

**Loyola University New Orleans  
College of Law**

**Statement of Standards for Promotion and Tenure**

**Effective Date: September 21, 2009**

**I. Introduction**

This document describes the standards and process used by Loyola University New Orleans College of Law to evaluate candidates for promotion and tenure. This statement is intended to meet and expand upon the general criteria set forth in the Loyola University New Orleans Faculty Handbook (Spring 2008) (“University Faculty Handbook”). The reader is advised to review the University Faculty Handbook in its entirety. To the extent that any statement here is inconsistent with that handbook, the handbook prevails.

This statement will expire ten years following its effective date. If the faculty does not adopt a new or revised statement before that date, this statement will remain in effect on an interim basis until a new statement of standards for promotion and tenure is adopted and becomes effective.

The provisions on timing in Part II will apply to all candidates for promotion or tenure who were hired as tenure-track faculty members after the effective date, and to any other candidate who chooses to have one or more of the provisions apply in his or her case. The standards for tenure in Part III of this document will apply to all candidates for tenure who were hired as tenure-track faculty members after the effective date, and to any other candidate for tenure who chooses to have these standards apply. The standards for promotion to associate professor in Part IV of this document will apply to all candidates for such promotion who were hired as tenure-track faculty members after the effective date, and to any other candidate for such promotion who chooses to have these standards apply. The standards for promotion to full professor in Part IV of this document will apply to all candidates for such promotion who received tenure after the effective date, and to any other candidate for such promotion who chooses to have these standards apply.

In contrast, Part V of this document will apply to all candidates after the effective date, regardless of when the candidate was hired.

**II. Timing**

**A. General Rules**

The ordinary faculty are those faculty members who are tenured and those whose time in rank accrues toward tenure. Each non-tenured member of the ordinary faculty is

considered to be on probation. The normal schedule for considering ordinary faculty for promotion and/or tenure is as follows.

*Applying for promotion to associate professor.* At a minimum, an assistant professor must have completed two years of qualified service, as defined in Sections II.B and II.C, to merit consideration in the third year for promotion in the fourth year. University Faculty Handbook, 4-3 n.2 (stating policy for College of Law). Previous experience, either on a law faculty or in other significant professional positions (for example, a judgeship or visitorship on a law faculty), may sometimes be counted in shortening the period. *Id.* (same).

*Applying for tenure.* After five years of qualified service as an ordinary faculty member, an associate professor shall apply for tenure. The tenure decision will normally be made before the end of the sixth year of qualified service. University Faculty Handbook, 5-1. Tenure is granted after seven years of qualified service as an ordinary faculty member. *Id.*, 6-2. This section does not preclude the awarding of early tenure in exceptional cases. *Id.*, 5-1.

A faculty member may elect to apply for tenure in an earlier year, in accordance with the provisions of this document and the University Faculty Handbook. Applicants for early tenure must show exceptional accomplishments. The denial of tenure in an earlier year shall not prejudice a faculty member's case for tenure in a subsequent year. University Faculty Handbook, 5-2.

*Applying for promotion to full professor.* At a minimum, a faculty member must have completed two years of qualified service, as defined in Sections II.B and II.C, at the associate professor rank in order to qualify for promotion to full professor. University Faculty Handbook, 4-4 n.3, 4-7 n. 4 (stating policy for College of Law). The normal practice, however, is that a faculty member will have completed three years of qualified service at the associate professor rank at the University or one of equal standing in order to qualify for promotion to Full Professor. *Id.* (same). It is the expectation of the College of Law that all tenured professors will strive to become full professors.

## **B. Qualified Service and Leave Periods**

Academic leave, sabbatical leave, and leave for visitorships count as qualified service for promotion and tenure. *See* University Faculty Handbook, 4-7 n.5, 5-1, 6-7. All other leave periods (which include, but are not limited to, pregnancy leave, maternal/paternal leave, and medical/disability leave) shall not count as qualified service for tenure or promotion unless elected by the candidate in writing. *See id.*, 5-1.

