Cleveland State University

Cleveland-Marshall College of Law

Procedures and Criteria for Promotion and Tenure in the Cleveland-Marshall College of Law

supplemented by

Procedures for Mentoring and Evaluation of Faculty in the Years Preceding Application for Personnel Action

and

Criteria and Procedures for the Appointment of Tenured Faculty

(as revised through April 2024)

These Procedures and Criteria for Promotion and Tenure in the Cleveland-Marshall College of Law are subject to and supplement the Faculty Personnel Policies Sections 8.1.1 to 8.1.5 in the Cleveland State University Handbook (the Greenbook), which govern all promotion and tenure matters ("personnel actions") in the College of Law. These Procedures and Criteria apply the standards and adapt the practices of the Greenbook to the circumstances of the College of Law and are effective for all applications for promotion, tenure, or promotion and tenure after March 1, 2014.

These Procedures and Criteria shall be referred to the Faculty Affairs Committee (FAC) every five years for review, starting in the spring semester of 2014. The FAC shall consult with tenured and tenure-track faculty about possible revisions and recommend proposed amendments for a faculty vote. The five-year review process does not preclude faculty from amending these Procedures and Criteria at other times.

I. Procedures for the Recommendation of Promotion and Tenure

Procedures § 1. Within the College of Law, personnel actions involve the participation of a candidate who applies for promotion, for tenure, or for promotion and tenure, an appropriate College of Law Personnel Action Committee (PAC), a Subcommittee of the PAC, and the Dean. These Procedures describe the role of each of the participants.

<u>The Candidate</u>

Procedures § 2. A faculty member who wishes to be considered for promotion, for tenure, or for promotion and tenure shall notify the Dean no later than April 1 of the calendar year in which the faculty member wishes to be considered.

Procedures § 3. The candidate shall submit to the Subcommittee at the meeting described in Procedures § 20 a copy of the candidate's vitae (described in Procedures § 4(b)) and copies of each piece of Scholarship (described in Criteria § 7) that the candidate wishes the Subcommittee to send out for outside review. The candidate shall submit to the Subcommittee no later than August 1 a dossier (described in Procedures §§ 4 and 5), which contains the material that the candidate thinks is pertinent to the consideration of the application.

Procedures § 4. The dossier shall contain at least the following:

(a) a Personal Statement containing:

(i) the desired personnel action;

(ii) a description of the candidate's thoughts and approaches in the areas of teaching, scholarship, and service, with references to any supporting documentation;

(iii) the candidate's plans for future development, including scholarly works in progress; and

(b) a vitae containing at least the following information:

(i) the candidate's education, including the institutions attended, the degrees awarded, honors received, and law review participation, if any;

(ii) the candidate's employment experience since obtaining the J.D. degree, including employment both at Cleveland-Marshall and elsewhere;

(iii) the candidate's professional consulting experience, if any;

(iv) the candidate's bar membership, if any;

(v) the candidate's membership and participation in professional and academic associations;

(vi) the candidate's position on editorial boards of academic or professional publications, or any similar relationship;

(vii) the courses taught by the candidate at Cleveland-Marshall (as well as at other law schools, if relevant), the Committees on which the candidate has served at Cleveland-Marshall and at Cleveland State, and other relevant activities at Cleveland-Marshall or Cleveland State in which the candidate has participated;

(viii) the candidate's publications;

(ix) any papers presented or other participation by the candidate in scholarly colloquia, conferences, and the like;

(x) the candidate's participation, if any, as instructor in continuing legal education programs;

(xi) the candidate's participation in significant litigation, if any;

(xii) the candidate's legislative testimony, if any;

(xiii) the candidate's additional public and professional service;

(xiv) descriptions of any other experience relevant to the candidate's application; and

(xv) the candidate's home mailing address.

(c) copies of the syllabi of courses taught at Cleveland-Marshall since the later of the candidate's first teaching at Cleveland-Marshall or the candidate's last successful application for personnel action here but in the latter case not for any period prior to the five most recent years; and

(d) copies of each piece of Scholarship (described in Criteria § 7) that the candidate has submitted to the Subcommittee to send out for outside review and copies of other works (whether or not satisfying the definition of Scholarship and whether or not sent out for outside review) that the candidate wishes the PAC to consider.

Procedures § 5. The dossier material should be presented in one standard three-ring binder, with dividers separating the sections, and an index. The PAC Subcommittee's analyses of the candidate's student evaluations, the evaluations of the candidate's publications by outside evaluators, and the PAC Report prepared by the PAC Chair will be added to the dossier later by the office of the Dean and the PAC Chair.

Procedures § 6. The candidate should provide to the Subcommittee as soon as practicable but no later than June 1:

(a) evidence establishing the candidate's specific contribution with respect to any co-authored Scholarship submitted for outside review, and

(b) a list of names of highly qualified experts within the candidate's field outside the College of Law who could provide the PAC with evaluations of the candidate's Scholarship.

Procedures § 7. If necessary, the candidate may later supplement the submissions described in Procedures §§ 4 and 6 with additional data.

<u>The Personnel Action Committees</u>

Procedures § 8. Recommendations for promotion in rank and for the granting of tenure are made to the Dean on behalf of the College of Law faculty by the appropriate Personnel Action Committee (PAC).

Procedures § 9. There are two PACs.

