

BYLAWS OF THE PROMOTION &  
TENURE COMMITTEE  
ADOPTED BY COMMITTEE: MAY 2, 1997  
REVISED APRIL 08, 2010, OCTOBER 30, 2014

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## I. The Purposes of the Promotion and Tenure By-Laws

1. To develop and articulate standards for faculty development,<sup>1</sup> tenure, and promotion.<sup>2</sup> These standards will embody the school's accepted values in the areas of:
  - a. teaching
  - b. scholarship
  - c. service
2. To develop and articulate procedures that are:
  - a. clear
  - b. fair
  - c. logical
3. To enable the candidate to:
  - a. know the school's expectations.
  - b. hear criticisms of his/her performance, and suggestions for the future.
  - c. respond in a timely and meaningful fashion.

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<sup>1</sup>See Chancellor's Memorandum No. 77(3) (1/19/95), "Evaluations are one part of the professional development of faculty and should include established procedure for assisting faculty in their professional development. "

<sup>2</sup>See Executive Order 6a, Policy and Procedure for Promotion and Tenure (September, 1992).

## II. Construction of the Promotion and Tenure By-Laws

1. The main text of the Promotion and Tenure By-Laws represent the usual practices of the School of Law.
2. The footnotes of the Promotion and Tenure By-Laws serve three functions:
  - a. To identify University Rules that govern the promotion and tenure process;
  - b. To clarify specific factual sections of the Promotion and Tenure By-Laws; and,
  - c. To indicate that in exceptional circumstances certain requirements provisions may be modified.
3. The footnotes do not create an entitlement in the case of any individual candidate. All candidates are urged to regard the text unmodified by footnotes as the standards they must meet for promotion and tenure.

### III. Advisors

1. Each tenure-track<sup>1</sup> faculty member and each announced candidate for promotion shall have an appointed advisor.
2. The chairpersons of the Promotion and Tenure Committee<sup>2</sup> will make the appointments of the advisors in the first week of the fall semester or earlier, if necessary.<sup>3</sup> The appointees shall be tenured members of the committee in all cases, and full professors in the cases of tenured candidates for promotion.
3. An advisor shall be responsible for:
  - a. reviewing a class of the advisee each semester. The advisor will discuss the results of the class with the advisee and write an evaluation which will be filed with the chairs of the committee and made available to the advisee.
  - b. participating in the discussion of the advisee's performance in the annual review by a subcommittee.
  - c. preparing a subcommittee report.<sup>4</sup>
  - d. presenting the subcommittee's conclusions to the full committee.

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<sup>1</sup>"Tenure-track" means the same as "untenured but regular." See The Collected Rules and Regulations of the University of Missouri, Section 310.020 B-1a.

<sup>2</sup>The "chairpersons of the Promotion and Tenure Committee" are occasionally referred to as "the chairs" or "co-chairs" in these by-laws.

<sup>3</sup> Advisors may be re-appointed if the advisor, advisee, and chairs concur. It is presumed that the advisor in the year preceding the year of tenure or promotion decision will be re-appointed for the decision year in order to maintain needed continuity.

<sup>4</sup>See *infra*, XIV.

- e. discussing the full committee's report with the advisee and formulating goals that will deal with deficiencies and maintain strengths and areas of progress.<sup>5</sup>
4. An advisor will have special responsibilities in the year of tenure or promotion as part of a promotion or tenure subcommittee.<sup>6</sup>
5. A tenured associate professor will ordinarily not have an advisor and will not be evaluated by the subcommittee until or unless he/she announces a candidacy for promotion.<sup>7</sup> When a tenured associate professor formally announces an intention to seek promotion, an advisor will be appointed and the review processes of these by-laws will be applied. The formal announcement must be made before the end of the second week of the fall semester in the year prior to the year of decision.<sup>8</sup>

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<sup>5</sup> See *infra* at XIV. See also Chancellor's Memorandum No. 77.

<sup>6</sup> See *infra* at XII, XIII.

<sup>7</sup> See Dean's memos of October 20, 1994, and May 4, 1995. The tenured faculty member will be evaluated by the Dean as part of the Annual Performance Review and the committee will be involved only if the Dean deems it necessary. See *infra*, XVIII, Review of Tenured Faculty.

<sup>8</sup>The reason for the requirement of a year's notification of an intention to seek promotion is to allow for a full evaluation of teaching, service, and scholarship. The "year of decision" is the academic year in which the application for promotion or tenure is formally decided by the Promotion and Tenure Committee, the Dean of the Law School, and ultimately, the University.

## IV. Peer Teaching Review

1. There shall be peer teaching reviews of every tenure-track faculty member each semester by the advisor and one other tenured faculty member appointed by the chairpersons of the Promotion and Tenure Committee. There may be peer review by any other member of the Promotion and Tenure Committee.
2. The review dates should be pre-arranged or within a pre-arranged period<sup>1</sup> and the advisee should have the option of furnishing materials and discussing objectives and results.
3. Each designated viewer shall prepare a written evaluation of the class, furnish a copy to the advisee, and file the report with the committee.
4. The advisee shall have the option of requesting and receiving an additional written review, the ability to supplement the peer teaching reviews by providing a video of a class to the committee, and the right to respond to the review in writing.<sup>2</sup>
5. There will be no regular peer teaching review of tenured faculty members not seeking promotion.<sup>3</sup> After a tenured faculty member announces an intention to seek promotion, the chairpersons of the Promotion and Tenure Committee will

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<sup>1</sup>The law school values an open educational atmosphere, and the general opportunity to observe, learn from, and contribute to the classes of the various faculty members. Thus, as a general proposition, unannounced visitation of the classrooms is expected and encouraged. When, however, a formal written review bearing on the promotion or tenure decision is to follow the particular visitation, it is felt that advance notice and the opportunity to preestablish objectives and context is warranted. The review date will ordinarily be pre-arranged but it is possible that visitation may occur within a pre-arranged period not to exceed two weeks in length.

<sup>2</sup>See *infra*, XV.

<sup>3</sup>See *infra*, XIII.

appoint an advisor<sup>4</sup> and one other tenured full professor who will perform peer teaching review responsibilities as provided in paragraphs 2 through 4, above.

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<sup>4</sup>See supra, III.

## V. Student Comments on Teaching

1. There will be an opportunity for anonymous commentary on the teaching of all faculty members by the students of each class, near the end of the semester, on a form approved by the Law School and consistent with University standards.<sup>1</sup>
2. The student commentary and a statistical summary shall be maintained by the administration and made available for committee and subcommittee decisions on promotion, tenure, annual review, and re-appointment.

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<sup>1</sup> See Executive Order, No. 6a, Policy and Procedure for Promotion and Tenure (September, 1992), at page 7.



## VI. Committee and Subcommittee Teaching Review

1. A yearly evaluation of the teaching of each untenured faculty member will be made by the subcommittee.<sup>1</sup>
2. A cumulative evaluation of teaching will be made as part of a tenure candidacy, and as part of an application for promotion.<sup>2</sup>

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<sup>1</sup>See XIV. Procedure of the Annual Review Subcommittee.

<sup>2</sup>See XIII. Procedure of the Promotion and Tenure Subcommittee. The AALS Committee stated that student evaluations should be kept in context. If a faculty member elicited diverse reaction--very favorable and very negative comments, there should be disaggregation. Reasons for the bipolar division should be examined. See "Report of the AALS Special Committee on Tenure and the Tenuring Process" 42 Journ. of Leg. Ed. 477 (1992) (Hereinafter, AALS Report).

## VII. Standards of Teaching<sup>1</sup>

1. All faculty members, including candidates for promotion and tenure, are expected to demonstrate:
  - a) a commitment to teaching
  - b) a thorough understanding of the subject matter taught
  - c) an ability to communicate
  - d) thorough preparation
  - e) fair treatment and appropriate evaluation of students
  - f) a capacity to inspire learning, diligence, intellectual rigor, and professional integrity.
2. Teaching and scholarship are regarded as the primary determinants for a favorable recommendation on promotion or tenure.<sup>2</sup>

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<sup>1</sup> Much discussion focuses on the pedagogic desirability of particular teaching techniques, such as lecture, interaction, Socratic dialogue, or problem resolution. It is recognized by the Committee that many methods can, should, and do play a role in the teaching process and no one approach is inherently or consistently superior. Therefore, the evaluations will be based on the more abstract but relevant criteria listed in 1, above.

<sup>2</sup> See Chancellors Memorandum No. 35 which states "Outstanding intellectual qualities as reflected in teaching and scholarship are the primary criteria for recommendation for promotion or tenure." Executive Order, No. 6a, states "In unusual circumstances tenure may be recommended for demonstrated excellence in teaching, even in the absence of significant published research." at page 8.

## VIII. Scholarship Evaluation

1. The scholarship of untenured faculty members shall be reviewed on a yearly basis by the subcommittee.<sup>1</sup>
2. The scholarship of candidates for tenure or for promotion will be reviewed in the following fashion during the winter semester and summer preceding the year of decision:<sup>2</sup>
  - a) the chairpersons of the Promotion and Tenure Committee will appoint one internal evaluator from the committee who will read a work selected by the candidate and prepare a written review which will be considered by the tenure or promotion subcommittee and made available for consideration by the full committee.
  - b) a minimum of three external evaluators will assess one or more of the candidate's works, as well as scholarly activity in general, teaching and service, and prepare a report to be considered as part of the candidate's application.<sup>3</sup>
  - c) members of the subcommittee on promotion or tenure<sup>4</sup> will, and members of the full committee should, independently, review the scholarship of candidates for promotion or tenure as well as consider the written reviews.

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<sup>1</sup>See infra, XIV.

<sup>2</sup>See infra, IX, especially footnote 5.

<sup>3</sup>See infra, IX.

<sup>4</sup>See infra, XIV, XV.

## IX. The Process of Selection and Utilization of External Evaluators

1. In the winter semester of the year before the year of decision for tenure or promotion, a list of potential evaluators will be assembled by the candidate's advisor, the chairpersons of the Promotion and Tenure Committee, and members of the subcommittee.<sup>1</sup> The potential evaluators must meet University guidelines as to degree, tenured status, rank, area of expertise, and institution.<sup>2</sup>
3. The preliminary list of evaluators shall be prepared with consultation from the candidate who can suggest qualified reviewers and indicate possible biased or unqualified choices.<sup>3</sup> The decision on the final list of evaluators will be made by the advisor, the chairs, and the members of the subcommittee.

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<sup>1</sup>See infra XII, XIII.

<sup>2</sup>In general, the potential evaluators must have a J.D. or other doctoral equivalents, tenure, the rank of associate professor or professor, expertise in same area as the candidate, and a position at an institution at least comparable to UMKC. An evaluator of a candidate seeking promotion must hold at least the rank that the candidate is seeking. See Executive Vice Provost Memorandum of April 3, 1995.

<sup>3</sup> See UMKC Provost's Notes on Promotion and Tenure (2009). External evaluations. Letters from external evaluators are to be obtained for all candidates. Letters are confidential, and should not be disclosed to the candidates. However, if in making a recommendation a specific letter is relied upon by the recommending body or person, the content of that letter should be disclosed to give the candidate an opportunity to respond. If part or all of the content of a letter is disclosed to a candidate, the identity of the author of the letter (as well as any information from which the author's identity could be determined) should not be disclosed. The names of the proposed and approved external evaluators are not confidential and normally are disclosed during the approval process for external evaluators. This process gives candidates an opportunity to identify persons whom they believe cannot be objective or whom they believe are otherwise inappropriate as reviewers. This paragraph is not a change in policy, but is a clarification of the scope of confidentiality in light of greater transparency outlined above.

4. The final list will be submitted to the Dean for approval<sup>4</sup> and then forwarded to the Executive Dean of Academic Affairs or appropriate University administrative official for approval. The Dean, with consultation from the chairs or subcommittee, will select three external reviewers from the approved list and make formal contact with them.<sup>5</sup>
5. Outside evaluators will receive:
  - a. the candidate's updated curriculum vitae;
  - b. access to all the candidate's scholarship, even if asked to review only a part of it; and
  - c. a summary of the candidate's teaching evaluations.
6. Outside evaluators will be asked to indicate, in the review, whether the candidate's achievements would meet the basic qualifications for tenure or promotion at UMKC.<sup>6</sup>

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<sup>4</sup> The duties indicated as those of "the Dean" may often be executed by either the Dean of the Law School or the Associate Dean of Faculty Services. On critical decisions such as tenure, promotion, or re-appointment, however, it would seem necessary for the Dean of the Law School to maintain responsibility. Note that the Vice Provost is now referred to as the "Executive Dean for Academic Affairs."

