

COLLEGE OF LAW GOVERNMENT RULES
(Updated May 23, 2017)

PREAMBLE

We, the faculty of the University of Toledo College of Law, establish these rules of governance for the College of Law. These rules cover only the subjects enumerated and do not govern or limit existing or customary authority of the faculty and the Dean in other respects.

ARTICLE I. DEFINITIONS

Section A. Dean “Dean” means the Dean of the College of Law or someone designated by the Dean to act for the Dean.

Section B. Faculty

1. Unless provided otherwise in these Rules, “faculty” means all tenure-track, full-time instructors, except those who are on a leave or not in residence at the College.
2. For purposes of voting at faculty meetings and on other matters of faculty governance, tenure-track, full-time instructors on Family Childcare Leave or Sabbatical Leave (as those terms are defined in the University of Toledo Collective Bargaining Agreement, Tenure and Tenure-Track Unit) are treated as if they were not on leave. But these instructors count for calculating a quorum only if they choose to vote. Instructors on Family Childcare Leave or Sabbatical Leave are not expected to participate in meetings or vote.

Section C. Instructor “Instructor” includes Professors of Law; Associate Professors of Law; Assistant Professors of Law; Adjunct Professors of Law; Lecturers of Law; Clinical Professors; Legal Writing Professors; and emeritus professors and visiting professors of any rank.

ARTICLE II. MEETINGS

Section A. In General

1. Time and Conduct of Meetings

- a. The Dean may call regular meetings.
- b. The Dean shall call a special meeting after receiving a written request therefore from at least three instructors eligible to vote on a matter.
- c. The Dean or a faculty member designated by the Dean shall be the presiding officer.
- d. A majority of the instructors eligible to vote on the motion constitutes a quorum for the purpose of transacting business.
 - (1) During breaks between fall, spring, and summer terms and during summer terms, an instructor eligible to vote on a motion may be considered present for purposes of constituting a quorum if the faculty member attends the meeting, via conference call, video conference or other form of internet communication, provided all participants can hear one another and participate in the meeting.

2. Voting

- a. Except as otherwise provided, each faculty member (including the Dean) is entitled to vote.
- b. Except as otherwise provided, clinical and legal writing professors and a law librarian holding the position of Assistant Professor, Associate Professor or Professor of Law are entitled to vote on all matters except the hiring, retention, promotion, tenure, and compensation of tenure track faculty.
- c. A faculty member is not entitled to participate in a meeting or vote on a question of compensation, appointment, reappointment, renewal, promotion, or tenure of the spouse, the domestic partner, or a child of the faculty member.
- d. A majority of those present and eligible to vote is required to adopt any motion, except where voting by email is permitted under subsection (2) below.
 - (1) During breaks between fall, spring, and summer terms and during summer terms, an instructor eligible to vote on a motion may be considered present at a meeting and vote via conference call, video conference or other forms of internet communication, provided all participants can hear one another and participate in the meeting.
 - (2) 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. The Dean shall make the request for a vote by email by sending a notice of the motion to all instructors eligible to vote on the matter. The notice of motion and request for a vote by email shall identify a time period for voting on the motion by email. This time period may not end earlier than ten days from the date of the notice. The notice and request shall be sent by email to the instructor's University of Toledo email address. In these circumstances, voting will be permitted to occur by email unless three instructors eligible to vote on the motion notify the Dean by phone or email of their objection to voting on the motion by email. Objections to voting by email must be made prior to the expiration of the voting period identified in the Dean's notice of motion and request for voting by email. When voting on a motion by email is permitted, an affirmative vote by a majority of the instructors eligible to vote on the motion is required to adopt the motion.
- e. No proxy votes are permitted.

Section B. Appointments Meetings

1. **Dean's Responsibility** The Dean may participate in discussions about and may vote on appointments. The Dean may act contrary to a decision reached in an appointments meeting only for compelling reasons. If the Dean decides to act contrary to the decision, the Dean shall, as soon as possible, distribute to those persons who were eligible to vote a written statement containing the compelling reasons for his or her decision. The enumeration of the Dean's responsibilities in this section shall not be construed to affect the responsibilities of the Dean provided elsewhere in these rules or by University rules.
2. **Participation and Quorum** Only the Dean and those instructors entitled to vote may participate in the meeting. A majority of those entitled to vote constitutes a quorum.
 - a. During breaks between fall, spring, and summer terms and during summer terms, an instructor eligible to vote on a motion may be considered present for purposes of constituting a quorum if the faculty member attends the meeting, via conference call, video conference or other form of internet communication, provided all participants can hear one another and participate in the meeting.

