

**WVU College of Law Policy Regarding the Tenure and Promotion
of Tenure-Track and Tenured Faculty**

**Adopted by the WVU College of Law Faculty on November 12, 2014
Approved by the Provost's Office, August 29, 2017**

This policy will govern all promotion and tenure decisions for tenure-track and tenured faculty hired during or after the 2014-15 academic year.

A. Overview

A recommendation by the full Faculty Committee ("Faculty") to award promotion to the rank of associate professor or tenure will be based on the findings of excellent performance in each of the following categories: (1) teaching (learning); (2) research/scholarship/creative activity (discovery); and (3) service (engagement). The Faculty will interpret "excellent performance in teaching, research, and service" as meaning that the faculty member being reviewed ("the Candidate") has made a significant contribution in each of these areas.

The decision to promote an associate professor to full professor is a separate decision from a grant of tenure. The Candidate is entitled to a Faculty vote on promotion to full professor under the following circumstances: (1) the Candidate is currently at the rank of associate professor; (2) the Candidate timely requested a vote on promotion as specified within university guidelines; and (3) the Candidate is tenured or the Faculty has voted to recommend the Candidate for tenure. The Faculty will base its decision to promote an associate professor on a showing of sustained excellence in the same three categories.

The Candidate is entitled to, and the Reporting Committee shall conduct, annual reviews of a faculty member's teaching, research, and service until tenure or promotion, or both, is requested. The Reporting Committee shall conduct such review in accordance with the promotion and tenure standards set forth in this document. An important aspect of the annual review is to assess the candidate's progress towards tenure, or towards promotion to the next rank, as appropriate. These reviews can also support Salary Enhancement for Continued Academic Achievement. They might also lead to a more rigorous review progress which could result in a remediation plan, as determined by the Dean, in consultation with the Associate Dean for Faculty Research and Development.

For an award of tenure, tenure-track faculty undergo a rigorous evaluation involving an assessment of accumulated accomplishments and the likelihood that the faculty member's level of performance will be maintained.

The Provost, or his/her designee, may modify these expectations in the letter of appointment, within WVU Promotion and Tenure guidelines, if supported by a letter of agreement among the faculty member, the Dean, and the Provost, and after consultation between the Dean and the Faculty.

B. General Criteria

1. Faculty members are expected to contribute to the mission of the College of Law and their work is to be evaluated in that context. Consequently, the evaluation of faculty is to occur in relation to the particular faculty member's role at the College of Law. Accomplishments of the faculty member are judged in the context of these roles, which may change over time, such changes normally to be identified in an annual workload document. For example, the position of law library director would be evaluated in a different context than the more traditional, doctrinal tenure-track positions.

2. The College of Law may use an annual reporting form (the "Faculty Activity Report") to establish and document work assignments and contributions. However, the Faculty Activity Report, without supporting documentation, is not itself sufficient for evaluation purposes. Evaluation file materials may be in either paper or electronic form, provided that the integrity of the information and the date of the entry in the file is maintained.

C. Teaching (Learning)

1. The College of Law recognizes that one of its most important missions is to train future members and leaders of the legal profession and to equip students with professional expertise, life skills, and a general appreciation of intellectual pursuits that should culminate in degree completion.

2. The Faculty considers the following activities as contributing to its teaching mission:

- a. classroom and clinical teaching;
- b. development of instructional materials;
- c. directing students participating in independent studies and those drafting papers for seminars or law review; coaching students involved in moot court competitions or mock trial competitions; mentoring students as faculty advisors to student groups; and
- d. other activities that show the stimulation of critical thinking or the dissemination of knowledge.

3. In determining teaching effectiveness, the Faculty will consider the following factors:

- e. punctual meeting of all scheduled classes and makeups of missed classes;

- f. class preparation;
- g. knowledge of the subject;
- h. organization, pace, and flow of the class;
- i. depth of analysis and class discussion;
- j. student motivation and involvement;
- k. success of methodology used in developing critical thinking and acquiring knowledge;
- l. evidence that the professor has sparked student enthusiasm or cultivated intellectual interest for the subject;
- m. evidence that examinations meet basic standards for evaluating/critiquing student performance;
- n. prompt feedback on assignments (as applicable);
- o. quality of instructional materials; and
- p. respect for differences and diversity.

4. The Faculty will base teaching effectiveness on a holistic assessment of evidence provided in the file as determined by:

- a. faculty visitation of classes as documented;
- b. review of course materials, including significant instructional materials that the professor developed for that course, syllabi, examinations, and student papers;
- c. student evaluations;
- d. interviews of students whom the faculty member advises or mentors (e.g. law review, moot court, independent study, student clubs); and
- e. other evidence as submitted by the candidates that demonstrates teaching effectiveness.

