

# University of Toledo College of Law Government Rules

(Updated 04/10/2024)

## Article 1. Preliminaries

### Section 1.1. Scope and Purpose

These rules control internal governance at the College of Law. They must be construed in harmony with the relevant rules and standards of the American Bar Association and Association of American Law Schools. And they should be interpreted and applied to maximize Faculty participation in the College of Law's governance.

### Section 1.2. Definitions

As used in these rules, the following terms have the following meaning:

- (a) *Collective-Bargaining Agreement*. "Collective-Bargaining Agreement" refers to any active collective-bargaining agreement between the College of Law bargaining unit and the University, including any extensions or modifications to that agreement. If any amended or subsequent Collective-Bargaining Agreement renders inaccurate any reference in these Rules to the Collective-Bargaining Agreement, these Rules should be interpreted as if they refer to the appropriate parts of the amended or subsequent Collective-Bargaining Agreement.
- (b) *Dean*. "Dean" refers to the Dean of the College of Law, including an interim Dean.
- (c) *Faculty*.
  - (1) "Faculty" refers to:
    - (A) The Dean;
    - (B) A non-tenure-track Director of the Law Library holding the rank of Assistant, Associate, or Full Professor, if any; and
    - (C) All full-time Clinical, Legal Writing, and Tenure-Track Professors at the College of Law, including those serving as an Assistant or Associate Dean within the College of Law.
  - (2) "Clinical Faculty" refers to Faculty members appointed and serving with an expectation of engaging in clinical teaching, lawyering, and service.
  - (3) "Legal Writing Faculty" refers to Faculty members appointed and serving with an expectation of engaging in legal writing or academic-support teaching and service.
  - (4) "Tenure-Track Faculty" refers to Faculty members appointed and serving with an expectation of engaging in doctrinal teaching, scholarship, and service.
  - (5) Service in University Administration outside of the College of Law does not exclude a someone from the Faculty so long as that person is scheduled to teach at least two regularly scheduled classes of at least two credits at the College of Law in the current academic year.
- (d) *Professor*. Unless these Rules provide otherwise:
  - (1) "Professor" refers to a Clinical, Legal Writing, or Tenure-Track Faculty member of any rank;
  - (2) "Assistant Professor" refers to any Faculty member holding the rank of Assistant Professor, whether Clinical, Legal Writing, or Tenure-Track;
  - (3) "Associate Professor" refers to any Faculty member holding the rank of Associate Professor, whether Clinical, Legal Writing, or Tenure-Track; and

- (4) “Full Professor” refers to any Faculty member holding the rank of Full professor, whether Clinical, Legal Writing, or Tenure-Track.

### **Section 1.3. Appendices & Policies**

- (a) The current Collective-Bargaining Agreement must be appended to these Rules as Appendix A. If the Collective-Bargaining Agreement expires without an immediate replacement, any relevant extensions or memoranda of understanding must also be appended in Appendix A.
- (b) Any active written policies concerning the College of Law’s governance and adopted by the Faculty must be appended to these Rules.
- (c) Any written policies concerning the College of Law’s governance and adopted by the Faculty that are in conflict by a current Collective-Bargaining Agreement—or by any extensions or memoranda of understanding—are suspended so long as that conflict exists. The Dean must maintain copies of all suspended policies, which must be made available to Faculty on request. If a conflict ceases to exist, the suspended policy immediately becomes active and must be appended to these Rules.
- (d) Section 7.2(a)’s provisions on amending these Rules do not apply to any appended policies.

## **Article 2. Meetings and Voting**

### **Section 2.1. Time and Conduct of Meetings**

- (a) The Dean may call regular meetings.
- (b) The Dean must call a special meeting if at least three Faculty members request a special meeting in writing.
- (c) The Dean or a Faculty member designated by the Dean presides at any meeting.
- (d) Unless these Rules provide otherwise, only Faculty eligible to vote on a matter may participate in any meeting discussing that matter.

### **Section 2.2. Voting**

- (a) *Generally.* Unless a provision of these Rules says otherwise, every Faculty member may vote on any matter of Faculty governance.
- (b) *Majority Vote.* Unless a provision in these Rules provides otherwise, a majority vote of those present and eligible to vote is required to adopt any motion.
- (c) *Leaves.*
  - (1) Except as provided in Section 2.2(c)(2), Faculty on leave may not vote on any matter of Faculty governance.
  - (2) Faculty on Family Childcare Leave or Sabbatical Leave, as those terms are defined in the Collective Bargaining Agreement:
    - (A) May vote as if they were not on leave;
    - (B) Count for calculating a quorum under Section 2.3 only if they choose to vote; and
    - (C) Are not expected to participate in meetings or vote.

- (d) *No Proxy Votes.* No proxy votes are permitted.

### **Section 2.3. Quorum**

The presence of a majority of Faculty eligible to vote on a matter constitutes a quorum for the purposes of that matter.

### **Section 2.4. Remote Participation and Voting**

- (a) *Remote Attendance.* Faculty may attend in-person meetings remotely, and they are considered present and may vote so long as all participants can hear one another and participate in the meeting.
- (b) *Remote Meetings.* The Dean may designate any meeting as an entirely remote meeting.
- (c) *Email Voting.*
- (1) During breaks between fall, spring, and summer terms and during summer terms, the Dean may request that voting on any matter proceed by email without a meeting.
  - (2) *Required Notice.*
    - (A) The Dean requests a vote by email by sending a notice to all Faculty members eligible to vote on the matter.
    - (B) The notice must specify the time period for voting on the motion, which must be at least ten days from the date of the notice.
    - (C) The notice must be sent to the Faculty members' University of Toledo email address.
  - (3) After the Dean has provided the required notice, voting may occur by email unless three Faculty members eligible to vote on the matter object before the expiration of the voting period. Objections must be via email.
  - (4) For a quorum to exist for email voting, a majority of the Faculty members eligible to vote on the motion must vote.
  - (5) When voting on a motion by email is permitted, an affirmative vote by a majority of the Faculty eligible to vote on the motion is required to adopt the motion.

