

UNIVERSITY OF DETROIT MERCY SCHOOL OF LAW
POLICY ON TENURE, PROMOTION, AND MAINTENANCE IN EMPLOYMENT
FOR FULLTIME FACULTY¹

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University of Detroit Mercy
School of Law

Policy on Tenure, Promotion, and Maintenance
in Employment for Fulltime Faculty

I. Tenure

A. Rank and Tenure Committee Responsibilities

The Rank and Tenure Committee shall consist of all tenured members of the faculty. This Committee shall responsibly evaluate tenure applicants in a fair and consistent manner.

To this end, before the close of each academic year, the Rank and Tenure Committee shall elect a member as the Chairperson. The Chairperson will also serve as Chairperson of the Executive Committee and shall coordinate and oversee its work. The Chairperson will oversee the gathering of the needed information for each tenure candidate, call and chair tenure candidate meetings, oversee the voting procedures on each candidate's application, oversee completion of the tenure report for each candidate, and perform or coordinate any other tasks needed to create a fair and consistent evaluation of the tenure applications. The Chairperson will serve a one-year term. Elections for this position will occur annually.

The Rank and Tenure Committee shall also elect three members to serve as members of the Executive Committee. Each Executive Committee member is tasked with gathering the information needed to evaluate the tenure candidates during the next academic year. One Executive Committee member will be charged with gathering all information regarding each tenure candidate's scholarship. Another Executive Committee member will be charged with gathering all information regarding each tenure candidate's teaching. The remaining Executive Committee member will be charged with gathering all information regarding each tenure candidate's service. Each of these Executive Committee members will write the section of the tenure report on the subject area they are tasked with for each candidate. Apart from the Chairperson, the Executive Committee members shall each serve two-year terms. Thus, these elections will occur every other year.

Certain provisions within this policy require consultation among the Executive Committee members. If after consultation, there is no majority opinion as to how to proceed, such decisions shall then be referred to the Rank and Tenure Committee as a whole.

B. Probationary Periods

Apart from a full-time faculty member hired with tenure, every full-time faculty member must serve a probationary period before acquiring tenure at the Law School.

All probationary periods shall commence with the fall semester concurrent with or next following the faculty member's appointment. The length of the probationary period of each new faculty member shall be given to him or her in writing before the appointment is made. A copy of this policy shall also be given to each new faculty member.

The normal probationary period for faculty members hired as assistant professors is seven years.

The normal period for those hired as associate professors is four years. After consultation with the Dean of the Law School, the Provost and Vice President for Academic Affairs (Provost/VPAA) may reduce the normal periods in cases of new faculty members possessing appropriate professional qualifications, and may lengthen the normal period for assistant professors or faculty members hired as a library director or clinician.

The probationary period for those hired as full professors will be decided in each case by the Provost/VPAA, on the advice of the Dean.

A faculty member who has not been granted tenure prior to the last academic year of his or her probationary period shall be given a one-year terminal contract.

Unless otherwise agreed in writing, the probationary period of a faculty member, excluding the Director of the Library and the Director of the Clinics, will automatically be extended by one year for any academic year in which he or she performs teaching functions one-half or less at the Law School.

C. Appointments with Tenure

In exceptional cases, a person may be appointed to the faculty with tenure, or appointed as a visiting professor with tenure to take effect immediately upon the conclusion of his or her visit. Normally such a person would be a present or former tenured member of the faculty at another law school who has established himself or herself firmly as satisfying the criteria for tenure set forth in this policy.

Appointments with tenure will be made only on the affirmative recommendation of the Law School's Rank and Tenure Committee, which shall gather as much of the type of information it would gather in making a tenure recommendation for a present faculty member as is available.

D. Eligibility to Apply for Tenure

A faculty member is eligible to apply for tenure in the penultimate academic year of his or her probationary period or in any earlier academic year following his or her completion of at least one-half of the term of his or her original probationary period. Two semesters of full-time service to the Law School, excluding summer semesters, at least half of each consisting of teaching functions, will count as one semester of full-time teaching.

The Dean may notify those members of the faculty who are eligible to apply for tenure by April 1 of the penultimate academic year of his or her probationary period. By May 1, a faculty member who anticipates applying for tenure in the next academic year shall submit a letter of intent in this regard to the Dean.

E. Criteria for Tenure

Education of students is the primary mission of the Law School. As such, the Law School highly values, and seeks to encourage, excellence in teaching. However, all faculty member applicants, even those who are excellent teachers, must meet the standards for achievement in scholarship and service described herein.

