

## **School of Law**

### **Review and Promotion Procedures for Career (Non-Tenure-Track) Faculty**

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#### **I. Categories of Career Faculty and Areas of Review**

##### **A. Clinical Professors**

Progression: Assistant Clinical Professor, Associate Clinical Professor, Clinical Professor

Clinical Professors must have a terminal degree.<sup>1</sup> They teach primarily graduate students with a focus on clinical instruction and research. Clinical instruction and research include legal research and writing, clinics, and field placements.

Faculty members in the Clinical Professor category are reviewed on the basis of (1) teaching, (2) service, (3) creative activity, and (4) any other duties as specified in their position descriptions. (“Creative activity” is defined in Appendix A.)

##### **B. Lecturers**

Progression: Lecturer I, Senior Lecturer I, Senior Lecturer II

Lecturers must have a terminal degree. They typically teach graduate/JD courses but may teach undergraduate courses as well.

Faculty members in the Lecturer category are reviewed on the basis of (1) teaching, (2) service, (3) creative activity, and (4) any other duties as specified in their position

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<sup>1</sup> Throughout this document, we use “terminal degree” to refer to J.D., Ph.D., SJD, and LL.M.

descriptions. ("Creative activity" is defined in Appendix A.)

**C. Instructors**

Progression: Instructor, Senior Instructor I, and Senior Instructor II

Instructors must hold at least a master's degree. They may teach in the graduate/JD program or the undergraduate program.

Instructors are reviewed on the basis of (1) teaching, (2) service, and (3) any other duties as specified in their position descriptions.

**D. Professors of Practice**

Progression: Only one rank available

Professors of Practice must have a terminal degree or substantial practice equivalent. They are reviewed on the basis of (1) teaching, (2) service, and (3) any other duties as specified in their position descriptions.

**II. Review and Promotion**

**A. Standards and Timelines**

The standards for review and promotion for all career faculty appear in Appendix A. The timeline for reviews, reports, and submission of materials appears in Appendix B.

**B. Role of the Personnel Committee**

With respect to review and promotion, the Personnel Committee arranges for classroom observations, gathers information, and writes reviews and reports of each faculty member as required.

Although the terms are often used interchangeably, in this document "reviews" are for performance evaluations and "reports" are for promotion. Both reviews and reports contain information and assessment about the faculty member's performance in areas relevant to the faculty member's position. Note that the Personnel Committee does not conduct performance evaluations but instead provides reviews for the Dean, who conducts the evaluations. Likewise, the Personnel Committee does not make promotion decisions but instead provides reports for the faculty.

The content of reviews and reports appears in Appendix C.

**C. Review Procedure**

The following procedures generate a review to be used in performance evaluations.<sup>2</sup>

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<sup>2</sup> The law school merit raise procedure is outlined in a separate document.

Performance evaluations help determine whether the career faculty member is meeting the standard of excellence appropriate to the law school and the university. Performance evaluations are intended to support the professional development of faculty members by identifying areas of strength and weakness, with an eye toward cultivating strengths and creating strategies for dealing with areas needing improvement.

For Clinical Professor and Lecturer Categories

Following the timeline in Appendix B, the Personnel Committee will prepare a review addressing the career faculty member's progress and potential in teaching and whatever other areas of review are relevant given the faculty member's category and position description. The standards used to assess these materials appear in Appendix A. The content of the review and the sources of evidence used to assess faculty performance against these standards appear in Appendix C.

In advance of submitting the review to the Dean, the committee will provide a draft of its review to the faculty member under review. The faculty member may provide corrections and additional information to the Personnel Committee, so that the Personnel Committee may update the review. Alternatively, the faculty member may choose to submit a separate written response to the review to the Dean.

***Midterm Review (junior faculty).*** For Assistant Clinical Professors and Lecturer I faculty members, the annual review that takes place in the faculty member's third year (the "midterm review") is more comprehensive.<sup>3</sup> Faculty members under midterm review must submit a personal statement to the Personnel Committee detailing their accomplishments in teaching, service, and other duties as specified in their position descriptions. The personal statement supplements the materials that the Personnel Committee normally gathers for reviews. For the personal statement, the faculty member may use an updated version of their Faculty Activity Report (FAR) narrative from the previous year. The Personnel Committee will work with the faculty member on determining the deadline (usually sometime in early spring) for submitting this personal statement. Like the regular review, the midterm review will be made available to the faculty member as described in the preceding paragraph.

