

# V. FACULTY BYLAWS

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**Section 1. Promotion and Tenure**

These rules are intended to provide for orderly and consistent administration of promotion and tenure decisions within the College of Law (College), and to provide candidates for promotion and tenure adequate notice of the procedures and standards for such decisions. These rules are to be implemented and construed consistent with and as provided by University-wide rules for promotion and tenure.

**1.1 Faculty Promotion and Tenure Committee and Procedures**

1.1.1 Committee Membership. A Promotion and Tenure Committee (Committee) composed of five tenured, full professor members of the College faculty shall be elected at a meeting of the tenured and tenure-earning College faculty. The eligible voting faculty shall also elect one of the Committee members as chair of the Committee, who will also serve as the College’s representative to the University Promotion and Tenure Committee. No faculty member shall serve more than two consecutive years on the Committee. Terms on the Committee will be staggered to ensure a partial rotation each year.

1.1.2 Committee Duties. The Committee shall be responsible for deciding, and, where required by these rules, for recommending to the College faculty, promotions in rank, awards of tenure, and retention of tenured and non-tenure earning faculty. The Committee shall also assume such other duties as are set forth elsewhere in the College’s rules.

1.1.3 Description of General Areas of Consideration. The Committee shall conduct evaluations within its scope of responsibilities to ensure that the College promotes faculty effectiveness in four areas: (1) teaching; (2) scholarly research and writing; (3) other

service within the profession; and (4) contribution to the College and University.

1.1.3.1 Teaching. Teaching effectiveness includes presenting knowledge, information, and ideas by means or methods such as lecture, discussion, assignment and recitation, demonstration, practical exercises and experiences, and direct consultation with students, as appropriate to the purposes and objectives of legal education. The Committee evaluation shall include consideration of effectiveness in imparting knowledge and skills, and effectiveness in stimulating students' critical thinking and creative abilities, and adherence to accepted standards of professional behavior in meeting responsibilities to students.

1.1.3.2 Scholarly Research and Writing. Effectiveness in scholarly pursuits focuses on the contribution to the body of scholarship in law, legal education, and related disciplines. Evidence of research and writing shall include, but not be limited to: published books; articles and papers in academic and professional journals; papers presented at meetings of academic and professional societies; and research that has not yet resulted in publication or presentation. The evaluation shall include consideration of the faculty member's productivity, including the quality and quantity of what has been accomplished, and of the faculty member's research other contributions; and recognition by academic and professional communities of the body of work.

- 1.1.3.3 Other Service within the Profession. Service within the profession focuses on work in appropriate professional organizations; participation in professional meetings, symposia, conferences, and workshops; and participation on local, state, and national governmental boards, agencies, and commissions.
- 1.1.3.4 Contribution to College and University. Contribution to the College and University focuses on service on College and University committees, councils, and senates and other assigned duties that relate to and further the mission of the College and University.
- 1.1.4 Procedures for Evaluation of Areas of Consideration
  - 1.1.4.1 Teaching Effectiveness
    - 1.1.4.1.1 Generally. The Committee shall utilize whatever procedures it deems reasonably necessary in reaching informed and fair decisions concerning teaching effectiveness and shall supply, upon request, to the candidate or to the full faculty if so required by these rules, the basis for its judgment, to the extent feasible. Consideration shall be given to regularly-administered student evaluations, but supplementary evidence shall also be developed.
    - 1.1.4.1.2 Student Evaluations
      - 1.1.4.1.2.1 An evaluation by students should be administered in each course (including seminars and the like) at a convenient time shortly before the end of each term. Due to the importance of this evaluation, an entire class period should be used, if needed.

However, the evaluation should be administered in a manner that assures normal (presumably full) attendance.

1.1.4.1.2.2 The Dean's Office shall be responsible for overseeing the administration of the required evaluations.

1.1.4.1.2.3 Each faculty member shall receive a copy of his individual evaluation results and a statement of evaluation policy.

1.1.4.1.2.4 Unless University-wide policy calls for wider distribution, the evaluation results will be made known only to the respective faculty member, the Dean, and members of the Committee, or to the full faculty if so required by these rules.

1.1.4.1.2.5 All data on which such evaluations are based shall be retained by the Office of the Dean for at least two, but not more than seven years.

