

**Texas A&M University School of Law
Policies for Appointments, Promotion, Tenure and Review**

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Texas A&M University School of Law

Policies for Appointments, Promotion, Tenure and Review

1. Purpose and scope

1.1 Purpose

This document sets forth certain rules, policies, and procedures governing faculty appointments, annual reviews, promotion, tenure, and other pertinent elements of the professional employment relationship of the faculty of Texas A&M University School of Law (the “**Law School**”) (collectively such rules, policies, and procedures are referred to as the “**Law School Policies**”). In addition to the other rules, policies, and procedures set forth in University Faculty Handbook and the University Rules that are applicable to Law School teachers, the Law School Policies are subject to the American Bar Association (“**ABA**”) Standards and Rules of Procedure.

1.2 Faculty’s rights and obligations

The Law School Policies put all Law School faculty on notice of their rights and obligations under the ABA Statement on Academic Freedom and Tenure and under the Law School Academic Standards and the Law School’s Honor System Rules.

1.3 Other policies

In addition to these Law School Policies, the Law School maintains policies and procedures relating to the academic program and other matters dealing with teaching and the Law School’s internal governance.

2. Significant policy positions

2.1 Mission of the Law School

The mission of the Law School is: To provide excellence in legal education, emphasizing service to our diverse student body, our profession, and our community. The Law School is founded on a commitment to academic honesty, integrity, and professionalism by its teachers and students. This commitment is essential to the Law School’s mission.

2.2 Academic freedom and academic tenure

The Law School adheres to the principles of academic freedom as set forth in the ABA Statement on Academic Freedom and Tenure.

2.3 Non-discrimination policy

The Law School provides equal opportunity in its program of legal education for all applicants for admission, enrolled students, and graduates without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, disability, veteran status, sexual orientation, gender identity, or gender expression. In addition, the

Law School provides its faculty and other employees with equal opportunity in hiring, continuation, promotion, and tenure.

3. Categories of teachers and faculty rank

3.1 Faculty

(a) Definition of faculty

Faculty consists of:

- (1) teachers who are appointed with tenure at the rank of professor or associate professor, or who are appointed on the tenure track at the rank of professor, associate or assistant professor;
- (2) professional librarians in the Dee J. Kelly Law Library (the “**Law Library**”) who are appointed with tenure at the rank of professor or associate professor, or who are appointed on the tenure track at the rank of professor, associate or assistant professor;
- (3) long-term contract faculty who are teachers appointed at the rank of instructional professor, instructional associate professor, instructional assistant professor, executive professor, executive associate professor or executive assistant professor;
- (4) long-term contract faculty who are scholars appointed at the rank of research professor, research associate professor or research assistant professor;
- (5) long-term contract faculty who are employed in a law clinic appointed at the rank of clinical professor, clinical associate professor or clinical assistant professor; and
- (6) long-term contract faculty who are employed in the Law Library appointed at the rank of instructional professor, instructional associate professor or instructional assistant professor.

(b) Voting rights

Except as limited by section 3.2, faculty have full voting rights at the Law School.

(c) Teaching load

The normal teaching load in an academic year for faculty will be approved by the Dean of the Law School (the “**dean**”) in consultation with the Associate Dean for Academic Affairs consistent with the internal policies and procedures set by the Law School, ABA principles and University rules.

(d) Classifications of faculty

Faculty members who teach predominantly professional skills courses, a Clinic Director, and the Director of the Law Library are initially hired as professional skills faculty on the tenure track, with tenure, or as long-term contract faculty. Any other faculty positions to be hired as professional skills faculty must be approved by the dean and a two-thirds vote of the faculty eligible to vote on such positions. Other teachers employed in a law clinic are initially hired as long-term contract faculty. Professional librarians employed in the Law Library are initially hired on the tenure track, with tenure, or as long-term contract faculty. Other faculty members are initially hired as doctrinal faculty on the tenure track, with tenure, or as long-term contract faculty.

(e) Courses taught by doctrinal faculty and professional skills faculty

The normal teaching load during an academic year for professional skills faculty members must consist of at least 50 percent of professional skills course credit hours, and the normal teaching load during an academic year for doctrinal faculty members must consist of at least 75 percent of doctrinal course credit hours. Professional skills courses are those courses in the Law School curriculum that are primarily designed to teach writing, oral advocacy, law practice, and similar skills required in law practice and that are designated as such by the faculty. Doctrinal courses are those courses in the Law School curriculum that are primarily designed to teach the principles of certain areas of law and that are designated as such by the faculty. A faculty member's "core teaching assignment" is the type of courses required to be taught by such faculty member under the foregoing provisions, provided, however, that courses taught during the summer term are not considered in determining whether a faculty member has satisfied the core teaching assignment requirement unless the summer teaching assignment is to make up for the faculty member's underload in an academic year. This core teaching assignment may be amended or changed only by an affirmative vote of two-thirds of the faculty. In extraordinary circumstances, the dean may permit a temporary change in the core teaching assignment of a faculty member, whether tenured or untenured, for up to one year, without requiring the faculty member to apply for a change in faculty classification under section 3.1(f), 3.1(g) or 3.1(h). Under this rule, the faculty member may have a teaching assignment consisting entirely of courses generally taught by faculty members who are in the other classification of faculty.

(f) Change in faculty classification for tenure-track faculty

To change from professional skills faculty to doctrinal faculty or from doctrinal faculty to professional skills faculty, a tenure-track faculty member must make a written request for such change in faculty classification to the dean, and the faculty member's request must receive the affirmative vote of two-thirds of the tenured and tenure-track faculty and approval by the dean, which request may be approved or denied in the faculty's or dean's discretion.

(g) Change in faculty classification for tenured faculty

To change from professional skills faculty to doctrinal faculty or from doctrinal faculty to professional skills faculty, a tenured faculty member must make a written request for such change in faculty classification to the dean, and the faculty member's request must receive the affirmative vote of two-thirds of the tenured and tenure-track faculty and approval by the dean, which request may be approved or denied in the faculty's or dean's discretion.

(h) Change in faculty classification for long-term contract faculty

To change from professional skills faculty to doctrinal faculty or from doctrinal faculty to professional skills faculty, a long-term contract faculty member must make a written request for such change in faculty classification to the dean, and the faculty member's request must receive the affirmative vote of two-thirds of the tenured and tenure-track faculty and approval by the dean, which request may be approved or denied in the faculty's or dean's discretion.

(i) Change from long-term contract faculty to tenure-track or tenured faculty for doctrinal faculty and professional skills faculty

To change from long-term contract faculty to tenure-track or tenured faculty, a long-term contract doctrinal or professional skills faculty member must apply for a vacant position through the recruitment and hiring process under sections 4.1, 4.2, 4.3 and 4.4, as applicable.

(j) Change from long-term contract faculty to tenure-track or tenured faculty for Law Library faculty

To change from long-term contract faculty to tenure-track or tenured faculty, a long-term contract faculty member employed in the Law Library must apply for a vacant position through the recruitment and hiring process under section 6.4.

(k) Change from tenure-track or tenured faculty to long-term contract faculty

A tenure-track or tenured faculty member who desires to change to a long-term contract faculty member must make a written request for such change in faculty category to the dean, and the faculty member's request will be approved or denied by the dean in the dean's discretion, provided however, that a tenure-track faculty member may not be appointed to an initial five-year contract by the dean unless such appointment is approved by affirmative vote of a majority of the tenured faculty and the long-term contract faculty who are appointed on five-year contracts.

3.2 Long-term contract faculty

There are four categories of long-term contract faculty: (i) teachers whose primary responsibilities consist of teaching and service, (ii) scholars whose primary

responsibilities consist of scholarship and service; (iii) teachers employed in a law clinic, other than a Clinic Director, whose primary duties are supervising students and representing law clinic clients; and (iv) professional librarians employed in the Law Library, other than the Director of the Law Library, whose primary responsibilities consist of librarianship and service. Long-term contract faculty do not include limited-term instructors, teachers with short-term appointments, those employed in an experimental program of limited duration, or those whose position is funded primarily by a grant. Long-term contract faculty have voting rights at the Law School, except that: (i) long-term contract faculty members may vote only on the recruitment and appointment of faculty who are candidates for long-term contract faculty or dean positions; (ii) long-term contract faculty may not vote on matters related to tenure, retention, and promotion of faculty who are not long-term contract faculty; and (iii) long-term contract faculty may not vote on amendments to the Law School Policies that affect only faculty who are not long-term contract faculty. A long-term contract faculty member who desires to change to a tenure-track or tenured faculty member must apply for a vacant position through the recruitment and hiring process under sections 4.1, 4.2, 4.3 and 4.4, or 6.4, as applicable.

3.3 Limited-term instructors

Limited-term instructors are teachers appointed for up to three academic years. Limited-term instructors are appointed with the title of assistant lecturer, lecturer, senior lecturer, assistant professor of the practice, associate professor of the practice or professor of the practice. Limited-term instructors have no voting rights and no service obligations at the Law School or at the University.

3.4 Interim visitors and distinguished visitors

Interim visitors and distinguished visitors are teachers appointed for up to one academic year. Interim visitors and distinguished visitors are appointed with the title of visiting professor, visiting associate professor, or visiting assistant professor. Interim visitors and distinguished visitors are not tenured and are not on tenure track. They have no voting rights and no service obligations at the Law School or at the University.

3.5 Adjuncts

Adjuncts are part-time teachers appointed for one semester. Adjuncts generally teach only one course in a semester. Adjuncts are appointed with the title of adjunct professor.

3.6 Joint appointments

Joint appointments involve the appointment of a faculty member of another department of the University to split such faculty member's full time effort with the Law School. A University faculty member appointed under a joint appointment is appointed at the Law School with the same title such faculty member hold at the faculty member's other University department. University faculty members appointed under no budgeted joint appointments have no voting rights and no service obligations at the Law School. University faculty members appointed under budgeted joint appointments have voting rights at the Law School as set forth in section 3.1(b).

