

TEMPLE UNIVERSITY SCHOOL OF LAW

STATEMENT OF POLICIES AND PROCEDURES OF THE TENURIAL FACULTY

Adopted at Faculty Meetings held on April 7, 1993 and  
April 26, 1993 and amended at Faculty Meetings through  
August 27, 2003

The following policies and procedures shall apply to every full-time member of the Faculty on presidential appointment ("Faculty Member") and to such other members of the Faculty as the Faculty shall have approved for the grant of a full-time appointment. Individuals to whom this procedure applies shall be referred to herein as Faculty Members. This statement of policies and procedures supersedes and replaces the Statement of Policies and Procedures of the Tenorial Faculty adopted on April 27, 1970 and amended December 4, 1973 and October 28, 1975.

I. GOVERNANCE

- A. Faculty Members who have received tenure shall constitute the Tenorial Faculty.
- B. The Tenorial Faculty shall have a Chair and a Vice Chair. The Chair and Vice Chair of the Tenorial Faculty shall be elected by the vote of a majority of such Tenorial Faculty and shall each be a Faculty Member who has achieved the rank of Professor of Law, with tenure. Election of the Chair and Vice Chair of the Tenorial Faculty shall be by secret ballot.
- C. The Chair and Vice Chair of the Tenorial Faculty shall each serve for a term of 3 years. If the Chair should be either absent or unable to serve at any time during the 3-year term, the Vice Chair shall serve as Chair for as long as necessary within that term.
- D. Meetings of the Tenorial Faculty shall be convened by the Chair of the Tenorial Faculty, who shall preside at such meetings. Minutes of any meetings of the Tenorial Faculty shall be taken by the Chair of the Faculty Review Committee and, in her or his absence, by an individual designated by the Chair of the Tenorial Faculty.

## II. EVALUATION OF FACULTY MEMBERS

- A. Eligibility for tenure and promotion shall be determined by the tenure and promotion eligibility provisions in the Temple University Handbook, as supplemented by any provisions duly adopted by the School of Law.
- B. Evaluation of Faculty Members shall be in accordance with the Temple University Handbook and the standards duly adopted by the School of Law regarding teaching, scholarship and service.

## III. EVALUATION SCHEDULE

- A. Assistant Professors.
  - 1. Except as provided in paragraph 2 below, an Assistant Professor's progress toward promotion or tenure shall be evaluated during every year that s/he remains at the rank of Assistant Professor, provided that during an Assistant Professor's first year of full-time teaching at the Law School, no evaluation shall be conducted until the Spring semester. The evaluation shall be conducted by a Panel of two tenured members of the Faculty appointed by the Chair of the Faculty Review Committee in consultation with the Chair of the Tenorial Faculty and the Dean. The results of that evaluation shall be set forth in a report circulated to the Faculty Member and to the Tenorial Faculty in accordance with the procedure set forth in section IV.B. hereof.
  - 2. As part of the progress evaluation conducted in an Assistant Professor's fourth year on the faculty, the progress Panel shall, after discussion with the Faculty Member under review and with the Chair of the Faculty Review Committee, consult with at least two scholars who are not Faculty Members regarding the Faculty Member's progress towards tenure in the area of scholarship, in accordance with the procedures in section IV.A.2. a
  - 3. In a year in which the Faculty Member requests promotion or tenure, the Faculty Member will be evaluated in accordance with the procedures set forth in Section IV hereof.
  - 4. If the Dean or the Chair of the Tenorial Faculty determines that the Faculty Member is in a mandatory review year, as provided by the Faculty Handbook, the Dean or the Chair of the Tenorial Faculty shall

ask that the Faculty Member be evaluated in accordance with the procedures set forth in Section IV hereof.

5. Faculty Members who believe or have reason to know that they are in a mandatory review year must seek an evaluation in that year by requesting one from the Chair of the Tenorial Faculty or from the Dean, and any Faculty Member who fails to seek an evaluation in accordance with the procedures described herein in such a year shall be estopped from asserting that s/he has received tenure de facto.

