

**Appointments, Promotion, and Tenure  
Criteria and Procedures for  
The Ohio State University  
Moritz College of Law**

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## **I. Preamble**

This document is a supplement to Chapters 6 and 7 of the [Rules of the University Faculty](#), the annually updated procedural guidelines for promotion and tenure reviews in Volume 3 of the Office of Academic Affairs [Policies and Procedures Handbook](#), and other policies and procedures of the College and the University to which the College and its faculty are subject. Should those rules and policies change, the Moritz College of Law shall follow the new rules and policies until such time as it can update this document to reflect the changes. In addition, this document must be reviewed, and either reaffirmed or revised, at least every five years on the appointment or reappointment of the Dean.

This document must be approved by the Office of Academic Affairs before it may be implemented. It sets forth the College of Law's mission and, in the context of that mission and the mission of the University, its criteria and procedures for faculty appointment, tenure, and rewards, including salary increases. In approving this document, the Office of Academic Affairs accepts the mission and criteria of the College and delegates to it the responsibility to apply high standards in evaluating current faculty and faculty candidates in relation to the College's mission and criteria.

The faculty and administration of the Moritz College of Law are bound by the principles articulated in University Faculty Rule [3335-6-01](#) of the Administrative Code. In particular, all faculty members accept the responsibility: to participate fully and knowledgeably in review processes; to exercise the standards established in University Faculty Rule [3335-6-02](#) and other standards specific to the College; and to make negative recommendations when these are warranted in order to maintain and improve the quality of the faculty.

Decisions considering appointment, reappointment, and promotion and tenure will be free of discrimination in accordance with the University's [policy on equal employment opportunity](#).

## **II. Mission of the Moritz College of Law**

### Vision Statement

The Moritz College of Law strives to be a premier public law school—a welcoming, student-centered community that educates skilled lawyers, trains tomorrow's leaders, cultivates big ideas, and advances justice.

### Mission

We seek to:

- Teach students rigorous analytical skills, assist them in developing their understanding of the law and legal process, and enhance their professional judgment through a dynamic and innovative learning environment with the goal that they become outstanding legal professionals equipped to aid and improve society.

- Offer insights on the impact of law and legal institutions on individuals and communities and advocate for changes in law that improve the well-being of people and society.
- Contribute expertise in the public conversations and initiatives that lead to the improvement of law and the administration of justice in Ohio, the nation, and the world.

### III. Definitions

#### A. Committee of the Eligible Faculty

The eligible faculty for all appointment (hiring), reappointment, promotion, or promotion and tenure reviews must have their tenure home or primary appointment in the College.

Given the structure of the College's faculty, the Associate Deans and Dean of the College are often the only individuals with significant information about a candidate for appointment, reappointment, promotion, and promotion and tenure. Thus, the Associate Deans and Dean may participate in discussions in reviews for appointment, reappointment, promotion, and promotion and tenure. Also, given the small size of the College's faculty, the Associate Deans make up a significant percentage of the overall eligible faculty members. Therefore, the Associate Deans may vote on matters of appointment, but may not vote on matters of reappointment, promotion, or promotion and tenure. The Dean, the Executive Vice President and Provost, and the President may not vote as eligible faculty members in reviews for appointment, reappointment, promotion, and promotion and tenure. When the eligible faculty meets to consider matters of appointment, reappointment, promotion, or promotion and tenure, the chair of the committee presenting the recommendation to the eligible faculty shall preside over the meeting.

#### 1. Tenure-Track Faculty

##### Initial Appointment Reviews

- **Appointment Review.** For an appointment (hiring) review of an Assistant Professor, Associate Professor, or Professor, the eligible faculty consists of all voting faculty (tenure-track, clinical, and other voting faculty) in the College.
- **Rank Review.** A vote on the appropriateness of the rank for those appointed at senior rank (Associate Professor or Professor) must be cast by all tenured faculty of equal or higher rank than the position requested.

##### Reappointment, Promotion, or Promotion and Tenure Reviews

- For the reappointment and promotion and tenure reviews of Assistant Professors, the eligible faculty consists of all tenured Associate Professors and Professors.

- For the promotion reviews of Associate Professors, the eligible faculty consists of all tenured Professors.

## 2. Clinical Faculty

### Initial Appointment Reviews

- **Appointment Review.** For an appointment (hiring or appointment change from another faculty type) review of an Assistant Clinical Professor, Associate Clinical Professor, or Clinical Professor, the eligible faculty consists of all consists of all voting faculty (tenure-track, clinical, and other voting faculty) in the College.
- **Rank Review.** A vote on the appropriateness of the rank for those hired at senior rank (Associate Clinical Professor or Clinical Professor), must be cast by all tenured faculty of equal or higher rank than the position requested and all non-probationary clinical faculty of equal or higher rank than the position requested.

### Reappointment and Promotion Reviews

- For the reappointment and promotion reviews of Assistant Clinical Professors, the eligible faculty consists of all tenured Associate Professors and Professors and all non-probationary Associate Clinical Professors and Clinical Professors.
- For the reappointment and promotion reviews of Associate Clinical Professors, and the reappointment of Clinical Professors, the eligible faculty consists of all tenured Professors and all non-probationary Clinical Professors.

## 3. Associated Faculty

### Initial Appointment Reviews

- For initial appointment reviews of compensated associated faculty, the eligible faculty consist of all voting faculty members.

### Reappointment

- Reviews for reappointment of associated faculty, other than visiting faculty members, shall be made by the Dean of the College or the Dean's designee.
- Reviews for reappointment of visiting faculty members shall be made in the same manner as the initial appointment of visiting faculty

members (see Section IV.B.4).

#### Promotion

- The promotion of a lecturer to senior lecturer shall be made by the Dean of the College of Law.

#### 4. Conflict of Interest

##### **Search Committee Conflict of Interest**

A member of a search committee must disclose to the committee and refrain from participation in any of the interviews, meetings, or votes that comprise the search process if the member:

- decides to apply for the position;
- is related to or has a close interpersonal relationship with a candidate;
- has substantial financial ties with a candidate;
- is dependent in some way on the candidate's services;
- has a close professional relationship with the candidate (e.g., dissertation advisor); or
- has collaborated extensively with the candidate or is currently collaborating with the candidate.

##### **Eligible Faculty Conflict of Interest**

A member of the eligible faculty has a conflict of interest when they are or have been to the candidate:

- a thesis, dissertation, or postdoctoral advisee/advisor;
- a co-author on more than 50% of the candidate's publications since appointment or last promotion, including pending publications and submissions;
- a collaborator on more than 25% of projects since appointment or last promotion, including current and planned collaborations;
- in a consulting/financial arrangement with the candidate since appointment or last promotion, including receiving compensation of any type (e.g., money, goods, or services) or is dependent in some way on the candidate's services; or
- in a family relationship such as a spouse, child, sibling, or parent, or other relationship, such as a close personal friendship, that might affect one's judgment or be seen as doing so by a reasonable person familiar with the relationship.

Such faculty members will be expected to withdraw from a review of that candidate.

## 5. Minimum Composition

In the event that the College does not have at least three eligible faculty members who can undertake a review, the Dean will appoint a faculty member from another professional college or other department or college as appropriate.

### B. College Promotion and Tenure Committee

There shall be a Promotion and Tenure Committee to be concerned with tenure-track faculty promotion and tenure questions and recommendations for amendments to the rules on promotion and tenure. The committee's membership is described in the College's Pattern of Administration.

### C. College Clinical Faculty Review Committee

The Dean shall appoint a Clinical Faculty Review Committee to assist in the reviews described in this Part and Parts V. and VI. below. The Clinical Faculty Review Committee shall include the Director of Clinical Programs and any others whom the Dean appoints. Probationary clinical faculty may not serve on the Clinical Faculty Review Committee.