4. Recruitment and appointment of faculty to tenured or tenure-track positions

4.1 Recruitment for tenured and tenure-track positions

(a) Method of selecting candidates

The Faculty Appointments Committee identifies and screens applicants and recommends candidates to the faculty for consideration.

(b) Alternate method of selecting candidates

An applicant not recommended by the Faculty Appointments Committee may be considered by the faculty if the applicant's candidacy is approved by an affirmative vote of two-thirds of the tenured and tenure-track faculty and if the applicant has visited the campus and interviewed with a substantial number of faculty members.

4.2 Faculty and Tenure Committee approval of candidates for tenured position

Initial appointment of a candidate to a tenured position requires the affirmative vote of two-thirds of the tenured and tenure-track faculty. In addition, Tenure Committee shall consider the grant of tenure to the candidate and provide its recommendation to the dean.

4.3 Faculty approval of candidates for tenure-track position

Initial appointment of a candidate to a tenure-track position requires the affirmative vote of two-thirds of the tenured and tenure-track faculty.

4.4 Dean's initial appointment of all candidates

The dean may make job offers only to candidates who have received the necessary approval under section 4.2 or section 4.3. The names of candidates who have received approval are submitted to the dean, who selects the candidate or candidates to receive offers. The dean may reject a candidate, but he/she must inform the faculty of the reason for rejection. The dean may, in appropriate circumstances, offer candidates one or more years of credit toward tenure, but an offer of more than three years of credit requires the affirmative vote of two-thirds of the Tenure Committee. The dean may offer the candidate an initial appointment to a tenured position only if the requisite approval for tenure on arrival has been obtained in accordance with University rules.

4.5 Law Library faculty

The method for recruitment and appointment of Law Library faculty is set forth in section 6.4.

5. Recruitment and appointment of non-tenured and non-tenure-track faculty

5.1 Long-term contract faculty

(a) Selection of candidates

(1) Method of selecting candidates

A Long-term Contract Faculty Hiring Committee, consisting of five faculty members selected by the faculty, identifies and screens applicants and recommends candidates to the faculty for consideration.

(2) Alternate methods of selecting candidates

During its screening of candidates for tenured or tenure-track positions, the Faculty Appointments Committee may identify candidates for long-term contract faculty positions. The Faculty Appointments Committee may recommend such candidates to the faculty for consideration.

An applicant not recommended by the Long-term Contract Faculty Hiring Committee or Faculty Appointments Committee may be considered by the faculty if the applicant's candidacy is approved by an affirmative vote of two-thirds of the faculty and if the applicant has visited the campus and interviewed with a substantial number of faculty members.

(b) Clinic director recommendation

For any candidate to be employed as teacher in a law clinic, the relevant Clinic Director will provide his or her recommendation to the faculty for consideration.

(c) Faculty approval of candidates for long-term contract faculty positions

Initial appointment of a candidate to a long-term contract faculty position requires the affirmative vote of two-thirds of the faculty.

(d) Dean's initial appointment of candidates

The dean may make job offers only to candidates who have received the necessary approval under this section 5.1. The names of candidates who have received approval are submitted to the dean, who selects the candidate or candidates to receive offers. The dean may reject a candidate, but he/she must inform the faculty of the reason for rejection. The dean may, in appropriate circumstances, offer candidates one or more years of credit toward the long-term contract, but an offer of more than three years of credit requires the affirmative vote of two-thirds of the faculty.

(e) Law Library faculty

The method for recruitment and appointment of Law Library faculty is set forth in section 6.4.

5.2 Limited-term instructors

(a) Selection of candidates

A Limited-term Instructor Hiring Committee, consisting of five faculty members selected by the dean, identifies and screens applicants and recommends candidates to the dean for consideration.

(b) Dean's initial appointment of candidates

The names of candidates who have received recommendation from the Limited-term Instructor Hiring Committee are submitted to the dean, who selects the candidate or candidates to receive offers. The dean may appoint limited-term contract instructors for an initial term of up to three years. Appointment for any additional term requires the approval of the majority of the faculty. There is no limit on the number of additional terms to which a limited-term instructor may be appointed; provided however, that at least once every five years, a faculty committee appointed by the dean is used in the annual review process to evaluate the limited-term instructor's teaching and reports its recommendation on retention of the limited-term instructor to the dean.

5.3 Distinguished and interim visitors

(a) Distinguished visitors

The dean may appoint distinguished visitors for an initial term of up to one academic year. Appointment for any additional term requires the approval of the majority of the faculty. There is no limit on the number of additional terms to which a distinguished visitor may be appointed.

(b) Interim visitors

The dean may appoint interim visitors to fill temporarily vacant full-time positions for an initial term of up to one academic year. Appointment for any additional term requires the approval of a majority of the faculty.

5.4 Emeritus faculty

Emeritus faculty members are appointed under the rules set out for such appointments in the University Rules.

5.5 Adjuncts

The dean appoints all adjunct faculty for a period of one fall, spring, or summer term. Adjunct faculty may be reappointed by the dean for additional terms, without limitation.

5.6 Non-budgeted joint appointments

A faculty member of another University department may be appointed to split such faculty member's full time effort with the Law School under a non-budgeted joint appointment when the faculty member performs non-remunerated duties at the Law School. The dean makes non-budgeted joint appointments in accordance with University guidelines for such appointments.

5.7 Budgeted joint appointments

A faculty member of another University department may be appointed to split such faculty member's full time effort with the Law School under a budgeted joint appointment when the faculty member performs remunerated duties at the Law School. The dean makes budgeted joint appointments in accordance with University guidelines for such appointments and requires the affirmative vote of at least two-thirds of the tenured and tenure-track faculty for faculty candidates appointed as tenure-track or tenured faculty or at least two-thirds of the faculty for all other faculty candidates.

6. **The Law Library and Law Library faculty**

6.1 The Director of the Law Library

The Director of the Law Library supervises the overall operation of the Law Library. For matters involving Law Library faculty and staff, the Director makes recommendations regarding retention and salary increases to the dean of the Law School.

6.2 Law Library faculty

(a) Responsibilities of Law Library faculty

Law Library faculty are the professional librarians in the Law Library who have tenure or who are on the tenure track or who are long-term contract faculty. Law Library faculty members are an integral part of the teaching, research, and service of the Law School. The instructional responsibilities of the Law Library faculty consist of assigned tasks in the areas of legal research instruction, bibliographic instruction, cataloging, reference, collection development, collection control, preservation, and other general library functions. Law Library faculty will also engage in appropriate University, Law School, and community service as well as in a continuing program of professional growth and development. With the approval of the Director of the Law Library and the consent of the individual Law Library faculty member, a Law Library faculty member may be asked to teach in the formal classroom setting of the Law School as part of his/her library duties. If such classroom-teaching assignments are made, the Law Library faculty member

will have parallel adjustments made in his/her other library assignments so as not to create a work overload.

(b) Committees

Law Library faculty may serve on University committees and are eligible for candidacy as Law School representatives on the Faculty Senate. In addition, Law Library faculty members may serve as voting members on Law School committees.

6.3 Initial appointment of Law Library faculty

Law Library faculty members are appointed to twelve-month contracts that operate on a fiscal year basis.

6.4 Recruitment procedures

(a) Law Library search committee

Upon the vacancy in a Law Library faculty position or the creation of a new Law Library faculty position, the faculty will select five faculty members to serve on a Law Library search committee. The search committee shall consist of three Law Library faculty members and two non-Law Library faculty members. The search committee identifies and screens applicants and recommends candidates to the Director of the Law Library for consideration.

(b) Approval

At the conclusion of the search, the committee will forward its recommendation to the Director of the Law Library for approval. The Director of the Law Library then forwards his or her recommendation(s) to the faculty for approval. Initial appointment of a candidate to a Law Library faculty position requires the affirmative vote of two-thirds of the eligible faculty. The names of candidates who have received approval by the eligible faculty are submitted to the dean, who selects the candidate or candidates to receive offers. The dean may make job offers only to candidates who have received the approval of the Director of the Law Library and the faculty. The dean may reject a candidate, but he/she must inform the Director of the Law Library of the reason for rejection. The dean may, in appropriate circumstances, offer candidates one or more years of credit toward tenure or a long-term contract, but an offer of more than three years of credit requires the affirmative vote of two-thirds of the Tenure Committee. For a candidate for a tenured position, Tenure Committee shall consider the grant of tenure to the candidate and provide its recommendation to the dean. The dean may offer the candidate an initial appointment to a tenured Law Library faculty position only if the requisite approval for tenure on arrival has been obtained in accordance with University rules.

7. Tenure, retention, and promotion of faculty

7.1 General requirements for tenure of faculty

The decision to grant tenure to a faculty member who is a teacher is based on satisfaction of the following requirements: excellence in teaching and communicating knowledge of the law; excellence in scholarly research and writing; and excellence in national, state, community, University, Law School, or professional service. The decision to grant tenure to a faculty member who is a professional librarian in the Law Library is based on satisfaction of the following requirements: excellence in librarianship; excellence in scholarly research and writing; and excellence in national, state, community, University, Law School, or professional service.

7.2 Teaching requirement

Excellence in teaching is demonstrated by excellent teaching ability both inside and outside the classroom. In accordance with University guidelines, the Tenure Committee must consider peer evaluations of course syllabi, assignments, examinations and grading methods, student teaching evaluations and peer evaluation of other teaching contributions of value to the department. The Tenure Committee also may consider evaluations by other faculty members and by the dean.

