

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL FACULTY RULES

Table of Contents

1.1	Administration of the Law School.....	1
1.1.1	The Dean.....	1
1.1.2	Duties of the Dean.....	1
1.1.3	Budget and Finances.....	1
1.2	The Faculty.....	1
1.2.1	Persons Included.....	1
1.2.2	Governing Body of the Law School.....	1
1.2.3	Full-Time Faculty Member Defined.....	1
1.2.4	Limited Service Member Defined.....	2
1.2.5	Tenured Faculty Member Defined.....	2
1.2.6	Clinical Faculty Member Defined.....	3
1.2.7	Director and Associate Director of Legal Research and Writing Defined.....	3
1.2.8	NTNC Member Defined.....	3
1.2.9	Appointment, Promotion, Tenure Grants, and Termination of Faculty.....	3
1.2.10	Duties and Powers of the Faculty.....	3
1.3	Faculty Committees.....	3
1.3.1	Composition.....	3
1.3.2	Special Committees.....	4
1.3.3	Dean's Council.....	4
1.3.4	Committee Service.....	4
1.4	University Faculty Organizations.....	4
1.5	Nature, Time, and Place of Faculty Meetings.....	4
1.5.1	Business Meetings.....	4
1.5.2	Attendance at Business Meetings.....	4
1.5.3	Special Meetings.....	4
1.5.4	Informational Meetings.....	5
1.5.5	Meetings Convened by Tenured Members or by Rank.....	5
1.5.6	Minutes.....	5
1.5.7	Guests and Observers at Meetings.....	5
1.5.8	Place of Meetings.....	6
1.6	Rules of Order and Agenda for Faculty Meetings.....	6
1.6.1	Rules of Order.....	6
1.6.2	<i>Faculty Rules</i>	6
1.6.3	Compilation of the <i>Faculty Rules</i>	6

1.6.4	Day Defined.....	6
1.6.5	Content and Preparation of the Agenda.....	6
1.6.6	Consent Calendar.....	6
1.6.7	Notice and Circulation of the Agenda.....	7
1.6.8	Order of Business.....	7
1.6.9	Non-Business Items.....	7
1.7	Debate and Voting at Faculty Meetings.....	7
1.7.1	Debate.....	7
1.7.2	Quorum.....	7
1.7.3	Voting Eligibility.....	7
1.7.3.1	Tenured or Tenure-Track Faculty.....	8
1.7.3.2	Limitations on Voting for Specific Categories of Faculty Members.....	8
1.7.3.2.1	Tenured Faculty on Clinical Track II.....	8
1.7.3.2.2	Faculty on Clinical Track I.....	8
1.7.3.2.3	Clinical Faculty Who Are Not on Track I or Track II and the Director and Associate Director(s) of Legal Research and Writing.....	8
1.7.3.2.4	Prohibition on Voting on a Matter the Affects a Faculty Member's Own Status or Position.....	8
1.7.3.3	NTNC Faculty.....	9
1.7.3.4	Half-time Faculty.....	9
1.7.3.5	Limited Service Members.....	9
1.7.3.6	Statement of Voting Rights.....	9
1.7.4	Voting by Voice.....	9
1.7.5	Voting by Show of Hands.....	9
1.7.6	Voting by Secret Ballot.....	9
1.7.7	Majority Vote of the Faculty Defined.....	10
1.7.8	Nominations and Elections.....	10
1.7.9	Suspension of the Rules.....	10
1.7.10	Rules Not Subject to Suspension.....	10
1.8	Amendment and Severability of Rules.....	10
1.8.1	Amendment.....	10
1.8.2	Severability.....	10
2.	Appointments.....	10
2.1	The Appointments Committee.....	10
2.1.1	Composition.....	11
2.1.2	Term of Membership.....	11
2.1.3	Period of Tenure.....	11
2.1.4	Duties.....	11
2.2	General Standards Governing Appointments.....	11
2.3	Criteria for Appointment of Traditional Tenured and Tenure-Track Faculty.....	11
2.4	Criteria for Appointment of Tenure-Track and Tenured Faculty on Clinical Track II.....	12

2.5	Criteria for Appointment of Director and Associate Director of Legal Research and Writing.....	12
2.6	Criteria for Creation of NTNC Positions, Appointment of NTNC Faculty, and Appointment of a Visitor as the Director of Legal Research and Writing.....	12
2.6.1	Presumptions.....	12
2.6.2	Criteria for Creation of NTNC Positions.....	12
2.6.3	Criteria for Appointment of NTNC Faculty.....	13
2.6.4	Appointment of Visitors as the Director of Legal Research and Writing or to NTNC Positions.....	13
2.6.5	Criteria for Appointment of Part-Time Faculty.....	13
2.7	Procedures for Creation or Reauthorization of NTNC Position.....	13
2.7.1	Consultation.....	13
2.7.2	Faculty Approval.....	13
2.7.3	Reauthorization of NTNC Position.....	13
2.8	Procedures for Appointment.....	14
2.8.1	Compliance with University Requirements and Announcement of Vacancies.....	14
2.8.2	National Search.....	14
2.8.3	Abrogated.....	14
2.8.4	Screening of Candidates.....	14
2.8.5	Campus Interviews.....	14
2.8.6	Number of Candidates.....	15
2.8.7	Interview Schedule.....	15
2.8.8	Verification and Evaluation of Credentials.....	15
2.8.9	Vote by Committee.....	15
2.8.10	Preliminary Reports and Discussion at Faculty Meeting.....	15
2.8.11	Executive Session on Appointment.....	16
2.8.12	Executive Session on Appointment with Tenure.....	16
2.8.13	Executive Session on Appointment at Level of Full Professor.....	16
2.8.14	Appointment of Visiting Professors.....	16
2.8.15	Dean’s Recommendation of Part-Time Faculty Members.....	16
2.8.16	Appointment of Part-Time Faculty Members.....	17
2.9	Rank and Title at Appointment.....	17
2.9.1	Tenured and Tenure-Track Faculty.....	17
2.9.2	Clinical Faculty.....	17
2.9.3	Appointment of Soft-Money Clinical Faculty Members.....	17
2.9.4	NTNC Faculty.....	17
2.9.5	NTNC Faculty Title.....	18
2.10	Length of Initial Appointment.....	18
2.10.1	Clinical Faculty on Soft Money.....	18
2.10.2	Director and Associate Director(s) of Legal Research and Writing.....	18
2.10.3	NTNC Faculty.....	18
2.10.4	Part-Time Faculty.....	18

2.11	Courtesy Appointments	18
2.11.1	Criteria for Courtesy Appointment..	19
2.11.2	Procedures for Appointment.	19
2.11.2.1	Recommendation.	19
2.11.2.2	Review.	19
2.11.2.3	Voting.	19
2.11.2.4	Maximum Number of Appointments.	19
2.11.3.	Rank and Title of Appointment.....	19
2.11.4	Term of Appointment.	20
2.11.4.1	Period of Years.	20
2.11.4.2	Termination	20
3.	Tenure, Promotion, and Reappointment.	20
3.1	The Tenure and Promotion Committee.....	20
3.1.1	Composition.....	20
3.1.2	Duties	20
3.2	Mid-Term Review.....	20
3.3	General Standards Governing Tenure, Promotion, and Reappointment.....	21
3.3.1	Non-Discrimination.	21
3.3.2	Harmless Error.	22
3.4	Criteria for Tenure and Promotion of Traditional Tenured and Tenure-Track Faculty. 22	
3.4.1	Effectiveness as a Teacher.	22
3.4.2	Quality and Quantity of Professional Writings.....	22
3.4.3	Law School, University, Professional, and Public Service Activities.	22
3.4.4	Estimate of Continuing Future Competence.	23
3.4.5	Academic Needs.	23
3.4.6	Weighing of Criteria and Balance.....	23
3.4.7	Professors and Associate Professors on a Clinical Track and Professors of Clinical Law Who Meet the Criteria of 3.4.	23
3.5	Criteria for Tenure of the Director of the Law Library and for Promotion of the Director of the Law Library to Full Professor of Law.....	23
3.5.1	Effectiveness in Operating a Service-Oriented Library.....	23
3.5.2	Effectiveness as a Manager of the Library Staff.....	24
3.5.3	Effectiveness in Keeping Within the Library Budget and in Prudent Management of Budgeted Funds.	24
3.5.4	Effectiveness as a Colleague.....	24
3.5.5	Estimate of Continuing Future Competence.....	24
3.5.6	Commitment.	24
3.6	Criteria for Tenure or Promotion of a Faculty Member Who Is on Clinical Track II ..	24
3.6.1	Effectiveness as a Teacher.	25
3.6.1.1	Effectiveness as a Teacher.....	25
3.6.1.2	Lawyering Skills.....	25

3.6.1.2A	Imparting Skills (Clinical Track I)	25
3.6.1.3	Imparting Skills (Clinical Track II)	25
3.6.1.4	Professional Responsibility.	26
3.6.2	Research, Writing and Advocacy.	26
3.6.3	Law School, University, Professional, and Public Service Activities.	26
3.6.4	Estimate of Continuing Future Competence.....	26
3.6.5	Academic Needs.	26
3.6.6	Weighing of Criteria and Balance.....	26
3.6A.	Criteria for Promotion, Reappointment or Tenure of A Faculty Member Who Teaches Primarily in the Clinic But Who Is Not on Clinical Track II.....	27
3.6.1A	Effectiveness as a Teacher.	27
3.6.1.1A	Skills in Client Representation.....	27
3.6.1.2A	Imparting Skills.	27
3.6.1.3A	Teaching Materials.....	27
3.6.1.4A	Professional Responsibility.	27
3.6.1.5A	Respect of Students.	28
3.6.2A	Quality and Quantity of Professional Writing.....	28
3.6.3A	Law School, University, Professional, and Public Service Activities.	28
3.6.4A	Estimate of Continuing Future Competence.	28
3.6.5A	Academic Needs.....	28
3.6.6A	Weighing of Criteria and Balance.....	28
3.6.7A	Application for Change of Status.....	28
3.7	Criteria for Promotion and Reappointment of the Director or Associate Director of Legal Research and Writing.....	29
3.7.1	Criteria.	29
3.8	Criteria for Promotion and Reappointment of NTNC and Part-time Faculty.....	29
3.8.1	Criteria for Promotion or Reappointment of NTNC Faculty.....	29
3.8.2	Criteria for Promotion or Reappointment of Part-Time Faculty.	29
3.9	Procedures for Tenure and Promotion of Tenured and Tenure-Track Faculty and for a Faculty Member's Change of Status.....	30
3.9.1	Notice.....	30
3.9.2	Committee to Gather Information.....	30
3.9.3	Information by the Dean.	30
3.9.4	Outside Reviews.	31
3.9.5	Teaching Evaluations.....	31
3.9.6	Faculty Meeting.	31
3.9.7	Consequence of Rejection.....	32
3.10	Procedures for Promotion, Reappointment, or for a Grant of Clinical Tenure on Track I for Current Clinical Faculty Members (Employed prior to October 9, 2009).....	32
3.10.1	Procedures for Promotion and Reappointment of Current Clinical Faculty.....	32
3.10.1.1	Written Request.	32
3.10.1.2	Record.....	32