***Sixth-Year Review (senior faculty).*** After the initial promotion, faculty members in the Clinical Professor and Lecturer categories are evaluated formally by the Dean every three years. Every six years, the Personnel Committee provides a "sixth-year review" to serve as the basis of the Dean's performance evaluation of the faculty member.<sup>4</sup> Faculty members under sixth-year reviews must submit a personal statement to the Personnel Committee detailing their accomplishments in teaching, service, and other duties as specified in their position descriptions. The personal statement supplements the materials that the Personnel

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<sup>3</sup> For most full-time junior faculty members, the midterm review will take place in the third year. Some faculty members may negotiate different arrangements with the Dean, and the midterm review date will be calculated accordingly. For example, if a faculty member joins the law school with "credit" for years of service, that faculty member's midterm review may happen earlier than usual. The idea behind the midterm review is to have a more comprehensive review at the midway point between hire and eligibility for the first promotion.

<sup>4</sup> The Dean may ask the Personnel Committee to complete a third-year review in support of the Dean's evaluation of the faculty member. The third-year review follows the same process as the sixth-year review.

Committee normally gathers for reviews. For the personal statement, the faculty member may use an updated version of their Faculty Activity Report (FAR) narrative from the previous year. The Personnel Committee will work with the faculty member on determining the deadline (usually sometime in early spring) for submitting this personal statement. A draft of the sixth-year review will be made available to the faculty member as described above.

#### For Instructor and Professor of Practice Categories

Following the timeline in Appendix B, the Personnel Committee will arrange for classroom observations and will forward classroom observation memorandums to the Associate Dean of Academic Affairs. The Associate Dean of Academic Affairs (or designee) reviews the career faculty member once per contract period based on their position description, instructor reflections (optional), student evaluations or student experience surveys (if applicable), classroom observations (if applicable), input from faculty and administrative supervisors, and the Faculty Activity Report (FAR). The review serves as the basis for the faculty member's regular performance evaluation by the Associate Dean of Academic Affairs.

### **D. Promotion Procedure**

Each spring, by the date set by the Provost's Office, the law school's Associate Dean of Finance alerts career faculty members who are eligible to seek promotion. For those faculty members who are seeking promotion, the following promotion procedure applies:

1. **The faculty member submits materials to the Personnel Committee.** Career faculty members who are seeking promotion must timely submit<sup>5</sup> the following materials<sup>6</sup> to the Personnel Committee:
  - Eligibility form
  - Current CV
  - Current position description
  - Personal statement, including a statement of diversity and inclusion
  - Portfolio(s) for teaching, service, and creative activity (as applicable)
  - Waiver statement
  
2. **The Personnel Committee prepares a report.** The Personnel Committee prepares a report describing the candidate's accomplishments in the areas relevant to their position and concludes with a recommendation as to whether the candidate should be promoted. In writing this report, the Personnel Committee will use the information provided by the candidate along with the candidate's FARs and other materials relevant to assessing the candidate's performance and potential in the areas relevant to their position. These materials may include student evaluations and student experience surveys, classroom

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<sup>5</sup> Generally these materials must be submitted to the Personnel Committee by June 15 of the year prior to promotion (<https://provost.uoregon.edu/promotion-career-nttf>). Appendix B contains the eligibility requirements in terms of timeliness for seeking promotion.

<sup>6</sup> More information on these elements is available at <https://provost.uoregon.edu/career-faculty-file-elements>.

observations, instructor reflections, input from the faculty member's supervisor (if applicable), and any other supporting materials<sup>7</sup> from the relevant time period, The Personnel Committee votes on the report before submitting it to the faculty. Only Personnel Committee members who are tenured or are senior in rank to the candidate may vote.