D. Research/Scholarship/Creative Activity (Discovery)

1. The Faculty recognizes the importance of legal scholarship in expanding the body of fundamental knowledge within the legal discipline; in applying scholarship to advance the law and the legal profession; in developing law faculty members in their pursuit of the intellectual life; and to the College of Law's scholarly reputation among its peers.

2. The Faculty acknowledges that the most common modes of legal publication are articles and books (including casebooks and monographs). The Faculty may consider, however, publications in other forms, consistent with past and developing practice. The Faculty may consider, for example, a series of blog posts analyzing a timely legal issue, articles published in on-line journals, or legal treatises that tie together an area of the law.

3. Scholarship may also include applied research developed and used in the advance of law or policy, such as research completed for the West Virginia Law Institute, the American Law Institute, the American Bar Association, Congress, a state legislative body, or other such institutions, to the extent that such research results in written, usable work. Applied research alone, however, will not be sufficient to satisfy the excellence in scholarship requirement needed for tenure and for promotion to full professor.

4. The Faculty may consider research and publications-in-progress to the extent that an evaluation is feasible and the work has been provided to the Faculty Reporting Committee by December 31 of the critical year. For this purpose, law review articles must have been completed and submitted for publication to be considered for review for promotion and tenure. In the case of books, the Faculty will consider completed portions of unfinished manuscripts that are sufficiently final to warrant review, where the Candidate may have completed several chapters but the book will not be completed for some time.

5. The Faculty will consider both quality and quantity of research with an emphasis on quality.

6. In evaluating the quality of publications, the following factors, among others, will be considered:

- a. topic timeliness and uniqueness
- b. research extensiveness and thoroughness
- c. organizational and writing quality; clarity of expression
- d. analytical depth and soundness of reasoning
- e. overall contribution to legal scholarship and the body of knowledge

7. The Reporting Committee or its designees will review the Candidate's body of work, which will be made available to the Faculty for its review. The Faculty will supplement this internal review with external evaluations when the Candidate is seeking either promotion or tenure. Ordinarily, there should be at least four external reviewers of the Candidate's scholarship. The Candidate and the Reporting Committee will follow University guidelines in identifying external evaluators. The Dean will select evaluators from lists submitted by the Candidate and the Reporting Committee. The Dean will request each external evaluator to evaluate the Candidate's scholarship in accordance with the University's and the College of Law's standards.

E. Service (Engagement)

1. The Faculty recognizes the value of service, which involves applying the benefits and products of teaching and research to addressing the needs of society and the profession. These activities include service to the University, the state, the region,

the nation, and the world. In keeping with WVU's tradition as a land-grant institution, law faculty utilization of professional skills in service of the university, the state, society, and the legal profession is of special importance.

2. Service to the University includes participation in University committees or governance, participation on dissertation committees, and lectures presented to other classes at the University.

3. Service to the University also includes contributions to the efficiency and effectiveness of the College of Law, such as participation in faculty meetings, committees and strategic initiatives; administrative assignments; advising student organizations and professional development groups (formerly peer advisory groups); attendance at endowed lectures, graduation, or other special events; and the performance of special tasks assigned by the Faculty or the Dean.

4. Service to the legal profession, which could be at the state, regional, national, or international level, includes service on bar committees, presentations at CLE programs, pro bono legal work, and participation in other bar activities. It may also include mentoring alumni in the development of their professional careers.

5. Service to the community, which could be at the state, regional, national, or international level, includes speeches and interviews, legislative testimony, consultation with governmental agencies, and service on advisory panels and commissions.

6. To evaluate service, the Faculty will review the descriptions of activities submitted by the Candidate and, where appropriate, will inquire of other persons with whom the Candidate has worked.

7. The evaluation of service should include assessments of the degree to which the service yields important benefits to the University, society, or the profession. Especially relevant is the extent to which the service meets the needs of clients, induces positive change, improves performance, or has significant impact on societal problems or issues. Service contributions considered for evaluation are those that are within a person's professional expertise as a faculty member, and performed with one's university affiliation identified.

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Teaching Professor Evaluation and Promotion Standards

Preamble

The College of Law trains students to become competent and effective lawyers. Both tenure-track doctrinal faculty and teaching professors play essential parts in this training, but their responsibilities differ. Teaching professors play a critical role in the development of lawyering skills and accordingly teach in settings that require an unusually high degree of student interaction and feedback. This document establishes appropriate, role-specific standards for the annual evaluation and promotion of teaching professors.