(a) Subject to subsection (b) below, the PAC for promotion to the rank of full Professor and for the granting of tenure to a full Professor ("the tenured full Professor PAC") shall consist of all full Professors with tenure, and the PAC for all other personnel actions ("the tenured faculty PAC") shall consist of all faculty with tenure.

(b) The following individuals are not members of either PAC:

(i) a faculty member on leave who does not attend a PAC meeting called for the purpose of making a personnel action recommendation or recommendations;

(ii) a faculty member who, for good cause, declares his or her temporary nonmembership in one or both PACs to the Dean's office or to the PAC Chair before a PAC meeting called for the purpose of making a personnel action recommendation or recommendations, with "good cause" limited to faculty who are out of town or seriously ill or who can demonstrate to the satisfaction of the PAC Chair a sufficiently similar or compelling reason for failure to attend the PAC meeting;

(iii) a faculty member whose candidacy for promotion or tenure is under consideration by the PAC; and

d(iv) the Dean of the College of Law.

(c) The Dean of the College of Law shall serve ex officio on both PACs, enjoying the rights to receive notice and be present at meetings and to fully participate in PAC discussions, but not to vote on PAC matters.

Procedures § 10. The members of the tenured faculty PAC shall elect from among full Professor members a Chair and a Vice-Chair who shall hold the same offices in the tenured full Professor PAC. The Vice-Chair shall perform the Chair's duties in the absence of the Chair. The election should take place no later than the last faculty meeting in March of each calendar year. Faculty with administrative positions in the College or University are not eligible for election to these offices.

Procedures § 11. PAC members are responsible for informing themselves with respect to the qualifications of all candidates for personnel action whose applications are before the PAC. PAC members fulfill this responsibility by reading the candidates' publications, by attending classes taught by the candidates, by observing the candidates' participation in faculty governance and in College of Law activities, by submitting evaluations of the candidate's teaching, scholarship, and service, and by considering Reports prepared for the PAC by Subcommittees.

Procedures § 12. PAC meetings for the purpose of making final personnel action recommendations will be scheduled by the PAC Chair and the Dean in a timely manner. The PAC Chair, in his or her discretion, may call interim meetings to consider any matter that the PAC Chair determines should be considered by the PAC prior to the November meeting.

Procedures § 13. At a PAC meeting concerning personnel actions, PAC members should consider their own evaluations of candidates, the Reports of Subcommittees, any authenticated candidate evaluations prepared by other PAC members and distributed directly to the PAC, and the opinions expressed at the meeting by other PAC members.

Procedures § 14. To promote full and candid discussion, PAC meetings to consider personnel actions are confidential; members should not disclose the contents of discussions concerning personnel actions. Votes on recommendations for personnel action at such meetings shall be by secret ballot.

Procedures § 15. A PAC shall make its recommendation with respect to each candidacy by majority vote of all members, whether present or absent at the meeting. The PAC Chair and the Dean shall immediately report the PAC's recommendation to each candidate.

Procedures § 16. As soon as practicable after a PAC meeting to consider one or more personnel actions, the PAC Chair shall forward to the Dean a separate written statement with

respect to each candidate, providing the PAC's recommendation, the reasons for that recommendation, the number of votes for and against the recommendation, and the number, if any, of members who were absent from the meeting or abstained. The PAC Chair shall make the written statements available to the candidate and to any PAC member upon request.

Procedures § 17. Any PAC member or members who disagree with the PAC majority's recommendation may submit a written minority recommendation to the Dean with the reasons for that recommendation, who shall then forward these consistent with the Greenbook.

Subcommittees of the Personnel Action Committees

Procedures § 18. The PAC Chair, in consultation with the Dean, shall appoint a Subcommittee for each candidate no later than April 15 composed of three members of the appropriate PAC. Before making appointments, the PAC Chair shall consult with the candidate and the Vice Chair regarding the proposed membership and leadership of each Subcommittee and later with each proposed member of the Subcommittee. One of the members appointed will be designated Subcommittee Chair. At least one member of each Subcommittee shall be a full Professor. Neither the PAC Chair nor the Vice Chair is eligible for appointment to a candidate Subcommittee. The PAC Chair and Vice Chair shall meet with the Subcommittees no later than May 1 to review these Procedures and the Subcommittees' responsibilities under them, reach agreement regarding which questions on the student evaluations shall be used for the quantitative data included in the Subcommittees Reports (described in Procedures § 32(c)), discuss how the college means for each such question can be obtained for inclusion in the Report for the sake of comparison, and address any other concerns raised by the PAC Chair, PAC Vice Chair, or Subcommittee members.

Procedures § 19. A PAC Subcommittee gathers information from both inside and outside the College of Law with respect to a candidate and coordinates the analysis and sharing of both external and internal evidence and evaluations among PAC members. The Subcommittee acts in this regard on behalf of the PAC Chair.

Procedures § 20. The Subcommittee shall meet with the candidate no later than May 15 to review these Procedures with the candidate, address any questions or concerns that the candidate may have, obtain the candidate's vitae and copies of the Scholarship (described in Criteria § 7) that the candidate wishes to be sent out for outside review, and begin to compile a list of potential outside reviewers (described in Procedures §§ 6 and 21).