## **Article 3. Committees**

### **Section 3.1. Composition**

Except as provided in this Article:

- (a) The Dean must appoint members of College of Law committees and their chairs; and
- (b) Each committee must consist of at least three members, one of whom must be a student.

### **Section 3.2. Standing Committees**

- (a) *Academic Policy.*
  - (1) The committee:

- (A) Considers all matters relating to academic practices, policies, procedures, and standards of the College of Law, except those matters referred to the Disciplinary Committee; and
- (B) Enforces academic standards, including all cases of readmission, reinstatement, and eligibility for graduation, except those matters referred to the Disciplinary Committee.
- (2) The committee's decisions on petitions involving the enforcement of academic standards are final and not subject to appeal on the merits except as provided in these rules or the College of Law Academic Rules.
- (3) The committee consists of six Faculty members and two students. The Dean must appoint alternate committee members as needed.
- (4) For all meetings convened to enforce academic standards, a quorum is six, one of whom is a student.
- (5) The committee must maintain suitable records.
- (6) The committee may extend any filing deadline.
- (b) *Academic Appeals.*
  - (1) The committee hears appeals from decisions of the Academic Policy Committee in accordance with the College of Law Academic Rules.
  - (2) The committee consists of three Faculty members and one student, none of whom may be a member of the Academic Policy Committee. The Dean must appoint alternate committee members as needed.
  - (3) A quorum is three, one of whom is a student.
  - (4) The committee may extend any filing deadline.
  - (5) Service as chair of the committee is not subject to Section 3.3's rule on chairing multiple committees.
- (c) *Admissions.* The committee is chaired by the Dean and considers all applications for admission.
- (d) *Advisory Committee on Compensation.*
  - (1) The committee conducts merit evaluation for purposes of merit pay increases under Sections 9.5 and 12.2.2.1 of the Collective Bargaining Agreement.
  - (2) The committee consists of four Tenure-Track Faculty members.
  - (3) Faculty members are selected by lot and serve a two-year term that begins on March 1 after their selection.
  - (4) *Eligibility.*
    - (A) All Tenure-Track Faculty members are eligible to serve on the committee except:
      - (i) The Dean;
      - (ii) Any current Associate Dean of Academic Affairs;
      - (iii) Any Faculty member who served as Associate Dean of Academic Affairs during the time period subject to review; and
      - (iv) Untenured Faculty members in their first three years of service.
    - (B) Once Faculty members serve their term—or, in the case of a vacancy, more than one year of the unexpired term—they are not eligible until four years after the end of their final year of service on the committee. But this provision does not apply if there are insufficient eligible Faculty members to staff the committee.
    - (C) Untenured Faculty members may choose not to serve on the committee.
  - (5) Any committee member who does not serve a full term must be replaced using the same selection method as normal appointments. The replacement committee member must serve the remainder of the original committee member's term.

- (e) *Appointments.*
  - (1) The committee identifies, screens, and presents prospects for hiring new Faculty members.
  - (2) The committee must include at least one Clinical Faculty member, one Legal Writing Faculty member, and one Tenure-Track Faculty member.
  - (3) Only Faculty members may sit on this committee.
- (f) *Assessment, Long-term Planning, Budget, and Curriculum.* The committee consists of four standing subcommittees. It reports to the Dean and Faculty on issues addressed in its subcommittees.
  - (1) *Assessment Subcommittee.* The Assessment Subcommittee promotes the development of learning-assessment policies, creates a culture of assessment, provides a clearinghouse for information on measurable student learning outcomes, and institutes a process for continuous improvement.
  - (2) *Long-term Planning Subcommittee.* The Long-term Planning Subcommittee develops and makes recommendations to the committee for revisions to the College of Law mission statement and strategic plan. It also periodically reexamines the College’s goals, identifies specific goals for improving the College’s program of education, identifies and means for achieving these goals, and assesses success in realizing these goals.
  - (3) *Budget Subcommittee.* The Budget Subcommittee provides information and advice to the committee on matters relating to the College budget, except those within the jurisdiction of the Advisory Committee on Compensation.
  - (4) *Curriculum Subcommittee.* The Curriculum Subcommittee considers all matters relating to the curriculum.
- (g) *Career Services Advisory Committee.* The committee advises the College’s Office of Professional Development on all matters relating to student employment and professional development.
- (h) *College Personnel Committee.*
  - (1) All references in the Collective-Bargaining Agreement to the Renewal, Promotion, and Tenure Committee must be construed to refer to the College Personnel Committee.
  - (2) The committee
    - (A) Oversees the process for considering the renewal, promotion, establishment, and tenure of Faculty members; and
    - (B) Along with the Dean, Conducts professional assessments under Article 6.
  - (3) The committee consists of three subcommittees.
    - (A) *Clinical Subcommittee.* The Clinical Subcommittee is responsible for Clinical Faculty members. It consists of two Faculty members holding the rank of Full Professor.
    - (B) *Legal Writing Subcommittee.* The Legal Writing Subcommittee is responsible for Legal Writing Faculty members. It consists of two Faculty members holding the rank of Full Professor.
    - (C) *Tenure-Track Subcommittee.* The Tenure-Track Subcommittee is responsible for Tenure-Track faculty members. It consists of four Faculty members holding the rank of Full Professor.
  - (4) Faculty members are elected to a particular subcommittee and serve a two-year term that begins on June 1 after their election.
  - (5) *Eligibility.*
    - (A) Except as provided in Section 3.2(h)(5)(B) and (C), only Faculty members from each subcommittee’s faculty group—Clinical, Legal Writing, or Tenure-Track—may sit on each subcommittee.

