

**DEPARTMENT OF LEGAL STUDIES
COLLEGE OF HEALTH & PUBLIC AFFAIRS
UNIVERSITY OF CENTRAL FLORIDA**

CRITERIA FOR PROMOTION AND TENURE

I. Introduction

The Promotion and Tenure Committee reviews faculty credentials for promotion and tenure and submits its recommendation as one level of the university review process. The granting of tenure and promotion are two separate decisions. The former represents a commitment by the University to continued employment of faculty members, and the latter represents recognition of substantial scholarly and professional achievements in an academic discipline congruent with the rank being sought by the applicant. This document should be read in conjunction with the Department Criteria for Annual Evaluation.

II. Policy Statements:

Teaching, scholarship and community service in the legal profession is markedly different in character than other academic disciplines. Accordingly, the Promotion and Tenure Committee of the Department of Legal Studies offers the following Policy Statements for the purpose of clarifying the standards that apply to Legal Studies Promotion and Tenure Candidates.

A. Law Reviews and the Nature of Legal Scholarship

The primary recognized publication outlet for traditional legal scholarship is the law review, which is a journal published by law schools where the editorial function is carried out by the top students of the institution under the supervision of a faculty member. Law reviews are divided into two categories: (1) the school's main, or flagship, law review, which accepts articles on a wide scope of legal subjects, and (2) specialty journals that are focused on a particular area of law. Another recognized publication outlet for legal scholarship are through academic and scholarly book projects.

Legal Studies tenure and promotion candidates are expected to publish the majority of their scholarship either in flagship law reviews or in specialty law reviews and peer reviewed journals appropriate to the topic of their scholarship. Other lesser weighted indicia of scholarship is referenced *infra* at Section III ("Performance Categories for Tenure and Promotion"), subsection B ("Scholarship Activities").

B. Journal Ranking

The quality of journals is usually an issue for academics seeking promotion and/or tenure and there has long been a substantial amount of discourse on the rankings of law journals. There are varying methods of journal rankings, but there is no uniform agreement in the legal academy on this issue. It is worth noting that the respect some law and business school faculty give a journal can be based on either the citation frequency of the journal or the ranking and prestige of the law school itself. However, it should be noted that the acceptance rate of the journals at the top ranked law schools can be less than 1% and eminent scholars from prestigious law schools compete for placement in these publications. Therefore, most of the highly ranked journals do not represent a realistic opportunity for publication, particularly for junior faculty at an undergraduate program.

Accordingly, the Committee will give consideration to the quality of the journal, but place a greater emphasis on the quality of the scholarship itself. Nor will the Committee establish a rigid ranking of journals due to the large number of law related publications. The candidate may provide information relevant to quality on the particular journals in which he or she is published, if the candidate believes that information would be helpful. As evidence of the quality of the scholarship and irrespective of publication forum, the candidate may offer evidence as to the frequency to which the scholarship is cited and/or positively discussed by other scholars in the field. Candidates for tenure and promotion to associate professor shall consult with the Department Chair and tenured faculty to be advised regarding acceptable journals.

C. Co-Authorship

Co-authorship is an activity that is to be encouraged for faculty. However, it is expected that tenure track faculty who co-author an article provide evidence of their scholarly contribution. It is assumed that the contribution is roughly equal to the number of co-authors involved in the publication. However, the tenure track faculty member should seek to become lead or sole author on articles as evidence of his or her maturation in the field of scholarship.

D. Publication Trajectory

Law school graduates do not receive the same type of training as scientists. The law school curriculum trains law students as generalists with the ultimate goal of passing a state bar exam so they can practice law. They do not author a dissertation nor typically engage in research as a co-author with a graduate mentor as part of their doctoral program. Therefore, new legal scholars are at a disadvantage when entering traditional academia because they only develop a scholarship focus when they become members of a faculty, where they are

given time to explore their scholarship interests before being expected to publish.

Another aspect of legal scholarship is that it is in many respects reactive in nature. Legal scholars track legal developments through the observation of statutory responses to societal problems and/or the analysis of legal trends in court decisions, a process that often takes years until there is sufficient legal authority to make an article publishable. Accordingly, it may take some time for the new legal scholar to establish a scholarship focus and identify issues worthy of publication.