Procedures § 21. As soon as possible after meeting with the candidate, the Subcommittee should select outside evaluators to be asked to read and comment on the candidate's publications. In seeking outside evaluators, the Subcommittee should strive to obtain highly qualified experts who are well known and well respected nationally in their fields. In selecting outside evaluators, the Subcommittee should consider suggestions made by the candidate as well as suggestions made by other highly qualified experts in the field.

Prior to contacting any outside evaluators, the Subcommittee should provide the names of potential evaluators to the candidate and consider any objections raised by the candidate on the basis of the lack of either competence or objectivity of proposed evaluators. At a minimum, the Subcommittee should attempt to select at least twice as many evaluators as there are publications to be evaluated, and in no event fewer than five evaluators. However, whether an evaluator

should be asked to read all of the publications, or only one or more of them, should be determined by the Subcommittee.

The candidate should disclose any relationship with any proposed evaluator. The evaluator:

(a) cannot have been a co-author on any project with the candidate;
(b) cannot have been a mentor or professor of the candidate in any institution during the time the candidate received a degree or other form of professional training from that institution;
(c) cannot have been an outside reviewer with respect to the candidate's scholarship in a previous promotion review. If an academic area has so few scholars that the PAC Subcommittee has difficulty in finding a suitable number of outside reviewers with sufficient expertise, the Subcommittee shall consult with the PAC Chair to find a suitable solution, including permitting use of an outside reviewer who reviewed the candidate's scholarship in a previous promotion action but who will not count toward the minimum number of reviewers for the current action; and
(d) cannot be someone in a position to receive some advantage or benefit beyond the honorarium based on the outcome of the candidate's review.

Evidence of arm's-length impartiality requires a written statement of such from the evaluator within his/her review letter and from the candidate during the process of developing the list of potential reviewers. Candidates should refrain from any direct or indirect contact with an external evaluator during the period in which the evaluator is preparing the review.

Procedures § 22. In the event of disagreement between the candidate and the Subcommittee regarding the selection of outside evaluators or other concerns, the candidate or a member of the Subcommittee may notify the PAC Chair of the disagreement. The Chair shall then promptly convene a meeting of the candidate, the Subcommittee, the PAC Chair, and the PAC Vice-Chair to facilitate a resolution of the matter. If a resolution cannot be reached through discussion, a majority vote of the PAC Chair, Vice Chair, and members of the Subcommittee will control.

Procedures § 23. The Subcommittee should contact by telephone or email (or both) those selected as evaluators as soon as possible but no later than July 1, inviting their participation in the process. When an invitation is accepted, a letter substantially conforming to the samples provided in Appendix I or Appendix II, as well as copies of the candidate's vitae and the material to be reviewed, should be sent immediately, confirming the arrangement. Letters containing any significant substantive deviations from the samples should be approved by the PAC Chair and shown to the candidate before being sent out.

Procedures § 24. Copies of outside evaluations should be given to the candidate promptly as they are received by the Subcommittee, and the original should be added to the dossier by the Subcommittee.

Procedures § 25. At the start of the Fall Semester, each PAC Subcommittee shall notify PAC members of the candidacy that the Subcommittee is overseeing, provide access to PAC members of copies of the Scholarship submitted by the candidate for outside review, provide a schedule of the candidate's classes, and remind PAC members of their responsibility to observe classes. The Subcommittee's notice to the PAC should also invite submission to the Subcommittee of PAC member evaluations of the candidate's teaching, scholarship, and service.

Procedures § 26. The Subcommittee should periodically remind PAC members of their responsibilities and solicit their evaluations.

Procedures § 27. A PAC member submitting an authenticated evaluation of either teaching or scholarship may elect whether or not to be identified by the Subcommittee to the rest of the PAC as the author; evaluations submitted anonymously to the Subcommittee or to the PAC will be disregarded. When preparing its Report, the Subcommittee should incorporate PAC member evaluations of the candidate's teaching, scholarship, and service only if the evaluations are authenticated by the faculty members submitting them.

Procedures § 28. The Subcommittee should obtain from the Dean's office copies of all student evaluations of the candidate conducted at Cleveland-Marshall since the later of the candidate's first teaching at Cleveland-Marshall or the candidate's last successful application for personnel action here but, in the latter case, not for any period prior to the five most recent years. If feasible, the Subcommittee should also obtain student teaching evaluations with respect to law school courses taught elsewhere before joining Cleveland-Marshall, if a candidate has not yet made a successful personnel application here, and the same material for law courses taught as a visitor elsewhere since the later of the candidate's hiring here or the candidate's last successful application for personnel action here but, in the latter case, not for any period prior to the five most recent years. Non-law school course evaluations should not be considered.

The Subcommittee should analyze all such student evaluations. The goal of the analysis should be to determine the quality of the teaching rather than the popularity of the teacher.

Procedures § 29. The Subcommittee should interview, to the extent possible, the Chairs of all Cleveland-Marshall and University Committees on which the candidate served.

Procedures § 30. A Subcommittee may interview individuals with whom the candidate collaborated on work of a professional or academic organization, seeking evaluations of the candidate's work.

Procedures § 31. The Subcommittee must submit a written Report to the entire PAC describing in detail the evidence regarding a candidate's qualifications. The Report should be made available to the PAC, and to the candidate, approximately two weeks before the PAC meeting scheduled to consider the candidate's application. The candidate may submit a statement to the PAC addressing any matters raised in the Subcommittee Report.

