

Willamette University



College of Law

**Faculty Personnel  
Policies and Procedures**

As Approved by the Board of Trustees in 1976  
and Amended through May 12, 2016

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WILLAMETTE UNIVERSITY COLLEGE OF LAW

FACULTY PERSONNEL POLICIES AND PROCEDURES

As approved by the Board of Trustees in 1976  
and as amended through May 12, 2016.<sup>1</sup>

**I. Equal Opportunity**

These Policies and Procedures shall be administered so as to ensure that no person is discriminated against on the ground of race, color, religion, sex, gender identity, pregnancy or childbirth or related medical condition, marital status, sexual orientation, age, disability, or ethnic background and shall be administered in compliance with the University equal employment opportunity program.

**II. Statement of Purpose**

The primary purpose of these Policies and Procedures is to attract and maintain the best Faculty possible. The Policies and Procedures are intended to: (1) help create an open and supportive atmosphere for the personal and professional growth of all its members, (2) enrich the process of teaching and learning, (3) enhance mutual confidence among Faculty, students, administrators and trustees, (4) provide rational and fair mechanisms for making decisions affecting the Faculty, and (5) protect the academic freedom of all members of the Faculty.

Nothing herein shall be understood to limit the authority of the Board of Trustees or President to enact such policies or Bylaws as required by law or accreditation directives. Additional University policies may apply. Amendments to these Policies and Procedures require faculty consent and approval by the President through the authority delegated to the President by the Board of Trustees.

**III. The Faculty**

A. Faculty Member. “Faculty member” means a person with the academic rank of Assistant Professor, Associate Professor, or Professor who performs teaching and/or administrative duties in accordance with a contract with the University during the academic year. For the purposes of Section VII, XII, XIII, and XIV, “faculty member” also includes non-adjunct, non-visiting Instructors and Professors of Legal Writing.

1. Full-Time Faculty Member. “Full-time faculty member” means a faculty member who performs on a full-time basis during the academic year.

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<sup>1</sup> To the extent that the substantive provisions of these Policies and Procedures governing retention, promotion, and tenure (in Sections VIII, IX, and X) are different from those in effect as of April 2015, the new provisions apply only to a faculty member who is hired after June 1, 2015.

2. Part-Time Faculty Member. “Part-time faculty member” means a faculty member having an appointment less than a normal load during the academic year.

B. Faculty. The “Faculty” means all tenured and tenure-track faculty members, the Director of the Law Library, and Professors of Legal Writing, except that:

1. Tenure, Dismissal, and Termination. When acting on tenure recommendations, or on dismissals or termination, “the Faculty” includes only tenured faculty members.

2. Promotion to Professor. When acting on recommendations to promote to Professor, “the Faculty” includes only faculty members with the rank of Professor (excluding Professors of Legal Writing).

3. Promotion to Associate Professor. When acting on recommendations to promote to Associate Professor, “the Faculty” includes only faculty members with the rank of Professor or Associate Professor (excluding Professors of Legal Writing).

4. Hiring of tenured and tenure-track professors. When voting to recommend the hiring of candidates for tenured and tenure-track appointments, “the Faculty” includes only faculty members with the rank of Professor, Associate Professor, or Assistant Professor (excluding Professors of Legal Writing).

5. Promotion from Instructor to Professor of Legal Writing. When voting to recommend the promotion of an instructor to Professor of Legal Writing, “the Faculty” includes all those holding the rank of Assistant Professor, Associate Professor, Professor, or Professor of Legal Writing.

C. Professor. When not capitalized, “professor” means a person with the academic rank of Assistant Professor, Associate Professor, or Professor.

D. The Faculty Personnel Committee. The Faculty Personnel Committee is a faculty committee, constituted by the Dean and comprised of no fewer than five (5) full-time tenured faculty members holding the rank of Professor. Professors expected to be on sabbatical or leave for one or both semesters of an academic year shall ordinarily not serve on the Committee in that year. The Committee’s composition is expected to be diverse; its membership, including its chair, shall turn over on a reasonably regular basis.

#### **IV. Types of Appointments**

A. There shall be five types of faculty appointments:

1. Tenured Appointments. As further defined in Section X, *infra*, tenured faculty members receive an annual employment contract for each academic year and typically hold the academic rank of Professor or Associate Professor, the exact

rank to be commensurate with the faculty member's experience and accomplishments.

2. Tenure-Track Appointments. Tenure-track but untenured faculty members receive a contract for one academic year and are eligible for consideration for a tenured appointment in accordance with the conditions and procedures as described in Section X, *infra*. Such appointments include tenure-track clinical law professors. Tenure-track faculty members ordinarily hold the academic rank of Assistant Professor.

a. Tenure-Track Professors of Clinical Law. To be eligible for the position of a tenure-track Clinical Professor, a candidate must demonstrate the ability and interest to satisfy the requirements for promotion and tenure as outlined in Sections IX and X, *infra*. Upon initial hire, tenure-track Clinical Professors shall hold the rank and title of Assistant Professor of Clinical Law (and, upon promotion, Associate Professor of Clinical Law, and Professor of Clinical Law).

3. Continuing Non-Tenure-Track Appointments. Unless otherwise specified in their employment contract or in these Policies, continuing, non-tenure-track faculty members receive a contract for one academic year, which contract may or may not be renewed at the discretion of the Dean. Examples of such positions are the Director of the Law Library, non-tenure-track clinical law professors, and non-visiting Instructors of Legal Writing. Professors of Legal Writing hold continuing non-tenure track appointments as further modified by Section IX.E, *infra*.

a. Law Library Director. The Director holds both an administrative appointment as Director and a continuing, non-tenure-track faculty appointment. The administrative position as Director is not affected by the faculty appointment and may be terminated by either the individual or the Dean. The Law Library Director may be hired at the rank of Assistant Professor, Associate Professor, or Professor, depending on the Director's qualifications, and is eligible for promotion and receipt of a long-term contract as provided in Section IX.D, *infra*.

b. Professors of Legal Writing. Upon initial hire, a person teaching in the Legal Research & Writing program in other than a visiting capacity possesses the academic rank of Instructor. Instructors in the LRW program are eligible for promotion to Professor of Legal Writing and receipt of a long-term contract as provided in subsection IX.E, *infra*.

4. Full-Time, Temporary Appointments. Full-time temporary faculty members receive a contract for no more than one academic year, which contract may or may not be renewed at the discretion of the Dean. Examples of such faculty members are visiting professors, visiting assistant professors, and distinguished

jurists in residence. Full-time temporary appointees are ineligible for tenure or sabbaticals.

5. Part-Time Appointments. Part-time faculty members receive a contract for a limited period of time, which may not exceed one academic year and which may or may not be renewed at the discretion of the Dean. Part-time faculty members hold the academic rank of adjunct professor or instructor, depending on their experience and qualifications, and they typically are hired to teach no more than one course per semester.

B. Administrative Assignments for Teaching Faculty Members. Tenured or tenure-track faculty members may accept temporary full-time or part-time administrative assignments in the University without impairing the faculty member's tenure status. Such tenure applies only to the teaching position.

