

Standards for the Appointment, Retention and Promotion of Non-Tenure Track Faculty School of Law

This document memorializes and clarifies existing practices at the Law School and the University. Rules and procedures of the University of Texas at Austin and the University of Texas System guide many of these standards.

FACULTY IN RESIDENCE (APPOINTED AT LEAST 50%)

A. Appointment

1. Title

The law school uses the following titles (among those authorized by the UT System) for non-tenure track faculty members:

- Distinguished Senior Lecturer
- Senior Lecturer
- Lecturer

- Clinical Professor
- Clinical Instructor

Most faculty in the lecturer and clinical title series are appointed full-time, with a few appointed at 50% or 75%. Within the lecturer series, the initial title is assigned based on the experience of the candidate, with “Lecturer” used most frequently. Within the clinical series, the title of “Clinical Professor” is used as the initial title. The “Clinical Instructor” title is used rarely, and only for a recent graduate with a short-term appointment as a “fellow” in a clinic. Depending on their teaching role, new non-tenured faculty members are selected by the Dean after consultation with the Appointments Committee or the Experiential Education Committee (EEC). Many full-time non-tenured positions are for faculty to teach experiential courses, and the EEC conducts a hiring process for such positions in which the full faculty is typically invited to participate.

2. Length of Appointment

The standard teaching period for all faculty is nine months (the academic year), with a few faculty members also appointed to teach during the summer semester. An additional appointment (part-time or full-time) is available for clinical faculty members with ongoing clinic case/project responsibilities during the summer months.

The initial appointment period for non-tenure track faculty appointed at 50% or more is typically for one nine-month term. Subsequent appointments for full-time faculty are presumptively renewable and are for three academic years on a rolling basis, with each annual appointment including an additional year of employment; subsequent appointments for faculty

appointed at 50%-75% are presumptively renewable and are typically for two academic years on a rolling basis, with each annual appointment including an additional year of employment.

3. Responsibilities

Teaching is the primary responsibility for non-tenure track faculty. They are ordinarily expected to teach a minimum of 12 credits during the academic year. Non-tenure track faculty appointed 50% or more are also expected to engage in service. The expectations for teaching and service are reduced for such faculty when appointed at 50% or 75%.

Non-tenure track faculty appointed 50% or more are expected to participate in governance. They are included in meetings of the full faculty and eligible to vote on matters presented, with the exception of personnel issues related to the tenure track faculty or issues specifically reserved for consideration by the tenure track faculty under University rules. All full-time faculty are eligible to serve on faculty committees and expected to do so regularly, with non-tenure track faculty eligible for all committees except those dealing with the hiring, promotion, and evaluation of tenure track faculty. Non-tenure track faculty appointed less than full-time generally are not expected to serve on committees.

B. Performance Review and Retention of Faculty

The University and the Law School are committed to maintaining excellence in teaching and service by non-tenure track faculty, and resources and guidance on effective teaching are available to all faculty. The performance of every faculty member is reviewed each year for two purposes. First, the review fulfills the school's obligations under the annual review process required by the Board of Regents. Second, the review confirms whether faculty members are meeting expectations related to their responsibilities and provides information about their performance to the Dean.

1. Responsibility for Conducting Review

The teaching role of the non-tenure track faculty member determines how the individual is reviewed. The Experiential Education Committee evaluates faculty who primarily teach courses designated as experiential. The Dean and the Associate Dean for Academic Affairs together evaluate faculty who primarily teach non-experiential courses; if they are concerned about a faculty member's performance, the Dean may refer the review process to the Budget Committee.

The Dean and the Associate Dean for Academic Affairs also review the performance of newly appointed non-tenure track faculty members immediately following their initial nine-month appointment, prior to the award of a multi-year rolling appointment. Depending on the new faculty member's role, the Dean and the Associate Dean may consult with the director of the Advocacy Program, the director of the Clinical Program, or the director of the David J. Beck Center for Legal Research, Writing, and Appellate Advocacy.