Procedures § 32. The Subcommittee Report should contain at least the following:

(a) a statement of the candidate's background and, as an attachment, the candidate's vitae, described in Procedures § 4(b);

(b) a description of the candidate's approach to teaching and to scholarship based on observation, a personal interview by the Subcommittee with the candidate, course syllabi, and the candidate's own dossier Personal Statement, which should be attached to the Report;

(c) the Subcommittee's analysis of student evaluations of the candidate's teaching, which should be presented in numeric, quantitative form, and also in the form of representative quotations from the evaluations;

(d) a summary of all authenticated PAC member teaching evaluations, including representative observations and comments;

(e) as attachments, copies of all authenticated PAC member teaching evaluations, preserving the anonymity of those PAC members, if any, who choose not to have their identities disclosed by the Subcommittee;

(f) a detailed summary of outside evaluations of the candidate's Scholarship;

(g) as attachments, copies of all outside evaluations of the candidate's Scholarship;

(h) a detailed summary of all authenticated PAC member evaluations of the same Scholarship;

(i) as attachments, copies of all authenticated PAC member Scholarship evaluations, preserving the anonymity of those PAC members, if any, who choose not to have their identities disclosed by the Subcommittee;

(j) the Subcommittee's determination regarding the specific contribution made by the candidate to any co-authored publication;

(k) a description of the candidate's service on Cleveland-Marshall and University committees;

(l) a description of the candidate's participation in bar association activities, legal, scholarly or professional organizations, editorial boards, or similar groups;

(m) a description of the candidate's public service activities; and

(n) a description of any other information related to the candidacy that has been addressed to the Subcommittee or learned by the Subcommittee during its work.

Procedures § 33. The Subcommittee Report should avoid making evaluative inferences from the evidence compiled in the Report regarding the quality of the candidate's scholarship, teaching, and service. Rather, the purpose of the Report is to gather into one place the evidence that each member of the PAC should consider in making his or her independent determination of whether the candidate has satisfied the Criteria for promotion, the award of tenure, or both. The Subcommittee Report should not contain a recommendation regarding whether the candidate has satisfied the Criteria.

Procedures § 34. In cooperation with the office of the Dean, the Subcommittee Chair should add to the candidate's dossier the numeric quantitative analysis of the student evaluations.

The Dean

Procedures § 35. The Dean should consider PAC recommendations in preparing his or her separate decanal recommendation to the Provost for each candidate. The Dean shall make his or her separate written statement for each candidate available to that candidate and to any PAC member upon request. For each candidate, the Dean shall submit to the Provost his or her separate written statement, the PAC Chair's written statement, and any written minority statement (described in Procedures § 17).

Procedures § 36. The office of the Dean oversees the final compilation of the dossier, adding to what the candidate submits (see Procedures §§ 3, 4, and 5) the material received at the Dean's office from the candidate's PAC Subcommittee (see Procedures §§ 5, 24, and 34).

Procedures § 37. Promotion and the award of tenure become effective at the time designated by the University Board of Trustees, normally the beginning of the academic year following the academic year in which the faculty member's candidacy was considered by the PAC and the Dean.

II. Criteria for the Recommendation of Promotion and Tenure

Criteria § 1. Faculty may apply for promotion, for tenure, or for promotion and tenure in any year of service. However, an application for personnel action which requests that consideration of the application by the PAC, the Dean, the Provost, and the Trustees occur in the first, second, or third year of the faculty member's service in rank will be approved only under unusual circumstances, including the presentation of exceptionally powerful evidence of eligibility for the promotion or the award of tenure.

Criteria § 2. The Dean and the PAC will consider four factors, which are described in more detail below, in making promotion and tenure decisions. The factors are

(a) the candidate's teaching,

(b) the candidate's Scholarship,

(c) the candidate's participation in faculty governance within the College of Law and the University, and

(d) the candidate's service to the public and to the profession.

Criteria § 3. Promotion to the rank of Associate Professor with tenure, and the award of tenure to a faculty member already holding the rank of Associate Professor, are both based on evidence that the candidate

(a) is a fully competent teacher; and

(b) has demonstrated significant scholarship.

Criteria § 4. Except as provided in Criteria § 11, promotion to the rank of full Professor, and the granting of tenure to a faculty member already holding the rank of full Professor, are both based on evidence that the candidate has

(a) a record of sustained excellence in teaching;

(b) an outstanding record as a scholar; and

(c) a reputation in the discipline beyond the local community.

Criteria § 5. In addition, all candidates for personnel action must demonstrate that they have fulfilled their faculty governance and public and professional service obligations.

Criteria § 6. Whether a candidate has become "a fully competent teacher," as that term is used in Criteria § 3, or has demonstrated a "sustained excellence in teaching," as that term is used in Criteria § 4, can be demonstrated in a variety of ways, but the following factors should generally be taken into consideration:

(a) comprehensive knowledge of the subject matter and an appreciation of its relationship to other fields, including current developments in both application and theory;

(b) thoughtful preparation and organization of individual class sessions and overall course coverage content;

(c) ability to stimulate intellectual curiosity in students and communicate knowledge to students as demonstrated by student participation in class and student involvement in independent learning;

(d) reasonable and fair evaluation of student work by examinations, papers, and other written and oral work appropriate to the subject matter;

(e) the extent and quality of individual mentoring with respect to written assignments, simulations, and clinical exercises;

(f) development of innovative methodology, including the use of technology in the classroom, if appropriate;

(g) extension of the teaching enterprise through the use of class listserves;

(h) use of clinical, individual, or small group programs;

(i) publications about teaching and teaching improvement;

(j) publication of textbooks, casebooks, or student treatises;

(k) development of unpublished teaching materials; and

(l) development of continuing legal education materials.