3. Voting

- a. Legal Writing Professors are entitled to vote only on non-tenure track appointments in the legal research and writing program.
- b. Clinical Professors are entitled to vote only on non-tenure track appointments in the clinical law program.
- c. When appointments are considered at a rank above Assistant Professor, only persons holding the rank to which the candidate would be appointed or a higher rank are entitled to vote on the question of rank.
- d. When appointments with tenure are considered, only persons holding tenure are entitled to vote on the question of tenure.
 - (1) During breaks between fall, spring, and summer terms and during summer terms, an instructor eligible to vote on an appointment may be considered present the meeting and vote via conference call, video conference or other form of internet communication, provided all participants can hear one another and participate in the meeting.

Section C. Meetings for Reappointment of Clinical and Legal Writing Professors, or a non-tenure track Law Librarian

- 1. **Dean's Responsibility** The Dean may attend and participate in meetings at which the reappointment of a Clinical and Legal Writing Professor is considered, but may not vote. If the Dean disagrees with the result of the vote, the Dean may reverse that result, giving the reasons for the reversal.
- 2. **Participation and Quorum** Only the Dean and those instructors entitled to vote may participate in the meeting. A majority of those entitled to vote constitutes a quorum.
- 3. **Voting**
 - a. The following instructors (excluding the Dean) may vote on reappointment decisions:
 - (1) Faculty members who have completed one year of service at the College of Law, (or have been credited with at least one year of service earned at another institution) and
 - (2) Legal Writing Professors who are voting on non-tenure track instructors in the legal research and writing program (other than the Director of the program) and who have completed at least one more year of service at the College of Law (or have at least one more year of service taking into account credit for service at another institution) than the instructor who is under consideration, and
 - (3) Clinical Professors who are voting on non-tenure track instructors in the clinical law program (other than the Director of the program) and who have completed at least one more year of service at the College of Law (or have at least one more year of service taking into account credit for service at another institution) than the instructor who is under consideration.
 - (4) If employed under a five year presumptively renewable contract, Legal Writing Professors, Clinical Professors, and the Law Librarian, regardless of years of service, when voting on non-tenure track instructors.
 - b. A two-thirds majority of those who were present and eligible to vote at the first meeting may override a Dean's decision to reverse the result of a vote.

4. Schedule

- a. A clinical or legal writing professor shall be reviewed in the Spring of:
 - (1) a one-year appointment,

- (2) the second year of a three-year appointment, and
- (3) the fourth year of a five-year appointment.

If the Dean reverses the result of a reappointment meeting, the Dean shall schedule a second meeting as soon as possible to consider whether to override the reversal.

- 5. Notice** Not more than ten days after the first day of classes in the fall semester, the Dean shall distribute schedule and agenda, which contains 1) the date, time and place of all reappointment meetings to be held during the ensuing academic year, 2) the names of individuals to be considered at the meeting, 3) the names of those eligible to vote at the meeting, and 4) the nature of the decision to be made in each case. If the Dean fails to distribute a schedule and agenda as required by this subsection, the chairperson of the Committee on Renewal, Promotion and Tenure shall distribute the schedule and agenda as promptly as possible.

6. Communication of Discussion and Vote

- a. The Chair of the Committee on Renewal, Reappointment, Promotion and Tenure shall, as soon as possible, give the Dean a written statement containing the articulated reasons and number of votes for and against any decision concerning the reappointment of a Clinical or Legal Writing Professor.
- b. The Dean shall, as soon as possible, inform the instructor under consideration for reappointment of the decision, of any decanal reversal, and the result of any vote to override a decanal reversal. The Dean shall give the Clinical or Legal Writing Professor two copies of the statement prepared by the appropriate committee. The Clinical or Legal Writing Professor shall sign one copy immediately below the text, signifying that the instructor has read it; the Dean shall retain this copy. The Clinical or Legal Writing Professor may retain the other. The Clinical or Legal Writing Professor may respond, in writing, to the statement. The response shall be included in the Clinical or Legal Writing Professor's personnel file.
- c. The Dean shall, as soon as possible, inform the College of Law community about the results of meetings regarding reappointment of Clinical or Legal Writing Professors.