1. Evidence of Teaching Ability

a. Importance of criterion

It is essential that tenured members of the faculty be committed to teaching and have the ability to inspire and challenge the minds of students. The factors enumerated below reflect- and the Rank and Tenure Committee's assessment of those factors should also be consistent with- a policy that takes teaching seriously and that is intended to promote an expectation of high achievement in teaching.

b. Factors evidencing teaching ability

Different people are outstanding teachers for different reasons, and, it is probably not possible to define teaching ability. However, the following major factors will be considered as evidence of teaching ability:

(1) conduct of classes in a manner that is calculated to induce intellectual stimulation among students, and behavior on the part of the teacher that treats class members as graduate/professional students and enhances mutual respect among students and faculty,

(2) knowledge of the field, including current actual and theoretical developments, obtained through continued research,

- (3) ability to communicate knowledge to students,
- (4) thorough class preparation,
- (5) materials and presentation appropriate to the subject matter and reflecting the current state of knowledge in the field,
- (6) ability to relate the subject matter to other legal subjects and non-legal scholarly disciplines,
- (7) reasonableness of class assignments, taking into account the interest of other teachers in having well-prepared students,
- (8) willingness to discuss with students problems arising from the contents, methods, or examinations in the course,
- (9) maintenance of regular announced office hours and general availability to students,
- (10) ability and willingness to supervise student research projects in seminars, moot court, and other settings,
- (11) preparation of examinations that thoroughly test student mastery of the relevant subject matter,
- (12) responsible and fair grading of examinations and papers,
- (13) submission of grades by established deadlines,
- (14) development of new courses and well-conceived experimentation and innovation in teaching methods and materials,
- (15) preparation of clear learning outcomes and communication of those outcomes to students and,
- (16) regular use of appropriate formative and summative assessment.

An applicant will receive tenure only if the review of the factors listed above demonstrates a commitment to excellence in teaching and the promise of a continued commitment to excellence in teaching students at the Law School.

c. Assessment of teaching ability

Teaching ability will be assessed based on the factors listed in the previous section. The applicant's submitted materials, student course evaluations and appraisals, and colleague appraisals will be reviewed for evidence of the

extent to which those factors have been satisfied. Appraisals by colleagues of teaching ability are of great importance and should be the main criterion used to assess an applicant's teaching ability. Colleagues have the experience to judge a candidate by comparison with a wide range of teachers; they are judging persons in a calling in which they are expert; and some members of the faculty are able to judge the depth of a particular teacher's knowledge with greater competence than students.

The Executive Committee member assigned to gather information regarding the applicant's teaching, in consultation with the applicant, shall determine the classes to be observed by colleagues, the number of classroom sessions to be observed, the timing of such observations, and the number and identity of the faculty observers for each classroom session. It is the Executive Committee member's responsibility to organize the classroom visits and ensure that the visits comply with these rules. The following procedures are required: (1) at least one class session for each course taught in the fall semester of the academic year should be observed; (2) the applicant must be given reasonable notice before an observation occurs; and (3) each observation shall be made by at least two faculty members of the Rank and Tenure Committee. An applicant may request that additional classes be observed. Further, the applicant may request that no more than two faculty members be present in any one class.

Each faculty observer shall submit a written report of his or her observation with consideration given to relevant factors from Section I. E.1(b). This report shall be timely submitted to the Executive Committee member in charge and the applicant. An applicant may submit a timely response to any written report to the Chairperson of the Rank and Tenure Committee.

As regards to student appraisals, the Executive Committee member assigned to gather information regarding the applicant's teaching shall consider the student course evaluations and the comments by students about teaching strengths and weaknesses that have been expressed in the evaluations, and any other evidence of student opinion he or she deems pertinent. The Executive Committee member will review all student evaluations submitted by the applicant and provide a summary memorandum that lists common strengths and common weaknesses that students identified and/or other trends apparent from the evaluations. The memorandum may also address other evidence of student opinion but must indicate the nature of that evidence. The applicant shall be provided a copy of this memorandum.

2. Evidence of Research and Scholarship

a. Importance of the criterion

In addition to its responsibility to educate students, the Law School has a responsibility to the legal academy and the legal profession to develop the

law through scholarly activity. In short, the mission of the Law School necessarily includes legal scholarship. Consequently, it is essential that tenured members of the faculty be committed, engaged, and competent scholars.

b. Forms in which research and scholarship may be manifested.

Legal scholars can find many outlets to pursue their areas of research and scholarship; interests may range from the highly abstract to eminently practical contributions; and legal scholars may seek to accomplish a wide range of purposes in their scholarship. Valid subjects for scholarship include: traditional doctrinal and theoretical subjects; legal education and pedagogy; legal writing, rhetoric, and communication; issues pertaining to law libraries, legal research, and bibliography; ethics; and litigation. In short, one's interest, field, and course concentrations may determine the appropriate directions for one's scholarship. But, however varied the purposes of scholarship and however diverse the forms in which scholarship is manifested, it must ultimately appear in a form in which it can be reviewed by other scholars. Illustrations of appropriate forms of scholarship include the following:

- (1) books, articles in law reviews, or articles in other scholarly journals that have been accepted for publication in the fields of law, legal education or related areas,
- (2) book reviews accepted for publication in law or other scholarly journals in the fields of law, legal education or related areas,
- (3) scholarly papers accepted for publication in the fields of law, legal education or related areas presented to meetings of learned or professional societies,
- (4) substantial papers, briefs, reports or testimony presented to legislative, administrative, executive or judicial bodies in connection with proposed legislation or rule making.