B. Associate Professors who begin teaching on a full-time basis at the Law School at the rank of Associate Professor.

1. Except as provided in paragraph 2 below, a Faculty Member who begins teaching at the Law School at the rank of Associate Professor, shall be evaluated during every year that s/he remains at the rank of Associate Professor without tenure. The evaluation shall be conducted by a Panel of two tenured members of the Faculty appointed by the Chair of the Faculty Review Committee in consultation with the Chair of the Tenorial Faculty and the Dean. The results of that evaluation shall be set forth in a report prepared by the Panel and circulated by the Chair of the Faculty Review Committee to the Faculty Member and to the Tenorial Faculty in accordance with the procedure set forth in section IV.B. hereof.
2. In a year in which the Faculty Member requests promotion or tenure, the Faculty Member will be evaluated in accordance with the procedures set forth in Section IV hereof.
3. If the Dean or the Chair of the Tenorial Faculty determines that the Faculty Member is in a mandatory review year, as provided by the Faculty Handbook, the Dean or the Chair of the Tenorial Faculty shall ask that the Faculty Member be evaluated in accordance with the procedures set forth in Section IV hereof.
4. Faculty Members who believe or have reason to know that they are in a mandatory review year must seek an evaluation in that year by requesting one from the Chair of the Tenorial Faculty or from the Dean, and any Faculty Member who fails to seek an evaluation in accordance with the procedures described herein in such a year shall be estopped from asserting that s/he has received tenure de facto.

- C. Associate Professors who began teaching on a full-time basis at the Law School at the rank of Assistant Professor, and Associate Professors with tenure.
1. A Faculty Member who has attained the rank of Associate Professor but who began teaching on a full-time basis at the Law School at the rank of Assistant Professor or who is an Associate Professor with tenure will be evaluated when:
    - a. S/he seeks promotion or tenure, or
    - b. S/he requests such an evaluation, or
    - c. The Faculty Review Committee, after discussion with the Faculty Member, determines that such an evaluation would be appropriate, or
    - d. The Dean or the Chair of the Tenorial Faculty determines that the Faculty Member is in a mandatory review year, as provided by the Faculty Handbook. Faculty Members who believe or have reason to know that they are in a mandatory review year must seek an evaluation in that year by requesting one from the Chair of the Tenorial Faculty or from the Dean, and any Faculty Member who fails to seek an evaluation in accordance with the procedures described herein in such a year shall be estopped from asserting that s/he has received tenure de facto.
  2. Any evaluation that takes place pursuant to paragraph 1.b. hereof and which does not involve a request for promotion or tenure shall be conducted by a Panel of two tenured members of the Faculty appointed by the Chair of the Faculty Review Committee in consultation with the Chair of the Tenorial Faculty and the Dean and shall be set forth in a report circulated to the Faculty Member and the Tenorial Faculty in accordance with the procedure set forth in section IV.B. hereof. Any evaluation undertaken pursuant to any other provision of paragraph 1 shall be conducted in accordance with the procedures set forth in Section IV hereof.
- D. Professors.
1. Except as provided in paragraph 2 below, a Faculty Member who begins teaching at the Law School on a full-time basis at the rank of Professor of Law, shall be evaluated during every year s/he remains at the rank of

Professor of Law, without tenure. The evaluation shall be conducted by a Panel of two tenured members of the Faculty appointed by the Chair of the Faculty Review Committee in consultation with the Chair of the Tenorial Faculty and the Dean. The results of that evaluation shall be set forth in a report circulated to the Faculty Member and to the Tenorial Faculty in accordance with the procedure set forth in section IV.B. hereof.