## **V. Initial Appointments of Tenured or Tenure-track Faculty Members**

Initial contracts for tenured or tenure-track faculty appointments normally shall be offered only after an advertised, national search, and compliance with the University equal employment opportunity program. Except in extraordinary circumstances, a candidate for a tenured or tenure-track appointment shall only be hired after an affirmative vote of the Faculty, along with the concurrence of the Dean.

## **VI. Contract Terms**

The precise terms and conditions as to type of appointment, rank, specification of the period covered by the appointment, salary, insurance coverage, and tuition exemption, if any, shall be stated in writing and shall be in possession of both the University and the appointee before an appointment is consummated. If the written contract contains any special agreements regarding promotion, tenure, or other matters that conflict with the provisions of these Personnel Policies and Procedures, the contract terms shall control. Within 30 days after receipt of a contract, the faculty member shall either execute or reject the contract and return it to the President of the University. Failure to execute and return the contract within the 30-day period shall be deemed a rejection of it. The University will make every effort to notify faculty members of the terms and conditions of their renewal by April 1 and in no case will notice be given later than May 1. Resignations at the close of an academic year should be presented by April 15, or the last due date for returning the Willamette contract for the following year, whichever date occurs later.

## **VII. Termination of Untenured Faculty Members**

A. Grounds. A faculty member, other than a tenured faculty member, may be terminated because of:

1. Revision of the College of Law curriculum, subject to Section XV on Reduction in Force;
2. Reduction of the number of faculty, subject to Section XV on Reduction in Force;
3. Final conviction (including a plea of guilty) of a felony or misdemeanor involving moral turpitude;
4. Professional incompetence as determined by the Faculty Personnel Committee;
5. Professional irresponsibility as determined by the Faculty Personnel Committee;
6. With respect to non-tenured faculty members in the clinical law program, the discontinuance of the clinic(s) that he or she supervises as part of the termination or material modification of the clinical law program;
7. With respect to Professors of Legal Writing (including those on long-term contracts), the revision and/or restructuring of the legal research and writing curriculum in a manner that eliminates existing faculty positions;
8. With respect to tenure-track faculty members, the demonstrated failure to make satisfactory progress toward promotion or tenure, as modified by subsection VIII.C, *infra*; or,
9. Sustained inability to perform essential functions of the position, subject to reasonable accommodation as required by federal, state, and local disability laws.

B. Procedure in cases in which termination is contemplated on the basis of VII.A.3. Upon the entry of final conviction, the Dean may terminate the faculty member immediately if he or she so chooses, which termination shall take effect at the conclusion of an appeal, or, if no appeal is filed, at a date set by the Dean. Should the faculty member contest the basis of the termination, he or she may appeal to the Faculty Personnel Committee pursuant to the procedure provided in D.2, *infra*, within 10 days of notice of termination. Any such appeal shall focus not on the underlying facts of the criminal matter but merely upon the application of these Policies to the conviction(s) in question. Nothing in this section prohibits the University from suspending an employee as provided for by University policy.

C. Procedure in cases in which termination is contemplated on the basis of VII.A.1, VII.A.2, VII.A.6 or VII.A.7. Notice of termination shall normally be given at least 12 months before the expiration of the appointment. After notice of termination is given, should the faculty member contest the basis for his termination, he or she may appeal the

termination to the Faculty Personnel Committee pursuant to a procedure substantially similar to that provided in subsection D, *infra*, within 10 days of notice of termination.

D. Procedure in cases in which termination is contemplated on the basis of VII.A.4, VII.A.5, VII.A.8, or VII.A.9. The Faculty Personnel Committee, upon receipt of a written request from the Dean, shall begin termination proceedings by giving written notice to the particular faculty member that termination is being contemplated. Such notice shall include the specific grounds of termination. Suspension before termination is subject to University policy.

The Committee shall promptly conduct a hearing and shall give both the Dean and the faculty member written notice of the time and place of the hearing at least 10 days prior to the hearing. If the faculty member fails without reasonable cause to appear at the hearing, he or she may be terminated without the hearing. At the hearing, the faculty member and the University shall have the opportunity to be represented by counsel or advisor and to present evidence relevant to the charges made. Decisions regarding the conduct of the proceedings, including the admissibility of evidence, shall be made by the Chair of the Committee. The University shall make a stenographic or taped record of the hearing. Within a reasonable time after conclusion of the hearing, the Committee shall make a written recommendation whether to terminate the faculty member and promptly give to the Dean and faculty member its recommendation, along with a copy of the hearing record, which materials shall constitute the Committee record.

If the faculty member has reason to believe that the Committee's recommendation is based on an error of fact or misinterpretation of the standards for tenure or promotion, he or she may, within five (5) calendar days after the faculty member receives a copy of the recommendation, make a written request to the Committee for a rehearing, which request may be granted or denied in the discretion of the Committee. If the Committee grants the rehearing, it shall immediately notify the Dean and faculty member of the time and place of the rehearing, which shall be held within fourteen (14) calendar days following the grant of the request for rehearing. The rehearing is not an evidentiary hearing, and no additional evidence shall be admitted into the record unless the proponent demonstrates both that there was good cause for why the evidence was not introduced at the original hearing and that the proffered evidence would likely have a material impact upon the Committee's decision. The University shall not make a stenographic or taped record of the hearing unless additional oral testimony is admitted, in which case a stenographic or taped record of such oral testimony shall be made. Within a reasonable period of time following the completion of a rehearing, the Committee shall promptly give to the Dean and faculty member a copy of its decision whether to adhere to or amend its recommendation, along with a copy of any stenographic or taped record from the rehearing, which materials shall become part of the Committee record.

Within fifteen (15) days of receipt of the Committee's recommendation or decision on rehearing, whichever is later, the Dean shall forward to the President the Committee's recommendation and record, along with the Dean's recommendation. The Dean shall inform the faculty member of his or her recommendation. The President shall promptly inform the faculty member and the Dean of the President's decision. The

termination of a faculty member on this ground becomes effective at the end of the academic year in which these proceedings take place.

## **VIII. Evaluation**

A. Criteria. Unless expressly described otherwise herein, the primary considerations in making retention, promotion, and tenure decisions shall be demonstrated effectiveness as a teacher (as further defined in subsection VIII.A.1), demonstrated productivity as a scholar (as further defined in subsection VIII.A.2), and significant achievement in University, professional, and/or community service (as further defined in subsection VIII.A.3). Although faculty members are expected to perform satisfactorily in all three areas, effective teaching and scholarly productivity are of paramount importance; poor teaching or the absence of meritorious scholarly productivity cannot be redeemed through excellence in one or both of the other categories. For Associate Professors of Clinical Law, significant weight shall be given to the candidate's teaching effectiveness in the Clinical Law Program.