c. Quality of scholarship

Not all written works that appear in the above forms meet the standards of quality for legal scholarship. The scholarly piece, in whatever form or length, should reflect those qualities of mind that justify the imposition of the scholarship criterion. It should reflect the author's attempt to impose his/her own views or sense of order on the existing material and to explain and justify those personal positions. The scholarly piece should include a carefully conceived doctrinal or theoretical construction that is offered as a perspective on the existing material. Whether it be a new way of perceiving established dogma or a proposal for new directions, the scope of scholarly work should be

sufficiently ambitious to justify the substantial commitment of time that the applicant should have invested in the work. Scholarship, in sum, is informed, reflective, deeply analytical and in some substantial part a personal statement. By way of a contrasting example, a book that simply collects the views of others, an article that merely reports the holdings of a number of judicial opinions, or an analysis of a current legal issue that is content to summarize the contentions already made by others is not sufficient evidence of scholarship.

d. Quantity of scholarship

There is no bright line that delineates the quantity of work necessary to constitute sufficient evidence of scholarship. There is no requirement that an applicant produce a minimum number of pieces or printed pages. Generally, however, at least three pieces of substantial scholarship from the list in Section I.E. 2(b) will be required in order to meet the quantitative criterion of scholarship. Certain works, such as the first edition of a casebook, may count as more than one piece. Co-authored pieces may count as one piece based on the extent of the applicant's work on the co-authored piece.

Thus, the main factor in determining the sufficiency in the quantity of scholarship, is whether the applicant's body of work demonstrates a devotion to intellectual inquiry and the promise of continued scholarly productivity throughout the person's professional life.

Except as provided in this paragraph, only scholarship accepted for publication during a faculty member's service at the Law School shall be considered for meeting the quantitative requirements for scholarship for tenure in Section I.E.2 and promotion in Section II.B. If a faculty member is hired as an associate professor, full professor, or with a reduced probationary period as described in Section I.B., then scholarship produced by the faculty member prior to his or her arrival at the Law School may count toward satisfying the quantity of scholarship requirements for tenure and promotion. However, the faculty member may only offer scholarship produced in the years immediately prior to arrival that are equal to the number of years by which the faculty member's probationary period has been reduced. For example, if a faculty member has his or her probationary period reduced by three years, it is only scholarship produced in the three years immediately prior to arrival that will be counted for quantity purposes. If a faculty member is hired with tenure, then he or she can offer scholarship produced in the six years immediately preceding his or her arrival at the law school for promotion. At any time, after a written finding of good cause, the Rank and Tenure Committee may waive the restriction on counting scholarship prior to arrival and designate any scholarship previously produced as satisfying the quantitative requirements for scholarship.

e. Assessment of scholarship

The Executive Committee member charged with gathering information regarding the applicant's scholarship shall solicit written evaluations of an applicant's scholarship from those persons on the Law School faculty qualified to evaluate the applicant's scholarship. In determining who is qualified, the Executive Committee member, in consultation with the Executive Committee, shall consider the faculty member's area of expertise and whether the faculty member can provide an objective review of this particular candidate's work.

The Executive Committee member in charge of scholarship shall obtain written evaluations from persons outside of the Law School deemed qualified to evaluate the scholarship of the applicant. Both the applicant and members of the Rank and Tenure Committee may submit names of potential outside reviewers, but the Executive Committee itself is solely responsible for selecting and then formally requesting written evaluations from outside reviewers. An outside reviewer shall be a person who can give an objective review of the applicant's scholarship. When making such a determination, the Executive Committee member in charge shall seek outside reviewers who do not have a personal relationship with the applicant. Neither the applicant nor general members of the Rank and Tenure Committee may individually request such written evaluations. This prohibition does not prevent the applicant from inquiring whether an outside reviewer is available to review his or her scholarship at the time the applicant submits his or her outside evaluator list. The Executive Committee member is not limited to selecting only those outside reviewers suggested by the applicant; however, the applicant shall be given an opportunity to indicate why any other proposed reviewer should be disqualified.

The Executive Committee shall engage in an initial review of the applicant's body of scholarship to ensure that subsequent pieces are not repetitive of earlier pieces and identify any other significant issues. Any concerns will be discussed with the applicant. Absent extraordinary circumstances, there shall be at least two but no more than four outside evaluators for each piece of scholarship submitted for review. Where a piece of scholarship was evaluated under the tenure standard in I.E.2(c) by at least two outside reviewers during a previous review process, it shall not be reviewed again.

The Executive Committee member in charge of scholarship shall provide the applicant with a copy of each evaluation. The applicant may timely respond in writing to any evaluation received and submit such response to the Chairperson of the Rank and Tenure Committee.

The Executive Committee member responsible for communicating with the external reviewer shall use the templates provided in Appendix 1 of this

Policy. The Appendix provides templates for an initial electronic mail message to external reviewers inviting their review of the candidate's scholarship, as well as for a subsequent letter to the reviewer that describes this Policy's standards for quality of scholarship, to be sent after the reviewer has agreed to participate.

3. Service to the Law School, the University, Professional Organizations, and the Community

An applicant is expected to provide service to the Law School, the University, the profession, and the community. Combined service in these four categories will be considered, and an applicant shall provide evidence of any such service. However, it is recognized that, based on individual preferences and opportunities, there may be an uneven distribution of service between categories.

Service to the Law School would include: active and meaningful service on assigned faculty committees; assisting student organizations including service as a faculty advisor, supervising law review articles and moot court teams; attendance at, and participation in, faculty meetings; attendance at, and participation in, Law School sponsored events; representing the Law School at outside activities; and performance of tasks assigned to the applicant by the Dean.