2. Review Process

Typically, teaching performance is evaluated on the basis of course evaluations by students. Every syllabus is also reviewed by the Associate Dean for Academic Affairs or the Associate Dean for Experiential Education. If a faculty member is recently appointed, or a concern arises about a faculty member's teaching, or a faculty member requests teaching support, the responsible committee may undertake a more extensive review including such actions as observing class, reviewing course materials, offering teaching resources, and meeting with the faculty member.

Faculty are asked to provide an annual statement describing their service, and the statement may also address any non-law courses or unusual circumstances related to their teaching. There are many forms of valued service to the Law School, the University, the community, and the profession (see attached "Areas of Professional Service by Non-Tenure Track Faculty").

3. Evaluation

During the review process, each faculty member is placed in one of three categories: (1) meets expectations, (2) does not meet expectations (needs improvement), or (3) unsatisfactory. The result of the evaluation is communicated by the reviewing committee to the faculty member and appropriate members of the administration in writing. An individual whose annual review or performance at any time indicates to the Dean they would benefit from developmental assistance is placed on a developmental support plan (created with the Dean) and referred to available institutional support. A faculty member with a multi-year appointment ordinarily is not placed into the "unsatisfactory" category without first being placed into the "does not meet expectations (needs improvement)" category. The written communication to a faculty member in the "does not meet expectations (needs improvement)" or "unsatisfactory" categories advises the faculty member of the areas that need improvement and the basis for the evaluation. A faculty member may prepare a written response to the evaluation and submit it to the Dean. An individual whose performance is unsatisfactory for two consecutive annual reviews may be subject to disciplinary action including termination.

Given the provision of presumptively renewable and rolling multi-year appointments for non-tenure track faculty teaching at 50% or more, long-term retention is presumed and is the established practice. It is possible for the Dean (in consultation with the Office of the Provost) to transform a rolling appointment to a fixed term appointment encompassing the same number of years, but this has never occurred at the Law School.

C. Promotion

The Law School uses three available titles within the lecturer series: Lecturer, Senior Lecturer, and Distinguished Senior Lecturer. A faculty member initially appointed as a Lecturer or a Senior Lecturer may later seek promotion to a higher title based on their teaching experience and service. The promotion process is a significant undertaking overseen by the Office of the Provost, generally taking two academic years. The Tenure and Promotion Committee is responsible for gathering information and preparing statements assessing the candidate's teaching and service, and the Dean also prepares a statement. The statements and the promotion candidate's dossier are presented by the Committee in a meeting of the faculty

members who are appointed at the same or higher level as the candidate, and a vote is taken on whether to recommend the promotion. The statements, the dossier, and the result of the faculty vote are forwarded to the Provost for decision. The process follows the University's "General Guidelines for Promotion and Tenure of All Faculty Ranks," and the Director of Faculty Support and the Associate Dean for Academic Affairs are available to discuss the process with any faculty member interested in promotion.

Clinical Professor is the highest title within the clinical professor series as authorized by the UT System, and thus no promotion beyond that title is available.

ADJUNCT FACULTY (APPOINTED LESS THAN 50%)

In contrast to the model of adjunct faculty in many other parts of academia, adjunct faculty at the Law School are typically experienced attorneys with separate, ongoing professional careers. They typically teach one or two courses per year in order to share their expertise with students and help the Law School meet its teaching needs. Many adjuncts are alumni of the Law School, while a few are non-attorneys who have experience in other relevant professions. Adjunct faculty provide a valuable service to the students, the Law School, and the profession.

1. Title and Appointment

The Law School uses "Adjunct Professor" as the title for all adjunct faculty, given their significant experience. That title is the highest one within the adjunct faculty title series (as authorized by the UT System). Accordingly, no promotions are available for adjunct faculty. Adjunct faculty are appointed only part-time and typically for a fixed term of one semester, typically to teach one or two courses. Most adjunct faculty teach only one course per academic year, though a few teach a course in both semesters. Adjunct faculty generally are expected to maintain their primary employment outside the Law School.

