

# Indiana University Maurer School of Law

## Guidelines for Promotion, Tenure and Reappointment of Tenure-Track Faculty

### I. Procedures (adopted September 25, 2015)

*Note: Where specific dates are indicated they are guidelines which will be followed whenever possible. However, some variation may be required by circumstances such as deadlines imposed by University and Bloomington campus procedures and the responsiveness of outside reviewers.*

#### A. Annual Reviews for Tenure-Track Faculty in the Probationary Appointment Period

1. Probationary appointment is the name given to the period of employment of a permanent (tenure-track) faculty member who has not yet been awarded tenure.
2. Upon an initial three-year appointment to the tenure-track faculty, a faculty member is reviewed for each year starting in Year 2 for possible reappointment for Year 4, in Year 3 for Year 5, etc. The Dean conducts annual reviews of all faculty members subject to tenure and promotion or reappointment decision. These reviews are usually conducted during the spring semester. It is the purpose of the annual review to inform the faculty member of all matters relevant to eligibility for reappointment and the award of tenure and promotion. The faculty member must cooperate with the Dean to ensure that the file on which such a review is based contains all relevant materials. A written statement summarizing the substance of each annual review shall be kept in the file, and a copy given to the faculty member.
3. The Committee on Promotion, Tenure and Reappointment (hereafter the Committee) will assist the Dean in the implementation of the annual review process. The Committee will often designate one or more member(s) who will have the chief responsibility of collecting all materials relevant to the annual review. The Committee will then consult with the Dean concerning matters which should be discussed during the annual review process. It is anticipated that the annual review process will involve class visitation, the examination of teaching evaluation forms completed by students, the reading of published material (and, where appropriate, working drafts), and consideration of evidence of service. The material collected for purposes of the annual review will also be used for reappointment, promotion and tenure decisions.
4. If the Committee recommends reappointment and the Dean concurs, the Dean shall proceed with the reappointment. If the Committee recommends non-reappointment, the matter shall be presented to the tenured faculty for their advice. Likewise, if the Dean disagrees with an affirmative Committee recommendation, the matter shall be presented to the tenured faculty for their advice. The vote of the tenured faculty shall be included as part of the Dean's report and the recommendation on the reappointment.
5. In the event of a decision not to recommend reappointment of a faculty member on probationary status, the Dean shall notify the member of that decision as soon as possible and shall inform the faculty member of the subsequent review procedures. The dean shall follow the procedures set out in the <https://policies.iu.edu/policies/aca-22-reappointment-non-reappointment-probationary-period/index.html>, promulgated by the University Faculty Council.

## B. Promotion and Tenure

1. The tenure review and decision is ordinarily made during Year 6 of the tenure probationary period but solicitation of external letters begins June 1 prior to the beginning of Year 6. Various leaves and other interruptions of work may add years to the probationary period. Candidates may choose to be reviewed for tenure prior to Year 6, and may withdraw their early candidacy prior to a final decision by the provost. Length of the probationary period does not affect the criteria/expectations for tenure/promotion, and external referees will be informed of this. A faculty member shall receive only one full tenure review.
2. No later than May 1 of each year, the Dean, in consultation with the Policy Committee, shall appoint a Committee consisting of three or more tenured faculty members of full rank. This committee shall be responsible for the promotion and tenure recommendations which are made the following fall.
3. The Committee, in conjunction with the Dean, shall determine which members of the faculty are to be considered for promotion or tenure or both during the following fall semester. It shall be the privilege of any faculty member to submit a recommendation to the Dean concerning the promotion of or award of tenure to any faculty member including the person making the recommendation.
4. A member of the Committee shall be assigned the responsibility of assembling a file for each faculty member subject to review. This member shall ensure that a complete and thorough file is developed and that the specified procedures are followed, and shall present the faculty member's file to the Committee and, if requested by the Committee and the Dean, to the Faculty.
5. As soon as the Committee and Dean have jointly determined which faculty members are to be reviewed, the Dean shall notify each such faculty member in writing that he or she is under review and that within a specified and reasonable period of time the faculty member may submit materials relevant to a consideration of his or her professional qualifications. All materials listed in the "General" section of eDossier must be included and all other materials may be included at the discretion of the candidate. Candidates should consult the [\*Guidelines for Tenure and Promotion Reviews at Indiana University Bloomington\*](#), promulgated by the Office of the Vice Provost for Faculty & Academic Affairs ("OVPFSA") and the [\*Principles and Policies on Tenure and Promotion\*](#), promulgated by the Bloomington Faculty Council, as such documents may be modified periodically. All members of the permanent faculty shall also be informed, and shall be invited to submit any statements they may desire concerning the candidate.
6. The Committee shall compile a complete file on each faculty member under consideration. The content of the file shall consist of such materials as shall be determined by the Committee, after consultation with the faculty member under consideration, including, but not necessarily limited to, the following:
  - a. All materials submitted by the faculty member pursuant to (5) above;
  - b. The faculty member's own statement about teaching, research, and service. The statement must clearly state the one performance area on which to base the case for tenure or promotion. The