Service to the University would include service on University committees and attendance at University functions.

Service to the profession would include participation and service to the bar such as holding an officer or council position, chairing a committee, or some other evidence of active participation on bar committees; work on cases, legislation, or law reform activities; servicing as a speaker at continuing education events; active participation in local or national legal organizations; and attendance at events sponsored by local or national legal organizations.

Service to the community would include: service on Boards or other leadership positions in community-based organizations; organizing or other leadership roles in community service projects; performing pro bono work for a non-profit or community based organization; and serving as a legal expert for local or national media.

With regard to Law School committee service, the Executive Committee member tasked with gathering information regarding the applicant's service shall obtain reports from the chairpersons of committees on which the applicant has served. If the applicant has chaired a committee, the report should be obtained from the individual(s) overseeing the committee.

For other types of service, the Executive Committee member tasked with gathering information regarding the applicant's service shall obtain reports from individuals the applicant listed on his or her Mid-term or Tenure Report as being able to comment on the applicant's service.

The following factors should be addressed in any report regarding the applicant's service:

- (1) The applicant's attendance at meetings,
- (2) The applicant's participation in activities and tasks,
- (3) The applicant's diligence in completing assigned tasks,
- (4) Any leadership role the applicant undertook.

4. Special Factors Pertaining to the Library Director

The Library Director, who must perform the important educational function of supervising the Law Library, is customarily a member of the faculty and tenurable.

In considering whether to recommend tenure, the Library Director must meet all of the criteria required for tenure as stated above. In determining whether the Director has met these criteria, the Rank and Tenure Committee shall focus particularly upon teaching, service, and scholarship related to law libraries and legal research. Specifically, the Rank and Tenure Committee shall consider:

- (1) evidence of contributions to the general body of knowledge in the fields of law, legal education, or law librarianship through research and scholarship in one or more of these disciplines; and active participation in national, regional, state, and local groups that promote learning in law librarianship;
- (2) intellectual capacity, educational skills, and creativity as manifested in the educational endeavors pertinent to performance of a law librarian's responsibilities, including designing and building the collection, providing services and resources for the Law School's legal research endeavors, providing instruction to students in legal research, training a professional and paraprofessional staff to provide such services, working with faculty and students to see that research support for courses is adequate and timely, assisting the faculty in keeping up to date in their fields, and such other library functions as may be pertinent to tenure criteria; and
- (3) the Library's Director's satisfaction of the criterion of service to the Law School, the University and the community.

Even when tenure has been conferred upon the Library Director, the contract between the person and the University shall contain a provision stating that such person cannot resign from the directorship and retain his/her faculty position unless the Rank and Tenure Committee at the time of such resignation recommends to the Provost/ VPAA, and the Provost/VPAA concurs, that such person continue as a member of the faculty.

5. Special Factors Pertaining to Clinical Director and Clinical Faculty Members

Faculty members appointed primarily to teach in the School's clinics should also be qualified to teach substantive law courses and to engage in research and scholarship. In considering whether to recommend tenure, clinicians must meet all of the criteria required for tenure as stated above. Additionally, each clinical faculty member will be evaluated on his or her clinical skills and the functioning of the clinic for which he or she is responsible. The Clinical Director shall provide a report to the Executive Committee concerning the applicant's clinical skills and the functioning of the applicant's clinic. In preparing such a report, the Clinical Director may seek and receive input from others with special knowledge of the applicant's work. The evaluation should address the following factors, as appropriate:

- (1) Number and type of matters handled in the clinic,
- (2) Number of individuals who contact the clinic and receive advice or assistance,
- (3) Outcomes of matters handled,
- (4) Clinical practice skills,
- (5) Administrative operation of the clinic,
- (6) Direct involvement and experience of students in the clinic,
- (7) Community outreach,
- (8) Knowledge about, and reputation of, the clinic in the community,
- (9) Identification and/or generation of funding sources for the clinic,
- (10) Enhancing the overall reputation of Detroit Mercy Law's clinical program.

The Clinical Director also will be evaluated on the overall functioning of the clinical program. That evaluation shall be provided by the Dean, or his or her

designee, who may seek input from clinical faculty members, or others, as appropriate.

6. Burden of Proof

To acquire tenure, the applicant must affirmatively demonstrate satisfaction of each of the criteria.

7. Extension of Probationary Period

A faculty member may request an extension of his or her probationary period for one year. The faculty member must submit a memorandum to the Dean of the Law School and the Provost/VPAA requesting an extension of his or her probationary period which provides detailed reasons why such an extension should be granted. After consultation with the Dean of the Law School, the Provost/ VPAA shall make a determination as to whether the reasons stated justify the extension. The Provost/ VPAA may grant the faculty member a one-year extension. Absent extraordinary circumstances, such an extension shall only be granted once.