3.10.1.3	Committee Review.....	32
3.10.1.4	Faculty Meeting.....	33
3.10.2	Procedures for Second and Later Reappointments Subsequent to Promotion of Current Clinical Faculty Members.....	33
3.10.2.1	Term.....	33
3.10.2.2	Notice of Intention Not to Automatically Renew.....	33
3.10.2.3	Notice of Intention to Seek Renewal.....	34
3.10.2.4	Other Termination Rights.....	34
3.10.3	Procedures for a Special Grant of Tenure Status to Current Clinical Faculty Members Employed Prior To October 9, 2009.....	34
3.10.3.1	Written Request.....	34
3.10.3.2	Review of Record.....	34
3.10.3.3	Procedures.....	35
3.10.3.4	Voting Rights.....	35
3.11	Procedures for Promotion and/or Reappointment of the Director or Associate Director of Legal Research and Writing.....	35
3.11.1	Application for Reappointment.....	35
3.11.2	Application for Promotion.....	35
3.11.3	Record.....	35
3.11.4	Committee Review.....	36
3.11.5	Consideration at the Faculty Meeting.....	36
3.12	Procedures for Promotion and Reappointment of NTNC Faculty.....	36
3.12.1	Dean’s Recommendation and Vote.....	36
3.12.2	Additional Procedures for Promotion and Reappointment of NTNC Faculty.....	36
3.12.2.1	Consultation.....	36
3.12.2.2	Notice.....	36
3.12.2.3	Materials for Consideration.....	36
3.12.2.4	Class Visit.....	37
3.12.2.5	Dean’s Report.....	37
3.12.2.6	Committee Report.....	37
3.12.2.7	Voting.....	38
3.12.3	Additional Procedures for Second and Later Reappointments Subsequent to Promotion.....	38
3.12.3.1	Term.....	38
3.12.3.2	Notice.....	38
3.12.3.3	Intention to Seek Renewal.....	39
3.12.3.4	Termination Rights.....	39
3.12.4	Other Persons Eligible for Reappointment under 3.12.2.....	39
3.13	Procedures for Promotion and Reappointment of Part-Time Faculty.....	39
3.13.1	Term.....	39
3.13.2	Voting.....	39
3.14	Length of Reappointment.....	39

3.14.1	Clinical Faculty.....	40
3.14.2	Director or Associate Director of Legal Research and Writing.....	40
3.14.3	NTNC Faculty.....	40
3.14.4	Part-Time Faculty.	40
3.20	Expression of Faculty Support of Decanal Continuation.	40
3.20.1	Dean’s State of the Law School Address.....	40
3.20.2	Faculty Comments.....	40
3.20.3	Discussion and Voting.	41

1. General Rules of Organization and Procedure.

1.1 Administration of the Law School.

1.1.1 The Dean. The dean of the Law School is the chief administrative officer. He is appointed by the Board of Trustees, upon recommendation of the president with participation by the faculty. He is responsible to the president through the vice president for academic affairs. The dean serves at the pleasure of the president.

1.1.2 Duties of the Dean. The dean is responsible for the supervision and development of all of the resources of the school: the instructional and research programs, the faculty and teaching staff, the physical facilities in use by the school, and the financial resources necessary for its program. He presides at faculty meetings, and, with the faculty, develops its policies in keeping with University-wide guidelines. The dean recommends appointments, promotions, tenure, and changes of faculty status based upon recommendations of the faculty. He sees that the principles stated in the Faculty Code in regard to such actions are carried out.

1.1.3 Budget and Finances. With the assistance of the faculty, the dean prepares annual and long-term budgets, and in consultation with the vice president for academic affairs, is authorized to control the expenditures of the unit, within the limits of the allocations made to it by the Board of Trustees upon the recommendation of the president. He may request and defend the need for further allocations, but in consultation with the vice president for development, has foremost the responsibility to assume leadership in attracting external funds to the Law School for the development of its facilities, programs, and staff.

1.2 The Faculty.

1.2.1 Persons Included. The faculty of the Law School includes persons appointed to full-time service, limited service, visiting status, and research/academic status, such persons to be appointed, reappointed, promoted, tenured, granted leave, discharged, and retired in accordance with the provisions of the Faculty Code.

1.2.2 Governing Body of the Law School. The governing body of the Law School is the Law School's full-time faculty. The Law School faculty is a continuing body.

1.2.3 Full-Time Faculty Member Defined. A full-time faculty member shall hold an appointment as professor of law, associate professor of law, professor of law (clinical track I or II), associate professor of law (clinical track I or II), professor of clinical law, associate professor of clinical law, professor or associate professor

of legal research and writing, director of legal research and writing, associate director of legal research and writing, professor of [specialty], or associate professor of [specialty]. A full-time faculty member may be in active service or on leave of absence. His/her appointment may include the word “research.” He or she may also hold an appointment to another degree-granting unit of The George Washington University. A person holding a part-time position, by virtue of position-sharing or otherwise, shall not by virtue of his/her part-time responsibilities alone be considered a “Limited Service Member,” as defined in Rule 1.2.4.

Unless otherwise specifically designated, a reference throughout these rules to tenured or tenure-track faculty shall include all tenured and tenure-track faculty including those who are on a clinical track. However, a reference throughout these rules to “traditional” tenured or tenure-track faculty shall refer only to faculty who are not on a clinical track.

Any full-time faculty member on a clinical track, or who holds the title of professor of clinical law or associate professor of clinical law, may publicly use the title of professor or associate professor of law (whichever is appropriate) without otherwise specifying his or her clinical status.

- 1.2.4 Limited Service Member Defined. A limited service member shall hold an appointment as professor emeritus of law, visiting professor of law, associate visiting professor of law, visiting professor of clinical law, visiting associate professor of clinical law, visiting professor of [specialty] law, visiting associate professor of [specialty] law, adjunct professor of law, or professorial lecturer in law. Part-time faculty members who hold the title of professorial lecturer in law are popularly known, but not formally appointed as, “adjuncts.”
- 1.2.5 Tenured Faculty Member Defined. A tenured member shall hold an appointment as professor of law or associate professor of law, professor of law (clinical track I or II) or associate professor of law (clinical track I or II) with continuous tenure. However, the granting of tenure to a faculty member on clinical track I or II is based on an understanding that the faculty member will continue primarily to teach in the clinic throughout his or her career at the law school although he or she, with approval of the dean, may be assigned to teach a non-clinical course. Should a tenured clinical faculty member resign his or her position in the clinic or be removed therefrom for cause as defined by University regulations, the clinical faculty member shall not, as a matter of right, be entitled to remain on the faculty in another capacity.

- 1.2.6 Clinical Faculty Member Defined. A full-time faculty member who teaches primarily clinical courses and who is not tenured or on a tenure-track appointment shall hold a non-tenure-accruing appointment for a contractual period as professor of clinical law, associate professor of clinical law, or adjunct professor of clinical law. A soft-money clinical faculty member is a clinical faculty member funded through grants.
- 1.2.7 Director and Associate Director of Legal Research and Writing Defined. A full-time member of the faculty who directs (or assists in the direction of) the Legal Research and Writing Program shall hold a non-tenure-accruing appointment for a contractual period as professor or associate professor of legal research and writing and director or associate director of the research and writing program.
- 1.2.8 NTNC Member Defined. An NTNC faculty member is a non-tenure-track, non-clinical faculty member who shall hold a non-tenure-accruing appointment for a contractual period as professor of [specialty] law, associate professor of [specialty] law, director of [program], co-director of [program], or associate director of [program].
- 1.2.9 Appointment, Promotion, Tenure Grants, and Termination of Faculty. The dean of the Law School shall make recommendations to the president and the Board of Trustees in all matters of appointment, promotion, the granting of tenure, and termination procedures, subject to the approval of the faculty.
- 1.2.10 Duties and Powers of the Faculty. The faculty members are individually responsible for conforming to all policies, rules, and regulations adopted by the University and/or the faculty of the Law School; and to the reasonable administrative requirements of the University. Subject to the Board of Trustees and general University educational policies and objectives, the full-time faculty of the Law School formulates educational policy and objectives for the Law School, decides questions of academic policies and objectives, and adopts such schemes of organization and administration for the Law School as are necessary to such policies. The power to establish educational policies and objectives and to provide organizational means for realizing such policies may be delegated, subject to limitations of the Code or as otherwise provided herein.

1.3 Faculty Committees.

- 1.3.1 Composition. Faculty Committees may include full-time faculty, staff, students and others. Students, staff and others have such rights on the committees as the full-time faculty may determine, including the right to have their votes reported to

the faculty, but their approval shall not be required for the committees to take actions or make recommendations within their jurisdiction.

- 1.3.2 Special Committees. The Law School faculty may from time to time appoint special committees to include students, faculty, and others as provided by motion. The dean may from time to time appoint special committees to include students, faculty, and others.
- 1.3.3 Dean's Council. The Dean's Council is appointed by the dean of the Law School to serve him in an advisory capacity. The Dean's Council has no authority other than that delegated to it by the dean or the faculty.
- 1.3.4 Committee Service. All members of the full-time faculty may serve on all faculty committees, except that the director of legal research and writing and NTNC faculty members may not serve on the Appointments or Tenure and Promotion Committees.
- 1.4 University Faculty Organizations. Subject to the Board of Trustees, the faculty of the University and the official representative bodies of the faculty formulate educational policy and educational objectives of the University.
- 1.5 Nature, Time, and Place of Faculty Meetings.
 - 1.5.1 Business Meetings. A business meeting of the faculty shall normally be held once each month beginning in September and continuing through May, and in other months at the call of the dean. When practicable, a business meeting shall commence in the afternoon of some Friday of the month, such meeting not to conflict with University Senate meetings whenever possible. No regular classes shall be scheduled between 2:00 p.m. and 6:00 p.m. on Fridays. A schedule of business meeting dates and times for the fall and spring semesters shall be prepared by the dean or the senior associate dean for academic affairs and circulated to the faculty.
 - 1.5.2 Attendance at Business Meetings. It is the professional responsibility of faculty members to attend business meetings. The chair of every standing or special committee of the faculty shall attend or insure representation of his or her committee at every business meeting.
 - 1.5.3 Special Meetings. A special meeting of the faculty shall be called by the dean, or in the dean's absence by the senior associate dean for academic affairs; at the written request of ten or more full-time faculty members; or by the president or the vice president for academic affairs. The call or agenda for a special meeting

shall be prepared and circulated by the dean or the senior associate dean for academic affairs, giving as much notice of the time, place, and subject matter of the meeting as circumstances permit, but a special meeting may be called on any notice and for any time or place when reasonably required by the circumstances.

- 1.5.4 **Informational Meetings.** An informational meeting is one provided for announcements, proposals, and discussions to facilitate the exchange of ideas, facts, comments, and inquiries concerning the Law School. No quorum is required. No business shall be done. Advance notice of the agenda is not required. The dean shall have the power to limit the topics set for discussion and to limit debate, but rulings of the chair limiting debate may be appealed and shall be controlled by a simple majority of those present and voting in informational meetings. An informational meeting may be called by the dean, and shall be called by the dean, or in the dean's absence by the senior associate dean for academic affairs, at the written request of six or more full-time faculty members.
- 1.5.5 **Meetings Convened by Tenured Members or by Rank.** Meetings may be convened exclusively of tenured members to deal with business particularly within the interests of tenured members, such as the granting of tenure to non-tenured faculty. Meetings may be convened exclusively of members of designated rank to deal with business particularly within the interests of such members, such as the promotion of members of lower rank.
- 1.5.6 **Minutes.** The dean shall appoint some suitable person to take minutes of every meeting of the Law School faculty except informational meetings. Minutes shall not be kept of informational meetings. Minutes taken in executive sessions shall not be published and must only be read or acted upon in executive sessions. Minutes shall not be kept of debate relative to tenure or promotion of specific persons, but the results of votes and the text of motions shall be kept. Minutes of regular faculty meetings shall normally be circulated to the faculty within ten days after the meeting.
- 1.5.7 **Guests and Observers at Meetings.** Limited service members, as defined in section 1.2.4, and the President and Vice-President of the Student Bar Association, as well as one additional student appointed by the Student Bar Association, may attend Law School faculty meetings on a non-voting basis. Limited service members shall have the privilege of debate. Neither students nor limited service members shall attend executive sessions or those meetings convened by tenured members or by rank of faculty unless invited by a majority of those present and voting at such sessions or meetings. Subject to a majority vote, the dean may invite guests to attend any Law School faculty meeting to

address the faculty and answer questions or to observe the meeting as silent spectators, as the motion of invitation shall specify.