- only exception is for statements that clearly state that the candidate wishes to be considered for tenure or promotion on a rare, “balanced case.” The review committees and administrators (at all levels) take into consideration that the dossier materials (including external letters) are gathered and presented in order to justify a tenure or promotion decision based on the clearly stated option selected in the candidate’s statement. The performance area to be considered as the basis for tenure/promotion must be decided prior to assembling the dossier, and clearly indicated in the candidate’s statement and in the solicitation of external letters.
- c. The factual data on the faculty member’s teaching, research and service activities required by the *OVPFAA Guidelines*;
  - d. A summary of teaching evaluations by students. Faculty members eligible to vote on the promotion or tenure shall have access to the individual evaluations.
  - e. The results of interviews with students;
  - f. Peer evaluations of teaching, by faculty assigned to visit the faculty member’s classes, and by faculty who have taught jointly with the faculty member or who otherwise have knowledge of his or her teaching competence;
  - g. Peer evaluations of any pedagogical publications, by faculty assigned to review them or by outside references as the committee and the Dean deem appropriate;
  - h. Peer evaluations of all scholarly publications. Whether the review is for tenure or promotion, it must include at least six outside evaluations. In order to maximize the availability of outside reviewers, we require the faculty member to submit both the materials for outside review and the names of potential outside references to the Committee by June 1 for tenure and promotion decisions to be made the following fall. The faculty member shall submit six names of potential reviewers for each group of material subject to review. The Committee shall independently compile its own list. Both lists shall contain statements describing why each individual was selected as a reference and the relationship of that person to the faculty member. In addition to submitting a list of outside references, the faculty member may request that certain persons not serve as referees and may give reasons for this request, but such a request shall not be binding on the Dean. The Dean, with the advice of the Committee, will select three names from the faculty member’s list(s) of recommended referees. All referees should receive a copy of the Substantive Criteria for Promotion, Tenure and Reappointment in the School of Law, clear instruction regarding the candidate’s chosen performance area, the candidate’s curriculum vitae, all the materials to be reviewed by the particular referee, and an option to receive the candidate’s other scholarly materials.
  - i. Candidates who submit co-authored pieces must document the relative contribution of each co-author and include that documentation in the dossier.
  - j. An evaluation of the quality of the faculty member’s service activities by professional colleagues at Indiana University, or by associates in the service activity.

The faculty member may add materials to the tenure dossier at any time in the review process throughout faculty-level review. However, any material to be evaluated by outside experts must be submitted to the committee by June 1.

7. The Committee or a member designated by the Committee shall inform the faculty member from time to time regarding the development of the file and shall involve the faculty member as far as possible in the development of the file. The faculty member has the right to examine all parts of the file at any time, including each letter as soon as it becomes available.
8. The Committee shall decide whether an affirmative promotion or tenure recommendation or both is to be made. Following receipt of either a positive or negative recommendation (unless the faculty member withdraws), the Dean shall then promptly call a meeting of the appropriate members of the permanent faculty (those with tenure, if a tenure recommendation has been made; those with tenure and of the recommended rank or higher, if a promotion recommendation has been made). A written report reviewing the candidate's achievements in the areas of teaching, research and service with an indication of the Committee's recommendation shall be made available to faculty members voting on the recommendation (and the faculty candidate for tenure and promotion) at least seven days in advance of the meeting.
9. As soon as practicable after the meeting of the appropriate members of the permanent faculty, the Dean shall prepare his or her recommendation. If the result is a negative recommendation, the Dean shall follow the BFC policies on non-reappointment. The Dean's recommendation will be provided to faculty members who were eligible to participate in the meeting.
10. If a faculty member is recommended for tenure but not for promotion to professor, the full professors of law shall discuss at the tenure and promotion meeting what they believe should be accomplished for the promotion to professor. The Dean shall present the faculty member with a written summary of that discussion.
11. As soon as is practicable after the promotion and tenure deliberations, the Dean shall inform the faculty member of the action of the faculty, and of his intended action or recommendation, if any. The dean shall follow the procedures set out in the <https://policies.iu.edu/policies/aca-22-reappointment-non-reappointment-probationary-period/index.html>, promulgated by the University Faculty Council. The faculty member will have an opportunity to request reconsideration in accordance with the OVPFAA Guidelines after "executive level" deliberation is completed by the Provost.