<sup>5</sup> The list of potential evaluators should be prepared by the end of the winter semester preceding the year of decision. After approval of the list by the Executive Dean, the potential evaluators should be preliminarily contacted by the advisor or the chairs and the agreement of, at least, three secured (preferably before the summer recess). This will facilitate the choice of three by the Dean. The material to be reviewed can be sent out as soon as the Dean has formally contacted the evaluators, and reaffirmed agreement to evaluate. Ideally this could be done by the end of the winter semester but can be done in the early summer. To facilitate these evaluations and ensure timeliness, candidates for promotion or tenure face a scholarship deadline of July 15th in the summer before the year of decision. See *infra*, XVII (2).

<sup>6</sup> The evaluator cannot hypothetically predict whether the candidate would actually receive tenure but could indicate whether the quality and quantity of the candidate's works would meet the basic qualifications at UMKC (See Appendix I).

7. The names of the external evaluators and their reports should not be disclosed to the candidate.<sup>7</sup> The candidate should, however, receive a written summary of the evaluation, prepared by the advisor or another member of the subcommittee.<sup>8</sup>
8. The Dean may in his/her discretion offer an honorarium to external evaluators who prepare reviews.

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<sup>7</sup> See Dean's Memorandum of October 20, 1994.

<sup>8</sup> In the event that a summary evaluation is negative, fundamental fairness would require that a candidate be given a chance to respond. The confidentiality and anonymity of the evaluator must, however, be preserved. See also Section XV (2).

## X. Standards for Scholarship

1. The extensive variety of subjects and forms of legal scholarship<sup>1</sup> necessitates the application of general standards such as accuracy, integrity, comprehensiveness, creativity, and thoughtfulness.
2. To facilitate the decisions on tenure or promotion by the Promotion and Tenure Committee, scholarly works should ordinarily be either published,<sup>2</sup> or accepted for publication.<sup>3</sup> The primary concern of the scholarship standard, however, is with quality and substance, rather than form.
3. The scholarship required for promotion and tenure should be recognized by the academic and professional community beyond the law school:
  - a) For tenure, a candidate's work should be regarded as a significant contribution to the knowledge in the field.<sup>4</sup>

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<sup>1</sup>The focus of scholarship may deal with numerous aspects of the legal spectrum such as statutes, case law, policy, government, educational techniques, history, jurisprudence, and interdisciplinary linkages. Likewise, the range of scholarly methods is broad and may include empirical research, analysis, synthesis, and innovation; it can involve the practical as well as the abstract or creative. Writing for practitioners can be relevant for tenure or promotion considerations but candidates are advised that such writing should show depth, analysis, synthesis, or organization that is distinctive. Articles published in reputable academic journals other than law reviews may be treated as equivalent to articles published in law reviews.

<sup>2</sup>Published scholarly works relevant for promotion and tenure can include articles, monographs, treatises, reviews, chapters, and electronic formats. Regarding promotion to full professor, certain types of works can also rise to the level of important scholarly contributions. This might be indicated by activities such as editorship of scholarly journal, serving as an American Law Institute reporter, or equivalent contributions.

<sup>3</sup>In appropriate cases, works not yet submitted for publication may be considered. Candidates are strongly admonished, however, to seek the formal scholarly sanction provided by publication, if possible.

<sup>4</sup>See Executive Order, No. 6a, dated September 1992, page 5; *see also*, Collected Rules and Regulations, Section 320.035 B2f; and Chancellor's memorandum No. 35 (Rev. 7/7/2000).

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(Adopted 5/2/97)



- b) For promotion to full professor, a candidate's work should be acknowledged as the sustained contributions of a scholar who has achieved national distinction.<sup>5</sup>
- 4. Quantitative standards<sup>6</sup> for tenure and promotion are as follows:
  - a. Candidates hired as assistant professors and seeking tenure and promotion to associate professor<sup>7</sup> should, while in residence at the University of Missouri-Kansas City,<sup>8</sup> produce the equivalent<sup>9</sup> of a least three scholarly works which can be regarded as significant contributions to the knowledge of the field.<sup>10</sup>

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<sup>5</sup> Id, at 9.

<sup>6</sup>Scholarship is not properly measurable in terms of pages, footnotes, or number of pieces. It should be measured by the commitment and contribution to scholarly inquiry and the promise for productivity that will likely continue throughout the candidate's career. However, clarity of the quest of tenure or promotion is heightened by the admittedly artificial standard of quantity.

<sup>7</sup>Under university guidelines, the combination of the award of tenure and the promotion to associate professor is considered the normal case. See Policies and Procedures for Promotion and Tenure, September, 1992, I.A.2. If one, hired as an assistant professor, desires promotion to associate professor prior to the time of the tenure decision, the candidate may present his or her scholarship, teaching evaluations, and service record to the Dean. The Dean may then recommend the designation of Associate Professor, utilizing the same standards that are employed in decisions to make new hires at the associate professor level. See V.2.

<sup>8</sup>The work primarily considered in the tenure and promotion processes will be that completed and published while in residence. Work completed before residency at UMKC, although relevant in the evaluation of scholarly achievement, will ordinarily be deemed secondary to that which demonstrates one's actual and potential production as a UMKC faculty member.

<sup>9</sup>"Equivalent" suggests some flexibility and a candidate may satisfy the scholarship minimum with, for example, a single treatise or with more than three shorter scholarly works or reviews. The equivalent of two major scholarly works, instead of three, may suffice if the works are of exceptional quality. However, prudence and past experience would counsel candidates for tenure and promotion to meet the indicated numerical standards.

<sup>10</sup>See supra, X 3 a.

- b. A tenured candidate who seeks promotion to full professor should, while in residence, ordinarily produce the equivalent of at least two additional<sup>11</sup> scholarly works which, as a collective body, can be regarded as worthy of national distinction.<sup>12</sup>
- c. A candidate hired as an associate professor who seeks simultaneous tenure and promotion should, while in residence,<sup>13</sup> produce the equivalent of at least three scholarly works which, as a collective body, can be regarded as worthy of national distinction.
- d. A candidate hired as an associate professor who is seeking only tenure should produce, while in residence,<sup>14</sup> the equivalent of at least two scholarly works which can be regarded as significant contributions to the knowledge of the field.

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<sup>11</sup>"Additional" means completed or published after the works considered in the decision on tenure.

<sup>12</sup>See supra, X.3.b.

<sup>13</sup>See supra, note 8.

<sup>14</sup> Id.

## XI. Service

1. Service is a significant factor in the tenure and promotion of the candidate; however, by itself, it is not a sufficient ground for the award.<sup>1</sup>
2. Service can include contributions to the governance of the Law School, the administration of its programs, the functions of the student body, the University, the legal profession, the community, state and nation.

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<sup>1</sup>Service, although expected, is a secondary component of tenure or promotion. "Evidence of unusual service contributions...cannot by itself be sufficient grounds for recommendation for promotion and/or tenure." See Executive Order, No. 6a, dated September, 1992, page 8. Therefore, candidates should not undertake or be encouraged to undertake institutional or professional contributions which unduly impact the ability to satisfy the teaching and research required for tenure. The foregoing is not suggestive that service and participation in the functioning of the law school should be ignored by the candidates. Even if service, alone, may not be a sufficient basis for the award of promotion or tenure, the failure of service at a minimum acceptable level may be grounds for denial.

It is expected that service, particularly in the sense of a manifested commitment to the functioning of the school will increase after tenure and promotion. It would seem fair and, perhaps, important that the administration consider such efforts on an equal basis with scholarship and teaching while making annual salary adjustments.

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(Rev. 4/8/10; 10/20/14;

## XII. The Composition and Duties of the Promotion and Tenure Committee, and the Subcommittees

1. The Promotion and the Tenure Committee shall be composed of all tenured members of the faculty. These members will deliberate on all matters of tenure.
2. The members of the Committee, who are full professors as well as tenured, will deliberate on promotions from associate to full professorship.
3. The Dean, although a tenured member of the faculty, will ordinarily not deliberate with the committee on the promotion and tenure of particular candidates as the Dean fulfills independent functions following the recommendations of the committee. Associate Deans with tenure will deliberate with the committee although they may also perform tenure-related duties with and for the Dean.
4. The committee will be headed by co-chairs with two-year overlapping terms.<sup>1</sup>
5. The committee will be assisted by:
  - a. the advisors to the tenure-track faculty<sup>2</sup>
  - b. a Promotion and Tenure Subcommittee which will be specially appointed when a faculty member becomes a candidate for promotion or tenure. The subcommittee will be composed of three members selected by the co-chairs after consultation with the advisor and candidate. The subcommittee will generally be created in the winter semester preceding the year of decision on promotion or tenure.
  - c. The annual review subcommittees:<sup>3</sup>

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<sup>1</sup>The overlap will aid in maintaining the continuity of the process which continues throughout the school year and during the summer.

<sup>2</sup>See supra, Section III.

<sup>3</sup>The annual review subcommittee is structurally similar to the promotion and tenure subcommittee. However, it is assembled annually and its function is to review the annual progress toward tenure. In contrast, the promotion and tenure subcommittee, appointed specifically in the winter semester preceding the year of decision on promotion and tenure, will  
(Rev. 4/8/10; 10/20/14;

- 1) an annual review subcommittee will be established at the beginning of each winter semester for each tenure-track faculty member, and will serve until completion of the academic year's review process.
- 2) each annual review subcommittee will prepare the annual evaluation of the performance of its assigned tenure-track faculty member.<sup>4</sup>
- 3) the annual review subcommittee for a particular tenure-track faculty member will be composed of the faculty member's advisor and two other committee members designated by the chairs. Ordinarily, the additional two members will be the same faculty members who were chosen to perform peer review in the fall and winter semesters.

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undertake a cumulative evaluation and make the basic recommendation on the award of promotion or tenure.

<sup>4</sup>See *infra*, Section XIV, Procedure of the Annual Review Subcommittee.

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### XIII. Procedure of the Promotion and Tenure Subcommittee and Full Committee

1. The subcommittee will review all material relevant to the candidacy for tenure or promotion including:
  - a. student commentary on teaching
  - b. summary and comparison of student comments on teaching prepared by the candidate
  - c. peer evaluations of teaching
  - d. video tapes of teaching provided by the candidate, if any
  - e. scholarship
  - f. external evaluations of scholarship
  - g. internal evaluation of scholarship
  - h. completed application form for tenure or promotion
  - I. candidate statements
  - j. candidate's curriculum vitae
  - k. letters from significant recipients of candidate's service
2. The subcommittee will prepare a written report which:
  - a. summarizes and highlights the salient indicators for tenure or promotion
  - b. gives the subcommittee's favorable or unfavorable recommendation for the tenure or promotion and the reasons for its decision. In the event of a dissenting view, there can be an additional report appended to the recommendation.
3. The subcommittee's written report, and possible dissenting view, will be presented, along with the file of the candidate's materials, to the full committee:

- a. a favorable tenure decision requires a favorable majority vote of the members of the Promotion and Tenure Committee.<sup>1</sup>
  - b. promotion to full professor requires a favorable majority vote of the full professors on the Committee.
  - c. In the event the full Committee approves the candidacy, the subcommittee's written report, together with the Committee's vote and any additional commentary,<sup>2</sup> will be forwarded by the Chairs to the Dean.
  - d. If the full Committee fails to vote favorably on the candidacy, then the candidate must be given at least two weeks to provide a written response. After this, the full records from the subcommittee and full committee, together with the candidate's response, will be forwarded to the Dean.
4. The Dean shall make an independent determination on the candidacy. If favorable, then the Dean's written recommendation, the full records from the subcommittee and Committee, all relevant materials, and any commentary or candidate responses will be placed in appropriate, indexed binders by the Dean's office, and forwarded to the Executive Dean in accordance with the indicated deadlines.<sup>3</sup> If the Dean's determination is unfavorable, then the candidate must have at least two weeks to provide a written rebuttal and supporting

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<sup>1</sup> "The members" include those tenured faculty in residence at the time of the vote, whether or not officially on leave. Proxies are not allowed for absent members. Voting shall be done by secret ballot. The decision day of the full Committee should be set as far in advance as possible to facilitate planning by both candidate and Committee members. To further assure participation, the meeting time should correspond with the time frame utilized for faculty meetings.