- (B) If fewer than two Clinical Faculty members are eligible to sit on the Clinical Subcommittee, the Legal Writing Faculty are also eligible.
  - (C) If fewer than two Legal Writing Faculty members are eligible to sit on the Legal Writing Subcommittee, Clinical Faculty are also eligible.
  - (D) Once Faculty members serve their term—or, in the case of a vacancy, more than one year of the unexpired term—they are not eligible until one year after the end of their final year of service on the committee. But this provision does not apply if there are insufficient eligible Faculty members to staff the committee or if there are no eligible Faculty members from a subcommittee’s Faculty group.
  - (E) No Faculty member may serve on more than one subcommittee.
  - (F) The Dean may not serve on the committee.
- (6) *Election.*
- (A) Each spring, the Faculty must vote to fill any forthcoming vacancies on the subcommittees.
  - (B) Faculty may vote only on the membership of the subcommittee for their own Faculty group.
  - (C) Voting must be by secret ballot.
  - (D) Elections consist of two rounds of voting.
    - (i) *First Round.* All Faculty members eligible to serve must appear on the first round ballot. Each voter must vote for two candidates.
    - (ii) *Second Round.* The four Faculty members with the highest number of votes in the first round (or more in the event of ties) advance to the second round. Each voter must vote for two candidates. The two Faculty members with the highest number of votes in the second round are elected.
  - (E) If a vacancy on the committee occurs for any reason other than the expiration of a term, the Dean must promptly call a special election to fill the remainder of the term vacated. This election shall be conducted according to Section 3.2(h)(6)(B-D), except that each voting member shall cast one vote and the second-round candidates shall be the two persons who received the highest number of votes in the first round. The person elected serves the remainder of the vacant term.
- (7) *Chair.* Each subcommittee designates its own chair, and the committee must choose one of those subcommittee chairs to serve as chair of the whole committee.
- (i) *Disciplinary.*
- (1) The committee considers all matters relating to the College of Law Code of Student Professional Conduct and enforces the Code of Student Professional Conduct.
  - (2) The committee consists of four students and all Faculty except the Dean, Associate Dean for Academic Affairs, and Assistant Dean for Student Affairs.
  - (3) Service as chair of the committee is not subject to Section 3.3’s rule on chairing multiple committees.
- (j) *Diversity Committee.* The committee provides recommendations, develops plans, and oversees the College’s efforts to ensure a diverse and inclusive environment for instructors, staff, and students.
- (k) *Information Technology and Law Library Advisory Committee.* The committee provides information and advice regarding the College’s technology needs and the development and management of the law library.
- (l) *Rules Committee.* The committee drafts or edits amendments to or repeals of any College rules.

### **Section 3.3. Chairing Multiple Committees**

Unless these Rules provide otherwise, a Faculty member may not serve as chair of more than one standing committee at any given time.

### **Section 3.4. Special Committees**

- (a) The Dean may appoint special committees as appropriate.
- (b) By majority vote, the Faculty can require the Dean to appoint a special committee.

### **Section 3.5. Recommendations and Reports**

- (a) Each committee must make its recommendations and reports in writing, a copy of which must be distributed as far as possible in advance of the meeting at which the report or recommendations will be considered.
- (b) A copy of the report or recommendations must be attached to the official minutes of the meeting.
- (c) Any committee member may file a written dissent to any recommendation or report, which must also be attached to the official minutes of the meeting.

## **Article 4. Appointments**

### **Section 4.1. Appointments Meetings and Voting**

- (a) *Dean's Responsibility.*
  - (1) The Dean may participate in discussions about and may vote on appointments.
  - (2) The Dean may act contrary to a decision reached in an appointments meeting only for compelling reasons.
  - (3) If the Dean decides to act contrary to an appointments-meeting decision, the Dean must immediately explain the compelling reasons for that decision in writing.
- (b) *Voting on Rank, Establishment, and Tenure.* When appointing a candidate at a rank above Associate Professor, with establishment, or with tenure, Section 5.1(b)'s provisions on eligibility to vote apply as if the decision involved the promotion, establishment, or tenure of a current Faculty member.

### **Section 4.2. Appointment Criteria for Entry-Level Faculty**

Entry-level candidates must have sufficient background and experience to justify the expectation that they will be able to meet the criteria for tenure or establishment (as appropriate) within the time set by these Rules.

### **Section 4.3. Appointment Criteria for Lateral Faculty**

Lateral candidates for positions at a rank above Assistant Professor, with establishment, or with tenure must meet the criteria set by these rules for promotion to that rank, for establishment, or with tenure (as appropriate), or they must possess equivalent experience in law practice or related work.

### **Section 4.4. Appointment of a Non-Tenure-Track Law Librarian**

- (a) In consultation with the Faculty, the Dean may appoint a non-tenure-track Law Librarian for a fixed number of years.

- (b) A majority of the Faculty must vote in favor of the appointment of a non-tenure-track Law Librarian holding the rank of Assistant, Associate, or Full Professor.

#### **Section 4.5. Hiring and Renewal of Deans**

- (a) *Appointment.* The initial appointment of a Dean requires a majority vote of the Faculty.
- (b) *Renewal.* Before renewing a Dean's appointment, the Provost or Provost's designee must:
  - (1) Notify the Faculty via email;
  - (2) Work with the Dean to schedule a meeting at which the Dean will discuss renewal with the Faculty and give the Faculty time to discuss the Dean's renewal outside of the Dean's presence; and
  - (3) Give the Faculty a reasonable opportunity to express its views to the Provost.
- (c) *Interim Dean.* Before the appointment of an interim Dean, the University must seek input from the Faculty.

