

**UNIVERSITY AT BUFFALO  
THE STATE UNIVERSITY OF NEW YORK**

**LAW SCHOOL PROMOTION AND TENURE STANDARDS**

**Adopted by the Faculty, May 13, 2011**

**Approved by the Provost, July 8, 2011**

These Standards reflect the historic mission and achievement of the University at Buffalo Law School as an innovator in legal scholarship and teaching. This Law School has sought and encouraged diversity of views about law and legal education among its faculty. These Standards have been designed with reference to the tenure processes and standards at AAU law schools and are consistent with those at a significant majority of such schools. The Law School will periodically collect and consider the promotion and tenure standards of AAU and other leading law schools and will share the results of these surveys with law faculty and with university decision-makers.

These Law School Standards are intended to be construed and applied in a manner consistent with the Policies of the SUNY Board of Trustees, the University at Buffalo Faculty/Staff Handbook, the Provost and President's Statement on Promotion and Tenure: Guiding Principles, and relevant provisions of the collective bargaining agreement with United University Professions.

**I. INITIAL APPOINTMENTS AND REAPPOINTMENTS**

A. Initial Appointments.

Tenure-track candidates will be appointed at the rank of Assistant Professor or Visiting Associate Professor. In the latter case, candidates will be referred to as "Associate Professors" in all external correspondence. In appropriate cases, candidates with experience at another law school may be appointed with the rank of Professor, without tenure, and the designation "visiting" may be used.

B. Reappointment of Assistant and Visiting Associate Professors – Initial.

1. Each candidate will have a visiting committee (VC) appointed pursuant to the by-laws of the Law School. The VC is not the candidate's advocate before the Promotion and Tenure Committee (P&TC), nor is it the candidate's supervisor. Rather, it is to provide collegial advice, support and constructive critique to the candidate until the time of tenure consideration. The committee will be comprised of three members of the P&TC, with one member serving as Convenor. The VC should be changed as little as possible over the course of the probationary period. In general, its members should meet with the candidate from time to time as appropriate to describe the tenure process; discuss the candidate's research plans and progress; assist the candidate in finding mentors on the faculty and elsewhere; discuss opportunities for the candidate to present their work at other institutions; assist the candidate in finding colleagues, including members of the committee, with whom to discuss drafts and final versions of the

candidate's on-going scholarship; attend the candidate's classes each year and offer oral or written evaluations of teaching; and discuss with the candidate their student reviews, the Student Course Evaluations, which are to be provided by the Vice Dean for Academic Affairs to the candidate, VC, and Dean.

2. The VC will prepare a brief report on the candidate's progress and a summary of the Student Course Evaluations. These documents, along with a report from the candidate on his or her teaching and scholarship in progress, will be presented to the Dean, and made available to the candidate prior to the initial reappointment process.

3. Prior to the candidate's completion of the fourth semester of service, or at a comparable time if the candidate has been placed on Qualified Title for medical issues, maternity leave, or other special circumstances pursuant to the President and Provost's Promotion and Tenure Guiding Principles, the Dean and VC will review the candidate's progress and recommend:

(a) Renewal of appointment for an additional two-year term at existing rank, to take effect upon completion of the initial term; or

(b) Non-renewal of the appointment at the conclusion of the initial term or an additional one-year terminal appointment, as appropriate under the circumstances.

It is expected that, absent unusual circumstances, the initial appointment will be renewed. If both the Dean and all members of the VC agree that renewal of a candidate's appointment is appropriate, that renewal shall proceed administratively. In all other cases, the VC shall bring the candidate's case to the P&TC for review and resolution.

4. Since these recommendations for reappointment do not involve tenure consideration, approval by the Provost is sufficient to effectuate them.

5. The Dean and the VC and, if the case is presented to it, the P&TC, will employ the following standard for favorable recommendation:

That the candidate, upon evidence before the committee, has demonstrated the ability and promise which led to his or her initial appointment.

#### C. Second Reappointment of Assistant or Visiting Associate Professors.

1. Prior to the candidate's completion of the eighth semester, or at a comparable time, if the candidate has been placed on Qualified Title for medical issues, maternity leave, or other special circumstances pursuant to the President and Provost's Promotion and Tenure Guiding Principles, the P&TC will review his or her progress and recommend:

(a) In the case of an Assistant Professor, promotion to Associate Professor without tenure for a three-year term, ordinarily to take effect upon conclusion of the second two-year term; or

(b) In the case of a Visiting Associate Professor, appointment to the rank of Associate Professor without tenure for a three-year term, ordinarily to take effect upon conclusion of the second two-year term; or

(c) Termination of the appointment at the conclusion of the second two-year term, or an additional one-year terminal appointment, as appropriate under the circumstances.

2. Since these recommendations for reappointment do not involve tenure consideration, approval by the Provost is sufficient to effectuate them.

3. The P&TC will employ the following standard for a favorable recommendation:

That the candidate, upon evidence before the PT&C, has demonstrated effectiveness in teaching and a capacity for improvement of any teaching deficiencies, a potential for quality scholarship, and appropriate progress toward meeting the standards for tenure and promotion to the rank of Professor.

