the area of scholarship, promotion to full professor requires documented evidence of sustained high-quality professional productivity and national and/or international recognition in the Applicant's discipline. Such evidence normally is expected to include at least three law review articles or their equivalent since promotion to Associate Professor.

E. Criteria for Director of Experiential Learning

1. Generally. To the extent that they are not inconsistent with the provisions of this section, the general criteria for teaching, scholarship, and service are applicable. However, because a significant portion of the Director's time is typically devoted to overseeing the clinical and externship programs, professional performance as reflected in the success or lack of success of those programs is to be given substantial weight.

2. Teaching. Given the time required to direct the clinical and externship programs, the Director is not expected to carry a full teaching load. The Director's teaching effectiveness will be judged under the same criteria as other tenured and tenure-track faculty, with due consideration for the unique aspects of the subject matters and the smaller faculty-to-student ratios in clinical and externship courses.

3. Scholarship. Although the Director is expected to meet the Law School's standards for scholarship, the Director must have the flexibility to address issues specifically related to clinical legal education, externships, and experiential learning. Thus, the Director's scholarship obligations may be satisfied through research and

publication directed toward pedagogy, programmatic considerations, and other topics related to clinical legal education, externships, and experiential learning.

4. Service. The general criteria for service will apply.

5. Administrative Performance. For purposes of assessment of such performance, the following factors are relevant but not exclusive: development and implementation of effective clinical and externship programs, in accordance with the curricular objectives of the Law School; establishment of clear teaching and program goals for the clinical and externship programs; further development of existing clinical courses and externship field placements, when resources are allocated and permit such further development; development of new clinical courses and externship field placements, when resources are allocated and permit such development; effective assignment, training, and evaluation of externship faculty and externship field placement supervisors; effective training and coordination of activities of clinical professors, and provision of input to the Dean regarding evaluation of such professors upon the Dean's request; identification of problems in the clinical and externship programs and the promotion of their solution; and general administrative skills. In assessing the administrative performance of the Director, the Mentor will request a written report by the Director reviewing the Director's work during the pertinent period. The P & T Committee will also rely on the Dean's evaluations of the Director's performance as reflected in previous annual performance evaluations.

F. Criteria for Director of the Law Library

1. Generally. To the extent that they are not inconsistent with the provisions of this section, the general criteria for teaching, scholarship, and service are applicable. However, because a significant portion of the Director's time is typically devoted to overseeing the law library, professional performance as reflected in the success or lack of success in such oversight is to be given substantial weight.

2. Teaching. Given the time required to direct the law library, the Director is not expected to carry a full teaching load. The Director's teaching effectiveness will be judged under the same criteria as other tenured and tenure-track faculty, with due consideration for the unique aspects of the subject matter.

3. Scholarship. Although the Director is expected to meet the Law School's standards for scholarship, the Director must have the flexibility to address issues specifically related to law libraries and librarianship. Thus, the Director's scholarship obligations may be satisfied through research and publication directed toward legal information and research, legal research instruction, legal bibliography, and other topics related to law libraries.

4. Service. The general criteria of service will apply.

5. Administrative Performance. For purposes of assessment of such performance, the following factors are relevant but not exclusive: management of the law library; personnel management; identification and resolution of problems in the law library; and general administrative skills. In assessing the professional performance of the Director, the Mentor will request a written report by the Director reviewing the

Director's work during the pertinent period. The P & T Committee will also rely on the Dean's evaluation of the Director's professional performance as reflected in previous annual performance evaluations.

G. Mid-Tenure (Third-Year) Review

1. Purpose

The mid-tenure review is a major evaluation of untenured faculty in tenure-track positions during the faculty member's third year of appointment. The purpose is to provide the faculty member with information about the status of the faculty member's progress toward promotion and tenure. The review process should provide an objective review and assessment of the faculty member's performance to date. The review should include feedback focused on enhancing the likelihood of promotion and tenure for the faculty member. The timeline for mid-tenure review can be found in APPENDIX B: Mid-Tenure Review Timetable.