## **II. Substantive Criteria for Tenure and Promotion (adopted April 2, 2020, for tenure-track faculty members with appointments commencing after this date)**

Maurer School of Law faculty aspire to be ambitious scholars, inspirational teachers, and leaders in academic, professional, and public communities. Our substantive criteria for tenure and promotion reflect this aspiration and the School expects its faculty members to make high quality contributions to all three parts of its mission.

In evaluating Research and Service, the Law School uses four categories to rate the candidate's performance: *Excellent*, *Very Good*, *Satisfactory* and *Unsatisfactory*. In evaluating Teaching, the categories are: *Excellent*, *Very Good*, *Effective* and *Ineffective*.

Except in the rare instance of a "balanced case," the Law School requires, along with the rest of Indiana University--Bloomington, that a faculty member will be rated *Excellent* in at least one of the three performance areas and at least *Satisfactory/Effective* in the other two. *Satisfactory* or *Effective* performance is not merely minimally competent performance, but rather performance that is satisfactory/effective in the context of a first-rate law school. Candidates seeking to be judged on the "balanced case" must be rated as *Very Good* in all three performance areas.

Candidates are required to choose a single performance area on which to predicate an application for tenure or promotion (although this decision does not rule out the possibility that performance in one or both of the other areas will also be rated as *Very Good* or *Excellent*). Prior to executive review, the dossier materials (including external letters) should be evaluated on the basis of the case chosen by the candidate. Candidates for tenure and promotion normally submit a dossier that supports a rating of "*Excellent*" in research. Campus guidelines allow candidates to choose to be reviewed for excellence in teaching or service, but Maurer typically hires entry-level tenure-track faculty with the expectation that they will produce scholarship that satisfies the criteria for excellence in research. In exceptional circumstances, a colleague whose teaching or service is *Excellent* may be promoted or granted tenure as long as he or she is rated at least *Satisfactory/Effective* in the other two performance areas.

Candidates for tenure and/or promotion who opt for the balanced case must present evidence of balanced strengths in overall performance in all three performance evaluation areas that cumulatively are of comparable benefit to the law school as *Excellent* performance in a single evaluation area, when combined with lesser strengths required in the other two areas. Such candidates must demonstrate evidence to support a rating of at least *Very Good* in all three performance areas. As in instances where a candidate has selected a single performance area for tenure or promotion purposes, prior to executive review, in balanced cases, dossier materials (including external letters) should be evaluated on this basis. For tenure and promotion decisions, the candidate must show evidence of both future promise (tenure) and past performance (promotion) as indicated by a distinguished publication record, and external evaluations, as well as an ongoing research agenda. In cases where the candidate has chosen teaching as the basis for evaluation, an agenda for continued teaching efforts. In cases where the candidate has chosen service as the basis for evaluation, an agenda for continued service. In cases where the candidate has chosen "balanced case" as the basis for evaluation, an agenda for continued research, teaching, and service. Forward looking work agendas should demonstrate the candidate's promise for maintaining a national and international reputation as an expert in their field(s).

## **Research**

Research and writing about law are the core scholarly activities for Maurer's tenured and tenure-track faculty.

Scholars at Indiana University Maurer School of Law engage in diverse types of research – for example,

doctrinal and theoretical scholarship, innovative applications of empirical methods, economic and historical analysis, public policy evaluation, pedagogy, and literary analysis. The School values a broad array of styles and topics for faculty scholarship, including interdisciplinary and comparative research. In evaluating research by a candidate who critically and substantially draws upon other scholarly disciplines, we consider indicia of scholarly achievement relevant to those fields in addition to the criteria normally considered in evaluating traditional legal scholarship.