4. Prior to consideration for the second reappointment, the VC will invite a representative sample of students and recent graduates who completed the classes, clinics, and seminars taught by the candidate to comment confidentially in writing regarding the candidate's performance. In addition, the candidate may also suggest students with special knowledge of his or her teaching who will be invited to write confidential letters. Unsigned responses will not be considered.

5. The dossier for the second reappointment process will be comprised of a resume, including a full record of scholarly activities and other professional, community, public or university service activities; a brief summary of the Student Course Evaluations, student letters; reports on teaching from the VC; copies of published and unpublished manuscripts; and a report from the candidate on his or her teaching activities and scholarship, both in progress and planned. Outside reviews will not be solicited unless some special circumstances suggest they would be of special value to the Committee.

6. Promotion to the rank of Associate Professor must be recommended by a majority of those members voting in person at the meeting called to consider the case for promotion as provided by the faculty by-laws.

7. Determinations on recommendations with respect to promotion to Associate Professor shall be taken by secret ballot.

## **II. TENURE AND PROMOTION TO THE RANK OF PROFESSOR.**

### **A. General.**

1. As confirmed by a survey undertaken in 2010, in the vast majority of AAU law schools the decision to tenure a faculty member is linked with promotion to the rank of Professor, a linkage uncommon in other UB units. Because University standards incorporate and recognize accepted standards in a school or discipline, and because of the imperative for the Law School effectively

to compete with peer AAU institutions in the recruitment and retention of the highest quality faculty, this linkage is both appropriate and consistent with University standards.

2. Review of tenure and promotion to the rank of Professor will ordinarily occur in the sixth year, or at a comparable time if the candidate has been placed on Qualified Title for medical issues, maternity leave, or other special circumstances pursuant to the President and Provost's Promotion and Tenure Guiding Principles, but it is open to the P&TC, with the agreement of the candidate, to consider recommending tenure and promotion to the rank of Professor at the conclusion of an earlier or later year, depending on its assessment of the individual's development and promise or other appropriate circumstances set forth in the dossier.

3. The VC will work closely with the candidate to produce the dossier for tenure and promotion review which will contain a resume, including a full record of scholarly activities and other professional, community, public or university service activities; published manuscripts and those in preparation; course syllabi for offerings taught since the second reappointment; a statement of scholarship, explaining the candidate's research agenda and trajectory; a statement of teaching experience and future plans explaining philosophy of teaching; a statement of Law School, University and community service; a brief summary of the Student Course Evaluations; student letters; reports on teaching from the VC; as discussed further below, reviews of the candidate's work by noted scholars in the field; and any other material pertinent or relevant to the applicant's scholarship, teaching or service. Consistent with University policy, the candidate will have access to the dossier with the exception of confidential materials.

4. The dossier will be provided to the P&TC substantially in advance of the meeting called to consider the case for tenure and promotion. Members of the P&TC take it as an obligation to be familiar with the candidate's scholarship and to be prepared to comment upon it at the scheduled meeting.

5. Tenure and promotion to the rank of Professor must be recommended by a majority of those members of the P&TC voting in person at the meeting called to consider the case for tenure and promotion as provided by the faculty by-laws.

6. Determinations on recommendations with respect to the granting of tenure and promotions to the rank of Professor shall be taken by secret ballot.

#### B. Scholarship.

1. Standards should not channel faculty scholarship into any single or common mold. Different approaches often have different periods of maturation. The Law School's mission supports innovation, intellectual diversity, and interdisciplinary scholarship. The P&TC shall endeavor to evaluate candidates in light of their particular scholarly aspirations, while also demanding the level of quality and significance expected at AAU and other leading law schools. It is expected that by the time of the promotion and tenure decision, each candidate will have concretely demonstrated sustained research and substantial progress in their scholarship.

2. The P&TC will employ the following standard for a favorable recommendation:

That, upon evidence before it, the candidate has produced significant, well regarded scholarly work of high quality and is likely to produce more of such work on a regular basis throughout the balance of his or her career.

3. Scholarly work is generally evidenced in books, book chapters and articles published in law reviews or other scholarly journals. In addition, other significant and rigorous forms of scholarly expression should also be considered in the tenure review.

4. Taken as a whole, the scholarship of a candidate shall clearly demonstrate national (or, where appropriate to the field, international) visibility, high regard within the academy, and high quality, along with a clear capacity to produce more of such work. Indicators of quality include originality, imagination, systematic thought and analysis, novel syntheses of ideas or data, thoroughness of treatment, and other indicia normally employed in scholarly criticism and judgment. The successful candidate's achievements should be comparable to those of other scholars earning promotion at AAU and other leading law schools.