### D. Quorum

For the transaction of ordinary faculty business, a quorum shall consist of a majority of the members of the tenure-track faculty, the clinical faculty, and the associated faculty who have been provided governance rights, who are not on leave, or if on leave are present at the meeting, as defined in Part III.E.

For consideration of appointment recommendations for tenure-track faculty, a quorum shall consist of a majority of the tenure-track faculty, the clinical faculty, and the associated faculty who have been provided governance rights, who are entitled to vote on the particular recommendation, who are not on leave, or if on leave are present at the meeting, as defined in Part III.E.

For consideration of promotion and tenure or promotion recommendations for tenure-track faculty, a quorum shall consist of a majority of the tenure-track faculty who are entitled to vote on the particular recommendation, who are not on leave or, if on leave are present at the meeting, as defined in Part III.E.

For consideration of appointment, reappointment, or promotion recommendations for clinical faculty, a quorum shall consist of a majority of the tenure-track faculty, the clinical faculty, and the associated faculty who have been provided governance rights, who are entitled to vote on the particular recommendation, who are not on leave or, if on leave are present at the meeting, as defined in Part III.E.

Faculty members who recuse themselves because of a conflict of interest are not counted when determining a quorum.

#### E. Recommendation from the Committee of the Eligible Faculty

In all votes taken on personnel matters, only “yes” and “no” votes are counted. Abstentions are not votes. Faculty members are strongly encouraged to consider whether they are participating fully in the review process when abstaining from a vote on a personnel matter. The College has removed abstention options for votes on all faculty appointments and on promotion and tenure decisions for tenure-track faculty and reappointment and promotion decisions for clinical faculty.

Subject to the provisions of Part IV and Part VI, all actions of the College faculty shall be decided by a majority of those voting in person or, if authorized, by proxy. Proxy voting is not allowed with respect to tenure-track appointments and promotion and tenure decisions or clinical faculty appointments, reappointments, or promotion decisions. For purposes of this Part, Part IV, and Part VI, “in person” or “present” means physical presence or, in appropriate circumstances when authorized by the Dean, presence by other means that allow for participation in the meeting. Appropriate circumstances include, but are not limited to, professional responsibilities, illness, or care of family members that preclude or impair physical presence at a meeting. Subject to the limitations on use of proxies set forth above, proxy voting will be allowed only when authorized by the Dean in appropriate circumstances that preclude either physical presence or presence by other means that allow for participation in the meeting. Any proxy must be in writing and filed with the Dean or the Dean’s designee before the proxy is used.

Faculty are entitled to vote on all committee matters. Staff and students shall be entitled to vote within their respective committees on all questions, with two exceptions. Student and staff members may not consider or vote on individual cases coming before the Academic Affairs Committee or the Admissions Committee. However, the prohibition on staff voting on individual cases coming before the Admissions Committee does not apply to the Associate or Assistant Deans of Admissions should those positions be held by persons who are not members of the faculty.

##### 1. Appointments

A positive recommendation from the eligible faculty for appointment is secured when there is an affirmative vote of an absolute majority of those faculty members not on leave who are entitled to vote under this rule, or if on leave are present at the meeting. In the case of a joint appointment, the College must seek input from a candidate’s joint-appointment TIU prior to their appointment.

##### 2. Reappointment, Promotion and Tenure, and Promotion

A positive recommendation from the eligible faculty for promotion and tenure, promotion, and fourth year reviews of tenure-track faculty is secured with affirmative votes from a majority of those faculty members who are entitled to vote under this rule and who are present and voting at the meeting. In the case of a joint appointment, the College must seek input from a candidate's joint-appointment TIU prior to their reappointment, promotion, or promotion and tenure.

For clinical faculty reappointment, it is the Dean's initial decision to reappoint the faculty member. If the Dean's initial decision is to reappoint the faculty member, the reappointment process is complete. If the Dean's initial decision is not to reappoint the faculty member, the Clinical Faculty Review Committee shall review the faculty member's performance, and based on that review, shall make a written report to the faculty. The voting faculty shall consider the Clinical Faculty Review Committee's report, and by a majority vote of those present and voting, shall make a recommendation to the Dean concerning reappointment. For clinical faculty promotion, a positive recommendation for promotion requires a majority vote of voting faculty who are present and voting.

## **IV. Appointments**

The College is committed to making only faculty appointments that enhance or have strong potential to enhance the quality of the faculty. Important considerations include an individual's record to date in teaching, scholarship, and service; the potential for professional growth in each of these areas; and the potential for interacting with colleagues and students in a way that will enhance their academic work and attract other outstanding faculty and students to the college. No offer will be extended if the search process does not yield one or more candidates who would enhance faculty quality. The search is either cancelled or continued, as appropriate to the circumstances.

The appointment of all compensated tenure-track, clinical, and associated faculty, irrespective of rank, must be based on a formal search process following the [SHIFT](#) Framework for faculty recruitment.

All faculty positions must be posted in [Workday](#), the University's system of record for faculty and staff. Formal interviews are required for all positions. Appropriate disposition codes for applicants not selected for a position must be entered in [Workday](#) to enable the University to explain why a candidate was not selected and what stage they progressed to before being removed.

### A. Criteria for Appointment

#### 1. Tenure-Track Faculty

Persons appointed to tenure-track faculty positions shall demonstrate strong potential in the areas of teaching, scholarship, and service. Research is broadly defined

to include discovery, scholarly, and creative work, applied research, and the scholarship of pedagogy. Teaching is broadly defined to include didactic classroom, non-classroom, and distance instruction, advising, and mentoring of students. Service is broadly defined to include providing administrative service to the University, professional service to the faculty's members discipline, and disciplinary expertise to public or private entities beyond the University. Normally, a person appointed to a tenure-track faculty position shall have obtained a Juris Doctor or equivalent degree. Persons may also be appointed who have a doctor of philosophy or other terminal degree in fields of study other than law and who have demonstrated strong potential in inter-disciplinary work involving law. Offers to foreign nationals require prior consultation with the Office of International Affairs.

a. Instructor (Fellow), Assistant Professor, and Associate Professor Without Tenure

Instructors (fellows) in the Moritz College of Law are appointed as Fellows under the auspices of the University's [Fellow to Faculty Program](#). The Dean shall appoint a senior faculty member to be the mentor of each Instructor (Fellow) during their fellowship. All persons appointed to the faculty at this rank, as well as to the ranks of Assistant Professor and Associate Professor without tenure, must demonstrate a strong potential to attain tenure and to advance through faculty ranks. The criteria for tenure and promotion to Associate Professor are contained in Part VI.A.

Appointment at the rank of Instructor (Fellow) is for early-career scholars with the potential to transform their field. The appointment is for a period of up to two years, after which individuals will transfer to the rank of assistant professor in the tenure track. The tenure clock begins when the candidate moves from the instructor (fellow) position to assistant professor.

Appointment at the rank of Assistant Professor is always probationary, with mandatory tenure review occurring in the sixth year of service. For individuals not recommended for promotion and tenure after the mandatory review, the seventh year will be the final year of employment.

Review for tenure prior to the mandatory review year is possible when the Promotion and Tenure Committee determines such a review to be appropriate. The granting of prior service credit, which requires approval of the Office of Academic Affairs, may reduce the length of the probationary period, but is strongly discouraged as it cannot be revoked once granted except through an approved request to extend the tenure clock.