The Associate Dean for Academic Affairs is responsible for recruiting adjunct faculty annually to help meet the school's teaching needs. The Associate Dean consults regularly with other faculty members and alumni to identify potential candidates for the position. Adjunct faculty ultimately are selected by the Dean based on the recommendation of the Associate Dean.

2. Responsibilities and Evaluation

Teaching is the only responsibility for adjunct faculty members. They do not participate in the Law School's governance and are not expected to serve on committees. The University and the Law School are committed to maintaining excellence in teaching and provide resources and guidance on effective teaching to all faculty, including adjunct faculty members.

The teaching performance of adjunct faculty members is reviewed annually prior to their reappointment. The Associate Dean for Academic Affairs reviews the performance of each adjunct faculty member in the first instance on the basis of course evaluations by students. The review process may involve consultation with the Teaching Committee, the Experiential

Education Committee, or with others involved in the selection of adjunct faculty (and the design of adjunct-taught courses) such as the director of the Advocacy Program, the director of the Clinical Program, and the director of the David J. Beck Center for Legal Research, Writing, and Appellate Advocacy. Every syllabus is also reviewed by the Associate Dean for Academic Affairs or the Associate Dean for Experiential Education.

In addition, the Law School's Teaching Committee and the Experiential Education Committee (or one of the directors of the three programs mentioned above, in certain cases) annually conducts a closer review of selected classes taught by adjunct faculty and shares the results of the review with the Associate Dean for Academic Affairs. The aim of this review process is to ensure that all adjunct faculty are visited for such a review at least every few years (or more frequently if concerns arise). The relevant Committee or one of the three program directors arranges for the review to include: examining course materials, reviewing student evaluations, observing class, and sharing any constructive feedback with the adjunct faculty member.

A small number of adjunct faculty members are appointed annually to help teach portions of courses in which other faculty members serve as the "lead" instructors. This typically occurs in advocacy or clinical courses, with the director of the respective program responsible for recruiting adjunct faculty members for this different teaching role. In those cases, the performance of the adjunct faculty member in a sub-teaching role is reviewed by the director of the relevant program in consultation with the Associate Dean for Academic Affairs.

Attachment - Areas of Professional Service by Non-Tenure Track Faculty

There are many forms of valued service. The list below is not exhaustive, and faculty are encouraged to report any service activities they believe should be considered.

- a. **Service to the Law School.** Possibilities include serving on or chairing a law school committee; acting as an advisor to 1Ls or a student group; organizing or participating in events; speaking at orientation or prospective student events; and activities supporting centers and departments (such as Admissions, Career Services, or Alumni Relations).
- b. **Service to the University.** Possibilities include serving on a University committee (or committees in other schools/departments within UT); working on an interdisciplinary project; serving on a dissertation committee; and teaching in other parts of the University.
- c. **Service to the Bar.** Possibilities include work related to CLE programs, Bar organization task forces/committees, and law-reform activities.
- d. **Pro bono service.** Possibilities include providing direct pro bono service or assisting with pro bono activities undertaken by students, colleagues, or the Mithoff Pro Bono Program.
- e. **Scholarship.** Possibilities include printed or online written contributions in: books and treatises, law reviews and journals, CLE materials, amicus briefs, manuals and teaching materials made publicly available, articles for the popular press, and research project reports. Include information about where the scholarship was published, noting if the work was co-authored.
- f. **Grants.** Possibilities include receiving a new grant or conducting work pursuant to a prior grant. Identify the grantor, the nature of the work, and the amount and duration of the grant.
- g. **Service to a professional field or to the public interest.** Possibilities include giving lectures or trainings; participating on a panel; writing published op-eds; blogging on professional topics; organizing conferences or other events; providing professional analysis quoted in journalism; providing testimony before a legislative or similar body; and serving on the board of directors or an advisory group for an organization involved in law-related activities.