#### **Section 4.6. Appointment and Renewal of Associate Deans**

- (a) *Input Required.* Before appointing or renewing an Associate Dean for Academic Affairs, the Dean must solicit input from the Faculty on potential candidates.
- (b) *Initial Appointment.* When initially appointing an Associate Dean of Academic Affairs, the Dean does not need to reveal who the Dean is considering.
- (c) *Renewal.* Before renewing the appointment of any Associate Dean for Academic Affairs, the Dean must
  - (1) Inform the Faculty via email;
  - (2) Schedule a meeting at which the Dean and Associate Dean will discuss renewal with the Faculty and give the Faculty time to discuss the renewal outside of the Associate Dean's and—unless the faculty requests otherwise—Dean's presence; and
  - (3) Not make any renewal decision until the Faculty has the opportunity to express its views to the Dean.

#### **Section 4.7. Credit for Years of Service**

At the time of appointment, the Dean may grant a candidate credit for prior experience. That credit counts for the candidate's service at the College of Law for purposes of:

- (a) Promotion, establishment, and tenure;
- (b) Eligibility to vote on promotion, establishment, and tenure; and
- (c) Eligibility of scholarly work under Section 5.6(c)(6).

### **Article 5. Renewal, Promotion, Establishment, and Tenure**

#### **Section 5.1. Participation and Voting**

- (a) *Participation.*
  - (1) *Generally.* Only the Dean, the Associate Dean for Academic Affairs, and those Faculty members entitled to vote may participate in a candidate's renewal, promotion, establishment, or tenure.

(2) *Multiple Levels.* Except for the Dean’s participation in the meeting, no one may participate in multiple levels of evaluation for renewal, promotion, establishment, or tenure.

(b) *Voting.*

(1) *Generally.* Except as provided in Section 5.1(b)(8), only Faculty in a candidate’s Faculty group—Clinical, Legal Writing, and Tenure-Track—may vote on the renewal, promotion, establishment, or tenure that candidate.

(2) *Renewal.* Faculty members may vote on renewal decisions if they either:

(A) Hold a rank higher than that of the candidate and have completed at least one year of service; or

(B) Hold a rank equal to that of the candidate and have completed at least one more year of service than that candidate.

(3) *Promotion Voting.* Faculty may vote on promotion decisions if they hold a rank equal to or higher than that which the candidate seeks and have completed at least one year of service.

(4) *Establishment.* Established Faculty may vote on establishment decisions.

(5) *Tenure.* Tenured Faculty may vote on tenure decisions.

(6) *The Dean.* The Dean may not vote on renewal, promotion, establishment, or tenure decisions.

(7) *UCAP.* The College of Law’s representative on the University Committee on Academic Personnel (or “UCAP”) may not vote on renewal, promotion, establishment, or tenure decisions.

(8) *Insufficient Eligible Voters.*

(A) *Insufficient Clinical Faculty.* If fewer than three Clinical Faculty are eligible to vote on a matter of renewal, promotion, or establishment of a Clinical Faculty member, Legal Writing Faculty are also eligible to vote.

(B) *Insufficient Legal Writing Faculty.* If fewer than three Legal Writing Faculty are eligible to vote on a matter of renewal, promotion, or establishment of a Legal Writing Faculty member, Clinical Faculty are also eligible to vote.

**Section 5.2. Timeline and Schedule**

(a) *Renewal Timeline.*

(1) All Clinical, Legal Writing, and Tenure-Track Faculty who have not yet obtained establishment or tenure will be reviewed during the first five years of their appointment on the following schedule for purposes of renewal and evaluation of progress toward establishment or tenure:

Appointment Year	Meetings	Renewal Contract Term
First	First Fall	Third Year
Second	Second Fall	Fourth Year
Third	Third Fall	Fifth Year
Fourth	Fourth Fall	Sixth Year
Fifth	Fifth Fall	Seventh Year

- (2) If a Faculty member's establishment or tenure timeline is extended, this schedule must be revised for that member.
- (b) *Establishment and Tenure Timeline.*
- (1) Faculty members will be considered for establishment or tenure during the fall of their sixth year of service unless:
- (A) At the time of the appointment, the Dean and the Faculty member agreed in writing on an earlier date;
- (B) The faculty member requests early consideration under Section 5.2(b)(2); or
- (C) The Faculty member's timeline has been extended due to a leave described in Sections 8.1.7, 8.2.7, or 8.3 of the Collective-Bargaining Agreement.
- (2) Faculty members may request to be considered for establishment or tenure in any year of the probationary period. They may do so only once. Denial of establishment or tenure before the last year of the probationary period must not prejudice subsequent application for establishment or tenure and is not a ground for termination.
- (3) To ensure clarity and consistency in expectations for establishment or tenure, the Dean and chair of the College Personnel Committee must meet with Faculty members two years before their establishment or tenure vote to discuss members' progress.
- (c) *Promotion Timeline.*
- (1) Faculty members may be considered for promotion to Associate Professor if they will have served at least three years by the time of promotion. But a faculty member may be considered after two years in cases of extraordinary accomplishment, in which case the Dean may recommend early consideration to the Faculty, and the Faculty eligible to vote on the promotion may vote for early consideration by a majority vote.
- (2) Faculty members may be considered for promotion to Full Professor if they will have held both Associate Professor rank and either establishment or tenure (as appropriate) for at least two years by the time of promotion. But this two-year waiting period may be waived in cases of extraordinary accomplishment, in which case the Dean may recommend the waiver to the Faculty, and the Faculty eligible to vote on the promotion may vote to waive the waiting period by a majority vote.
- (d) *Annual Schedule.*
- (1) Within ten days of the first day of classes in the fall semester, the Dean must distribute schedule and agenda that contains:
- (A) The date, time, and place of that academic year's meetings on renewal, promotion, establishment, and tenure;
- (B) The names of Faculty to be considered at each meeting;
- (C) The names of Faculty eligible to vote at the meeting; and
- (D) The matters for consideration at each meeting.
- (2) If the Dean fails to distribute a schedule and agenda as required by this subsection, the Chair of the College Personnel Committee must distribute the schedule and agenda as promptly as possible.