7.3 Librarianship requirement

Excellence in librarianship is demonstrated by excellence in the candidate's performance of the following duties in the Law Library: (a) legal research instruction; (b) bibliographic instruction; (c) cataloging; (d) reference and research assistance; (e) collection development activities; (f) preservation; (g) faculty services; (h) information retrieval and analysis; (i) management and supervision; (j) archival management; (k) library computer systems management; (l) budget planning and oversight; (m) other general library functions. The Tenure Committee may consider evaluations by the Law Library Director, by other faculty members, by students, and by the dean.

7.4 Scholarship requirement

(a) Scholarship requirement for doctrinal faculty and professional skills faculty

To satisfy the requirement for excellence in scholarly research and writing, a doctrinal or professional skills faculty member must produce and have published no fewer than three substantial scholarly law review articles or their equivalent, although the third of the three articles may merely have been accepted for publication at the time of the tenure decision. These three articles or their equivalent must have been completed within the five years prior to the tenure decision, or within the candidate's probationary period, whichever is longer. Although scholarship completed before joining the faculty will be considered, there must be evidence that scholarship continues to be a regular part of the faculty member's professional life.

(b) Scholarship requirement for Law Library faculty

To satisfy the requirement for excellence in scholarly research and writing, a Law Library faculty member must produce and have published no fewer than two substantial scholarly articles or their equivalent, although the second of the two articles may merely have been accepted for publication at the time of the tenure decision. These two articles or their equivalent must have been completed within the five years prior to the tenure decision, or within the candidate's probationary period, whichever is longer. Although scholarship completed before joining the faculty will be considered, there must be evidence that scholarship continues to be a regular part of the faculty member's professional life.

(c) Equivalent writing

A faculty member may satisfy the scholarship requirement under section 7.4(a) or (b) by producing works equivalent to scholarly law review articles. The Tenure Committee must consider the quality and quantity of the work, the time devoted to its production, and the forum in which it appears and must determine that the work is the equivalent of the required number of substantial scholarly law review articles. The equivalent work must appear in a written format.

7.5 Service requirement

The Tenure Committee considers institutional, professional, and community service in making tenure decisions. Such service may be determinative in close cases, but it cannot make up for teaching, librarianship or scholarship deficiencies. The quality of the participation is crucial in evaluating the significance of the service.

7.6 General requirements for promotion

(a) Promotion to associate professor

Candidates for promotion to associate professor will be evaluated for promotion concurrently with evaluation for tenure and will not be awarded one without the other.

(b) Promotion to professor

Candidates for promotion to professor must show a record of (1) continuing excellence in teaching or librarianship, as applicable; (2) continuing excellence and some measure of national or international recognition in scholarship; and (3) evidence of valuable professional service.

7.7 Retention, tenure, and promotion process

(a) Role of the Tenure Committee

The Tenure Committee (consisting of all tenured Law School faculty) makes recommendations to the dean on all matters of tenure and promotion of faculty members who are candidates for tenure or promotion. The Tenure Committee will use a Promotion and Tenure Advisory Committee (“PTAC”) to assist in the evaluation of candidates for tenure and promotion and retention of tenure-track faculty. The dean retains the discretion whether to follow the Tenure Committee’s recommendation regarding a faculty member’s retention, tenure, or promotion.

(b) Promotion and Tenure Advisory Committee

The PTAC will consist of five tenured faculty members unless the Tenure Committee determines that a different number of committee members is desirable for a given year. The Tenure Committee Chair will serve as an *ex officio* member of the PTAC. A majority of the PTAC members will be elected by the Tenure Committee at the last faculty meeting of the academic year to be effective for the next academic year. The remaining member(s) of the PTAC will be appointed by the Tenure Committee Chair by September 1 of each year, in consultation with the dean. The PTAC’s role is to gather information regarding a tenure-track faculty member’s teaching or librarianship, as applicable, scholarship and service and to prepare a report regarding the faculty member’s satisfaction of those three requirements. The PTAC provides its report for tenure-track faculty in their third year of service and mandatory year for tenure consideration to the Tenure Committee Chair. The PTAC provides its report for promotion candidates to the Tenure Committee Chair. The Tenure Committee Chair will provide the PTAC’s report to the Tenure Committee for consideration by the Tenure Committee in conjunction with the midterm review, tenure review or promotion review of the faculty member, as applicable. For other tenure-track faculty, the PTAC provides its report to the dean for consideration by the dean in the dean’s retention decision for the faculty member.

(c) Differences in University and Law School processes for promotion, tenure and review

These Law School Policies for promotion, tenure and review of faculty are intended to follow and supplement institutional procedures for University faculty as outlined in University Rule 12.01.99.M2, “Statement on Academic Freedom, Responsibility, Tenure and Promotion.” To the extent there is a direct conflict between these Law School Policies and University Rule 12.01.99.M2, University Rule 12.01.99.M2 shall control.

(d) Time period for tenure decision

Faculty hired on the tenure-track normally will be considered for tenure in the sixth year of service; provided, however, that the faculty member's appointment contract with the University will specify such faculty member's probationary period. The academic year prior to the end of the faculty member's probationary period is the faculty member's "**mandatory year**" for tenure consideration. For example, if the faculty member's appointment contract specifies a seven year probationary period, then the faculty member's mandatory year for tenure consideration is the faculty member's sixth year of service. A faculty member instead may choose to be considered for tenure prior to the faculty member's mandatory year. The faculty member must notify the dean of this decision in writing at the time of hiring or at any time before December 1 prior to the academic year in which the faculty member desires to be considered for tenure. In the event a faculty member is considered for tenure prior to the faculty member's mandatory year and is denied tenure, the faculty member will be considered for tenure again in the faculty member's mandatory year, provided the faculty member is retained on the tenure-track.

(e) Dates of notification to candidates and right to subsequent contracts

(1) Retention granted

If retention is granted, a tenure-track faculty member will receive a contract for the subsequent year at the time contracts are normally awarded. Retention of a faculty member on tenure track means that progress is being made toward tenure and the faculty member should be continued on tenure track for the next year. Although retention does indicate that the dean believes that the faculty member is capable of meeting the tenure requirements in the remaining time on the tenure track, it does not amount to a statement by the dean that the faculty member will meet the requirements.

(2) Retention denied

If a tenure-track faculty member does not receive a recommendation for retention from the dean, then the faculty member will not be retained. The dean will notify a faculty member of any adverse retention recommendation of the dean. A faculty member has the right to appeal any adverse retention recommendation of the dean to the University Committee on Academic Freedom, Responsibility, and Tenure in accordance with University Rule 12.01.99.M2.

(3) Review in first year of service

Tenure-track faculty in the first year of service must be notified not later than March 1 of the retention decision. For a faculty member whose appointment terminates during an academic year, the faculty member must

be notified of the retention decision at least three months in advance of the faculty member's termination of appointment. If a tenure-track faculty member in the first year of service is not retained, such faculty member will not receive a subsequent contract.

(4) Review in second year of service

Tenure-track faculty in the second year of service must be notified not later than December 15 of the retention decision. For a faculty member whose appointment terminates during an academic year, the faculty member must be notified of the retention decision at least six months in advance of the candidate's termination of appointment. If a tenure-track faculty member in the second year of service is not retained, such faculty member will not receive a subsequent contract.

(5) Review in subsequent years of service prior to mandatory year

Tenure-track faculty with more than two years of service but not yet in the mandatory year of service for tenure consideration must be notified of the retention decision before contracts are issued for the next academic year; if not retained, such tenure-track faculty member must receive a terminal contract for the next academic year.

(6) Final tenure review

Tenure is not granted piecemeal. For example, a tenure-track faculty member will not be told that he/she has tenure as it relates to teaching and therefore need complete only the scholarship and service requirements within the remaining time. Except as provided in section 7.7(d), the Tenure Committee votes on tenure only once for each candidate; at that time the Tenure Committee considers the requirements for excellence in teaching, scholarship, and service for professional skills faculty and doctrinal faculty, or the requirements for excellence in librarianship, scholarship, and service for Law Library faculty. The action of a prior year's PTAC or Tenure Committee does not bind the Tenure Committee in the year of the tenure vote. Final review for tenure of tenure candidates, and notification to the candidates of the tenure recommendation of the Tenure Committee must occur as soon as practicable after the Tenure Committee vote on tenure, but not later than December 1. The dean will notify the candidate of the dean's tenure recommendation at the time the dean makes such recommendation. The dean will notify a candidate of the tenure recommendation by the Provost and Executive Vice President, the President of the University, or the Board of Regents as soon as practicable. If tenure is not granted in the mandatory year for tenure consideration, the candidate must receive a terminal contract for the next academic year. If a candidate applies for tenure prior to the mandatory year and is not granted

tenure, then the candidate may be retained or not retained in accordance with sections 7.7(e)(1)-(5), as applicable.

(7) Promotion

Candidates for promotion during the tenure decision will be notified of the promotion decision at the time the candidate is notified of the tenure decision. Final review for candidates seeking promotion after achieving tenure, and notification to the candidates of the Tenure Committee's recommendation must occur as soon as practicable after the Tenure Committee vote on promotion, but not later than December 1. The dean will notify the candidate of the dean's promotion recommendation at the time the dean makes such recommendation. The dean will notify a candidate of the promotion recommendation by the Provost and Executive Vice President, the President of the University, or the Chancellor as soon as practicable. If a candidate for promotion to professor does not receive a promotion, the candidate may apply for promotion again in another academic year, provided the candidate is retained as a tenured faculty member.

(f) Counting years of service

The first year of University service counted toward tenure is the first year of a faculty member's appointment, unless one or more years' credit toward tenure is granted at hiring.