## **C. Qualified Service from Another Institution**

Qualified service includes service as ordinary faculty at Loyola combined with service as ordinary faculty at other universities *provided* such service has been accepted as applicable to rank and/or tenure at Loyola by the University Provost and Vice President for Academic Affairs, on the recommendations of the dean and the Rank and Tenure

Committee of the College of Law. University Faculty Handbook, 4-1, 5-1. Such acceptance *must* be in writing and *must* occur at or before the time of the candidate's appointment to the regular faculty of the College of Law. Qualified service may count (in full or in limited ways) toward the criteria for teaching, scholarship (quantitative and/or qualitative standards), and service.

Persons with prior service on a regular faculty who are considering an appointment to the College of Law are advised to acquaint themselves fully with these procedures and to discuss them with the dean of the College of Law and the chair of the Rank and Tenure Committee *before* joining the faculty.

#### **D. Determining Rank and Tenure upon Appointment**

Determination of the rank to be offered on first appointment to the regular faculty, and of whether or not that appointment will be made with immediate tenure, will be made by the College of Law's Rank and Tenure Committee and will be determined by the criteria listed in this statement and in the University Faculty Handbook. *See* University Faculty Handbook, 4-1 n.1.

### **III. Tenure.**

#### **A. Background**

At the College of Law:

- The tenured professor makes use of professional skills, intellectual power and imagination to encourage students and others to explore widely and deeply in the field of law.
- The tenured professor engages continually in the process of examining significant issues of law and legal institutions.
- The tenured professor devotes time and effort to the activities of the College of Law and the University and contributes expertise through discipline-based service; this includes efforts to improve the law or legal education individually or through participation in local, state, national, and international associations of lawyers, legal academics, law reformers, or similar institutions.
- The tenured professor acts with academic and professional integrity.

The criteria for tenure set forth below are based on this belief.

#### **B. Standards for Tenure**

The work of all candidates for tenure will be assessed under the criteria that follow, subject to and consistent with the University Faculty Handbook.

According to the University Faculty Handbook, evaluation of tenure must take into account the qualifications of the candidate and the needs of the University. University Faculty Handbook, 5-1. The qualifications of the candidate are assessed according to the candidate's educational background, teaching, scholarship, and service. *Id.* The following criteria for tenure relate to the areas of educational background, teaching, scholarship, and service.

### **1. Educational Background**

Each candidate for tenure shall have a formal and strong educational background that equips the candidate to fulfill his or her duties as a tenured faculty member described in section III.A. of this document. Generally, a candidate will have a J.D., a Ph.D., and/or other advanced degree or its equivalent, such as an S.J.D, LL.M. or D.Phil.

### **2. Teaching**

Each candidate for tenure shall have demonstrated high competence in furthering the teaching mission of the College of Law. Effective teaching can take many forms, but all successful forms are based on preparing the students to undertake strong analysis and synthesis, interest in students and in teaching, and the ability to generate enthusiasm and informed discussion in the classroom.

In evaluating a candidate's teaching, evaluators should consider (among other things), the degree to which a candidate:

- shows mastery of the subject matter;
- effectively leads classroom discussion;
- encourages active learning in the classroom;
- prepares students to plan and manage their time well (so-called "time on task");
- communicates high expectations;
- respects diverse talents and ways of learning;
- employs innovative instructional materials and techniques (where appropriate);
- makes ample time available to students;
- shows a willingness to carry a fair share of the College's course offerings;
- offers make-up classes when classes are cancelled;

- submits course grades in a timely fashion;
- demonstrates favorable performance in student evaluations and peer evaluations; and
- receives special recognition for effective teaching, such as an award or other public honor.

The faculty recognizes that candidates will never be identically situated in terms of course responsibilities. Some candidates may teach courses with large enrollments or courses that require more regular individual advising. Some candidates may be asked to teach courses with which they are less familiar or that they have not taught before. In reviewing a candidate's teaching, evaluators should take factors like these into account.

### **3. Scholarship**

Research, writing, and dissemination of the results of research about law, legal institutions, and related subjects, as well as application in the professional context of this knowledge, are critical both to advancing scholarly understanding and to effective teaching and advancing the profession of law. In determining whether a candidate excels in scholarship, it is important to assess his or her work in terms of past performance and future promise.