<sup>2</sup> The Campus Promotion and Tenure Committee and the Chancellor have indicated that they will not consider unsigned minority reports. Negative votes or abstentions, however, can be reported anonymously.

<sup>3</sup> It is important that the Law School candidates' packages comply with University rules as to form, order, and timing so that the candidates' packages will be processed and evaluated by the University in an efficient and regular manner.

documentation. If the Dean's final decision is not to recommend, then the Dean will consult with the Vice Provost for Faculty Affairs, and provide appropriate notice to the candidate of a terminal appointment. The candidate may appeal directly to the Chancellor at this point.<sup>4</sup>

5. The subcommittee, with the cooperation of the candidate, the Associate Dean of the Law School and the Chairman of the Promotion and Tenure Committee, maintains responsibility for the final assemblage of the candidate's portfolio and maintains responsibility, concurrently with the Dean's office, for the transmission of the portfolio to the Vice Provost for Faculty Affairs, in accordance with the indicated deadlines for university review.

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<sup>4</sup> See University of Missouri Collected Rules and Regulations, Section 310.020 F.3.



## XIV. Procedure of the Annual Review Subcommittee and Full Committee

1. Every tenure-track faculty member<sup>1</sup> shall be evaluated in writing by a subcommittee of the Promotion and Tenure Committee on a yearly basis.<sup>2</sup>
2. The subcommittees for annual review are to be composed of three members of the Promotion and Tenure Committee and will ordinarily include the candidate's advisor and the two additional faculty members who have been assigned to review the teaching of the tenure-track faculty member. The make-up of the various annual review subcommittees will be reported by the chairpersons of the full committee at the beginning of the winter semester.
3. The annual review subcommittees will, at or before the close of the winter semester, evaluate a candidate's incremental and cumulative progress<sup>3</sup> in the areas of scholarship, teaching, and service.<sup>4</sup>
4. The subcommittees will prepare reports that indicate the group's opinion as to whether progress toward tenure in the target areas is satisfactory, unsatisfactory,

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<sup>1</sup>The review of tenured faculty members is considered in Section XVIII.

<sup>2</sup>See Chancellor's Memorandum, No. 77 (part 1).

<sup>3</sup>Incremental progress will be assessed from material and evidence obtained since the last annual review; cumulative progress will be judged from the totality of the reviewee's performance to date.

<sup>4</sup>The subcommittees will consider student evaluations, peer evaluations, works produced, works in progress, and service. They will assess strengths, deficiencies, problems, and progress. The reviewers may wish either to focus on teaching evaluations from the fall and previous winter semesters or to limit the scope of the report. The reviewee will in many, if not all, cases not have finished winter semester grading and will not have had access to the current winter semester student evaluations at the time the annual review is completed.

or needs improvement.<sup>5</sup> The reports should detail the basis for the opinion and can include dissenting opinions in each target area.

5. The full committee will vote on whether to accept the annual report or return it to the subcommittee for revision in accordance with the full committee's discussion on the merits of the report.
6. When accepted by a voting majority of the full committee,<sup>6</sup> a copy of the annual report and any responses by individual faculty members<sup>7</sup> should be:
  - a. sent to the reviewee with a cover letter from the committee chairs
  - a. placed in the reviewee's file<sup>8</sup>
  - b. forwarded to the Dean:
    - 1) The Dean may make use of the annual review, along with the annual activities report, in his or her annual decisions on re-appointment of tenure-track faculty members and changes in compensation.<sup>9</sup>

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<sup>5</sup>The purpose of the reports is constructive, informative criticism rather than extraneous praise that may mislead the candidate. Therefore, it is suggested that the evaluation of "satisfactory" should ordinarily be enough in the way of affirmative indication. In addition, the annual review should be for internal use only, and is not intended as an inclusion in the formal tenure application.

<sup>6</sup>This means a majority of those present. Votes on annual evaluation reports are informative rather than adjudicative. An additional reason for the "majority of those present" voting standards is that the vote may be taken after the end of the semester when full attendance is problematic. The language "those present" can, in contrast to formal procedures of the decision on promotion and tenure (see footnote 1, Section 13), include both those physically present at the meeting, and those communicating by proxy or electronic means.

<sup>7</sup>To facilitate forwarding to the reviewee and the Dean, responses by individual committee should ordinarily be made within five days after receipt by the reviewee. This will ordinarily be after all the reviewee's grades are turned in.

<sup>8</sup>See *infra* XIV (9)

<sup>9</sup>See "Criteria for Changes in Compensation," dated May 30, 1984.

- 2) In extreme cases of unsatisfactory performance, the annual review forwarded to the Dean can be phrased as a recommendation not to re-appoint.<sup>10</sup>
8. The report should be discussed with the reviewee by the advisor and goals established that will deal with deficiencies and maintain strengths and areas of progress.<sup>11</sup> The results of this discussion should be filed by the advisor along with the annual report.<sup>12</sup> If the advisee desires to respond to the report,<sup>13</sup> the written response will be circulated to the full committee, placed in the advisee's file along with the report, and forwarded to the Dean.<sup>14</sup>
9. A file on each tenure-track faculty member should be maintained by the Associate Dean for Faculty Services. It should include copies of all relevant materials, such as: summaries of student teaching evaluations, peer evaluations, scholarship, annual reviews, and awards. After tenure, the file will be maintained by the Associate Dean for Faculty Services.

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<sup>10</sup>See former By-Laws, page 3. See also University of Missouri Collected Rules and Regulations, Section 310.020 E.1, .2, .3, and .4.

<sup>11</sup>It bears emphasis that this non-judgmental nurture is the core of the process and represents UMKC's institutional and personal commitment to the development of new tenure-track faculty. It should be noted that the University requirements for annual review of tenure-track faculty call for a coordination of performance objectives between the faculty member and the "immediate supervisor" (see Chancellor's Memorandum No. 77, 4b). It is presumed that the "immediate supervisor" in the Law School context is the Dean and that the coordination is the Dean's annual conference. The Promotion and Tenure Committee's annual review and goal coordination will presumably parallel and compliment the Dean's review.

<sup>12</sup>See infra XIV (9).

<sup>13</sup>See infra XV (1).

<sup>14</sup>To facilitate considerations by the Dean and full committee, responses by the reviewee should ordinarily be made within five days of receipt of the evaluation.

## XV. Confidentiality, Full Disclosure, and Due Process

1. As a matter of fundamental fairness and due process, a tenure-track faculty member or a candidate for tenure or promotion should have a full opportunity to know and to defend against unfair criticism or untrue statements. Therefore, the tenure-track faculty member or candidate for promotion or tenure shall have the opportunity to receive and respond to any significant criticism that emerges during the course of his or her evaluation on annual performance, tenure, or promotion.<sup>1</sup>

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<sup>1</sup>The UMKC Provost's Notes on Promotion and Tenure (2009):

- a. **Notice of recommendations.** A copy of each recommendation from a P&T Committee, a Chair, and the Dean is to be given to the candidate promptly after each decision is made. Disclosures should include the vote tally, if a vote was taken, unless the department or academic unit guidelines require that the vote tally be kept confidential. A copy of the recommendation should be given to the candidate regardless of whether it is positive or negative and a copy is to be included in the portfolio.
- b. **Opportunity to respond.** Candidates should be given a reasonable opportunity to respond to each recommendation. This period is usually 10-14 days and should be specified in a letter to the candidate from the P&T Committee Chair or the Dean. The response from the candidate is to be added to the portfolio.
- c. **Review of responses and "appeals."** The recommendation from the lower level and the response from the candidate should be reviewed by the next recommending person or body in the review sequence. Thus, if a candidate provides a response to a Dean's recommendation, the response would be considered in the review done by the Campus P&T Committee. However, if an academic unit's by-laws, promotion and tenure guidelines, or custom and practice require that a response be considered by the committee or person that made the recommendation, that procedure may be followed.

2. In the case of external reviewers or other sources requiring confidentiality, the essential contents of such criticism will be made available by the advisor or the chair without revealing the source or specific language.<sup>2</sup>
3. The standards and procedures for the development, tenure, and promotion processes should be made available to the faculty member in a timely manner. The candidate for a faculty position should be assured that the standards and procedures in place at the time of hiring will be maintained absent good cause for change and timely, adequate notice of revision of these regulations by the Promotion and Tenure Committee.

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<sup>2</sup>See Dean's Memorandum of October 20, 1994; The UMKC Provost's Notes on Promotion and Tenure (2009):

**External evaluations.** Letters from external evaluators are to be obtained for all candidates. Letters are confidential, and should not be disclosed to the candidates. However, if in making a recommendation a specific letter is relied upon by the recommending body or person, the content of that letter should be disclosed to give the candidate an opportunity to respond. If part or all of the content of a letter is disclosed to a candidate, the identity of the author of the letter (as well as any information from which the author's identity could be determined) should not be disclosed. The names of the proposed and approved external evaluators are not confidential and normally are disclosed during the approval process for external evaluators. This process gives candidates an opportunity to identify persons whom they believe cannot be objective or whom they believe are otherwise inappropriate as reviewers. This paragraph is not a change in policy, but is a clarification of the scope of confidentiality in light of greater transparency outlined above.

## XVI. Faculty Development Policies

1. The tenure decision for assistant professors on tenure-track and the simultaneous decision on promotion to associate professor will ordinarily be made in the candidate's sixth year.<sup>1</sup> The Law School processes will generally be completed early in the fall semester of that year and the file with all relevant tenure and promotion information will be transmitted to the Vice Provost for Faculty Affairs.
2. A faculty member who arrives at UMKC with an exceptional record may receive an initial appointment as an associate professor. For those faculty members hired as tenure-track associate professors, the tenure decision will ordinarily be made in the candidate's fourth year.<sup>2</sup>
3. The period for tenure evaluation for candidates hired as assistant professors can be extended beyond the sixth year, or awarded before the sixth year, in extraordinary circumstances. Such extension must be in accord with UMKC's Extension of Tenure clock policies.<sup>3</sup>

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<sup>1</sup> See The Collected Rules and Regulations of the University of Missouri, Section 310.020, E-2. The University cautions that early decisions should not be undertaken because of market pressures. See Executive Order, No. 6a, dated September, 1992, page 5. The sixth year, thus, becomes the "year of decision."

<sup>2</sup> See Section 310.020, E.3. The tenure application in this case may, but need not be, coupled with an application for promotion to full professor. See supra X.4.

<sup>3</sup> See CRR 5310.025; see also The UMKC process for applying for a one-year extension of the tenure clock.

The UMKC process for applying for a one-year extension of the tenure clock:

- The faculty candidate writes a letter to the Dean requesting a one-year extension of their tenure clock, stating specific reasons supporting the request and how the candidate plans to utilize the additional year to progress toward tenure goals.
- The Dean then writes a letter to the Provost, stating specific reasons for supporting or denying the candidate's request. Dean should include the  
(Rev. 4/8/10)

4. The period of time for the evaluation of one hired as an associate professor and seeking tenure can be extended beyond the fourth year in accord with the process outlined in XVI (3) n.3 (supra). The period can be shortened pursuant to an agreement between the Dean and the candidate at the time of hire.<sup>4</sup>

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original tenure notification date from candidate's offer letter, details of any previous extension granted to the candidate, and specific reasons for supporting or denying the candidate's request. Dean forwards both letters via campus mail to: Vice Provost of Faculty Affairs, 342 AC 00151.

- The Provost will review the request and make a recommendation to the Chancellor, who will inform the Dean of the decision by letter.
- If the extension is approved, the Dean will provide a copy of the Chancellor's letter to the candidate, the school's Promotion & Tenure Committee, and candidate's Department Chair. Dean will forward the original letter to the school's Human Resources Facilitator (HRF).
- HRF must prepare a turnaround Data/Corr Personnel Action Form (PAF) to update the candidate's new Tenure Notification Date (PAF box #60 = always July 31 of appropriate year), effective date of the Chancellor's approval. HRF will attach original Chancellor's approval letter to the PAF and forward to Provost's office via campus mail to: Beci Edmundson, 350 AC 00143.
- If the extension is denied, the Dean provides copies of the Chancellor's letter to everyone listed above, including the school's HRF. The candidate will present the portfolio for review as originally scheduled, and no PAF change is necessary.
- CRR 310.025 Extension of Probationary Period for Faculty on Regular Term Appointment explains the regulations governing extension to the tenure clock.