1.1.4.1.3 Supplementary evidence. Additional possibilities for developing supplementary evidence to support Committee decisions include:

1.1.4.1.3.1 Class visitations by faculty members, as coordinated by the Committee.

1.1.4.1.3.2 Personal interviews of a representative group of students, including one or more students of the candidate's choice.

1.1.4.1.3.3 Personal interviews of other faculty members.

1.1.4.1.3.4 Evaluation by alumni (through questionnaires and, if possible, personal interviews of a representative panel).

1.1.4.2 Scholarly Research and Writing

1.1.4.2.1 Normal standards. No specific guidelines for research and writing are set forth for persons in the ranks of assistant and associate professor. As a general guideline, Committee evaluations of scholarly research and writing will be conducted based on a “unit” of work. A unit is an article of high merit of typical length and scope published or accepted for publication in a law journal sponsored by a member school of the Association of American Law Schools, a law journal edited by faculty from such schools, or an equivalent journal publication. The Committee may consider a given piece worth more than one unit, or in an unusual case such a piece may be assigned a lesser value. Other written pieces published or accepted for publication, including books, monographs, articles in other appropriate publications, book reviews, and the like will receive appropriate unit valuation from the Committee. Factors relevant to deciding the applicable valuation include quality of the publishing journal, scope and length of the article, co-authorship, and demonstrable value and effect of the article on the legal profession.

1.1.4.2.2 Procedures for Evaluation. The Committee is responsible for soliciting objective evaluations of the candidate's scholarship from recognized authorities.

1.1.4.3 Service within the Profession

1.1.4.3.1 Normal Standard. This norm by nature is the vaguest of all because of variables such as the amount of available time; the nature of the faculty member's academic interest; and opportunities for service through law revision commissions, state bar committees, AALS, ALI, ABA, AALL committees, continuing legal education programs, and the like. Each faculty member is encouraged to participate in relevant and significant professional activities, particularly where the activity contributes to the faculty member's over-all impact on students and brings added prestige to the College of Law.

1.1.4.3.2 Procedures for Evaluation

1.1.4.3.2.1 The candidate shall supply evidence of relevant and significant activities, setting forth the nature of the activity, its relation to the faculty member's teaching assignments, its value to the College of Law and the legal profession generally, and other relevant facts.

1.1.4.3.2.2 Where appropriate, significant contributions and the corroborating evidence should be included in the candidate's binder.

1.1.4.4 Contribution to College and University

1.1.4.4.1 Normal standards. Each faculty member is expected to carry out a fair share of Committee duties and, as applicable, administrative duties in the College of Law and throughout the University. This norm will vary greatly depending upon the needed Committee participation, the administrative duties assigned, and the size of the faculty.

1.1.4.4.2 Procedure for Evaluation

1.1.4.4.2.1 The candidate shall supply evidence of committee participation, and the Committee shall interview the Dean and other faculty members and students who served on the same committees.

1.1.4.4.2.2 The Committee should also attempt to identify the outstanding contributions -- often intangible -- which help the College of Law remain a dynamic institution.

1.1.4.4.2.3 Where appropriate, significant contributions, and the corroborating evidence should be included in the candidate's binder.

1.1.5 Transmission and Review of Committee Decisions

1.1.5.1 Notice to Candidates. The candidate shall be informed in writing of the Committee's decision to recommend or not to recommend tenure or promotion by the Chairperson of the Committee. All decisions of the Committee shall be in writing accompanied by reasons.

1.1.5.2 Promotion - Review of Committee Decisions



- 1.1.5.2.1 When the vote of the Committee is unanimously favorable to the candidate on a specific issue relating to promotion, no further faculty consideration is required.
- 1.1.5.2.2 When a vote is not unanimously favorable to the candidate, the issue shall be submitted to the tenured and tenure-earning faculty who hold a rank at or above the rank to which the candidate seeks promotion. The candidate shall be notified before a referral to the faculty, and permitted to request that the Committee withdraw his/her name from consideration. The secret ballot shall provide for affirmative and negative action and conform to the University rules regarding “reasons for Negative Ballots for Promotion and/or Tenure.”
- 1.1.5.3 Tenure - Meeting of Tenured Faculty and Secret Ballots. The Committee shall make its recommendation on tenure to the tenured members of the faculty and conduct a vote by secret ballot. The Committee shall transmit the results of the vote to the Dean.
- 1.1.5.4 Procedure for Counting Secret Ballots of Faculty. Whenever a secret ballot is provided for under these procedures, the ballots shall be collected and counted by the Dean and the chairperson of the Committee.
- 1.1.5.5 The Dean shall make an independent objective evaluation of a candidate's qualifications for promotion, taking into account the faculty's and Committee's recommendation. The Dean shall provide the faculty with a written explanation of an

exercise of the Dean's judgment that differs from the faculty or Committee recommendation.