(g) Tenure Committee and PTAC review

The Tenure Committee and PTAC consider teaching, scholarship, and service for professional skills tenure-track faculty, doctrinal tenure-track faculty, professional skills tenured promotion candidates and doctrinal tenured promotion candidates and librarianship, scholarship, and service for Law Library tenure-track faculty and Law Library tenured promotion candidates. In evaluating candidates for retention, tenure, and promotion, the PTAC and Tenure Committee review these items:

- (1) The faculty member's portfolio, which must contain the following: (A) the faculty member's current vita and all annual activity reports; (B) copies of the faculty member's publications; (C) reports from the faculty member describing service to the Law School, the University, the community, and the profession; and (D) any other information the faculty member deems pertinent. The faculty member may choose to include teaching evaluations by students, evidence of excellence in librarianship, if applicable, and current drafts of works in progress. A faculty member in his/her mandatory year of service for tenure consideration must prepare those portions of the dossier that are required to be prepared and submitted by the candidate and which comply with the guidelines set forth by the Dean

of Faculties and must submit those portions of the dossier to the PTAC for consideration by September 1 of the candidate's mandatory year. A candidate for promotion consideration must prepare those portions of the dossier that are required to be prepared and submitted by the candidate and which comply with the guidelines set forth by the Dean of Faculties and must submit those portions of the dossier to the PTAC for consideration by September 1 of the academic year in which the candidate is applying for promotion. A faculty member required to undergo a midterm review pursuant to section 7.7(h) must prepare those portions of the dossier that are required to be prepared and submitted by the faculty member and which comply with the guidelines set forth by the Dean of Faculties and must submit those portions of the dossier to the PTAC by the date established by the Chair of the Tenure Committee.

- (2) The faculty member's confidential file, which is available only to the PTAC, Tenure Committee and the dean and which may contain some or all of the following: (A) teaching evaluations by other faculty members; (B) librarianship evaluations by the Law Library Director or other faculty members; (C) recommendations from appropriate individuals; (D) student evaluations; (E) annual reviews of the faculty member by the Dean; (F) reports of the PTAC for the faculty member from previous years; and (G) other information found in the course of the review of the faculty member.
- (3) Evaluations of publications or works in progress by other faculty members or outside evaluators, which may be requested by the faculty member, the PTAC or the Tenure Committee and are available only to the faculty member, the PTAC, the Tenure Committee and the dean. The dean or the dean's designee, in conjunction with the tenured faculty, will solicit outside reviewers of a tenure track candidate's or a promotion candidate's scholarship in sufficient time to anticipate receipt of the external reviews before October 1 of the candidate's year of service for tenure or promotion consideration, as applicable. By no later than the March 1 prior to the start of a tenure-track candidate's mandatory year for tenure consideration or a promotion candidate's year of service in which the candidate's promotion will be considered, such candidate shall provide the dean and the Chair of the Tenure Committee with a list of potential reviewers of the candidate's scholarship, a copy of the candidate's current curriculum vitae (c.v.), and a copy of the candidate's statement on research, teaching and service. This list of reviewers should include only established scholars in the candidate's field of scholarship. Typically, the reviewers will also be tenured faculty members at ABA-approved law schools who hold the same or higher rank for which the candidate is applying.

The Law School's tenured faculty will make every effort to have an equal number of reviewers chosen from the candidate's list and a list of reviewers prepared independently by the PTAC. Any reviewer will be requested to assess a maximum of two of the candidate's scholarly articles

that are being considered in the tenure or promotion decision. The actual total number of articles that will be considered under this outside review process may vary depending on the number of articles the candidate has already published along with the number of drafts of unpublished articles that the candidate provides the tenured faculty to consider in making a tenure or promotion decision.

Absent extraordinary circumstances, at least two of a doctrinal faculty or professional skills faculty candidate's articles will be subject to this process, and at least one of a Law Library faculty candidate's articles will be subject to this process. The reviewer will be provided with a copy of the candidate's c.v., the candidate's statement on research, teaching and service, and the Law School's current standards regarding required excellence in scholarly research and writing. For professional skills faculty and doctrinal faculty candidates, the reviewer will be asked to assist the tenured Law School faculty by commenting on whether the candidate's article(s) are substantial scholarly law review articles (or their equivalent) that contribute to the growth and understanding of the law and legal institutions. For Law Library faculty candidates, the reviewer will be asked to assist the tenured Law School faculty by commenting on whether the candidate's article(s) are substantial scholarly article(s) (or their equivalent) that contribute to the growth and understanding of the law and legal institutions or the field of information sciences. For candidates seeking promotion to professor, the reviewer will also be asked to comment on what the article(s) indicate about the candidate's current and potential national and/or international prominence.

Reviewers will also be asked to identify what the article(s) indicate about the candidate's ongoing potential to make a substantial contribution in research and writing as a scholar in his/her field. The solicitation letter to potential reviewers must contain the following statement:

Your review will be kept confidential; however, Texas is an open records state and your review could be requested and relinquished.

To the extent that outside reviewers are used as stated, the Tenure Committee will provide a summary to the candidate of any key points made by the reviewer that were considered by the Tenure Committee in making a tenure or promotion decision about the candidate to the extent permitted by University guidelines. The use of outside reviewers does not limit the discretion of the Tenure Committee to select reviewers, in addition to the outside reviewers, who are members of the tenured faculty; nor does the use of outside reviewers as stated herein prevent any tenured faculty member from reviewing a candidate's scholarship independently or in any manner other than this outside review process when deciding about a candidate's promotion or tenure.

(4) Other pertinent information the PTAC or the Tenure Committee receives.

(h) Midterm review

All tenure-track faculty are required to undergo a midterm review in the academic year stated in the faculty member's appointment contract, which is generally the faculty member's third year of service. The midterm review is a detailed and comprehensive review conducted by the Tenure Committee. This review will focus on:

- (1) The faculty member's teaching performance or librarianship performance, as applicable, during the first three years of service;
- (2) The faculty member's scholarship performance during the first three years of service;
- (3) The faculty member's service performance during the first three years of service;
- (4) An explicit statement of whether the faculty member is on, above, or below trajectory for a positive tenure decision at the appropriate time; and
- (5) An explicit statement of what area(s) of performance, if any, is/are of concern.

The Tenure Committee will complete a midterm review and submit a recommendation report to the dean before May 1 of a faculty member's year of service in which the midterm review is conducted. After the Tenure Committee's recommendation report is prepared and forwarded to the dean, the dean will meet with the faculty member. During this meeting, the dean will provide his or her own feedback to the faculty member and answer questions/address concerns or issues raised by the faculty member. A summary memorandum of this meeting and the Tenure Committee's recommendation report will subsequently be added to the dossier and returned to the faculty member. Complete copies of the faculty member's dossier will also be retained by the dean's office.

(i) Reports and recommendations

(1) Tenure Committee vote

The Tenure Committee members vote by secret ballot to recommend the grant of tenure or promotion of candidates or to recommend retention of a faculty member undergoing midterm review. A recommendation of retention during the midterm review requires the affirmative vote of a majority of the Tenure Committee. A recommendation of promotion or tenure requires the affirmative vote of a majority of the Tenure Committee eligible to vote.

(2) Tenure Committee report

After the Tenure Committee's vote on the candidate's tenure or promotion or the retention of a faculty member undergoing midterm review, the Chair of the Tenure Committee must promptly prepare a recommendation report for the dean. The report remains in the faculty member's confidential file. The Tenure Committee Chair will provide a copy of the Tenure Committee recommendation report for a tenure or promotion candidate to such candidate when the candidate's dossier is submitted to the Provost and Executive Vice President through the Dean of Faculties. A copy of the Tenure Committee recommendation report on retention of a faculty member undergoing midterm review is provided to the faculty member in accordance with section 7.7(h).

(3) Dean's action

(i) Recommendation on retention.

If the PTAC or Tenure Committee recommends the grant of retention of a tenure-track faculty member, and the dean approves the recommendation, the dean will notify the faculty member of the favorable retention recommendation not later than the applicable date specified in sections 7.7(e)(3)-(5). If the dean does not approve the faculty member's retention, the dean will notify the faculty member of the adverse retention decision not later than the applicable date specified in sections 7.7(e)(3)-(5).

(ii) Recommendation on tenure and promotion.

The dean will forward the candidate's dossier and the Tenure Committee's reports on recommendation of promotion or grant of tenure to the Provost and Executive Vice President through the Dean of Faculties. After informing the candidate of the Tenure Committee's recommendation on tenure in accordance with section 7.7(e)(6) or promotion in accordance with section 7.7(e)(7), the dean makes a written recommendation on tenure or promotion to the Provost and Executive Vice President through the Dean of Faculties. The dean will notify the candidate of the dean's recommendation at the time the dean submits the dean's recommendation to the Provost and Executive Vice President.

(j) Notice

For purposes of this section 7.7, notice may be given to a faculty member in person or by U.S. mail, interoffice mail, e-mail, phone, or voicemail, provided, however, that any notice of an adverse promotion or tenure decision by the President of the University must also be provided by certified mail, return receipt requested. Notice is effective when it is sent or transmitted to the faculty member.

The PTAC report and the Tenure Committee report on recommendation of retention, tenure, or promotion are not required to be included in the notice provided to the faculty member.

7.8 Termination of tenure

The grant of tenure carries the academic freedom and job security associated with tenure, subject to termination in accordance with University Rule 12.01.99.M2, “Statement on Academic Freedom, Responsibility, Tenure and Promotion.”

8. Long-term contracts

8.1 General requirements for long-term contracts

The decision to grant a long-term contract for long-term contract faculty employed in a law clinic is based on satisfaction of the following requirements: excellence in teaching and communicating knowledge of the law; excellence in law practice; and excellence in national, state, community, University, Law School, or professional service. The decision to grant a long-term contract for long-term contract faculty employed in the Law Library is based on satisfaction of the following requirements: excellence in librarianship; and excellence in national, state, community, University, Law School, or professional service. The decision to grant a long-term contract for other long-term contract faculty who are teachers is based on satisfaction of the following requirements: excellence in teaching and communicating knowledge of the law; and excellence in national, state, community, University, Law School, or professional service. The decision to grant a long-term contract for long-term contract faculty who are researchers is based on satisfaction of the following requirements: excellence in scholarship; and excellence in national, state, community, University, Law School, or professional service.