To a lesser degree, consideration may also be given to:

(m) accessibility to students outside the classroom;

(n) participation in teaching workshops and conferences; and

(o) enthusiasm about the subject and the enterprise.

Criteria § 7. “Scholarship,” as used in these Criteria, means published writing based on original research. “Published” or “publication” as used in these Criteria includes a work appearing only in digital form so long as the selection and editing processes are comparable to those used by print scholarly journals and print book publishers. Scholarship includes the presentation of new insights and the criticism of existing literature. Its quality depends on its clarity and the grace of presentation; the importance of the subject matter chosen for study; the persuasiveness with which points are argued; the thoroughness with which the topic is explored; the significance of its conclusions; its impact on subsequent scholarship; and the contribution it makes to our understanding of law. Scholarship consists of

(a) articles and substantial book review essays published in law reviews;

(b) law-related articles published in scholarly journals of other disciplines;

(c) a Uniform Law, Model Statute, Restatement, or American Law Institute Reporter’s Study or equivalent work of which the candidate was a principal author;

(d) books or monographs;

(e) treatises; and

(f) textbooks and casebooks if they contain significant original text that would otherwise satisfy the language contained in the first paragraph of this Criterion.

For promotion to Associate Professor or the award of tenure, only Scholarship, as defined in (a) through (f) above, will be circulated for outside review and considered in determining whether the candidate has satisfied the minimum requirements for consideration of the promotion or award of tenure. For promotion to full Professor, only Scholarship, as defined in (a) through (f) above, that has not been previously considered at Cleveland-Marshall in any successful personnel action will be circulated for outside review. In all cases, the candidate may also submit any of the following to be considered by PAC members:

(g) unpublished scholarly papers presented at conferences;

(h) significant appellate briefs submitted in litigation; and

(i) statutory text, not described in (c), drafted for any governmental entity.

Criteria § 8. "Significant Scholarship," as used in Criteria § 3, encompasses the production of a quantity of scholarship evidencing a real contribution to the candidate's field, as well as the likelihood of continued contribution to scholarship, and will consist of the publication or formal acceptance for publication of no less than two works authored solely by the candidate listed in Criteria § 7(a) through (c) or one work authored solely by the candidate listed in Criteria § 7(d), (e) and (f). With respect to candidates who have the standard, six-year, tenure-track probation period, all such works must have been published or formally accepted for publication during the probation period. With respect to candidates who do not have the standard, six-year, tenure track probation period, at least one work authored solely by the candidate must be published or formally accepted for publication during the probationary period.

Criteria § 9. A person who has an "outstanding record as a scholar," as used in Criteria § 4, has produced a canon of work, such as several law review articles, or a treatise, or monograph, which establish the candidate as a well-recognized expert in the field.

Criteria § 10. "Public and professional service obligations," as used in Criteria § 5, encompasses:

(a) public service, which means

(i) engaging in activities that enhance public understanding of the law or of issues in related social, economic, or political fields; and

(ii) providing professional services or making other contributions to the work of governmental, educational, charitable, or public interest entities, or to others that serve the interests of significant segments of the public; and

(b) professional service, which means

(i) service to the profession of law; and

(ii) service to organizations furthering the work of legal education.

Activities under (a)(i) include publishing books, magazine articles, and op-ed pieces for lay audiences, giving talks to faculty or students at other colleges and universities, lecturing to public groups, and the like. Activities under (a)(ii) include doing *pro bono* work of any sort, testifying

before public bodies, consulting with public agencies, writing amicus briefs, and making significant contributions to public service organizations.

Activities under (b)(i) include participating in local, state, and national bar organizations and similar law-related groups, giving papers at legal as well as interdisciplinary conferences, offering courses in Continuing Legal Education, and making analogous contributions. Activities under (b)(ii) include service to organizations furthering the enterprise of legal education, such as significantly contributing to the work of the American Association of Law Schools, the ABA Section on Legal Education and Admissions to the Bar, the Society of American Law Teachers, the American Association of Law Libraries, the Council on Legal Educational Opportunity, and the like.

Criteria § 11. In the case of a Dean of the College of Law, the tenured faculty PAC may recommend award of tenure, and the tenured full Professor PAC may recommend award of the rank of full Professor, based on the same criteria used in recommending the individual as Dean.

Criteria § 12. In the case of the President of the University with a Juris Doctor (J.D.) degree, the tenured faculty PAC may recommend award of tenure, and the tenured full Professor PAC may recommend award of the rank of full Professor, based on the same criteria used in recommending the individual as President of the University.

Criteria § 13. A Librarian is a faculty member who has had more contract responsibility for law library administration than for instruction and research during the period between the later of

(a) the faculty member's first teaching at Cleveland-Marshall or

(b) the faculty member's last successful application for personnel action here and the faculty member's latest application for personnel action.

