

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
DEPARTMENT OF LEGAL STUDIES
POST-TENURE REVIEW PROCEDURES
1999

I. Calendar

The School of Law post-tenure review calendar will follow the calendar established for this purpose by the Office of the Provost.

II. Faculty Eligibility for Post-Tenure Review

A. Each tenured faculty member, regardless of rank, but excluding the Dean and Associate Deans, shall be reviewed every six years unless, during the previous six year period, the faculty member is reviewed and advanced to or retained in a higher position (a deanship, a chaired professorship, an advance in rank, or a grant of tenure). School of Law level post-tenure review is waived for any faculty member who notifies the Dean in writing that he or she will retire within three years after the next scheduled review.

B. Tenured Associate Deans shall be reviewed by the Dean of the Law School. In conducting the review of Associate Deans, the Dean shall review their performance in the areas of administration, teaching, scholarship, service, and overall performance. After making the evaluation, the Dean, acting as the review committee, shall proceed in accordance with subparts V.F. through I. infra.

C. The Dean shall prepare a list of all professors subject to post-tenure review. Each year 1/6th of these professors shall be evaluated, starting with the one with the greatest time since last review for promotion, award of tenure, or post-tenure.

III. The Post-Tenure Review Committee

The Chair of the Tenured Faculty shall appoint a review committee of three tenured professors of equal or greater rank for each professor to be evaluated. The evaluatee may nominate three professors to serve on the committee, one of whom shall be appointed. The committee shall include at least one professor with expertise in the evaluatee's area of specialization, if possible.

IV. File Documentation

The Dean's offices, with assistance from the faculty member being reviewed, shall prepare and present a post-tenure review file to the post-tenure review committee. While the evaluatee may include any documentation deemed pertinent, the file shall include the

following:

A. Teaching

1. A list of courses taught in the previous five years;
2. A numerical and descriptive summary of the student course evaluations for each of the courses listed, to be prepared by the Dean's Office;
3. Student and peer teaching evaluations will be conducted. Student teaching evaluations will be conducted in every class. In conducting the peer review of teaching, the committee shall examine the student evaluations, course syllabi, and teaching materials and confer with the faculty member under review about his or her teaching methodology, course preparation and availability for student consultation. If the Committee determines that the evaluatee's class evaluations indicate an unsatisfactory performance, or if the evaluatee requests it, the Committee shall conduct class visits.

B. Scholarship

A list and copies of all scholarly activities conducted during the previous five years. Scholarly activities are defined as those listed in School of Law Policy on the Professional Obligations of Full-Time Faculty, I.A.2. (1987) (See Appendix.)

C. Service

A list of service activities conducted during the previous five years. Service activities are defined as those listed in the School of Law Policy on the Professional Obligations of Full-Time Faculty, I.A.4. (1987) (See Appendix.)

D. Annual Evaluations

A copy of annual performance evaluations conducted by the Dean and any reviews by the School of Law Tenure and Promotion Committee accumulated since the initial tenure review or since the last post-tenure review or a summary of these as compiled by the Dean.

E. Sabbatical Reports

A copy of the official report of sabbatical activities, if one was taken during the review period.

F. Summer Research Grant Reports

A copy of each summer research grant report for the period under review.

G. A copy of a current resumé.

V. Committee Procedures

A. The Chair of the Tenured Faculty, with the assistance of the Associate Dean for Academic Affairs, shall ensure that peer reviews, from outside the Department of Legal Studies, of scholarly activities are conducted in a timely manner. Articles published in law journals of accredited law schools or in refereed academic journals, books that were subjected to peer review during the publication process, and other reviewed research/creative exercises fulfill the peer review of scholarly activities requirement.

B. After review of the faculty member's file and after discussion at the meeting described in subsection D, each member of the Committee shall complete a written evaluation form for the faculty member. The form rates the faculty member's performance in the areas of teaching, scholarship, service, and overall performance. In each of the four areas, the Committee member shall rate the faculty member's performance as superior, satisfactory, or unsatisfactory.

C. For purposes of post-tenure review the expectations for the performance of a tenured professor in regards to teaching, scholarship, and service are those indicated in School of Law Policy on the Professional Obligations of Full-Time Faculty I.A. 1, 2, and 4 (1987). (See Appendix.)

1. A superior performance would meet an expectation at a very high level.

2. A satisfactory performance would meet an expectation adequately.

3. An unsatisfactory performance would fail to meet an expectation.

D. The committee shall discuss the professor's performance in a meeting at which all members of the committee shall be present. The committee chair shall collect the performance forms from the members and total the ratings in each of the areas of teaching, scholarship, service, and overall performance and shall announce the results to the committee. If there is a dissent to the committee's evaluation of overall performance, the decision shall be determined de novo by all the tenured professors of equal or greater rank.

E. When the Tenured Faculty conducts the post-tenure review because of a dissent to the committee's evaluation of overall performance as per subsection D, only a quorum of tenured faculty of equal or greater rank shall be required. Decision shall be by a simple majority of those voting. (An abstention is not considered

to be a vote.) The Tenured Faculty shall consider the matter based on the existing record, the evaluatee's response, and such additional evidence as it considers appropriate.