1.5.8 Place of Meetings. The dean shall hold every meeting in a place suitable to the comfort and convenience of the persons attending, subject to faculty approval.

1.6 Rules of Order and Agenda for Faculty Meetings.

1.6.1 Rules of Order. The faculty shall govern itself in its various meetings according to the most recent version of *Robert's Rules of Order*, except as provided otherwise in the special rules of order of these rules, by rule or motion adopted by the Law School faculty, or when in conflict with superior University authority.

1.6.2 *Faculty Rules*. The senior associate dean for academic affairs shall maintain a consolidated set of all rules, motions, and resolutions adopted that affect the administration of the Law School, the conduct of business by committees or in faculty meetings, or similar procedures and processes so that such actions shall be conveniently available in collected form. Such rules, motions, and resolutions shall be known as the *Faculty Rules*.

1.6.3 Compilation of the *Faculty Rules*. The senior associate dean for academic affairs shall maintain an amended set of the *Faculty Rules* and shall distribute one or more such copies, and such replacement pages thereafter as necessary to keep the *Faculty Rules* current, to each member of the Law School faculty.

1.6.4 Day Defined. When the *Faculty Rules* specify a number of days for notice, "day" shall mean a working day at the Law School, and the day of the noticed event shall count as the last day of the prescribed period in computing when notice must be distributed. A working day means a day on which the staff is in attendance and does not require the holding of classes for instruction.

1.6.5 Content and Preparation of the Agenda. The dean, senior associate dean for academic affairs, or associate dean for academic affairs shall collect and arrange the items for each business meeting and shall prepare and circulate the agenda. At the timely request in writing of five full-time faculty members, the dean, the senior associate dean for academic affairs, or associate dean for academic affairs shall include an item on the agenda of the next business meeting.

1.6.6 Consent Calendar. The dean, senior associate dean for academic affairs or associate dean for academic affairs may separately designate a consent calendar on the agenda. Items on the consent calendar will not be subject to discussion or separate faculty vote and are deemed approved by unanimous consent. The

following matters may be placed on the consent calendar: 1) approval of the minutes of the prior faculty meeting; 2) approval of the appointments of adjunct faculty as adjunct professors of law, or professorial lecturers in law; 3) approval of J.D., LL.M. and S.J.D. graduates; 4) approval of the designation of a course as satisfying the Skills Requirement; 5) approval of proposals by the Curriculum Committee to modify the number of units of credit awarded for courses, change the method of evaluation for a course, or approve the content of a generic seminar to be taught by adjunct faculty. Upon written (including e-mail) request of three members of the full-time faculty, made at least 24 hours prior to the faculty meeting to the preparer of the agenda, an item on the consent calendar shall be considered as an item on the regular calendar and thus subject to discussion and vote. The faculty shall be notified by e-mail or other means as soon as possible that an item has been removed from the consent calendar and is subject to discussion.

1.6.7 Notice and Circulation of the Agenda. In order to give notice sufficient to consider an item at a business meeting, the item shall be included in the agenda and put in faculty mailboxes not later than five days before the meeting. The agenda for a special meeting shall be provided in such form and with as much notice as the circumstances permit, and the business of a special meeting shall be germane to the matters giving rise to the meeting.

1.6.8 Order of Business. The business of the faculty at a meeting shall be taken up in the order in the agenda, unless it is altered by the presiding dean, subject to a majority vote of the faculty.

1.6.9 Non-Business Items. Announcements, motions of appreciation or condolence, and similar non-business items need not be included in the agenda in order to be given appropriate attention at a meeting.

1.7 Debate and Voting at Faculty Meetings.

1.7.1 Debate. All discussion and all amendments, including motions to substitute, shall be germane to the matter being debated.

1.7.2 Quorum. A quorum of the full-time faculty, or tenured faculty, or faculty convened by rank or status shall be the next whole number greater than one-half of the members of these respective bodies. Members on leave of absence will not be included in the determination of any quorum requirement unless such member is in actual attendance.

1.7.3 Voting Eligibility.

- 1.7.3.1 Tenured or Tenure-Track Faculty. Tenured or tenure-track faculty members, except as provided in 1.7.3.2, shall be eligible to vote on all matters, except that only tenured faculty may vote on the grant of tenure to a faculty member (for either newly appointed members or for existing members of the faculty) and only tenured full professors may vote to grant full professor status to a faculty member (for either newly appointed members or for existing members of the faculty).
- 1.7.3.2 Limitations on Voting for Specific Categories of Faculty Members.
- 1.7.3.2.1 Tenured Faculty on Clinical Track II. Tenured faculty on clinical track II shall not be eligible to vote on the granting of tenure or full professor status to traditional faculty members (for either newly appointed members or for existing members of the traditional faculty), or for clinical faculty seeking a change of status to traditional faculty status.
- 1.7.3.2.2 Faculty on Clinical Track I. Faculty members on clinical track I may not vote on a recommendation for appointment or promotion of tenured or tenure-track faculty, or the granting of tenure to tenure-track faculty, other than appointments of new clinicians to track II and changes of status from professor of clinical law to track I, and only full professors may vote to grant the status of full professor, including full professor of [specialty] law or full professor of legal research and writing.
- 1.7.3.2.3 Clinical Faculty Who Are Not on Track I or Track II and the Director and Associate Director(s) of Legal Research and Writing. Clinical Faculty who are not on track I or track II and the Director and Associate Director(s) of Legal Research and Writing may not vote on a recommendation for appointment or promotion of tenured or tenure-track faculty, *other than the appointment of new clinicians on track II*, or the granting of tenure to tenure-track faculty, and only full professors may vote to grant the status of full professor, including full professor of [specialty] law or full professor of legal research and writing.
- 1.7.3.2.4 Prohibition on Voting on a Matter the Affects a Faculty Member's Own Status or Position. No faculty member shall be eligible to vote on personnel matters affecting his or her individual contract or status.

- 1.7.3.3 NTNC Faculty. NTNC faculty shall be eligible to vote in faculty meetings on any matters except personnel matters, rules and regulations relating to such matters, or the election of personnel committees. NTNC faculty who were appointed prior to April 4, 1997, pursuant to the specialist plan adopted April 15, 1994, shall be eligible to vote in faculty meetings on any matters except personnel matters affecting their own individual contracts, decanal appointments, or the appointment of, granting tenure to, or the promotion of, tenured or tenure-track faculty, or any rules and regulations relating to such matters. Only NTNC faculty members with the rank of full professor, and who are otherwise eligible to vote, shall be entitled to vote on the promotion of an NTNC member, clinical faculty member, or professor of legal writing to the rank of full professor.
- 1.7.3.4 Half-time Faculty. Faculty who hold a half-time position by virtue of position-sharing as defined by Rule 1.2.4, shall be eligible to vote on the same matters as a full-time faculty member of the same status (tenured, clinical, etc.) and rank.
- 1.7.3.5 Limited Service Members. Limited service members shall have no voting rights.
- 1.7.3.6 Statement of Voting Rights. A statement as to who is entitled to vote on any personnel matters should be made a part of each faculty meeting's agenda, to be distributed to all full-time faculty, including NTNC faculty.
- 1.7.4 Voting by Voice. Votes at meetings shall ordinarily be taken by voice, with the dean calling for the Ayes and the Noes and declaring the result as carried or lost.
- 1.7.5 Voting by Show of Hands. At the option of the dean, or upon the call of any faculty member for a division after a voice vote, the vote shall be taken by a show of hands. The dean shall announce the Ayes and the Noes, and he may in his discretion vote orally then to break a tie vote.
- 1.7.6 Voting by Secret Ballot. A secret ballot shall be taken whenever requested by a member. The dean may cast his ballot with the others and shall announce whether the motion carried, or, when requested by any member of the full-time faculty, the Ayes and the Noes; or he may exercise his power by a non-secret vote to break or create a tie vote.

- 1.7.7 Majority Vote of the Faculty Defined. A majority vote of the full-time faculty, tenured faculty, or faculty convened by rank shall be the next whole number greater than one-half of such members voting.
- 1.7.8 Nominations and Elections. The election of all officers and representatives of the faculty, including elected committees, shall be an item for the agenda of a business meeting. Elections to University bodies shall conform to the requirements of the University. Nominations may be made by any member eligible to vote in the election. Election shall be by a majority of eligible voters, a quorum of such class being present. The dean may appoint a nominating committee to present a name or names, and other nominations may be made from the floor. Where there is more than one nominee, election shall normally be by secret ballot, unless a majority vote of the faculty calls for voting by show of hands.
- 1.7.9 Suspension of the Rules. By vote of the next whole number greater than two-thirds of the faculty members voting, the faculty may suspend any of the rules, including the rules of order, for the consideration of any item of business, except as provided in section 1.7.10.
- 1.7.10 Rules Not Subject to Suspension. The following rules shall not be suspended, but may be altered by amendment as provided in section 1.7.6, Voting by Secret Ballot; section 1.7.9, Suspension of the Rules; and section 1.8.1, Amendment.

1.8 Amendment and Severability of Rules.

- 1.8.1 Amendment. An amendment of the *Faculty Rules* shall be treated as an item of business and may be adopted at any business meeting by a majority vote of the full-time faculty, a quorum of such class being present, provided that five days notice has been given. Whenever practicable, the proponent of an amendment to the *Faculty Rules* shall circulate a text of the proposed amendment to the faculty no later than five days before the meeting at which the amendment will be considered.
- 1.8.2 Severability. In case any provision of the *Faculty Rules* shall be inconsistent with The George Washington University Faculty Code, the *Faculty Rules* provision, to the extent of the conflict, shall be severed and declared void, and the remainder of the *Faculty Rules* shall continue in force.

2. Appointments.

2.1 The Appointments Committee.

- 2.1.1 **Composition.** There shall be eight members of the Appointments Committee. During the month of February of each academic year, the dean shall nominate the members and shall designate which of the eight members shall be the chair. The dean must nominate at least one member from faculty who primarily teach clinical courses. All members other than clinical faculty must be tenured members of the faculty as of the fall semester immediately following the appointment. The nominees in total must be approved by the faculty at a meeting held during that month. The Student Bar Association shall be responsible for selecting students to serve as student representatives on the committee.
- 2.1.2 **Term of Membership.** Each member shall serve a two-year term. During the first academic year in which this rule becomes effective, the dean shall nominate four members for a one-year term and four members for a two-year term. In all succeeding years, the dean shall nominate four members to fill the places of the members whose terms have expired. All members nominated in years succeeding the year in which this rule becomes effective shall serve for a two-year term. The Dean may fill any unexpected vacancies on the committee with the approval of the faculty. A nominee for an unexpected vacancy shall complete the term of the person replaced. The chair shall serve a one-year term.
- 2.1.3 **Period of Tenure.** Each annual term of office shall begin immediately upon approval of the Appointments Committee by the faculty and end upon approval of a new committee in the succeeding academic year. The Appointments Committee shall meet at the beginning of this period and throughout the term to consider appointments matters for the academic year beginning in the fall.
- 2.1.4 **Duties.** The Appointments Committee shall identify, screen, schedule, and recommend candidates for appointment and shall gather information necessary for these tasks. It shall review the substantive criteria and procedures for appointment and recommend to the faculty any changes that may be appropriate. The Appointments Committee shall periodically review the manner in which information is obtained about the qualifications of appointment candidates and recommend to the faculty any changes that may be appropriate.
- 2.2 **General Standards Governing Appointments.** Appointments, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, sexual orientation, national origin, age, disability, veteran status, or any other category protected by applicable law.
- 2.3 **Criteria for Appointment of Traditional Tenured and Tenure-Track Faculty.** A candidate for appointment as a traditional tenured or tenure-track faculty member must meet the

standards for tenure under Rule 3.4 or show substantial promise of achieving tenure under Rule 3.4. Criteria governing appointment shall include educational and professional achievement, teaching ability, demonstrated capability for quality research and scholarship, and potential for working effectively with colleagues in furthering the purposes and activities of the Law School or the University. Candidates for tenured and chaired positions will be expected to have demonstrated significant and consistent achievement in these areas. Criteria specific to a particular vacancy such as a candidate's area of specialization and the curricular and program needs of the Law School shall also be considered in selecting candidates to be recommended for appointment. The criteria for determining the rank of the appointee shall be the same as those used in recommending the appointment.