2. Procedures

The following procedures should be observed in the third-year review:

- a. Mid-Tenure Review Committee: Before August 15th, the Dean will appoint a mid-tenure review committee (the "MTR Committee") from the membership of the P & T Committee for each faculty member who is eligible for mid-tenure review during the upcoming academic year. It is recommended that the MTR Committee include recently tenured faculty and/or faculty with expertise similar to that of the faculty member who is seeking mid-tenure review. The MTR Committee should consist of three faculty members and the committee will select its chair. The MTR Committee is expected to serve as a resource for the faculty member, provide general

advice, and counsel about teaching, scholarship, and service as needed.

b. Peer Teaching Evaluations: The MTR Committee will ensure that each class taught by the faculty member who is under mid-tenure review is visited by at least two committee members. After the class visit, the committee member will draft a written report that evaluates the teaching of the faculty member who is seeking mid-tenure review. The written evaluation will assess the Applicant's teaching effectiveness as evidenced by the classes attended. The evaluation will also address command of the subject matter, ability to engage students, and ability to present material in an interesting, organized, and logical manner. Members of the MTR Committee will review classes in both the fall and spring semester.

c. Dossier: The dossier for mid-tenure review should be the same as the one for promotion and tenure, with the exception of external scholarship reviews. The dossier will be an e-dossier. The faculty member who is undergoing mid-tenure review is responsible for preparing the dossier. The dossier should be submitted to the chair of the MTR Committee by the end of February.

d. Review Criteria: The basic review criteria for the quality of a faculty member's three-year accomplishments are the same as those used for promotion to Associate Professor with tenure. Those criteria relate to the Law School's tripartite mission of teaching, scholarship, and service. With respect to scholarship, the normal expectation is that an Applicant will have published

or have an offer to publish at least one full-length law review article, not including co-authored pieces. (Neither internal nor external reviews of scholarship occur at the mid-tenure review level, but Applicants should be guided by the general scholarship review criteria set forth in Section IV.C.2.a. for articles likely to be subject to external review at the promotion or tenure stage.) Depending on the circumstances, it may be possible to satisfy the mid-tenure review scholarship requirement with alternative publications that reflect the ability and effort equivalent to researching and writing a full-length law review article (e.g., a book or multiple shorter works).

e. Promotion and Tenure Committee Meeting and Voting: The Chair of the faculty member's MTR Committee will present the dossier to the Promotion and Tenure Committee (the "P&T Committee") for discussion and review. The P & T Committee for a mid-tenure review will consist of all tenured associate professors and professors except the Dean. The Chair of the P & T Committee has the responsibility for scheduling the meeting to discuss and vote on the mid-tenure review. This meeting will typically be scheduled during the end of March. The voting rules provided in Section IV.B.1.g. will apply to the meeting and vote regarding mid-tenure review. The P & T Committee will vote on whether the faculty member is "progressing satisfactorily towards tenure and promotion" or "needs improvement" in the areas of teaching, scholarship, and service. Each area will receive a separate vote. The P & T Committee will then vote whether the faculty member is overall "progressing satisfactorily towards

tenure and promotion." If the faculty member receives a majority vote of the P & T Committee on satisfactory progress, then the faculty member will be retained. If a majority of the P & T Committee votes that overall the faculty member is not "progressing satisfactorily towards tenure and promotion," the P & T Committee will then vote on whether the faculty member should be retained.

f. MTR Committee Report and Feedback. The Chair of the faculty member's MTR Committee will prepare a written report based on the recommendation of the full P & T Committee. If the decision of the P & T Committee is not unanimous, then the dissenting member or members of the P & T Committee may elect to submit a minority report in accordance with Section IV. B.1.i. The report of the MTR Committee should discuss the strengths and weaknesses of the faculty member's accomplishments in the areas of teaching, scholarship, and service. In each category, the report should state that the faculty member is "progressing satisfactorily towards tenure and promotion" or "needs improvement." The report should provide meaningful feedback and direction to the faculty member, including suggestions for enhancing the faculty member's progress toward the grant of tenure, to assist the faculty member in planning and organizing subsequent work activities. This report should be circulated to all P & T Committee members for review. Any member of the P & T Committee may offer factual corrections no later than three days after the circulation of the draft. No later than ten days following the circulation of the report, the Chair of the MTR Committee will incorporate