## **1.2 Promotion Evaluations**

### **1.2.1 Eligibility**

1.2.1.1 The period of time in a given rank before a faculty member is eligible for consideration for promotion is normally five years.

1.2.1.2 Notwithstanding the foregoing, demonstrated merit, not years of service, is the guiding factor in promotion decisions. Early promotion is possible where there is sufficient justification.

### **1.2.2 Standards**

1.2.2.1 Assistant Professor to Associate Professor. In reaching its decision on promotion to associate professor, the Committee shall consider whether the candidate has demonstrated evidence sufficient to establish the following:

1.2.2.1.1 Effectiveness in teaching to merit promotion to associate professor.

1.2.2.1.2 Definite scholarly accomplishments to merit promotion to associate professor. Attainment of this standard normally will require that the candidate will have completed three units of work while an assistant professor and demonstrated a consistent flow of productivity.

1.2.2.1.3 That the candidate is becoming nationally or internationally recognized as a scholar in the field sufficient to merit promotion to associate professor.

1.2.2.1.4 Reasonable and appropriate service to the profession and contributions to the College and University to merit promotion to associate professor.

1.2.2.2 Associate Professor to Professor. In reaching its decision on promotion to professor, the Committee shall consider whether the candidate has demonstrated evidence sufficient to establish the following:

1.2.2.2.1 Superior effectiveness in teaching to merit promotion to professor.

1.2.2.2.2 Sustained scholarly accomplishments of high quality to merit promotion to professor. Attainment of this standard for a faculty member seeking promotion within five years of promotion to associate professor normally will require that the candidate will have completed at least three units of high quality work while an associate professor.

1.2.2.2.3 That the candidate has become nationally or internationally recognized as a scholar in the field sufficient to merit promotion to professor.

1.2.2.2.4 Superior service to the profession and contributions to the College and University.

### **1.3 Tenure Evaluations**

1.3.1 Eligibility. Except in rare instances, tenure should be granted after five (5) years of service in a tenure-earning law school teaching position, with at least two years completed at the College, unless

the Dean of the College accepts the candidate's written request of consideration after four years of service with at least one year at the College. Any tenure service credit transferred from another institution must be agreed upon in writing at the time of appointment, and shall not exceed three years for appointment as an untenured associate professor or two years for appointment as an assistant professor.

1.3.2 Standards. The award of tenure signifies recognition of academic achievement in all four of the areas of consideration, and is not a guarantee after any period of service. Candidates for tenure will normally be expected to fulfill the requirements and standards for the rank which they will hold at the time they wish the award of tenure to be effective.

## **Section 2 Third-Year Review of Untenured Faculty**

The performance of tenure-eligible faculty shall be reviewed in the third year of appointment. The purpose of the review is to advise the faculty member and the Dean of the College of Law on the faculty member's progress toward tenure. The review will be conducted by the Promotion & Tenure Committee of the College of Law and will assess the faculty member's progress on each of the three components of a tenure evaluation: scholarship, teaching, and service. The standard against which progress is measured will be the promotion and tenure guidelines in force at that time.

### **2.1 Procedure**

2.1.1 In the fall semester of each academic year, the Dean of the College of Law shall notify the Chairperson of the Promotion & Tenure Committee of any faculty member who is in the third year of a tenure-earning appointment. The Chair of the Committee will then discuss with the faculty member the review process and the schedule to be followed. The Committee's reviews will be conducted in the spring semester of the faculty member's third

year (except in special circumstances, in which the review may occur in the fall semester of the review year). The class observations will usually occur in both semesters of the third year, to ensure observation of the full range of a candidate's teaching package.

2.1.2 The Committee will invite the faculty member to meet with the Committee at an early stage of the review process. The general purpose of such meeting will be to give the faculty member an opportunity to inform the Committee of the faculty member's scholarship and teaching activities to date and plans for the future.

2.1.3 Assistant Professors hired with credit toward tenure shall have credited years included in the determination of the timing of the third-year review unless an alternative schedule is mutually agreed upon by the faculty member and the dean.