The promotion and tenure criteria for Librarians are the same as for other faculty members, except as follows:

(a) relevant teaching may also include courses on legal research and writing, advanced legal research, electronic legal research, and other areas germane to librarianship;

(b) proportionally less time may be devoted to teaching by a Librarian than by other faculty members;

(c) "significant Scholarship" may include publication of either two scholarly articles in a scholarly library publication, or one such article and another of a more practical library orientation published in a practice-oriented library publication; "an outstanding record as a scholar" may also be evidenced by publication of work of the same character; and

(d) Librarians must also demonstrate professional competence by effective application of library science in carrying out assigned managerial and administrative responsibilities in conformity with the law library standards of the American Bar Association, the Association of American Law Schools, and the American Association of Law Libraries.

Appendix I (promotion to Associate Professor of Law with tenure)

CSU-CM LETTERHEAD

Date

Name
Address

Dear _____:

I am delighted that you have agreed to review Professor _____'s [article, book, book chapter, or other scholarship] _____, which I have enclosed, in connection with [his/her] request to be promoted to Associate Professor of Law with tenure. As I indicated in our correspondence, I am the chair of a subcommittee charged with preparing a report for the eligible voting members of the faculty regarding Professor _____'s work.

I have also enclosed a copy of Professor _____'s vitae, as well as other scholarship that is being reviewed in connection with [his/her] promotion petition. The piece that I have asked you to review is only one part of [his/her] scholarly output. If you would like to read these additional works and wish to speak to their contribution, I would welcome those comments, as well.

Our faculty is interested in learning your assessment of the quality and impact of Professor _____'s scholarship. With respect to [name of work,] I seek your evaluation of the work's clarity and grace of presentation; the importance of the subject matter chosen for study; the persuasiveness with which points are argued; the thoroughness with which the topic is explored; the importance of its conclusions; and the contribution it makes to our understanding of law. What is its potential for advancing theory, research, or practice? Does it demonstrate effective written communication of original research in a given field, including the presentation of new knowledge or criticism of existing literature? Does it evidence careful study, thoroughness, creativity, depth, precision, and balance? In sum, what is your view regarding the quality of the work as an example of scholarship, including its quality in relation to other scholarship in the field?

I specifically ask that you *not* include a recommendation regarding whether Professor _____ has met the criteria for promotion and tenure at Cleveland-Marshall College of Law, your own institution, or any other institution.

In addition, please state in the letter whether: (a) you have been a co-author on any project with Professor _____; (b) you have been a mentor to Professor _____ in any institution during the time [he/she] received a degree or other form of professional training; and (c) you are in a position to receive some advantage or benefit beyond the honorarium based on the outcome of Professor _____'s review. If you answered one or more of these questions in the affirmative, please notify me promptly because these circumstances would disqualify you from serving as a reviewer for Professor _____'s work.

You should also be advised that your evaluation will become part of Professor _____'s file and thus made available to [him/her] and to all other persons concerned in the University promotion and tenure process. Confidentiality cannot be guaranteed.

In order that our faculty may meet University deadlines governing our internal review process, I ask that you forward your comments in a letter addressed to me *no later than* _____if at all possible. I also request that you enclose a copy of your own vitae.

Reviews of this nature are important to the integrity of the promotion process, and I thank you for your assistance. In appreciation for your time and effort, we shall send to you an honorarium of [$100.00] after we receive your letter. A secretary will contact you to obtain the information necessary to process the payment. Should you have any questions, please do not hesitate to call me at (216) 687-XXXX or contact me by email at y.zzzz@csuohio.edu.

Very truly yours,

Name
Professor of Law

Appendix II (promotion to Professor of Law)

CSU-CM LETTERHEAD

Date

Name
Address

Dear _____:

I am delighted that you have agreed to review Professor _____'s [article, book, book chapter, or other scholarship] _____, which I have enclosed, in connection with [his/her] request to be promoted to the rank of Professor of Law. As I indicated in our correspondence, I am the chair of a subcommittee charged with preparing a report for the eligible voting members of the faculty regarding Professor _____'s work.

I have also enclosed a copy of Professor _____'s vitae, as well as other scholarship that is being reviewed in connection with [his/her] promotion petition. The piece that I have asked you to review is only one part of [his/her] scholarly output. If you would like to read these additional works and wish to speak to their contribution, I would welcome those comments, as well.

Our faculty is interested in learning your assessment of the quality and impact of Professor _____'s scholarship. With respect to [name of work,] I seek your evaluation of the work's clarity and grace of presentation; the importance of the subject matter chosen for study; the persuasiveness with which points are argued; the thoroughness with which the topic is explored; the importance of its conclusions; and the contribution it makes to our understanding of law. What is its potential for advancing theory, research, or practice? Does it demonstrate effective written communication of original research in a given field, including the presentation of new knowledge or criticism of existing literature? Does it evidence careful study, thoroughness, creativity, depth, precision, and balance? In sum, what is your view regarding the quality of the work as an example of scholarship, including its quality in relation to other scholarship in the field?

I also seek your opinion regarding whether this piece and the rest of Professor _____'s work with which you may be familiar make [him/her] a well-recognized expert in the field.

I specifically ask that you *not* include a recommendation regarding whether Professor _____ has met the criteria for promotion and tenure at Cleveland-Marshall College of Law, your own institution, or any other institution.