Appointment at the rank of Associate Professor normally entails tenure. A probationary appointment at the rank of Associate Professor is appropriate only under unusual circumstances, such as when the candidate has limited prior teaching experience or has taught only in a foreign country. A probationary period

of up to four years is possible, on approval of the Office of Academic Affairs, with review for tenure occurring in the final year of the probationary appointment. If tenure is not granted, an additional (terminal) year of employment is offered.

b. Associate Professor With Tenure

Appointment offers at the rank of Associate Professor with tenure require prior approval of the Office of Academic Affairs. All persons appointed to the faculty at the rank of Associate Professor with tenure must demonstrate a strong potential to advance to Professor. The criteria for promotion to Professor are contained in Part VI.A.

c. Professor

All persons appointed to the faculty at the rank of Professor must demonstrate compliance with the criteria for promotion to Professor contained in Part VI.A. Appointments at the rank of professor without tenure may not be made.

2. Clinical Faculty

Persons appointed as clinical faculty shall have relevant practice and occupational experience in their areas of expertise and strong potential in all areas of performance relevant to the clinical faculty position. For all clinical faculty, these relevant performance areas ordinarily should include: (a) classroom teaching, as described in greater detail in Part IV.A.; (b) providing timely and effective feedback on student work; (c) conforming to the highest ethical standards and to applicable codes of professional conduct; (d) engaging in public service, as described in greater detail in Part IV.A.; and (e) maintaining knowledge in the faculty member's areas of expertise. Additional performance areas that may be relevant to some clinical faculty positions include: (f) supervising students in a clinical or skills setting; (g) handling cases and other matters in connection with the College's clinical programs; and (h) expanding understanding of the law through preparation of written materials. Persons appointed as clinical faculty normally will have a J.D. degree or its equivalent. When necessary for client representation, they must be admitted to, or eligible for admission to, the practice of law in the State of Ohio and in the federal courts.

Tenure is not granted to clinical faculty.

a. Assistant Clinical Professor

All persons appointed to the faculty at the rank of Assistant Clinical Professor must demonstrate a strong potential to advance through faculty ranks. The criteria for promotion to Associate Clinical Professor are contained in Part VI.A.

b. Associate Clinical Professor

All persons appointed to the faculty at the rank of Associate Clinical Professor must demonstrate a strong potential to advance to Clinical Professor. The criteria for promotion to Clinical Professor are contained in Part VI.A.

c. Clinical Professor

All persons appointed to the faculty at the rank of Clinical Professor must demonstrate compliance with the criteria for promotion to Clinical Professor contained in Part VI.A.

d. Term of Appointment.

1. Duration of Contract. Initial probationary contracts for the appointment of all clinical faculty must be for a period of five years. Second and subsequent contracts for assistant and associate clinical professors must be for a period of at least three years and for no more than five years. Second and subsequent contracts for clinical professors must be for a period of at least three years and no more than eight years.
2. Probationary Contracts. Regardless of the rank of the appointment, the initial contract for a clinical faculty member is probationary and a faculty member will be informed by the end of each probationary year as to whether they will be reappointed for the following year. By the end of the penultimate year of the probationary contract, the faculty member will be informed as to whether a new contract will be extended at the conclusion of the probationary contract period. Terms of a contract may be renegotiated at the time of reappointment. If a new contract is not extended, the final year of the probationary contract is the terminal year of employment. There is no presumption that a new contract will be extended.
3. Non-probationary Contracts. During the second and subsequent contract periods, clinical faculty appointments may only be terminated for cause (see University Faculty Rule [3335-5-04](#)) or financial exigency (see University Faculty Rule [3335-5-02.1](#)) and the termination decision for either of these reasons shall result from procedures established by applicable University or College rules. A contract may be renegotiated during a contract period only with the voluntary consent of the faculty member. By the end of the penultimate year of each contract period, the faculty member will be informed as to whether a new contract will be extended at the conclusion of the current contract period. Terms of a contract may be renegotiated at the time of reappointment or promotion. If a new contract is not extended, the final year of the current contract is the terminal year of employment. While under Faculty Rule [3335-7-07\(B\)](#), there is no presumption that a contract will be extended for another term, it is expected that a clinical faculty member whose performance satisfies the

obligations of the position will be reappointed to a new contract. This rule shall be construed to provide all clinical faculty members with security of position and protection of academic freedom to the greatest extent allowable under University rules and policies, in furtherance of Standard 405(c) of the American Bar Association's Standards and Rules of Procedure for Approval of Law Schools.

### 3. Associated Faculty

Associated appointments to the faculty include (1) full-time or part-time appointments of visitors; (2) adjunct appointments; and (3) appointments of lecturers and senior lecturers. Persons appointed as associated faculty shall meet the general standards of teaching at the College. Associated faculty are also expected to contribute to the overall mission of the College. Associated faculty appointments in categories (1) and (2) may be as short as a few weeks to assist with a focused project, a semester to teach one or more courses, or for up to three years when a longer contract is useful for long-term planning and retention. These associated faculty may be reappointed.

Lecturers and senior lecturers are recognized for their greater contribution to the College, and they are given a broader set of responsibilities, including service on committees, leadership roles in the College, and greater teaching and service responsibilities than other associated faculty. Lecturers and senior lecturers are also given broader rights at the College, including voting rights that are equivalent to clinical professors. Lecturers and senior lecturers may be appointed to a term for up to three years and may be reappointed.

- a. Lecturer. Evidence of ability to provide high-quality instruction is desirable. Lecturers are not eligible for tenure, but may be promoted to senior lecturer if they meet the criteria for appointment at that rank.
- b. Senior Lecturer. Appointment as senior lecturer requires evidence of ability to provide high-quality instruction. Senior lecturers are not eligible for tenure or promotion.
- c. Visiting Assistant Professor, Visiting Associate Professor, Visiting Professor. Visiting faculty appointments may either be compensated or uncompensated. Visiting faculty members on leave from an academic appointment at another institution are appointed at the rank held in that position. The rank at which other (non-faculty) individuals are appointed is determined by applying the criteria for appointment of tenure-track faculty. Visiting faculty members are not eligible for tenure or promotion. Visiting faculty appointments may be renewed annually for only three consecutive years.

### 4. Emeritus Faculty

Emeritus faculty status is an honor given in recognition of sustained academic contributions to the university as described in University Faculty Rule [3335-5-36](#). Full-time tenure track, clinical, or associated faculty may request emeritus status upon retirement or resignation at the age of sixty or older with ten or more years of service or at any age with twenty-five or more years of service.

Faculty will send a request for emeritus faculty status to the Dean outlining academic performance and citizenship. The Committee of Eligible faculty (all voting faculty) will review the application and make a recommendation to the Dean, who will decide upon the request. If the faculty member requesting emeritus status has in the 10 years prior to the application engaged in serious dishonorable conduct in violation of law, rule, or policy or has caused harm to the University's reputation, or is retiring pending a procedure according to University Faculty Rule [3335-05-04](#), emeritus status will not be considered.

See the OAA [Policies and Procedures Handbook](#) Volume 1, Chapter 1, for information about the types of perquisites that may be offered to emeritus faculty, provided resources are available.

Emeritus faculty may not vote at any level of governance and may not participate in promotion and tenure matters.

#### 5. Joint Appointments

Appointments may be made to the Faculty of the College of Law of members of the University Faculty whose tenure initiating unit is other than the College of Law. Such appointees shall not have the right to vote on matters of College governance unless specifically granted that right by the Faculty of the College of Law. The University's tenure responsibility shall continue to exist only in the faculty member's tenure initiating unit. While such appointees may be requested to serve on faculty committees, they shall have neither the right nor the duty to do so. Such appointments shall be made only to candidates that have demonstrated an interest in contributing in a significant way to the College of Law's fulfillment of one or more of its missions -- teaching, research, or public service.