8.2 Teaching requirement

Excellence in teaching is demonstrated by excellent teaching ability both inside and outside the classroom. In accordance with University guidelines, the Long-Term Contract Faculty Review Committee described in section 8.8(c) must consider peer evaluations of course syllabi, assignments, examinations and grading methods, teaching evaluations by students and peer evaluation of other teaching contributions of value to the department. The Long-Term Contract Faculty Review Committee also may consider evaluations by other faculty members and by the dean.

8.3 Law practice requirement

Excellence in law practice is demonstrated by excellent supervision of students engaged in law practice through the law clinic, demonstrating proficiency in the practice of law, and maintaining good standing with the State Bar of Texas.

8.4 Librarianship

Excellence in librarianship is demonstrated by excellence in the performance of the following duties in the Law Library, as applicable: (a) legal research instruction; (b) bibliographic instruction; (c) cataloging; (d) reference and research assistance; (e) collection development activities; (f) preservation; (g) faculty services; (h) information retrieval and analysis; (i) management and supervision; (j) archival management; (k) library computer systems management; (l) budget planning and oversight; (m) other general library functions. The Long-term Contract Faculty Review Committee may consider evaluations by the Law Library Director, by other faculty members, by students, and by the dean.

8.5 Scholarship requirement

Excellence in scholarship is demonstrated by national or international recognition as a preeminent scholar in the candidate's field and a continuous record of publication of substantive scholarly articles, book chapters, books, or their equivalent.

8.6 Service requirement

The Long-term Contract Faculty Review Committee considers institutional, professional, and community service in making contract decisions. Such service may be determinative in close cases, but it cannot make up for teaching, librarianship, scholarship or law practice deficiencies. The quality of the participation is crucial in evaluating the significance of the service.

8.7 Criteria for promotion

- (a) Promotion to clinical associate professor, instructional associate professor, executive associate professor or research associate professor
 - (1) Candidates for promotion to clinical associate professor must show a record of excellence in teaching and law practice management, and must show a valuable record of service and leadership in the candidate's profession. Candidates for promotion to instructional associate professor or executive associate professor must show a record of excellence in teaching or librarianship, as applicable, and must show a valuable record of service and leadership in the candidate's profession. Candidates for promotion to research associate professor must show a record of excellence in research and scholarship, and must show a valuable record of service and leadership in the candidate's profession.
 - (2) A candidate will be considered for promotion to clinical associate professor, instructional associate professor, executive associate professor, or research associate professor, as applicable, at the time the candidate is considered for appointment to an initial five-year contract. Faculty recommendation for promotion to clinical associate professor, instructional associate professor, executive associate professor, or research

associate professor requires the vote of a majority of the faculty who hold the rank of associate professor, professor, clinical associate professor, instructional associate professor, executive associate professor, research associate professor, clinical professor, instructional professor, executive professor, or research professor. The dean makes a written recommendation on promotion to the Provost and Executive Vice President through the Dean of Faculties. The dean will notify the candidate of the dean's recommendation at the time the dean submits the dean's recommendation to the Provost and Executive Vice President.

- (b) Promotion to clinical professor, instructional professor, executive professor, or research professor
 - (1) Candidates for promotion to clinical professor must show a continuous record of excellence in teaching and law practice management, and must show a valuable record of service and leadership in the candidate's profession. Candidates for promotion to instructional professor or executive professor must show a continuous record of excellence in teaching or librarianship, as applicable, and must show a valuable record of service and leadership in the candidate's profession. Candidates for promotion to research professor must show a continuous record of excellence in research and scholarship, and must show a valuable record of service and leadership in the candidate's profession.
 - (2) Promotion to clinical professor, instructional professor, executive professor or research professor will be considered upon request of the candidate. The candidate must provide written notice of such request at any time before December 1 prior to the academic year in which the candidate desires to be considered for promotion. Faculty recommendation for promotion to clinical professor, instructional professor, executive professor, or research professor requires the vote of a majority of the faculty members who hold the rank of professor, clinical professor, instructional professor, executive professor, or research professor. The dean makes a written recommendation on promotion to the Provost and Executive Vice President through the Dean of Faculties. The dean will notify the candidate of the dean's recommendation at the time the dean submits the dean's recommendation to the Provost and Executive Vice President.

8.8 Contract renewal

- (a) Term of contracts

After an initial one-year appointment, the contracts of long-term contract faculty may be renewed annually for a total of up to six years. During this initial probationary period, the renewal of a long-term contract faculty member's contract is governed by section 8.8(f). After this initial probationary period,

promotion to clinical associate professor, instructional associate professor, executive associate professor, or research associate professor, as applicable, and approval of appointment on a five-year contract in accordance with section 8.8(h)(1), all subsequent contracts are for five years renewable on a rolling basis in order to ensure academic freedom.

Each long-term contract faculty member who is appointed on a five-year contract will be reviewed annually in accordance with the annual review procedures set forth in Article 9. During any five-year contract period, if a long-term contract faculty member receives a satisfactory annual review, the faculty member's contract will be extended for another year. If a long-term contract faculty member receives an unsatisfactory review, then his or her contract will not be extended until the long-term contract faculty member receives at least two consecutive satisfactory annual reviews. At that time, the long-term contract faculty member's contract will be extended to provide for a five-year term. If a long-term contract faculty member receives three consecutive unsatisfactory reviews, then such long-term contract faculty member will not be retained at the expiration of his or her five-year term.

For example, after completing six one-year appointments, a long-term contract faculty member will be given a contract that terminates in year eleven. If the long-term contract faculty member receives a satisfactory annual review in year seven, the contract will be extended to year twelve. If in year eight, the long-term contract faculty member receives an unsatisfactory review, his or her contract will not be extended another year and will still expire in year twelve. If in year nine and ten, the long-term contract faculty member receives satisfactory reviews, the contract will be extended for a five-year term through year fifteen.

During any five-year contract period, a contract may be terminated in accordance with the procedures for dismissal set forth in University Rule 12.01.99.M2, "Statement on Academic Freedom, Responsibility, Tenure and Promotion."

(b) Counting years of service

The first year of Law School service counted toward the long-term contract is the first year of a long-term contract faculty member's appointment, unless one or more years' credit of service is granted at hiring.

(c) Committee review

The Long-term Contract Faculty Review Committee will consist of five members unless the Tenure Committee Chair and the dean determine that a different number of committee members is desirable for a given year. Only tenured faculty and long-term contract faculty who are appointed on five-year contracts are eligible to serve on the Long-term Contract Faculty Review Committee. The Tenure Committee Chair will serve as an *ex officio* member of the Long-term Contract Faculty Review Committee. A majority of the Long-term Contract

Faculty Review Committee members will be elected by the tenured faculty and long-term faculty who are appointed on five year contracts at the last faculty meeting of the academic year to be effective for the next academic year. The remaining member(s) of the Long-term Contract Faculty Review Committee will be appointed by the Tenure Committee Chair by September 1 of each year, in consultation with the dean. The Long-term Contract Faculty Review Committee evaluates long-term contract faculty members for contract renewal and submits a written report and recommendation to the dean and in the case of candidates being considered for an initial five-year contract or promotion, to the dean and the Chair of the Tenure Committee.

(d) Role of the faculty

For candidates being considered for an initial five-year contract and, if applicable, promotion to clinical associate professor, instructional associate professor, executive associate professor, or research associate professor, the Chair of the Tenure Committee provides the written report and recommendation of the Long-term Contract Faculty Review Committee to the Tenure Committee and all long-term contract faculty who are appointed on five-year contracts, such persons being the faculty eligible to vote on the candidate. For candidates being considered for promotion to clinical professor, instructional professor, executive professor, or research professor, the Chair of the Tenure Committee provides the written report and recommendation of the Long-term Contract Faculty Review Committee to all tenured faculty who hold the rank of professor and all long-term contract faculty who hold the rank of clinical professor, instructional professor, executive professor or research professor, such persons being the faculty eligible to vote on the candidate. The faculty eligible to vote makes independent recommendations to the dean on all matters of the grant of an initial five-year contract to and promotion of long-term contract faculty members who are candidates for such appointment or promotion. The faculty members vote by secret ballot to recommend the grant of an initial five-year contract to or promotion of a candidate. Such action requires the affirmative vote of a majority of faculty members eligible to vote.

(e) Long-term Contract Faculty Review Committee's and faculty's review

The Long-term Contract Faculty Review Committee and the faculty eligible to vote consider the long-term contract faculty member's teaching, law practice management, research or librarianship, as applicable and service. In evaluating long-term contract faculty for retention, appointment to an initial five-year contract, and promotion, the Long-term Contract Faculty Review Committee and the faculty eligible to vote review these items:

- (1) The review portfolio, which must contain the following: (a) the long-term contract faculty member's current vita and all annual activity reports; (b) copies of any publications that the long-term contract faculty member wants to be considered; (c) reports from the long-term contract faculty

member describing service to the Law School, the University, the community, and the profession; and (d) any other information the long-term contract faculty member deems pertinent. The long-term contract faculty member may choose to include teaching evaluations by students, descriptions of cases worked on by the long-term contract faculty member over the review period, letters from clients and judges, evidence of excellence in librarianship, and current drafts of works in progress. A candidate being considered for promotion must prepare those portions of the dossier that are required to be prepared and submitted by the candidate and which comply with the guidelines set forth by the Dean of Faculties and must submit those portions of the dossier to the Long-term Contract Faculty Review Committee for consideration by September 1 of the academic year in which the candidate is seeking consideration for promotion.