#### **a. Quantitative Standard**

By November 1 of the academic year in which a candidate is evaluated, he or she must have completed and already have had accepted for publication at least two significant scholarly articles or the equivalent.<sup>1</sup> These works must have been completed during a

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<sup>1</sup> Here the equivalency must be measured in terms not only of volume, but also difficulty, scope, and ambition. Other creditable forms of scholarship will normally include books, monographs, treatises, or chapters in a scholarly compilation. While the faculty cannot answer all questions that will arise about the form of scholarly work, a few specific comments on certain forms can be made.

*Casebooks.* Like any other publication, a casebook will be judged by whether it is a work of high quality and whether it makes a significant contribution. Casebooks that offer a mere compilation of court decisions would rarely provide the candidate an opportunity to display the candidate's own intelligence and perception in the manner that evaluators will be seeking in a candidate's early scholarship. Such books will carry only limited weight. On the other hand, a casebook that contains especially extensive and perceptive note material or that brings together the texts in a field in an innovative and insightful manner can carry substantial weight. Candidates should beware that innovative casebooks with abundant note material often take much more time and effort than is originally foreseen.

*Editorships of books.* Editing a compilation of chapters or essays in one's scholarly field can be a satisfying and important part of a scholar's career. But such works do not normally give evaluators enough insight into the research and analytical skills of a candidate. For this reason editorships of books will seldom count toward the quantitative standard. Where appropriate, such works may be considered under the qualitative standard set forth in Part III.B.3.b. of this document. In such cases, the quality of an editorship will be evaluated according to the same standard as other submitted works, that is, its original contribution to the scholarly understanding of the subject matter whether in theory or in application.

candidate's qualified service as permitted by the Faculty Handbook, *provided* such service has been previously accepted as applicable to tenure at Loyola by the dean of the College of Law, the Provost, and the Vice-Provost. Works previously credited toward a candidate's earlier promotion to associate professor shall be credited toward the quantitative tenure standard. The quantitative standard is only a threshold; the ultimate question is whether the candidate's record of achievement and promise satisfy the articulated qualitative standard.

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*Legal pleadings or legislative material.* Legal pleadings and legislative material can significantly contribute to an academic field, the legal profession, or the community at-large. However, the scope, purpose, methodology, and audience associated with these works are often so different from traditional scholarship as to make equivalency hard to judge. Thus, these works will seldom count as the equivalent of scholarly articles in satisfying the quantitative standard. Where appropriate, such works may be considered under the qualitative standard set forth in Part III.B.3.b. of this document. In such cases, the quality of legal pleadings and legislative materials will be evaluated according to the same standard as other submitted works, that is, their original contribution to the scholarly understanding of the subject matter whether in theory or in application.

*Articles published in an on-line scholarly publication.* Scholarly media are changing rapidly. Today some excellent scholarly publications are now offered exclusively on-line. Candidates should seek the best scholarly forum for their work, whether in print, on-line, or both. Evaluators obviously consider the quality and reputation of journals in which a candidate's work appears. But the medium itself (print or electronic) is irrelevant.

*Other forms of electronic publication.* While the lines that separate scholarly forms are blurring, publications in certain electronic forums (without concurrent publication elsewhere) will seldom count toward the quantitative standard. Such forums include a candidate's own Web site, a blog of any kind, or relatively free-access repositories like the Social Science Research Network (SSRN). Because these forums may have relaxed or, in some cases, no independent editorial review, evaluators have less information on which to judge a candidate's acceptance or influence in his or her chosen field. Where appropriate, such works may be considered under the qualitative standard set forth in Part III.B.3.b. of this document. In such cases, the quality of such work will be evaluated according to the same standard as other submitted works, that is, its original contribution to the scholarly understanding of the subject matter whether in theory or in application.

*Articles published in bar journals.* Publishing articles or essays in bar journals can significantly contribute to the legal profession and the community at-large. However, the scope, purpose, methodology, and audience associated with these works are often so different from traditional scholarship as to make equivalency hard to judge. Thus, these works will seldom count as the equivalent of scholarly articles in satisfying the quantitative standard. Where appropriate, such works may be considered under the qualitative standard set forth in Part III.B.3.b. of this document. In such cases, the quality of a work appearing in a bar journal will be evaluated according to the same standard as other submitted works, that is, its original contribution to the scholarly understanding of the subject matter whether in theory or in application.