appropriate factual corrections and submit the final report to the members of the P & T Committee and to the faculty member undergoing review. The Chair of the MTR Committee will schedule a meeting with the faculty member to provide a copy of the report and discuss the candidate's progress. After the meeting, the faculty member will have an opportunity to write a brief response to the report, if desired. The purpose of this response is to allow the faculty member the opportunity to address any concerns or inaccuracies in the report. The faculty member may also describe plans for addressing concerns raised during the mid-tenure review. This response must be received by the faculty member's MTR Committee Chair within seven days of the faculty member's receipt of the report. The Chair will then upload the final report, any minority report, and the faculty member's response (if any) to the dossier. The Chair will also enter into the dossier the tally of the vote, if the P & T Committee is recommending that the faculty member not be retained, and a list of the participating faculty members. The Chair will provide the Dean with access to the final dossier.

g. Dean's Review and Report: The Dean will review the dossier, prepare a written report that addresses the strengths and weakness of the faculty member's accomplishments, and upload the report into the e-dossier. The Dean will meet with the faculty member to discuss the report. If the Dean recommends that the faculty not be retained, the dean will prepare a written summary which includes the reasons for the recommendation. The Dean will provide her or his recommendation for non-retention and

the dossier to the provost for review. The dean will send a copy of his or her written summary and recommendation for non-retention to the faculty member and the P & T Committee.

H. APPENDIX A: Promotion and Tenure Timetable

STEP	RESPONSIBILITY	ACTION	DUE DATE
1	Applicant	Notify Dean of Intent to Apply for Tenure and/or Promotion	April 1st
2	Dean	Appoint T & P Committee Chair	April 15th
3	Applicant; T & P Chair	Appoint/Select Mentor for Applicant	April 30th
4	Applicant	Provide Mentor with a list of potential external reviewers, an electronic copy of current c.v., and electronic copy and where applicable of reprints of scholarship that is ready to be reviewed.	May 1st
5	Mentor	Select external reviewers. Send letter, candidate's materials, and P & T Guidelines to reviewers.	Mid-June
6	Dean	Dean submits a list of all faculty applying for tenure and/or promotion to the Provost	September 1st
7	Dean	Ensure that Applicant, Mentor, and Chair of P & T receive an internet link to the e-dossier folder.	August 31st
8	Applicant	If necessary, notify Mentor of any additional scholarship that needs to be reviewed and provide Mentor with a copy of the additional scholarship and updated cv	September 1st
9	Mentor	If necessary, send additional scholarship to external reviewers. Find additional reviewers, if needed	Early September
10	Applicant	Complete Dossier (following University guidelines as provided by the Provost). Upload dossier to the website.	End of September
11	Mentor	Upload external evaluations of scholarship and peer evaluations about service to the Applicant's	Beginning of October

		Dossier. Verify that all required dossier materials have been uploaded; notify Chair of P & T that dossier is ready for review.	
11	P & T Chair	Schedule and lead P & T Committee review meeting; facilitate vote	Mid October
12	Mentor	Prepare Report; Circulate draft to P & T Committee members	Circulate draft no later than two weeks after the vote (late October)
13	P & T Committee members	Review draft of Report; provide factual corrections to the Mentor	No later than three days after circulation of the draft (early November)
14	Mentor	Incorporate factual corrections in the Report and provide final Report to the P & T Committee and to the Dean	No later than seven days after P & T Committee review period (mid-November)
15	Dean	Independently Review Applicant's dossier; review Report and prepare recommendation	November
16	Dean	Submit dossier documents including recommendations to Provost through UMdrive	December 1st