- (2) The long-term contract faculty member's confidential file, which is available only to the Long-term Contract Faculty Review Committee, the faculty eligible to vote, and the dean and which may contain some or all of the following: (a) teaching evaluations by other faculty members; (b) evaluations of the long-term contract faculty member's law practice skills by the relevant Clinic Director, if applicable; (c) evaluations of the long-term contract faculty member's librarianship performance by the Law Library Director, if applicable; (d) recommendations from appropriate individuals; (e) student evaluations; and (f) other information found in the course of the review of the long-term contract faculty member.
- (3) Evaluations of scholarship for long-term contract research faculty by other faculty or outside evaluators. The long-term contract faculty member or the Long-term Contract Faculty Review Committee may request outside evaluation of the faculty member's publications or works in progress. Results of the evaluation are available only to the dean, the long-term contract faculty member, the Long-Term Contract Review Committee and faculty eligible to vote on the long-term contract faculty member's initial five-year contract or the candidate's promotion. When long-term contract research faculty become candidates for promotion or for appointment to an initial five-year contract, the dean or the dean's designee, in conjunction with the Long-term Contract Faculty Review Committee, will solicit outside reviewers of a candidate's scholarship in sufficient time to anticipate receipt of the external reviews before October 1 of the candidate's year of service in which the candidate's promotion or appointment to an initial five-year contract, as applicable, is being considered. By no later than the March 1 prior to the start of a candidate's year of service in which the candidate's promotion or appointment to an initial five-year contract will be considered, such candidate shall provide the dean and the Chair of the Tenure Committee with a list of potential reviewers of the candidate's scholarship, a copy of the candidate's current curriculum vitae (c.v.), and a copy of the candidate's statement on

research and service. This list of reviewers should include only established scholars in the candidate's field of scholarship. Typically, the reviewers will also be tenured or long-term contract faculty members at ABA-approved law schools who hold the same or higher rank for which the candidate is applying.

The Long-term Contract Faculty Review Committee will make every effort to have an equal number of reviewers chosen from the candidate's list and a list of reviewers prepared independently by the Long-term Contract Faculty Review Committee. Any reviewer will be requested to assess a maximum of two of the candidate's scholarly articles that are being considered in the promotion or appointment to an initial five-year contract decision. The actual total number of articles that will be considered under this outside review process may vary depending on the number of articles the candidate has already published along with the number of drafts of unpublished articles that the candidate provides the Long-term Contract Faculty Review Committee to consider in making a promotion or appointment to an initial five-year contract decision.

Absent extraordinary circumstances, at least two of a candidate's articles will be subject to this process. The reviewer will be provided with a copy of the candidate's c.v., the candidate's statement on research and service, and the Law School's current standards regarding required excellence in scholarly research and writing. The reviewer will be asked to assist the Law School faculty by commenting on whether the candidate's article(s) are substantial scholarly law review articles (or their equivalent) that contribute to the growth and understanding of the law and legal institutions. In addition, the reviewer will also be asked to comment on what the article(s) indicate about the candidate's current and potential national and/or international prominence.

Reviewers will also be asked to identify what the article(s) indicate about the candidate's ongoing potential to make a substantial contribution in research and writing as a scholar in his/her field. The solicitation letter to potential reviewers must contain the following statement:

Your review will be kept confidential; however, Texas is an open records state and your review could be requested and relinquished.

To the extent that outside reviewers are used as stated, the Long-term Contract Faculty Review Committee will provide a summary to the candidate of any key points made by the reviewer that were considered by the faculty eligible to vote in making a decision about the candidate's promotion or appointment to an initial five-year contract to the extent permitted by University guidelines. The use of outside reviewers does not limit the discretion of the Long-term Contract Faculty Review Committee to select reviewers, in addition to the outside reviewers, who are members

of the tenured faculty or long-term contract faculty who are appointed on five-year contracts; nor does the use of outside reviewers as stated herein prevent any faculty member eligible to vote from reviewing a candidate's scholarship independently or in any manner other than this outside review process when deciding about a candidate's promotion or appointment to an initial five-year contract.

- (4) Other pertinent information received by the Long-term Contract Faculty Review Committee and the faculty eligible to vote.
- (f) Dates of notification to candidates and right to subsequent contracts

- (1) Retention granted

If retention is granted, a long-term contract faculty member will receive a contract for the subsequent year at the time contracts are normally awarded.

- (2) Retention denied

If a long-term contract faculty member in the initial probationary period does not receive a recommendation for retention, then the candidate will not be retained. The dean will notify a such long-term contract faculty member of any adverse retention decision of the dean. If a long-term contract faculty member in the initial probationary period is not retained and such faculty member holds the rank of clinical assistant professor, instructional assistant professor, executive assistant professor or research assistant professor and has not achieved the equivalent of 5 or more academic years of full service within a 7 year period, such long-term contract faculty member will not receive a subsequent contract. A long-term contract faculty member in the initial probationary period who either (i) holds the rank of clinical associate professor, instructional associate professor, executive associate professor or research associate professor or (ii) holds the rank of clinical assistant professor, instructional assistant professor, executive assistant professor or research assistant professor and has achieved the equivalent of 5 or more academic years of full service within a 7 year period will receive a contract that terminates not earlier than twelve months following the date such long-term contract faculty member is notified of the adverse retention decision.

- (3) Review in contract years prior to the final year of the long-term contract faculty member's probationary period

A long-term contract faculty member in any contract year prior to final year of the faculty member's probationary period must be notified of the retention decision before contracts are required to be issued for the next academic year.

(4) Review in final probationary contract year

A long-term contract faculty member in the final year of the faculty member's probationary period must be notified not later than December 1 of the retention decision.

(5) Review in subsequent contract years

After the initial probationary period, promotion to clinical associate professor, instructional associate professor, executive associate professor or research associate professor, as applicable, and grant of a five-year contract in accordance with section 8.8(h)(1), long-term contract faculty are reviewed every year in accordance with the annual review process set forth in Article 9. At least once every five years, long-term contract faculty appointed on five-year contracts must be reviewed by the Long-term Contract Faculty Review Committee which reviews such faculty member on the criteria set forth in the annual review procedures in Article 9 and provides a report to the dean containing its recommendation for review of the faculty member.

(g) Report of the faculty eligible to vote

After the vote by the faculty eligible to vote on the long-term contract faculty member's grant of an initial five-year contract, or on the candidate's promotion, the Chair of the Tenure Committee must promptly prepare a recommendation report for the dean. The report remains in the faculty member's confidential file. The Tenure Committee Chair will provide a copy of the recommendation report to such long-term contract faculty member when the report is submitted to the dean.

(h) Action by the dean

(1) Retention

The Long-term Contract Faculty Review Committee, and if applicable, the faculty eligible to vote, forward their respective reports and recommendations to the dean. If the Long-term Contract Faculty Review Committee, or if applicable, the faculty eligible to vote recommends the grant of retention of a long-term contract faculty member, and the dean approves the recommendation, the dean will notify the faculty member of the favorable retention decision not later than the date for notification set forth in sections 8.8(f)(3) and (4). If the dean does not approve the recommendation of retention, the dean will notify the faculty member of the adverse retention decision not later than the date for notification set forth in sections 8.8(f)(3) and (4).

(2) Promotion

The dean will forward the candidate's dossier and the faculty eligible to vote's report on recommendation of promotion to the Provost and Executive Vice President for Academics through the Dean of Faculties. The dean must notify the candidate of the promotion recommendation of the faculty eligible to vote as soon as practicable after the vote on promotion, but not later than December 1. After informing the candidate of the faculty eligible to vote's recommendation on promotion, the dean makes a written recommendation on promotion to the Provost and Executive Vice President through the Dean of Faculties. The dean will notify the candidate of the dean's recommendation at the time the dean submits the dean's recommendation to the Provost and Executive Vice President.

(i) Notice

For purposes of this section 8.8, notice may be given to a long-term contract faculty member in person or by U.S. mail, interoffice mail, e-mail, phone, or voicemail, provided, however, that any notice of an adverse promotion decision by the President of the University must also be provided by certified mail, return receipt requested. Notice is effective when it is sent or transmitted to the long-term contract faculty member. The Long-term Contract Faculty Review Committee report on recommendation of retention or promotion is not required to be included in the notice provided to the long-term contract faculty member.

9. Annual and post-tenure review

9.1 Purpose and timing of annual review

The Law School recognizes that the quality of the institution directly depends upon the quality of its faculty. Thus, the Law School is committed to providing resources and policies that support the faculty's efforts to enhance quality and pursue academic excellence. These efforts confirm that the Law School and its faculty remain accountable to the public and worthy of the public's trust.

Consistent with University guidelines, faculty reviews are professional development opportunities that provide faculty with feedback and resources needed to continue to perform as productive members of the Law School faculty in furtherance of the Law School's mission. Reviews shall be conducted in an environment of openness and collegiality. Their purpose is to assess a faculty member's ongoing development as a teacher or librarian, scholar, and member of the broader academic, legal and library communities.

The reviews are not intended and should never be used to assess or influence that faculty member's opinion on any matter as represented in his or her teaching, writing, or service. A faculty member must have the freedom to engage in the presentation and representation of any causes, issues and clients, so long as such engagement does not

impair that faculty member's effectiveness as a teacher or scholar, and even if such activities are disapproved of by university officials, alumni, or contributors, public officials, or other interest groups.