1. Teaching Effectiveness. The faculty member must display:

- a. Thorough knowledge of the subject, continuing study and growth in the discipline, and the search for new ideas, methods, and materials;
- b. Judgment and clarity in organizing and presenting materials in class, and in testing students in course content;
- c. The ability to arouse and maintain interest and to stimulate intellectual growth;
- d. Enthusiasm for the subject and for teaching it, willingness to devote time and energy to students' individual needs, sensitivity to students' viewpoints and feelings, fairness and impartiality, and conscientious acceptance of individual and college responsibilities with regard to instruction; and,
- e. The conscientious regard for and responsible performance of classroom duties, such as (but not limited to) arriving for class in a punctual manner, regularly attending and conducting classes as scheduled, and conducting make-up classes for missed or cancelled classes as needed.

2. Scholarship. A candidate must produce scholarly work evidencing a substantial, analytical, and creative intellectual endeavor. Normally, scholarship is demonstrated by the production of articles in law reviews or similar scholarly journals. Other forms of scholarship may include scholarly books or monographs, book chapters, book reviews, or essays. While not a primary form of scholarship for promotion and tenure purposes, casebooks can be additional evidence of

scholarly productivity, particularly if the book offers a new perspective or covers a new discipline.

3. University, professional, or community service. The faculty member should demonstrate achievement in one or more of the following areas:

a. Administrative, committee, or other kinds of internal service to the college and university.

b. Leadership in professional societies and activities, including service to the Bar, to the legal academy, to the legal profession, and membership in a state bar.

c. Extensive participation in scholarly dialogue at conferences and in prominent legal weblogs.

d. External service to the community at large.

B. Kinds and Sources of Information. The following information shall be taken into consideration in evaluating job performance, including for purposes of retention, promotion, and tenure.

1. Teaching Evaluations by Peers.

a. Each tenure-track professor shall be visited in class each year by at least three tenured faculty members. Unless the professor is on leave or sabbatical for a semester, the three annual visits shall not all occur in the same semester. Except in extraordinary circumstances, this annual requirement may not be satisfied by inviting a visitor who has already evaluated the tenure-track professor's class pursuant to this subsection. The tenure-track professor shall select the visitors to his or her classes consistent with the requirements of this subsection.

Procedure. Early in the academic year, the Chair of the Faculty Personnel Committee shall, in writing, remind each tenure-track faculty member of his or her obligation under this subsection. The faculty member to be visited shall then arrange the times and indicate the material to be studied prior to the visit. The visitor shall read the materials indicated, visit the class, write a summary of observations, and give the summary to the Dean and a copy to the visited teacher. The visitor shall be available to the visited teacher for discussions and feedback. The summaries shall be shared with the Faculty Personnel Committee by the conclusion of the academic year in which they occurred. The summary shall also be included in the faculty member's tenure file available for inspection by tenured faculty members during the tenure process.

b. Tenure-track professors shall make every effort to ensure that all tenured professors have a chance to visit his or her class at least once before his or her tenure application is considered by the Faculty.

2. Teaching Evaluations by Students. The qualitative and quantitative results of student evaluations shall be considered in assessing teaching effectiveness.

3. External Reviews. No later than June 1 of the calendar year in which the candidate wishes to apply for promotion and/or tenure, the faculty member shall provide the Chair of the Faculty Personnel Committee with a list of at least three (3) and no more than five (5) nationally recognized scholars who share similar scholarly interests with the faculty member being evaluated and who could comment knowledgeably about the faculty member's scholarship. Potential outside evaluators should be in a position to evaluate the faculty member objectively. The Faculty Personnel Committee will solicit and obtain at least three (3) external reviews for each candidate. In doing so, the Committee shall make reasonable efforts to ensure that at least one (1), and no more than half, of the reviewers come from the list of potential reviewers submitted by the candidate if the candidate provides such a list in timely fashion.

For applications for tenure and/or promotion to Associate Professor, the Faculty Personnel Committee shall provide external reviewers with all or a relevant subset of monographs, law review articles, and scholarly book chapters published or accepted for publication by the candidate after he or she became a full-time, tenure-track faculty member at an ABA- accredited law school. For applications for promotion to Professor, the Faculty Personnel Committee shall provide external reviewers with all or a relevant subset of monographs, law review articles, and scholarly book chapters published by the candidate in the past five years (exclusive of any materials that were reviewed as part of the candidate's application for tenure or promotion to Associate Professor). At their discretion, external reviewers may include in their reviews discussion of other written work of the candidates for tenure/promotion as they deem relevant. The identities and comments of the reviewers will not be disclosed to the candidate without the reviewer's permission.

4. Other Information. In general, the College will consider all information from any person in a position to evaluate the candidate's qualifications.

C. Pre-Tenure Review. In addition to the annual job performance review conducted by the Dean, a formal review of every tenure-track faculty member shall commence upon the completion of two academic years of service as a tenure-track faculty member. No later than September 1 of each calendar year, the Dean and Chair of the Faculty Personnel Committee shall identify those tenure-track faculty members who have completed two years of service as tenure-track faculty members in the past year. The Faculty Personnel Committee shall review the teaching effectiveness, scholarship, and service of such tenure-track faculty members in accordance with the standards and materials outlined in subsections VIII.A and VIII.B, respectively, and shall draft a detailed written report

regarding the faculty member's progress toward tenure with respect to each criterion. With regard to scholarship, external reviews may but need not be obtained, but, in all cases, the Committee shall include its own substantive evaluation of the candidate's scholarship. The Committee shall share a draft of its report with the tenured Faculty by January 31. Within two weeks of making the draft report available, the Committee shall hold a forum for tenured faculty members at which views on the candidate's progress toward promotion and tenure, and on the draft report, may be shared with the Committee. The Committee shall incorporate feedback from this forum into its final report as appropriate. The final report shall indicate clearly whether the evaluated faculty member has: 1) made satisfactory progress toward tenure; 2) made progress toward tenure but there is an area or are areas of specific concern; or 3) has not made satisfactory progress toward tenure. No later than March 1, the Faculty Personnel Committee shall provide a copy of the final pre-tenure report both to the faculty member and to the Dean, and the report shall be included in the faculty member's tenure file.

If the Committee concludes that the faculty member has not made satisfactory progress toward tenure, the Dean may decline to renew the faculty member's contract for the next academic year, or may begin termination proceedings in accord with section VII.C, *supra*.

## **IX. Promotion Policy**

A. Rank. Academic ranks in order are Instructor, Assistant Professor, Associate Professor, and Professor.

B. Length of Service. Professional achievement and not length of service is the primary criteria for promotion.

1. Promotion to Associate Professor. A faculty member seeking the rank of Associate Professor normally must have accumulated five years of service in the rank of Assistant Professor. The candidate becomes eligible to be considered for promotion in the academic year following the completion of the specified time period. Time spent on leave does not count in the accumulation of years of service, but the time cumulated need not be consecutive.

2. Promotion to Professor. To be considered for promotion from Associate Professor to Professor, the candidate normally must have accumulated three years of service in the rank of Associate Professor. The candidate becomes eligible to be considered for promotion in the academic year following the completion of the specified time period. Time spent on leave other than sabbatical does not count in the accumulation of years of service, but the time cumulated need not be consecutive.