- 2.4 Criteria for Appointment of Tenure-Track and Tenured Faculty on Clinical Track II. All persons who henceforth are employed primarily to teach clinical courses (other than those hired on soft money) shall be hired as tenure-track or tenured faculty members on track II or as traditional tenure-track or tenured faculty members who meet the criteria under 2.3. A candidate for appointment on clinical Track II must meet the standards for tenure under Rule 3.6 or show substantial promise of achieving tenure under Rule 3.6.
- 2.5 Criteria for Appointment of Director and Associate Director of Legal Research and Writing. The director and associate director(s) of legal research and writing should present evidence of substantial experience with and expertise in legal research and writing as well as evidence of the ability to meet the criteria applicable to reappointment as a director or an associate director of legal research and writing.
- 2.6 Criteria for Creation of NTNC Positions, Appointment of NTNC Faculty, and Appointment of a Visitor as the Director of Legal Research and Writing
 - 2.6.1 Presumptions. Tenured, tenure-track and clinical faculty should be used to meet teaching needs whenever possible. NTNC positions should only be created in special circumstances, to meet special programmatic and administrative needs. NTNC faculty should only be appointed to NTNC positions that have been approved by the faculty in accordance with the *Faculty Rules*.
 - 2.6.2 Criteria for Creation of NTNC Positions. The criteria for creation of an NTNC position include the determinations that the position entails primarily administrative responsibilities; the position entails a degree of administrative responsibility that is inconsistent with the normal expectations of tenure-track faculty; the position entails teaching in a specialized graduate law program in a field in which the market does not offer a sufficient number of candidates who would meet our normal standards for appointment to a tenure-track position; or

the position entails a volume of thesis supervision that greatly exceeds the normal expectations of tenure-track faculty.

- 2.6.3 **Criteria for Appointment of NTNC Faculty.** The criteria for the appointment to an approved NTNC position depend upon the particular need(s) for which the position was created and may include: effectiveness as a program administrator; effectiveness as a graduate student supervisor; effectiveness as a teacher; and effectiveness and knowledge as a specialist in the field of law relevant to the position.
- 2.6.4 **Appointment of Visitors as the Director of Legal Research and Writing or to NTNC Positions.** The dean shall only appoint a visitor as the director of legal research and writing or to an NTNC position when (1) it is not feasible to follow the appointment procedures in these rules and (2) the visitor is being appointed to fill an existing full-time director of legal research and writing or faculty position that has been vacated by another faculty member. No such visitor may serve more than one year as a visitor.
- 2.6.5 **Criteria for Appointment of Part-Time Faculty.** The criteria for the appointment of a part-time faculty at the rank of adjunct professor of law or professorial lecturer in law include the need for the appointee, in the judgment of the dean, senior associate dean for academic affairs, or associate dean for academic affairs and the appointee's legal and teaching experience.
- 2.7 **Procedures for Creation or Reauthorization of NTNC Position.**
 - 2.7.1 **Consultation.** The dean shall consult with the Appointments Committee regarding the need for creating an NTNC position. After consulting with the Appointments Committee, the dean may recommend to the faculty that it create such a position. The Appointments Committee shall report to the faculty regarding the need for creating such a position, but its approval is not required for the dean's recommendation.
 - 2.7.2 **Faculty Approval.** A two-thirds vote of the tenured, tenure-track, and clinical faculty present is required to approve the dean's recommendation for creation of an NTNC position.
 - 2.7.3 **Reauthorization of NTNC Position.** These procedures shall also be followed in order to reauthorize an NTNC position when such a position already exists, but the incumbent holding the position is unavailable for reappointment, declines to seek reappointment, or is denied reappointment. These procedures shall not

govern reauthorization of an existing NTNC position when the incumbent seeks reappointment. Instead, Section 3.8 shall govern such reauthorization.

2.8 Procedures for Appointment.

- 2.8.1 Compliance with University Requirements and Announcement of Vacancies. The chair of the Appointments Committee is responsible for ensuring that the search and appointments process conforms to overall University policies and procedures. As part of this responsibility, the chair will submit to the University an Affirmative Action Plan for Recruiting and shall make public announcement of vacancies, the text of which shall be approved by the dean. Public announcement shall include, at a minimum, notice in at least one professional publication. The announcement should indicate that the University is an Equal Opportunity/Affirmative Action Employer. For tenure-track positions the announcement should indicate the Law School's emphasis upon teaching and scholarly publication, and for clinical positions, it should indicate the Law School's emphasis on teaching and effectiveness in supervising students in a clinical setting.
- 2.8.2 National Search. Except when time constraints do not permit, the Appointments Committee shall conduct a national search to identify candidates for appointment to any full-time faculty position.
- 2.8.3 Abrogated.
- 2.8.4 Screening of Candidates. The Appointments Committee will be responsible for preliminary screening and rating of candidates for faculty appointments according to the Law School's general criteria and any special requirements applicable to the particular vacancy. The Appointments Committee shall consult with the associate dean for clinical affairs in carrying out its preliminary screening of candidates who will primarily teach clinical courses. It shall also, when appropriate, consult with NTNC faculty regarding the appointment of NTNC faculty. The committee will identify those candidates with the strongest credentials in light of the appointment criteria.
- 2.8.5 Campus Interviews. After consulting with the dean, the committee shall invite the most promising candidates to the Law School to be interviewed by faculty and student representatives and to make a presentation appropriate to the position for which they are being interviewed. Candidates for clinical positions, the position of director of legal research and writing or an NTNC position need not make a traditional academic presentation, but may, for example, instead make a demonstration of skills training.

- 2.8.6 Number of Candidates. The number of candidates interviewed will depend on the nature of the vacancy and the status of the candidate pool. Ordinarily, at least two or three candidates shall be interviewed for a vacancy.
- 2.8.7 Interview Schedule. The chair of the committee shall be responsible for the candidate's interview schedule, which, to the extent practical, should be the same for all candidates for a particular vacancy. All members of the faculty shall be invited to any presentation by the candidate and shall receive from the chair a copy of the candidate's resume and other relevant material.
- 2.8.8 Verification and Evaluation of Credentials. The Appointments Committee, under the direction of the chair, is responsible for verifying and evaluating the candidate's credentials. This will include a review of the candidate's publications and performance in teaching, if any, and conducting a reference check. Candidates who have received law degrees within the previous five years will be asked to furnish a copy of the transcript of their academic work. Transcripts may be requested from other candidates in the discretion of the committee. Academic and professional references will be contacted to verify and evaluate the candidate's credentials. For clinical faculty positions, verification and evaluation of credentials will include ascertainment of good standing in all jurisdictions to which the candidate is admitted to practice, and eligibility to become a member of the D.C. bar, if necessary. Where appropriate, written references may be requested. The committee may obtain any other information that it deems relevant to the appointment decision.
- 2.8.9 Vote by Committee. After the interviewing and reference review is completed, the Appointments Committee will meet to discuss and evaluate the candidates. Where practicable, the committee will endeavor to recommend more than one candidate to the faculty for a vacancy. The faculty members of the committee and the student representatives will vote separately. The name or names of those recommended by a majority of the faculty members on the committee will be forwarded by the chair to the full faculty.
- 2.8.10 Preliminary Reports and Discussion at Faculty Meeting. At the general faculty meeting, the chair of the Appointments Committee will report the recommendation of the committee. The recommendations and views of the student representatives will be presented and discussed. Students and all those other than full-time faculty members and law school deans of any rank will then be excused and those remaining will meet in executive session.

- 2.8.11 Executive Session on Appointment. At the executive session, the committee chair will move the adoption of the committee recommendation by the faculty eligible to vote. A report on the committee's review of the credentials of the candidate or candidates for a vacancy will then be made by one of the committee's members. Following discussion of the committee's recommendations, a secret ballot will be taken. A two-thirds vote of those eligible to vote who are present and voting is required for recommendation for appointment. The voting faculty may rank other candidates thus approved whom they would be willing to recommend if the primary candidate withdraws or is withdrawn by the dean. The ranking of approved candidates may be by majority vote.
- 2.8.12 Executive Session on Appointment with Tenure. If the recommendation of the committee is for appointment of a candidate with tenure and the eligible faculty has voted to recommend a candidate's appointment, those not eligible to vote on the Committee's recommendation of tenure will be excused and the eligible faculty will meet in executive session. The tenure recommendation will be discussed and a secret ballot will be taken. A two-thirds vote of those tenured faculty members present and voting is required for approval.
- 2.8.13 Executive Session on Appointment at Level of Full Professor. If the recommendation of the committee is for appointment of a candidate at the rank of professor of law, professor of law (clinical track II), professor of clinical law, professor of legal research and writing or professor of [specialty] and the eligible faculty has voted to recommend a candidate's appointment, those not eligible to vote on the Committee's recommendation of rank will be excused and the eligible faculty will meet in executive session. The committee's recommendation of rank will be discussed and a secret ballot will be taken. A majority vote of those eligible to vote who are present and voting is required for approval.
- 2.8.14 Appointment of Visiting Professors After consultation with the Appointments Committee when practicable, the dean may appoint full or part-time visiting professors of law, visiting associate professors of law, visiting professors of clinical law, or visiting associate professors of clinical law for a term of one year. The dean may renew such a visiting appointment after consultation with the Appointments Committee for no more than one additional year.
- 2.8.15 Dean's Recommendation of Part-Time Faculty Members. The dean may recommend the appointment of a part-time faculty member to meet the academic needs of the Law School in his judgment, except that no such faculty member may be appointed to teach more than two courses per academic year unless the courses are primarily skills courses, such as trial advocacy.

2.8.16 Appointment of Part-Time Faculty Members. A majority vote of the tenured, tenure-track, and clinical faculty is required to recommend the initial appointment of a part-time faculty member for a term of one semester or one year, depending on the member's teaching assignment.

2.9 Rank and Title at Appointment

2.9.1 Tenured and Tenure-Track Faculty. The criteria for determining the rank of an appointee to a tenured or tenure-track position, including appointees on clinical track II, shall be the same as those used in recommending the appointment.

2.9.2 Clinical Faculty. The Appointments Committee shall recommend appointment of candidates at a rank commensurate with the candidate's legal expertise and experience, except that initial appointments of soft-money clinical faculty shall be at the rank of associate professor of clinical law or, when the appointee was chosen pursuant to the procedure set forth in section 2.8.3, at the rank of adjunct professor of clinical law.