In addition, please state in the letter whether: (a) you have been a co-author on any project with Professor _____; (b) you have been a mentor to Professor _____ in any institution during the time [he/she] received a degree or other form of professional training; and (c) you are in a position to receive some advantage or benefit beyond the honorarium based on the outcome

of Professor _____’s review. If you answered one or more of these questions in the affirmative, please notify me promptly because these circumstances would disqualify you from serving as a reviewer for Professor _____’s work.

You should also be advised that your evaluation will become part of Professor _____’s file and thus made available to [him/her] and to all other persons concerned in the University promotion and tenure process. Confidentiality cannot be guaranteed.

In order that our faculty may meet University deadlines governing our internal review process, I ask that you forward your comments in a letter addressed to me *no later than* _____if at all possible. I also request that you enclose a copy of your own vitae.

Reviews of this nature are important to the integrity of the promotion process, and I thank you for your assistance. In appreciation for your time and effort, we shall send to you an honorarium of [$100.00] after we receive your letter. A secretary will contact you to obtain the information necessary to process the payment. Should you have any questions, please do not hesitate to call me at (216) 687-XXXX or contact me by email at y.zzzz@csuohio.edu.

Very truly yours,

Name
Professor of Law

Procedures for Mentoring and Evaluation of Faculty in the Years Preceding Application for Personnel Action

These Procedures for the Mentoring and Evaluation of Faculty describe the roles of the Dean and Law College Personnel Action Committee members in the years preceding the year in which a faculty member applies for promotion, for tenure, or for promotion and tenure ("personnel actions"). These Procedures supplement the Procedures and Criteria for Promotion and Tenure in the Cleveland-Marshall College of Law that govern promotion and tenure matters once a faculty member applies for personnel action.

PROCEDURES FOR UNTENURED TENURE-TRACK FACULTY

Notice, Appointment of a Mentor, and Appointment of Two Teaching Evaluators

Procedures § 101. The Dean shall give every new untenured tenure-track faculty member a copy of the Faculty Personnel Policies Sections 8.1.1 to 8.1.5 in the Cleveland State University Handbook (the Greenbook), together with the Law College "Procedures and Criteria for Promotion and Tenure in the Cleveland-Marshall College of Law," as amended, and these Procedures for Mentoring and Evaluation.

Mentors

Procedures § 102. During such faculty member's first months at the Law College, the Personnel Action Committee (PAC) Chair, in consultation with the faculty member and the Dean, shall appoint a tenured faculty member of the same or higher rank as Mentor for the new faculty member. Thereafter, a Mentor shall be appointed or reappointed by the PAC Chair yearly until the new faculty member applies for personnel action.

Procedures § 103. The Mentor and the faculty member shall meet at a mutually convenient time at least once during each academic year. At such meeting or meetings the Mentor should do his or her best to answer all the questions that the new faculty member may pose regarding teaching, scholarship and service, and also consider offering suggestions regarding those and other relevant topics.

Procedures § 104. Starting in the faculty member's second year, the Mentor shall visit one or more of the new faculty member's classes and provide guidance. The Mentor shall complete a copy of the law school's peer teaching evaluation form for each class attended and discuss the contents of the evaluation with the faculty member. The primary purpose of the Mentor's teaching evaluations is to help the new faculty member become a more competent teacher. The faculty member determines whether to include the Mentor's evaluations in the dossier submitted when the faculty member seeks promotion and/or tenure.

Procedures § 105. The Mentor and the faculty member shall also continue to discuss the faculty member's teaching, research and writing (current and planned for the future), and service obligations.

Procedures § 106. The Mentor shall encourage the faculty member to seek critiques of work in progress. Critiques might be sought from colleagues here, from relevant experts elsewhere, or from both such sources.

Procedures § 107. A new faculty member may request the PAC Chair to seek external review of published materials selected by the faculty member. Ordinarily, the PAC Chair shall honor that request. The external reviewers are to be chosen by the PAC Chair or his or her designee, in consultation with the faculty member. Such external evaluations of published work, when they are received by the PAC Chair, shall be forwarded by the Chair to the Dean who shall be their custodian until the faculty member applies for personnel action, whereupon they shall be added to the faculty member's dossier.

Procedures § 108. In the faculty member's third year (in the second year if the faculty member is an Associate or full Professor), the Mentor shall be joined by the Chair or Vice Chair of the PAC in the Mentor's annual meeting or meetings with the new faculty member, in order to provide further guidance. New faculty members are encouraged to consult with other tenured faculty in addition to the Mentor if they care to do so. New faculty should also bring any concerns regarding their situations to the Dean, or to the PAC Chair or Vice Chair.

Teaching Evaluators

Procedures § 109. Beginning in a new faculty member's third year (beginning in the second year in the case of an untenured Associate Professor), the PAC Chair, in consultation with the Dean and the faculty member, shall appoint each year prior to the year in which a request for personnel action is considered two tenured faculty members to serve as Evaluators of the candidate's teaching. One Evaluator shall evaluate the faculty member's teaching in the Fall semester, and the other Evaluator shall evaluate Spring classes. Evaluation shall be based upon observing at least one class for each course taught by the candidate in each semester.