3. **Eligible law faculty members discuss and vote upon the Personnel Committee's report and recommendation.** After the Personnel Committee votes upon its report, the Personnel Committee forwards the report to eligible voting faculty, which consists of all tenured and tenure-track faculty and all career faculty who are senior in rank to the candidate. The Personnel Committee also makes available any supporting documents (e.g., student evaluations and student experience surveys) that the faculty may want to review. Typically, the discussion and vote occur in November.
4. **The Dean reviews the case.** The Dean then reviews the case, taking into account the Personnel Committee's report, the faculty discussion, and the faculty vote. The Dean submits a report to the Provost's Office explaining whether promotion is warranted. In advance of submitting this report to the Provost's Office, the Dean shares the report with the candidate. At that point, the candidate has ten days to submit additional responsive written material that will be included with the file sent to the Provost's Office. The Provost or designee will review the file, with input as appropriate, and then will decide whether to grant or deny promotion. Decisions about promotion are typically made by June 1.<sup>8</sup>

An unsuccessful candidate for promotion may continue employment in their present category without disruption. The unsuccessful candidate may reapply for promotion after having been employed by the university for an additional three years.

A successful candidate for promotion will assume the new rank at the beginning of the next term of employment and will receive the longest available contract length available under university rules to faculty members in the candidate's classification, category, and rank.<sup>9</sup>

In addition, a successful candidate for promotion in the Clinical Professor and Lecturer categories will be eligible for sabbaticals after promotion and subsequently after having accumulated the equivalent of six or more years of full-time service, uninterrupted by sabbatical leave.<sup>10</sup> Sabbaticals are intended to provide the faculty member with a break from teaching so that the faculty member

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<sup>7</sup> For example, the faculty member may have a letter in the faculty member's file from someone other than the supervisor praising work on a particular service project. Additionally, for those career faculty whose position descriptions indicate that their creative activity will be reviewed externally, the Personnel Committee will assemble external reviews following the process used for tenure-line faculty (see <https://provost.uoregon.edu/career-faculty-file-elements>).

<sup>8</sup> See <https://provost.uoregon.edu/promotion-career-nttf>

<sup>9</sup> Under ABA Standard 405(c), clinical professors must be afforded security of position akin to tenure.

<sup>10</sup> Faculty members are not eligible for their first sabbatical until they have had the equivalent of six or more years of full-time employment. Accordingly, a faculty member entering the law school with years of credit toward promotion will be eligible for sabbatical, assuming the faculty member is a successful candidate for promotion, only after they have reached the equivalent of six years of full-time employment.

may spend more focused time on creative activity. The procedure for requesting and being granted sabbatical leave will mirror the procedure used for tenure-related sabbaticals.

## APPENDIX A Standards of Review

Below are the possible areas of review for career faculty, accompanied by the standards used to evaluate performance in these areas of review. Not all of the areas appearing below will apply to all faculty members. The sources of evidence used to assess the faculty member's performance against these standards appear in Appendix C.

### TEACHING

We expect excellence in teaching from all faculty members, as measured against the following:

- Leading well organized classes that effectively present course material in ways that challenge students to excel in a supportive learning environment.
- Designing challenging and appropriate course material-
- Keeping the course updated, based on awareness of trends in the field.
- Evaluating work consistently with course goals, while providing meaningful feedback to further student progress.
- Being accessible to and relating well with students.
- Effectively administering the course (e.g., meeting deadlines; coordinating with librarians, other faculty, visitors, and the administration as appropriate).
- For clinical faculty, providing high-quality legal services to clients in connection with clinical teaching.

In addition, we evaluate teaching against the following university-wide standards:<sup>11</sup>

#### Professional Teaching

1. Readily available, coherently organized, and high-quality course materials; syllabi that establish student workload, learning objectives, grading and class policy expectations.
2. Respectful and timely communication with students. Respectful teaching does not mean that the professor cannot give appropriate critical feedback.
3. Students' activities in and out of class are designed and organized to maximize student learning.

#### Inclusive Teaching

1. Instruction designed to ensure every student can participate fully and that their presence and participation is valued.

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<sup>11</sup> These "university-wide standards" come from an MOU signed by the administration and the faculty union in August 2019. The standards are consistent with the framework currently used for the student experience surveys. The MOU provides that units may replace these general standards with unit-specific standards, provided that the unit-specific standards are approved by the Office of the Provost. The unit-specific standards will retain the university-wide commitment to professional, inclusive, engaged, and research-informed teaching. Whether the law school is subject to the MOU is an open question, but in general the law school endeavors to follow the university practice on matters like these whenever practicable as so long as the university practice does not conflict with the law school's accreditation requirements.

2. The content of the course reflects the diversity of the field's practitioners, the contested and evolving status of knowledge, the value of academic questions beyond the academy and of lived experience as evidence, and/or other efforts to help students see themselves in the work of the course.