*Co-authored work.* Such work poses a dilemma. New faculty members can benefit greatly by collaborating with other colleagues or with scholars in other disciplines. However, when a candidate's portfolio rests largely on co-authored work, evaluators can have difficulty discerning the particular contributions of the candidate. During a candidate's pre-tenure period, co-authored projects should be chosen with care.

## **b. Qualitative Standard**

The quality of a candidate's work is the most important single factor in evaluating a candidate's scholarship in connection with the tenure decision. High quality scholarship requires rigorous analysis. Today there are many categories of insightful and valuable legal scholarship including (but not limited to) doctrinal analysis, legal theory, interdisciplinary studies, empirical research, research that considers the special issues of civil law systems and "mixed-jurisdiction" systems, and research that considers legal rules and institutions outside the United States. The College of Law encourages these and other forms of high-quality scholarship relevant to the ongoing practice or the development of law.

In evaluating scholarly research and writing by a candidate who substantially draws upon other scholarly disciplines (such as those in the humanities, the social sciences, or the physical and natural sciences) the Rank and Tenure Committee should consider indicia of scholarly achievement relevant to those disciplinary fields in addition to the indicia normally considered for candidates in the College of Law, where doing so may illuminate aspects of achievement not emphasized by the College of Law's normal indicia.

No matter the type of scholarship, a candidate's body of work must demonstrate the intelligence, care, and perception that one would expect of a person on the way to becoming a contributing scholar. The candidate's body of work must make a substantial contribution to the field and/or the profession, and suggest a strong likelihood of future productivity. Works previously credited toward a candidate's earlier promotion to associate professor may also be credited toward the qualitative tenure standard.

In applying the qualitative standard, evaluators may consider *all* legal scholarship (or its equivalent) produced by the candidate, including (if the candidate so chooses) works published before the candidate joined the faculty or drafts of works not yet published but intended for publication. In applying the qualitative standard, evaluators should consider the following factors (among others):

- clarity of expression;
- analytical rigor;
- scope and depth of subjects covered;
- difficulty, complexity, relevance and importance of the subject matter; and
- originality of the work.

## **4. Service**

Much of the educational and scholarly work of the College of Law and the University

depends on the faculty's involvement in institutional activities including (but not limited to), attending faculty meetings, serving on committees, advising students and student organizations, mentoring junior faculty, reaching out to alumni, taking on occasional administrative responsibilities, and contributing to the overall intellectual life of the campus. In so doing, faculty members are expected to act in a professional manner.

Faculty members are also expected to contribute service in the profession and the community at large. Such service may include (but is not limited to) producing educational materials for lawyers or the public; participating in discipline-based regional, national, and international organizations; delivering speeches; writing briefs; writing for non-scholarly publications such as newspapers, popular magazines, or blogs; working with bar associations, judicial commissions, professional organizations, or policy institutes; serving on advisory or governing boards of professional organizations; drafting legislation; serving the government; offering pro bono legal service; or contributing other forms of voluntary service to the community, the state, the nation, or the global community. See University Faculty Handbook 4-4.

For the tenure candidate, it is expected that the bulk of one's service commitment will be met through activities encouraged by the College of Law and the University, and as endorsed by the University Faculty Handbook.

No matter the type of service, a candidate's activities must demonstrate the dependability, commitment, and professionalism that one would expect of a person on the way to becoming a valuable member of the Loyola faculty.

In evaluating the public service by a candidate who works within other scholarly disciplines, the tenured faculty should consider indicia of public service relevant to those disciplinary fields in addition to the indicia normally considered for candidates at the College of Law.

#### **IV. Promotion**

Candidates for promotion to either associate professor or full professor must have fulfilled the necessary qualified service set forth in Part II of this document. In addition, the following standards must be met.

##### **A. Standards for Promotion to Associate Professor**

Candidates for promotion to associate professor shall excel in teaching, scholarship, and service. University Faculty Handbook, 4-3, 4-4.

##### **1. Teaching**

The candidate shall effectively fulfill the teaching standards described for tenure in Part

III.B.2 of this document.

## **2. Scholarship**

By November 1 of the academic year in which a candidate is evaluated, he or she must have completed and already have had accepted for publication one significant scholarly article or the equivalent. (For guidance, see note 1, *supra*.) In applying this quantitative standard, only a work or works completed after a candidate has joined the tenure-track faculty may be considered. The quantitative standard is only a threshold; the ultimate question is whether the candidate's record of achievement and promise satisfy the articulated qualitative standard.