2. In a year in which the Faculty Member requests tenure, the Faculty Member will be evaluated in accordance with the procedures set forth in Section IV hereof.
  3. If the Dean or the Chair of the Tenorial Faculty determines that the Faculty Member is in a mandatory review year, as provided by the Faculty Handbook, the Dean or the Chair of the Tenorial Faculty shall ask that the Faculty Member be evaluated in accordance with the procedures set forth in Section IV hereof.
  4. Faculty Members who believe or have reason to know that they are in a mandatory review year must seek an evaluation in that year by requesting one from the Chair of the Tenorial Faculty or the Dean, and any Faculty Member who fails to seek an evaluation in accordance with the procedures described herein in such a year shall be estopped from asserting that s/he has received tenure de facto.
- E. By April 30 of every academic year, the Chair of the Tenorial Faculty shall consult with those Faculty Members who have not yet attained the rank of Professor of Law, with tenure, regarding their desire to seek promotion or tenure during the next academic year, shall invite preliminary statements of intent, and shall communicate the results of such consultations to the Chair of the Faculty Review Committee. The Faculty Review Committee shall invite any faculty members who have expressed such preliminary intent to begin any part of the review process that might take place before the start of the next academic year, such as review of existing scholarship by outside scholars. Not earlier than the first day of upper level classes of the fall semester, the Chair of the Tenorial Faculty shall again consult with those Faculty Members who have not yet attained the rank of Professor of Law, with tenure, for the purpose of soliciting a final intent to seek promotion or tenure during the upcoming academic year, and shall communicate the results of such consultations to the Chair of the Faculty Review Committee. Any faculty member who expresses preliminary or final intent to seek promotion or tenure may withdraw from consideration at any time without prejudice and no negative inference will be

attached to a decision not to move forward . By September 1 of the academic year in which review is sought, faculty members seeking promotion or tenure shall submit to the Chair of the Faculty Review Committee one copy of a candidate portfolio (see IV.A.1.). Scholarship on which the faculty member wishes to rely may be added to the candidate portfolio through September 15.

#### IV. EVALUATION PROCEDURE

- A. Evaluation of a Faculty Member's satisfaction of the standards for tenure or promotion shall be conducted by the Faculty Review Committee.
  1. The Faculty Member seeking tenure or promotion shall submit to the Chair of the Faculty Review Committee a candidate portfolio which shall include:
    - a. A list of the courses taught at Temple Law School;
    - b. Current year's syllabi;
    - c. A final examination previously given;
    - d. A critiqued student paper (if available);
    - e. A copy of all published work since joining the Temple Law School faculty and a copy of all other written work on which the Faculty Member wishes to rely for tenure or promotion, whether in the category of teaching, scholarship or service;
    - f. Works-in-progress, if desired;
    - g. A list of committee assignments while at Temple;
    - h. A description of service activities within and outside of Temple University since at Temple (by year);
    - i. Prior progress and/or Faculty Review Committee reports; and
    - j. Any additional material the candidate deems relevant.
  2. Members of the Faculty Review Committee shall visit the classes of each Faculty Member under review, shall read and review the scholarship

produced by such Faculty Member and shall ascertain and evaluate the service provided by such Faculty Member.

- a. The Committee shall, after discussion with the Faculty Member under review, consult with at least two scholars who are not Faculty Members regarding the scholarship they must review. The Committee shall request from the Faculty Member under review the names of scholars who might be able to review the scholarship and shall obtain a review of the Faculty Member's scholarship from at least one of those scholars. Any scholar who reviews a Faculty Member's scholarship shall submit a written report that discusses the extent to which the work in question reflects substantive knowledge of the subject matter and makes a positive contribution to the field as well as such other information or commentary as the scholar deems relevant to the Faculty Member's qualifications for promotion or tenure. The Faculty Member under review shall be entitled to see and respond to any written report prepared by such a scholar, provided that the report is redacted to preserve the scholar's anonymity.
- b. Evaluation of a Faculty Member's service should include consultation with the Chairs of any Law School Committees on which the Faculty Member serves as well as consultation with individuals outside the law school who have personal knowledge of the Faculty Member's community or University service.
- c. At a minimum, at least three members of the Faculty Review Committee shall each visit three classes taught by the Faculty Member under review during the period under consideration.
  - (1) Members of the Faculty Review Committee shall provide at least 24 hours notice (excluding Saturdays and Sundays) of intent to visit the class of a Faculty Member under review.
  - (2) Except where every class of the Faculty Review Committee member and the Faculty Member under review conflict, class visits shall be in person. Where the reviewer's and candidate's class schedules conflict, videotaping is permissible and the Faculty Review Committee member may rely on the videotape. In other cases, the use of videotaping as a supplement to personal