Section D. Meetings for Renewal, Promotion, and Tenure of Faculty

- 1. Dean's Responsibility** The Dean may attend and participate in meetings at which the renewal, promotion or tenure of a faculty member is considered, but may not vote. In accordance with University requirements, the Dean independently shall make recommendations regarding renewal, promotions, and tenure. The enumeration of the Dean's responsibilities in this section shall not be construed to affect the responsibilities of the Dean provided elsewhere in these rules or by University rules.
- 2. Participation and Quorum** Only the Dean and those instructors entitled to vote may participate in the meeting. A majority of those entitled to vote constitutes a quorum.
- 3. Voting**
 - a. **Voting for Renewal** The following faculty members (excluding the Dean and the College's UCAP representative) may vote on renewal decisions:
 - (1) faculty members who have completed one year of service at the College of Law (or have been credited with at least one year of service earned at another institution) and who hold a rank higher than that of the instructor who is under consideration; and
 - (2) faculty members who have completed at least one more year of service at the College of Law (or who have at least one more year of service taking into account credit for service earned at another institution) and who hold the same rank as the instructor who is under consideration.

- b. **Voting for Promotion** Faculty members (excluding the Dean and the College’s UCAP representative) may vote on promotion decisions if those faculty members have completed one year of service at the College of Law (or have been credited with one year or more for service earned at another institution), and hold a rank equal to or higher than that which the person under consideration seeks.
- c. **Voting for Tenure** Tenured faculty members (excluding the Dean and the College’s UCAP representative) may vote on tenure decisions.

4. **Schedule**

- a. **Meetings for Renewal** Each faculty member who is not yet tenured shall be reviewed during the first five years of his or her appointment for purposes of renewal and evaluation of progress toward tenure, unless the faculty member has been recommended for promotion to the rank of Associate Professor or Professor in the same academic year, according to the following calendar:

<u>Appointment Year</u>	<u>Meetings</u>	<u>Renewal Contract Term</u>
First	First Fall	Second Year
Second	Second Fall (e.g., October)	Third Year
Second	Second Fall (e.g., December)	Fourth Year
Third	Third Fall	Fifth Year
Fourth	Fourth Fall	Sixth Year
Fifth	Fifth Fall	Seventh Year

- b. **Meetings for Tenure**

- (1) A faculty member shall be considered for tenure during the fall semester of his or her 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 or
 - (b) the faculty member requests early consideration for tenure.
- (2) A faculty member is entitled to request to be considered for tenure, if otherwise eligible, in any year of the probationary period. A faculty member is entitled to be considered early for tenure only once. Denial of tenure prior to the last year of the probationary period shall not prejudice subsequent application for tenure and in no case shall be considered *per se* as a ground for termination.
- c. **Notice** Not more than ten days after the first day of classes in the fall semester, the Dean shall distribute a schedule and agenda, which contains 1) the date, time and place of all renewal, promotion and tenure meetings to be held during the ensuing academic year, 2) the names of individuals to be considered at the meeting, 3) the names of those eligible to vote at the meeting, and 4) the nature of the decision to be made in each case. If the Dean fails to distribute a schedule and agenda as required by this subsection, the chairperson of the Committee on Renewal, Promotion and Tenure shall distribute the schedule and agenda as promptly as possible.

5. **Communication of Discussion and Vote**

- a. The chairperson of the Committee on Renewal, Promotion and Tenure shall, as soon as possible, give to the Dean a written statement containing the articulated reasons and number of votes for and against any decision concerning the renewal, promotion or tenure of an instructor.
- b. The Dean shall, as soon as possible, inform the faculty member under consideration for renewal, promotion or tenure of the decision. The Dean shall give the faculty member two copies of the statement prepared by the Committee on Renewal, Promotion and Tenure. The faculty member shall

sign one copy immediately below the text, signifying that the faculty member has read it; the Dean shall retain this copy. The faculty member may retain the other. The faculty member may respond, in writing, to the statement. The response shall be included in the faculty member's personnel file.

- c. The Dean shall, as soon as possible, inform the College of Law community about the results of meetings regarding retaining, promoting, or granting tenure to faculty members.