#### Engaged Teaching

1. Demonstrated reflective teaching practice, including through the regular revision of courses in content and pedagogy.

#### Research-Informed Teaching

1. Instruction models a process or culture of inquiry characteristic of disciplinary or professional expertise.
2. Evaluation of student performance linked to explicit goals for student learning established by faculty member, unit, and, for core education, university; these goals and criteria for meeting them are made clear to students.
3. Timely, useful feedback on activities and assignments, including indicating students' progress in course.
4. Instruction designed to engage, challenge and support students.

#### Other Positive Factors<sup>12</sup>

- Participation in professional teaching development, and/or engagement in campus or national discussions about quality pedagogy and curricula;
- Development of new courses;
- Facilitation of productive student interaction and peer learning;
- Contribution to student learning outside the classroom as demonstrated by, for example, the development of co-curricular activities or community-engaged projects, or a coherent approach to academic coaching and skill-building in office hours;
- Contribution of teaching to the Clark Honors College, departmental honors, first-year experiences, or other educational excellence and student success initiatives;
- Grants, fellowship or other awards for teaching excellence and innovation;
- Supervision of student research/creative activity of graduate and undergraduate students beyond the mentoring expected as part of one's professional responsibilities such as joint conference presentations, co-authorship of research articles, creative production and other work, and teaching independent study, research, and readings courses;
- Serving on a higher than average number of graduate student committees.

#### **SERVICE**

We expect an active commitment to service obligations to the law school, the university, and the community, as demonstrated by the following:

- Contributing to the faculty member's program (if applicable).

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<sup>12</sup> Per the Office of the Provost, these are not required for an evaluation of "exceeds expectations" but in some cases may improve an evaluation from "meets expectations" to "exceeds expectations." In addition, this is not an exclusive list.



- Contributing to the law school (e.g., participating in faculty governance, serving actively on committees, attending colloquia, making presentations, etc.).
- Contributing to the broader community (e.g., leading CLE sessions, serving on university committees, being active with Inns of Court or bar associations, participating in outreach efforts, participating in national organizations, doing work that raises the profile of the faculty member and the law school in the faculty member's area of focus, etc.).

Additionally, increased levels of service are expected for faculty members seeking promotion from Associate Clinical Professor to Clinical Professor and from Senior Lecturer I to Senior Lecturer II.

### **CREATIVE ACTIVITY**

We expect creative activity that keeps the career faculty member current and engaged in the field, particularly with respect to teaching. "Creative activity" is a broad term meant to encompass research, scholarship, publishing, outreach, professional development, pedagogical innovations, and other activities not directly tied to teaching a particular instance of a course. In addition, "creative activities" include other productive activities that enhance the teaching, research, and service missions of the university. The following list of creative activities is not exhaustive and additional activities may be equally valuable:

- Contributing to the legal field through local, regional, or national organizations.
- Making presentations or leading workshops at conferences; teaching abroad.
- Attending professional conferences, workshops, symposia, or meetings.
- Designing and teaching new courses.
- Conducting research in relevant areas (e.g., law, teaching, etc.).
- Pursuing grants and external funding.
- Publishing on topics in the faculty member's area of expertise, especially in journals, bulletins targeted to law faculty, textbooks, treatises, and guidebooks. Publishing in other academic areas may also be considered positively.
- Representing clients in areas of law that are new or relatively new for the career faculty member.
- Writing amicus briefs for important cases on appeal.

To achieve promotion from Assistant Clinical Professor to Associate Clinical Professor and from Lecturer I to Senior Lecturer I, a career faculty member must demonstrate both the ability to engage in creative activity and the inclination to continue to do so throughout her or his career. Promotion from Associate Clinical Professor to Clinical Professor and from Senior Lecturer I to Senior Lecturer II ordinarily requires the same level of sustained productivity described above.

### **OTHER DUTIES AS OUTLINED IN THE POSITION DESCRIPTION**

Some career faculty members' position descriptions may outline particular areas of responsibility that are not common to all faculty members in the same category. These areas of responsibility may require significant amounts of time and effort. **For these faculty members, it is important that they review their position descriptions annually and keep them up to date.** Reviewing and updating position descriptions will take place on the same timeline as completing FARs. Faculty members should discuss any material updates to their position descriptions with the Dean or their immediate supervisor, as appropriate.