3. Early Consideration. Faculty members who wish to be promoted more rapidly than normal shall have the burden of requesting such action and submitting information in support of the request, demonstrating that they have met or

exceeded the criteria enumerated in Section VIII.A, *supra*, and, when applicable, subpart C.2 of this section. In addition, experience in teaching at another law school or other professional experience may be taken into consideration.

C. Criteria. In addition to the general criteria found in subsection VIII.A, *supra*, the following additional criteria apply to certain promotion decisions:

1. Promotion to Associate Professor. A tenure-track faculty member holding the rank of Assistant Professor will be considered for promotion to Associate Professor at the same time as the tenure decision and will be granted promotion only if tenure also is granted.

2. Promotion to Professor. Promotion from Associate Professor to Professor is not automatic and requires that the candidate demonstrate special qualifications:

a. The candidate must already be tenured;

b. The candidate must demonstrate excellence in teaching;

c. The candidate must demonstrate that he or she regularly engages in scholarship, which means at a minimum that the candidate has published at least three (3) analytically-rigorous, substantial law review articles (or their substantial equivalent in other scholarly forms) since promotion to Associate Professor. At the discretion of the Faculty Personnel Committee and the Dean, the 3 articles may include articles that were published between the candidate's application for promotion to Associate Professor and the conferral of such appointment; any such articles may not have been externally reviewed when applying for the prior promotion and may not have been substantively reviewed by the Committee and the Faculty as part of the prior promotion. In addition, the candidate's scholarship must be of a quality sufficient to make the candidate a nationally recognized scholar in his or her areas of specialization. Pre-tenure scholarship may be considered relevant, but not sufficient, to establishing the candidate's national recognition in an area; and,

d. The candidate must possess a high degree of professional responsibility, judgment, maturity, and integrity. Distinction in service to regional, national, or international professional organizations also may be considered as a factor in the candidate's favor.

D. Promotion and Long-Term Appointment for the Law Library Director.

1. Timing. A Law Library Director initially appointed as an Assistant Professor or Associate Professor may apply for promotion to the next academic rank and for a five-year, renewable contract as a faculty member after the completion of four years of service as Director at the College of Law. A Director initially appointed

as a Professor may apply for a five-year, renewable contract as a faculty member at any time. The five-year contract applies only to the Director's appointment as a faculty member and not to his or her administrative appointment as Director.

2. Criteria. In lieu of the criteria for promotion for tenured and tenure-track faculty, the following criteria shall apply to the Law Library Director's appointment as a faculty member:

a. For promotion to associate professor and/or conferral or renewal of a five-year contract as a faculty member, the Director must demonstrate:

i. Effective Performance of the Duties as the Law Library Director. Effective performance shall be determined based on the success of the library and its resources in furthering the mission of the college and the university, including instructional and research support of students, faculty, the administration and others; the selection and organization of the collection; use of technology; effective communication; hours and method of operation; internal and external relationships and reputation; and, the effective planning and management of budget, personnel and physical plant. To assist in making this assessment, input shall be solicited from faculty, students, the administration and other relevant constituencies within the University. As appropriate and if feasible, outside assessments may also be considered, including ABA, AALS and other accrediting or reviewing organizations' evaluations, awards and other indicators of reputation and input from relevant outside constituencies. If deemed desirable and feasible under the circumstances, solicited reviews by outside law library professionals may also be sought;

ii. Teaching Effectiveness. The Director shall demonstrate competence (as defined in subsection VIII.A.1, *supra*) in carrying out any teaching responsibilities assigned;

iii. Scholarship. Although not required as part of the Director's job duties, the production of published scholarship will be viewed favorably in the promotion decision. The Director's scholarship may include, in addition to the types of works published by tenured or tenure-track faculty (defined in subsection VIII, *supra*), scholarly publications regarding librarianship, legal research or legal writing; and,

iv. University, professional, or community service as defined in subsection VIII.A.3, *supra*.

b. For promotion to Professor, the Director must demonstrate the same qualifications as necessary to warrant promotion to Associate Professor (as defined in subsection IX.D.2.a, *supra*), as well as possession of a high degree of professional responsibility, judgment, maturity, and integrity.

3. Non-renewal of Long-Term Contract for former Law Library Directors. A continuing, non-tenure-track faculty member who was initially hired as a Law Library Director but whose administrative appointment as Director is terminated (either by the Director or the Dean) may continue as a faculty member for the duration of his or her last- conferred contract. Upon the conclusion of the term of such contract, the former Law Library Director is ineligible for renewal of a five-year contract as a faculty member but may apply for reappointment as a continuing, non-tenure-track faculty member, which appointment shall be governed under the terms applicable to such appointment.

E. Promotion and Long-term Appointment for Legal Research & Writing Instructors.

1. Timing. A non-visiting instructor in the Legal Research & Writing program may apply for promotion to Professor of Legal Writing and a renewable contract of at least three years duration after the completion of two (2) years of service as an instructor in the LRW program. Time spent on a leave of absence shall not count in the accumulation of years of service.

2. Criteria. In lieu of the criteria for promotion for tenured and tenure-track faculty, a faculty member applying for promotion to Professor of Legal Writing and/or conferral or renewal of a long-term contract must demonstrate the following:

a. Teaching effectiveness as defined in subsection VIII.A.1, *supra*. Significant weight shall be given to student evaluations of the candidate's teaching performance. In addition, for the initial promotion and conferral of a long-term contract, the legal writing Instructor must have been visited in class at least three times each year for at least the two years preceding their application for such rights and/or contract. The format and procedure of such visits shall be substantially similar to the peer visits described in subsection VIII.B, except that Professors of Legal Writing are eligible to review the candidate's classes. Untenured, tenure-track faculty members are also eligible to review the candidate's classes, but their evaluations may not count toward the requisite numerical minimum; and,

b. Other Qualifications. No instructor or Professor of Legal Writing is expected to excel in all areas, but significant achievement should be demonstrated in one or more areas: (i) counseling students; (ii) administrative, committee, or other kinds of internal service to the college and the university; (iii) leadership in professional societies and activities, including service to the bar and to the legal profession, and admission to a

state bar; (iv) external service to the community at large; and/or, (v) scholarship, whether in the field of legal writing, legal pedagogy, or any other legal scholarship.

F. Procedure. Prior to September 1 of the academic year in which the candidate intends to apply for promotion, the candidate shall submit a detailed memorandum to the Dean and the Chair of the Faculty Personnel Committee describing the candidate's eligibility and qualifications for promotion, along with any required supporting documentation (such as reprints or copies of scholarship). The Faculty Personnel Committee shall review the candidate's qualifications, and, no later than November 1, the committee shall submit to the applicable Faculty (as defined in Section III.B.5, *supra*) a detailed draft report regarding the candidate's performance with regard to each of the applicable promotion criteria. Prior to December 1, the Faculty shall review the candidate's qualifications and shall make a written recommendation whether to grant or deny promotion. The draft Committee report presented to the Faculty shall serve as the template for the Faculty's written recommendation, subject to revisions based on Faculty input.