### **Section 5.3. Renewal, Promotion, and Establishment of Clinical Faculty**

- (a) *Categories of Evaluation.* Clinical Faculty are evaluated on their teaching, lawyering, and service. Descriptions of each category of evaluation are set out in Article 9.1.2 of the Collective Bargaining Agreement.

(b) *Criteria.*

- (1) *Renewal.* To be considered for renewal without establishment, Clinical Faculty must demonstrate progress toward the next promotion and establishment, taking into account the Faculty member's experience at the time the renewal vote occurs.
- (2) *Promotion to Associate Clinical Professor.* To be considered for promotion to Associate Clinical Professor, Clinical Faculty must:
  - (A) Have at least a total of two external lawyering reviews; and
  - (B) Demonstrate progress toward the criteria for establishment.
- (3) *Establishment.* To be considered for establishment, Clinical Faculty must:
  - (A) Hold the rank of at least Associate Clinical Professor or have been recommended for appointment to that rank;
  - (B) Have at least a total of four external lawyering reviews;
  - (C) Demonstrate significant achievement in teaching and lawyering and satisfactory achievement in service; and
  - (D) Demonstrate a commitment to continue or surpass the level of performance required for establishment.
- (4) *Promotion to Full Clinical Professor.* To be considered for promotion to Full Clinical Professor, Clinical Faculty must:
  - (A) Hold establishment or have been recommended for it by the effective date of the promotion;
  - (B) Have at least a total of six external lawyering reviews;
  - (C) Demonstrate excellence in either teaching or lawyering, significant achievement in the other, and significant achievement in service; and
  - (D) Demonstrate a commitment to continue or surpass the level of performance required for this rank.

**Section 5.4. Renewal, Promotion, and Tenure of a Law Librarian**

- (a) *Categories of Evaluation.* Law Librarians are evaluated on the following:
- (1) *Publication.* Publication includes the publication of:
    - (A) Books;
    - (B) Articles in law reviews;
    - (C) Articles in other scholarly journals in the field of library science, law, legal education or related areas;
    - (D) Bibliographies and bibliographic materials of high quality;
    - (E) Book reviews, essays and commentaries published in law or other scholarly journals in the fields of law, legal education or related areas;
    - (F) Scholarly papers and speeches in the fields of law, legal education, library science, or related areas presented to meetings of learned or professional societies;
    - (G) Papers, reports or testimony presented to legislative, administrative, executive or judicial bodies;
    - (H) Course materials of a high quality; and
    - (I) Technology of a high quality in the fields of law, legal education, library science, or related areas.
  - (2) *Administration.* Administration includes:
    - (A) Mastery of bibliographic resources and information technology appropriate to law libraries;

- (B) Creative design and production of information standards, products, services or technologies for use by legal researchers or law librarians;
  - (C) Preparation of high-quality administrative studies; and
  - (D) Significant application of expertise as a law librarian to resolve library problems or improve library collections and services.
- (3) *Service.* Service to the College of Law, the University, the profession, and the community includes:
- (A) Involvement and leadership in the internal affairs of the University beyond the duties of the position held on the Faculty;
  - (B) Participation on statewide or national committees; and
  - (C) Professional or academic service in the public interest.
- (4) *Teaching.*
- (A) Teaching involves any formal classroom teaching to which the law librarian has been assigned and informal teaching through daily work with students and Faculty;
  - (B) Informal teaching means the special kind of teaching, either group or individual, direct or indirect, that law librarians customarily perform. That instruction may include:
    - (i) Providing specific information needed by students and Faculty, and
    - (ii) Providing instruction in the use of the library and in bibliographic techniques in general.
- (b) *Tenure-Track Criteria.* The following criteria apply to the renewal, promotion, and tenure of a tenure-track Law Librarian:
- (1) *Renewal.* To be considered for renewal without tenure, a tenure-track Law Librarian must demonstrate progress toward the next promotion and tenure, taking into account the length of the Faculty member's experience at the time that the renewal vote occurs.
  - (2) *Promotion to Associate Professor.* To be considered for promotion to Associate Professor, a tenure-track Law Librarian must:
    - (A) Have a minimum of five years of law library experience (or its equivalent), some of which includes significant administrative duties at one or more institutions;
    - (B) Demonstrate significant achievement in the areas of teaching and administration; and
    - (C) Publish a publication of a substantial nature.
  - (3) *Tenure.* A Law Librarian may achieve tenure as to rank but not as to administrative position or individual assignment. To be considered for tenure, a tenure-track Law Librarian must:
    - (A) Hold the rank of Associate Professor of Law or have been recommended for appointment to that rank;
    - (B) Have participated actively in the Law Library and the College of Law;
    - (C) Demonstrate excellence in one of either teaching or administration and at least significant achievement in the other;
    - (D) Demonstrate significant achievement in service and publication; and
    - (E) Demonstrate a commitment to continue or surpass the level of performance required for tenure.
  - (4) *Promotion to Professor of Law.* To be considered for promotion to Professor of Law, a tenure-track Law Librarian must:
    - (A) Have tenure or been recommended for it by the effective date of the promotion;