ARTICLE III. CRITERIA

Section A. Initial Appointment

1. **Clinical or Legal Writing Professor** A candidate must have a sufficient background and experience to justify the expectation that he or she will be able to meet the criteria for reappointment at the end of the contract term.
2. **Assistant Professor** A candidate must have a sufficient background and experience to justify the expectation that he or she will be able to meet the criteria for tenure within the time period established by these rules.
3. **Rank above Assistant Professor or with Tenure** A candidate must meet the criteria established by these rules for promotion to that rank or for tenure or must possess equivalent experience in law practice or other related work.
4. **Years of Service** At the time of appointment, the Dean may grant a candidate credit toward promotion and tenure for experience at an academic institution.

Section B. Renewal, Promotion and Tenure of Faculty

1. Faculty (except Law Librarian)

a. Definitions

- (1) **Publication** Publication, unless otherwise defined, includes books, articles in law reviews, or articles in other scholarly journals in the fields of law, legal education, or related areas. When a completed book has been accepted for publication, the acceptance will suffice. A book may be considered the equivalent of two publications.

In order to be considered as a publication for purposes of this rule, it must be submitted to two outside reviewers. Those reviewers will be asked to address the following matters: the article's substantive content, its contribution to the field, its capacity to advance the agenda of scholarship with which it is concerned, the persuasiveness and originality of its arguments, and its writing and presentation. The reviewers will not be asked to evaluate the publication against the standard for retention at their institution or at the University of Toledo College of Law.

- (2) **Service** Service to the College of Law, the University, the profession, and the community includes:
 - (a) **Development of New Course or Program** A new course or program will usually be one which affects the curriculum of the University. Other new programs may not affect directly the curriculum, but may nonetheless be important contributions to the scope of legal education.
 - (b) **College of Law and University Service** Service, as distinguished from mere membership, on college and university committees and governing bodies, as well as performance of other non-teaching responsibilities within the college or university including administrative service are included in this factor.
 - (c) **Professional and Community Activity** Professional or academic service (as distinguished from institutional affiliation) in the public interest.
- (3) **Teaching** For the purpose of assessing teaching ability, the following are relevant: conduct of the class which is calculated to induce intellectual stimulation among students; comprehensive knowledge of the field, including theoretical and practical developments; ability to communicate

knowledge to students; thorough class preparation; presentation of materials appropriate to the subject matter; appropriate allocation of class assignments; availability and willingness to discuss the subject matter with students; maintenance of regular advertised office hours; reasonable and fair evaluation of the student; willingness to engage in innovative teaching methods; and evaluations of teaching.

- (4) **Writing** Writing includes: Book reviews, essays and commentaries published in law or other scholarly journals in the fields of law, legal education or related areas; scholarly papers and speeches in the fields of law, legal education or related areas presented to meetings of learned or professional societies; papers, reports or testimony presented to legislative, administrative, executive or judicial bodies; course materials of a high quality; and technology of a high quality in the fields of law, legal education, or related areas.
- b. **Threshold Criteria** Threshold criteria for renewal, promotion, tenure and appointment of faculty at a rank above assistant professor or with tenure are:
- (1) **Renewal, Without Tenure** A faculty member shall be renewed, without tenure, on the basis of demonstrated 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 of Law** To be promoted to associate professor, a faculty member must at least:
 - (a) have a minimum of two years of law teaching experience at The University of Toledo or at another institution by the effective date of such promotion; however, three years shall be the norm;
 - (b) have produced a publication; and
 - (c) have demonstrated progress toward tenure under the criteria for that status.
 - (3) **Promotion to Professor of Law** To be promoted to professor, a faculty member must at least:
 - (a) have held the rank of Associate Professor or Visiting Associate Professor of Law for at least two years at The University of Toledo or at another institution by the effective date of such promotion;
 - (b) have published three publications;
 - (c) have demonstrated excellence in either teaching or publication and at least significant achievement in the other and significant achievement in a combination of service and writing; and
 - (d) have demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.
 - (4) **Tenure** To be recommended for tenure, a faculty member must at least:
 - (a) hold at least the rank of Associate Professor or have been recommended for appointment to that rank;
 - (b) have produced two publications;
 - (c) have demonstrated significant achievement in two of the following categories and satisfactory achievement in the third: publication, teaching, and a combination of service and writing; and

- (d) have demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.