The Dean shall forward the Faculty's recommendation, along with the Dean's evaluation and recommendation, to the President within fifteen (15) calendar days after receiving the Faculty's recommendation. The Dean shall inform the candidate of his or her recommendation. Except in rare cases and for compelling reasons, no promotion will be made over the Faculty's expressed opposition. The President shall promptly inform the candidate and the Dean of the President's decision regarding promotion. If promotion is granted, it shall be conferred effective as of the first day of the following academic year.

## **X. Policy of Academic Tenure**

A. Policy. Tenure is the right of a faculty member to have his or her academic appointment and annual employment contract renewed for the next academic year without discriminatory reduction of salary (which includes the unjustified denial of a normal pay raise provided to similarly-situated tenured faculty members), except for the reasons and in the manner provided herein. Tenure held by a faculty member who holds an administrative position extends only to the faculty position.

B. Obligation to Apply for Tenure. A tenure-track faculty member must apply for tenure no later than September 1 of the academic year following the completion of ten semesters of service (excluding any semesters spent on leave) at the College of Law in a tenure-track appointment. The required semesters of service need not be consecutive. A candidate who was hired at the rank of Assistant Professor will be considered for tenure and promotion to Associate Professor at the same time.

1. Early Consideration. Faculty members who wish to be considered for tenure more rapidly than normal have the burden of requesting such action and submitting information in support of the request. In some cases, prior teaching experience as a tenure-track faculty member at another law school may justify

shortening the normal years of service required to be considered for tenure. The Faculty, with the concurrence of the Dean, may recommend to the President that the normal period of service be shortened. In the case of a faculty member who seeks early consideration but whose application for tenure is denied, the Dean shall notify the faculty member that the candidate may reapply for tenure at a later date but in no event later than September 1 of the academic year following the candidate's completion of the required time of service as specified in subsection X.B, *supra*, unless the candidate requests and receives a one-year deferral as described below.

2. One-Year Deferral. No later than February 1 prior to the academic year in which the faculty member must apply for tenure, a tenure-track faculty member may apply to the Faculty Personnel Committee for a one-year deferral of consideration. The faculty member must state in writing and with particularity the reasons why he or she is unable to be considered for tenure at the required time and must demonstrate by clear and convincing evidence that he or she will have satisfied all of the criteria for the grant of tenure by the end of the next academic year. The Faculty Personnel Committee shall review the faculty member's request, and, no later than March 1, the committee shall submit to the Dean its recommendation whether to grant or deny the request. The Dean shall forward to the President the committee's recommendation, along with the Dean's evaluation and recommendation. No later than May 1, the President shall inform the faculty member and the Dean of his or her decision. A tenure-track faculty member who receives a one-year deferral must apply for tenure in the academic year immediately following the one in which he or she would otherwise have been required to apply for tenure, even if the faculty member is on leave for a portion of that academic year. If tenure is denied, the faculty member's tenure-track appointment shall be terminated at the conclusion of that academic year.

C. Criteria for Granting of Tenure. The granting of tenure is a specific act on the part of the University, not an automatic event occurring after a stated period of service on the faculty. Tenure may be granted to any person who is then actively serving as a full-time, tenure-track faculty member in the position of Professor, Associate Professor, or Assistant Professor, and who satisfies the criteria listed in subsection VIII.A, *supra*, and the additional criteria in this subsection.

1. Scholarship. The candidate must have produced and published (or had accepted for publication) by the end of the preceding academic year at least three (3) substantial articles in a law review or similar scholarly journal or their substantial scholarly equivalent (books, peer-reviewed empirical work, etc.). The candidate's scholarship must receive external reviews as provided in subsection VIII.B, *supra*.

2. Special criterion for tenure-track faculty in clinical law program. In addition to the general criteria listed in subsection VIII.A, *supra*, in deciding whether to recommend tenure to a tenure-track faculty member in the clinical law program,

significant weight shall be given to the candidate's teaching effectiveness in the Clinical Law Program.

D. Procedure. Prior to September 1 of the academic year in which the faculty member intends to or must apply for tenure, the faculty member shall submit a detailed memorandum to the Dean and the Chair of the Faculty Personnel Committee describing the faculty member's eligibility and qualifications for tenure, along with any required supporting documentation (such as reprints or copies of scholarship). The candidate shall also supply a current curriculum vitae. The Faculty Personnel Committee shall review the faculty member's teaching effectiveness, scholarship, and service, and, no later than November 1, the committee shall submit to the Faculty (as defined in subsection III.B.1, *supra*) a detailed report regarding the candidate's performance with regard to each of the applicable criteria. Prior to December 1, the Faculty shall review the faculty member's teaching, scholarship, and service and shall make a written recommendation whether to grant or deny tenure. The Committee report presented to the Faculty shall serve as the template for the Faculty's written recommendation, subject to revisions based on Faculty input.

The Faculty Personnel Committee shall promptly give a copy of its final report and recommendation to the Dean and to the applicable faculty member, with the latter copy redacted as necessary to preserve reviewer confidentiality. The Dean shall forward the Faculty's recommendation, along with the Dean's evaluation and recommendation, to the President within fifteen (15) calendar days after receiving the Faculty's recommendation. The Dean shall inform the faculty member of his or her recommendation. The President shall decide whether to recommend to the Board of Trustees that the faculty member should be granted tenure. If the President decides against the grant of tenure, the application is denied. In those situations in which the President recommends to the Board of Trustees the grant of tenure, the President shall promptly inform the faculty member and the Dean of the Board of Trustees' decision regarding the grant or denial of tenure. Tenure may be granted only with the express approval of both the President and Board of Trustees, and, unless otherwise specified by the Board of Trustees, if tenure is granted, it shall be conferred effective as of the first day of the following academic year. If the faculty member's application for tenure is denied at any point in the foregoing process, the faculty member's appointment shall terminate at the end of the following academic year, except (i) in situations in which the candidate is applying early (within the meaning of subsection X.B.1, *supra*), in which case the candidate's appointment continues through the academic year in which the candidate must apply for tenure under subsection B, *supra*, (unless deferred one more year, as permitted by subsection X.B.2, *supra*) or (ii) in situations in which the candidate had received a one-year deferral pursuant to subsection X.B.2, *supra*, in which case the candidate's appointment terminates at the end of the current academic year.

E. Post-Tenure Review. Every tenured faculty member shall be reviewed by the Dean once every year. No later than June 1, each tenured faculty member shall submit to the Dean a memorandum describing his or her teaching, scholarship, and service in the past year. No later than August 15, the Dean shall meet individually with each tenured faculty

member to discuss his or her job performance in the past year and goals for the upcoming year.

All tenured faculty members shall strive to be excellent classroom teachers and mentors to students; contribute to the university, law school, and broader community through service; and continuously engage in national or international scholarly discourse. Evidence of such continued scholarly engagement includes the publication of law review articles (on average one per year or its substantial equivalent in other scholarly forms). The law school will support faculty members in their scholarship, teaching, and service through adequate research and professional development assistance.