- (B) Have seven years of law library experience (or its equivalent), some of which includes significant administrative duties, at one or more institutions;
  - (C) Participate actively in the Law Library and the College of Law;
  - (D) Demonstrate excellence in one of either teaching or administration and at least significant achievement in the other;
  - (E) Demonstrate significant achievement in service and publication; and
  - (F) Demonstrate a commitment to continue or surpass the level of performance required for this rank.
- (c) *Renewal and Promotion Without Tenure.*
- (1) A non-tenure-track Law Librarian appointed for a fixed number of years may be reappointed for subsequent fixed terms.
  - (2) A Law Librarian appointed on a non-tenure track for three or more years who is then considered for reappointment to a subsequent term of three or more years is presumed to meet the threshold criteria for reappointment without tenure, taking into account performance in the categories in Section 5.4(a).
  - (3) A majority of the Faculty must vote in favor of the promotion of a non-tenure-track Law Librarian to Associate or Full Professor.

### **Section 5.5. Renewal, Promotion and Establishment of Legal Writing Faculty**

- (a) *Categories of Evaluation.*
- (1) Legal Writing Faculty are evaluated on their teaching and service. Descriptions of each category of evaluation are set out in Article 9.1.3 of the Collective Bargaining Agreement.
  - (2) Legal Writing Faculty are also evaluated on their development of course or other programmatic material and academic-success efforts, as appropriate.
- (b) *Criteria.* The following criteria apply to the renewal, promotion, and establishment of Legal Writing Faculty.
- (1) *Renewal.* To be considered for renewal without establishment, Legal Writing Faculty must demonstrate progress toward the next promotion in rank or establishment, taking into account the Faculty member's experience at the time the renewal vote occurs.
  - (2) *Promotion to Associate Legal Writing Professor.* To be considered for promotion to Associate Legal Writing Professor, Legal Writing Faculty must have demonstrated progress toward the criteria for establishment.
  - (3) *Establishment.* To be considered for establishment, Legal Writing Faculty must:
    - (A) Hold the rank of at least Associate Legal Writing Professor or have been recommended for appointment to that rank;
    - (B) Demonstrate significant achievement in teaching and satisfactory achievement in service; and
    - (C) Demonstrate a commitment to continue or surpass the level of performance required for establishment.
  - (4) *Promotion to Full Legal Writing Professor.* To be considered for promotion to Full Legal Writing Professor, Legal Writing Faculty must:
    - (A) Hold establishment or have been recommended for it by the effective date of the promotion;
    - (B) Demonstrate excellence in teaching and significant achievement in service; and
    - (C) Demonstrate a commitment to continue or surpass the level of performance required for this rank.

### **Section 5.6. Renewal, Promotion and Tenure of Tenure-Track Faculty**

- (a) *Categories of Evaluation.* Tenure-Track Faculty are evaluated on their scholarship, teaching, and service. Descriptions of each category of evaluation are set out in Article 9.1.1 of the Collective Bargaining Agreement.
- (b) *Criteria.* The following criteria apply to the renewal, promotion, and tenure of Tenure-Track Faculty.
- (1) *Renewal.* To be considered for renewal without tenure, Tenure-Track Faculty must demonstrate progress toward the next promotion and tenure, taking into account the Faculty member's experience at the time the renewal vote occurs.
  - (2) *Promotion to Associate Professor of Law.* To be considered for promotion to Associate Professor of Law, Tenure-Track Faculty must:
    - (A) Have had at least a total of two scholarly works externally reviewed; and
    - (B) Have demonstrated progress toward the criteria for tenure.
  - (3) *Tenure.* To be considered for tenure, Tenure-Track Faculty must:
    - (A) Hold the rank of at least Associate Professor of Law or have been recommended for appointment to that rank;
    - (B) Have had at least a total of three scholarly works externally reviewed;
    - (C) Demonstrate significant achievement in two of the relevant categories of evaluation and satisfactory achievement in the third; and
    - (D) Demonstrate a commitment to continue or surpass the level of performance required for tenure.
  - (4) *Promotion to Full Professor of Law.* To be considered for promotion to Full Professor of Law, Tenure-Track Faculty must:
    - (A) Hold tenure or been recommended for tenure by the effective date of the promotion;
    - (B) Have had at least a total of four scholarly works externally reviewed;
    - (C) Demonstrate excellence in either teaching or scholarship, at least significant achievement in the other, and at least significant achievement in service; and
    - (D) Demonstrate a commitment to continue or surpass the level of performance required for this rank.
- (c) *Scholarly Work.*
- (1) *Definition.* As used in this Article, a "scholarly work" refers to professional, scholarly, and creative activity that requires approximately the time, thought, and effort necessary to produce one traditional law review article. While scholarly work is relevant to evaluating scholarship, it does not cover all of a Faculty member's scholarly endeavors.
  - (2) *Scholarly Monographs.* Scholarly monographs published by an established press count as two scholarly works for purposes of the promotion and tenure criteria.
  - (3) *Casebooks.* The first edition of a casebook counts as two scholarly works for purposes of the promotion and tenure criteria. Subsequent editions may count for no more than one scholarly work, and Faculty must detail the changes they made to the casebook as part of their materials required under Section 5.7.
  - (4) *Co-Authored Work.* Faculty who co-author scholarly work must disclose their individual contribution to the work as part of their materials required under Section 5.7. A rebuttable presumption exists that co-authored work was divided evenly among co-authors.