The candidate shall effectively fulfill the qualitative scholarship standards described for tenure in Part III.B.3 of this document.

## **3. Service**

The candidate shall effectively fulfill the service standards described for tenure in Part III.B.4 of this document.

### **B. Criteria for Promotion to Full Professor**

Candidates for promotion to full professor shall excel in teaching, scholarship, and service. University Faculty Handbook, 4-4, 4-5.

#### **1. Teaching**

The candidate shall fulfill with distinction the teaching standards described for tenure in Part III.B.2 of this.

#### **2. Scholarship**

By November 1 of the academic year in which a candidate is evaluated, he or she must have completed and already have had accepted for publication four significant scholarly articles or the equivalent (for guidance, see note 1, *supra*). A maximum of three works out of the four may be works previously credited toward a candidate's application for tenure. At least one work out of the four must be new. This means it must have been accepted for publication after the date on which the candidate's tenure was approved by the University and must not have been used in meeting the candidate's quantitative standard for receiving tenure. The quantitative standard for full professor is only a threshold; the ultimate question is whether the candidate's record of achievement and promise satisfy the articulated qualitative standard.

The candidate shall fulfill with distinction the qualitative scholarship standards described for tenure in Part III.B.3 of this document.

### **3. Service**

The candidate shall fulfill with distinction the service standards described for tenure in Part III.B.4 of this document.

## **V. Duties of the Dean, Candidate, Committee, and Subcommittees**

### **A. Duties of the Dean of the College of Law**

The dean of the College of Law will give the faculty member timely notice concerning the beginning of the review process for promotion or tenure. University Faculty Handbook, 4-7, 5-2. In the case of tenure, such notice must be given by May 1 of the academic year preceding the year of a candidate's evaluation. *Id.*, 5-2. The dean will give each candidate (1) written notice that he or she is eligible to be considered for promotion or tenure; (2) all written criteria and standards for promotion or tenure that applies to the College of Law (including a complete copy of this document and a complete copy of the University Faculty Handbook); and (3) other information concerning the evaluation process. This notification and information shall afford the candidate time to prepare materials relevant to adequate consideration of his or her qualifications. *Id.*

### **B. Duties of the Candidate**

A candidate shall submit an application for promotion or tenure to the chair of the Rank and Tenure Committee on or before November 1 of the academic year in which he or she wishes to be evaluated. University Faculty Handbook, 4-7, 5-2. The College of Law requests that a candidate submit a short letter of intent to the chair of the Rank and Tenure Committee on or before May 15 of the preceding academic year to enable the chair and the candidate's subcommittee to begin preparing for the evaluation process, which includes soliciting outside reviewers. The candidate reserves the right to submit additional scholarly works until November 1.

The candidate is expected to take an active and informed role in the application for promotion or tenure. The candidate is expected to have reviewed this document, the University Faculty Handbook, and other relevant rules with care. The candidate is also expected to pay careful attention to each stage of the application process. While it is the responsibility of the Rank and Tenure Committee and its subcommittees to perform their roles without prompting, if a candidate is concerned with the pace or process with which an aspect of the review is being conducted, he or she is encouraged to speak directly with the dean, the chair of the Rank and Tenure Committee, or the chair of the candidate's subcommittee.

The candidate is also expected to provide all relevant information or materials needed by the Rank and Tenure Committee or its subcommittees in as prompt a manner as reasonable.

### **C. Duties of the Chair of the Rank and Tenure Committee**

The chair of the Rank and Tenure Committee is responsible for seeing that all stages of the promotion and tenure process are implemented openly, efficiently, and fairly.

The chair is responsible for appointing and supervising each candidate's subcommittee, scheduling and conducting meetings of the full committee to evaluate candidates, and submitting a recommendation for action or inaction by January 1 of the academic year in which the candidate is evaluated.

#### **1. Appointing Subcommittees**

At the end of each candidate's first year as an ordinary faculty member, the chair of the College of Law Rank and Tenure Committee ("Rank and Tenure Committee") shall appoint a subcommittee for each candidate. Each subcommittee will help the Rank and Tenure Committee evaluate the assigned candidate's future applications for promotion and the application for tenure.