F. Termination after Tenure. A faculty member having tenure may have his or her service terminated because of:

1. Permanent or protracted revision of the College of Law curriculum; or
2. Financial exigencies of the University requiring reduction in permanent staff.
3. Before the employment of a faculty member having tenure may be terminated pursuant to Sections X.F.1 or X.F.2, the following are required:
  - a. A genuine financial crisis which would seriously threaten the financial stability of the University if permitted to continue; and,
  - b. Application of the rules in Section XV on Reduction in Force.
4. A tenured clinical law professor may be terminated if the clinic that he or she supervises is discontinued as part of the termination or material modification of the entire clinical law program. Termination on such grounds may occur only if, in the opinion of the Director of the Clinical Law Program and the Dean, there is no suitable clinic offering for which the professor is otherwise qualified.
5. A faculty member having tenure whose contract is terminated for reasons listed in this paragraph F shall receive his or her salary for at least one year after the date of notification of such termination. However, if he or she refuses, after demand by the University, to continue to perform his or her assigned duties at the University, during such period, he or she shall not receive his or her salary. Such a faculty member may request the Faculty to review the evidence on which the termination is based before the final decision is made by the Board of Trustees on the basis of the recommendation of the President. After reviewing the evidence, the Faculty shall make a written recommendation to retain or terminate the faculty member, and promptly give a copy of its initial recommendation to the faculty member. If the faculty member feels the Faculty's recommendation is improper, he or she may, within fifteen (15) calendar days after the faculty member receives a copy of the initial recommendation, make a written request to the Chair of the Faculty Personnel Committee for a rehearing. A rehearing shall not be

unreasonably denied, and if granted, shall be held within a reasonable time following the request for rehearing. If the Chair does not receive a timely request for rehearing, then the initial recommendation becomes a final recommendation, and the Chair shall promptly give it to the Dean and notify the faculty member that the final recommendation has been given to the Dean. If the Chair receives a timely request for rehearing, and a rehearing is denied by the Faculty, then the initial recommendation becomes a final recommendation, and the Chair shall promptly give it to the Dean and notify the faculty member that the rehearing was denied, together with the reasons therefor, and that the final recommendation has been given to the Dean. If the Chair receives a timely request for rehearing, and a rehearing is granted by the Faculty, then the recommendation made by the Faculty following the rehearing is a final recommendation, and the Chair shall promptly give it to the Dean and give a copy to the faculty member. The Dean shall forward the Faculty's final recommendation, along with the Dean's recommendation, to the President within fifteen (15) calendar days after receiving the Committee's final recommendation. The Dean shall inform the faculty member of his or her recommendation. The recommendations of the Faculty, the Dean, and the President shall be transmitted to the Board of Trustees. The entire appeal process will be completed before a recommendation is made to the Board of Trustees. The President shall promptly inform the faculty member and the Dean of the action taken by the Board of Trustees.

G. Dismissal after Tenure. A faculty member may be dismissed for adequate cause which shall not, however, violate the principles of academic freedom as set forth in Section XIV on Policy of Academic Freedom and Responsibility. The term "adequate cause" shall consist of the following:

1. Final conviction (including a plea of guilty) of a felony or a misdemeanor involving moral turpitude.
2. Professional incompetence as determined by the Faculty.
3. Professional irresponsibility or dereliction of duty as determined by the Faculty.

In case such dismissal is contemplated, the Dean shall seek to have a personal conference with the faculty member concerned. By mutual agreement, the matter may be concluded at this point. If there is no such agreement, the person being considered for dismissal is entitled to a hearing before the Faculty. At least 30 days before the hearing, the Dean shall give the faculty member written notice of the time and place of the hearing and the specific charges asserted as a basis for termination of employment. A copy of this notice shall be forwarded to the President. If the faculty member fails without reasonable cause to appear at the hearing, he or she may be dismissed without the hearing. The Chair of the Faculty Personnel Committee shall keep the Dean and President advised of the Faculty's progress. The Faculty shall make a written recommendation to retain or dismiss the faculty member, and the Chair shall promptly give a copy of the Faculty's initial

recommendation to the faculty member. If the faculty member feels the Faculty's recommendation is improper, he or she may, within fifteen (15) calendar days after the faculty member receives a copy of the initial recommendation, make a written request to the Chair for a rehearing. A rehearing shall not be unreasonably denied, and if granted, shall be held within a reasonable time following the request for rehearing. If the Chair does not receive a timely request for rehearing, then the initial recommendation becomes a final recommendation, and the Chair shall promptly give it and the hearing record to the Dean and notify the faculty member that the final recommendation has been given to the Dean. If the Chair receives a timely request for rehearing, and a rehearing is denied by the Faculty, then the initial recommendation becomes a final recommendation, and the Chair shall promptly give it and the hearing record to the Dean and notify the faculty member that the rehearing was denied, together with the reasons therefor, and that the final recommendation has been given to the Dean. If the Chair receives a timely request for rehearing, and a rehearing is granted by the Faculty, then the recommendation made by the Faculty following the rehearing is a final recommendation, and the Chair shall promptly give it and the hearing record to the Dean and give a copy of the final recommendation to the faculty member. The Dean shall review the record and the Faculty's recommendation and forward the record and the Faculty's final recommendation, along with the Dean's recommendation, to the President within fifteen (15) calendar days after receiving the Faculty's final recommendation. The Dean shall inform the faculty member of his or her recommendation. The record and the recommendations of the Faculty, the Dean, and the President shall be transmitted to the Board of Trustees. The entire appeal process will be completed before a recommendation is made to the Board of Trustees. The President shall promptly inform the faculty member and the Dean of the action taken by the Board of Trustees. When a question arises concerning the dismissal of a faculty member having tenure, that faculty member shall not be suspended from his or her previously assigned institutional duties during the time necessary to resolve such question unless in the discretion of the President, continued discharge of those duties clearly constitutes a risk to himself or herself, to the University, or to others. In such event, the President shall reassign the faculty member to other duties that are appropriate if any are available. The faculty member shall be continued on his or her regular salary while such dismissal proceedings are pending.

At any hearing before the Faculty provided in this paragraph G, the faculty member and the University shall have the opportunity to be represented by counsel or advisor, to use witnesses, to present evidence relevant to the charges made, to rebut evidence presented by the other party, and to cross-examine witnesses used by the other party. Decisions as to the admissibility of evidence shall be made by the Chair of the Faculty Personnel Committee. The University shall make a stenographic or taped record of the hearing, permanently retain the original, and furnish the faculty member with one copy free and additional copies at cost. The record shall be disclosed to:

Persons connected with the University who are involved in the dismissal proceedings.

Any court hearing in any case in which the transcript is admissible evidence.

Members of a professional organization having a legitimate interest in academic freedom or accreditation and then only on the request of the President or the faculty member involved.

To others as required by law.

## **XI. Sabbatical Leave**

A. Purpose. The purpose of the sabbatical is to equip the faculty member for more effective teaching, scholarship, and service to the University through scholarly research, specialized *pro bono* law practice, and/or service to government, nonprofit, or professional organizations. When the faculty member engages in *pro bono* law practice or service, it should be of the kind that will enhance the faculty member's future scholarly productivity.