- F. Following the completion of steps D and E above, the Chair of the Committee or the chair of the Tenured Faculty in the event of a determination de novo will draft a report of post-tenure review which will include at minimum the Committee's rating of the performance for each of the four evaluation areas and sufficient comments to aid the faculty member in his or her professional growth and development. Individual votes and written evaluations shall be made available to the professor on request.
- G. A copy of the Committee report shall be sent to the faculty member and to the Dean of the School of Law for inclusion in the faculty member's personnel file. If the review is unsatisfactory, a copy of the Committee report and development plan shall be sent to the Provost.
- H. If the performance rating for each of the four evaluation areas of the faculty member's performance is superior or satisfactory, the evaluation of the faculty member is concluded with the distribution of the report. If the Committee determines that the faculty member's overall performance is satisfactory, but that his or her performance in teaching, scholarship, or service areas is unsatisfactory, the Committee shall include recommendations in its report that could assist in restoring the faculty member's performance to a satisfactory level in that area. A finding of unsatisfactory in two or three of the three areas of teaching, scholarship, and service shall result in an overall rating of unsatisfactory. A finding of unsatisfactory in one of the three areas of teaching, scholarship, and service may result in an overall rating of either satisfactory or unsatisfactory. A review that results in an overall performance rating of satisfactory, but includes an unsatisfactory rating in one of the other areas, does not require a development plan.
- I. An Unsatisfactory Review
 - 1. The Committee will also act as the faculty member's Development Committee. The Chair of the Tenured Faculty may appoint one or more additional members to the Development Committee with particular expertise that would assist the faculty member in reaching the development goals.
 - 2. The Dean of the School of Law, in consultation with the Committee and the concurrence of the faculty member, shall produce a development plan including an improvement timetable for the faculty member. The timetable is at the discretion of the Committee, depending on the nature of the

development plan, but not less than one year nor more than three years in duration.

3. Periodically the Development Committee shall review the faculty member's updated file and shall submit an evaluation of progress to the School of Law Tenured Professors. The School of Law Tenured Professors shall recommend in writing to the Dean of the School of Law whether the goals of the development plan have been met, in general or in particular.
4. The Dean of the School of Law shall make the final determination on the progress of the faculty member in meeting the goals of the development plan, and whether or not further measures are necessary. The Dean shall conform to the timetable established in the development plan and shall file periodic progress reports with the Provost.
5. A professor's existing tenure or other rights are not affected or waived by the adoption of these procedures, and the only grounds for revocation of tenure are those stated in the Faculty Manual in effect at the time the professor was hired.

VI. Appeal Procedures

- A. A faculty member who receives an unsatisfactory review and disagrees with the evaluation or any aspect of the recommendations may appeal to the School of Law Tenured Professors of equal or greater rank to contest the overall conclusion or any particular part of the review, unless the decision has already been made by all the tenured professors pursuant to subsection V.E., supra. The findings of the School of Law Tenured Professors together with its recommendations for action and a statement by the faculty member will be forwarded to the Dean for final determination of the evaluation.
- B. A faculty member who disagrees with the development plan produced by the Dean of the School of Law may appeal specific aspects of the development plan to the Provost. The Provost may make the final determination of the adequacy of an appealed development plan.

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
POLICY ON THE PROFESSIONAL OBLIGATIONS OF FULL-TIME FACULTY

Full-time faculty members have legal obligations to the Profession, the University of South Carolina School of Law, and the academic community. A Primary obligation of a faculty member must be to the University and to the University community.

The School of Law is required by accreditation standards of the American Bar Association and the Association of American Law Schools to offer a course of instruction taught primarily by full-time faculty members. A full-time faculty member is defined by both ABA and AALS standards as a person who devotes substantially full time during the academic year to academic responsibilities [ABA Standard 402; AALS By-Law Section 6-5(f)].

I. GENERAL ACADEMIC RESPONSIBILITIES

A faculty member's primary obligation is to the University and its students. Fulfilling this obligation is a full-time commitment.

A. ACADEMIC RESPONSIBILITIES

Full-time faculty members must substantially comply with reasonable expectations of performance in each of the following areas, with due regard for rank, experience, and interest.

1. Instructional Duties.

- a. Being an effective teacher; constantly seeking to improve instructional methods and techniques;
- b. Doing background reading, staying abreast of current legal developments, and allowing time for adequate class preparation;
- c. Being regular and prompt in class attendance; scheduling make-up classes as necessary;
- d. Being reasonably available for out-of-class conferences with students;
- e. Using evaluative criteria that adequately measure student performance against the teacher's stated expectations; being timely in providing grades; and

Otherwise complying with the statement of policy on teaching responsibility contained in University of South Carolina Faculty Manual.

Scholarship. Scholarship means producing books, monographs, articles, reports, CLE presentations, or other scholarly publications that demonstrate an in-depth understanding of the law.

3. Law School Governance.

- a. Regular attendance at Faculty Meetings;
- b. Regular attendance at committee meetings; conscientious discharge of all committee responsibilities; and
- c. Participation in other administrative functions, such as the faculty interviewing process, the dean's selection process, and others.

Service.

- a. To the University — serving on university committees, being a member or officer of the University Senate, consulting with professors in other departments, serving generally as a university resource in one's area of expertise;
- b. To the law teaching profession — serving on AALS and relevant ABA committees;
- c. To the legal profession — serving on committees and boards, participating in CLE's, involvement in ABA activities, drafting bar examination questions, serving on accreditation teams, and other similar activities relating to the profession of law;
- d. To the administration of justice — doing pro bono and other court appointed work, and advising or serving on legislative and court committees; or
- e. To the community — any relevant public service activity.

5. General Institutional Support.

Providing general support to the institution, the students, and one's colleagues as evidenced by: attending faculty symposia and other scholarly functions, serving as an advisor to student groups, attending academic and other law school related functions, or contributing in other ways to the on-going activities of the law school community.