I. APPENDIX B: Mid-Tenure Review Timetable

Step	Responsibility	Action	Due Date
1	Dean	Appoint Mid Tenure Review Committee	August 15
2	Chair of P & T	Send memo to eligible faculty with a copy of these guidelines for review	August 15
3	Mid Tenure Review Committee	Meet with candidate to discuss the process and Fall class visits.	By September 30
4	Mid Tenure Review Committee	Review Fall classes and write reviews	October - November
5	Chair of MTR	Provide MTR with dates for Spring Class visits	Mid-January
6	Mid Tenure Review Committee	Review Spring classes and write reviews	January - late February

7	Faculty Candidate	Upload dossier ³² materials; notify Mid-Tenure Review Committee Chair that dossier is ready for review	By February 28 th /29 th
8	Chair of MTR	Upload documents concerning class visits and service. Verify that all materials have been uploaded. Notify P & T Chair that the dossier is complete	By February 28 th /29 th
9	Chair of P & T	Provide access to dossier to P & T Committee; Schedule and convene meeting to discuss mid-tenure review	Hold meeting by March 15
10	Chair of MTR	Draft the MTR report; Circulate the report to P & T Committee for corrections	End of March
11	P & T Committee members	Provide factual corrections in the Report to Chair of MTR	No later than ten days after circulation of the draft
12	Chair of MTR	Make any factual corrections and circulate final draft to P& T Committee and faculty member	No later than seven days after P & T review period - late April
13	Faculty Candidate	Candidate may write statement in response to report from T & P Committee	Within two weeks from receipt of report
14	Chair of MTR	Incorporate any additional factual corrections. Circulate final Report to P & T Committee. Provide Dean with access to the dossier including the final Report	Once faculty response (if any) is received
15	Dean	Independent review of dossier; write report. Meet with candidate	Within two weeks of receipt of the dossier
16	Dean	If the Dean recommends that the faculty member not be retained, the Dean will submit her or his recommendation for non-retention and the dossier to the Provost for review	Upon completion of report and meeting with faculty member

J. APPENDIX C: Sample External Review Letter

[Your Name]
[Title]
[Street Address]
[City, ST ZIP Code]

[Date]March 14, 2016

Dear [Your Name]:

On behalf of the Cecil C. Humphreys School of Law, I appreciate your willingness to serve as an external evaluator of the application of Professor _____ for (*promotion to Associate Professor*), (*tenure and promotion to Associate Professor*), or (*promotion to Professor*). As I indicated in our correspondence, external evaluations are extremely valuable in providing us with information and insight into the professional accomplishments of our faculty. Your evaluation will become a part of Professor _____'s dossier and will be a significant element in the review process.

Promotion and tenure decisions at the University of Memphis require the evaluation of a candidate's teaching, research, and service. I ask that you provide a written review of Professor _____'s scholarship. To aid you in this appraisal, I have included the candidate's current vita and *publication(s)*. Please kindly provide a candid evaluation of the candidate's scholarship and potential for continued success in *his/her* discipline. *In the case of promotion to Professor, I ask that you also provide an evaluation of Professor _____'s professional recognition nationally.* The Promotion and Tenure Committee is especially interested in the quality of the candidate's scholarly activity in view of the following guidelines:

The quality of a faculty member's research and scholarly activity is measured by the significance of the issue or issues addressed to the evolution of legal thought within the subject area of the activity, the thoroughness of the research undertaken, the depth of the analysis engaged in, the logical nature of the presentation and the comprehensibility and the readability of the expression, as well as objective indicators such as length and citations. The extent to which the research and scholarly activity is shown to be of value to attorneys, judges, legislators, executive office holders, other law faculty, or the general public is also a measure of the quality of a faculty member's research and scholarly activity.

Also, please feel free to include any additional information that you believe would help us in evaluating Professor _____ for promotion and/or tenure. Please be aware that Tennessee's Open Records Law allows individuals to request and receive access to external and internal letters in candidate tenure and promotion files. Also note that our Promotion and Tenure procedure does not require additional external reviews for subsequent tenure and/or promotion decisions. Thus your review may be relied on when making future tenure and or promotion decisions with respect to Professor _____.