Therefore, it is recommended that new legal scholars form a scholarship plan with the assistance of the Chair and tenured faculty to avoid clustering publications towards the end of their probationary period, which can be problematic in the tenure and promotion process.

E. Grant Activity

Grants and contract activity are usually not available for generalized legal scholarship. The reason for this is that law is primarily developed through court cases and statutes. In court cases, precedent is developed through application of the law to the facts of a particular case and the legal theories are determined by the attorneys and judges. In the case of statutes, the law is created by our elected representatives in response to societal concerns. Consequently, in both cases and statutes, the law is being developed by people who are already being paid to do so. It is the legal scholar's obligation to track changes in the law and offer commentary through writing articles in law reviews and other publication outlets. Neither does legal scholarship require laboratories or graduate assistants or large costs to be accomplished. Access to the law library or the internet is all that is necessary, in addition to the intellectual curiosity and ability to analyze statutes and court decisions sufficient to make a publishable article.

It is therefore the policy of the Department of Legal Studies that funded research activity is not required to achieve tenure and promotion. If funded research is pursued by a faculty member, only research that results in scholarship will be counted.

III. Performance Categories for Tenure and Promotion

The mission of the Department is the creation, enhancement, preservation, and transmission of knowledge, information, understanding, and ideas through teaching, scholarship, creative activity, service, and professional development. The Department recognizes three basic categories of activities as essential to

the promotion and tenure process. They are teaching, scholarship, and service. Below, the typical activities for each area are listed.

A. Teaching Activities

1. Classroom instruction.
2. Online or mixed mode instruction.
3. Direction of independent studies, student scholarship projects, internships, theses, and dissertations.
4. Academic advising.
5. Involvement and participation in workshops, seminars, and other forums which have as their principal themes or foci curricular interests, teaching or the learning process.
6. Program and course development.

B. Scholarship Activities

1. Publications.
 - a) The greatest weight in promotion and tenure decisions will be given to publications in academic law reviews or refereed journals (in either paper or electronic format) and original scholarly and/or academic books. Both the quality of the individual article and the quality of the journal or law review will be considered.
 - b) Book chapters, bar journal articles, scholarship monographs, anthologies, peer reviewed technical reports, refereed conference proceedings, book reviews, technical reports, and articles published in outlets that are not targeted to a scholarly audience will receive less weight as evidence of scholarship activities.
 - c) As evidence of the quality of the scholarship and irrespective of publication forum, the candidate may offer evidence as to the frequency to which the scholarship is cited and/or positively discussed by other scholars in the field.
2. Scholarship activity may also be demonstrated through presentations at national and regional meetings, invited lectures, and citation by others. These activities are important in demonstrating involvement and a level of recognition in the discipline but will receive less weight than the types of scholarship delineated in III(B)(1)(a) above. .
3. Preparation or acquisition of grants or contracts to conduct research.
 - a) Although not required to achieve promotion and tenure, a competitive research grant at the national, state or local level will be considered as evidence of research activity in promotion and tenure decisions if it results in the publication of scholarship.
 - b) Non-competitive research grants and contracts will receive less weight as evidence of research activity.
4. The types of publications (books, articles, peer reviewed journal, law review articles, et cetera) and the approximate weight of such scholarly activity is also delineated in the Department's Annual Evaluation Criteria

under Scholarship—and these weights will be considered by reviewers in evaluating a candidate’s scholarship for tenure and/or promotion.

C. Service Activities

1. Service to the University, College, or Department.
 - a) Activity devoted to the administrative function of the Department, College, and University.
 - b) Activity that furthers the objectives of the University, College, and Department.
 - c) Seeking and developing new ways to improve performance and make contributions to the Department, College, and University.
 - d) Participation in conferences, courses, workshops, seminars, and acquisition of academic degrees designed to enhance competence and understanding of academic or scholarly material.
2. Service to the scholarly discipline.
 - a) Participation in professional organizations related to faculty members’ disciplines or general faculty roles.
 - b) Holding office in scholarly organizations.
 - c) Serving on or chairing committees in scholarly organizations.
 - d) Reviews or other critical assessments of scholarly work, including reviews of journal articles, books, and grant applications.
3. Activity that utilizes professional background and expertise in the community outside of the University.
 - a) Service to a bar association.
 - b) Presentations to community groups.
 - c) Participation on boards or working groups that seek to improve or develop legal policy.
 - d) Service on or holding office in civic organizations.