#### **Extensions Due to FMLA-approved Medical Leave**

Although Extensions to the Probationary Tenure Clock due to FMLA-approved Medical Leave are automatically approved according to CRR 340.070 Faculty Leave Policy, **the complete Extension Request process as outlined above must occur** to officially document the faculty's approved Extension to the Tenure Clock.

<sup>4</sup> See Sec. 310.020, D.2.4.

5. Tenure-track faculty members should ordinarily have the opportunity for at least one semester of released time or reduced teaching assignments in order to facilitate scholarship. In addition, such persons should not generally be given extreme, overly burdensome committee or administrative assignments, or an excessive number of new course preparations.
6. It is possible for some initial appointments to the faculty to be with tenure.<sup>5</sup> Thus, an individual hired by the Law School as a full professor, as the occupant of an endowed chair, or as the Dean of the Law School will ordinarily have tenure from the outset when the process of hiring involves the same degree of examination and consent by the Law School Promotion and Tenure Committee as is required for the confirming of tenure in ordinary cases.

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<sup>5</sup>See “The Collected Rules and Regulations of the University of Missouri,” Section 310.020.D.3.



## XVII. Candidate's Responsibilities

1. Although members of the Promotion and Tenure Committee, the Law School administration, and external evaluators are charged with various duties regarding a candidate's development, tenure, or promotion, the candidate maintains concurrent responsibility for the assembling of materials and the functioning of the process and primary responsibility for the establishment of a basis for tenure or promotion. A candidate should thus be familiar with these by-laws and associated University standards and procedures.
2. Candidates must have completed the scholarship requirement and filed their works with the chairpersons of the committee no later than July 15 in the summer before the year of decision.<sup>1</sup>
3. Candidates for tenure and promotion must file their completed application forms with the co-chairs of the Promotion and Tenure Committee no later than July 15 in the summer before the year of decision.
4. Tenured candidates who are seeking promotion to full professor should, in addition to the filing requirement, announce their intention to seek promotion no later than the end of the second week of the fall semester preceding the year of decision, in order that an advisor can be appointed and peer and external reviews scheduled.
5. Tenure-track professors should file a copy of the annual activities report with the chairs of the Promotion and Tenure committee as well as with the Dean. This can then be used by the annual review subcommittee to assist in the preparation of the annual report.
- 6.

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<sup>1</sup>Although the works must be completed and filed by this date, publication or acceptance for publication anytime before final decision by the Promotion and Tenure Committee will be acknowledged. See supra X.3.

6. Candidates for promotion or tenure should insure that relevant materials such as completed articles, summaries of student evaluations, peer evaluations, annual reviews, and awards are properly placed in the files maintained by the Co-Chairs.<sup>1</sup>
7. Candidate Prepares Part 1 of the Portfolio. Candidates have the right to decide what to include in the portfolio. A suggested table of contents is provided on the Provost's website.<sup>2</sup>

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<sup>1</sup>See supra, XIV (9). Chancellor's Memorandum #35, Appendix 2.

<sup>2</sup>See UMKC Provost Notes on Promotion and Tenure (2009)

## XVIII. Review of Tenured Faculty

1. The Dean of the School of Law will utilize the criteria and procedures contained in the April 30, 1984, document called Criteria for Changes in Compensation to annually review the performance of all faculty, including tenured faculty.
2. If the performance of a tenured faculty member is deemed by the Dean to be unsatisfactory under the criteria, the Dean shall submit the matter to the School's tenured faculty who have attained the rank of full professor which group shall constitute the School's Faculty Review Committee. If the school does not have at least five tenured professors to serve, then tenured associate professors may be appointed by the Dean.
3. The Committee shall provide its report to the Dean within 80 calendar days of submission.
4. If the Faculty Review Committee concurs with the Dean's evaluation, the Dean will proceed in accordance with the procedures called for in the Chancellor's Memorandum No. 77.

## XIX. Post-Tenure Review Standards

### 1) Instructional Competence

- a) Each tenured faculty member is expected to maintain a regular and acceptable level of instructional competence.
- b) A “regular and acceptable level of instructional competence” is initially determined by the Dean in the context of the annual performance review. See CRR § 310.015(B)(1)(a)&(b).

### 2) Scholarship

- a) Each tenured faculty member is expected to demonstrate continuing scholarly achievement or satisfactory progress toward scholarly achievement.
- b) “Scholarly Achievement” is manifest, regular production, further defined in accord with several sources including: The Promotion and Tenure Bylaws, Section X, the 1984 Dean’s Criteria for Changes in Compensation, and the President’s Executive Order 6A (1992). (Chancellor’s Memorandum No. 35).
- c) “Satisfactory Progress” is initially determined by the Dean in the context of the annual performance review. See CRR § 310.015(B)(1)(a)&(b).

### 3) Service

- a) Each tenured faculty member is expected to undertake an appropriate level of responsibility for the effective functioning and progress of the school, and to undertake meaningful responsibility for the needs of the public, the progress of the community, and the health of the legal profession.

- b) An “appropriate level of responsibility” is initially determined by the Dean in the context of the annual performance review. See CRR § 310.015(B)(1)(a)&(b).
- 4) The formal procedural implementation of these minimum standards for overall satisfactory performance is governed by CRR § 310.015. It is not intended, however, that the development, adoption and publication of these standards by the tenured faculty of the School of Law, pursuant to CRR § 310.015(1)(a), shall substitute for other procedures otherwise available to the Dean for the assessment and processing of unsatisfactory faculty performance by tenured faculty members under school, campus or University regulations, such as procedures for dismissal for cause.

## XX. Amendment of the By-Laws

The Bylaws of the Promotion and Tenure Committee can be changed or amended by a two-thirds majority vote of the Committee in residence. In contrast to the formal decisions on promotion and tenure (see footnote 1, Sec XIII), voting can be done within a regular meeting and/or by electronic communication with a designated end date and time.

# UMKC External Evaluator Request Letter Template

Use Unit letterhead

<Date>

<Evaluator Name, Title>

<Institution & Mailing Address>

<Email address>

Dear <Name>,

On behalf of the Department of <Dept> in the University of Missouri-Kansas City's <Unit>, I am writing to request your service as an external reviewer for <Candidate Name> who has requested consideration for promotion from <Assistant, Associate> Professor to <Associate, Full> Professor <with tenure>. As a major research institution committed to excellence, UMKC is making a concerted effort to promote the strongest candidates possible in each of its programs. Accordingly, we would very much appreciate your assistance in evaluating the merits of <Assistant, Associate> Professor <Name>.

Our review procedures require that tenured specialists in the candidate's field evaluate the candidate's record. Neither the names of the referees nor the contents of their letters are shared with the candidate for tenure and promotion. Should you accept to serve as an evaluator, your letter will be made available to the <Department and/or Unit> Promotion and Tenure Committee<s> in the <Unit>, and will become part of the candidate's promotion and tenure portfolio which is reviewed at the unit and University levels.

We ask reviewers to do the following:

- Provide a brief statement regarding any previous acquaintance with the candidate. (*It is not necessary to know the candidate already—indeed the evaluation is perceived to be more objective if there is no prior working history with the candidate.*)
- Evaluate the candidate's research/creative activity, publication/performance record, and service, with respect to their quality and impact on the candidate's field. The more detailed your analysis and evaluation of the candidate's submitted materials, the more useful your review will be in our deliberations.
- Evaluate the suitability of the candidate for tenure and promotion based upon our Department, Campus and UM System criteria.
- Formulate a comparative judgment regarding the scholarly/artistic contributions of the faculty member in relation to other scholars/artists in the field who are at the same point in their careers.
- Make a summary recommendation as to whether you support the candidate's promotion and/or tenure.
- Provide a copy of your vita.

If you accept this request, you will be sent the candidate's promotion and tenure portfolio in **electronic format** which requires you download the most current version of the free Adobe Acrobat Reader software. If for any reason you are unable to accommodate an electronic portfolio review, please decline this request as we are unable to provide the portfolio to you in any other format.

In order to meet the Dean's deadlines for my recommendation, I need to receive your letter by <date>, which may coincide with the demands of a new academic year at your institution. For this reason, I can send the review materials to you as early as <June 15>, depending on what would work best with your schedule.

Thank you in advance for considering this request; please reply to this email within the next two weeks to confirm your willingness to serve as an evaluator. Please also include verification of your tenure status and your preferred postal, phone, and email contact information.

Sincerely,

<Name>

Dean, <Unit>

To: Faculty Members Due for Five-Year Post-Tenure Review  
From: Executive Associate Dean Barbara Glesner Fines  
Date: 1/9/2015  
Re: UMKC Law School Post Tenure Review Process

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This is the year during which you are due for a five-year post-tenure review. The purpose of this memo is to outline how that process works.

The university collected rules and regulations (see Appendix B) require that, at five-year intervals, the dean or department chairs of each school or department must submit a report evaluating the performance of tenured faculty members. The first five-year review will be done five years after the tenure decision or the last formal review of the faculty member for promotion to associate professor/full professor. The chair evaluates the faculty member's performance as satisfactory or unsatisfactory. The five-year evaluation process will be complete with a satisfactory evaluation.

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Our law school P&T standards (see Appendix A) in the law school provide for post-tenure review largely in the context of the Dean's annual review of a tenured faculty member. For purposes of complying with the University's mandate of a separate five-year review, here is the procedure we use:

- Faculty members due for their five-year post-tenure review cycle will be notified at the beginning of the Spring semester in which the review is due.
- The faculty member will provide a current curriculum vitae to the Executive Associate Dean.
- The Executive Associate Dean will gather the previous five year's annual reports and evaluation statements, teaching evaluations, and any other evidence of performance from the prior five years (e.g., award nominations, examples of scholarship).
- The Executive Associate Dean will prepare a summary report from these materials and meet with the faculty member under review to insure that the summary is accurate and complete. It is not the role of the Executive Associate Dean to review the faculty member's performance, but to assist the faculty member under review in preparing their five-year report and to insure that the Dean has all relevant evidence regarding that performance for the past five years.
- This report will be forwarded to the Dean at the end of the semester. Review of the report will take place at the annual review meeting.



- The Dean will prepare a written report of the decision regarding the faculty member's performance as satisfactory or unsatisfactory. If a faculty member's performance is deemed unsatisfactory, the Dean will proceed according to the procedures provided in the Law School's P&T Bylaws (Section XVIII).

## Appendix A : Relevant Sections of Law School Promotion & Tenure By-laws

### X. Standards for Scholarship

1. The extensive variety of subjects and forms of legal scholarship<sup>1</sup> necessitates the application of general standards such as accuracy, integrity, comprehensiveness, creativity, and thoughtfulness.
2. To facilitate the decisions on tenure or promotion by the Promotion and Tenure Committee, scholarly works should ordinarily be either published,<sup>2</sup> or accepted for publication.<sup>3</sup> The primary concern of the scholarship standard, however, is with quality and substance, rather than form.
3. The scholarship required for promotion and tenure should be recognized by the academic and professional community beyond the law school:
  - a) For tenure, a candidate's work should be regarded as a significant contribution to the knowledge in the field.<sup>4</sup>
  - b) For promotion to full professor, a candidate's work should be acknowledged as the sustained contributions of a scholar who has achieved national distinction.<sup>5</sup>
4. Quantitative standards<sup>6</sup> for tenure and promotion are as follows:
  - a. Candidates hired as assistant professors and seeking tenure and promotion to associate professor<sup>7</sup> should, while in residence at the University of Missouri-Kansas City,<sup>8</sup> produce

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<sup>1</sup>The focus of scholarship may deal with numerous aspects of the legal spectrum such as statutes, case law, policy, government, educational techniques, history, jurisprudence, and interdisciplinary linkages. Likewise, the range of scholarly methods is broad and may include empirical research, analysis, synthesis, and innovation; it can involve the practical as well as the abstract or creative. Writing for practitioners can be relevant for tenure or promotion considerations but candidates are advised that such writing should show depth, analysis, synthesis, or organization that is distinctive. Articles published in reputable academic journals other than law reviews may be treated as equivalent to articles published in law reviews.

<sup>2</sup>Published scholarly works relevant for promotion and tenure can include articles, monographs, treatises, reviews, chapters, and electronic formats.

<sup>3</sup>In appropriate cases, works not yet submitted for publication may be considered. Candidates are strongly admonished, however, to seek the formal scholarly sanction provided by publication, if possible.