2.1.4 *Transitional Rules.* Assistant Professors hired July 1, 2019, or later shall receive a tenure review in their third year according to the procedures in these bylaws. Assistant Professors hired before July 1, 2019, who have not yet had a second-year review may choose between a second- and fourth-year set of reviews (following the timing procedures of the version of the bylaws in effect on July 1, 2019) or a single third-year review. Assistant Professors hired before July 1, 2019, who have already had a second-year review shall have a fourth-year review (following the timing procedures of the version of the bylaws in effect on July 1, 2019).

## **2.2 Evaluation of Scholarship:**

2.2.1 The Committee will consider all scholarship produced by the faculty member in the following categories:

2.2.1.1 published work, including scholarship published prior to appointment at the College of Law;

2.2.1.2 scholarship that has been accepted for publication;

- 2.2.1.3 scholarship that has been submitted for consideration for publication;
  - 2.2.1.4 substantial working drafts of scholarship that is in progress; and
  - 2.2.1.5 invited presentations in symposia, scholarly lecture series, faculty colloquia, faculty workshops, and professional conferences.
- 2.2.2 Review of the written scholarship will be conducted by the members of the Committee. The Committee may also seek assistance in reviewing the scholarship from a member of the College of Law faculty with expertise in the field of the scholarship. Submission of work to external reviewers is not part of the third-year review. If the faculty member has received any correspondence or reviews of published work, the faculty member may include those in the material to be considered by the Committee.
- 2.2.3 The Committee will invite the faculty member to meet with the Committee at an early stage of the review, to discuss the scholarly agenda of the faculty member and to locate current projects within that agenda. The meeting is also an opportunity for the faculty member to discuss scholarly efforts that may not have reached the stage of a substantial working draft.
- 2.2.4 Faculty members are encouraged to present scholarly work to the faculty of the College of Law no later than the semester of the third-year review. If the faculty member has not yet made or scheduled a presentation to the faculty as part of the Faculty Development Committee speakers' series, the Committee will consult with the faculty member about a suitable alternative forum for a presentation, and will make the arrangements for such presentation, if thought by the Committee to be appropriate.

## **2.3 Evaluation of Teaching**

2.3.1 The Committee will evaluate the faculty member's teaching by the following methods:

2.3.1.1 review of official student evaluations in all courses taught at the College of Law;

2.3.1.2 review of syllabi from all courses taught at the College of Law;

2.3.1.3 classroom visits by members of the Committee;

2.3.1.4 comments solicited from other faculty colleagues who have visited a class session of the faculty member being reviewed.

The faculty member being reviewed shall have the responsibility of providing the information in items 2.3.1.1 and 2.3.1.2 to the Committee.

2.3.2 Classroom visits by the Committee shall be arranged in consultation with the faculty member, with at least one week's notice prior to a visit. The faculty member may be asked to make available to the visitor the course material scheduled for coverage on the day of the visit. The visits will be scheduled in a way that is sensitive to the syllabus of the course and the variations in pedagogical aims for different class sessions in a semester. Insofar as possible, the classroom visits will be scheduled to observe the faculty member in a class session that is representative of the teaching style that is generally used in that course. Reports of classroom visits by members of the Committee will be submitted to the Chair of the Committee, for consideration by the entire Committee.

2.3.3 Early in the review process, the Committee will invite the faculty member to meet with the Committee to discuss the faculty member's teaching and to put the current teaching assignments into perspective. The meeting will be an opportunity for the faculty member to explain the particular goals and methodologies

for each of the courses in that semester, and to relate those courses to the faculty member's teaching package since appointment to the faculty. This meeting can also be used by the faculty member to provide the committee with information about teaching functions performed outside of the classroom (e.g., moot court coaching, DIS supervision).

## **2.4 Evaluation of Service**

2.4.1 The Committee will consider any evidence of service submitted by the faculty member being reviewed. This evidence may include, but is not limited to:

2.4.1.1 service on committees of the College of Law;

2.4.1.2 service on committees of the university;

2.4.1.3 service on committees of scholarly organizations, the bar, or other professional organizations;

2.4.1.4 formal or informal work of public service in which the faculty member has drawn on his or her expertise and experience as a legal scholar and teacher to contribute to the public good.