#### 6. Courtesy Appointments

Ohio State tenure-track or clinical faculty from other tenure-initiating units may be given courtesy (no-salary) appointments if such persons meet expectations for substantial involvement in the College. Courtesy appointments shall not give the appointee governance rights in the College. A courtesy appointment is made at the individual's current Ohio State rank, with promotion in rank recognized.

### B. Procedures

The appointment of all compensated tenure-track, clinical, and associated faculty, regardless of rank, must be based on a formal search process following the [SHIFT](#) Framework for faculty recruitment. All faculty positions must be posted on [Workday](#), the University's system of record for faculty and staff. Formal interviews are required for all positions. Appropriate disposition codes for applicants not selected for a position must be entered in [Workday](#) to enable the University to explain why a candidate was not selected and what stage they progressed to before being eliminated.

Prior to any search, members of all search committees must undergo the trainings identified in the [SHIFT](#) Framework for faculty recruitment. In addition, all employees/faculty involved in the hiring and selection process must review and acknowledge the EEO Recruitment and Selection Guidelines in the BuckeyeLearn system.

The [SHIFT](#) Framework will serve as a centrally coordinated guideline and toolkit to support the entire process of faculty recruitment with clear engagement from all participating stakeholders involved in the faculty hiring process. This framework is intended to provide faculty engaged in search committees and staff providing support services with the tools and support needed to attract excellent applicant pools, conduct consistent and equitable evaluations, and successfully hire and properly onboard new faculty members who will continue our tradition of academic excellence. This framework consists of six phases, each targeting a specific stage of the recruitment process:

- “Phase 1 | Search Preparation & Proactive Recruitment” is the earliest stage in the search process. Key steps during this phase include determining faculty needs for the unit, creating a search strategy (including timeline), establishing a budget, and identifying additional partners to include in the process. The steps in this phase provide guidance on forming committees, detail training requirements for search committee members, and innovative approaches to advertising and outreach. This section also includes ideas and resources for developing qualified talent pools to ensure alignment with university and unit EEO goals and advance the eminence of the institution.
- “Phase 2 | Preliminary Review of Applicants” focuses on best practices for the application review and candidate screening processes. The guidelines and resources in this section support consistency and fairness in the review, assessment, and selection of candidates moving forward in the recruitment process. This section also outlines how to select a list of candidates for on-campus interviews.
- “Phase 3 | Finalists Interviews & Evaluations” provides guidance and tools for conducting interviews and campus visits, requesting reference letters (if not requested earlier in the application stage), and collecting feedback from everyone who interacted with the candidates. Adherence to the guidelines outlined in this section has a direct impact on enhancing the candidate experience and ensuring a consistent evaluation process. This phase concludes with the submission of a letter from the search committee to the Dean.

- “Phase 4 | Extend Offer” provides guidance and resources related to effectively selecting the most qualified candidate(s) for the position(s) and successfully negotiating to result in an accepted offer.
- “Phase 5 | Preboard and Onboard” offers resources to help prepare and support new faculty as they transition to Ohio State. The suggestions in this phase focus on creating a seamless transition for incoming faculty and their partners/families, if applicable.
- “Phase 6 | Reflect and Assess the Search” is a process supported by OAA to reflect on the hiring cycle each year and evaluate areas that may need improvement and additional support.

In addition, see the Faculty Policy on Faculty Recruitment and Selection and the Policy on Faculty Appointments on the following topics:

- recruitment of tenure-track, clinical, and associated faculty
- appointments at senior rank or with prior service credit
- hiring faculty from other institutions after April 30
- appointment of foreign nationals
- letters of offer

#### 1. Tenure-Track Faculty

A national search is required to ensure a pool of highly qualified candidates for all tenure-track positions. This includes all external candidates for all faculty positions. The only exception is for dual career partners, as described in Volume I, Chapter 4, Section 5.1 of the [Policies and Procedures Handbook](#). The College must seek exceptions to this policy from the Office of Academic Affairs in advance. Search procedures must entail substantial faculty involvement and be consistent with the OAA [Policy on Faculty Recruitment and Selection](#).

Searches for tenure-track faculty proceed as follows:

The Dean provides approval for a search process to commence. This approval may or may not be accompanied by constraints with regard to salary, rank, and field of expertise.

The Dean appoints a search committee consisting of three or more faculty. The Dean may also appoint staff members to the search committee as appropriate. The Appointments Committee serves as the search committee for tenure-track faculty hires.

Following completion of virtual/on-campus interviews, the eligible faculty shall meet and, after due deliberation, shall vote on the candidates in a confidential ballot and may provide rankings of the candidates for each open position. The Appointments Committee will consolidate the feedback and the results of the faculty vote into the SHIFT search report. In this report, the Committee will highlight each candidate’s

strengths and weaknesses and then submit the report to the Dean along with any rankings provided by the faculty.

If the offer involves senior rank, the eligible faculty members vote on the appropriateness of the proposed rank. If the offer may involve prior service credit, the eligible faculty members vote on the appropriateness of such credit. The eligible faculty reports a recommendation on the appropriateness of the proposed rank or the appropriateness of prior service credit to the Dean. Appointment offers at the rank of Associate Professor, with or without tenure, or Professor, and offers of prior service credit require prior approval of the Office of Academic Affairs.

In the event that more than one candidate achieves the level of support required to extend an offer, the Dean decides which candidate to approach first, unless the faculty had directed the Dean as to the ranking of approved candidates. The details of the offer, including compensation, are determined by the Dean.

The College is advised to discuss potential appointment of a candidate requiring sponsorship for permanent residence or non-immigrant work-authorized status with the Office of International Affairs. An [MOU](#) must be signed by faculty eligible for tenured positions who are not U.S. citizens or nationals, permanent residents, asylees, or refugees.

## 2. Clinical Faculty

Searches for clinical faculty generally proceed identically as for tenure-track faculty, with the exception that the candidate's presentation during the interview is on clinical teaching and practice rather than scholarship. The Clinical Faculty Appointments Committee serves as the search committee for clinical faculty hires.

## 3. Transfer to or from the Tenure-track

Transfers from a clinical appointment to the tenure track are not permitted. Clinical faculty members may apply for tenure-track positions and compete in regular national searches for such positions. In accordance with Faculty Rule [3335-7-09](#) transfers from the tenure track to the clinical faculty are not permitted in the Moritz College of Law. Tenure-track faculty may apply for clinical positions and compete in the regular national searches for such positions. Tenure or tenure eligibility is lost when a tenure-track faculty member takes a clinical appointment.

## 4. Associated Faculty

The appointment of compensated associated faculty members follows a formal search following the [SHIFT](#) Framework, which includes a job posting in [Workday](#) (see Section IV.B above) and candidate interviews. The appointment is then decided by the Dean based on recommendation from the search committee. The reappointment of all compensated associated faculty members is decided by the Dean.

Compensated associated appointments are generally made for a period of one to three years, unless a shorter or longer period is appropriate to the circumstances, with the exception of lecturers and senior lecturers, who are offered an initial five year contract and subsequent eight year contracts upon reappointment.

Appointment of adjunct and visiting faculty may be proposed by any faculty member in the College to the Appointments Committee and are decided by vote of the eligible faculty.

Reappointment of associated faculty, other than visiting faculty members, shall be made by the Dean of the College or the Dean's designee. Reappointment of visiting faculty members shall be made in the same manner as the initial appointment of visiting faculty members as described just above.

Visiting appointments may be made for one term of up to three years or on an annual basis for up to three years.

All associated appointments expire at the end of the appointment term and must be formally renewed to be continued.