The purposes of the annual review include:

- (1) Creating a sound and logical basis for merit compensation recommendations;
 - (2) Providing evaluative feedback regarding how well the faculty member is currently performing relative to the expectations and norms for the individual's faculty position;
 - (3) Providing developmental feedback regarding areas where the faculty member's contributions may be enhanced and/or improved in the future; and
 - (4) Providing feedback regarding progress toward promotion and/or tenure as relevant.
- (b) Time period for annual review

The performance of all Law School faculty will be evaluated on an annual basis. This annual review will typically occur in the spring of each year so as to coincide with the University deadlines for such activities. There are occasions, however, when a faculty member's overall record may be assessed at another time, the most obvious situation being the promotion and/or tenure reviews, all of which are normally performed in the fall. When a faculty member has been reviewed in this manner, the subsequent annual process can be compressed by referencing the earlier review.

9.2 Responsibilities

- (a) Individual faculty
- (1) Annual Activity Report

Each year, by a date specified by the dean, each faculty member shall complete and submit to the dean an Annual Activity Report ("AAR"). To ensure consistency over time, the school shall publish its annual review procedure on paper or by electronic means. Annual review procedures for the Law School shall be approved by the dean before publication and shall be reviewed by the Dean of Faculties for consistency with University rules. The creation and modification of this document should be a product of joint deliberation by faculty members and the dean. The dean shall solicit information from faculty members regarding their performance in each relevant area (scholarship, teaching, librarianship, and service)

during the period under review, together with their plans and goals for the coming period.

(2) Portfolio

Each faculty member shall annually prepare a portfolio, to be submitted at the same time as the AAR, which must, at a minimum, contain the AAR and may include other materials that the faculty member believes relevant to the assessment of his or her performance over the period being reviewed.

(b) Dean

The dean shall be responsible for the conduct of all reviews under this Article 9, and shall ensure the fairness, thoroughness, and consistency of each review.

(c) Peer Review Committee

(1) Creation

The Tenure Committee shall establish a Peer Review Committee (“**PRC**”), which will have the duties specified in this Section 9.

(2) Composition

The Tenure Committee shall annually elect three members and one alternate to constitute the PRC and perform the duties of the PRC described in this document.

(3) Election

The members and the alternate must be elected annually by a majority vote of the Tenure Committee.

(4) Conflicts

No member of the PRC may participate, as a member of the PRC, in his or her own review process. Whenever a member of the PRC has a conflict of interest related to a particular faculty member’s review, or is otherwise unavailable, the member shall recuse himself or herself for purpose of that review. Such a recusal may be requested by the faculty member being reviewed, and upon a showing of cause, either the dean or any two members of the PRC must grant the recusal request. In any situation in which there are fewer than three non-recused members to conduct a review, the alternate shall assume the position of member for purposes of that review. Where two or more PRC members are recused, additional alternates shall be elected by a majority vote of the tenured faculty to complete the PRC.

9.3 Annual review

(a) Focus

The focus of the annual review process varies depending on the rank of the individual faculty member and the stage of his or her career. (1) For tenured faculty, the annual review evaluates continued effective performance. (2) For tenure-track faculty, the annual review serves as the dean's assessment of progress toward tenure and promotion. (3) For faculty members who are not tenured or tenure-track, the annual review evaluates performance and serves as the dean's assessment of progress towards retention and/or promotion, as applicable.

(b) Process

(1) Period of annual review

The usual period for evaluation will be the previous academic year's accomplishments. For tenured and tenure-track faculty engaged in long-term projects, including scholarly research and publication, a longer evaluation period will be appropriate.

(2) Creation of annual review assessment

The dean shall supervise the annual review as provided in this Article 9. In connection with the annual review, the dean shall prepare an annual review assessment ("**Assessment**") once each year for each faculty member. The Assessment shall be in a consistent form as prescribed by the dean, and shall include assessment of all of the materials in the faculty member's portfolio, and other information as set forth in section 9.3(c).

(3) Areas to be Assessed

The dean shall assess each doctrinal or professional skills tenured and tenure-track faculty member on each of three areas: teaching, scholarship, and service to the University and the legal profession. The dean shall assess each tenured and tenure-track Law Library faculty member on each of three areas: librarianship, scholarship, and service to the University and the legal profession or the library profession. The dean shall assess each long-term contract faculty member on the faculty member's teaching, law practice management, librarianship or scholarship, as applicable and the faculty member's service to the University and the legal profession or the library profession. For each area, guided by the indicators set forth in section 9.3(d), the dean shall rate the faculty member's work as (1) highly effective, (2) effective, or (3) unsatisfactory. Under extraordinary circumstances (e.g., parental leave, administrative appointment, or faculty development leave) and where the dean and the PRC agree, a faculty

member may be exempt from assessment in up to two of the three areas being assessed.

(4) Overall Assessment

As required by the University, the Assessment must include an overall rating of the faculty member's work as satisfactory or unsatisfactory. Generally, an overall satisfactory rating will be an affirmation that there is no unsatisfactory assessment in any of the areas assessed; however, in extraordinary circumstances, a highly effective assessment in one area may outweigh a faculty member's unsatisfactory assessment in another area and result in an overall satisfactory rating. For example, a faculty member who does a highly effective job leading a major administrative project (like an ABA self-study) may receive an overall effective assessment for that year, even if his/her performance in another area of production is unsatisfactory. Similarly, for faculty members who have substantial administrative responsibilities during any part of the relevant review period, expectations should be adjusted accordingly, focusing on the quality of their service during that period. When the extraordinary circumstances end, the faculty member is expected to resume effective production in each area.

(5) Consultation with PRC

At any time during the annual review process for a tenured faculty member, the dean or the individual faculty member under review may ask the PRC to review the faculty member's performance in one or more areas. The PRC shall inform both the dean and the individual faculty member of the PRC's involvement and of the areas it will evaluate. The PRC shall submit a report containing its assessment and recommendation to the dean in writing. The dean shall consider the PRC report in issuing the Assessment.

(6) Consultation with PTAC

The dean will be provided with a report from the PTAC in accordance with section 7.7(b) for use in the annual review process for a tenure-track faculty member. The dean shall consider the PTAC report in issuing the Assessment.

(7) Consultation with Long-term Contract Faculty Review Committee

The dean will be provided with a report from the Long-term Contract Faculty Review Committee in accordance with section 8.8(c) or section 8.8(f)(5) for use in the annual review process for a long-term contract faculty member. The dean shall consider the Long-term Contract Faculty Review Committee report in issuing the Assessment.

(c) Basis for evaluation

(1) Required materials

The following sources of information must be used for evaluation as part of the annual review: (1) AAR and (2) portfolio.

(2) Other materials.

The following sources of information may be used for evaluation as part of the annual review: (1) personal observation by evaluators, (2) discussions with colleagues, students, or others; (3) student evaluations of teaching, provided that standard end-of-semester evaluations shall not be the sole means used to determine teaching quality and effectiveness; (4) Law Library Director assessment of librarianship performance; (5) Clinic Director evaluation of law practice management performance; (6) peer evaluations of teaching; (7) peer evaluations of service; and (8) peer evaluations of scholarship.

(d) Assessment indicators

(1) Purpose

The goal of the guidelines set forth in this Article 9 is to assess the performance of faculty and provide necessary information to help them be highly effective contributors to the Law School. The indicators in this section 9.3(d), which are illustrative and not exclusive, are broad suggestions for use in making assessments; other indicators that are not listed in this section may be appropriate to use in any individual evaluation. Assessments depend on many things, which may vary with the faculty member's field of specialization and the stage of his or her career. Some indicators may implicate more than one field of assessment. Although the Assessment is prepared for a specific period, evaluators should look for broad patterns of success, with an emphasis on the quality of the faculty member's work, rather than on quantity. A lack of any evidence of effective performance in an area implies unsatisfactory achievement in that area. Nothing in these guidelines shall be read to affect in any way the applicable tenure standards of the Law School set forth in sections 7.1, 7.2, 7.3, 7.4 and 7.5.

(2) Specific indicators

(i) Instruction and teaching.

a. Nonexclusive indicators of highly effective performance in instruction and teaching include:

- i. Peer-awarded university, law school, or professional society outstanding teacher/instruction award.
- ii. Outstanding teaching performance as demonstrated by, for example, student ratings, peer reviews of teaching, and interviews with students and alumni.
- iii. Development of innovative pedagogical methodologies and materials, including high-quality distance learning courses and online materials.
- iv. Publication of high-quality instructional materials (e.g., casebook, textbook, instructional software, programs, cases, readings, simulations, and the like).

b. Nonexclusive indicators of effectiveness in instruction and teaching include:

- i. Student awards for outstanding teaching/instruction.
- ii. Development of a new course or major revisions of an existing course.
- iii. Evidence of high-quality class preparation that facilitates student interaction, reflection, or engagement beyond the classroom.
- iv. Evidence of class preparation resulting in high achievement of course learning objectives.
- v. Supervision of independent student projects.
- vi. Significant contributions to student development through student advising and mentoring.
- vii. Active participation in programs for mentoring the professional development of students.
- viii. Presentations in teaching-focused programs.

(ii) Librarianship

- a. Nonexclusive indicators of highly effective performance in librarianship include:
 - i. Initiative in advancing the Law Library's strategic mission.
 - ii. Development of innovative services, organizational methods, or materials.
 - iii. Creative application of technology.
 - iv. Excellence as a leader of change.
 - v. Awards recognizing outstanding librarianship.
 - vi. Selection for a university, college, or professional society award.
 - vii. Evidence of outstanding performance at a rigorous and challenging level.
 - viii. Understanding and anticipating user needs and devising solutions for user problems.
 - ix. Experimenting with new ideas, innovative techniques, or alternative approaches to library procedures.
 - x. Publication of widely adopted or acclaimed instructional or procedural materials.
 - xi. Outstanding performance evaluations.
 - xii. Evidence of creative professional practice.
 - xiii. Significant self-development activities leading to enhanced performance.
- b. Nonexclusive indicators of effectiveness in librarianship include:
 - i. Development of services having significant effect on the Law School or University.
 - ii. Development and introduction of innovations with respect to library collections, services, or methods.