2.9.3 Appointment of Soft-Money Clinical Faculty Members. The Appointments Committee shall recommend appointment of candidates at a rank commensurate with the candidate's legal expertise and experience, except that the initial appointments of soft-money clinical faculty shall be at the rank of associate professor of clinical law, or, when due to time restraints the appointee was chosen without a national search, at the rank of adjunct professor of clinical law. He or she shall be subject to the same personnel rules and regulations as current associate professors of clinical law except that his or her status at any level will cease if the money to support the position is no longer available.

2.9.4 NTNC Faculty. The faculty shall determine the title for an NTNC position at the time it approves creation of the position, but shall designate the rank at the time it recommends the appointment of an individual to that position. The criteria for determining the rank of the appointee shall be the same as those used in recommending the appointment. The faculty may, at the time that it approves the creation of an NTNC position, designate the position as one not requiring reauthorization pursuant to Rule 3.12.1 in the year in which the term of appointment of the holder of the position expires. A majority vote of the tenured and clinical faculty, and of the NTNC faculty with the rank of full professor who were appointed before April 4, 1997, pursuant to the specialist plan approved April 15, 1994, shall be required to recommend the conferring of the rank of full professor on a candidate who has been recommended by the faculty for appointment to an NTNC position.

2.9.5 NTNC Faculty Title. An NTNC position entailing primarily administrative responsibilities shall carry such administrative title, e.g., director or associate director of [program], as the faculty may designate when it approves the creation of the position. An NTNC position entailing primarily teaching responsibilities shall carry such title specifying the field of specialization, e.g., associate professor or professor of [specialty], as the faculty may designate when it approves creation of the position.

2.10 Length of Initial Appointment.

2.10.1 Clinical Faculty on Soft Money. Initial appointments to the clinical faculty at the rank of associate professor of clinical law or professor of clinical law shall be for a period of two to four years, as determined by the faculty, on the recommendation of the Appointments Committee. The term of an initial appointment of an associate professor of clinical law for two years may be extended to a maximum of five years by a vote of a majority of the faculty present and voting. Initial appointments of soft-money clinical faculty at the rank of associate professor of clinical law shall be made for a period of two years and shall be contingent on the continuing availability of funds. It shall be up to the dean to determine whether extension of a soft-money appointment shall be for six years or less unless the appointee has achieved tenure on Track I or Track II. However, continued appointment, whether tenure has or has not been granted, is subject to a continuation of the funding for the position.

2.10.2 Director and Associate Director(s) of Legal Research and Writing. The initial term of appointment of the director and associate director(s) of legal research and writing shall be four years.

2.10.3 NTNC Faculty. The initial term of appointment of an NTNC faculty member shall be three years, unless the member agrees to a shorter term, but any term of appointment is subject to continued need in the judgment of the dean.

2.10.4 Part-Time Faculty. The initial term of appointment of a part-time faculty member carrying the title of professorial lecturer in law shall be one semester or year, but such term shall be extended subject to continued academic need for and acceptable teaching performance by the faculty member, as determined by the senior associate dean for academic affairs or the associate dean for academic affairs.

2.11 Courtesy Appointments

2.11.1 Criteria for Courtesy Appointment.. The criteria for the appointment of a Professor of Law (by courtesy) include that: 1) the candidate must be a faculty member holding regular active status (as defined by the Faculty Code) in another school in the University; 2) the person's field of research must be relevant to the intellectual mission of the law school; and 3) the candidate shows promise of contributing actively to the intellectual life of the law school. The candidate need not hold a law degree.

2.11.2 Procedures for Appointment.

2.11.2.1 Recommendation. Two law school active status tenured faculty members or full clinical professors must recommend to the Appointments Committee the granting of a courtesy appointment to a faculty member from another GW school. This recommendation shall take the form of a brief supporting statement from each faculty member explaining why a courtesy appointment is appropriate (the supporting statements).

2.11.2.2 Review. The Appointments Committee will review the supporting statements and the candidates' curriculum vitae together with the criteria set out in Rule 2.11.1 in order to decide whether to recommend the appointment to the entire faculty. Prior to its recommendation to the faculty, the Appointments Committee shall consult with the candidate (and the chair of his/her department). If the Committee decides to recommend the appointment, the Committee shall forward the candidate's curriculum vitae together with the supporting statements and any other relevant information to the faculty.

2.11.2.3 Voting. A majority vote of those eligible to vote on personnel matters, as defined by Rule 1.7.3, who are present and voting, is required for recommendation of a courtesy appointment.

2.11.2.4 Maximum Number of Appointments. No more than three Professors of Law (by courtesy) may be appointed during each of the first two years following adoption of the procedures, and no more than four in any given year thereafter.

2.11.3. Rank and Title of Appointment. Courtesy appointments carry the title of Assistant, Associate, or Professor of Law (by courtesy) (depending on their title in their home School and department, and changing automatically in accord with promotions received in the home School and department). Within the law school

faculty, they shall hold the rank of limited service appointments pursuant to Rule 1.2.4, with privileges defined by other sections of the Rules (e.g., Rule 1.7.3.5 on voting).

2.11.4 Term of Appointment.

2.11.4.1 Period of Years. The appointment shall be for a period of five years or, if appropriate, a shorter time period. The courtesy appointment is renewable pursuant to the procedures of Rule 2.11.2 if the person has made a significant contribution to the intellectual life of the law school during the previous term.

2.11.4.2 Termination. The appointment will terminate at an earlier time if the appointee leaves the university or for other good cause.

3. Tenure, Promotion, and Reappointment.

3.1 The Tenure and Promotion Committee.

3.1.1 Composition. During the spring semester, the faculty shall elect six members to the Tenure and Promotion Committee from among the tenured members of the faculty of full professorial rank. At least one of the six members must primarily teach clinical courses. The committee shall elect one of its own to serve as chair. The Student Bar Association shall be responsible for selecting students to serve as student representatives on the committee.

3.1.2 Duties. The Tenure and Promotion Committee shall gather and report information concerning candidates for tenure, promotion, reappointment or change of status. It shall conduct mid-term reviews of tenure-track candidates in their third year, as described in 3.2. It shall review the substantive criteria and procedures for tenure and promotion and recommend to the faculty any changes that may be appropriate. It also shall periodically review the manner in which information is obtained about the teaching performance or professional writings of tenure and promotion candidates and recommend to the faculty any changes that may be appropriate. In addition, it shall administer the fifth-year decanal review process described in 3.20.

3.2 Mid-Term Review. Except for the limited exception for Clinical Track II Faculty as provided in Rule 3.2.1., the Tenure and Promotion Committee shall conduct a mid-term review of tenure-track candidates (except for Clinical Track II faculty candidates covered by Rule 3.2.1) during the candidate's third year (determinations on whether to conduct

such reviews for untenured lateral hires shall be made in consultation with the Dean). The Committee shall review the candidate's writings, planned projects, teaching, and other relevant criteria relating to the standards for tenure, and shall prepare a report on the candidate's progress. The report will be circulated to the tenured faculty and the candidate, and placed on the consent calendar as a recommendation that the candidate's contract be renewed for a three-year term. There will be a presumption in favor of renewing the candidate's contract. Following the faculty meeting at which the report is considered, the Associate Dean for Faculty Development will meet with the candidate to review the report, as well as any comments and suggestions made by the tenured faculty. In discussing the report with the candidate, the Associate Dean shall preserve confidentiality by not revealing the names of faculty members who made comments.

3.2.1 Mid-term review for Clinical Track II Faculty. The Tenure and Promotion Committee shall conduct a mid-term review of candidates for tenure on Clinical Track II during the candidate's third or fourth year, at the option of the candidate (determinations on whether to conduct such reviews for untenured lateral hires shall be made in consultation with the Dean). The Committee shall review the candidate's writings, planned projects, teaching, and other relevant criteria relating to the standards for tenure, and shall prepare a report on the candidate's progress. The report will be circulated to the tenured faculty and the candidate, and placed on the consent calendar as a recommendation that the candidate's contract be renewed for a three-year term (or a two-year term, in the event the candidate has chosen to undergo mid-term review in the fourth year). There will be a presumption in favor of renewing the candidate's contract. A Track II faculty candidate's choice to undergo mid-term review during the fourth year will not affect the timing of that candidate's tenure determination, and the candidate can still be considered for tenure in the fifth or sixth year. Following the faculty meeting at which the report is considered, the Associate Dean for Faculty Development will meet with the candidate to review the report, as well as any comments and suggestions made by the tenured faculty. In discussing the report with the candidate, the Associate Dean shall preserve confidentiality by not revealing the names of faculty members who made comments. Subject to the provisions in the first sentence of this Rule concerning lateral hires, this Rule applies to all Track II candidates, regardless of when they were hired, who have not undergone mid-term review by September 21, 2012.

3.3 General Standards Governing Tenure, Promotion, and Reappointment.

3.3.1 Non-Discrimination. Action with respect to appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be taken solely on the basis of merit, except that, to the extent expressly provided elsewhere in these Rules or in The George

Washington University Faculty Code, changes in the academic or fiscal needs of the University also may be considered. Action with respect to appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be taken without regard to race, color, religion, sex, sexual orientation, national origin, age, disability, veteran status, or any other category protected by applicable law.

3.3.2 Harmless Error. No failure to conform to faculty procedures for tenure, promotion, or reappointment set forth in the *Faculty Rules* shall be grounds for any rehearing or reconsideration unless the tenure, promotion, or reappointment candidate can demonstrate that the failure materially affected the tenure, promotion, or reappointment decision.

3.4 Criteria for Tenure and Promotion of Traditional Tenured and Tenure-Track Faculty.

3.4.1 Effectiveness as a Teacher. Effectiveness as a teacher is a criterion measured by such indicia as assessments by students, including but not limited to student teaching evaluations, teaching materials used or produced, faculty visit of classes, oral presentations to the faculty, supervision of individual student papers, and accessibility and other assistance to students.

3.4.2 Quality and Quantity of Professional Writings. There is no specific numerical requirement of scholarly work and the primary criterion is the quality of scholarship that has been produced by the candidate, as well as evidence of the candidate's likely continued scholarly contributions in the future. While no minimum bright line test can be specified, it is expected that at the time of the decision to recommend tenure a candidate will have produced a minimum of two major scholarly articles or books that significantly contribute to the field and that are of high quality, which is to be measured by originality of thought, thoroughness of research, critical analysis and clarity of expression. In general, book reviews, symposium contributions, casebooks, and short essays will not meet the definition of scholarly articles, though such writings can be included in a tenure file and may, in extraordinary circumstances, be treated as major scholarly articles. For the purposes of promotion, the same criteria apply, though a candidate may substitute a larger quantity of scholarly pieces that may not meet the definition of a major scholarly article as defined above, for consideration to promotion, though as in the case for tenure, it is the quality rather than the quantity of the work that is most relevant to the promotion decision.

3.4.3 Law School, University, Professional, and Public Service Activities. Law School, University, professional, and public service activities include counseling of students and student organizations, committee work and interest, cooperation

and effectiveness in working with colleagues in furthering the purposes and activities of the Law School or the University, and service to the legal profession and the community.