2. Law Librarian

a. Definitions

- (1) **Publication** Publication consists of the publication of books; articles in law reviews; articles in other scholarly journals in the field of library science, law, legal education or related areas; bibliographies and bibliographic materials of high quality; book reviews, essays and commentaries published in law or other scholarly journals in the fields of law, legal education or related areas; scholarly papers and speeches in the fields of law, legal education, library science, or related areas presented to meetings of learned or professional societies; papers, reports or testimony presented to legislative, administrative, executive or judicial bodies; course materials of a high quality; and technology of a high quality in the fields of law, legal education, library science, or related areas.
 - (2) **Administration** For purposes of evaluating administration, the following are relevant but not exclusive:
 - (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 University, the profession and the community may be judged by:
 - (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 (as distinguished from institutional affiliation) in the public interest.
 - (4) **Teaching** For the purpose of assessment of teaching ability the following are relevant: any formal classroom teaching to which the law librarian has been assigned and informal teaching through daily work with students and faculty. Informal teaching means the special kind of teaching, either group or individual, direct or indirect, that law librarians customarily perform. Such instruction may include:
 - (a) providing specific information needed by students and faculty, and
 - (b) providing instruction in the use of the library, and in bibliographic techniques in general.
- b. **Threshold Criteria for Renewal, Promotion, and Tenure on Tenure Track.** Threshold criteria for renewal, promotion, tenure and appointment of the law librarian at a rank above Assistant Professor or with tenure are:

- (1) **Renewal Without Tenure** The law librarian shall be renewed, without tenure, on the basis of demonstrated 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 of Law** To be promoted to Associate Professor the law librarian must at least have:
 - (a) five years of law library experience (or its equivalent), some of which includes significant administrative duties, at one or more institutions;
 - (b) demonstrated significant achievement in the areas of teaching and administration; and
 - (c) published a publication of a substantial nature.
- (3) **Promotion to Professor of Law** To be promoted to Professor of Law the law librarian must hold the rank of Associate Professor of Law and at least have:
 - (a) seven years of law library experience (or its equivalent), some of which includes significant administrative duties, at one or more institutions;
 - (b) participated actively in the Law Library and the College of Law;
 - (c) demonstrated excellence in either teaching or administration and at least significant achievement in the other;
 - (d) demonstrated significant achievement in service and publication; and
 - (e) demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.
- (4) **Retention with Tenure** The law librarian may achieve tenure as to rank, but not as to administrative position or individual assignment. To be recommended for appointment with tenure, the law librarian must hold the rank of Associate Professor of Law, or have been recommended for appointment to that rank, and at least have:
 - (a) participated actively in the Law Library and the College of Law,
 - (b) demonstrated excellence in either teaching or administration and at least significant achievement in the other,
 - (c) demonstrated significant achievement in service and publication; and
 - (d) demonstrated progress that evidences a commitment to continue or surpass the level of performance required by this subsection.

c. **Appointment and Retention without Tenure**

- (1) A librarian may be hired on a non-tenure track for a fixed number of years and reappointed for subsequent fixed terms.
- (2) A 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 shall be presumed to meet the threshold criteria for reappointment without tenure, taking into account performance in the criteria mentioned in (a) above.

Section C. Reappointment of Clinical Professor

1. Definitions

- a. **Clinical Teaching** Clinical teaching includes active supervision of groups of students and individual students in carrying out the lawyering skills that are part of the students' clinical work. It also includes: (1) instilling in students the habits of careful research, rigorous analysis, thorough preparation, and honest self-criticism; (2) teaching clinic seminars in substantive and procedural areas of law and in simulation of lawyering skills; and (3) familiarity with relevant literature about substantive law and lawyering skills, as pertinent to the work done in the clinic.
- b. **Lawyering** Lawyering includes knowledge of law and procedure; knowledge and skill in the areas of written and oral advocacy, trial preparation and presentation, planning, client counseling, and negotiation; knowledge of professional responsibility and ethical conduct; and an understanding of the dynamics and interrelationships between attorney, client, adversary, and the court system.