<sup>4</sup>See Executive Order, No. 6a, dated September 1992, page 5; see also, Collected Rules and Regulations, Section 320.035 B2f; and Chancellor's memorandum No. 35 (Rev. 7/7/2000).

<sup>5</sup>Id, at 9.

<sup>6</sup>Scholarship is not properly measurable in terms of pages, footnotes, or number of pieces. It should be measured by the commitment and contribution to scholarly inquiry and the promise for productivity that will likely continue throughout the candidate's career. However, clarity of the quest of tenure or promotion is heightened by the admittedly artificial standard of quantity.

<sup>7</sup>Under university guidelines, the combination of the award of tenure and the promotion to associate professor is considered the normal case. See Policies and Procedures for Promotion and Tenure, September, 1992, I.A.2. If one, hired as an assistant professor, desires promotion to associate professor prior to the time of the tenure decision, the candidate may present his or her scholarship, teaching evaluations, and service record to the Dean. The Dean may then recommend the designation of Associate Professor, utilizing the same standards that are employed in decisions to make new hires at the associate professor level. See V.2.

<sup>8</sup>The work primarily considered in the tenure and promotion processes will be that completed and published while in residence. Work completed before residency at UMKC, although relevant in the evaluation of scholarly achievement, will ordinarily be deemed secondary to that which demonstrates one's actual and potential production as a UMKC faculty member.

the equivalent<sup>9</sup> of a least three scholarly works which can be regarded as significant contributions to the knowledge of the field.<sup>10</sup>

- b. A tenured candidate who seeks promotion to full professor should, while in residence, ordinarily produce the equivalent of at least two additional<sup>11</sup> scholarly works which, as a collective body, can be regarded as worthy of national distinction.<sup>12</sup>
- c. A candidate hired as an associate professor who seeks simultaneous tenure and promotion should, while in residence,<sup>13</sup> produce the equivalent of at least three scholarly works which, as a collective body, can be regarded as worthy of national distinction.
- d. A candidate hired as an associate professor who is seeking only tenure should produce, while in residence,<sup>14</sup> the equivalent of at least two scholarly works which can be regarded as significant contributions to the knowledge of the field.

#### XVIII. Review of Tenured Faculty

1. The Dean of the School of Law will utilize the criteria and procedures contained in the April 30, 1984, document called "Criteria for Changes in Compensation" to annually review the performance of all faculty, including tenured faculty.
2. If the performance of a tenured faculty member is deemed by the Dean to be unsatisfactory under the criteria, the Dean shall submit the matter to the School's tenured faculty who have attained the rank of full professor which group shall constitute the School's Faculty Review Committee. If the school does not have at least five tenured professors to serve, then tenured associate professors may be appointed by the Dean.
3. The Committee shall provide its report to the Dean within 80 calendar days of submission.
4. If the Faculty Review Committee concurs with the Dean's evaluation, the Dean will proceed in accordance with the procedures called for in the Chancellor's Memorandum No. 77.

#### XIX. Post-Tenure Review Standards

1. Instructional Competence
  - a) Each tenured faculty member is expected to maintain a regular and acceptable level of instructional competence.
  - b) A "regular and acceptable level of instructional competence" is initially determined by the Dean in the context of the annual performance review. See CRR § 310.015(B)(1)(a)&(b).
- 2) Scholarship
  - a) Each tenured faculty member is expected to demonstrate continuing scholarly achievement or satisfactory progress toward scholarly achievement.
  - b) "Scholarly Achievement" is manifest, regular production, further defined in accord with several sources including: The Promotion and Tenure Bylaws, Section X, the 1984 Dean's Criteria for Changes in Compensation, and the President's Executive Order 6A (1992). (Chancellor's Memorandum No. 35).
  - c) "Satisfactory Progress" is initially determined by the Dean in the context of the annual performance review. See CRR §10.015(B)(1)(a)&(b).
- 3) Service
  - a) Each tenured faculty member is expected to undertake an appropriate level of responsibility for the effective functioning and progress of the school, and to undertake meaningful responsibility for the needs of the public, the progress of the community, and the health of the legal profession.
  - b) An "appropriate level of responsibility" is initially determined by the Dean in the context of the annual performance review. See CRR § 310.015(B)(1)(a)&(b).

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<sup>9</sup> "Equivalent" suggests some flexibility and a candidate may satisfy the scholarship minimum with, for example, a single treatise or with more than three shorter scholarly works or reviews. The equivalent of two major scholarly works, instead of three, may suffice if the works are of exceptional quality. However, prudence and past experience would counsel candidates for tenure and promotion to meet the indicated numerical standards.

<sup>10</sup>See supra, X 3 a.

<sup>11</sup>"Additional" means completed or published after the works considered in the decision on tenure.

<sup>12</sup>See supra, X.3.b.

<sup>13</sup>See supra, note 8.

<sup>14</sup> Id.

- 4) The formal procedural implementation of these minimum standards for overall satisfactory performance is governed by CRR § 310.015. It is not intended, however, that the development, adoption and publication of these standards by the tenured faculty of the School of Law, pursuant to CRR § 310.015(1)(a), shall substitute for other procedures otherwise available to the Dean for the assessment and processing of unsatisfactory faculty performance by tenured faculty members under school, campus or University regulations, such as procedures for dismissal for cause.

## Appendix B: Relevant Portions of University of Missouri Collected Rules & Regulations

### 310.015 Procedures for Review of Faculty Performance

#### Bd. Min. 1-19-01; Amended 11-29-07; Amended 4-12-13.

B. Tenured Faculty Members. Tenured faculty have proven their ability to contribute significantly in their discipline and to work independently and productively in their field. In this document we affirm and strongly defend the importance of tenure at the University of Missouri. By fostering creativity and protecting academic freedom, tenure safeguards faculty from unfair dismissal based on arbitrary or discriminatory practices, thus encouraging the constant search for truth that is the hallmark of the University. Under this policy or any other university policy, academic tenure should be revoked only with just cause, and may only be done in accordance with the Collected Rules and Regulations of the University, section 310.020.C.1. However, tenure does not protect faculty from the consequences of not performing satisfactorily their duties to the University. It is in the best interest of the faculty as a whole to ensure that each faculty member contributes fully to the institution throughout that individual's career.

1. *Performance Review of Tenured Faculty Not Holding Full-Time Administrative Positions*

a. The tenured faculty of each department or unit will develop and publish minimum standards for overall satisfactory performance.

b. Every tenured faculty member, including those with part-time administrative positions, will submit a signed annual report describing her/his activities in research, teaching and service. The annual report will be reviewed by the chair. In this document the term chair will be used to mean the appropriate unit director (e.g., chair, unit administrator, area coordinator, etc.) or evaluation committee of the unit following normal unit practices. Chairs will be reviewed annually by the dean, or on campuses with no schools or colleges, the Provost according to the standards described in B.1.a. Using the standards described in B.1.a, the activities of the faculty member will be rated as satisfactory or unsatisfactory in research, teaching and service, and an overall evaluation of satisfactory or unsatisfactory will be provided. The faculty member will receive this information in a written evaluation. If the overall evaluation is unsatisfactory, there must be a face-to-face discussion of the evaluation between the faculty member and the chair. The faculty member will sign the written evaluation to acknowledge its receipt and may provide a written response to the evaluation. A copy of this signed evaluation will be provided to the faculty member by the chair within a month after the faculty member has signed the evaluation.

c. At five-year intervals a tenured faculty member will resubmit the annual reports and evaluation statements for the past five years, with a concise summary statement of research, teaching, and service activities for the five-year period, and a current curriculum vita to the chair or evaluation committee of the unit. The first five-year review will be done five years after the tenure decision or the last formal review of the faculty member for promotion to associate professor/full professor. Faculty hired with tenure will be reviewed five years after they are hired.

d. Based on the five-year report, the chair will evaluate the faculty member's performance as satisfactory or unsatisfactory. The five-year evaluation process will be complete with a satisfactory evaluation. If the evaluation is unsatisfactory, then the five-year report will be sent to the appropriate established committee of the department/unit, typically the one that reviews faculty for tenure and promotion. The departmental committee of faculty peers will perform its own full review of the performance of the faculty member over the five-year period and provide an independent assessment of the performance of the faculty member. The five-year evaluation process will be complete if the departmental committee judges the performance of the faculty member to be satisfactory.

(1) *Committee Membership*

(a) The evaluation committee may be appointed, elected, or otherwise designated in accordance with the established department, school, or college procedures as long as the procedures are in compliance with the Curators' rules and regulations. If other than tenured faculty members are included on the committee, only those who are tenured faculty members in the department may participate in the evaluation, except in circumstances described in Section 310.015.B.1.d(1)(b) below which permits others described therein to participate. Committee members may only evaluate faculty members who are at their current rank or below.

(b) If there are not enough tenured faculty members within the primary department to

comprise a committee of three, a special committee shall be formed by the dean, or on campuses with no schools or colleges, the provost/vice chancellor for academic affairs. The special committee should be formed by the addition of tenured faculty member(s) from a closely related department or field and/or tenured faculty member(s) from a closely related department or field on other UM campuses, or faculty members(s) emeriti from the primary department in accordance with established procedures and/or retired faculty from the primary department who are part of an established recognition program according to Collected Rules and Regulations of the University, Section 310.075.B. The retired or emeriti faculty serving on the committee shall not be greater than 50% of the committee membership. The committee shall serve as the department-level committee.

e. In the event that both the chair and the departmental committee determine the performance of a faculty member to be unsatisfactory for the five-year period, the report will be forwarded to the appropriate dean, or on campuses with no schools or colleges, to the Vice Provost for Academic Affairs. The dean or Vice Provost for Academic Affairs will review the report and provide an assessment of the performance of the faculty member. The five-year evaluation process will be complete if the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs judges the performance of the faculty member to be satisfactory.

f. At every level of review, the faculty member will be provided with a copy of any written report that is part of these proceedings and will have the right of appeal of any evaluations, decisions, or recommendations to the next level of the process.

2. *Formulation of Development Plan and Assessment of Progress*

a. If a two-thirds majority of the members of the committee of the department/unit and the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs, consider the performance of the faculty member to be unsatisfactory, a plan for professional development will be written. This plan will be developed by the faculty member, the department/unit committee or a designated subcommittee, a mutually agreed upon mediator from outside the department, and the chair of the department/unit. This development plan will have clear and attainable objectives for the faculty member and may include a reallocation of the faculty member's effort and a commitment of institutional resources to the plan. This plan will be signed by the faculty member, the chair or unit administrator, the mediator, and the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs. The development phase will begin when the necessary resources as described in the development plan are provided.

b. A faculty member who has received an overall unsatisfactory five-year evaluation by the chair, the departmental committee, and the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs may not appeal the process of developing a professional plan. If the faculty member is not satisfied with the plan that has been developed, he/she may appeal to the next administrative level for help in the formulation of an acceptable development plan.

c. A faculty member with a plan for professional development will submit an annual progress report to the chair for three successive years after the plan has been initiated. The chair will review the report and provide a written annual evaluation on the progress of the faculty member toward the objectives stated in the development plan. If the chair finds satisfactory progress for any two of the three years, then the process will cease and the faculty member will begin a new five-year cycle.

d. If the chair does not find satisfactory progress in two of the three years of the development plan, the chair will provide the annual reports and evaluations to the department/unit committee and the mediator. If the department/unit committee that includes the mediator finds satisfactory progress in two of the three years of the development plan, the process ceases and the faculty member will begin a new five-year cycle.

e. If both the chair and the department/unit committee that includes the mediator do not find satisfactory progress in two of the three years of the development plan, the chair will provide annual reports and evaluations to the dean or on campuses with no schools or colleges, the Vice Provost for Academic Affairs. If the dean or Vice Provost for Academic Affairs finds satisfactory progress in two of the three years of the development plan, the process ceases and the faculty member will begin a new five-year cycle.

f. If the chair, the department/unit committee that includes the mediator, and the dean, or on campuses with no schools or colleges, the Vice Provost for Academic Affairs do not find satisfactory progress in two of the three years, then the five-year evaluations plus the three years of progress reports and evaluations by the chair on the development plan will be forwarded to the campus committee on Tenure and Promotion and to the Provost or Vice Chancellor for Academic Affairs. Each will review the reports and will recommend separately to the Chancellor that: 1) an additional two-year development plan

be written and implemented in consultation with the faculty member and the originating departmental committee, or 2) the faculty member be considered for dismissal of cause proceedings (see section 3.)

g. Any faculty member may request participation in a formal development plan (as described in 2a) after two or more consecutive unsatisfactory annual evaluations. In addition, chairs will strongly encourage faculty who have had three consecutive unsatisfactory annual evaluations to participate in a development plan.