#### 5. Courtesy Appointments for Faculty

Any faculty member within the College may propose a 0% FTE (courtesy) appointment for a tenure-track or clinical faculty member from another Ohio State unit. A proposal describing the uncompensated academic service that justifies the appointment is considered at a regular faculty meeting. If the proposal is approved by the eligible faculty, the Dean extends an offer of appointment. The Dean reviews all courtesy appointments every three years to determine whether they continue to be justified. If the Dean determines that an appointment should not be renewed, the Dean shall make a recommendation of non-renewal for consideration by the faculty.

## **V. Annual Performance and Merit Review Procedures**

The College follows the requirements for annual performance and merit reviews as set forth in the [Policy on Faculty Annual Review and Reappointment](#). It is the expectation of the College that annual performance and merit reviews will also be consistent with other relevant policies, procedures, practices, and standards established by: (1) the College, (2) the University Faculty Rules, (3) the Office of Academic Affairs, and (4) the Office of Human Resources. The purpose of the annual review is to aid in determining merit salary increases and other rewards, and to inform the Dean of each faculty member's performance over the previous year so that the Dean may provide appropriate support and reinforcement, publicity, and assistance.

The annual performance and merit review of a faculty member is the responsibility of the Dean.

- Depending on the faculty member's appointment type, the review is based on: expected performance in teaching, scholarship, and service as set forth in the College's guidelines on

faculty duties and responsibilities; on any additional assignments and goals specific to the individual; and on progress toward promotion when relevant. Scholarship is not required with respect to faculty who are not on the tenure track.

- The review of faculty with budgeted joint appointments must include input from the joint appointment unit head for every annual evaluation cycle. The input must be in the form of a narrative commenting on faculty duties, responsibilities, and workload; on any assignments; and on goals specific to the individual in the joint unit.
- Meritorious performance in teaching, scholarship, and service is assessed in accordance with the same criteria that form the basis for promotion decisions. Scholarship is not required for promotion with respect to faculty who are not on the tenure track.
- Annual performance and merit reviews must include a scheduled opportunity for a face-to-face meeting as well as a written assessment.
- University Faculty Rule [3335-3-35](#) requires that there be a reminder in annual review letters that all faculty have the right (per University Faculty Rule [3335-5-04](#)) to view their primary personnel file and to provide written comment on any material therein for inclusion in the file.

#### A. Documentation

For their annual performance and merit review, the College requires faculty members to submit the following documents to the Dean no later than the final day of **spring** semester classes:

- Office of Academic Affairs dossier outline, [Policies and Procedures Handbook](#), Volume 3 (*required for probationary faculty*) or updated documentation of performance and accomplishments (*non-probationary faculty*).
- updated CV, which will be made available to all faculty in an accessible place (*all faculty*).

Other documentation for the annual performance and merit review will be the same as that for consideration for promotion and/or tenure. That documentation is described in Section VI of this document.

Under no circumstances should faculty solicit evaluations from any party for purposes of the annual performance and merit review, as such solicitation places its recipient in an awkward position and produces a result that is unlikely to be candid.

#### B. Probationary Tenure-track Faculty

Every probationary tenure-track faculty member is reviewed annually by the Dean, who meets with the faculty member to discuss their performance, future plans, and goals; and prepares a written evaluation that includes a recommendation on whether to renew the probationary appointment. In addition to the purposes identified in V.A. above, the purpose of the annual review of untenured faculty members appointed to the tenure-track is: to determine the progress that the faculty member is making in teaching, scholarship, and public service; to determine what resources or technical assistance the faculty member may need;

and to allow the Dean to provide advice and suggestions for improvement or to help identify faculty members who will provide that advice and suggestions; and to identify untenured probationary faculty whose probation should not continue. The Dean may consider during the annual review process whether to recommend application for an extension of the tenure clock, as governed by Faculty Rule [3335-6-03\(D\)](#), however, a faculty member may not be required to apply for such an extension.

If the Dean recommends renewal of the appointment, this recommendation is final. The Dean's annual review letter to the faculty member renews the probationary appointment for another year and includes content on future plans and goals. The faculty member may provide written comments on the review. The Dean's annual review letter (along with the faculty member's comments, if the faculty member so chooses) becomes part of the cumulative dossier for promotion and tenure.

If the Dean recommends non-renewal, the fourth-year review process (per University Faculty Rule [3335-6-03](#)) is invoked. Following completion of the comments process, the complete dossier is forwarded to the Office of Academic Affairs for review and the Executive Vice President and Provost makes the final decision on renewal or non-renewal of the probationary appointment.

#### 1. First and Second Reviews

a. First and second reviews shall take place during the faculty member's first and second years of teaching, including consideration of any prior service credit. For example, if a faculty member comes in with one year of prior service credit, the annual review that is conducted during their first year on the faculty will be considered a second review.

b. The first and second reviews will be conducted by the Dean, with the assistance of the Promotion and Tenure Committee. The Committee shall review and summarize the faculty member's student evaluations of teaching. The Committee shall also observe or ask other faculty members to observe classes of the faculty member being reviewed; the Committee shall ask two faculty members to observe one or more class sessions of the faculty member being reviewed and provide written evaluation of the class. The Committee shall review the faculty member's record of service. The Committee shall also review, or ask other faculty members to review, any scholarship of the faculty member being reviewed that was completed since the last annual review and any work in progress that the faculty member being reviewed designates and provide a written evaluation of that work; the Committee shall ask one faculty member to review any completed scholarship or work in progress. The Promotion and Tenure Committee shall provide its review of the faculty member to the Dean to assist the Dean in conducting the first and second year review.

c. The Dean, following a first or second review, shall provide the faculty member being reviewed with a written assessment of the faculty member's

performance and an indication as to whether the faculty member will be reappointed for an additional year. The assessment should include both strengths and weaknesses, as appropriate. The Dean shall provide the assessment in two steps: (1) a tentative assessment, upon which the faculty member may comment, and (2) a final assessment, to which the faculty member may make a written response. The Dean's final assessment shall become a part of the faculty member's dossier for subsequent annual reviews while untenured, including the review for promotion and tenure.

## 2. Third and Subsequent Reviews

a. A third review shall take place during a faculty member's third year of teaching, including consideration of any prior service credit. For example, if a faculty member comes in with two years of prior service credit, the annual review that is conducted during their first year on the faculty will be considered a third review. A similar review shall be undertaken in each subsequent year in which the faculty member is not being considered for tenure until the faculty member has tenure, except for the fourth-year review.

b. Third and subsequent reviews, except for the fourth-year review, shall be conducted by the Dean, with the assistance of the Promotion and Tenure Committee. The Committee shall review and summarize the faculty member's student evaluations of teaching. The Committee shall also observe or ask other faculty members to observe classes of the faculty member being reviewed; the Committee shall ask two faculty members to observe two class sessions of the faculty member being reviewed and provide written evaluations of the classes. The review shall also consist of written evaluations by at least two faculty members of any scholarship that was completed since the prior review. The review may also include any work in progress that the faculty member being reviewed designates. The review of any work in progress shall be in writing and shall be conducted by at least one faculty member. The review also shall include a report on and a consideration of the faculty member's service.

c. The Promotion and Tenure Committee shall submit its conclusions in writing to the Dean, with a copy to the faculty member being reviewed. The faculty member may make written comments to these final conclusions. The Dean shall then prepare and furnish to the faculty member a tentative performance assessment. The faculty member may make written comments to this tentative assessment. Thereafter, the Dean shall give a final assessment to the faculty member being reviewed and to the Promotion and Tenure Committee. The person being reviewed, or the Promotion and Tenure Committee or any member of the Committee, may submit a response to the final assessment. The Dean's final assessment shall become a part of the faculty member's dossier for subsequent annual reviews while untenured, including the review for promotion and tenure.