F. Procedures for Tenure Decisions

1. Application Procedures

Prior to May 1, a faculty member who wishes to apply for tenure shall submit a letter of intent in this regard to the Dean. Prior to August 15, a faculty member who wishes to apply for tenure shall submit to the Dean and the Chairperson of the Rank and Tenure Committee a Tenure Review Memorandum. This Memorandum shall outline all matters that the applicant believes pertinent to the consideration of his or her application. Specifically, it must outline how the applicant has met the criteria required for a decision that the applicant should be granted tenure. It shall include, but is not limited to, the following:

a. In regard to teaching, the Memorandum shall discuss why the applicant believes that his or her teaching meets some or all of the criteria listed in Section E.1.b and shall summarize the strengths, weaknesses, and trends evidenced in his or her student evaluations.

b. In regard to service, the Memorandum shall detail the applicant's service activities on behalf of the Law School, the University, professional organizations and the community. The applicant shall list the name of the activity, the dates of the applicant's participation, a summary of the applicant's involvement in the activity, discussing the factors listed in Section I.E.3., and a contact person affiliated with the activity who can verify the applicant's participation in the activity.

c. As to scholarship, the Memorandum shall state how the applicant has met the quantitative and qualitative requirement for scholarship. In this regard, for any piece that the applicant believes should count as more than one piece, the applicant must state how the piece should be counted, with detailed reasons in support of the applicant's position. For any co-authored pieces, the applicant must explain in detail the work that the applicant performed on the co-authored piece and the work that any other author performed on the piece. Also, for any co-authored pieces, the applicant must provide any co-authors' names and contact information. The applicant must designate which scholarship is subject to review by the faculty and outside evaluators, and the purpose for submitting other written material. The applicant shall also state the applicant's scholarly agenda. Further, the Memorandum may provide a list of possible outside evaluators for the applicant's scholarship.

The applicant shall also state the applicant's future goals and plans as to other educational projects to demonstrate the applicant's commitment to being a committed, engaged and competent teacher, scholar, and member of the Law School and legal community.

The following items must be attached to the Memorandum:

- a. A detailed curriculum vitae that lists the applicant's:
 - (1) educational background, including degrees, institutions attended, and honors awarded,
 - (2) bar memberships,
 - (3) employment experience,
 - (4) law school courses taught,
 - (5) publications and manuscripts accepted for publication,
 - (6) scholarly papers, reports, briefs, course materials and other research products,
 - (7) talks delivered,
 - (8) works in progress, and
 - (9) any other activities that the applicant believes relevant to the Committee's consideration.

- b. Copies of the applicant's student course evaluations for the length of the applicant's probationary period at the Law School.
- c. Copies of the applicant's syllabi, final examinations, midterm examinations, and other evaluation materials, along with any other educational material that the applicant has created for his or her courses that he or she wishes to include. This material shall be submitted for all of the courses the applicant taught during the applicant's probationary period.
- d. At least one copy of each piece of the applicant's scholarship that the applicant wishes to be reviewed and any other written material, published and unpublished, that the applicant believes relevant to the consideration of his or her application by the Rank and Tenure Committee.

Should there be any subsequent activities, or should the applicant determine that any matter has been omitted or not fully developed, he or she may submit a supplemental Memorandum to the Chairperson of the Committee within a reasonable time after realizing the omission or underdevelopment. But in all circumstances, this information must be delivered to the Chairperson of the Committee within one week prior to final vote.

If the applicant was not awarded tenure on a previous application, he or she is required to submit a new application.

2. Committee Meetings with the Applicant

An applicant for tenure shall meet with the Rank and Tenure Committee at least once during the initial consideration of his or her application. The applicant may request additional meetings, which requests shall be liberally granted. At these meetings, the applicant may discuss his or her teaching record, scholarship, service, plans for the immediate and longer-range future, and any other matters that the applicant deems appropriate to the Committee's consideration. While the Committee will explore all matters that it considers appropriate to its consideration, it is the applicant's responsibility to develop with the Committee any matter that he or she deems appropriate and which the Committee has not itself raised.

3. Confidentiality

All meetings of the Rank and Tenure Committee to consider an application for tenure shall be closed to persons other than those specifically invited by the Committee to attend, and shall be confidential. Members of the Committee are prohibited from disclosing to the applicant or anyone who is not a member of the Rank and Tenure Committee any communications concerning the meetings, the discussions, or the votes.

4. The Committee's Recommendation

Under no circumstances will information about an applicant be part of the Committee's decision unless the Committee members have had at least one week to review the information.

Prior to February 1, the Committee shall submit its recommendation in writing to the Dean of the Law School. The decision shall recommend tenure, the denial of tenure, or (where appropriate) a deferral of consideration. A recommendation of tenure can only be made where a majority of Committee members present vote in favor of a decision to award the applicant tenure. It is expected that members of the Rank and Tenure Committee will be physically present at the meeting during which the vote will occur. For those members who cannot be present on the day of the meeting due to unforeseen circumstances, the member or members may petition the Rank and Tenure Committee to be able to be present through electronic means, such as "Skype." Otherwise, only members who are present may vote, and the vote by all members present shall be by secret ballot. Any member attending via electronic means, shall submit his or her vote via electronic means directly to the Dean's assistant.

The Committee's recommendation shall be accompanied by a written statement of reasons supporting the recommendation. The written statement shall explain how the applicant has met or failed to meet the criteria under each category of teaching, scholarship, and service. Further, it shall describe any meaningful debate among the Committee members as to the applicant's qualifications, any suggestions for improvement, and the outcome of the vote. Alternatively, the written statement shall state why the consideration was deferred. The applicant shall be given a copy of the decision and the statement of reasons.