visits is permissible only with the consent of the candidate. If videotaping is used, the Faculty Review Committee member shall review the tape in the presence of, or in consultation with, the Faculty Member under review.

- (3) Before visiting the class of a Faculty Member under review, each member of the Faculty Review Committee should meet with that Faculty Member to discuss, in the context of the overall course, that teacher's plans for the class(es) the reviewer will observe. After each Committee member has completed the scheduled class visits, the Faculty Review Committee member shall discuss with the Faculty Member under review the class(es) visited and the Committee member's observations concerning the class(es) visited.

3. The Faculty Review Committee shall write a report describing its observations and evaluation and setting forth its recommendation regarding the grant of tenure or promotion. The report shall specify which classes were visited and by which members of the Faculty Review Committee. If any members of the Faculty Review Committee viewed classes on videotape, the report shall identify the Faculty Review Committee member(s) and shall specify the name and number of the classes viewed on videotape.
4. In all cases where a Faculty Member is seeking tenure, the Chair of the Tenorial Faculty shall circulate the report to the members of that Faculty. Where a Faculty Member seeks promotion, the Chair of the Tenorial Faculty shall circulate the report only to those members of the Tenorial Faculty who have attained the rank to which the Faculty Member seeks to be promoted and only such Faculty Members shall be present at any meeting and shall be entitled to vote on any action regarding such promotion.

B. Timely Distribution of Reports and Supporting Documentation.

1. Any report regarding tenure, promotion or a Faculty Member's progress shall be distributed to the relevant Faculty at least 7 calendar days before the meeting at which such report will be considered.

2. The Faculty Member being reviewed shall have at least three days to review the report before it is distributed to the relevant Faculty and shall have the opportunity to meet with the Committee or Panel that prepared the report before the report is distributed to the Faculty. The Faculty Member being reviewed shall also have the right to submit to the relevant Faculty a document commenting on or supplementing the report.
  3. Copies of any writing upon which a Faculty Member being reviewed is relying shall be distributed to the relevant Faculty at least two weeks before the meeting at which the report on the Faculty Member will be considered. In the case of Faculty Members who have multiple writings at least the last writing and one other writing selected by the Faculty Member shall be distributed. All other writing should be made available to the relevant Faculty in the Dean's Office.
  4. Compliance with any time requirement set forth in this subsection may be waived at the election of the Faculty Member being reviewed.
- C. Any report that the Chair of the Tenorial Faculty or the Dean forwards outside the Law School to any University body or official regarding the tenure, promotion, or progress of any Faculty Member evaluated pursuant to the procedures set forth herein, shall be distributed to the Faculty Member at the time such report is forwarded outside the Law School, and shall be shown to any Member of the relevant Faculty upon request. In any case where the Dean makes a negative recommendation regarding promotion or tenure, the Dean shall discuss that recommendation in advance with the Faculty Member. If the Dean makes a recommendation that is in conflict with that of the Faculty, the Dean shall notify the relevant Faculty prior to making such a recommendation.
- D. By October 1 of the academic year the Chair of the Faculty Review Committee shall provide the following notice to the presidents of the day and evening divisions for circulation as those individuals deem appropriate and shall also circulate a copy of such notice to the Law School Community:

The Faculty Review Committee must make recommendations to the Tenorial Faculty regarding promotion and tenure. Panels composed of tenured members of the Faculty also evaluate progress toward promotion and tenure. Faculty Members are reviewed under these procedures even if they are not seeking tenure or promotion during a given academic year.