2.4.2 The Committee's review of the service component of the faculty member's performance will take into account the nature of the demands of scholarship and teaching early in a career. Satisfactory progress toward tenure with respect to service may be demonstrated by formal and informal participation in the governance of the College of Law at a level that is appropriate for someone in the first three years of an appointment.

## **2.5 Conclusion**

2.5.1 In connection with the third-year review, the Committee shall prepare a written report, in narrative form, of the meeting reviewing the faculty member. The review will result in a Committee conclusion that the faculty member is or is not making satisfactory progress toward tenure in the areas of scholarship, teaching, and service, and offer recommendations for ways to



enhance performance in any area in which progress toward tenure is less than satisfactory. The review is not designed to produce a retention recommendation by the Committee, but the report of the Committee will be transmitted to the Dean for use in the annual evaluation of the faculty.

2.5.2 The results of the review will be communicated to the faculty member by the Chair of the Committee. At the request of either the Committee or the faculty member, a meeting may be scheduled between the faculty member and the Committee to discuss the observations of the members of the Committee and the conclusions that were reached during the review process. One goal of the review is to provide a mentoring opportunity to the faculty member and to help clarify expectations for tenure and the faculty's progress toward tenure.

2.5.3 The results of the review will be included in the faculty member's future tenure binders.

### **Section 3 Salary**

University policies regarding salaries of law faculty members should recognize that law school salaries must be responsible to competitive forces within the law teaching profession and to competition with the practicing bar and government agencies for qualified persons. Faculty salaries should be based on merit, and it should be recognized that neither rank nor period of service compels or prohibits the advancement of a faculty member's salary beyond those of his colleagues.

## **Section 4 Evaluation of Faculty**

### **4.1 Evaluation of Tenured and Tenure-Track Faculty**

The Dean shall evaluate each tenured and tenure-track faculty member on an academic year basis. The evaluation will normally be conducted in the spring or summer, and will take into account performance of the duties assigned to the faculty member over the past academic year. The evaluation will be carried out in conformance with the University-wide rules for faculty evaluation.

### **4.2 Evaluation of Adjunct Professors**

SPOT (Student Perception of Teaching) evaluation forms or an equivalent evaluation shall be utilized as regards each adjunct professor.

## **Section 5 Faculty Teaching Loads and Scholarship Expectations**

The normal faculty academic year teaching load shall be 11 to 12 semester hours with no more than two substantive courses in a semester.

The minimum expectation is generally one substantial publication or its equivalent every two years. In the Dean's annual evaluations and subsequent assignments of responsibility, including assignment of research leave, teaching load and summer assignments, the Dean may take into account the faculty member's achievement of goals for scholarship.

## **Section 6 Faculty Research Leave Program**

Research leaves for professional development are to be made available to faculty members who meet the requirements set forth in this policy. Such research leaves are granted to increase a faculty member's value to the University through enhanced opportunities for professional renewal through study, research and writing, not as a reward for service.

6.1 Full-time tenured faculty members who have at least six years full-time service within the College of Law are eligible to request research leaves. Up to one year as a visiting professor away from the College of Law can be counted toward this six year minimum requirement.

6.2 Each request should be limited to two or three pages describing the purposes of the program to be followed while on research leave and the potential

benefits to the faculty member, the College of Law, the University, and the profession. An up-to-date vita should be submitted with a listing of assignments of responsibilities and courses taught in the last two academic years, a statement of any other income anticipated to be earned, whether received or not, while on research leave and a statement that the applicant agrees to comply with the conditions of the research leave as indicated in this policy. Justification should be submitted if the research leave is to be spent other than in residence at the Florida State University, College of Law.

6.3 A committee composed of three to five tenured faculty members of the College of Law shall be appointed by the Dean to review research leave requests. Persons submitting proposals shall be ineligible to serve on the committee. The committee shall review applications and submit a list of recommended applications to the Dean. The committee, in ranking the applicants, shall consider the benefits of the proposed program to the faculty member, the College of Law, the University, and the profession. The length of time since the faculty member was relieved of teaching duties for the purpose of research or other scholarly activities, the fact of a term as a visiting professor and the elapsed time since the competing applicants have been away from the College of Law shall also be considered in ranking the applicants. Ordinarily, academic year research assignments shall not be recommended by the Committee more frequently than once every three years.

6.4 A faculty member may be required to postpone an approved leave for up to one academic year if such faculty member's courses are neither temporarily expendable nor coverable by other faculty members, visitors, or adjuncts.