2. Threshold Criteria

- a. **Reappointment to a one-year term** To meet the threshold criteria for reappointment to another one-year term, a Clinical Professor must demonstrate sufficient proficiency in the areas of clinical teaching and of lawyering to justify the expectation that he or she will be able to meet the criteria for appointment to a three-year renewable term upon completion of the appointment. A Clinical Professor may be appointed to a maximum of two one-year terms.
- b. **Reappointment to a three-year term** To meet the threshold criteria for reappointment to a three-year term, a Clinical Professor must demonstrate sufficient proficiency in the areas of clinical teaching and of lawyering to justify the expectation that he or she will be able to meet the criteria for appointment to a five-year renewable term upon completion of the three-year appointment. A Clinical Professor may be appointed to only one three-year term.
- c. **Reappointment to a five-year term** A Clinical Professor need not have been reappointed to a three-year term in order to be reappointed to a five-year term. To meet the threshold criteria for reappointment to a five-year term, an Instructor of Law must:
 - (1) demonstrate excellence in clinical teaching,
 - (2) demonstrate significant achievement in lawyering, and
 - (3) participate in meetings of the instructional staff, including committee meetings, and, as appropriate, in the affairs of the University, the community, and the legal profession.
- d. **Subsequent reappointment to a five-year term.** A Clinical Professor considered for reappointment to a second or subsequent five-year term shall be presumed to meet the threshold criteria for renewal for that term specified in c. above.

Section D. Reappointment of Legal Writing Professor

1. **Definition of Teaching** Teaching of Legal Research, Writing, and Appellate Advocacy includes the development of analytical thinking among students; comprehensive knowledge of the field, including theoretical and practical developments; ability to communicate knowledge to students; thorough class preparation; presentation of materials appropriate to the subject matter; appropriate allocation of class assignments; availability and willingness to discuss the subject matter with students; maintenance of regular advertised office hours; reasonable and fair evaluation of the students, and the willingness to engage in innovative teaching methods.

2. Threshold Criteria

- a. **Reappointment to a one-year term** To meet the threshold criteria for reappointment to another one-year term, a Legal Writing Professor must demonstrate sufficient proficiency in the teaching of legal research, writing, and appellate advocacy to justify the expectation that he or she will be able to meet the criteria for appointment to a three-year renewable term upon completion of the appointment. A Legal Writing Professor may be appointed to a maximum of two one-year terms.
- b. **Reappointment to a three-year term** To meet the threshold criteria for reappointment to a three-year term, a Legal Writing Professor must demonstrate sufficient proficiency in the teaching of legal research, writing, writing, and appellate advocacy to justify the expectation that he or she will be able to meet the criteria for appointment to a five-year renewable term upon completion of the three-year appointment. A Legal Writing Professor may be appointed to only two three-year term.
- c. **Reappointment to a five-year term** A Legal Writing Professor need not have been reappointed to a three-year term in order to be reappointed to a five-year term. To meet the threshold criteria for reappointment to a five-year term, a Legal Writing Professor must:
 - (1) demonstrate significant achievement in teaching legal research and writing, and appellate advocacy, and
 - (2) participate in meetings of the instructional staff, including committee meetings, and, as appropriate, in the affairs of the University, the community, and the legal profession.
- d. **Subsequent reappointment to a five-year term.** A Legal Writing Professor considered for reappointment to a second or subsequent five-year term shall be presumed to meet the threshold criteria for renewal for that term specified in c. above.

Section E. Discretion An individual who fulfills the appropriate threshold criteria identified in this article is eligible for consideration for initial appointment, reappointment, renewal, promotion, or tenure, but individual decisions rest within the informed discretion of those charged with the decision.

Section F. Full-Time Obligation Full-time instructors shall meet the full-time obligation established by the University's rules.

ARTICLE IV. COMMITTEES

Section A. Composition

Except as provided below, the Dean shall appoint members of College of Law committees and their chairpersons, unless otherwise stated herein. Except as provided below, each committee shall consist of at least three members, one of whom must be a student.

Section B. Standing Committees

1. Academic Policy

- a. The committee considers all matters relating to academic practices, policies, procedures and standards of the College, except those matters referred to the Disciplinary Committee.
- b. The committee also enforces academic standards, including all cases of readmission, reinstatement and eligibility for graduation, except those matters referred to the Disciplinary Committee. The committee shall maintain suitable records. The committee's decisions on petitions involving the enforcement of academic standards are final and not subject to appeal on the merits except as specifically provided in

these rules or the Academic Rules of the College.

- c. The committee consists of six instructors and two students. The Dean shall appoint alternate committee members as needed.
- d. For all meetings convened to enforce academic standards, a quorum is six, one of whom is a student.
- e. The committee may extend any filing deadline.