Other activities may be included by negotiation or special circumstance recognized by the Chair or the Department P&T Committee.

IV. Guidelines for Tenure

It is incumbent upon faculty to demonstrate that prior to earning tenure they have established a strong record of successful teaching, scholarship, professional development, and service activities that will be sustained throughout their academic careers. Faculty members seeking tenure shall provide evidence of achievement in the three basic categories of performance. Evidence of academic performance shall be consistent with years of experience and opportunities, and shall meet University, College, and Department expectations. Substantial achievement in both teaching and scholarship, and indications of excellence in these categories in the future are necessary for tenure. An appropriate amount of activity in professional development and service is also required. To acquire tenure, faculty members

must demonstrate the potential for making a significant positive contribution to their discipline, Department, College, and University.

A. Teaching Performance

To obtain tenure, the overall quality of instruction must be at least above satisfactory. Annual assessments from the Chair (i.e., Chair's Annual Evaluation) and from the Department P&T Committee (i.e., Cumulative Progress Evaluations) may be considered by the Committee, but the quality of teaching performance ultimately will be judged holistically on accomplishments throughout the years of service, not single indicators or performance in discrete years. Evidence of quality of teaching must include student evaluations for all courses taught at the University, unless those are unavailable. Other evidence may include course syllabi, course examinations, grade distributions of courses taught, special reviews, peer visits, evidence of learning outcomes, teaching awards or other information that reflects the quality of instruction provided by the faculty member. The evidence provided will be interpreted in terms of the type of courses taught, the level of the students, instructor familiarity with the subject matter (new preparation), new course development, and other relevant information. In gauging the quality of teaching the Department Tenure and Promotion Committee may consider evidence of the candidate's command of the subject matter, ability to organize subject matter in a logical and meaningful manner, and performance in relating effectively with students.

B. Scholarship Performance

The faculty member must provide evidence of success in scholarship in order to acquire tenure. The conventional method is the publication of scholarship in law reviews; indexed, refereed journals; monographs; books; and other literary forums within the legal discipline. Faculty members must be able to demonstrate several publications in such academic forums and an established research agenda in order to be eligible for tenure consideration. Typically, a candidate should have at least five solely authored publications to be eligible for consideration. In addition, tenure-seeking faculty are expected to demonstrate senior authorship for a significant portion of the manuscripts. The quality of the scholarship demonstrated by tenure earning faculty must be above satisfactory. Annual assessments from the Chair (i.e., Chair's Annual Evaluation) and from the Department P&T Committee (i.e., Cumulative Progress Evaluation) may be considered by the Committee, but the quality of scholarship ultimately will be judged holistically on accomplishments throughout the years of service, not single indicators or performance in discrete years. While not dispositive, the successful candidate for tenure will likely have in the range of 10-12 publications upon application for tenure. The weight of any given item of scholarship will also be considered in conjunction with the Department's Annual Evaluation Criteria.

C. Service Performance

In service, tenure-earning faculty are expected to provide evidence of some service activity, particularly for the Department. While the amount of expected activity may be modest, the quality of service must be above satisfactory. Annual assessments from the Chair (i.e., Chair's Annual Evaluation) and from the Department P&T Committee (i.e., Cumulative progress Evaluation) may be considered by the Committee, but the quality of service contributions ultimately will be judged holistically on accomplishments throughout the years of service, not single indicators or performance in discrete years.

IV. Guidelines for Promotion

As with tenure criteria, the broad range of legitimate activities possible for faculty preclude extensive specification of criteria for promotion. Beyond the general criteria provided here, faculty must be considered on a case-by-case basis and are encouraged to consult with the Department Chair and Department Promotion and Tenure Committee for advice.