The teaching faculty at the College of Law are classified as term employees under Section 3.2.5 of the West Virginia University Board of Governors Policy 2: Academic Freedom, Professional Responsibility, Promotion, and Tenure (hereinafter WVBOG Policy 2). As term employees, teaching faculty do not have the same requirements for retention as the tenure-eligible or tenured faculty. Because teaching skills requires more one-on-one interaction with students and a higher degree and frequency of assessment of student work and feedback than what typically occurs in doctrinal courses, teaching professors are expected to focus significantly more of their energies on teaching than on service, and there is no requirement that a teaching professor engage in any activities that promote the College of Law outside of the College (typically in the form of scholarly publishing or presenting at academic conferences). A teaching faculty member must be evaluated on a yearly basis in order to ensure that he or she is meeting the requirements of the job and to determine if retention is appropriate. WVBOG Policy 2, Section 11.1. A teaching professor can be promoted from an assistant to an associate professor, or from an associate to a full professor, if he or she satisfies the criteria for such a promotion. WVBOG Policy 2, Section 7.

1. Annual Evaluation

1.1. General

- 1.1.1. This policy sets criteria and standards for yearly written evaluation of teaching professors, who are defined as professors at the College of Law who are not tenure-eligible and are employed on a term contractual basis.

- 1.1.2. A teaching professor may seek reappointment to successive terms, but no term may exceed three years. WVBOG Policy 2, Section 3.2.5.2.
- 1.1.3. A teaching professor must be evaluated on a yearly basis by a peer committee (WVBOG Policy 2, Section 11.1) to be designated by the Dean on the basis of multidimensional evaluation standards consistent with university guidelines. WVBOG Policy 2, Section 11.2. This committee will be called the Teaching Professor Review Committee (“Review Committee”), and it will make recommendations to the Dean regarding retention of teaching professors. Its membership will consist of the Director of the Legal Reasoning, Research and Writing Program (“LRRW Director”) or, at the Dean’s discretion, another faculty member with administrative responsibility, another teaching professor, and two tenured faculty members. The tenured faculty members on the Review Committee should not be members of the current Promotion and Tenure Committee. The Dean shall appoint the Chair of the Review Committee.
- 1.1.4. Any person serving on the Review Committee must recuse himself or herself from the Review Committee when his or her own evaluation is being conducted.
- 1.1.5. Full time teaching professors employed on a term employment contract are expected to devote their professional efforts to teaching and service at the College of Law; engaging in outside gainful employment that conflicts with the teaching professor’s institutional duties is discouraged. Engaging in outside activities - including those that may be considered outside employment - that enhance and do not interfere with the teaching professor’s teaching and service to the institution is welcomed and will be considered a positive contribution by the teaching professor.
- 1.1.6. Full time teaching professors employed on a term employment contract are not required to engage in scholarly activity; their professional efforts shall be focused on teaching and service. The Review Committee shall consider the division between teaching and service that has been agreed to by the Dean and the teaching professor.

1.2. Evaluation Standards

1.2.1. Teaching professors shall demonstrate teaching effectiveness that can be measured by taking into consideration several factors. Not all teaching professors engage in traditional classroom instruction, but the following factors can be applied, where appropriate, to determine teaching effectiveness:

- a. punctual meeting of all scheduled classes and makeup classes;
- b. appropriate class preparation;
- c. superior knowledge of the subject;
- d. appropriate organization, pace, and flow of classes;
- e. appropriate depth of class discussion;
- f. ability to generate student motivation and involvement;
- g. ultimate success of methodology used;
- h. quality of examinations;
- i. prompt reporting of grades;
- j. demonstrated respect for students;
- k. reasonable availability for consultation with students;
- l. use of assessment tools that are designed to provide in-depth and thoughtful feedback about a student's skills development; and
- m. instruction, supervision, and evaluation of teaching assistants.

1.2.2. Other factors that may affect a teaching professor's effectiveness as a teacher:

- a. writing ability;
- b. understanding the following:
 - legal analysis;
 - commonly-accepted legal writing formats and documents;
 - techniques for improving legal writing and other professional skills;
 - legal research tools and research process;
 - techniques and conventions of rhetorical (persuasive) writing;
 - techniques and conventions of oral advocacy;
 - general familiarity with the scholarship of the discipline;
 - the nature and practice of law, and;
 - the basics of courtroom procedure.
- c. ability to provide regular and in-depth written critique of students' work product;
- d. quality feedback to students about performance, including diagnostic and prescriptive advice;
- e. quality of participation in working with other faculty in the program in which the faculty member is participating;

- f. willingness to participate in development of a syllabus for the program, develop projects and assignments, and formulate program objectives and methodologies;
- g. understanding and proper application of doctrinal subjects where appropriate
- h. compliance with the program syllabus and objectives;
- i. ability to supervise the legal work of students in all practice settings relevant to their job assignments; and
- j. admission to the bar of West Virginia and of other courts before which students practice as required by their job assignments.