Finally, it would be very helpful if you could also include a copy of your curriculum vita with your evaluation. This information will also be a part of Professor _____'s file. Please send your evaluation and vita no later than August 31st. To facilitate your response, I have enclosed a self-addressed, stamped envelope. You should also feel free to send your evaluation and c.v. via e-mail to _____.

I realize that this request places an added burden on your busy schedule, and I am extremely grateful for your time. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

Your Name /Title

ARTICLE VSPECIAL RULES RELATED TO TEACHING FACULTY; PARTICIPATION IN FACULTY GOVERNANCEA. Nature of Teaching Faculty Appointments

1. Appointments for teaching faculty positions are annual appointments that may be renewed. Teaching faculty appointments shall automatically renew each year unless the faculty member receives the notice of nonrenewal specified in the faculty member's contract of employment. Teaching faculty appointments are not tenure-track positions under the University Handbook; therefore, clinical faculty are not eligible for tenure.

2. Teaching faculty appointments may be used, but only to the extent such appointments are consistent with ABA Standards. The regular duties and obligations of clinical faculty members shall be specified in their contracts of employment.

3. Teaching faculty are eligible for promotion on the same terms and conditions and subject to the same procedures as apply to tenured and tenure-track faculty members, except that teaching faculty are not expected to engage in research and scholarship. Accordingly, the provisions of Article IV regarding research and scholarship shall not apply to promotion applications by teaching faculty members.

B. Participation in Faculty Governance. A full-time holder of the rank of Assistant, Associate or full Professor of Teaching shall be eligible to and be expected to:

1. Serve as a voting member on all standing law school faculty committees on which she or he is eligible to serve and to which she or he is appointed or elected.

2. Serve as a voting member on those law school ad hoc committees to which she or he is appointed or elected.
3. Attend law school faculty meetings and vote on matters coming to the faculty at such meetings except any motion, resolution, or other action involving the hiring, retention, tenure or promotion of any tenure track or tenured faculty member. Notwithstanding the foregoing voting limitations, professors of teaching are eligible to vote on the question of the faculty approval of a candidate for the position of Dean. If a professor of teaching is not eligible to vote on a matter before the faculty, the faculty member shall not be counted for purposes of a quorum.

ARTICLE VI

FACULTY COMMITTEES AND ADVISORS

A. Permanent Committees:

1. Admissions Committee: The function of the Admissions Committee shall be to provide an ongoing review and analysis of the admissions policies and procedures and to recommend to the faculty those changes deemed by it to be necessary and desirable. The Admissions Committee shall also discharge those duties assigned to it by the Admissions Policy and Procedure Statement as approved from time to time by the faculty.
2. Teaching Assignments Committee: The function of the Teaching Assignments Committee shall be to advise and make recommendations to the Dean and Associate Dean for Academic Affairs regarding teaching assignments, course offerings, and scheduling policies.
3. Curriculum Committee: The function of the Curriculum Committee shall be to review the curriculum and all new course proposals, and to

recommend to the faculty new courses and revisions in the curriculum in response to the determined needs of the Law School's educational goals.

4. Faculty Recruitment Committee: The Faculty Recruitment Committee shall, with the assistance of the Dean and the Associate Dean for Academic Affairs, determine the goals and needs of the Law School in regard to the recruitment of faculty and shall recruit faculty to fulfill such goals and needs.

5. Honors and Awards Committee: The function of the Honors and Awards Committee shall be to establish academic and other scholarly awards with the consent of the faculty and to make annual selections and recommendations as to recipients for honors and awards. The committee is comprised of the Assistant Dean for Admissions, Recruiting, and Scholarships, the Assistant Dean for Law Student Affairs, the Assistant Dean for Law Career Services, and a member of the faculty elected by the faculty.

6. Promotion and Tenure Committee: The function of the Promotion and Tenure Committee shall be as set forth in Article IV.