A. Associate Professor

1. The expectations for promotion to the rank of associate professor shall include the demonstration of excellence in the quality of teaching, scholarship, and service activities and the potential for continued excellence.
2. In scholarship, faculty must provide evidence of scholarship ability. Normally, although not exclusively, the primary evidence will consist of articles published in law reviews; indexed, refereed journals; monographs; books; and other literary forums within the legal discipline. Both quality and quantity are required for receipt of tenure. All faculty members acquiring the rank of associate professor must have demonstrated their ability for successful productivity in scholarship, and the potential for sustained success.
3. In service, faculty must have a strong record of excellence. This may take the form of service to the discipline, Department, College, University, or community.

B. Professor

1. To qualify for promotion to professor, faculty members must demonstrate performance in scholarship that provides them national recognition, distinguishes them from faculty of other ranks, and reflects

the potential for continued excellence. Teaching must be of sustained high quality.

2. In scholarship, faculty must demonstrate substantial successful productivity. Conventional evidence includes publications and citation by other legal scholars. Both quality and quantity of publications are important, and precise numbers are impossible to establish in advance. However, a substantial number of publications since promotion to Associate Professor is required. "A substantial number" is defined as number (and type) of scholarship and publication endeavors delineated on the Department's Annual Evaluation Criteria that would consistently earn the faculty member an outstanding for research on most annual evaluations.
3. In service, faculty must have a strong record of excellence. This may take the form of service to the discipline, Department, College, University, or community.

COMMITTEE PROCEDURES

- I. The Department Promotion and Tenure Committee shall be composed of the tenured faculty in the Department of Legal Studies.
 - A. For purposes of evaluating candidates seeking promotion to the rank of Full Professor, the Committee shall consist of those Legal Studies faculty members currently holding the rank of Full Professor. If there are an insufficient number of Full Professors on the Legal Studies faculty, the Dean shall choose additional Full Professor(s) from other departments to supplement the Committee.
 - B. For purposes of evaluating candidates seeking promotion to the rank of Associate Professor, the Committee shall consist of those legal Studies faculty members currently holding the rank of Associate and Full Professor. If there are an insufficient number of Associate and Full Professors on the Legal Studies faculty, the Dean shall choose additional Associate or Full Professor(s) from other departments to supplement the Committee.
 - C. For purposes of evaluating the candidate for tenure, the Committee shall consist of all tenured faculty in the Department of Legal Studies. If there are an insufficient number of tenured Legal Studies faculty, the Dean shall choose additional tenured faculty from other departments to supplement the Committee.
- II. Each fall, the Committee shall elect a Committee Chair to serve for a period of one calendar year.

- III. The Committee Chair will be responsible to call meetings and perform other necessary functions associated with completion of the required forms on behalf of the Committee for tenure reviews, promotion reviews, and Cumulative Progress Evaluations (“CPE”) to advise the Department Chair of the progress of untenured faculty. The Chair will further be responsible for exercising due diligence in verifying the accuracy of the information contained in a candidate’s dossier, verifying the completeness of the dossier, and notifying the candidate if additional materials are required to be submitted. If the candidate does not submit the additional materials within a reasonable amount of time, the Committee will proceed with its review based on the documents available.
- IV. The individual elected to Chair the Committee shall assume duties immediately after being elected in the Fall Semester.
- V. After being elected in the Fall Semester, the Committee Chair shall contact the Department Chair and request the names of faculty who require review during his/her tenure as Committee Chair.
 - A. If faculty members are to undergo a final review for the decision on tenure or promotion, a panel of outside reviewers for each faculty member will be required. Under the University policies governing Promotion and Tenure, the Committee and the Department Chair are to create a panel of at least four outside reviewers to be presented to each candidate for tenure or promotion. Candidates are to select at least two names from this panel. In turn, the Committee shall select at least two names from the panel of at least four names submitted to the Committee by each candidate.
 - B. In January the Committee Chair shall convene a meeting of the Committee, excluding the faculty member being considered for promotion and/or tenure, to establish the panel of names of outside reviewers. Alternatively, the panel of names of outside reviewers may be developed through electronic communications as described in the procedures below.
 1. The Committee Chair shall solicit nominations for external reviewers from the Promotion and Tenure Committee and from the Department Chair.
 - a) The period for nominations shall remain open for at least one week and shall have a definite closing time and date.
 - b) The Department Chair and members of the Department Promotion and Tenure Committee may nominate as many potential reviewers as they wish.