2. Academic Appeals

- a. The committee hears appeals from decisions of the Academic Policy Committee pursuant to the Academic Rules of the College.
- b. The committee consists of three instructors and one student, none of whom is a member of the Academic Policy Committee. The Dean shall appoint alternate committee members as needed.
- c. A quorum is three, one of whom is a student.
- d. The committee may extend any filing deadline.
- e. Service as chair of this committee is not be subject to the Chairing Multiple Committees rule of Section C of this Article.

3. Admissions

The committee is chaired by the Dean and considers all applications for admission.

4. Advisory Committee on Compensation

- a. **Composition and Terms of Service** The committee consists of four eligible faculty members, each of whom serves a two-year term.
- b. **Eligibility to Serve** All faculty members (except the Dean) who have served on the faculty for at least one academic year are eligible to serve. Faculty members in administrative positions in the College are eligible to serve; faculty members in University administrative positions outside of the College are not eligible to serve.
- c. **Selection of the Committee** Each year, the Dean shall select two committee members by lot from a pool consisting of those faculty members who are eligible to serve except (i) those who request in writing to the Dean before the lottery not to be included in the pool, and (ii) those who completed service on the committee within four years of the commencement of the term for which the selection is being made.
- d. **Committee Term** The committee's term begins March 1 and extends for one year.
- e. **Vacancies** If a vacancy occurs in an unexpired term, the Dean shall fill the vacancy by lot from a pool consisting of those eligible to serve and not excluded under these rules. If the unexpired term is one year or more from the date of the vacancy, the new member shall be treated as having served a full two-year term; if the unexpired term is less than one year from the date of the vacancy, the new member may remain a part of the selection pool during the next annual selection lottery.
- f. **Jurisdiction and Duties** The committee may consider any matter relevant to faculty compensation or to conditions of employment.
- g. **Procedure**

- (1) The Dean shall evaluate the performance of each faculty member and make recommendations concerning annual salary adjustments and periodic equity adjustments in salary in accordance with University requirements. The Dean shall consult with the committee before making his or her final recommendations.
- (2) The committee shall evaluate the performance of each faculty member (except members of the committee, the Dean, and the Associate Dean) and recommend to the Dean appropriate annual salary adjustments and periodic equity adjustments in salary for each faculty member reviewed. Each committee member shall separately evaluate the other committee members and forward recommendations thereon directly to the Dean.
- (3) In accordance with these rules, the Dean and the committee shall consider teaching, service, publication, and writing.

5. Appointments

a. Faculty

- (1) The committee identifies, screens, and presents faculty prospects for consideration for initial hiring.
- (2) Only faculty members may serve on the committee.

b. Clinical Professors

- (1) The committee identifies, screens, and presents prospects for consideration for initial hiring as Clinical Professors.
- (2) The committee consists of all members of the Faculty Appointments Committee plus a Clinical Professor.

c. Legal Writing Professors

- (1) The committee identifies, screens, and presents prospects for consideration for initial hiring as Legal Writing Professors.
- (2) The committee consists of all members of the Faculty Appointments Committee plus a Legal Writing Professor

6. Assessment, Long-term Planning, Budget and Curriculum This committee, which will include subcommittees for Assessment, Long-term Planning, Budget, Curriculum, and other matters as necessary or appropriate, serves several roles:

- a. It promotes the development of learning assessment policies at the College of Law, creates a culture of assessment, provides a clearinghouse for the dissemination of information on measurable student learning outcomes, and institutes a process for continuous improvement of the College.
- b. It develops and makes recommendations to the faculty for revisions to the College of Law mission statement and strategic plan for achieving this mission. As part of this charge, the committee periodically reexamines the College's established goals, identifies specific goals for improving the College's program of education and means for achieving these goals, and assesses success in realizing the goals.
- c. It provides information and advice to the Dean and the instructional staff on matters relating to the College budget, except those within the jurisdiction of the Advisory Committee on Compensation.