### 3. Fourth-Year Review

a. A fourth-year review shall take place: if a faculty member chooses not to be considered for promotion and tenure in their fourth year of service as an assistant professor or as an untenured associate professor; if the faculty member withdraws from the review process for promotion and tenure in that fourth year; or if the faculty member receives a negative promotion and tenure decision during that fourth year. If needed, the review shall be conducted in the fourth year of service as an assistant professor or untenured associate professor, unless it is required to be conducted in some other year by application of Faculty Rule [3335-6-03\(D\)](#), dealing with extension of the tenure clock, or by application of Faculty Rule [3335-6-03\(E\)](#), dealing with prior service credit. The review shall be conducted using the same procedures as a review for promotion and tenure, except as modified in b. and c. below.

b. External review letters shall not be required for a fourth-year review. However, the faculty member being reviewed may request that the Promotion and Tenure Committee obtain such letters. If external review letters are not obtained, the Promotion and Tenure Committee will obtain peer evaluations of the faculty member's scholarship using the same procedures as for third and subsequent reviews.

c. The Promotion and Tenure Committee shall evaluate the teaching, scholarship, and service of the faculty member being reviewed and make a recommendation to the eligible faculty as to whether that faculty member is making satisfactory progress toward tenure. Eligible faculty members to participate in a fourth-year review are all tenured faculty members. Based on the recommendation of the Promotion and Tenure Committee and the materials compiled by the Committee, the eligible faculty members will evaluate the faculty member's teaching, scholarship, and service and, for each area, shall determine whether the faculty member is making satisfactory progress toward tenure. The faculty may also note that a faculty member currently meets the College's tenure standards with respect to teaching, scholarship, and service. If the eligible faculty concludes, by an affirmative vote of the majority of the eligible faculty members present and voting, that the faculty member being reviewed is making at least satisfactory progress toward tenure in teaching, scholarship, and service, the faculty will recommend extension of the faculty member's probationary period. The eligible faculty's recommendation shall be forwarded to the Dean, who shall make an independent recommendation. The recommendations of the eligible faculty and the Dean shall be forwarded to the Executive Vice President and Provost, who will make the final decision on whether the faculty member's probationary period will be extended. At the conclusion of the College's review, the formal comments process, as set forth in Faculty Rule [3335-6-04](#), is followed.

#### 4. Extension of the Tenure Clock

University Faculty Rule [3335-6-03\(D\)](#) sets forth the conditions under which a probationary tenure-track faculty member may extend the statutory period by excluding time from the probationary period. University Faculty Rule [3335-6-03\(E\)](#) sets forth the conditions for reducing the probationary period by the application of prior service credit. A faculty member remains on duty regardless of extensions or reductions to the probationary period, and annual reviews are conducted in every probationary year regardless of time extended or reduced. Expectations for productivity during the probationary period cannot be increased as a consequence of exclusions of time granted under the terms of this rule. The exclusion of time granted under for reasons specified in this rule in no way limits the award of promotion and tenure prior to the mandatory review year. Approved extensions or reductions do not limit the College's right to recommend non-renewal of an appointment during an annual review.

#### C. Tenured Faculty

Associate professors are reviewed annually by the Dean, who meets with the faculty member to discuss their performance and future plans and goals and prepares a written evaluation on these topics, involving an independent assessment by the Dean. The faculty member may provide written comments on the review.

Professors are reviewed annually by the Dean, who meets with the faculty member to discuss their performance and future plans and goals. The annual review of professors is based on their having achieved sustained excellence and ongoing outcomes in the discovery and dissemination of new knowledge relevant to the mission of the College, as demonstrated by: ongoing national and international recognition of their scholarship; ongoing excellence in teaching, including their leadership in legal education in both teaching and mentoring students; and ongoing outstanding service to the College, the University, and their profession, including their support for the professional development of assistant and associate professors. Professors are expected to be role models in their academic work, interaction with colleagues and students, and in the recruitment and retention of junior colleagues. As the highest-ranking members of the faculty, the expectations for academic leadership and mentoring for professors exceed those for all other members of the faculty. The faculty member may provide written comments on the review.

If a faculty member has an administrative role, the impact of that role and other assignments will be considered in the annual review. The Dean prepares a written evaluation of performance against these expectations. The faculty member may provide written comments on the review.

#### D. Clinical Faculty

##### 1. Annual Review

The annual performance and merit review process for clinical probationary and non-probationary faculty is identical to that for tenure-track probationary and tenured faculty respectively, except that non-probationary clinical faculty may participate in the review of clinical faculty of lower rank.

2. Clinical Faculty Review Committee

The Dean shall appoint a Clinical Faculty Review Committee to assist in the reviews described below and in Part VI. The Clinical Faculty Review Committee shall include the Director of Clinical Programs and any others that the Dean appoints. Probationary clinical faculty may not serve on the Committee.

3. Review During Probationary Period

During the course of each year of a clinical faculty's probationary period, the performance of the clinical faculty member shall be reviewed by the Dean, with the assistance of and in consultation with the Clinical Faculty Review Committee, for the purpose of determining whether the contract will be continued for the next year, or, if the review is during the penultimate years of a probationary contract period, whether a new contract will be extended at the conclusion of the probationary contract period.

4. Reappointment Review

During the penultimate year of any non-probationary contract period of a clinical faculty member, the Dean shall review that faculty member's performance for the purposes of determining whether to reappoint that faculty member for a subsequent contract period. This review will assess the faculty member's performance in all relevant areas.

a. By December 1 of the penultimate year of a non-probationary contract, the Dean shall make an initial decision whether to reappoint the faculty member and renew the contract and shall communicate that initial decision to the faculty member and to the Chair of the Clinical Faculty Review Committee.

b. If the Dean's initial decision is to reappoint the faculty member, the reappointment review is complete. The reappointment will take effect at the end of the current contract period, unless the faculty member and the College agree to a different date.

c. If the Dean's initial decision is not to reappoint the faculty member, the following process will be followed:

(1) The Clinical Faculty Review Committee shall review the faculty member's performance and, based on that review, shall make a written report to the faculty concerning that faculty member's reappointment. This review will assess the faculty member's performance in all relevant areas.

(2) The eligible faculty shall consider the Clinical Faculty Review Committee's report and, by majority vote of those present and voting, shall make a recommendation to the Dean concerning reappointment. The Dean shall announce at the outset of the meeting at which voting will occur on clinical faculty reappointment the number of faculty members present at the meeting and entitled to vote. The ballot for reappointment shall allow faculty to vote "Yes" or "No" but shall not include an abstention option. For each vote under this rule, the Dean shall announce the number of affirmative and negative votes, and whether the affirmative votes constituted a majority of votes, but, unless directed by the faculty, shall not record the number in the minutes.

(3) After receiving the Clinical Faculty Review Committee's and the eligible faculty's recommendation, the Dean shall then make a final decision, based on all relevant information whether or not to reappoint the faculty member being reviewed, and shall inform the faculty member of the Dean's final decision no later than the end of that academic year. The Dean's decision shall be final with respect to reappointment or non-reappointment.

(4) If the Dean's final decision is to reappoint the faculty member, the reappointment will take effect at the end of the current contract period, unless the faculty member and the College agree to a different date.

(5) If the Dean's final decision is not to reappoint the faculty member, the final year of the contract period during which the reappointment review occurred shall be the terminal year of employment. The standards of notice set forth in Faculty Rule [3335-6-08](#) must be observed.