5. It is understood that quality is the most important factor in the tenure and promotional recommendation. While publication *per se* is not itself conclusive evidence of quality, the candidate will normally be expected to have work published, or accepted for publication. Unpublished scholarship will also be considered, if colleagues and/or outside reviewers judge the work to be publishable in its current form. In the case of jointly authored work, the visiting committee will measure the nature of the contribution by the candidate.

6. For the purposes of the overall evaluation of the individual's competence and potential as a scholar, all of the candidate's scholarly contributions, wherever and whenever completed, will be included in the dossier. Only in the case of experienced faculty hired directly from another institution will a candidate's dossier not include scholarly work completed while a member of the faculty.

7. Research associated with the work of other departments or programs will be considered in the tenure and promotion process.

#### C. Evidence Before the P&TC on Scholarship.

1. Published work and unpublished work submitted for P&TC consideration will be reviewed by noted scholars in the field, ordinarily at least four of whom are members of the faculties of AAU universities with a rank of tenured Professor. The VC, after consultation with other members of the P&TC or other scholars in the candidate's field for advice, will select the reviewers. The VC Convenor in a normal case will seek at least eight reviews. Care should be taken to refrain from selection of outside reviewers whom there is reason to believe would be unable to evaluate the scholarship fairly.

2. In the case of candidates with scholarship associated with the work of other departments or programs in the University, the VC Convenor may consult appropriate members of the

department or program for names to be solicited. A record of this consultation will be included in the dossier.

3. Reviewers will be asked to comment specifically and in some detail on the candidate's work. Reviewers also will be asked to comment generally on the reputation of the candidate in his or her particular field, and if possible, to rate the candidate's reputation among his or her peers. In addition, reviewers will be asked, if possible, to provide an opinion as to whether the candidate would be deemed worthy of promotion at their institution and/or at AAU or other leading law schools.

4. All of the candidate's materials, including outside evaluations, will be made available to members of the P&TC substantially in advance of the meeting called to consider the case for tenure and promotion. Members of the P&TC take it as an obligation to be familiar with the candidate's scholarship and to be prepared to comment upon it at the scheduled meeting.

#### D. Teaching.

1. Teaching is a major consideration in the evaluation of a candidate's potential as a faculty member. The success of the Law School depends upon faculty members who devote considerable energy to teaching and to the preparation and development of courses and course materials, demonstrate facility in all classroom settings, and demonstrate mastery of the processes of conveying complex ideas, instilling lawyerly habits of thought and analysis, and placing the operation of law in its broader social, professional and ethical settings.

2. The P&TC will employ the following standard for a favorable recommendation:

That upon the evidence before it, the candidate has demonstrated sufficient competence in teaching to establish a clear and reasonable prospect of continued successful teaching over the balance of his or her career.

#### E. Evidence before the P&TC on Teaching.

1. The VC will provide P&TC members advance notice of the teaching schedule of the candidate and invite attendance and written evaluation of teaching skills that will be included in the dossier. Such attendance and evaluation is an important aspect of teaching evaluation and should be considered an obligation for P&TC members. The VC will further report on its observations of the candidate's teaching proficiency and improvement over time.

2. Student Course Evaluations for all courses taught will be tabulated and summarized by the VC to reflect the substance of student comments and included in the dossier.

3. Prior to consideration for tenure and promotion to Professor, the VC will invite a representative sample of students and recent graduates who completed the classes, clinics, and seminars taught by the candidate subsequent to the second reappointment to comment confidentially in writing regarding the candidate's performance. In addition, the candidate may suggest names of students with special knowledge of his or her teaching who will be invited to

write confidential letters. Unsigned responses will not be considered. In cases where the rate of return of comments by students so solicited is low, the VC should consider the use of alternative methods of obtaining student comment, when appropriate.

4. The Law School credits teaching associated with other departments and programs in the University. When a candidate has engaged in such teaching, the VC Convenor will ask the chair of the relevant department or director of the relevant program for comments summarizing the quality and quantity of the candidate's teaching there. Any letter received will be included in the dossier.

#### F. Service.

1. Faculty members are expected to contribute service in addition to competent teaching and quality scholarship. University Standards define as "service" such activities as performance on committee assignments within the School and the University, other contributions to the academic mission of the school and University, service to outside communities, and service to the profession and discipline

2. Professional/Public service is defined by the University to encompass those contributions that draw upon the candidate's professional or scholarly expertise as it is applied to improving society's welfare (such as serving on state or national task forces, providing technical or other assistance to social or government agencies, or doing clinical work). As a professional school in which civic engagement and involvement in public policy is valued, such contributions will be considered in the process.

3. The Law School encourages interdisciplinary engagement with faculty and students from other departments and programs of the University. If a candidate's service is associated with other units, the dossier will reflect such engagement and the Convenor may solicit a letter from an appropriate member of the department or program concerning such service and collegiality.

### **III. TRANSITIONAL ARRANGEMENTS.**

The Standards set forth herein reflect the standards that have been applied by the Law School P&TC for at least the past ten years and will be fully applicable in all faculty reappointment, promotion, and tenure decisions occurring after final approval by the full voting faculty as defined in the Law School's by-laws.