- 3.4.4 Estimate of Continuing Future Competence. An estimate of the tenure, promotion, or reappointment candidate's continuing future competence and effectiveness in the above respects during the balance of her teaching career shall be considered as a factor in evaluating the candidate's tenure, promotion, or reappointment.
 - 3.4.5 Academic Needs. Upon a specific showing that the academic needs of the University have changed with respect to a particular position, that factor may also be considered in determining whether tenure shall be recommended.
 - 3.4.6 Weighing of Criteria and Balance. Although all of the above standards are important, teaching effectiveness and scholarship are of particular significance in the selection of faculty for tenure. Tenure will not normally be granted unless both teaching effectiveness and scholarship are judged to be of high quality. Under no circumstances can outstanding performance in one of these two areas compensate for absence of activity or a lack of competence in the other.
 - 3.4.7 Professors and Associate Professors on a Clinical Track and Professors of Clinical Law Who Meet the Criteria of 3.4. A faculty member on a clinical track and a professor of clinical law may seek a change of status to become a traditional tenured faculty member on the basis that he or she fully meets the criteria of Rule 3.4. If granted, the faculty member will no longer be designated as being on a clinical track or as a professor or associate professor of clinical law and shall enjoy the same rights and privileges as other tenured faculty members (as set out in Rule 1.2.5).
- 3.5 Criteria for Tenure of the Director of the Law Library and for Promotion of the Director of the Law Library to Full Professor of Law
- 3.5.1 Effectiveness in Operating a Service-Oriented Library. One criterion is effectiveness in operating a service-oriented library in support of both teaching and professional scholarship at the Law School. The extent to which this criterion is met will be determined by the assessment of students, the faculty, and the dean. Their views may be ascertained both by formal surveys and interviews, letters, and other specific communications. Some of the factors to be considered will be the level of assistance provided in finding relevant materials (including the use of computerized research aids), development and maintenance of methods for

keeping track of materials taken from the library, and the obtaining of requested materials through purchase or interlibrary borrowing.

- 3.5.2 Effectiveness as a Manager of the Library Staff. The extent to which this criterion is met will be determined by an assessment of the library staff, the Law School Library Committee, and the dean. Some of the factors to be considered are whether the staff is well-integrated and efficient and whether individuals are terminated or positions are altered when that is required, and whether excellent people are employed when vacancies occur.
- 3.5.3 Effectiveness in Keeping Within the Library Budget and in Prudent Management of Budgeted Funds. An important criterion for evaluation will be the director's ability to run the library with the funds made available. In evaluating the director's effectiveness with respect to other matters, the state of the budget will be a major consideration and the director will not be downgraded for not providing services that cannot be afforded. However, the ability to develop sound priorities among alternative services, including the choice of materials to be purchased that will best serve the faculty and the students, will be considered.
- 3.5.4 Effectiveness as a Colleague. The director of the library, as a member of the law faculty, is expected to be a fully participating colleague in the activities and the decisions of the faculty. The director shall have the same voting rights as would be accorded to any other member of the faculty at his or her rank and tenure status. There is no specific requirement that the director of the library teach a course or courses or produce scholarship. However, if the director makes contributions through teaching and/or publication (including the publication of bibliographies and other library related materials), that, as well as other service to the Law School, the University, and the community, will be given consideration.
- 3.5.5 Estimate of Continuing Future Competence. As is the case with regard to all tenure decisions, a decisive factor is whether, in the judgment of the faculty, the director of the library is, and will continue to be, effective in the job throughout the balance of his or her academic career.
- 3.5.6 Commitment. It is understood that the granting of tenure to the director of the law library will be based on a binding commitment of the director to remain in the position of director throughout his or her career at the Law School. Should the director resign the position of director, or be removed therefrom for cause as defined by University regulations, the director shall not, as a matter of right, be entitled to remain on the faculty in another capacity.

3.6 Criteria for Tenure or Promotion of a Faculty Member Who Is on Clinical Track II

3.6.1 Effectiveness as a Teacher.

3.6.1.1 Effectiveness as a Teacher. Effectiveness as a teacher is a criterion measured by such indicia as assessment by students, including but not limited to student teaching evaluations, teaching materials used or produced, faculty visit of classes, oral presentations to the faculty, supervision of students, and accessibility and other assistance to students.

3.6.1.2 Lawyering Skills. A teacher who is a candidate for tenure or promotion on clinical track II must demonstrate lawyering skills, which may include but are not limited to interviewing, counseling, negotiating, fact-finding, case planning, litigating, client representation, legal advocacy, policy development, legal drafting, or engaging in alternate dispute resolution. Ordinarily, she should have established expertise in one or more areas of substantive law, each of which lends itself to student representation of individual or institutional clients or issue advocacy. Such knowledge should extend to the procedures and institutions pertinent to legal practice.

3.6.1.2A Imparting Skills (Clinical Track I) A clinical candidate for promotion, reappointment, or tenure on clinical track I, must demonstrate ability to impart the skills listed in section 3.6.1.1A and their knowledge to students and to supervise students' clinical work effectively. These candidates must demonstrate an understanding of the goals and methods of clinical teaching. These methods include individual supervision and critique meetings, small group discussions, simulation exercises, substantive classroom sessions, and casework. In addition, the candidate must demonstrate an awareness of current developments in clinical teaching.

3.6.1.3 Imparting Skills (Clinical Track II) A candidate for tenure or promotion on clinical track II must demonstrate ability to impart the skills listed in section 3.6.1.2, to supervise students effectively, and to assist students in developing insights and learning from their experiences. She should know when to intervene to provide case guidance, in order to balance the student's interest in acquiring experience with the ethical obligation to provide competent legal services. A candidate must employ appropriate teaching materials and demonstrate an understanding of the goals and methods of clinical teaching. These methods include individual supervision and feedback, small group discussions, simulation exercises, substantive classroom sessions and casework. In addition, the candidate must demonstrate an awareness of current developments in clinical teaching.

- 3.6.1.4 Professional Responsibility. A clinical candidate for promotion or reappointment must be able to relate matters of professional responsibility to the day-to-day aspects of clinical casework, to exercise sound professional judgment, and to act as a model for students.
- 3.6.2 Research, Writing and Advocacy. A candidate for tenure on clinical track II must demonstrate a productive and creative mind applied to the advancement of law, legal education, legal practice, the legal profession, legal institutions, social problems, and rules and principles. A candidates work may include law review scholarship, including articles published in clinical law journals, or other significant scholarly writings. For purposes of promotion the same criteria apply, though, as in the case for non-clinical-track tenure, it is the quality rather than the quantity of the work that is most relevant to a promotion decision. While no minimum bright line test can be specified, it is expected that at the time of the decision to recommend tenure, the candidate will have produced a minimum of two pieces of scholarship that significantly contribute to the field and that are of high quality, which is to be measured by originality of thought, thoroughness of research, critical analysis, clarity of expression, and effectiveness or professional impact.
- 3.6.3 Law School, University, Professional, and Public Service Activities. Law school, university, professional and public service activities include counseling of students and student organizations, committee work and interest, cooperation, and effectiveness in working with colleagues in furthering the purposes and activities of the law school or the university, and service to the legal profession and the community. Service to the legal profession and the community may include, among other things, participation in AALS activities, membership on professional committees, law reform activities, pro bono work, and participation in professional conferences and presentations.
- 3.6.4 Estimate of Continuing Future Competence. An estimate of the candidate's continuing future competence and effectiveness in the above respects during the balance of his or her teaching career shall be considered as a factor in evaluating the candidate's tenure or promotion.
- 3.6.5 Academic Needs. Upon a specific showing that the academic needs of the University have changed with respect to a particular position, that factor may also be considered in determining whether tenure shall be recommended.
- 3.6.6 Weighing of Criteria and Balance. Although all of the above standards are important, teaching effectiveness and scholarship are of particular significance in

the selection of faculty for tenure. Tenure will not normally be granted unless both teaching effectiveness and scholarship are judged to be of high quality. Under no circumstances can outstanding performance in one of these two areas compensate for the absence of activity or a lack of competence in the other.

3.6A. Criteria for Promotion, Reappointment or Tenure of A Faculty Member Who Teaches Primarily in the Clinic But Who Is Not on Clinical Track II. [These provisions, formerly in section 3.6, apply only to current faculty members, employed before October 9, 2009, who teach primarily in the clinic and who are eligible to apply for track I clinical tenure pursuant to procedures 3.10.3.]

3.6.1A Effectiveness as a Teacher.

3.6.1.1A Skills in Client Representation. A clinical teacher who is a candidate for promotion, reappointment, or tenure on clinical track I must demonstrate skills in interviewing, counseling, negotiating, fact-finding, case-planning, and litigating or other client representation. Ordinarily he should have established expertise in at least two areas of substantive law, each of which lends itself to student representation of individual or institutional clients. Such knowledge should extend to the procedures and institutions pertinent to the practice.

3.6.1.2A Imparting Skills. A clinical candidate for promotion, reappointment, or tenure on clinical track I, must demonstrate ability to impart the skills listed in section 3.6.1.2 and their knowledge to students and to supervise students' clinical work effectively. These candidates must demonstrate an understanding of the goals and methods of clinical teaching. These methods include individual supervision and critique meetings, small group discussions, simulation exercises, substantive classroom sessions, and casework. In addition, the candidate must demonstrate an awareness of current developments in clinical teaching.

3.6.1.3A Teaching Materials. A clinical candidate for promotion, reappointment, or tenure on clinical track I must demonstrate a capacity to develop and employ teaching materials that adequately guide the student.

3.6.1.4A Professional Responsibility. A clinical candidate for promotion, reappointment, or tenure on clinical track I must be able to relate matters of professional responsibility to the day-to-day aspects of

clinical casework, to exercise sound professional judgment, and to act as a model for students.

3.6.1.5A Respect of Students. A clinical candidate for promotion, or reappointment, or tenure on clinical track I, must command the respect of the students she is supervising. She should be able to provide constructive criticism in ways that students can understand and accept. She should know when to intervene to provide case guidance, in order to balance the student's interest in acquiring experience with the obligation to provide competent legal services.

3.6.2A Quality and Quantity of Professional Writing. Written work, such as teaching materials, briefs and other activities, grant applications, proposed legislation or regulations, or other significant legal writing shall be considered. Written work shall be judged by its thoroughness, the quality of legal analysis, and clarity of expression.

3.6.3A Law School, University, Professional, and Public Service Activities. The faculty shall also consider the candidate's performance in professional activities, such as advisory committees to judges, bar association committees, law revision efforts and the like, as well as Law School and University service. In addition, the faculty shall consider the candidate's work in advising student trial competitions and student volunteer organizations and in representing the Law School on the board of the D.C. Law Students in Court program and in the legal education component of the Judicial Conference of the District of Columbia.

3.6.4A Estimate of Continuing Future Competence. An estimate of the clinical candidate's prospects for professional development and teaching effectiveness shall be considered as a factor in evaluating the candidate for tenure on clinical track I or for reappointment or promotion.

3.6.5A Academic Needs. Upon a specific showing that the academic needs of the University have changed with respect to a particular position, that factor may also be considered in determining whether tenure on clinical track I, or reappointment or promotion shall be recommended.

3.6.6A Weighing of Criteria and Balance. In evaluating a clinical candidate for promotion, reappointment, or tenure on clinical track I, teaching effectiveness shall be given the greatest weight.

3.6.7A Application for Change of Status. A faculty member who primarily teaches in the clinic but who is not a full or associate professor on clinical track II may apply

to the Tenure and Promotions Committee for a change of status to become a tenured faculty member on clinical track II. The Tenure and Promotions Committee shall determine whether the applicant meets the criteria required of a professor or associate professor on clinical track II and shall make a recommendation accordingly.

3.7 Criteria for Promotion and Reappointment of the Director or Associate Director of Legal Research and Writing.

3.7.1 Criteria. The criteria for reappointment and promotion of the director or associate director of legal research and writing are (1)effectiveness as an administrator of the legal research and writing program; (2)effectiveness as a teacher of legal writing to students, if applicable; (3)law school, university, professional and public service and (4)evidence of continuing future competence. Written work, such as training and teaching materials, grant applications, or other significant writing shall be considered. In evaluating the director or associate director of legal research and writing as a candidate for promotion and/or reappointment, effectiveness as a program administrator shall be given the greatest weight.