7. Academic Affairs Committee: The functions of the Academic Affairs Committee shall be:

a. To dispose of those matters specifically referred to it by the Academic Regulations. With regard to these matters, the disposition by the Committee shall be regarded as a disposition by the faculty, and there shall be no further action by the faculty. The Committee shall report periodically its disposition to the faculty.

b. To receive, hear and make recommendations to the faculty on all student petitions lodged with the faculty relating to

academic matters not otherwise delegated to a committee or the Dean.

c. To maintain a current compilation of the Academic Regulations and publish a revised edition of the same at the beginning of each fall semester.

d. To discharge general oversight responsibilities with respect to matters pertaining to the academic standards of this law school and, as it deems necessary, recommend amendments of the academic regulations to the faculty.

e. To receive complaints from students applying to the Committee for a change of or redetermination of grades, and to adjudicate such complaints. Adjudications of complaints shall be in conformity with the grade appeals and procedures established from time to time by the faculty of the School of Law.

B. Ad Hoc Committees: The Dean may appoint special committees from time to time in his discretion.

C. Law Review and Moot Court Advisors: Advisors to the Law Review and Moot Court programs shall have such duties and responsibilities as designated by the Dean and shall include the responsibility for approving academic credit for students who participate in these programs.

D. Constitution of, and Appointment or Election to, Committees and Appointment of Advisors.

1. The Dean shall appoint from members of the full-time, tenured, tenure-track, and teaching faculty all members of the:

- a. Admissions Committee
- b. Curriculum Committee
- c. Honors and Awards Committee

d. Recruitment Committee

2. The Dean shall appoint from the full-time tenured faculty all members of the Academic Affairs Committee.

3. The Teaching Assignments Committee shall be comprised of three full-time faculty members, one of whom will be appointed by the Dean, one tenured faculty member elected by the tenured faculty, and one non-tenured (tenure-track and non-tenure track) faculty member elected by the non-tenured (tenure track and non-tenure track) faculty.

4. The composition of the Promotion and Tenure Committee shall be as described in Article IV.

5. Law Review and Moot Court Advisors shall be appointed by the Dean.

E. Other Duties: In appointing committees, the Dean may make special assignments to, or increase the duties of, any committee provided that such assignments or duties do not conflict with the assignments and duties of other committees as set forth in this Article VI.

ARTICLE VIIAMENDMENTS

Any full-time faculty member, except visiting and temporary full-time faculty, may propose an amendment to the Governing Rules by delivering to the Dean a copy of the proposed amendment and any desired explanation. The Dean shall, within fourteen (14) days of receipt of such proposed amendment, distribute to each full-time member of the faculty the text of the proposed amendment along with any explanation submitted and any comments of the Dean. Within fourteen (14) days of the distribution made by the Dean to the full-time faculty, the Dean shall give written notice of, and shall promptly call, a faculty meeting at which the proposed amendment shall be read and shall be subject to all rules of discussion and debate used by the faculty of the

School of Law. Within 30 days of the first reading of the proposed amendment, the Dean shall call a faculty meeting at which time a vote of two-thirds of faculty present and voting at the meeting shall be required to adopt the proposed amendment. The amendment shall be effective upon adoption unless otherwise specified.

ARTICLE VIII

ACADEMIC AND ADMINISTRATIVE REGULATIONS

The faculty shall be empowered to formulate and adopt Academic and Administrative Regulations for the governance of students and implementing the programs of the school. The Academic Regulations shall be publicized to the student body as soon as practicable after adoption.

ARTICLE IX

CONFORMITY AND SEVERABILITY

- A. Conformity with Rules and Regulations of the University and Other Entities: These governing rules shall not be interpreted nor construed in such a way as to be inconsistent to the rules and regulations of The University of Memphis or of any accrediting entity having jurisdiction over the University.
- B. Conformity with Public Laws: Nothing in these governing rules shall be inconsistent with or in contradiction of the laws of the State of Tennessee or of the United States.
- C. Severability of Provisions: If any provision in these Governing Rules shall be held invalid or in contravention of the rules and regulations of the University or the American Bar Association, the accrediting entity for approved law schools, or the laws of the State of Tennessee or the United States, then the remainder of these Governing Rules shall not be effected thereby.