The Faculty encourages members of the student body, the Faculty and the administration to express their views on the performance of any individual Faculty Member under review. Views so expressed will be considered in preparing the evaluation report. Anyone wishing to express an opinion should do so in a signed writing addressed to Professor [insert name of Chair of the Faculty Review Committee] by [insert appropriate date].

During this academic year the following Faculty Members will be subject to review: [insert names and proposed action as appropriate].

V. ELECTION OF FACULTY REVIEW COMMITTEE

- A. The Faculty Review Committee shall be composed of 5 Faculty Members. The Chair and two members of the Faculty Review Committee shall be elected by the Faculty. Two members shall be appointed by the Chair of the Tenorial Faculty, in consultation with the Dean.
- B. At the duly scheduled April meeting of the Faculty of Law during the academic year, or at such other time as the Faculty may decide, the Faculty shall elect one individual to serve as Chair of the Faculty Review Committee for a term of one year and one individual to serve as a member of the Faculty Review Committee for a term of two years. During the first year such Committee is elected, the Faculty shall elect two members of the Faculty Review Committee, one of whom shall be elected to serve for a term of one year and the other of whom shall be elected to serve for a term of two years.
- C. Within two weeks after the election of the Chair and the member of the Faculty Review Committee, the Chair of the Tenorial Faculty shall appoint one individual to serve as a member of the Faculty Review Committee for a term of two years. During the first year the Faculty Review Committee is formed, the Chair of the Tenorial Faculty shall appoint two individuals to serve as members of the Faculty Review Committee, one of whom shall serve for a term of one year and the other of whom shall serve for a term of two years.
- D. Only Faculty Members who have achieved the rank of Professor of Law, with tenure, may serve as Chair and as members of the Faculty Review Committee.
- E. Election of the Chair of the Faculty Review Committee and of members of the Faculty Review Committee shall be by secret ballot.

VI. MEETINGS OF THE TENURIAL FACULTY

- A. The Chair of the Tenorial Faculty shall, by September 15 of every academic year, circulate to the Tenorial Faculty a schedule of the reasonably anticipated meetings of such Faculty and shall endeavor to schedule such other meetings as become necessary during times when classes are not ordinarily scheduled. The Chair of the Tenorial Faculty shall provide a minimum of 48 hours' notice for any such additional meetings and shall conclude the meetings by the time set forth in such notice.

- B. All meetings of the Tenorial Faculty shall be held in executive session, shall be regarded as confidential, and attribution of specific comments and views to particular individuals shall be regarded as a breach of confidence, except that:
  - 1. The Chair of the Tenorial Faculty shall communicate the result of any vote taken at such a meeting to the individual whom the vote concerns and the Chair of the Faculty Review Committee shall discuss with those Faculty Members about whom a report was submitted, the general tenor of any discussion regarding the Faculty Member or the report, and
  - 2. No person shall regard as confidential any statement or remark that violates applicable law or University policy.
- C. All votes taken by the Tenorial Faculty shall be by secret ballot.
- D. In votes taken by the Tenorial Faculty, absentee ballots are discouraged but permitted at the discretion of the individual Faculty Member seeking to cast such a ballot.
- E. The vote of a majority of those present and eligible to vote at a meeting when a quorum is present shall constitute the decision of the Tenorial Faculty.
- F. The following Faculty Members shall not vote at meetings of the Tenorial Faculty:
  - 1. The Dean of the Law School,
  - 2. Faculty Members who have been on leave of absence, whether with or without pay, for more than two consecutive calendar years, as long as they remain on leave, and
  - 3. Faculty Members who have been serving in University administrative positions on a full-time basis for more than two consecutive years, as long as they serve in those positions.