3.8 Criteria for Promotion and Reappointment of NTNC and Part-time Faculty

3.8.1 Criteria for Promotion or Reappointment of NTNC Faculty. The criteria relevant to the promotion or reappointment of an NTNC faculty member to an approved NTNC position depend on the particular need(s) for which the position was created. These criteria may include effectiveness as a program administrator; effectiveness as a graduate student supervisor; effectiveness as a teacher; effectiveness and current knowledge as a specialist in the field of law or legal skill relevant to the position; Law School, University, professional, and public service activities; and an estimate of continuing future competence and effectiveness. Although no NTNC promotion or reappointment candidate should be denied promotion or reappointment for failure to produce professional writings, the Tenure and Promotions Committee, and the faculty, may consider the quality and quantity of the candidate's professional writings as additional support for promotion or reappointment.

3.8.2 Criteria for Promotion or Reappointment of Part-Time Faculty. The criteria relevant to the promotion or reappointment of a part-time faculty member are continued need for the faculty member, in the judgment of the dean, the senior associate dean for academic affairs, or associate dean for academic affairs, legal and teaching experience, and effectiveness as a teacher.

3.9 Procedures for Tenure and Promotion of Tenured and Tenure-Track Faculty and for a Faculty Member's Change of Status.

- 3.9.1 Notice. Any person seeking a tenure or promotion decision by the faculty or a change of status under 3.4.7 or 3.6.7A, should so indicate by letter to the chair of the Tenure and Promotion Committee no later than November 15 of the academic year in which the decision is requested. The Committee may also act sua sponte and shall act if a tenure decision is required with respect to a faculty member during the academic year, which must be made in the candidate's fifth year, except that the tenure decision for a candidate hired on clinical track II need not be made until the candidate's sixth year. With the cooperation of the candidate, the Tenure and Promotion Committee will have responsibility for assembling the record of each candidate, and presenting a report to the faculty on each such candidate. Such report shall contain a formal recommendation for action by the faculty.
- 3.9.2 Committee to Gather Information. The Tenure and Promotion Committee shall gather information about all candidates' teaching effectiveness, professional writings, and Law School, University, and other professional and public service activities. All candidates shall be invited by the Tenure and Promotion Committee to supply the committee with information about the candidate's professional activities. All writings submitted by a candidate in fulfillment of tenure or promotion standards shall be submitted 1) to the Tenure and Promotion Committee (in the form in which the Committee will send them for outside review under Rule 3.8.4), and 2) to one or more journals or publishers through which publication is sought no later than November 15 of the academic year in which decision is requested. Such writings must have been accepted for publication, published or the equivalent before they can be considered by the faculty in fulfillment of applicable standards. Each year the Tenure and Promotion Committee shall arrange for classroom or other visits by members of the committee and other faculty members of all traditional tenure-track or Track II clinical tenure-track faculty who are not tenured; provided however, that any classroom visits in a faculty member's first year of teaching at any law school will be at the request of such faculty member. The Tenure and Promotion Committee also will arrange for such classroom or other visits as are otherwise called for by these Rules.
- 3.9.3 Information by the Dean. Upon the request of any regular active-status faculty member who is not a tenured full professor, or one who seeks a change in status, the dean, in consultation with the Tenure and Promotion Committee, shall inform the faculty member concerning his or her probable success with regard to tenure or promotion or change of status. Such information will not constitute a

commitment to recommend the faculty member for tenure or promotion or change of status.

- 3.9.4 Outside Reviews. Before reporting to the faculty regarding the record of a candidate for tenure or promotion or change of status, the Tenure and Promotion Committee shall endeavor to obtain at least three outside reviews of all significant publications by the candidate. However, if the candidate has more than two significant publications available for such review, the Committee may, with the consent of the candidate, exercise its discretion in limiting the number of publications sent for outside review to as few as two. The committee may also elect to obtain reviews by faculty of the Law School of significant publications by the tenure and promotion candidate. Reviews will be released to the candidate after the file has been completed and made available to the full faculty unless the reviewer requests confidentiality.
- 3.9.5 Teaching Evaluations. Before reporting to the faculty regarding the record of a candidate for tenure or promotion or change of status, the Tenure and Promotion Committee shall obtain and summarize all available teaching evaluations of the candidate. The Tenure and Promotion Committee shall arrange for a sufficient number of classroom or other visits to evaluate the candidate's teaching. The Tenure and Promotion Committee shall also obtain any other information it deems relevant to a report on the candidate's professional record. Such information will be released to the candidate after the file has been completed and made available to the full faculty except as necessary to respect requests for confidentiality
- 3.9.6 Faculty Meeting. At the faculty meeting when the question of the candidate's tenure or promotion or change of status will be considered, student members of the Tenure and Promotion Committee shall present to the faculty a report on the record of the candidate. The report of the students will be discussed and the students attending the meeting will be excused. Other faculty members who are not eligible to vote on the matter will then be afforded an opportunity to present their views. They will then be excused and the members of the faculty eligible to vote will meet in executive session. At the executive session the Tenure and Promotion Committee will present a report on the record of the candidate for tenure or promotion or change-of-status. Following discussion of the committee's report by those present, a secret ballot will be taken. A two-thirds vote of those present and voting including the dean, is required for approval of any action granting a change of status. A majority vote of those present and voting, including the dean, is required for any other action.

- 3.9.7 **Consequence of Rejection.** A faculty member whose application for a change of status is rejected by a vote of those persons eligible to vote shall thereafter retain his or her current status.
- 3.10 **Procedures for Promotion, Reappointment, or for a Grant of Clinical Tenure on Track I for Current Clinical Faculty Members (Employed prior to October 9, 2009)**
- 3.10.1 **Procedures for Promotion and Reappointment of Current Clinical Faculty**
- 3.10.1.1 **Written Request.** Clinical faculty requesting promotion or reappointment must submit their written request to the Tenure and Promotion Committee no later than November 15 of the academic year in which they wish their request to be considered. If the committee does not receive notice of intent to seek reappointment, it shall proceed as if a vacancy will exist.
- 3.10.1.2 **Record.** The record of the promotion or reappointment candidate shall include the clinical faculty member's most recent application for promotion or reappointment, along with subsequent annual reports to the dean, student teaching evaluations, and written work product.
- 3.10.1.3 **Committee Review.** The Committee shall review the record of the promotion or reappointment candidate, in order to present all relevant information to the faculty for its review. The Committee members shall investigate the qualifications of the candidate as it would otherwise do for non-clinical candidates. In addition to ensuring that the faculty will have timely access to a complete record for the candidate, the committee members may: (1) sit in on a seminar or other classroom teaching done by the clinician; (2) contact persons outside the Law School for relevant evaluations of the clinician's work in the courts and the community; (3) obtain a report from the students on the committee on their recommendations with respect to the proposed promotion or reappointment; (4) obtain the recommendation of the associate dean for clinical affairs with respect to the proposed promotion or reappointment; and (5) solicit a peer evaluation from a clinical faculty member at another school who may be asked to review the clinician's work.

3.10.1.4 Faculty Meeting. At the faculty meeting when the question of the clinical candidate's promotion or reappointment will be considered, student members of the Tenure and Promotion Committee shall present to the faculty a report on the record of the candidate. The report of the students will be discussed and the students attending the meeting will be excused. Clinical faculty of any rank will then be afforded an opportunity to present their views. Clinical faculty ineligible to vote on the promotion or reappointment under section 1.7.3.2 will then be excused, after which the tenured, tenure-track, and eligible clinical faculty will meet in executive session. At the executive session the Tenure and Promotion Committee will present a report on the record of the clinical promotion or reappointment candidate. Following discussion of the Committee's report by the faculty, a secret ballot will be taken. A majority vote of those present and voting, including the dean, is required for any action.

3.10.2 Procedures for Second and Later Reappointments Subsequent to Promotion of Current Clinical Faculty Members

3.10.2.1 Term. The term of appointment of any clinical faculty member who previously has undergone at least one reappointment subsequent to promotion to full professor will be automatically renewed unless, (1) no later than September 15 of the academic year in which notice of an intention not to renew must be given by the law school ("Renewal Year"), the law school gives written notice approved in accordance with section 3.10.2 of an intention not automatically to renew, or (2) the person subject to reappointment declines reappointment by written notice given to the Tenure and Promotion Committee no later than November 15 of the Renewal Year. The intention of the law school not automatically to renew may be based only on the existence of significant doubts with respect to the performance of the individual in his or her position.

3.10.2.2 Notice of Intention Not to Automatically Renew. The notice of the law school's intention not automatically to renew contemplated by section 3.10.1 shall be given only if approved by at least six members of an eight-person committee consisting of the six elected members of the Tenure and Promotion Committee, the dean of the law school and the associate dean or assistant dean of clinical affairs. This committee shall be convened only upon call

by three or more of its members for the purpose. The action of the committee in approving a notice of the law school's intention not automatically to renew will in no way constitute a recommendation on the merits of faculty renewal pursuant to section 3.10.9

3.10.2.3 Notice of Intention to Seek Renewal. In the event notice is given pursuant to sections 3.10.2.1 and 3.10.2.2, the person subject to reappointment may, no later than November 15 of the Renewal Year, notify the Tenure and Promotion Committee of an intention to seek faculty renewal of his or her contract. The matter will thereupon be governed by section 3.10.1; provided, however, that the faculty members voting on the reappointment under section 3.10.1.4 shall be instructed that, in assessing compliance with the criteria specified in section 3.6, they should vote against the reappointment only for grounds which they believe in good faith would constitute cause for termination of an ongoing employment contract for the same type of position.

3.10.2.4 Other Termination Rights. The terms of this Section 3.10.2 will be without prejudice to other rights the law school or the university may have to terminate the employment of an individual based on lack of funding, termination of a position or program, or for cause. At the request of the university, persons whose reappointments are governed by this Section 3.10.2 periodically may be required to execute waivers of "de facto" tenure. Failure to do so will be treated as a waiver of rights under this section 3.10.2.

3.10.3 Procedures for a Special Grant of Tenure Status to Current Clinical Faculty Members Employed Prior To October 9, 2009. All current clinical faculty members employed prior to October 9, 2009 may apply for clinical tenure on Track I.

3.10.3.1 Written Request. Clinical faculty members requesting track I tenure must submit a written request to the Tenure and Promotions Committee no later than November 15 of the academic year in which they wish their request to be considered.

3.10.3.2 Review of Record. The Tenure and Promotions Committee shall review the record of the candidate for clinical Track I tenure, in order to present all relevant information to the faculty for its determination. The criteria that govern the awarding of Track I tenure shall be those set out in Rule 3.6A.

- 3.10.3.3 Procedures. The procedures set out in Rule 3.9.6 shall be applicable to the determination of the request at the Faculty meeting when it is considered.
- 3.10.3.4 Voting Rights. A faculty member who receives tenure under this provision shall, in accord with Rule 1.7.3.2, retain the member's current right to vote on matters, including the reappointment or promotion of current professors and associate professors of clinical law, the right to vote on all new appointments to the clinical faculty, and, in addition, the right to vote on a faculty member's change of status from professor or associate professor of clinical law to a tenured professor on Track I.