##### 5. Faculty Meeting Procedure for Reappointment Reviews

When the reappointment reviews of clinical faculty require the voting faculty to make a recommendation to the Dean, the following procedures shall govern the faculty meeting at which that recommendation is made:

a. Notice of Meeting. All persons entitled to attend, participate, and vote with respect to reappointment reviews of clinical faculty shall be notified of any meeting to consider reappointment recommendations and receive documentary background information. When the eligible faculty meet in order to consider a recommendation by the Clinical Faculty Review Committee on reappointment, the Chair of the Clinical Faculty Review Committee, or the Chair's designee, shall preside over the portion of the meeting at which the recommendation is considered.

b. Presence Required to Vote. All votes shall be cast in person; proxy and absentee voting shall not be permitted. "In person" shall be defined as stated in Part III.E. of this document.

c. Secret Ballot. Faculty shall use secret written ballots to vote on recommendations concerning reappointment of clinical faculty members. A faculty

member whose presence and participation have been by other means as permitted in Part III.E. may make arrangements to protect the anonymity of their vote to the extent feasible.

#### E. Associated Faculty

Compensated associated faculty members in their initial appointment must be reviewed before reappointment. The Dean, or the Dean's designee, prepares a written evaluation and meets with the faculty member to discuss their performance, future plans, and goals. The Dean's recommendation on renewal of the appointment is final. If the recommendation is to renew, the Dean may extend a multiple year appointment.

Compensated associated faculty members on a multiple year appointment (or hired annually for multiple years) are reviewed annually by the Dean or the Dean's designee. The Dean or the Dean's designee prepares a written evaluation and meets with the faculty member to discuss their performance, future plans, and goals. No later than October 15 of the final year of the appointment, the Dean will decide whether or not to reappoint. The Dean's recommendation on reappointment is final.

#### F. Salary Recommendations

1. Criteria. Merit salary increases and other rewards shall be based on criteria consistent with the mission of the College. Accordingly, for tenure-track faculty, the Dean shall consider each faculty member's teaching, scholarship, and service both during the year being reviewed and over the faculty member's entire career. For clinical and other faculty, the Dean shall consider each faculty member's performance with respect to the criteria for the position in question, as set forth in Part IV.A.(2),(3).
2. Procedures. The Dean may utilize materials from the annual review in determining merit salary increases. The Dean shall communicate to each faculty member, as soon as possible after receipt, the most reliable information available, as to that member's salary for the next academic year. If no better information is available, the communication shall consist of the recommendation by the Dean to the University administration with respect to that faculty member's salary. When more reliable information is obtained, the Dean shall inform the members of the faculty as to the percentage increment for all continuing faculty members.
3. Documentation. The Dean shall provide each faculty member with a written statement indicating the recommended merit salary increase.

## **VI. Promotion and Tenure and Promotion Reviews**

### **A. Criteria and Evidence That Support Promotion**

#### **1. Criteria for Promotion to Associate Professor with Tenure**

There can be no compromise with the requirement that the performance of every faculty member must be of high quality and that every tenure-track faculty member must be fully and effectively engaged in teaching, research, and service to the College, University, and public at large. These requirements are the same for all, but the specific manner in which individuals will demonstrate their high quality and vitality will undoubtedly vary. The College strives for continuous improvement in the quality of its faculty.

The functions of The Ohio State University and of the College of Law are teaching, scholarship, and service. Being an effective teacher is a requirement for all. To facilitate and enrich teaching, although not solely for those reasons, every tenure-track faculty member also is expected to engage in the critical study of the legal institutions and processes with which the faculty member is particularly concerned. It is expected that insights and conclusions will be shared and their validity tested by publishing the results of research.

Although the College is a component of the University, it is also an institution in its own right, the most fundamental purpose of which is to prepare individuals for the practice of law in the many forms required by our society. There is hazard in interpreting this role too narrowly. Teaching technical craftsmanship is important, but not sufficient. It is necessary to create and nurture a sense of lawyering that is grounded in obligation to society as well as in skill in the formulation, analysis, and application of concepts. Accordingly, members of the tenure-track law faculty are encouraged to infuse their teaching, scholarship, and public service with a concern for justice through the operation of the legal system.

As members of both the University and the College, faculty members are participants in institutional governance. In that capacity, too, every faculty member is expected to participate to an extent that is compatible with teaching, research, and other professional commitments.

In all of these various activities, there should be a strong balance among the evaluation criteria in the faculty as a whole. So also should there be balance in each individual faculty member over time with the rhythm and proportion of that balance varying from person to person. However, satisfying one criterion for appointment or promotion and tenure is not a substitute for satisfying other criteria.

The general practice at The Ohio State University is that, in the case of tenure-track faculty members, an Assistant Professor will ordinarily be considered for promotion and tenure in the sixth year of service, with promotion and tenure effective in the seventh

year of service. The Moritz College of Law operates on a different timetable; an Assistant Professor may be considered for promotion and tenure as early as the first semester of the fourth year of service, with promotion and tenure effective in the fifth year. The possibility of promoting and tenuring of law faculty earlier than the University's general practice is based on the experience of some law schools across the nation, the conditions prevailing in the relevant job market, and the qualifications and professional experience of persons who accept positions on the law faculty.

Tenure is not awarded below the rank of Associate Professor at The Ohio State University. The award of tenure is an acknowledgement of excellence and future potential for preeminence. It is therefore essential to evaluate and judge the probability that faculty, once tenured, will continue to develop professionally and contributed to the College's academic mission at a high level for the duration of their time at the University. Excellence in teaching, scholarship, and service is moreover defined to include professional ethical conduct in each area of responsibility, consistent with the [American Association of University Professors' Statement on Professional Ethics](#).

a. Teaching

(1) Criteria. No person shall be recommended for promotion to any rank or tenure unless that person is an effective teacher. In determining whether a person is an effective teacher, consideration will be given to all relevant factors, including the quality of the teacher's presentation and direction of classroom discussion, the quality of synthesis and analysis, interest in students and in teaching, enthusiasm in the classroom, innovation and creativity in organizing and presenting material in diverse ways, mastery of subject matter, careful preparation, and open-mindedness. Working well with students outside the classroom in tutoring or independent research and motivating students to perform to the limit of their abilities will also be considered. The evaluation of all of these matters will take into account teaching load, number of contact hours, class size, subject matter, and years of experience.

(2) Evidence that Criteria Have Been Met. The evaluation of teaching effectiveness will be based on peer review, student evaluations of teaching (SET forms), and on other available evidence bearing on the criteria in the preceding paragraph, including course syllabi, examinations, and supplementary course material such as writing assignments, problem cases, and the like. The Promotion and Tenure Committee shall select two peer reviewers on a yearly basis for each untenured member of the faculty and each individual seeking promotion to Professor during that academic year. The designated peer reviewers for individuals who are untenured and are in their third or subsequent year as an Assistant Professor or as an untenured Associate Professor without tenure, and for individuals who are seeking promotion to Professor during that academic year, shall visit at least two class sessions of the reviewed individual. Peer reviewers of all other individuals being reviewed shall visit at least one class session of the reviewed individual. In general, peer review visits may occur at any time during the semester other than the first or last week of the semester absent exceptional

circumstances (e.g., illness or maternity leave).

b. Scholarship (Research and Publication)

(1) Criteria. The College of Law is, among other things, a research institution. Demonstrated capacity for research, rigorous analysis and synthesis, and writing and publication is a condition of promotion and tenure. No person shall be recommended for promotion and tenure unless that person has demonstrated their career-long commitment to making substantial, continuing contributions to scholarship.

(2) Evidence That Criteria Have Been Met. A candidate's completion of two law review articles of high quality or their equivalent shall be required for recommendation for promotion and tenure and shall be regarded as establishing a presumption that such a commitment has been demonstrated.