5. Rehearing

Upon the written request of the applicant submitted to the Dean within seven law school business days after the applicant receives a copy of the Committee's decision and statement of reasons, the Committee shall meet with the applicant again within seven law school business days after receipt of the written request. In response to this meeting, the Committee shall, within seven law school business days of the meeting, submit to the Dean and the applicant a statement reaffirming, reversing, or modifying its earlier decision and statement of reasons.

6. The Dean's Recommendation

Prior to March 1, the Dean, in his or her capacity as Dean of the Law School, shall make a written recommendation to the Provost/ VPAA. In making his or her recommendation, the Dean shall consider the recommendation of the Committee. The applicant shall have an opportunity to appear before the Dean and present relevant evidence before the Dean reaches a decision. The Dean's recommendation shall be accompanied by a written statement of reasons supporting the recommendation. If the Dean's recommendation is different from the Committee's recommendation, the

Dean's recommendation must state his or her reasons for the disagreement accompanied by supporting documentation for the disagreement. The applicant and the members of the Committee shall be given copies of the Dean's recommendation and statement of reasons at the time that the Dean's recommendation is submitted to the Provost/VPAA.

7. The Provost/ VPAA's Decision

The Committee's recommendation and statement of reasons, the Dean's recommendation and statement of reasons, and a dossier of all documentary materials submitted by the applicant or received by the Committee or the Dean shall be submitted to the Provost/VPAA for his or her final decision. If either the Dean's decision or the Committee's decision is not to recommend tenure, the applicant and/or the Rank and Tenure Committee shall have an opportunity to present relevant evidence to the Provost/VPAA before the Provost/VPAA reaches a decision. The applicant shall be notified of the Provost/VPAA's decision by May 1. The Provost/VPAA's decision is final.

G. Mid-term Evaluation of Progress Towards Tenure

Each probationary faculty member who has completed two years of full-time teaching at the Law School will be evaluated by the Committee. The evaluation will occur in the academic year following the faculty member's second full year of teaching. The purpose of the mid-term review process is informational – it shall inform the tenure candidate and the Rank and Tenure Committee whether the faculty member is making reasonable progress toward satisfying the quantitative and qualitative criteria for tenure. The Mid-term Review will be conducted in accordance with the procedures for tenure decisions. The review of the faculty member's scholarship will proceed in accordance with Section I.E.2 (a)-(c).

To meet the standard of making reasonable progress towards tenure during the faculty member's probationary period, the faculty member should have:

- (1) At least one substantial piece of scholarship accepted for publication. The assessment of scholarship will be reviewed in accordance with section I.E.2(e),
- (2) Carried a full load of teaching responsibilities. This standard will be different if the applicant is the Library or Clinic Director,
- (3) Engaged in service to the School, the University, professional organizations, and/or the community,
- (4) Presented in the applicant's field of expertise, and
- (5) Routinely participated in School-sponsored activities.

The faculty member shall provide a Mid-term Review Memorandum meeting the requirements set forth in Section I. F.1. This Mid-term Review Memorandum is due on August 15th.

Prior to February 1, the Committee shall submit the results of its Mid-Term Review to the Dean of the Law School. The written report shall explain whether the professor is making reasonable progress towards tenure by addressing the professor's teaching, scholarship, and service. Further, it shall describe any meaningful debate among the Committee members as to the professor's qualifications, any suggestions for improvement, and the outcome of the vote. The professor shall be given a copy of the report.

II. Promotion

A. Eligibility to Apply for Promotion

An assistant professor is eligible to apply for promotion to the rank of associate professor in the fall semester following his or her completion of four semesters of full-time law teaching (excluding summer semesters) in the rank of assistant professor, at least two of which must be completed semesters at the Law School.

An associate professor is eligible to apply for promotion to the rank of full professor in the fall semester following his or her completion of four semesters of full-time law teaching (excluding summer semesters) in the rank of associate professor, provided that he or she must also have completed two semesters of full-time teaching (excluding summer semesters) at the Law School as a tenured faculty member.

For promotion purposes, two semesters of full-time service to the Law School, at least half of each consisting of teaching functions, will count as one semester of full-time teaching.

By May 1 of the academic year prior to the academic year that the assistant or associate professor is eligible for promotion, an assistant or associate professor who anticipates seeking promotion in the next academic year shall submit a letter of intent in this regard to the Dean.

B. Criteria for Promotion

An assistant professor who receives tenure will also be promoted to the rank of associate professor.

To be promoted to associate professor, any assistant professor who has not yet applied for tenure must meet the tenure standard set for teaching and service. The applicant must also have completed while at the Law School at least two significant scholarly works that have been accepted for publication and have given at least two

scholarly presentations.

To be promoted to full professor, an associate professor must demonstrate through his or her professional activities subsequent to receiving tenure that he or she is committed to excellence in teaching, scholarship, and service. Such performance would consist of continued significant service to the School and the University, which would include routine participation in School-sponsored activities and could include activity that enhances the reputation of the School; active participation in the professor's field through scholarly presentations and other work; continued reflection and refinement of course content and teaching pedagogy; and continued publication of scholarship. As to scholarship, the applicant for promotion to full professor must have completed five substantial pieces of scholarship and demonstrate evidence of continued scholarly involvement beyond tenure. Such continued scholarly engagement may include the writing of one or more of the five works.