3.11 Procedures for Promotion and/or Reappointment of the Director or Associate Director of Legal Research and Writing.

- 3.11.1 Application for Reappointment. A director or associate director of legal research and writing who wishes to apply for reappointment shall give notice to the Tenure and Promotions Committee no later than November 15 of the candidate's penultimate year. If the Committee does not receive notice of intent to seek reappointment, it shall proceed as if a vacancy will exist.
- 3.11.2 Application for Promotion. A director or associate director of legal research and writing who has served as an associate professor of legal research and writing for at least four years and who has, in the judgment of the faculty, met the standards for promotion, may at any time subsequent to that four year period be promoted to the rank of professor of legal research and writing and receive a five-year term in the position. The candidate shall give notice to the Tenure and Promotions Committee no later than November 15 of the academic year in which the candidate seeks the promotion.
- 3.11.3 Record. The record of the reappointment or promotion candidate shall include faculty peer reviews of teaching, student evaluations of legal research and writing classes taught by the candidate and/or of the program as a whole, evaluations by the teachers supervised by the candidate, written work such as training and teaching materials, grant applications, and other significant writing, and such other materials as the Tenure and Promotions Committee, in consultation with the candidate, may deem advisable. The dean also shall furnish a written report to the Tenure and Promotions Committee concerning the candidate's effectiveness as a program administrator which shall also be included in the file.

3.11.4 Committee Review. The Committee shall review the record of the reappointment or promotion candidate, in order to present all relevant information to the faculty for its review.

3.11.5 Consideration at the Faculty Meeting. At the faculty meeting when the question of the candidate's reappointment or promotion will be considered, student members of the Tenure and Promotion Committee shall present to the faculty a report on the record of the candidate. The report of the students will be discussed and the students attending the meeting will be excused. Faculty ineligible to vote on the reappointment or promotion will then be heard and excused. Eligible faculty will then meet in executive session. At the executive session the Tenure and Promotion Committee will present a report on the record of the candidate. Following discussion of the Committee's report by the faculty, a secret ballot will be taken. If a candidate requests reappointment and promotion at the same time, the reappointment matter shall be taken up first, including the executive session of those eligible to vote on reappointment, and, if reappointment is granted, the matter of promotion shall be taken up after that. A majority vote of those eligible, present, and voting, including the dean, is required for any action.

3.12 Procedures for Promotion and Reappointment of NTNC Faculty.

3.12.1 Dean's Recommendation and Vote. If an NTNC faculty member holds a position designated by the faculty under Rule 2.9.4 as requiring no reauthorization at the time of appointment, the dean may, in the year in which the term of appointment of that member expires, recommend to the faculty that it approve the reauthorization of the NTNC position held by that member. A majority vote of the tenured, tenure-track, and clinical faculty present and voting is required to approve the dean's recommendation for reauthorization of NTNC position.

3.12.2 Additional Procedures for Promotion and Reappointment of NTNC Faculty.

3.12.2.1 Consultation. The Tenure and Promotion Committee shall, when appropriate, consult with the NTNC faculty regarding the promotion or reappointment of NTNC faculty.

3.12.2.2 Notice. An NTNC faculty member who wishes to apply for promotion or reappointment shall give notice to the Tenure and Promotions Committee no later than November 15 of the member's terminal year.

3.12.2.3 Materials for Consideration. After receiving notice of an NTNC faculty member's intent to seek promotion or reappointment, the

chair of the Tenure and Promotions Committee shall meet with the candidate to identify appropriate materials that the member should collect. Such materials need not duplicate any materials that were available at the time of the original appointment. The candidate shall supply the identified materials to the Tenure and Promotions Committee at such time as the candidate and the committee chair shall agree, but in any event no later than November 30 of the candidate's terminal year.

3.12.2.4 Class Visit. Any NTNC faculty member who is assigned teaching responsibilities shall be subject to one class visit for each course taught in the first semester of the member's initial appointment, and one class visit in each semester of the member's terminal year (for a total of two during the terminal year). The Tenure and Promotions Committee, or the dean, however, may arrange additional class visits in the first year of the initial appointment for an NTNC faculty who lacks prior teaching experience, and at any time for any NTNC faculty member in response to student evaluations, other student communications, or any other circumstances that in the committee's or the dean's judgment warrant a visit.

3.12.2.5 Dean's Report. In connection with the promotion or reappointment of an NTNC faculty member, the dean shall furnish an oral or written report to the Tenure and Promotions Committee concerning the candidate's effectiveness as a program administrator, when relevant to the criteria for reappointment. In addition, when relevant to the criteria for reappointment, the candidate shall supply information concerning the quantity and quality of graduate student supervision by the candidate, and the Tenure and Promotions Committee shall collect such information, as well as information concerning the candidate's continued effectiveness in the field of specialization, from Law School tenured and tenure-track faculty in the field, if appropriate. Whenever necessary to complete preparation of a report on a promotion or reappointment candidate, the committee may also seek the opinion of faculty and other professionals in the field outside the Law School concerning the candidate's continued effectiveness in the field of specialization.

3.12.2.6 Committee Report. The Tenure and Promotions committee shall, no later than January 31, issue a report to the faculty concerning

the promotion or reappointment of any NTNC promotion or reappointment candidate.

3.12.2.7 Voting. A majority vote of those present and voting is required to recommend promotion or reappointment of the NTNC faculty member for another term. When the Tenure and Promotion Committee has issued a report to the faculty concerning the reappointment of a full-time NTNC faculty member, the faculty shall act on the question of reappointment no later than March 1 of the reappointment candidate's terminal year, and if the faculty fails to act on the question by March 1, its failure shall have the same effect as if it had voted to recommend the reappointment..

3.12.3 Additional Procedures for Second and Later Reappointments Subsequent to Promotion.

3.12.3.1 Term. The term of appointment of any NTNC faculty member, other than one holding the title of professor or associate professor of legal research and writing, who previously has undergone at least one reappointment subsequent to promotion to full professor will be automatically renewed unless, (1) no later than September 15 of the academic year in which notice of an intention not to renew must be given by the law school ("NTNC Renewal Year"), the law school gives written notice approved in accordance with section 3.12.2.2 of an intention not automatically to renew, or (2) the person subject to reappointment declines reappointment by written notice given to the Tenure and Promotion Committee no later than November 15 of the NTNC Renewal Year. The intention of the law school not automatically to renew may be based only on the existence of significant doubts with respect to the performance of the individual in his or her position.

3.12.3.2 Notice. The notice of the law school's intention not automatically to renew contemplated by section 3.12.2.1 shall be given only if approved by at least five members of a seven-person committee consisting of the six elected members of the Tenure and Promotion Committee and the Dean of the Law School. This committee shall be convened only upon call by three or more of its members for the purpose. The action of the committee in approving a notice of the law school's intention not automatically to renew will in no way constitute a recommendation on the merits of faculty renewal pursuant to section.

3.12.3.3 Intention to Seek Renewal. In the event notice is given pursuant to sections 3.12.2.1 and 3.12.2.2, the person subject to reappointment may, no later than November 15 of the NTNC Renewal Year, notify the Tenure and Promotion Committee of an intention to seek faculty renewal of his or her contract. The matter will thereupon be governed by section 3.12.1; provided, however, that the faculty members voting on the reappointment under section 3.12.1.7 shall be instructed that, in assessing compliance with the criteria specified in section 3.8, they should vote against the reappointment only for grounds which they believe in good faith would constitute cause for termination of an ongoing employment contract for the same type of position.

3.12.3.4 Termination Rights. The terms of this section 3.12.2 will be without prejudice to other rights the law school or the university may have to terminate the employment of an individual based on lack of funding, termination of a position or program, or for cause. At the request of the university, persons whose reappointments are governed by this section 3.12.2 periodically may be required to execute waivers of "de facto" tenure. Failure to do so will be treated as a waiver of rights under this section 3.12.2.

3.12.4 Other Persons Eligible for Reappointment under 3.12.2. An NTNC faculty member hired at the rank of full professor after serving at another institution with tenure shall be treated as a person eligible under section 3.12.2.

3.13 Procedures for Promotion and Reappointment of Part-Time Faculty.

3.13.1 Term. At the expiration of an initial term of one year, and every third year thereafter, the senior associate dean for academic affairs or the associate dean for academic affairs shall report to the faculty concerning the teaching evaluations of each part-time faculty member who is a candidate for promotion or reappointment.

3.13.2 Voting. A majority vote of the tenured, tenure-track, and clinical faculty is required to authorize the senior associate dean for academic affairs or the associate dean for academic affairs to reappoint a part-time faculty member as needed from time to time during a period of three years.

3.14 Length of Reappointment.

- 3.14.1 Clinical Faculty. An individual who is not on Clinical Tenure Track I or Clinical Tenure Track II and who holds the rank of professor of clinical law and who has, in the judgment of the faculty, met the standards for reappointment at the end of his or her term, may be reappointed for additional six-year terms as a professor of clinical law.
 - 3.14.2 Director or Associate Director of Legal Research and Writing. A director or associate director of legal research and writing who has served as an associate professor or professor of legal research and writing and who has, in the judgment of the faculty, met the standards for reappointment shall be reappointed for a five year term and may subsequently be reappointed for such a term as many times as the faculty may desire.
 - 3.14.3 NTNC Faculty. An NTNC faculty member who is reappointed shall be reappointed to a three-year term, unless the member agrees to a shorter term, but any term of reappointment is subject to continued need in the judgment of the dean.
 - 3.14.4 Part-Time Faculty. During the three-year period in which the faculty has voted to authorize the dean to reappoint a part-time faculty member, the member may be reappointed from time to time for periods of one semester or one year, subject to continued academic need for and acceptable teaching performance by the faculty member, as determined by the senior associate dean for academic affairs or the associate dean for academic affairs.
- 3.20 Expression of Faculty Support of Decanal Continuation. It is the sense of the faculty that each new Dean accepts the position with the understanding that he or she will, in the fifth year after appointment and every fifth year thereafter, seek the advice of the faculty, to be manifested by a majority vote of those present and voting, regarding the faculty's support for the Dean's continuation in the position. In the fall of such fifth year, the Chair of the Tenure and Promotion Committee will meet with the Dean to discuss the timing and details of the process to be observed, which will consist of the following steps:
- 3.20.1 Dean's State of the Law School Address. A special-purpose meeting will be called not later than October 15 at which the Dean will be invited to deliver an address describing the state of the law school (including information regarding the law school's budget, endowment, results of financial operations and other key indicators of performance) and at which he or she will entertain questions.
 - 3.20.2 Faculty Comments. The Tenure and Promotion Committee, acting as a whole or by sub-committee selected by the whole, will seek comments from the faculty

with respect to the Dean's performance. The intent of the comment procedure is to solicit both positive comments and concerns, as well as suggestions for improving the governance of the law school. Comments may be submitted anonymously and will be reviewed and redacted by the Tenure and Promotion Committee or its sub-committee to further ensure anonymity. The redacted feedback will be shared with the Dean, and he or she will be invited to respond as desired.

- 3.20.3 Discussion and Voting. Not later than November 15 of such fifth year, at a special-purpose meeting not attended by the Dean, or as an agenda item at a regular business meeting from which the Dean excuses him- or herself for the duration of the reporting, discussion and voting on such item, the redacted feedback and the Dean's response, if any, will be reviewed for the faculty by the Chair of the Tenure and Promotion Committee. The faculty will be invited to discuss the Dean's performance before the matter of faculty support is put to a confidential vote. The proposition before the faculty will take the following form: "Resolved, that the George Washington University Law School faculty commend the performance to date of Dean ____." The outcome of the vote will be known only to the Chair and one other member of the Tenure and Promotion Committee (except as provided in the next sentence), who will share it with the Dean, as well as with the Provost and President of the University. In the event that the vote is unfavorable, the outcome of the vote will be announced to the faculty on the first following January 15, unless the Dean has indicated that he or she will resign as Dean.
- 3.20.4 Timing Subject to Adjustment. All dates and timing matters referred to in Rule 3.20 (including the year in which the process will take place) will be subject to adjustment as required to provide the faculty a meaningful opportunity to convey its advice prior to the Dean's reappointment to the position. In the event the Dean has indicated that he or she will resign as Dean, Rule 3.20 will not apply.