1.2.3. Teaching professors are also expected to engage in service to the institution and the community. Service can include:

- a. participation in faculty governance;
- b. participation in committee work at the College of Law or at the University level;
- c. advising a student group;
- d. participation in outside activities, such as conferences;
- e. participation in outside service, such as serving on a committee or board in an organization dedicated to improving legal education or legal scholarship;
- f. pro bono provision of legal services; and
- g. participation in any activity that benefits the College of Law and enhances its reputation in the legal or surrounding community.

1.2.4. Teaching professors are not required to engage in scholarly activity. To the extent, however, that a teaching professor chooses to engage in activity that contributes to the legal academic community and benefits the reputation of the College of Law and does not interfere with his or her teaching or service obligations, the teaching professor's efforts shall be counted favorably in the evaluation process.

1.3. Evaluation Process

1.3.1 The Review Committee will conduct annual reviews of a teaching professor that will include at least one classroom visit, review of student evaluations, and consideration of the teaching and service activities reported in the most recent version of the teaching professor's Faculty Activity Report. The Committee may also consider other materials in its discretion, such as teaching materials

developed by the professor and examples of feedback on student work.

- 1.3.2 The Review Committee will provide the Dean with a written report of one to two pages that will (a) state the committee's finding on whether the teaching professor satisfies the standards for effective teaching set out in Section 1.2. above, (b) note areas of particular excellence, and (c) identify areas for improvement if any are noted by the Committee. This report will be due on February 1 of each academic year and will be placed in the teaching professor's personnel file.

2. Promotion

2.1. General

- 2.1.1. Upon completion of the required five years of employment at the College of Law, a teaching professor who does not hold the rank of full professor can seek promotion. (At the discretion of the Dean, a newly hired teaching professor may be awarded credit for equivalent service, consistent with University Rules, regulations, and policies.) An Assistant Teaching Professor may seek promotion to Associate Teaching Professor, and an Associate Teaching Professor may seek promotion to Teaching Professor. WVBOG Policy 2, Section 3.3. A teaching professor seeking promotion shall notify the Dean of the intent to seek promotion on or before September 30 in the academic year during which promotion is sought.
- 2.1.2. The Review Committee (described above in Sections 1.1.3. and 1.1.4.) will evaluate all promotion applications by teaching professors and will make a report and recommendation to the voting faculty. Voting faculty for the promotion of teaching professors shall consist of all tenured faculty plus faculty holding the rank of full Teaching Professor.
- 2.1.3. A teaching professor is under no obligation to seek promotion at any time during his or her term.
- 2.1.4. A teaching professor seeking promotion shall be evaluated on the criteria set forth herein, and factors outside of teaching, service, and scholarly activity shall not be considered in the promotion evaluation process. Specifically, any evaluation of a teaching professor's work in an administrative position, such as LRRW Director, should play no part in that professor's evaluation for promotion under these criteria.

2.2. Promotion Criteria

2.2.1. Teaching professors seeking promotion shall demonstrate expertise in teaching that significantly contributes to the College of Law's teaching mission. Those teaching contributions can be evidenced by:

- a. an ongoing effort to improve and enhance teaching skills;
- b. innovation and creativity in the classroom;
- c. application of assessment tools that measure skills outcomes;
- d. frequent one-on-one interaction with students;
- e. eagerness to collaborate with other teaching faculty on course-related assignments, planning, and strategy; and
- f. instruction, supervision, and evaluation of teaching assistants.

2.2.2. Teaching professors seeking promotion shall also demonstrate a significant contribution to the College of Law through service. Those service contributions can be evidenced by:

- a. participation and initiative in teaching program development;
- b. participation in faculty and/or committee meetings;
- c. participation in organizations for professors teaching in skills programs;
- d. participation in University-wide committees;
- e. advancing the College of Law's mission by speaking at conferences, teaching Continuing Legal Education, or assisting alumni with ongoing skills development; and
- f. any other contribution to, and enhancement of, the reputation of the College of Law through service to the profession.

2.2.3. Teaching professors seeking promotion are not required to engage in scholarly activity. To the extent, however, that a teaching professor makes significant contributions to discourse that enhances legal academics, the legal profession, or professionalism generally, and those contributions do not interfere with his or her teaching or service obligations, the teaching professor's contributions will be counted favorably in the promotion evaluation process.

2.3. Promotion Process

2.3.1. The Teaching Professor Review Committee appointed by the Dean for an academic year will address any applications for promotion put forward in that academic year. The Review Committee will consider prior yearly evaluations (when available), student teaching

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evaluations, classroom evaluations by committee members, teaching materials prepared by the professor, and examples of written feedback on student work. As stated above in Section 2.2.3., the Committee should consider any scholarly work put forward by the teaching professor as a factor in favor of promotion.

- 2.3.2. The Review Committee will produce a written report and recommendation summarizing its findings for the faculty by February 1. The tenured faculty and full teaching professors will then vote on whether to recommend the applicant's promotion.