3. *Dismissal for Cause*

a. If it is deemed by the Chancellor that the performance of the faculty member during the periods covered in section 2 constitutes sufficient grounds for termination for cause, dismissal for cause may be initiated and if initiated will proceed in accordance with the procedures for dismissal for cause described in section 310.060.

b. This procedure for review and development of faculty performance does not substitute for the dismissal for cause procedures stated in section 310.060.

c. Notwithstanding the provisions of section 310.015 B.2.f above, this procedure does not impose additional requirements upon the University prior to initiating dismissal for cause procedures as stated in section 310.060.

## **Appendix C: Dean's Criteria for Changes in Compensation**

Adopted by Faculty, April 30, 1984

### I. Introduction

This document is intended to provide 1) guidance to the Dean for decision-making in recommending annual adjustments in faculty compensation and 2) to enable faculty to be informed as to evaluation criteria.

### II. Performance

Performance by a faculty member is the major basis for recommending salary adjustments in any given year; other appropriate factors may also be considered in the Dean's discretion (e.g., the need to remedy current salary inequities, market considerations, etc.). When such other factors are to be considered, funds are to be set aside for this purpose before allocations based on performance are made.

### III. Measures of Performance: Teaching, Research and Service

The three basic roles of faculty members are teaching, research, and service. The fulfillment of all three is important to the mission of the law school. While it is difficult to assign an exact weight value to each of these functions for mission purposes and performance evaluation purposes, it is recommended that in allocation of salary adjustments the Dean utilize the funds to reward performance on a unit-wide basis as follows: 40% identified for recognition of teaching excellence; 40% for research/scholarship production; and 20% for service activities.

Although these values should be utilized generally across the unit to appraise and reward entire faculty performance on a yearly basis, it is not required that the salary adjustment for each faculty member reflect the same division of emphasis. Thus, so long as the Dean allocated those salary funds set aside for performance to reward teaching, research, and service on an overall basis of 40:40:20 for the law school as a unit (for \$1.00 of salary increase money allocated for performance, \$.40 overall for research production and \$.20 overall for service activities), the allocations will be within these recommended guidelines.

### IV. Criteria for Determining Effective Teaching, Research/Scholarship, and Service.

A faculty member's performance in teaching, scholarship and service should be based upon an adequate and fair assessment of the following criteria:

A. Teaching

1. Carrying an appropriate teaching load
2. Comprehensive course preparation, to include keeping informed of recent development in the field and related areas.
3. Utilization of effective methods of instruction, to include meeting classes on a regular basis at the prescheduled time, knowledge of existing teaching materials, preparation of substitute or supplementary materials where appropriate, generation of innovative teaching materials, use of outside or audio-visual resources where appropriate to the subject matter and skills to be taught.

4. Availability for meaningful discussion with students outside of class, timely grading, and based upon high academic standards, development and use of effective instruments for measurement of student performance.
5. Supervision of student research and writing.
6. Contribution to meeting of School course offering needs.

B. Research/Scholarship

Effective scholarship consists of the active pursuit of knowledge and publication of written work of significance to legal scholarship generally and to the legal profession. Among the components of effective legal scholarship are the individual's contribution toward:

1. Identification of topics for research that are creative and are likely to make a contribution to development of the law or understanding by the profession, and adequate progress toward completion within a reasonable time given the scope, complexity, and timeliness of the project.
2. Authorship of original treatises, casebooks, and general subject books or chapters.
3. Authorship of original law review and periodical articles contributing significant knowledge to the field including book reviews.
4. Preparation of edited compendia of articles and materials in the field.
5. Preparation of research reports or papers contributing to legal scholarship.
6. Authorship of form books and practice manuals demonstrating original legal scholarship in anticipating and analyzing legal problems and needs.
7. Editorship of legal journals and law reviews, and review of articles, comments and notes for publication.

C. Service

1. Carrying an appropriate load of law school, university and community service activities.
2. Attendance at, preparation for, and contribution to faculty and committee meetings and activities; preparation of reports; and evaluations of other functions as appropriate.
3. Lectures and panel presentation on legal topics to legal and non-legal audiences and assistance to the media in informing the public on legal subjects.
4. Participation in law student and law school service activities including law journals and reviews, moot court and trial advocacy, lectures and debates, fraternities and other student organizations.

V. Procedures for Evaluation

In order to fairly implement the objectives of the above criteria and to ensure proper institutional balance, decisions regarding recommended compensation adjustments should be made by the Dean at least once each year after the annual "development conference" between the Dean and each faculty member. At each conference there should be a review of the particular faculty member's past performance, and discussion of the objectives the faculty member has for the coming academic year and the Dean's expectation of performance by the faculty member.

Assessment of performance in each of the component areas requires an initial self-assessment by the faculty member. Therefore, prior to the conference with the Dean, each faculty member should prepare a self-study report which assesses his/her progress with respect to teaching, research and service. In doing so, the faculty member should consider the criteria in each of the stated areas and should identify particular activities undertaken or particular contributions made in regard to each.

In assessing performance, the Dean may consider, in addition to information provided by the faculty member, external objective evaluations of a faculty member's performance. These may include peer and student teaching evaluations, evaluations of published and unpublished written materials, and reports on contributions to committee work. Any such evaluation which is to be considered for this purpose should be made available to the faculty member with an opportunity provided for the faculty member to discuss the relevance and/or appropriateness of such matter to the assessment of the faculty member's performance.

Following consultation with each member of the faculty, the Dean should place members of the faculty for compensation adjustment recommendation purposes in one of the following three categories: extraordinary merit, merit, and increased effort recommended.





## Appendix D: Dean's Annual Self-Assessment Form

### I. Teaching

Using the grid and factors at the end of this form, please rank your performance.

Score yourself between 1.0 and 5.0 \_\_\_\_\_ and explain. Use examples where appropriate. Feel free to use as much space as you need, but remember I am interested in your assessment of your activities, not just a list.

### II. Scholarship:

Using the grid and factors at the end of this form, please rank your performance.

Score yourself between 1.0 and 5.0 \_\_\_\_\_ and explain. Use examples where appropriate. Please include a list of works completed during the year. Feel free to use as much space as you need, but remember I am interested in your assessment of your activities, not just a list.

### III. External Service:

Using the grid and factors at the end of this form, please rank your performance.

Score yourself between 1.0 and 5.0 \_\_\_\_\_ and explain. This category includes service outside of the law school. It can include, among other things, service to the campus or university, the legal community, the academic community, and the Bar. Please use examples where appropriate. Feel free to use as much space as you need, but remember I am interested in your assessment of your activities, not just a list.

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### IV. Building and Sustaining the Law School Community

Using the grid and factors at the end of this form, please rank your performance.

Score yourself between 1.0 and 5.0 \_\_\_\_\_ and explain. This is where you should list service to the law school in any form beyond teaching and scholarship. Use examples where appropriate. Feel free to use as much space as you need, but remember I am interested in your assessment of your activities, not just a list.

### V. Advancing Our Strategic Plan

Using the grid and factors at the end of this form, please rank your performance.

Score yourself between 1.0 and 5.0 \_\_\_\_\_ and explain. This section should focus directly on ways in which you have advanced aspects of our plan. It may duplicate items you've listed elsewhere. Use examples where appropriate. Feel free to use as much space as you need, but remember I am interested in your assessment of your activities, not just a list.

### V. Overall Performance

1. The faculty adopted a 40/40/20 basis for teaching, scholarship and service. In any given year, by agreement, a faculty member may emphasize one or more areas and de-emphasize other(s), although over time, tenured faculty must contribute adequately in all areas. In addition, Category IV and V are not explicitly covered in this formula. In assessing your overall performance, please keep this in mind. You need not explain your overall score, but you are encouraged to do so, especially if you are varying significantly in your overall evaluation from the 40/40/20 model or if you are including anything relevant to your performance that is not adequately captured above.

Please rank your overall performance (between 1.0 and 5.0): \_\_\_\_\_ and explain as appropriate.

Please also address whether your performance this year is consistent with the past three years and whether this year's performance provides an appropriate basis on which salary determinations should be made for this year.

#### VI. Goals

- Please indicate how your previous goals have been advanced or met and what impediments to achievement of those goals have been encountered.
- Identify and describe three to five significant goals for the coming year. *To the extent possible, please try to tie your goals to the strategic plan and to expected outcomes under the plan.* How can the Dean or other members of the law school community assist you in meeting these goals?

#### VII. Compliance with ABA Standards and Campus Consulting Guidelines

1. The following information is required by the ABA:		YES	NO
1.	Are you regularly engaged in law practice	_____	_____
2.	Do you have an on-going relationship with a law firm _____	_____	_____
3.	Are you named on a law firm letterhead	_____	_____
4.	Do you have a professional telephone listing	_____	_____

If you answered yes to any of the above, please describe:

2. Have you engaged in outside consulting for compensation during the past academic year? \_\_\_\_\_
1. If so, please estimate how many hours a week and for how many weeks during the academic year.
2. Has outside work interfered with performance of any of your duties as a faculty member (e.g., missed classes, absence from the school, nonattendance at meetings, lack of availability to students)? \_\_\_\_\_ If so, please explain.

Please use this form to assess your contributions in the areas of teaching, scholarship, service, building and sustaining the law school community and advancing our strategic plan during the current academic year (and, where necessary, with respect to the past three years).

This form is not intended to create significant additional work – it is intended to capture *reflection* on your accomplishments this year. You should include factual information and data as needed to support your assessment of your performance. I am asking for numerical assessments instead of just categories because many of you likely believe you are between categories and can use decimals if desired. This allows you to be more specific. The actual numbers will be used for discussion, but your written assessment will not be numerical.

**Forms (accompanied by an updated resume) are due to Debbie Waring at least two days before our year end conference. No conferences will be held unless your assessment is submitted by the deadline.**

**I. Teaching**

Exceptional 5	Above Expectations 4	Meets Expectations 3	Below Expectations 2	Needs Improvement 1
Exceptional commitment to teaching excellence (all of the following): carries more than a full teaching load, high level of expectations and innovation, generally recognized as an outstanding teacher and mentor to students, very high availability to students, complies with policies relating to teaching and grading	Strong commitment to teaching excellence (all of the following): carries at least a full teaching load, reflects high expectations and innovation, generally recognized as an excellent teacher and mentor to students, high availability to students, complies with policies relating to teaching and grading	Commitment to teaching excellence (all of the following): carries a full teaching load, has high expectations and uses appropriate teaching strategies, generally recognized as a competent teacher, available to students, complies with policies relating to teaching and grading	Lacks clear commitment to teaching excellence (one or more of the following): less than full teaching load, inconsistent teaching quality, lacks rigor, lacks adequate preparation and planning; lacks regular and punctual attendance, limited availability to students, fails to comply with law school policies relating to teaching and grading	Does not reflect a commitment to teaching excellence (one or more of the following): does not carry a full teaching load, problematic teaching, not available to students on a regular basis, generally recognized as a weak teacher, disregards policies relating to teaching and grading

*Factors include:*

- Teaching load
  - classes taught (including mini terms and summer) and supervision of journals, competition teams, clinics, externships, or other time-intensive student learning opportunities
  - Supervision of student writing, including R&W's, Law Review comments, etc.
  - Other teaching outside of regularly scheduled courses (guest lecturing, interdisciplinary collaborations, etc.)
- Teaching quality
  1. Demonstration of high expectations, rigor and interaction in the classroom
  2. Use of innovative and effective teaching methods appropriate to course goals
  1. Development of teaching materials
  2. Keeping current in areas of teaching, including substance and pedagogy
  3. Participation in faculty development activities for enhancement of teaching (FaCET, Diversity Infusion, national and regional conferences) and effective incorporation into teaching
- Recognition as teacher and mentor for students
  1. Student and peer responses to teaching
  2. Provision of feedback to students (through graded or reviewed midterms or exercises, review sessions, etc.)
- Time spent with students outside of class
- Compliance with policies relating to teaching and grading
  1. Regular and punctual class attendance
  2. Timely compliance with policies regarding taking attendance, submission of grades, etc.