All scholarly publications considered in the promotion process must meet the qualitative standard for tenure described in Section I.E.2(c).

C. Procedures for Promotion Decisions

The same procedures shall be followed for promotion decisions as for tenure decisions, except that no faculty member shall participate in deliberations on his/her own promotion, and except that anyone voting on a promotion must have at least the rank that the applicant is seeking.

D. Report for Promotion Decision

When a candidate seeks both tenure and promotion, in addition to its tenure decision, the Committee Report must state whether the Committee is recommending, denying, or deferring promotion, along with the reasons supporting that decision.

III. Maintenance in Employment

A. Grounds for Non-Reappointment, Termination or Dismissal

A probationary faculty member who in accordance with tenure procedures has failed to satisfy the University that he or she has met his/her burden of proof as regards tenure criteria prior to the last academic year of his or her probationary period shall be terminated with a one-year terminal contract.

In other instances, except as otherwise provided in the Academic Procedure or in this policy, all members of the faculty shall be maintained in employment unless there is a showing by the Law School and/or the University of good cause or that one of the following occurrences has taken place;

(1) Non-reappointment because the Law School faculty has adopted a change in curriculum emphasis, and a probationary faculty member is either unwilling or unqualified to change teaching areas.

(2) Non-reappointment because the faculty member will clearly not be able to meet the conditions required for tenure by the end of his/her probationary period.

(3) Termination because the University's Board of Trustees has stated that a financial exigency exists which requires a reduction in the size of the faculty, or the Provost/ VPAA has determined that a continued significant decrease in the Law School's enrollment requires a reduction in the size of the faculty, and it is educationally reasonable to terminate the particular faculty member.

(4) Dismissal because the faculty member is not performing the duties specified or implicit in his/her contract as a full-time faculty member, or the obligations specified from time to time in policies promulgated by the Law School faculty, the Dean of the Law School, or the University.

(5) Dismissal because the faculty member has knowingly violated statements of good practice promulgated by the Association of American Law Schools that demonstrate unfitness to serve as a full-time law faculty member, or has engaged in conduct in violation of the American Bar Association's Model Rules of Professional Conduct, that demonstrates unfitness to serve as a full-time law faculty member.

B. Procedures for Maintenance in Employment Decisions

1.) When the Dean or three members of the Rank and Tenure Committee at any time believe that there is a question as to the non-reappointment, termination or dismissal of a faculty member, the Dean shall request the Committee to make a decision. However, in dismissal cases, the faculty member shall have an opportunity to meet with the Committee and present relevant evidence before the Committee arrives at its decision. In dismissal cases, the Dean may, with the concurrence of the Provost/ VPAA suspend the faculty member from normal duties. Salary shall continue during the suspension.

2.) The Committee shall submit its decision in writing to the Dean. The decision shall recommend either maintenance in employment with or without the fulfillment of certain conditions, or non-reappointment, termination or dismissal as the case may be. The Committee's decision shall be accompanied by a written statement of reasons supporting the recommendation. The faculty member shall be given a copy of the decision and statement of reasons. In cases of termination for financial exigency or enrollment decrease, this recommendation and statement of reasons shall be prepared within thirty law school business days from the Committee's receipt

of the request to make a decision.

3.) Upon written request of the faculty member submitted to the Dean within seven law school business days after the faculty member receives a copy of the Committee's decision and statement of reasons, the Committee shall meet with the faculty member again. In response to this meeting, the Committee shall submit to the Dean and the faculty member a statement reaffirming, reversing or modifying its earlier decision and statement of reasons. In cases of termination for financial exigency or enrollment decrease, this reconsideration shall be completed within fifteen law school business days from the Committee's receipt of the faculty member's request.

4.) The Dean, in his/her capacity as Dean of the Law School, shall make a written recommendation to the Provost/VPAA as to whether the faculty member should be maintained in employment. In making his or her recommendation, the Dean shall consider the recommendation of the Committee. The faculty member shall have an opportunity to appear before the Dean and present relevant evidence before the Dean reaches a decision. The Dean's recommendation shall be accompanied by a written statement of reasons supporting the recommendation. If the Dean's recommendation is different from the Committee's recommendation, the Dean's recommendation must state his or her reasons for the disagreement accompanied by supporting documentation for the disagreement. The faculty member and the members of the Committee shall be given a copy of the Dean's recommendation and statement of reasons at the time that the Dean's recommendation is submitted to the Provost/VPAA.

5.) The Committee's recommendation and statement of reasons, the Dean's recommendation and statement of reasons, and a dossier of all documentary materials submitted by the faculty member or received by the Committee shall be submitted to the Provost/VPAA for his/her final decision. The faculty member shall have an opportunity to present relevant evidence to the Provost/VPAA before the Provost/VPAA reaches a decision. The decision of the Provost/VPAA is final.