2. When the nominations have closed, the Committee Chair shall provide a list of all nominees to the Department Chair and all members of the Department Promotion and Tenure Committee.
 3. The Committee Chair shall request that the Department Chair and all members of the Department Committee vote for no more than four nominees.
 - a) The nominees receiving the most votes will comprise the list of potential external reviewers to be submitted to the candidate.
 - b) In the event of tie votes that make it impossible to identify the top nominees, the Committee Chair will submit the list of tied nominees to the Department Committee and Department Chair, and ask that they vote for only one nominee. These results will be used to determine the top nominees.
 - c) If the initially chosen reviewers decline to provide reviews, they shall be replaced successively with each nominee with the next highest number of votes.
- VI. The Committee shall meet in the Fall Semester in accordance with the University deadlines to consider candidates for promotion and/or tenure and make appropriate recommendations. The Committee Chair shall facilitate these meetings. All material submitted for review by each candidate is the responsibility of the candidate in consultation with the Department Chair.
- VII. In January, the Committee Chair shall call for portfolios from untenured faculty to be reviewed for purposes of the Cumulative Progress Evaluation. The deadline for submission of the portfolios shall be no later than the end of January. The information requested shall include:
- A. Sections on teaching, scholarship, and service.
 - B. A current vita.
 - C. A statement or narrative in which the person can explain or expand on his/her activities.
 - D. Copies of all Student Perception of Instruction ("SPI") summaries since beginning at UCF.
 - E. Copies of the SPI department averages for each term.
 - F. A list of all courses taught, by term, and their enrollment (designate as graduate or undergraduate).
 - G. Grading distributions for all courses taught.
 - H. Summary of scholarship productivity, which lists publications, works accepted for publication, works being considered for publication, works in progress and research agenda.
 - I. Copies of all Annual Evaluations and Cumulative Progress Evaluations since beginning at UCF.

- J. Multiple samples of scholarship, if available.
- K. Evidence in support of claims of conference attendance, workshop participation, teaching awards, publication acceptance, service contributions, etc.

VIII. Committee Procedures and Voting

- A. All Committee votes pertaining directly to Committee personnel recommendations shall be conducted by secret ballot.
- B. For purposes of voting, a quorum shall be two-thirds of the number of Committee members eligible to vote, but no less than three members.
- C. Decisions and recommendations of the Committee shall be the result of a simple majority vote.
- D. The Committee Chair shall be responsible for drafting the language in the CPE and the Analysis of Faculty Candidacy Form, giving a full and accurate assessment of a candidate's dossier, including explanations for negative votes, split votes and abstentions. The Chair must include majority and minority opinions, if any, in the reports. The explanatory language shall be approved by a majority of the Committee.
- E. The discussions in the Committee meetings shall be conducted professionally, and all Committee deliberations shall be confidential, with the exception of the written explanations supporting the Committee's vote, which shall not identify individual faculty members by name or otherwise.
- F. The Candidate's dossier is confidential, must be kept in a secure location in the Department office when not under review, and must be checked in and out by voting eligible faculty. Multiple copies of the dossier should not be made. The dossier may not be taken off campus for review. The materials in the dossier may not be discussed or shared by email, which might result in the loss of confidentiality and subject the information to a public records request.
- G. Faculty who vote on the dossier must have personally reviewed it.
- H. The candidate may not be present during Committee deliberations, except by invitation from the Committee to answer any questions that may arise during the dossier review and Committee deliberations.
- I. For both the CPE and tenure and promotion, the evaluation is to be restricted to material contained in the dossier.

Approved by the Promotion and Tenure Committee of the Department of Legal Studies; last revised in May 2013.