### **B. Eligibility.**

1. Eligibility is limited to tenured and tenure-track faculty and does not normally include tenured and tenure-track professors of clinical law hired after 2006. Eligibility is not further contingent on either age or rank. A sabbatical leave may be granted only after a faculty member has qualified by completing a specified number of semesters as a regular full-time member of the faculty. After taking a sabbatical, a faculty member re-establishes eligibility by completing an additional number of semesters of full-time service. If a faculty member foregoes eligibility for institutional reasons, the time foregone may be used to reduce the time for re-eligibility by up to two semesters. The number of semesters to qualify depends upon the length and salary of the sabbatical and is specified in the Conditions. Faculty members who have served more than ten years without leave are strongly encouraged to apply for sabbatical leave. The Dean is not eligible for a sabbatical leave under this policy, but is eligible for such administrative leaves as may be granted by the University.

2. Time spent on leave of absence will not count toward sabbatical eligibility. Normally, a faculty member must be on campus a minimum of two years between leaves, whether sabbatical or leave of absence.

C. Application. The candidate shall give a written application to the Faculty Personnel Committee Chair, and a copy of the application to the Dean, by September 9 of the year preceding the academic year in which the sabbatical is to be effective. The application shall include the following:

1. The length of the leave: that is, one semester or two semesters. The source and amount of any additional funds from grant or employment.

2. A detailed description of the research project or plan of study, including itinerary and intended place of residence.

3. A statement of purpose, aims, and goals of the project together with its value to the individual, the College, and University. When appropriate, the Committee may ask the applicant to clarify the description of the research project or plan of study, the purposes of the project, or the value of the project to the individual, College, and University.

D. Procedure. Prior to September 16 of each year the Dean and the Faculty Personnel Committee Chair shall meet to review the applications. Prior to September 23 of each year, the Faculty Personnel Committee shall review the applications. In performing this function and prior to making its recommendations, the Committee shall consult with other faculty members, the Dean, and with law students. The Committee shall make a written recommendation as to each faculty member who has applied, and promptly give a copy of its initial recommendation to the faculty member. If the faculty member feels the Committee's recommendation is improper, he or she may, within fifteen (15) calendar days after the faculty member receives a copy of the initial recommendation, make a written request to the Committee for a rehearing. A rehearing shall not be unreasonably denied, and if granted, shall be held within a reasonable time following the request for rehearing. If the Committee does not receive a timely request for rehearing, then the initial recommendation becomes a final recommendation, and the Committee shall promptly give it to the Dean and notify the faculty member that the final recommendation has been given to the Dean. If the Committee receives a timely request for rehearing, and a rehearing is denied, then the initial recommendation becomes a final recommendation, and the Committee shall promptly give it to the Dean and notify the faculty member that the rehearing was denied, together with the reasons therefor, and that the final recommendation has been given to the Dean. If the Committee receives a timely request for rehearing, and a rehearing is granted, then the recommendation made by the Committee following the rehearing is a final recommendation, and the Committee shall promptly give it to the Dean and give a copy to the faculty member. The Dean shall forward the Committee's final recommendation, along with the Dean's evaluation and recommendation, to the President within fifteen (15) calendar days after receiving the Committee's final recommendation. The Dean shall inform the faculty member of his or her recommendation. The entire appeal process will be completed before a final decision on the application. Except in rare cases and for compelling reasons, no sabbatical will be granted over the Committee's expressed opposition. The Dean shall promptly inform the faculty member about the President's decision.

E. Nature and Condition of Grants.

1. A sabbatical leave may extend for:

a. one semester at half salary after six semesters of full-time service;

b. one semester at three-quarters salary after seven semesters of full-time

service;

c. one semester at full salary after twelve semesters of full-time service;

d. two semesters at half salary after twelve semesters of full-time service;

e. two semesters at three-quarters salary after fourteen semesters of full-time service.

2. A faculty member may receive the following in addition to the sabbatical grant:

a. Supplemental grants and fellowships.

b. An additional salary for teaching or other relevant professional experience, ordinarily including but not limited to specialized law practice relating to the faculty member's area of expertise and governmental service, either legislative, executive or judicial.

(i) This additional salary shall not exceed the amount reasonably necessary to compensate the faculty member for increased living expenses in the area where he or she is employed, as measured by the difference between Consumer Price Index for Portland and the Index for the area where he is employed. If it does not exceed this amount, the faculty member may receive both it and his or her sabbatical grant.

(ii) If this additional salary exceeds the reasonable amount stated in XI.E.2.b.(i), the faculty member shall forfeit a portion of his or her sabbatical grant in an amount equal to but no greater than the excessive sum.

(iii) If this additional salary exceeds the amount of the faculty member's sabbatical grant, his or her receipt of said salary shall act as a forfeiture of the entire sabbatical grant.

c. If the faculty member is granted a sabbatical at reduced salary, he or she may accept teaching or other relevant professional employment to the amount of the salary reduction.

3. Fringe benefits will continue in force when a member is on leave.

4. Faculty members shall submit to the Dean a formal written report upon return from leave detailing the member's accomplishments during the leave and including supporting documentation such as published or unpublished scholarship produced during the leave.

5. The number of sabbatical leaves granted in any one year may be limited by budgetary considerations. Budgetary limitations are determined by the Board and administration, not by the Committee.

6. The faculty member receiving a sabbatical leave appointment agrees to return to Willamette for at least one full year of service immediately upon conclusion of the year on leave.

F. Criteria. The following criteria will be applied when deciding upon sabbatical leave applications:

1. The eligibility standards specified above.
2. The likelihood that the leave will equip the applicant for more effective teaching, scholarship, and service to the College and University.
3. The applicant's record of scholarly accomplishment.
4. The number of years the applicant has served Willamette on the campus.
5. The likelihood that the applicant could accomplish the particular goal in another way or at another time.
6. The financial ability of the University. (This criterion is applied by the Board and the administration, not by the Committee.)
7. The effect of the leave, in combination with others, upon the educational goals of the College.

## **XII. Leave of Absence**

A. General. A faculty member requesting a leave of absence may be granted a leave of absence for one semester or for one academic year.

B. Purposes. The purposes of the leave will ordinarily include but are not limited to graduate work, research, service as a visiting professor at another institution, specialized law practice relating to the faculty member's area of expertise, and service to government, nonprofit, or professional organizations.

C. Duties and Rights. When the leave is for the purpose of study which may improve the individual to the benefit of the University, the cost of fringe benefits (except social security and retirement contribution) will be paid by the University. When a faculty member takes a full-year leave of absence for the purpose of study or other activity which may improve the individual to the benefit of the University, he or she will receive a salary increase equivalent to that which he or she normally would have received had he or she been continuously under contract. A non-tenured faculty member may return to the

University for the year subsequent to the leave so long as there are no other valid grounds for termination or non-renewal of contract. The period during which a non-tenured person is on leave of absence does not count toward eligibility for tenure. A tenured faculty member may return to the University after the leave with no effect on his or her tenure rights. Normally a faculty member must be on campus for a minimum of two years between leaves, whether sabbatical or leave of absence.