- (5) *Combining Work.* Faculty may combine two professional, scholarly, and creative activities that do not individually qualify as a scholarly work into one scholarly work. Faculty must detail this combined work in their materials required under Section 5.7.
- (6) *Timing.* Notwithstanding any of the provisions in this Section, scholarly work must have been finished, submitted, or published (as appropriate) no more than two years before the start of the Faculty member's service to count for purposes of promotion and tenure.

### **Section 5.7. Candidate's Materials**

- (a) Candidates must assist the College Personnel Committee in assembling the Committee's materials.
- (b) Candidates must also provide the following to the Committee by the deadline that the Committee sets:
  - (1) The candidate's curriculum vitae;
  - (2) An Individual Faculty Information Form, which the Committee will provide to the candidate; and
  - (3) A narrative statement no longer than 1,500 words, which describes the candidate's contribution to and satisfaction of each evaluation criterion, with a particular focus on areas of focus and improvement since the last evaluation.

### **Section 5.8. The Committee's Report**

- (a) *Written Report.* The College Personnel Committee must prepare and present a written report on a candidate. This report must not make a recommendation.
- (b) *Scholarship Reviews.*
  - (1) *External Reviews.*
    - (A) For Faculty evaluated on scholarship, the Committee report must contain external reviews of any scholarly work that the candidate wants to count for the promotion or tenure criteria. Reviewers must be asked to address the work's:
      - (i) Substantive content,
      - (ii) Contribution to the field,
      - (iii) Capacity to advance the agenda of scholarship with which it is concerned,
      - (iv) Persuasiveness and originality, and
      - (v) Writing and presentation.
    - (B) Reviewers must not be asked to evaluate the publication against the standard at their institution or at the College of Law.
  - (2) *Grants.* If the Committee cannot secure external reviews of a grant application, the Committee may instead use letters of recommendation filed in support of the application, a review prepared by the source of the grant, or both.
  - (3) *Reviewers.*
    - (A) Candidates may propose external reviewers. If they do, they must describe their personal and professional relationship with the reviewer.
    - (B) The Committee must consult with candidates about potential reviewers. Selection of reviewers is ultimately up to the Committee.
    - (C) External reviewers must not have previously provided any substantive feedback on the scholarly work.

- (D) External reviewers should not have previously reviewed any of a candidate's other scholarly work, but the committee may allow repeat external reviewers.
- (c) *Lawyering Reviews.*
  - (1) *External Reviews.* For Faculty evaluated on lawyering, the Committee report must contain external reviews of the candidate's activity. Reviewers may address the candidate's:
    - (A) Demonstrated knowledge of procedural and substantive law;
    - (B) Written and oral advocacy;
    - (C) Performance at trials, hearings, negotiations, mediations, and other proceedings;
    - (D) Professionalism and ethics; and
    - (E) Interaction with clients.
  - (2) *Reviewers.*
    - (A) The Committee should seek a variety of reviewers, including clients, practitioners, and judges (as appropriate).
    - (B) The candidate may propose external evaluators, though selection is ultimately up to the committee.
- (d) *Teaching Evaluations.*
  - (1) *Committee Evaluation.* The Committee must observe and report on the candidate's teaching.
  - (2) *Timing.* These teaching evaluations should occur:
    - (A) Every semester until a candidate has obtained establishment or tenure, and
    - (B) During the semester of any vote on promotion to Full Professor.
  - (3) *Frequency.* One Committee member should observe and report on each course that the candidate teaches during a semester. Other Faculty may observe a candidate's course at the candidate's request. But only one report may be made for each course.
- (e) *Candidate Access.*
  - (1) The Committee must make its report on a candidate—along with any scholarship, lawyering, and teaching evaluations—available to that candidate at least three weeks before the meeting at which the Faculty will consider the report.
  - (2) After giving the candidate a reasonable opportunity to respond to the report—and no later than one week before the scheduled meeting—the Committee must distribute its final written report to all Faculty members who are eligible to participate in the meeting to which the report pertains.
- (f) *Committee's Files.* The Committee must maintain a file of all reports distributed by the Committee.
- (g) *Dean's Copy and Candidate's File.* The committee must provide the Dean with a copy of each report, which the Dean will keep in the candidate's College of Law file. The Dean must make these files available to candidates on their request. Candidates may add any material to this file that they deem relevant.

### **Section 5.9. Post-Vote Reports and Communication**

- (a) *Chair's Report.* After a meeting at which a vote was taken on an issue of renewal, promotion, establishment, or tenure, the Chair of the College Personnel Committee must promptly give the Dean a written statement containing the articulated reasons and number of votes for and against any decision concerning the renewal, promotion, establishment, or tenure of a Faculty member.
- (b) *Dean's Report.*

- (1) The Dean must promptly inform a candidate for renewal, promotion, establishment, or tenure of the Faculty's decision.
- (2) The Dean must give the candidate two copies of the statement prepared by the Committee on Renewal, Promotion, Establishment, and Tenure. The candidate must sign one copy immediately below the text, indicating that the candidate has read it. The Dean must retain this copy. The candidate may retain the other.
- (3) The candidate may respond in writing to the statement. The response must be included in the candidate's personnel file.
- (4) The Dean must promptly inform the College of Law community about the results of meetings regarding retaining, promoting, or granting establishment or tenure to candidates.