6.5 While on research leave, the faculty member's salary will be three-quarters pay for two semesters or full pay for one semester. The one-semester leave may be coupled with an adjacent summer leave, salary to be the equivalent of teaching a two-credit hour course. The salary for a research appointment that lasts only for one summer shall be the same as that for teaching a two-credit hour course during the summer.

6.6 During any leave, contributions normally made by the University to retirement and social security programs shall be continued on a basis proportional to the salary received. Contributions normally made to employee insurance programs and other employee benefit programs shall be continued during the research leave.

6.7 Annual and sick leave for which the faculty member is eligible shall continue to accrue on the basis of a full-time appointment during the period of the research leave.

6.8 The faculty member must return to the University for at least one academic year following participation in the program. Agreements to the contrary must be reduced to writing prior to participation. Return to the University of salary received during the program may be required in those instances in which neither of the above is satisfied.

6.9 The faculty member must provide to the Dean of the College of Law a brief written report of the faculty member's accomplishments during the research leave and at least one copy of any research or other product resulting in whole or part from work undertaken while on leave.

6.10 While on leave, the faculty member shall be eligible to receive college-support services such as secretarial assistance, research assistance, and travel funds. The request for such support should be detailed as part of the leave proposal. The faculty member's entitlements in this regard must be worked out with the Dean and communicated to the faculty member in writing.

6.11 While on leave, a faculty member shall be permitted to receive travel and living expenses, fellowships, grants-in-aid, or other financial assistance from sources other than the University to assist in accomplishing the purposes of the research leave. If such financial assistance is received, the University salary shall normally be reduced by the amount necessary to bring the total income of the research leave period to a level comparable to the faculty member's normal salary.

6.12 Faculty members on research leave shall be eligible for promotion and salary increments. The faculty member's assigned duties for the period of the

leave shall be the program as proposed. Program changes must have the prior approval of the Dean.

6.13 Publications which have resulted in whole or in part from work undertaken while on research leave shall contain an acknowledgement of the support of the Florida State University, College of Law.

6.14 Untenured junior faculty shall be eligible for summer research leaves but applications of tenured faculty shall be given priority in the evaluation process.

## **Section 7 Outside Activity Policy**

Acceptance of a regular faculty appointment is a commitment that the individual faculty member will devote substantially all of his or her working time to teaching and legal scholarship.

As each faculty member's use of the academic schedule (which purposefully provides extensive time for undertaking a full range of academic responsibilities) is a matter of legitimate mutual interest, it is appropriate and consistent with ABA and AALS guidelines that this faculty adopt a governing policy.

Outside activity is permitted only insofar as it does not interfere with a faculty member's regular presence in the law school and availability for consultation and interchange with students and colleagues, i.e., with the ability to discharge a full range of academic responsibilities, and presents no conflict of interest for the College or the University. Outside activity is encouraged insofar as it is demonstrably of public service, is a source of novel enriching experience that can be directly utilized in the person's capacity as a teacher and scholar, or is undertaken primarily to increase the faculty member's academic effectiveness.

Only rarely should the requirements of any outside activity justify rescheduling a class meeting, failing to attend to faculty committee work, the production of scholarly work, or the timely design and grading of examinations.

A discharge of a fair share of non-classroom administrative and counseling obligations to both students and colleagues is recognized as a primary academic responsibility of each faculty member. No faculty member shall engage in any regular or intermittent outside activity which substantially interferes with the discharge of his or her

full academic responsibilities. In no case shall outside activity occupy more than 20% of a faculty member's occupational time. A violation of the standards set forth in this policy is a breach of academic trust which should subject a regular offender to termination of his or her employment as a full-time faculty member.

Each faculty member shall, therefore, adhere to the letter and to the spirit of all University rules in connection with outside activity, and in addition, shall (except for such matters as are clearly de minimus in time or compensation) submit to the Dean, in advance of the acceptance thereof, a statement of the nature and extent of each anticipated outside activity and of the expected total time expenditure. Each report shall thereafter be maintained in a reasonably current fashion.

## **Section 8 Faculty Hiring – Voting Procedures**

### **8.1. Vote to Hire Permanent Tenure-Track Faculty**

The hiring of new faculty requires the affirmative vote of 60% of the faculty voting on the candidate, including faculty voting by proxy. The Dean should accept written proxies, i.e., sealed written ballots, prior to the meeting. The eligibility of faculty on leave or visiting shall be determined by the Dean.