## II. Scholarship

Exceptional 5	Above Expectations 4	Meets Expectations 3	Below Expectations 2	Needs Improvement 1
Exceptional commitment to scholarship (all of the following): multiple innovative high quality pieces published in well-placed publications, regularly has significant works in progress, presents scholarship on a national level, scholarly work has significant impact and is recognized by colleagues in the field, mentors others	Strong commitment to scholarship (all of the following): at least one innovative high quality piece published in well-placed publication, has significant works in progress, presents scholarship on a national level, scholarly work has impact and contributes to the reputation of the school	Significant commitment to scholarship (all of the following): at least one high quality piece published in past 18 months, has significant works in progress, presents scholarship on a national or regional level, scholarly work has impact and contributes to the reputation of the school	Weak commitment to scholarship (one or more of the following): Has not published significant scholarship in the past year but has significant work in progress, publications include primarily updates of previous work, scholarly presentations are limited to local or regional audiences, little impact from scholarly work, little or no contribution to the reputation of the school	Lacks demonstrated commitment to scholarship (one or more of the following): Has not published in the past year and work has been in progress for more than a year, publications include primarily updates of previous work, scholarly presentations are limited to local or regional audiences, little/no impact from scholarly work, little/no contribution to the reputation of the school

### Factors include:

1. Number, quality and placement of published works (books, articles, etc.)
2. Works in progress (on which significant progress has been made)
3. Lectures or presentations related to scholarly activities
4. Impact and recognition of scholarship
  1. Editorships of scholarly publications
  2. Invited reviews of scholarship
  3. Other scholarly public engagement with academic or professional communities (web sites, blogs, law reform activities, etc.)
  4. Participation in SSRN and other activities to promote scholarship
  5. Willingness to share scholarship internally and externally, mentoring of others
  6. Demonstrated impact of scholarly work (citations, adoptions, etc.)

## III. External Service

Exceptional 5	Above Expectations 4	Meets Expectations 3	Below Expectations 2	Needs Improvement 1
Exceptional commitment to relevant communities (all of the following): leadership role in committee work at the national, regional, local or campus level, recognized in at least one major community as having an important impact, external involvement significantly enhances the reputation of the school	Strong commitment to relevant communities (all of the following): active role in committee work at the national, regional, local or campus level, recognized in at least one major community as having an impact, enhances the reputation of the school	Significant commitment relevant communities (all of the following): role in committee work at the national, regional, local or campus level, recognized in at least one community as having an impact, positive contribution to the reputation of the school	Lacks significant commitment to relevant communities (one or more of the following): nominal participation in committee work at the national, regional, local or campus level, nominal impact on a relevant community, little or no contribution to reputation of the school	Lacks meaningful commitment to relevant communities (one or more of the following): little or no participation in committee work at the national, regional, local or campus level, little or no impact on a relevant community, does not add in a positive way to the reputation of the school

Factors include:

- Meaningful Service to Relevant Communities
    - Active participation in committee work at the national, regional, local or campus level
    - Enhancing the reputation of the School
  - Meaningful Service to Legal Education and the Bar
    - Participation in CLE presentations and ABA, AALS and similar programs
    - Active and meaningful participation in Bar activities
    - Service on ABA, AALS and similar committees
    - Tenure reviews for faculty from other schools
1. Meaningful Law Related Service to the Community
  2. Active and meaningful participation on committees, boards, etc.
  3. Speaking for community groups on law-related topics
  4. Pro bono legal work

**IV. Contributions to Building and Sustaining the Law School Community**

Exceptional 5	Above Expectations 4	Meets Expectations 3	Below Expectations 2	Needs Improvement 1
Exceptional commitment to building the law school community (all of the following): leadership role in committee work and governance, outstanding collegiality, regular and meaningful interaction with all law school constituencies, exceptionally high level of engagement in the overall enterprise	Strong commitment to building the law school community (all of the following): major role in committee work and governance, strong collegiality, regular and meaningful interaction with law school constituencies, very high level of engagement in the overall enterprise	Demonstrated commitment to building the law school community (all of the following): active role in committee work and involved in governance, collegiality, meaningful interaction with law school constituencies, strong engagement in the overall enterprise	Does not demonstrate regular or sustained commitment to the law school community (one or more of the following): not actively involved in committee work or governance, questionable collegiality, irregular interaction with law school constituencies, limited engagement with the overall enterprise	Does not demonstrate sustained commitment to the law school community (one or more of the following): not involved in committee work or governance, lacks collegiality, sporadic interaction with law school constituencies, disengaged from the overall enterprise

Factors include:

5. Attendance at and participation in University, campus, law school and student panels and programs and involvement in program development activities
6. Leadership activities and contributions to collegiality, avoidance of activities that negatively affect morale.
7. Regular and meaningful interaction with constituencies
  1. Presence, availability and interaction with students, staff and colleagues
  2. Assistance to students regarding advising and career development
  3. Involvement in alumni and development activities
  4. Participation in university, campus and law school events
8. Other activities that demonstrate overall engagement and enhance the quality and reputation of the school that are not adequately covered elsewhere

**IV. Contributions to Advancement of Our Strategic Plan**

Exceptional 5	Above Expectations 4	Meets Expectations 3	Below Expectations 2	Needs Improvement 1
Exceptional commitment to advancing our strategic plan (all of	Strong commitment to advancing our strategic plan (all of the following):	Demonstrated commitment to advancing our strategic plan (all of	Does not demonstrate regular or sustained commitment to advancement of our	Does not demonstrate sustained commitment to the law school strategic plan (one or

the following): strong leadership in development of the Plan; demonstrated knowledge of goals, objectives and assessment mechanisms; active involvement in multiple aspects of the Plan; strong commitment to mission, vision and values of the School	leadership in development of the Plan; demonstrated knowledge of goals and objectives; active involvement in at least one aspect of the Plan; serious commitment to mission, vision and values of the School	the following): involvement in development of the Plan; demonstrated knowledge of goals and objectives; involvement in at least one aspect of the Plan; commitment to mission, vision and values of the School	strategic plan (one or more of the following): limited participation in development of the plan; uncertain about goals and objectives; not clearly involved in an aspect of the plan; commitment to mission, values and vision uncertain	more of the following): did not participate in development of the plan; not knowledgeable about goals and objectives; not involved in an aspect of the plan; lacks commitment to mission, values and vision
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*Factors include:*

9. Chairing or actively participating in committees that have made proposals that advance the strategic plan
10. Engaging in activities to support the plan
11. Prioritizing activities that contribute to the plan
12. Demonstrating knowledge of the plan

## **Chancellor's Memorandum #35**

May 1977 (Revised May 1977, May 19, 1997, July 7, 2000, December 21, 2007, March 3, 2016)

### **Policies and Procedures for Promotion and/or Continuous Appointment at the University of Missouri - Kansas City**

#### **Introduction**

Chancellor's Memorandum #35 outlines the UMKC campus procedures for processing tenure/tenure-track faculty for promotion and tenure reviews. In addition to this document, [CRR 320.035](#) should be read and information from both the [UMKC P&T website](#) and the Unit Promotion and Tenure Coordinators (P&T Coordinators) needs to be obtained for a complete understanding of the process.

#### **Role of the Unit P&T Coordinators**

Deans will appoint one or more [Unit P&T Coordinators](#) from administrators and/or executive staff who do not otherwise have a reviewer role in the P&T process to manage, coordinate, and mentor faculty through the promotion and tenure process. Unit P&T Coordinators are required to meet monthly at the campus level with the Vice Provost of Faculty Affairs and the Faculty Affairs Specialist to discuss, develop and implement P&T processes, forms, procedures, and communication, and act as liaisons to the unit faculty and Faculty Affairs.

## **OVERVIEW**

This memo is organized in sequential order of events that occur during the tenure and promotion process. For the purposes of this document, a Unit is defined as either a School or a College. Each of the following steps is explained in detail following the Overview.

1. The first step in the process is initiation of recommendations.
2. Following notification that a candidate is seeking promotion and/or tenure, external evaluators must be identified and approved.
3. The candidate is required to prepare an electronic portfolio.
4. Tenured faculty in the Unit holding the same rank (or higher) as the candidate are given the opportunity to provide comments to the P&T Committee.
5. Review of the candidate begins:

The review order of portfolios is described briefly as follows. At each stage beyond the external evaluator reviews, the candidate will have an opportunity to receive a copy of the recommendation and will have an opportunity to respond whether the recommendation is negative or positive (*please refer to attached diagram and spreadsheet*):

## **Chancellor's Memorandum #35**

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- a. The first level of portfolio review will be the External Evaluators.
  - b. The second level of review will be the Department/Division Chair/Head.
  - c. The third level of review is Department/Division P&T Committee, or in units with no Departments or Divisions, the Unit P&T Committee. In units with both a Department/Division P&T Committee and a Unit P&T Committee, the fourth level of review will be the Unit P&T Committee; otherwise, the process moves forward skipping this step.
  - d. The Dean is the next, and final level of the Unit review.
  - e. Following the Dean's review and candidate's rebuttal (if any), the Unit P&T coordinator will forward the complete portfolio to the Vice Provost for Faculty Affairs by the first Friday in January to initiate the Campus level reviews.
  - f. The Campus Promotion and Tenure Advisory Committee (CPTAC) will consider each case and make recommendations to the Provost.
  - g. The Provost will make recommendations to the Chancellor who makes the final decision.
6. Written notification of the Chancellor's final decision will be provided to the candidate prior to July 1.

Candidates who are not recommended for promotion to associate professor will not be recommended for continuous appointment (tenure). Candidates at the rank of assistant professor who are under mandatory consideration for continuous appointment will also be considered for promotion to the rank of associate professor.

### **Initiation of recommendations.**

The P&T Coordinator should notify the Dean of all probationary tenure candidates due for mandatory promotion and tenure review in the upcoming review cycle. By September 1, the Dean must make a call to notify those tenure candidates that they are up for mandatory review and advise the candidates they must begin preparing their P&T portfolio for submission by May 1. The Dean will also make a call to all Associate Professors asking if they plan to apply for promotion to full professor; if so, promotion candidates must declare their intent to apply for promotion in writing to the Dean prior to September 30; failure to declare by the deadline will require the candidate wait until the next year's review cycle. The Dean must forward a complete list of all mandatory tenure candidates and all voluntary promotion candidates to the Vice Provost of Faculty Affairs no later than October 1.

### **External Evaluator List.**



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CRR 320.035 B.2.b. strongly suggests that external evaluation of research and other scholarly contributions by disinterested parties be part of the process. Therefore, at UMKC, candidates for promotion and tenure shall have their portfolios subjected to external peer evaluations. Each candidate for promotion and/or continuous appointment and each academic department or division must submit to their P&T Coordinator a list of external scholars who might be called upon to review and evaluate the candidate's portfolio. Candidate must disclose any relationship to all external evaluators on the list prior to the P&T Coordinator submitting the list to the Provost office for approval. Consult the UMKC P&T website as to the number and selection process of reviewers.

These lists should include the names of well-respected scholars who are nationally and internationally known for their expertise. All external evaluators should hold academic appointments at the university level at an institution that is of equal or higher standing according to the [Carnegie Commission Classification](#) and must have achieved the rank and tenure status that is being considered for the candidate. Exceptions to this may be made at the discretion of the Provost for fields where clinical appointments are common, for distinguished emeriti professors, or noted researchers outside the academy. Collaborators, mentors, and former students should generally not be used as external evaluators or this potential for conflict of interest should be noted and factored into their use. Except in unusual circumstances, the list of names of proposed evaluators must be submitted for approval to the Provost/Vice Chancellor for Academic Affairs before the published deadline on the Provost page each year. Each candidate seeking promotion at UMKC shall have at least four completed external evaluation letters.

It shall be the responsibility of the Deans and Directors to: 1) initiate the external review by selecting a minimum of four to six external evaluators expert in the candidate's field; 2) initiate letters seeking appraisals and evaluations of the candidate's competencies relative to UMKC criteria; 3) supply the relevant criteria for evaluation at UMKC in the areas of the University's concerns: research, teaching, service; 4) ensure that all materials submitted by external evaluators are available for the initial level of formal review within the unit, and for all subsequent levels of review.

### **Electronic portfolios.**

Candidates are required to prepare an electronic portfolio as described on the Promotion and Tenure website which will contain all required documentation necessary to support the candidate's qualifications in the areas of teaching, research, and service. Instructions for construction of the portfolio may be found on the UMKC P&T website. The completed portfolio must be submitted to the Unit

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P&T Coordinator by May 1. The candidate's entire portfolio must be sent to external evaluators.