- d. It considers all matters relating to the curriculum.
- 7. Career Services Advisory Committee** The committee provides advice and guidance for the College’s Office of Professional Development on all matters relating to student employment prospects and professional development.
- 8. Disciplinary**
- a. The committee considers all matters relating to the College of Law Code of Student Professional Conduct.
 - b. The committee enforces the Code of Student Professional Conduct.
 - c. The committee consists of all full-time instructors who do not have an office in the College’s administrative suite and four students.
 - d. Service as chair of this committee is not subject to the Chairing Multiple Committees rule of Section C of this Article.
- 9. 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.
- 10. 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.
- 11. Renewal, Promotion and Tenure**
- a. **Election**
 - (1) The committee consists of four tenured faculty (except the Dean) holding the rank of Professor of Law, each of whom serves a two-year term commencing June 1 following their election. A faculty member who has served a two-year term on the committee is ineligible to serve for one year after the termination of his or her final year of service on the committee.
 - (2) All faculty members are entitled to vote.
 - (3) The election shall be by secret ballot and consist of two rounds.
 - (a) First Round. All faculty members eligible to serve appear on the first round ballot. Each voting member shall vote for two candidates.
 - (b) Second Round. The four persons with the highest number of votes in the first round (or more in case of ties) advance to the second round. Each voting member shall vote for two candidates. The two candidates with the highest number of votes in the second round are elected.
 - (4) As soon as possible after a vacancy occurs, the Dean shall call a special election to fill the remainder of the term vacated. This election shall be conducted according to subsection (3), 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. If the unexpired term is one year or more from the date of the vacancy, the new member shall be treated as having served a two-year term; if the unexpired term is less than one year from the date of the vacancy, the new member remains eligible for immediate reelection.

b. **Chair** The committee shall designate its own Chair.

c. **Duties**

- (1) The committee shall present a written report for consideration at any meeting to consider the renewal, reappointment, promotion or tenure of faculty members. The report shall not make a recommendation, but shall specify all activities that have a bearing upon the subject of the meeting.
- (2) In its report, the committee shall:
 - (a) evaluate or cause to have evaluated any scholarly writings of the candidate, and
 - (b) evaluate the candidate's teaching effectiveness in light of observations derived from classroom visits.
- (3) The report shall be made available to the candidate at least three weeks prior to the meeting at which the report will be considered.
- (4) After giving the candidate a reasonable opportunity to respond to the report and no later than one week before the scheduled meeting, the committee shall distribute its final written report to all instructors who are eligible to participate in the meeting to which the report pertains.
- (5) The committee shall maintain a file of all reports distributed by the committee.
- (6) The committee shall provide the Dean with a copy of each report to be placed in the candidate's College of Law file. This file shall be available to the candidate upon his or her request, and he or she may add any material that he or she deems relevant.

12. Rules Committee The committee drafts or edits amendments to or repeals of any College rules.

Section C. Chairing Multiple Committees An instructor is not entitled to serve as chair of more than one standing committee at any given time, except as otherwise provided in these rules.

Section D. Special Committees The Dean shall appoint special committees as he or she deems appropriate, or which may be called for by a majority vote of the faculty.

Section E. Recommendations and Reports Each committee shall make its recommendations and reports in writing, a copy of which shall be distributed as far as possible in advance of the meeting at which the report or recommendations will be submitted. A copy of the report or recommendations shall be attached to the official minutes of the meeting. Any committee member is entitled to file a written dissent to any recommendation or report, which dissent also shall be attached to the official minutes of the meeting.

ARTICLE V. EFFECTIVE DATE, AMENDMENT AND CONSTRUCTION

Section A. Effective Date These rules shall come into effect upon their approval.

Section B. Amendment, Repeal and Waiver

1. These Rules may be amended or repealed by a three-fifths vote of those instructors eligible to vote on the subject of the amendment or repeal. An instructor 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 instructors eligible to vote on the subject of the amendment or repeal. This notice requirement can be suspended by a four-fifth's vote of those

instructors eligible to vote on the subject of the amendment or repeal.

2. Any of the Government Rules may be temporarily waived by a three-fifths vote of those instructors eligible to vote on the subject of the waiver. An instructor 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 instructors eligible to vote on the subject of the waiver. This notice requirement can be suspended by a four-fifth's vote of those instructors eligible to vote on the subject of the waiver.

Section C. Construction These rules shall be construed in harmony with applicable rules and standards of the University, State of Ohio, the Association of American Law Schools, and the American Bar Association.

Section D. Authority The authority and power of the College of Law to take the actions set forth herein have been delegated and, in the ordinary course of events, will continue to be delegated from the Board of Trustees through the President and Officers of the University to the College of Law.