**APPENDIX B**

## Timeline of Observations and Reviews

All career faculty members are evaluated annually by the Associate Dean for Academic Affairs (or appropriate designee) and/or the Dean.

For this evaluation, all career faculty members fill out the annual Faculty Activity Report (FAR) and attach a current position description. The FAR describes work and accomplishments in teaching, service, creative activity, and other relevant review areas. In addition, formal classroom observations and reviews take place on the following schedule:

Category	Classroom Observations <sup>13</sup>	Reviews – How Often and By Whom <sup>14</sup>	Contract Renewal Period	Eligible to Seek Promotion <sup>15</sup>
Assistant Clinical Professor	Annually	Annually (PC)	One year	After 5 years
Associate Clinical Professor	Every other year	Every third year (PC)	UO max <sup>16</sup>	After 6 years
Clinical Professor	Every three years	Every third year (PC)	UO max <sup>17</sup>	n/a
Lecturer I	Annually	Annually (PC)	One year	After 5 years
Senior Lecturer I	Every other year	Every third year (PC)	UO max	After 6 years
Senior Lecturer II	Every three years	Every third year (PC)	UO max	n/a
Instructor	Annually	Annually (AD)	One year	After 5 years
Senior Instructor I	Every other year	Every third year (AD)	UO max	After 6 years
Senior Instructor II	Every three years	Every third year (AD)	UO max	n/a
Professor of Practice	Every other year	Once per contract period (AD)	UO max	n/a

<sup>13</sup> Classroom observations for clinical faculty must take into account client confidentiality and privacy concerns.

<sup>14</sup> Whenever the Personnel Committee is writing a report for a faculty member who is seeking promotion, neither the Personnel Committee nor the Associate Dean for Academic Affairs must write a review for that person that same year.

<sup>15</sup> These are the default eligibility timelines. See here for more specific information. Some career faculty members may negotiate in the hiring process for credit for years of eligibility, on the basis of previous experience.

<sup>16</sup> Under ABA Standard 405(c), clinical professors must be afforded security of position akin to tenure.

<sup>17</sup> Under ABA Standard 405(c), clinical professors must be afforded security of position akin to tenure.

## APPENDIX C

### Content of Reviews and Reports

Reviews (for performance evaluation) and reports (for promotion) from the Personnel Committee should follow this general outline:

1. **An introduction and roadmap.** In the introduction, the Personnel Committee states the areas of review for the faculty member, based on their category and specific position description. For example, if the Personnel Committee is writing a review of a Lecturer I, the roadmap would state that Lecturer Is are reviewed on the basis of teaching, service, creative activity, and other duties as specified in the position description. (The Personnel Committee will need a copy of the position description in order to lay out these additional duties.)
2. **A separate section discussing each area of review listed in the roadmap.** In each section, the Personnel Committee draws on the following sources of evidence, as applicable and from the relevant time period for the review or report:
  - classroom observations
  - student evaluations or student experience surveys
  - instructor reflections (if available)
  - personal statement (for midterm and third-year reviews only)
  - conversation with the faculty member about any additional teaching-related activities (e.g., advising student papers or creating a new course)
  - faculty or administrative supervisor input
  - external reviews
  - Faculty Activity Reports (FARs)
  - position description

Each section concludes with a general assessment as to whether the faculty member's performance in this area does not meet, meets, or exceeds the law school's expectations. In the case of "other duties as specified in the position description," the Personnel Committee bases its general assessment of "does not meet," "meets," or "exceeds" expectations on supervisor input. If the Personnel Committee does not have input from a supervisor on other duties, then the Personnel Committee may just list accomplishments of the career faculty member in those areas without stating "does not meet," "meets," or "exceeds" expectations as to those duties.

3. **A conclusion.**
  - a. For reviews, the conclusion states whether the Personnel Committee believes that the faculty member is on track, ahead of schedule, or needs improvement and support. If the Personnel Committee believes that the faculty member needs

improvement and support, the Personnel Committee may provide suggestions for possible areas of focus and strategies for success. Additionally, for all faculty on a one-year contract (e.g., Assistant Clinical Professor and Lecturer I), the Personnel Committee's conclusion states whether the Personnel Committee recommends that the faculty member's contract be renewed. Reviews must be signed by all members.

- b. For reports, the conclusion states whether the Personnel Committee recommends that the faculty member be promoted. The report must be signed by all members.