Each subcommittee will consist of three members of the Rank and Tenure Committee, two chosen by the committee chair and one chosen by the candidate. At least one member of the subcommittee should share an area of teaching expertise of the candidate's. The chair of the Rank and Tenure Committee will appoint the chair of each subcommittee.

#### **2. Submitting a Recommendation for Action or Inaction**

The chair of the Rank and Tenure Committee is responsible for preparing the Rank and Tenure Committee's recommendation and rationale in writing and sending it, with the entire written record, to the dean and the candidate by January 1. University Faculty Handbook, 4-8, 5-3.

### **D. Duties of Subcommittees**

Each subcommittee will serve as a mentoring body for the candidate and will provide candidates information about the Rank and Tenure Committee's process of evaluation, the relevant requirements and standards of the College of Law, and the relevant requirements and standards of the University.

With the assistance of the candidate, each subcommittee will compile a file for its candidate, containing materials related to the candidate's education, teaching, scholarship and service. As part of this process, each subcommittee will compile records of student teaching evaluations, conduct classroom evaluations, and obtain outside peer reviews of scholarship produced by the candidate. The chair of the subcommittee will provide the candidate's file to the chair of the Rank and Tenure Committee by December 1.

It is the responsibility of the subcommittee chair to make sure that all duties of the subcommittee are accomplished in a prompt and professional manner.

### **1. Evaluating Teaching**

A subcommittee is responsible for reviewing the teaching of its assigned candidate. In doing so, the subcommittee should consider the following items, among other materials:

- a statement of the candidate's pedagogical goals and methods;
- materials prepared and used by the candidate in teaching including course descriptions, syllabuses, final examinations or other forms of assessment, and any other relevant instructional materials;
- peer teaching evaluations; and
- student evaluations.

Each subcommittee member should observe a candidate's classroom teaching at least once each academic year during the candidate's probationary period. Evaluations of these observations will be made in writing. Subcommittee members should feel free to discuss their observations with the candidate.

Each subcommittee will also assemble student teaching evaluations for all classes taught during the probationary period for which such evaluations are available. For candidates who have been credited with quality service years accrued as an ordinary faculty member at another institution, student teaching evaluations from classes taught during the credited years will also be included if they are available.

### **2. Evaluating Scholarship**

A subcommittee is responsible for reviewing the scholarship of its assigned candidate. In doing so, the subcommittee is expected to rely on its own evaluation of the scholarship file as well as evaluations and measures from outside sources. Each subcommittee member is charged with carefully reading all materials in the scholarship file, with an eye toward applying the relevant scholarship standards. The subcommittee will also rely heavily on outside peer reviews.

Applications for promotion or tenure must include reviews from at least three external reviewers of relevant expertise who are tenured at their own institutions, with a rank at or above the rank to which the candidate has applied. The subcommittee will choose all of the external reviewers except for one; the candidate has the right to select the remaining reviewer. Thus if three external reviewers will be used, the subcommittee will select two, and the candidate will select one.

The subcommittee may determine what works (or combination of works) each reviewer will evaluate. However, each significant scholarly article must be evaluated by at least two external reviewers.

Obtaining external peer reviews for candidates is an important but sometimes time-consuming task. A subcommittee chair should be aware of the many complications that may arise and take care to begin the process of securing reviewers as soon as possible. The subcommittee chair should communicate regularly with the candidate about the candidate's publication schedule. Normally, the subcommittee chair will begin securing an external reviewer for a scholarly work as soon as it has been published. A candidate should thus provide the chair of his or her subcommittee with a copy of any published work as soon as it is available.

Each subcommittee chair is responsible for writing to the external reviewers and explaining the relevant standards to be used by the reviewer in evaluating the candidate's written work.

A copy of the letters sent to reviewers should be kept with the candidate's file, to be forwarded to the dean who is then required to forward the file to the University Office of the Provost and the Vice President for Academic Affairs.

### **3. Evaluating Service**

A subcommittee is responsible for reviewing the service of its assigned candidate. In doing so, the subcommittee may refer to (among other things) the candidate's description of his or her service, communication with persons familiar with the candidate's service, and any material produced by the candidate or about the candidate's service (CLE materials, conference materials, Op-Eds, newspaper articles, policy papers, on-line material, blogs, etc.).