### **8.2 Hiring of Visitors**

A visitor at the College of Law may not be considered for a permanent position at the College during his or her visit unless the prohibition is waived by a two-thirds vote of the tenure-track faculty in residence at the time of the vote.

## **Section 9 Clinical Faculty - Voting and Committee Membership**

Clinical faculty members are entitled to attend all faculty meetings and to participate in the discussion.

9.1 Clinical faculty members are entitled to vote on all matters before the faculty other than matters relating to the hiring of a tenure track faculty member or that involve the allocation of material resources to College of Law programs.

9.2 Clinical faculty members are entitled to full participation on all committees of the College of Law at the designation of the Dean, other than the appointments and promotion and tenure committees.

## **Section 10 Absentee Ballots**

- 10.1 Faculty who are otherwise eligible to vote shall be permitted to vote by absentee ballot on the following matters:
  - 10.1.1 The hiring, promotion, or tenure of individual faculty and instructors (in those instances in which the faculty votes on such individuals).
  - 10.1.2 Rules governing eligibility for, and the duration of, employment of any position of instruction or senior administration at the College of Law.
  - 10.1.3 Revision of the first-year curriculum or required courses.
  - 10.1.4 Changes in the requirements for graduation.
  - 10.1.5 The adoption, abolition, retention, or substantial alteration of any program of instruction.
  - 10.1.6 The adoption or abolition of any program reasonably projected to entail an expenditure of over \$5,000.
  - 10.1.7 Eligibility for voting.
  - 10.1.8 Changes in the grading system.
- 10.2 Absentee balloting shall be governed by the following principles:
  - 10.2.1 Absentee ballots shall be construed in light of the doctrine of cy pres, under which an absentee ballot would not be defeated by an amendment that slightly changed the issue on which the ballot was cast, as long as a clear intent could be inferred.
  - 10.2.2 Amendments that substantially transform the vote in a manner that absent members could not have foreseen should be postponed for consideration at a later meeting, or held open for a specified period.
  - 10.2.3 It is the sense of this policy that a faculty member will not exercise the right to vote by absentee ballot unless that member has a good reason for missing a meeting.

## **Section 11 Teaching Assignments**

No member of the faculty should be deemed to have a vested right to teach any course, nor to retain an assignment to teach any course, because of prior teaching of it. Likewise, no member of the faculty should have an absolute right to abandon a course which such faculty member has been teaching. Course assignments should be made on the basis of academic qualifications and needs, as assessed by the faculty, administration, or Curriculum Committee.

## **Section 12 Students Having Academic Difficulty – Faculty Responsibility**

Individual faculty members should: (1) take affirmative steps to meet with student study groups, particularly those that include students experiencing some academic difficulty; and (2) place representative questions from past exams on reserve in the Library and hold themselves open to review student performances on those exams.

## **Section 13 Legal Research and Writing Program**

Legal Research and Writing instructors shall be hired only on an annual basis and may be rehired annually, based upon performance evaluations including review of official student evaluations. The initial and subsequent hiring document(s) for each instructor shall contain these provisions and shall clearly indicate that the positions are not tenure-track.

## **Section 14. Specialized Faculty: Clinical and Legal Writing Faculty**

### **14.1 Classification**

Clinical faculty and Legal Writing faculty fall under the University's classification of "specialized" (non-tenure accruing faculty) whose duty assignments are specialized, so as to be predominantly teaching (hereinafter, "teaching faculty").

### **14.2 Promotion Committee**

14.2.1 When considering the promotion of teaching faculty the Committee described in Section 1.1.1 of the Faculty Bylaws shall be supplemented with one or more teaching faculty members (collectively, the "Specialized Committee"). The



Specialized Committee, when constituted, is distinct from the Committee describe in Section 1.1.1. Among other things, this means that a teaching faculty member of the Specialized Committee can only be involved in considering the candidacy for promotion of teaching faculty members, and will not have the authority to in any way participate as a member of the Committee, and thus will have no authority to participate in the Promotion and Tenure process set forth in Section 1 of these Bylaws.

- 14.2.2 The Specialized Committee shall be responsible for reviewing the binders of teaching faculty who are candidates for promotion, making a decision by secret vote to recommend or not recommend promotion, and preparing a report regarding its decision.