C. Notice of Non-Reappointment, Termination or Dismissal

A faculty member who is dismissed will receive only such notice, if any, as the Provost/VPAA may provide for in the particular case. Twelve months notice or twelve months salary in lieu thereof, shall be given to a tenured faculty member who is terminated because of financial exigency or decrease in the Law School's enrollment, and the faculty member shall receive a letter from the Provost/VPAA that the termination does not represent a negative judgment of the faculty member's qualifications. In cases of non-reappointment, notice shall be given as follows:

(1) not later than March 15 of the first academic year of service at the Law School,

(2) not later than December 15 of the second academic year of service,

and

(3) at least twelve months in advance after two or more years of service.

IV. Phasing-in of this Policy and Supersession of Prior Policies

This policy shall be effective immediately upon approval of the Provost/VPAA for those full-time faculty members hired for the Fall of 2015 and thereafter. Faculty members hired prior to 2015 must, within one month of the effect date of this policy, provide to the Dean of the Law School in writing whether the faculty member elects to have this policy or the old policy govern the faculty member's tenure bid. Failure to timely submit this information will result in this policy governing the tenure bid.

Except as to the prior policies that may apply to full-time faculty hired before Fall 2015, this policy supersedes any prior policies concerning Rank, Tenure, Promotion and Maintenance in Employment for faculty at the Law School. Upon approval by the University, the policy specifically supersedes the University of Detroit Mercy Academic Procedures for Rank, Tenure, Promotion and Maintenance in Employment for Full-time Faculty at the Law and Dental Schools (1996 revision).

V. Full-time Faculty Positions that are not Eligible for Tenure

When appropriate (based on need and resources), Detroit Mercy Law will employ "Professors of Practice." A Professor of Practice is an experienced individual who has distinguished himself or herself in a career in the practice of law in a private law firm, corporate setting, or public interest position.

A. Appointment Criteria and Expectations

A Professor of Practice will be a licensed attorney who has a minimum of fifteen years of practice, and is in good standing with the Bar of the state(s) in which he or she has practiced. He or she will teach courses consistent with his or her background and experience including experiential courses in the Law Firm Program, and/or practical skills courses such as Mediation or Trial Practice. They may also perform other duties as appropriate (*e.g.*, coordinate the Law Firm Program). Professors of Practice will be considered full-time non-tenured faculty, and encouraged to participate in the activities of the law school and serve as liaisons to the private bar, including law firms and corporations. A Professor of Practice will be expected to serve on one law school committee. He or she may serve on additional law school committees based upon mutual agreement with the Dean. No scholarship will be expected or required.

B. Contractual Term

A Professor of Practice will generally be hired on a two-year contractual basis. At the end of the first full year, generally, the contract can be renewed for an additional two year period. This will allow the professor to recommit if he or she desires to do so, and the law school to evaluate the performance of the professor on a regular basis. There will be no limit on the number of contract renewals for a Professor of Practice.

APPENDIX 1
SCHOLARSHIP REVIEW TEMPLATES

[INITIAL EMAIL CONTACT]

Dear Professor _____:

On behalf of the Rank & Tenure Committee at University of Detroit Mercy School of Law, I am writing to ask for your help in reviewing an article by our colleague, Professor _____, who is working toward [tenure and/or promotion]. The article is entitled, “_____,” and is published in [journal].

If you are willing to help by reviewing this piece, please let me know and I will send along a separate letter describing our standards for scholarship reviews. If you have any questions, please do not hesitate to contact me by email or by phone at 313.XXX.XXXX.

Thanks for your considerations.

Sincerely,

Professor of Law

[THIS TEMPLATE IS FOR REVIEWERS WHO HAVE BEEN CONTACTED VIA EMAIL
OR PHONE AND HAVE ALREADY AGREED TO SERVE]

[date]

Professor [name]
[institution]
[city, state, zip]

Dear Professor [name]:

Thank you for agreeing to serve as an outside reviewer for Professor ____'s scholarship as she undergoes her [tenure and/or promotion] evaluation at University of Detroit Mercy School of Law. I have attached the article that you agreed to review. We are looking forward to your honest, objective evaluation of this piece, in light of your expertise with this subject matter.

As part of the [tenure and/or promotion] evaluation process, and pursuant to our Rank & Tenure Policy, our Rank and Tenure Committee will assess whether Professor ____ has demonstrated sufficient evidence of research and scholarship. Our scholarship criterion for [tenure and/or promotion] does not mandate a minimum number of pages or words.

In assessing quality, our policy states that, whatever the form or length of the piece, it

should reflect those qualities of mind that justify the imposition of the scholarship criterion. It should reflect the author's attempt to impose his or her own views or sense of order on the existing material and to explain or justify those personal positions. The scholarly piece should include a carefully conceived theoretical or doctrinal construction that is offered as a perspective on the existing material. Whether it be a new way of perceiving established dogma or a proposal for new directions, the scope of scholarly work should be sufficiently ambitious to justify the substantial commitment of time that the applicant should have invested in the work. Scholarship, in sum, is informed, reflective, deeply analytical, and in some substantial part a personal statement.

We therefore ask you to help us determine whether this piece reflects the work of someone who has achieved these qualitative goals.

Please contact me with any questions or concerns at (313) 596-XXXX or by email at xxxxx@udmercy.edu. Again, thank you for taking the time to assist us.

Sincerely,

XXXXXXXXXX
Professor of Law