D. Procedure.

1. Informing the University - Timing. The University has an interest in receiving prompt notice that a person will be on leave so appropriate arrangements can be made for a replacement. Therefore, in the normal situation the applicant for a leave will (a) promptly after applying to persons outside the University for a grant, visiting professorship, or the like, notify the Dean of the intent to request a leave; (b) promptly after receiving the grant, visiting professorship or the like, make a written request for a leave; (c) not apply for a leave after the date when the applicant's teaching contract is due to be signed and returned to the University.

2. Responsibility of Dean. The Dean shall review any request for leave and, after consultation with the Faculty Personnel Committee, make a recommendation to the President.

3. Responsibility of President. The President shall decide upon each recommendation, and report the action taken to the Board of Trustees.

### **XIII. Faculty Grievance Procedure**

A. Grievances Described. If any faculty member believes his or her academic freedom has been violated or that he or she has cause for grievance in matters other than non-renewal of contract, he or she may seek redress in the manner described below.

B. Procedure. The aggrieved faculty member shall have a personal conference with the person or persons whose act or failure to act gave rise to his or her grievance, unless such a conference cannot be arranged within one week after the faculty member requests a conference. By mutual agreement, the matter may be concluded at this point. If there is no mutual agreement, the aggrieved faculty member may petition the Faculty Personnel Committee for a hearing. The petition shall be in writing, set forth in detail the nature of the grievance, state against whom the grievance is directed, and be transmitted to the Chair of the Committee. The Committee shall have discretion to decide whether to hold a hearing, whether to conduct its own investigation of the facts, and whether to request additional facts from any person. Submission of a petition will not automatically entail investigation or a detailed consideration of the matter. If the Committee decides to hold a hearing, it shall hold the hearing within 30 days after receiving a petition unless the Committee and the petitioner and the person complained against agree to delay. The Committee shall deliver a copy of the petition to the person complained against not less than 10 days before any hearing. The Committee shall notify the petitioner and the person

complained against of the time and place of the hearing a reasonable time before the hearing date. The petitioner and person complained against may attend the hearing, may be accompanied by a representative, may present evidence in writing or by witness of his or her choice, shall have the right to cross-examine witnesses and otherwise rebut evidence. The Committee shall seek to bring about a settlement of the grievance satisfactory to the parties. If, in the opinion of the Committee, such a settlement is not possible or is not appropriate, the Committee shall make written findings and recommendations, and promptly give a copy of its findings and recommendations to the petitioner and the person complained against. The Dean shall make the record available to the parties.

#### **XIV. Policy of Academic Freedom and Responsibility**

A. Introduction. The integrity of a university rests on the capacity of its members to search for truth in a climate of free inquiry and instruction unencumbered by restriction of prejudice, intimidation or personal preference. Academic freedom is that climate of free inquiry. It preserves the University as an educational institution and protects its members in the advocacy of their convictions. Academic freedom imposes a discipline that is dedicated to intellectual honesty, that respects the dignity of others, and that acknowledges the right of expression for all.

B. Academic Freedom and Responsibility of the University. The University shall be a forum for the exploration of knowledge, concepts and ideas. The testing of concepts for validity and relevance is expected. Diversity of opinion within a common commitment to the pursuit of truth will be sustained. The University shall remain free from the advocacy of any particular ideas save those of free inquiry and a respect for the rights and dignity of others. The University may not speak with one voice for there is no member who can speak for the institution as a whole. It is the responsibility of all members of the University community to ensure that the expression of dissent and the attempt to produce change are not carried out in ways which injure individuals or their property, damage institutional facilities, or disrupt the classes of one's teachers or colleagues.

C. Academic Freedom and Responsibility of the Professor. As members of a profession and a university, professors have the responsibility to teach their students according to the best scholarly standards of their discipline, to keep abreast of professional developments in their fields, to strive continually to improve the quality of those courses for which they have assumed responsibility, to utilize the considered judgment of their performances by their peers in improving their teaching, and to accept those duties related to their professional membership in the institution at which they teach.

As teachers, it is the professors' mastery of their subjects and their own scholarship which entitle them to their classrooms and to freedom in the presentation of their subjects. Thus, it is improper for them persistently to intrude material which has no relation to their subjects, or fail to present subject matter of their courses as announced to their students and approved by the faculty in their collective responsibility for the curriculum.

As researchers, professors are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

As citizens, professors have the rights and obligations of any other citizens. As citizens engaged in a profession which depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom. When they speak or act as private persons, they must avoid implying that they speak or act for the University. Because academic freedom has traditionally included the professors' full freedom as citizens, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute, and the professors' attention to their obligations as citizens and moral agents precludes the fulfillment of substantial academic obligations, professors should either request a leave of absence or resign their academic positions.

The academic freedom of professors is protected by the University in that decisions made in respect to their status as members of the University community by the Board of Trustees, President, Dean, or Personnel Committee, are made only on the basis of their professional responsibilities set forth above. The protection of academic freedom and the requirements of academic responsibility apply to the tenured and non-tenured faculty. Both shall have access to regular procedures for the consideration of complaints that their academic freedom has been violated.

D. Academic Freedom and Responsibility to Students. Students are entitled to an atmosphere conducive to learning and to evenhanded treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. The student should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or his or her own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, sex, religion, degree of political activism, or personal beliefs.

## **XV. Reduction in Force**

A. When the total number of faculty is reduced due to curriculum changes, financial exigencies, or other reasonable ground, faculty members will be terminated in the following order:

1. Part-time appointees;

2. Full-Time, Temporary appointees;
3. Continuing, Non-Tenure-Track appointees in order of years of service at the College of Law;
4. Tenure-track appointees in order of years of service at the College of Law;
5. Tenured appointees in order of years of service at the College of Law.

B. Years of service at the College of Law includes time on sabbatical leave and time on leaves protected by state and federal law but excludes time on other leave.

C. Exceptions may be made when the Dean, in consultation with Faculty Personnel Committee, determines that following the above order will result in the termination of a faculty member who is the only faculty member qualified to teach a course which is necessary to the curriculum.

#### **XVI. Parental, Medical, Dependent and Family Care, and Other Leave Policies**

To the extent that they are not superseded by University personnel policies regarding faculty leave, the then-in-force College of Liberal Arts' policies regarding faculty requests for parental leave, medical leave, dependent and family care leave, bereavement leave, military leave, and/or jury duty/court appearance leave apply by analogy to the College of Law.

A candidate may choose whether to extend the timeframe for tenure and promotion by time spent on parental, medical, or dependent and family care leave, or on other leave protected under federal and state law. As a presumptive matter, time spent on such leave shall not count toward the time periods for tenure and promotion. The intent of this presumption is to provide more time for candidates on such leave to complete the requirements for tenure and promotion. A candidate's decision to count or not count time spent on parental, medical, or dependent and family care leave, or other protected leave, toward the time period for tenure and promotion shall not factor into the evaluation of the candidate for tenure or promotion.