- iii. Providing advice and guidance to law student organizations.
- iv. Evidence of high quality in class preparation, interaction, and other instructional accomplishments.
- v. Participation in establishing objectives and planning, organizing, and coordinating operations.
- vi. Accepting responsibility or assuming leadership.
- vii. Self-development activities leading to enhanced performance.

(iii) Scholarship

- a. Nonexclusive indicators of highly effective performance in scholarship include:
 - i. Publication in a leading student-edited or peer reviewed journal. “Leading” is generally determined by reference to outside ranking systems, but individual faculty may present objective information to demonstrate why a particular journal is a “leading” journal in his or her field.
 - ii. Publication of a high quality scholarly, professional or practitioner-oriented book.
 - iii. Frequent citation of publications in law journals, academic journals, scholarly books, judicial opinions, and briefs.
 - iv. Receipt of fellowship, research, or publication award that is based on the quality of the recipient's research.
 - v. Receipt of significant external peer-reviewed funding for research.
 - vi. Invitation to present paper or address at an important conference.
 - vii. Invitation to present research at peer school(s).

- b. Nonexclusive indicators of effectiveness in scholarship include:
- i. Publication in a respected academic journal. Individual faculty members may present objective information to demonstrate why a particular law journal is a "respected" journal for his or her field.
 - ii. Presentation of research at a law school, an academic conference, a practitioner-oriented conference, or a professional meeting of an appropriate discipline.
 - iii. Editorship of a high quality scholarly, professional or practitioner-oriented book or editorship or associate editorship of a leading peer-review journal.
 - iv. Substantial contribution to a high-quality, scholarly, professional or practitioner-oriented book.
 - v. Membership on and substantial contribution to a review panel for national or international research or to a law reform organization.
 - vi. Publication of a research report for outside entity (e.g., ABA White Papers or EPA funded reports).
 - vii. Publication in a practitioner-oriented journal.
 - viii. Peer reviewer for a refereed journal, a national or international law-related organization, a national or international librarianship professional organization, or an academic publisher.
 - ix. Well-documented mentorship of the research of others.
 - x. Substantial contribution to a legal brief that raises complex issues of scholarly interest.
 - xi. Substantial contribution to web site that engages in scholarly debate.
 - xii. Organization of a major conference that engages in scholarly debate.

- xiii. Testimony before a Congressional body, a federal agency, or a state agency related to the faculty member's research.
- xiv. Substantial contributions to externally-funded research activities.
- xv. Ongoing work or research that shows substantial progress.

(iv) Service

- a. Nonexclusive indicators of highly effective performance in service include:
 - i. Officer in a national or international professional organization.
 - ii. Officer in the Faculty Senate.
 - iii. Chair of a major University or Law School committee.
 - iv. Outstanding performance of an administrative role within the Law School or University.
 - v. Coach of moot court, mock trial, or other advocacy program team.
 - vi. Advisor to a student journal.
 - vii. Other demonstrated leadership in the Law School or the university.
 - viii. Service on a major governmental commission, task force, or board.
 - ix. Attraction of significant external financial support for the University or the Law School.
 - x. Evidence of excellence in professional service to the local community and public at large.

- b. Nonexclusive indicators of effectiveness in service include the following:
- i. Committee chair of a national or international professional organization.
 - ii. Officer or committee chair of a regional or state professional organization.
 - iii. Program chair or similar position for the meeting of a professional or scholarly organization.
 - iv. Service as an active member of the Faculty Senate.
 - v. Service as chair or an active member on a university or law school committee.
 - vi. Substantial contribution to external development efforts.
 - vii. Substantial contribution to student recruitment efforts.
 - viii. Substantial contribution to moot court, mock trial, and other advocacy programs through judging or a related role.
 - ix. Advisor to a student organization.
 - x. Performance of an administrative role within the Law School.
 - xi. Speeches or consulting for major practitioner groups, including American Bar Association events and Continuing Legal Education program.
 - xii. Service as consultant to other libraries, business organizations, nonprofit organizations, or government entities.
 - xiii. Evidence of professional service to the local community and public at large.
 - xiv. Op-ed in a well-respected, established media venue.
 - xv. Interaction with news media (e.g., television, radio, or print interviews).

(e) Effects of negative assessment

(1) Unsatisfactory assessment

An “unsatisfactory” assessment in any area must state the basis for the assessment, drawing upon the indicators described herein, as well as any other appropriate indicators, and all other relevant information. A tenured faculty member, or a tenure-track faculty member or long-term contract faculty member reappointed for the following year, whose work receives an assessment of unsatisfactory in any area shall work together with the dean to develop a written plan for improving his or her performance in that area.

(2) Professional review

A tenured faculty member whose work receives an overall annual rating of “unsatisfactory” for three consecutive annual reviews or who receives an unsatisfactory comprehensive peer review shall be subject to a professional review, as provided for by University SAP 12.06.99.M0.01.

9.4 Post-tenure review

(a) Purpose

Post-tenure review is a professional development opportunity, not a re-assessment of the original tenure decision or a means to accomplish curricular or programmatic changes. In this document, the Law School recognizes the American Association of University Professors’ Standards for Good Practice in Post-Tenure Review.

(b) Process for post-tenure review

(1) Period

Post-tenure review, as required by University SAP 12.06.99.M0.01., is comprised of annual reviews by the dean and must include a comprehensive peer review component that is conducted at least once every six years. If the annual review process includes a peer review component in each of the three areas of assessment (through consultation with the PRC), then comprehensive peer review is not required. Otherwise, the dean must incorporate a comprehensive peer review into the annual review process at least once every six years.

(2) Role of the PRC

When the dean incorporates peer review into the annual review process, or when a comprehensive peer review is conducted, the PRC shall conduct the peer review process, and the PRC shall provide the dean with its own

written assessment and recommendation. In making its assessment and recommendation, the PRC must consider, at minimum, the faculty member's portfolio. It may consider other relevant sources of information from among those specified in section 9.3(c). The review must be guided by the indicators outlined in section 9.3(d). The PRC, on its own initiative, may also initiate an external peer review, using the procedure in section 9.4(c). A faculty member under peer review may, at his or her discretion, submit additional information to the PRC and may request that the PRC conduct an external peer review. Absent a showing of good cause, such a request should be granted.

(3) Appeals

If at any point a faculty member believes that the post-tenure review provisions are being unfairly applied, the faculty member can file a grievance under the provisions of University Rule 12.99.99.M2 "Faculty Grievance Procedures Not Concerning Questions of Tenure, Dismissal, or Constitutional Rights."

(c) External peer review of scholarship

(1) Application

Use of external peer review of scholarship may be instituted at the request of the faculty member undergoing assessment or by the PRC in accordance with Section 9.4(b)(2).

(2) Period of assessment

If external peer review of scholarship is instituted in accordance with section 9.4(c)(1), the PRC shall consider all scholarship that was produced during the relevant assessment period. Scholarship considered under this external review can include single-authored pieces and co-authored pieces.

(3) Reviewers

Potential reviewers should include only established scholars in the faculty member's field of scholarship. Typically, the reviewers will also be tenured faculty members at ABA-approved law schools, but established scholars in programs that do not provide for tenure are also eligible to be reviewers.

(4) Selection of reviewers

If external peer review of scholarship is instituted in accordance with section 9.4(c)(1), the PRC shall designate the external reviewers, subject to the following guidelines: Within two months of a request by the PRC, each faculty member undergoing external scholarship review shall submit

to the PRC (i) his or her scholarship, in such form as the PRC shall prescribe, (ii) a list of names and contact information for two to three appropriate peers to review the faculty member's scholarship, and (iii) names of up to three potential reviewers who in the faculty member's opinion should not be consulted. At least one reviewer will be selected from the faculty member's list of appropriate peers.

(5) Number and contents of reviews

In conducting an external scholarship review instituted in accordance with section 9.4(c)(1), the PRC shall obtain at least two external reviews of scholarship for each faculty member. Each external scholarship reviewer will be invited to assess a minimum of two scholarly articles or their equivalent. The actual total number of publications that will be considered under this outside review process may vary depending on the number of articles the faculty member submits. Each external scholarship reviewer will be provided with a copy of the faculty member's curriculum vitae, in addition to the publications to be assessed. The solicitation letter to potential reviewers must contain the following statement:

Your review will be kept confidential; however, Texas is an open records state and your review could be requested and relinquished.

Each external scholarship reviewer will be asked to comment on whether the publications constitute substantial scholarly works that contribute to the growth and understanding of the law, legal institutions, and/or the legal profession. For Law Library faculty, each external scholarship reviewer will also be asked to comment on whether the publications constitute substantial scholarly works that contribute to the growth and understanding of the field of information sciences and/or the library profession. Each external scholarship reviewer will also be asked to identify what the publications indicate about the faculty member's ongoing potential to continue making a substantial contribution as a scholar in his or her field.

(6) Responses to reviews and additional submissions

Before the PRC submits its assessment, the faculty member assessed will have the opportunity to submit to the PRC comments responding to the assessment; the PRC should consider the faculty member's comments in writing its final assessment. The faculty member may also seek his or her own reviews from peers and may submit them to the PRC. The PRC shall consider these comments in developing its assessment.

(7) Non-exclusivity

Any use of external scholarship reviewers does not prohibit the PRC from reviewing the faculty member's scholarship itself.

10. Amendments to the Law School Policies

Changes to the Law School Policies may be proposed by the faculty, or the Law School administration. Any amendment to the Law School Policies requires a vote of two-thirds of the faculty entitled to vote on such amendment, and the approval of the Dean of Faculties.