(c) *Faculty Discussion.*

- (1) To promote candor at meetings on the renewal, promotion, establishment, or tenure of a candidate, Faculty must not disclose or discuss anything said at these meeting except in the circumstances set out in this subsection.
- (2) Before a meeting on the renewal, promotion, establishment, or tenure of a candidate, Faculty may explain their personal view of a candidate's qualifications to the candidate.
- (3) After a meeting on the renewal, promotion, establishment, or tenure of a candidate, Faculty should not relay the outcome of the meeting with a candidate. That should be done by the Dean.
- (4) If more than 60 days have passed since a meeting on the renewal, promotion, establishment, or tenure of a candidate—and that candidate asks another Faculty member about the candidate's qualifications—Faculty may discuss the candidate's qualifications and ways to strengthen their record.
- (5) Faculty should never share with a candidate comments made by other Faculty at a meeting on renewal, promotion, establishment, or tenure.

**Section 5.10. Reconsideration**

A candidate may request reconsideration of the Faculty's decision in accordance with Section 9.4.2.10 of the Collective-Bargaining Agreement.

**Section 5.11. Discretion**

Individual decisions on renewal, promotion, establishment, and tenure rest within the informed discretion of the Faculty.

**Article 6. Professional Assessment**

**Section 6.1. Full-Time Obligation**

Clinical, Legal Writing, and Tenure-Track Faculty must meet the full-time obligation established by the Collective-Bargaining Agreement.

### **Section 6.2. Review of Established and Tenured Faculty**

The Dean, along with the College Personnel Committee, will conduct professional assessment of Clinical, Legal Writing, and Tenure-Track Faculty who have obtained establishment or tenure. Professional assessment exists to further Faculty members' professional growth.

### **Section 6.3. Individual Schedule**

- (a) *Generally.* Except as provided below, professional assessment of Faculty first occurs five years after obtaining establishment or tenure and every five years thereafter.
  - (1) *Lateral Hires.* The next assessment for Faculty members hired with establishment or tenure occurs five years from their hire date.
  - (2) *Administrative Service.* Faculty serving in the College of Law or University administration are not subject to professional assessment. Their next assessment after this administrative appointment occurs five years from the end of that appointment.
  - (3) *Promotion to Full Professor.* The next assessment for Faculty members promoted to Full Professor occurs five years after the promotion.
  - (4) *Minimum of Five Years.* In no circumstances may professional assessment for a Faculty member occur more than once in a five-year period.
- (b) *Dean's Responsibility.* The Dean must maintain a schedule for each Faculty member's professional assessment and inform Faculty of any changes to their schedule.

### **Section 6.4. Materials**

- (a) *Required Materials.* Before assessment, Faculty members must provide a current curriculum vitae.
- (b) *Optional Materials.* Before assessment, Faculty members may provide a self-evaluation of no more than 2,000 words (or more on approval of the Dean due to special circumstances) that addresses the evaluation criteria for the member's faculty group, future goals, a summary of performance, and other materials they deem appropriate.

### **Section 6.5. Process**

- (a) *Annual Schedule.* Within one week of the beginning of each academic year, the Dean must publish a schedule listing the Faculty members to be assessed that year and the schedule for assessment. The schedule must specify the date by which Faculty members must submit any required materials—which must be at least 30 days after the Dean publishes the schedule—and an estimate of when evaluations will be complete.
- (b) *Assessment Meeting.* The Dean must meet with the College Personnel Committee to comprehensively evaluate Faculty members' overall performance, including teaching, lawyering, scholarship, and service (as appropriate). A Faculty member under review may not participate in this meeting.
- (c) *Dean's Report.* Within 14 days of the assessment meeting, the Dean must author an evaluation report for each evaluated Faculty member, which the Dean must provide to the College Personnel Committee. The Dean must give the Committee at least 14 days to respond to the Dean's report. If the Committee suggests any changes to the Dean's report, the Dean must respond within 7 days.

- (d) *Committee's Report.* If the College Personnel Committee has suggested changes to the Dean's report, the Committee has 7 days after the Dean's subsequent response to author its own report. That report must be appended to the Dean's.
- (e) *Provision to Faculty.* After giving the College Personnel Committee time to comment on—and possibly append its own report to—the Dean's report, the Dean must provide that report to the assessed Faculty member. The Dean must give that Faculty member at least 7 days to append any comments to the report, after which the Dean may send the report to the Provost.
- (f) *Programs for Growth.* If an assessment identifies significant issues, the Dean and College Personnel Committee must meet with the Faculty member to discuss and establish a program of growth in accordance with Section 9.8 of the Collective-Bargaining Agreement.

## **Article 7. Effective Date and Amendment**

### **Section 7.1. Effective Date**

These Rules take effect on the positive recommendation of the College of Law Faculty and written approval of the Dean and Provost.

### **Section 7.2. Amendment, Repeal and Waiver**

(a) *Amendment and Repeal.*

- (1) These Rules may be amended or repealed by a three-fifths vote of Faculty eligible to vote on the subject of the amendment or repeal.
- (2) A Faculty member must present in writing a motion to amend or repeal these Rules to the Dean at least 10 days before the regular or special meeting at which the motion will be considered, and the Dean must promptly furnish a copy of the motion to all Faculty eligible to vote on the subject of the amendment or repeal. This notice requirement can be suspended by a four-fifth's vote of Faculty eligible to vote on the subject of the amendment or repeal.

(b) *Waiver.*

- (1) Any of the Government Rules may be temporarily waived by a three-fifths vote of Faculty eligible to vote on the subject of the waiver.
- (2) A Faculty member must present in writing a motion to waive a rule to the Dean at least one business day before the regular or special meeting at which the motion will be considered, and the Dean must promptly furnish a copy of the motion to all Faculty eligible to vote on the subject of the waiver. This notice requirement can be suspended by a four-fifth's vote of Faculty eligible to vote on the subject of the waiver.

## **Appendices**

- A. The College of Law Collective Bargaining Agreement.
- B. University of Toledo College of Law Class Meeting Cancellation Policy (March 14, 2017)