A successful candidate for tenure will present a scholarly agenda demonstrating the promise of continued productivity. The candidate's research agenda ordinarily should build upon the trajectory of his or her current scholarship. To be promoted, a candidate normally should demonstrate excellence in scholarship through publications that are recognized by leading scholars in the relevant field as original and significant.

Excellence in research means a demonstrated capacity for imaginative and original work and a clear indication that the candidate will continue to contribute significantly to scholarship. This is demonstrated by a body of work produced since the candidate's terminal degree, with work produced during the candidate's tenure-track appointment considered the best predictor of future success. The body of work must be narrated in the candidate's personal statement and assessed by external peer reviewers. The body of work should reflect a coherent agenda of intellectual and scholarly inquiry, and should present sufficient quality, quantity and scope to demonstrate excellence. In making its independent judgment about scholarship, the faculty considers external letters of peer evaluation, which are important measures of research accomplishment and promise. Candidates judged *Excellent* in research are, or exhibit the potential to become, leading figures in fields intellectually vital and important to the law. Excellence also is reflected in scholarship that demonstrates the capacity for incisive critical analysis, original synthesis, and creative solutions to intellectual or social problems. Excellence in research also will depend upon clarity of expression, thoroughness of analysis, breadth of scope, complexity of subject matter, originality, and impact.

A candidate's record supporting an "*Excellent*" determination normally will include at least three substantial articles reflecting work produced in a tenure-track academic position, though other forms of scholarship (such as a scholarly book) may contribute to a sufficient record. This numerical standard is merely meant as a guide for the ultimate question, which is whether the candidate has compiled a record of achievement and promise that satisfies the tenure and promotion criteria. For both tenure and promotion to full professor, a rating of *Excellent* should be awarded if and only if the candidate has also met the criteria for ratings of both *Very Good* and *Effective*.

A rating of *Very Good* indicates evidence of high-quality contributions to the candidate's area of research or across fields and disciplines, even if those contributions have not resulted in the same progress toward establishing a national and/or international reputation that is required for a rating of *Excellent*. For example, the candidate may have produced a set of high-quality contributions that are not yet numerous enough, or may not otherwise make a sufficient scholarly contribution, to support that reputation. The candidate should provide multiple sources of evidence of the impact and recognition of this work, although at a somewhat lower expectation than necessary for a rating of *Excellent*. These criteria for a rating of *Very Good* in research/creative activity apply to candidates for tenure and promotion as well as cases for promotion to full professor.

A rating of *Satisfactory* indicates a candidate's sustained activity over the time in rank, which has led to the creation of scholarly or creative output that is positively evaluated within that candidate's area(s) of research. These criteria for a rating of *Satisfactory* is research/creative activity apply to candidates for tenure and promotion as well as cases for promotion to full professor.

A candidate who does not meet the criteria for a rating of *Excellent*, *Very Good*, or *Satisfactory* in research should receive a rating of *Unsatisfactory*.

## Teaching

The Maurer School of Law uses four ratings to assess a candidate's teaching: *Excellent*, *Very Good*, *Effective* and *Ineffective*. We expect all Maurer faculty to aspire to exceptional teaching.

A teaching dossier will consist of course materials, student evaluations, peer assessments, and publications directly related to law pedagogy.

The quality of teaching includes evaluation of several factors: ability to communicate; preparation for classes and of class materials; breadth of knowledge relevant to the subject; organization of class sessions and overall course content; ability to stimulate and inspire students; ability to control and direct a classroom meeting; ability and commitment to evaluate students' progress and achievement; effectiveness of guidance and supervision of student research and writing; accessibility to students and demonstrated interest/involvement in their welfare; and attention to teaching methodology.