### **Adding Documentation to the Portfolio during the Review process.**

Candidates are encouraged to update their portfolios throughout the review year by sending addenda to their P&T Coordinator via email with a request to add attached documentation to the portfolio. No one but the candidate may request to add materials to the portfolio, with the exception of reviewers attaching documentation to support their letter of recommendation; all reviewer documentation must be received with the letter of recommendation during the prescribed review period. Once the portfolio is submitted for review to external evaluators, documentation cannot be removed from the portfolio. Therefore, it is requested that candidates refrain from submitting updated CVs or Part I Forms; simply forward the new documentation with an explanatory email to the P&T Coordinator for inclusion in the portfolio.

### **Faculty Comments.**

Faculty comments will be invited by the Dean prior to the initiation of the review process described below. As stated in CRR 320.035 A.1.e. "Prior to the deliberations of the Promotion and Tenure Committee, all tenured members of that department or Unit holding the same or higher rank as that of the candidate (or, in larger departments or Units, all tenured members of the particular academic field holding the same rank or higher rank as that of the candidate) shall be given the opportunity to provide written and signed comments to the Promotion and Tenure Committee regarding the candidate being considered. However, at all levels of the review process, no individual is to participate in committee discussions or to vote at more than one level". Faculty may review the portfolio(s) with external letters redacted or an updated vitae of the candidate prior to formulating comments. Faculty comments solicited are NOT to appear in the portfolio, but shall be considered by the first P&T Committee of review. If comments from faculty have a bearing on the outcome of a committee's decision, the manner in which those comments played a role should be expressed in the committee's written letter so that the candidate may have a chance to rebut.

### **Review of Candidate's Portfolio**

### **Letters of Recommendation at all Unit Levels of Review**

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May 1977 (Revised May 1977, May 19, 1997, July 7, 2000, December 21, 2007, March 3, 2016)

All levels of review are required to thoroughly examine the evidence presented in each candidate's portfolio and make a recommendation for or against the action being sought within fourteen days of receipt of the portfolio. All levels of review should feel empowered to make whichever recommendation (positive or negative) they believe is supported by the evidence provided as weighed against the Department/Unit qualifications and criteria. Mere satisfaction of minimum criteria at the Unit or Department level is not sufficient to ensure promotion or continuous appointment. Once a recommendation is determined, a letter should be prepared which summarizes and supports the reasons for the recommendation based upon the required criteria. Letters should convey relevant external evaluator comments (without divulging evaluator's name or institution), and should also address external evaluator comments which dissent from the reviewer's recommendation. Committee letters must include vote tally, signatures of all committee members, and both supporting and dissenting views as weighed against the required criteria. If the recommendation is based upon information not contained within the portfolio that the reviewer has solicited from other sources, the letter must identify the solicited information and the source, and the solicited evidence must be attached to the letter so the candidate has an opportunity to review and rebut.

Letters of recommendation and all relevant attachments will be delivered by the reviewer or committee chair to the Unit's P&T Coordinator, who will place the recommendation in the candidate's portfolio and provide a copy of the letter, in its entirety with any supporting attachments, to the candidate for review and rebuttal. Candidates will be given fourteen calendar days to provide a written rebuttal, which (if any) will be placed in the portfolio prior to submitting to the next level of review.

All recommendation letters, candidate rebuttals, and supporting documentation from all subsequent levels must be included in the portfolio prior to submitting to the next level of review. Portfolio reviews are sequential as described in the Overview process above; at no time and under no circumstances should different levels of review occur simultaneously. Under no circumstances will recommendations be forwarded to previous levels of review. All committee P&T discussions and deliberations are to remain confidential amongst the membership.

### **Review by Department/Division Chair/Head.**

*(For the purpose of brevity, the word "Department" will relate to either Department or Division, and the word "Chair" will relate to either Chair or Head).* The Chair's review will follow the first P&T Committee review OR it will be prior to the review of the first P&T Committee review depending on the unit's prescribed process A Chair

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may not serve on the P&T Committee for a candidate from their own Department. However, Chairs from other Departments may serve on the P&T Committee for a candidate as needed. The Chair should take no more than 14 calendar days in which to review the portfolio and submit a recommendation. The Chair will complete the Part II Form and make a "yes" or "no" recommendation. The Chair must support their recommendation weighed against the required department/Unit criteria, and address any dissenting opinions in the subsequent levels of review, including external evaluator letters. If the recommendation is based upon information not contained within the portfolio, the recommendation must identify the information and the source, and the supporting evidence must be attached to the recommendation so the candidate has an opportunity to review and rebut.

The Chair may choose to write a letter of recommendation in addition to the Part II form, but this is not required. The Chair will deliver the completed and signed Part II Form and recommendation letter (if any) to the Unit P&T Coordinator who will in turn make a copy available to the candidate. The candidate shall have 14 calendar days in which to rebut the Chair's recommendation to the next level of review.

### **Department/Division/Unit Committee Reviews.**

*Promotion and Tenure (P&T) Committees:* According to CRR 320.015 A.1. c. "The promotion and tenure committees may be appointed, elected, or otherwise designated in accordance with the established departmental or Unit procedures as long as the procedures are in compliance with the University of Missouri Collected Rules and Regulations. If other than tenured professors are included on the promotion and tenure committee, only those committee members who are tenured may participate in making a recommendation for a candidate seeking tenure, except in the case of faculty members emeriti serving on the committee as allowed in section 320.035.A.1.d." In the case of a promotion to Associate Professor or to Professor, if the department/division P&T Committee contains faculty members who are not at that rank, such members may not participate in the discussion or vote on the promotion.

A P&T Committee requires a minimum of three faculty members. If there are not at least three tenured or emeriti faculty in the department/division/unit of the same rank or higher of that being sought by the candidate, the P&T Committee shall "borrow" faculty of that rank or above from related departments or units either at UMKC or at another UM campus. These faculty shall be chosen by consultation among the eligible faculty, the Chair, and the Dean.

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**Review Process.** The Department/Division P&T Committee, or unit P&T Committee, should take no more than 14 calendar days to review a candidate's portfolio and submit a recommendation. The P&T Committee may solicit whatever additional information its members deem appropriate, from within and outside the University, to evaluate the candidate under consideration in the areas of teaching, research and service (CRR 320.015 A.1.f.). If solicited information is factored into the Committee's recommendation, the letter must identify the evidence collected and the source, and the evidence must be attached to the recommendation letter so the candidate has an opportunity to review the evidence and rebut. Once a decision is made, a letter of recommendation should be prepared and signed by all committee members. The letter must contain the committee's recommendation (for or against) with vote tally, and must summarize the reasons for the recommendation, including supporting and dissenting views and relevant external evaluator comments *<always preserve anonymity of evaluator and institution>* and the committee's related opinions, all weighed against the qualifying criteria as documented in the Department or Unit P&T Guidelines. If a single letter cannot adequately convey both majority and dissenting views, a minority opinion letter may be included, signed by all minority opinion committee members.

The committee Chair will deliver the letter of recommendation to the Unit P&T Coordinator promptly after a decision has been reached, within 14 days of receiving the portfolio for review. The Unit P&T Coordinator will place the letter in the candidate's portfolio and provide a copy to the candidate, allowing fourteen calendar days for the candidate to rebut prior to submitting the portfolio to the next level of review. When the candidate's portfolio is forwarded to the next level of review, all recommendations and rebuttals from all subsequent levels must be included.

### **Review by the Unit Dean.**

The Dean shall be the final level of the Unit's P&T review process. The Dean may consult with members of the faculty individually or in a group and may confer with others before coming to a decision (CRR 320.035 A.2.a). However, to avoid the appearance of bias, the Dean should not consult with individual members of the P&T Committees about cases currently under review prior to the completion of committee recommendations, nor with members of the Campus Promotion and Tenure Advisory Committee (CPTAC) about a case at any time unless so invited by the CPTAC.

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The Dean may solicit whatever additional information is deemed appropriate for making an independent evaluation and recommendation. If the recommendation is based upon information not contained within the portfolio, the recommendation letter must identify the information and the source, and the supporting evidence must be attached to the recommendation so the candidate has an opportunity to review and rebut. All recommendations must be weighed against the required department/Unit criteria.

The critical questions that shall be addressed at this level are as follows:

1. *Is the candidate qualified to be promoted or to be placed on continuous appointment?*
2. *Is the recommended action in the best interests of the University of Missouri Kansas City?*

The Dean will deliver the signed letter of recommendation with any supporting documentation to the Unit P&T Coordinator who will in turn make a copy available to the candidate. The candidate shall have 14 calendar days in which to rebut the Chair's recommendation to the next level of review.

### **Review by the Campus Promotion and Tenure Advisory Committee, the Provost, and the Chancellor**

The Campus Promotion and Tenure Advisory Committee (CPTAC) will thoroughly review each candidate's P&T Portfolio and provide its recommendations to the Chancellor through the Provost. The Provost shall assist the Chancellor by conducting a thorough review of the candidate files and providing recommendations to the Chancellor, along with the recommendations made by the CPTAC and their vote count in each case.

In making a final recommendation to the Provost and the Chancellor, the CPTAC will also answer the two critical questions asked of the Deans above. In addition, the CPTAC will advise the Provost and the Chancellor on the following matters:

1. The qualifications of each candidate based on the candidate's record of teaching, research, and service;
2. The adequacy of the criteria used at the departmental and Unit level
3. The department/unit criteria was appropriately applied in all previous levels of recommendation.

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In instances where the CPTAC makes a recommendation to the Chancellor that differs from the recommendation of the Dean, the CPTAC shall meet or otherwise communicate with the Provost and/or the Chancellor to discuss the case and the reasons behind the committee's decision. Similarly, in instances where the Chancellor's decision differs from the recommendation of the CPTAC, the Chancellor shall meet or otherwise communicate with the committee to discuss the reasoning behind the decision.

There will be no written recommendations by the CPTAC or the Provost distributed to the candidate, as both of these levels of review are advisory to the Chancellor.

### **Decision and Notification Process.**

It is to be clearly understood by all persons involved in the promotion and continuous appointment process that recommendations by faculty P&T Committees, Chairs, and Deans are only *recommendations* and a final decision can be made only by the Chancellor. Statements made at the department or Unit level relate only to recommendations at the level at which the statement originates. Mere satisfaction of minimum criteria at the Unit or department level is not sufficient to ensure promotion or continuous appointment.

In all cases, final decisions by the Chancellor will be based upon the best interests and needs of the campus.

The Chancellor will provide written notification of the final decision to each candidate no later than July 1.

### **Candidate Failure to Complete the P&T Process**

**Failure to present a mandatory portfolio.** Failure to present a mandatory portfolio by the required deadline is a resignation of the candidate's tenure track position. Notification from the Provost will be delivered to the candidate that states that failure to submit the portfolio within the Provost's designated time period will result in an automatic resignation of the candidate's tenure-track position. The candidate will be placed on a terminal year which ends his/her employment no later than August 31 of the next contract period.

**Withdrawal from review process.** Withdrawal from the mandatory review process requires the candidate's letter of resignation from his/her tenure-track position. The candidate will be offered a terminal year which ends their employment with the university no later than August 31 of the next contract period.

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**Withdrawal from non-mandatory review.** At any point in the process, a candidate may withdraw from a non-mandatory review without penalty. Because the time and energy of many people are involved in preparation and review of a portfolio, however, candidates should carefully reflect on their qualifications and readiness for review before commencing the process.

**Extensions.** Extensions should be requested in a timely manner as situations arise which adversely affect progress towards promotion and tenure. See the UMKC P&T website for further information.

### **Periodic Faculty Review of P&T Criteria**

The Provost requires the tenured faculty body review and revise the department/unit promotion and tenure criteria as needed, but no less than every 5 years, to ensure the criteria remains relevant to faculty performance expectations, mission, and strategic plan. Criteria must designate measurable criteria and performance expectations by rank in each of the areas of teaching, research/scholarly/creative works, and service. Criteria must align with the UM System performance expectations outlined in CRRs 320.035, 310.015, and 310.080. The faculty-approved Department P&T Criteria document must be submitted to the Provost for approval and publication on the UMKC P&T website within 60 days of faculty approval.



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**Promotion and Tenure Sequence Flow Chart**