Procedures § 110. Teaching Evaluators shall consult with the faculty member to determine appropriate times for class visits and to receive any relevant materials and information, including the topic(s) to be covered in the class and the instructor's goals for the course. Each Evaluator shall complete the standard law school peer teaching evaluation form for each class visited and shall distribute the form to the faculty member evaluated, to the PAC Chair, and to the Dean. Other faculty can obtain copies of evaluations upon request to the PAC Chair or the Dean. The PAC Chair shall monitor the submission of evaluations and remind evaluators of their responsibilities as appropriate. The Dean shall keep copies of all such evaluations in a separate section of the faculty member's personnel file as maintained in the office of the Dean. A post-observation meeting of the instructor and observer should be held in which the observer provides feedback and discusses the written evaluations with the instructor. The faculty member may submit comments or materials in response to teaching evaluations and they shall be kept by the Dean with the evaluations.

Procedures § 111. No evaluations, representations, or statements of any kind by Mentors, teaching Evaluators, or others shall be construed as determinations that the standards for any personnel action have been met. There is to be no commitment made by Mentors, the teaching Evaluators, or any other member of the PAC regarding the sufficiency of the faculty member's credentials for any personnel action. Faculty should understand as well that the PAC and the

Dean will not be bound by any assurance, express or implied, conditional or otherwise, that may be thought to have been given.

PROCEDURES FOR POST-TENURE TEACHING EVALUATORS

Procedures § 112. A tenured Associate Professor who anticipates applying for promotion to the rank of Professor within the next three-years shall so inform the PAC Chair. The PAC Chair shall then appoint in consultation with the Dean and the Associate Professor, two tenured, full Professors as Evaluators of the Associate Professor's teaching. Appointments or reappointments shall be made each year thereafter prior to the year in which the Associate Professor's application for promotion is considered. One Evaluator shall assess the Professor's Fall classes, and the other Evaluator, the Spring courses. There should be at least one classroom observations for each course. Each teaching Evaluator shall consult with the candidate to determine the appropriate times for class visits and to receive relevant materials and information, including the topic(s) to be covered in the class and the instructor's goals for the course. A standard law school peer teaching evaluation form shall be prepared the Evaluators for each class observed and distributed to the Associate Professor evaluated, to the PAC Chair, and to the Dean. Other tenured full Professors can obtain copies of evaluations upon request to the PAC Chair or the Dean. The PAC Chair shall monitor the submission of evaluations and remind Evaluators of their responsibilities as appropriate. The Dean shall keep copies of all such evaluations in a separate section of the Associate Professor's personnel file as maintained in the office of the Dean. A post-observation meeting of the instructor and observer should be held in which the observer provides feedback and discusses the written evaluations with the instructor. The Associate Professor may submit comments or materials in response to teaching evaluations, and they shall be kept by the Dean with the evaluations.

Criteria and Procedures for the Appointment of Tenured Faculty

Criteria § 201. The Criteria for appointment to the faculty as Associate Professor with tenure or as full Professor with tenure are the same as the Criteria for the promotion of faculty to the same respective ranks.

Procedures § 201. These Procedures shall apply when the Faculty Appointments Committee has decided to recommend a candidate for appointment to the Faculty, and has further determined, with the concurrence of the Dean, that the candidate may meet the criteria for appointment with tenure and that appointment with tenure may be appropriate.

Procedures § 202. The Faculty Appointments Committee shall supplement its oral report to the Faculty recommending such a candidate's appointment to the Faculty with a Written Report addressed to the relevant PAC that states the candidate's qualifications for a grant of tenure and the evidence relied on in determining those qualifications.

Procedures § 203. In preparing its Written Report, the Committee shall investigate the candidate's teaching competence, scholarly accomplishments, and service experience.

Procedures § 204. For all candidates, investigation shall include interviews of the candidate's present and, if feasible, past colleagues and others, in or out of academia, with whom the candidate has been associated, including interviews of individuals not listed as references by the candidate.

Procedures § 205. For candidates who have been granted tenure at another law school, such investigation shall include, to the extent feasible, examination of the written evidence considered when tenure was granted, including written evaluations of published work, of teaching, and of service.

Procedures § 206. Investigation of the candidate's teaching, for candidates with prior teaching experience, shall include, to the extent feasible, an examination of the candidate's teaching evaluations at other law schools.

Procedures § 207. For candidates without prior teaching experience and for experienced candidates whose teaching evaluations are unavailable, the Committee shall seek other evidence with respect to teaching competence, such as interviews with the candidate or the candidate's colleagues, the candidate's receipt of an award or awards for teaching, or other support of a verifiable nature.

Procedures § 208. Investigation of scholarly accomplishments shall ideally include the reading of all the candidate's published work, or, at the least, a representative body of that work by Faculty Appointments Committee members or by relevant PAC members designated by the Committee.

Procedures § 209. In addition, to the extent feasible, investigation of scholarly accomplishments shall include interviews with experts here or elsewhere who are familiar with candidate's work, and, again if feasible, written evaluations of some of that work by such experts.

Procedures § 210. Investigation of service experience shall include interviews of others with whom such service was performed.

Procedures § 211. The Written Report shall be presented to the appropriate PAC soon enough to enable a timely offer of appointment with tenure to be made, if the PAC recommends such an offer. What is “feasible” is to be determined, in part, in light of the time available to the Faculty Appointments Committee to accomplish its investigation.