A candidate's teaching meets the standards of "*Excellent*" when the candidate demonstrates excellence in classroom teaching and evidence that the candidate's educational impact has resulted in a national and/or international reputation as a leader in the practice and/or study of teaching (stellar classroom performance is necessary but not sufficient). Indicators include: direct evidence of exemplary student learning; mentoring and advising that results in high quality achievements by students and advisees; development of instructional/curricular materials that are used or referenced by instructors in the candidate's field; pedagogical publications (e.g., textbooks and/or scholarship of teaching and learning) and presentations; teaching-related participation in national or international conferences; regular participation in workshops in innovative teaching practices; and student and/or peer recognition of excellent pedagogical practices and impact (e.g., peer reviews of teaching, teaching awards, teaching titles, and/or formal evaluations of teaching). While a rating of *Excellent* does not require that the candidate demonstrate excellence through each item in the foregoing list, the overall body of evidence must demonstrate outstanding classroom instruction, as well as leadership, innovation, and achievement beyond the campus.

For promotion to full professor based on teaching, a candidate's achievements should entail exceptional pedagogical, curricular, and instructional innovations while in rank as an associate professor. In addition to the indicators of broad instructional impact listed above, indicators of exceptional achievement could also include invitations to serve on panels, or to deliver keynotes or other professional presentations on teaching and pedagogy; and demonstrated ability to direct the studies of advanced graduate and/or undergraduate students. Moreover, the faculty member seeking promotion to full professor based on excellence in teaching should have a national and/or international reputation as a leader in the practice and study of teaching. For both tenure and promotion to full professor, a rating of *Excellent* should be

awarded if and only if the candidate has also met the criteria for ratings of both *Very Good* and *Effective*. In the rare situation of a truly “balanced case,” candidates must demonstrate that their teaching qualifies as “*Very Good*.” “*Very Good*” teaching requires that the candidate demonstrate excellence in classroom instruction and provide evidence of sustained contributions and impact beyond the candidate’s classroom through, for instance, some or all of the modes of evidence listed above.

To achieve a rating of “*Effective*,” a faculty member must demonstrate a strong capacity to analyze, synthesize, and explain complex material in the candidate’s own classes and a strong commitment to student learning and professional development. Such evidence should demonstrate that students benefit from the candidate’s instructional style, methods, and feedback, and that the candidate is responsive to student needs and advancement. *Effective* teaching also requires that candidates make informed, well-reasoned decisions about all aspects of their courses, as well as continually work to better understand and improve them.

A candidate who does not meet the criteria for a rating of *Excellent*, *Very Good*, or *Effective* in teaching should receive a rating of *Ineffective*.

For cases in which teaching forms the basis for the tenure and promotion consideration, and for balanced cases, external letters should focus on the candidate’s contributions to the improvement of pedagogy, evaluation of the candidate’s teaching impact, and first-hand analysis of the candidate’s teaching excellence.

## **Service**

Service encompasses the contributions candidates make to the school, university, and profession. It also includes civic engagement at the local, state, national, and international levels. We expect all Maurer faculty to be at least “*Satisfactory*” in service by the time they are considered for tenure and promotion. A rating of “*Excellent*” in service should be demonstrated by a record of national/international visibility and stature resulting from service. Such distinguished contributions could be administrative and institutional in nature, or demonstrated through superlative work in a (inter)disciplinary endeavor, governmental organization, or some other entity or cause with national and/or international reach and relevance. For both tenure and promotion to full professor, a rating of *Excellent* will be awarded if and only if the candidate has also met the criteria for ratings of both *Very Good* and *Satisfactory*. Leadership or significant work on campus can be sufficient only if it is the basis from which the broader national or international impact and stature is gained. For both tenure and promotion to full professor, a rating of *Excellent* should be awarded if and only if the candidate has also met the criteria for ratings of both *Very Good* and *Effective*.

“*Very Good*” service may be demonstrated through sustained leadership roles that have a positive impact on the university, the discipline, or public, private, professional, or civic organizations and institutions. Demonstrating *Very Good* service requires a showing of accomplishments in more than one service context and should involve impact beyond the law school.

“*Satisfactory*” service is achieved if a candidate’s activities meet the general expectations that all faculty perform meaningful service continuously throughout their careers, including during the tenure-



probationary period. That is, a candidate for tenure or promotion must achieve individual research and teaching goals while also contributing equitably within the law school and, as appropriate, the candidate's field. Demonstrating *Satisfactory* service requires evidence that a candidate has made a positive and meaningful contribution to the effective operations of the law school and is on the path to make valuable contributions to the university and/or the candidate's field.

A candidate who does not meet the criteria for a rating of *Excellent*, *Very Good*, or *Satisfactory* in service should receive a rating of unsatisfactory.