### **14.3 Promotion Evaluations**

#### **14.3.1 Eligibility**

14.3.1.1 The period of time in a given rank before a teaching faculty member is eligible for consideration for promotion is normally five years.

14.3.1.2 Notwithstanding the foregoing, demonstrated merit, not years of service, is the guiding factor in promotion decisions. Early promotion is possible where there is sufficient justification.

#### **14.3.2 Standards**

14.3.2.1 Promotion is attained through meritorious performance of the teaching faculty member's assigned duties.

14.3.2.2 Promotion from Teaching Faculty I to Teaching Faculty II shall be based on recognition of demonstrated effectiveness in the teaching faculty member's assigned duties.

14.3.2.3 Promotion from Teaching Faculty II to Teaching Faculty III shall be based on recognition of superior performance in the teaching faculty member's assigned duties.

14.3.2.3 Promotion decisions shall take into account: (1) annual evaluations; (2) Annual Assignment of Responsibility (AOR); (3) evidence of sustained effectiveness relative to opportunity and their assignment; and (4) fulfillment of the criteria set forth in 14.3.2.4 and 14.3.2.5.

14.3.2.4 Teaching Effectiveness

14.3.2.4.1 Teaching Faculty: Clinical

Demonstrated excellence in teaching, including effective and conscientious instruction in the clinical program and administration of the program to achieve the goals established for it. The teaching faculty member should demonstrate an ability to supervise students and teach independent thinking, to provide adequate coverage of the subject matter, and to teach other lawyering skills and methods that may be related to students becoming effective and thoughtful advocates or counselors.

14.3.2.4.2 Teaching Faculty: Legal Writing

Demonstrated excellence in teaching, including effective and conscientious instruction in the legal writing program. The teaching faculty member should demonstrate an ability to teach analytical skills, legal research and

writing, oral advocacy, and to teach other lawyering skills and methods that may be related to students becoming effective and thoughtful advocates or counselors.

14.3.2.4.3 The Specialized Committee will evaluate the teaching effectiveness of teaching faculty by: (1) reviewing official student evaluations (Student Perception of Courses and Instructors (SPCI)) in all courses taught at the College of Law; (2) reviewing the syllabi from all courses taught at the College of Law; (3) undertaking classroom visits by members of the Specialized Committee; and (4) reviewing comments from other faculty colleagues who have visited a class session of the teaching faculty member.

14.3.2.5 Other Contribution

A demonstrated and significant contribution to the academic or professional legal community in one or more of the following ways or through comparable activities:

14.3.2.5.1. Substantial participation in College of law activities which significantly enhance the mission of the College beyond the teaching function, such as sponsorship or advising of a student extracurricular education activity, team, or publication; fund-raising, grant-writing or other extraordinary administrative activity; or public/alumni relations activity;

14.3.2.5.2. Service to the legal profession or broader educational community that enhances the presence and reputation of the College of Law, through leadership or other substantial activities in professional or educational organizations;

14.3.2.5.3. Conduct of significant law reform activity through legislation, rule-making or impact litigation; development of continuing legal education programs, web sites or other electronic media; substantial enrichment of the College community or student body through provision of extraordinary service or the creation of innovative law school programs; or other creative innovations which augment the educational or service functions of the College;

14.3.2.5.4. Publication of a significant writing, or combination of other writings, in scholarly journals or in other professional publications, including practice-oriented publications and publications about clinical teaching.

14.3.3. Notice to Candidates. The candidate shall be informed in writing of the Specialized Committee's decision to recommend or not to recommend tenure or promotion.

14.3.4. The Dean shall make an independent objective evaluation of a candidate's qualifications for promotion, taking into account, among other things, the Specialized Committee's recommendation.

**Section 15 Responsibility to Meet Classes**

Faculty members are responsible for meeting all their scheduled classes. If a faculty member must miss a class, the faculty member must make up the class by the week before the last week of classes for the semester. As soon as the faculty member becomes aware of the need to miss a class, the faculty member should notify the Associate Dean for Academic Affairs, indicating the class that will be missed including the date of the class, and the faculty members plan for making up the class.

**Section 16 Substantive Change Policy**

Faculty and staff members are expected to be familiar with and follow the Florida State University Substantive Change Policy as found on the university web site <http://provost.fsu.edu/sacs>.