The words "or their equivalent" have been included in the above criterion in order to signal that some flexibility must exist in determining whether a candidate has complied with the criterion. A book of high quality might well be the equivalent of two law review articles of high quality. The same is true of a single article of unusual breadth and depth, insight, or potential impact on legal institutions, processes, or functionaries. However, these illustrations are hardly exhaustive and other patterns may suffice. For example, a new teacher might well choose to begin with a short article in which a rather narrow subject is investigated, then write a second article of somewhat greater breadth and depth, and finally write what is often referred to as a "tenure piece," an article of considerable depth and breadth, although falling short of the single article described above. These three articles of varying scope might be regarded as the equivalent of "two law review articles of high quality." Whatever the pattern, however, the criterion remains the same: demonstration of a career-long commitment to making substantial, continuing contributions to scholarship.

In similar fashion, other works of high quality will be considered in determining whether the candidate's total scholarly production is the equivalent of "two law review articles of high quality." These works may include, but are not limited to, treatises, monographs, law-related book reviews of significant length and scope, publications for learned societies such as the American Law Institute or the American Bar Foundation, publications for legislative, judicial, or administrative conferences, and law-related articles in non-legal publications (e.g., an article on jurisprudence published in a philosophy journal).

c. Service

(1) Criteria. Service to the College and University will be taken into account in promotion and tenure decisions. Service to the profession and to the public in matters involving the candidate's professional expertise will also be considered.

(2) Evidence That Criteria Have Been Met. Satisfactory performance of institutional responsibilities for which the candidate has volunteered also shall be given weight in promotion and tenure decisions. The College and University expect faculty members to use their professional expertise for the benefit of the legal profession and the public. The professional contributions that College of Law faculty members have made in the past have included participation on governmental commissions, consultation with judicial and legislative groups, participation in law reform activity, participation in continuing legal education programs, service on bar association committees, presentation of speeches to various audiences on matters involving professional expertise, and pro bono legal work. Service to the profession and to the public shall be given weight in promotion and tenure decisions.

## 2. Criteria for Promotion to Professor

The specific criteria in teaching, scholarship, and service for promotion to Professor are similar to those for promotion to Associate Professor with tenure, with the added expectation of sustained accomplishment and quality of contributions, a record of continuing professional growth, and evidence of established national or international reputation in the field. In particular, no person shall be recommended for promotion to the rank of Professor unless that person has continued to demonstrate a career-long commitment to making substantial, continuing contributions to scholarship. The completion of two additional law review articles of high quality, or their equivalent, will be required to meet this standard.

## 3. Criteria for Promotion to Associate Clinical Professor

For promotion to Associate Clinical Professor, a faculty member must show convincing evidence of effectiveness as a teacher and must display the potential for continuing a program of high-quality teaching. Specific criteria for teaching for promotion to Associate Clinical Professor are set forth in Part VI.A.1.a. above. Promotion to Associate Clinical Professor also requires a faculty member to be a provider of effective service and to display the potential for continuing a program of high-quality service relevant to the mission of the College. Specific criteria for service for promotion to Associate Clinical Professor are set forth in Part IV.A.1.c. above. For clinical faculty members whose positions include service in the College's clinical programs, promotion to Associate Clinical Professor requires faculty members to have a record of conforming to the highest ethical standards and to applicable codes of professional conduct and a documented high level of competence in professional practice. The production and dissemination of scholarship shall not be required for promotion.

## 4. Criteria for Promotion to Clinical Professor

For promotion to Clinical Professor, a faculty member must have a record of continuing professional growth and increasing quality of contributions, including a sustained record of effectiveness in teaching and professional practice and leadership in service to the College and to the profession. Specific criteria for teaching for promotion to Clinical Professor are set forth in Part IV.A.1.a. above. Specific criteria for service for promotion to Clinical Professor are set forth in Part IV.A.1.c. above. For clinical faculty members whose positions include service in the College's clinical programs, promotion to Clinical Professor requires faculty members to have a sustained record of conforming to the highest ethical standards and to applicable codes of professional practice and of excellence in professional practice. The production and dissemination of scholarship shall not be required for promotion.

#### 5. Criteria for Promotion of Associated Faculty

Adjunct and visiting faculty members are not eligible for promotion. Lecturers are eligible for promotion to senior lecturer based on a record of continuing professional growth and increasing quality of contributions to the mission of the College of Law.

#### B. Timetable for Promotion and Tenure Reviews for Tenure-Track Faculty

##### 1. Initial Appointment as Professor

A person initially appointed at the rank of Professor will be appointed with tenure on the effective date of appointment.

##### 2. Initial Appointment as Associate Professor

Appointment without tenure. A person initially appointed to the faculty at the rank of Associate Professor without tenure may be appointed for a probationary period of up to four years, with the length of time to be determined in consultation with the University Office of Academic Affairs. The Promotion and Tenure Committee may decline to put forth a candidate for formal tenure review if the candidate's accomplishments are not judged to warrant such review, unless the review would be a mandatory review.

Appointment with tenure. A person initially appointed to the faculty at the rank of Associate Professor with tenure normally shall first be eligible for promotion to Professor as mutually agreed upon by the Dean and the appointee at the time of the initial appointment, with the concurrence of the Office of Academic Affairs, provided the agreement is consistent with such guidelines and conditions, if any, as may have been established by the faculty in connection with its approval of the appointment. However, the promotion should occur when the candidate is ready for this academic achievement. Therefore, a candidate may request an earlier review if the candidate believes that their achievements fulfill the requirements for promotion. Conversely, it should not be taken as a negative indication of career advancement if the candidate does not designate readiness for promotion until after the time agreed upon with the Dean at the time of appointment. The Promotion and Tenure Committee may decline to put forth a candidate for formal promotion review if the candidate's accomplishments are not judged

to warrant such review, but the Promotion and Tenure Committee may not deny a tenured faculty member a formal review for promotion for more than one year.

### 3. Initial Appointment as Assistant Professor

**Tenure.** A person initially appointed to the faculty at the rank of Assistant Professor shall receive tenure on the effective date of promotion to the rank of Associate Professor.

**Timetable for Promotion to Associate Professor.** A person initially appointed to the faculty at the rank of Assistant Professor may first be considered for promotion to the rank of Associate Professor in the first semester of the fourth year of service. A decision on the promotion to Associate Professor of a person initially appointed at the rank of Assistant Professor must be taken no later than the first semester of the sixth year of service, unless an exclusion of time has been granted under Faculty Rule [3335-6-03\(D\)](#). The Promotion and Tenure Committee may decline to put forth a candidate for formal promotion and tenure review if the candidate's accomplishments are judged not to warrant such review, unless the review would be a mandatory review. Subject to the rules on fourth-year reviews, a negative outcome of a consideration for tenure and promotion to the rank of Associate Professor prior to the first semester of the sixth year of service, or to the time as granted to the person under Faculty Rule [3335-6-03\(D\)](#), shall not affect the person's status in the College.

**Timetable for Promotion to Associate Professor for Person Who Has Taught at Another Institution.** A person initially appointed to the faculty at the rank of Assistant Professor after service as a faculty member at another institution shall first be considered for promotion to Associate Professor as mutually agreed upon by the Dean and the appointee at the time of the initial appointment, provided that the agreement is consistent with such guidelines and conditions, if any, as may have been established by the faculty in connection with its approval of the appointment. However, the promotion should occur when the candidate is ready for this academic achievement. Therefore, a candidate may request an earlier review if the candidate believes that their achievements fulfill the requirements for promotion. Conversely, it should not be taken as a negative indication of career advancement if the candidate does not designate readiness for promotion until after the time agreed upon with the Dean at the time of appointment. Any such review, however, must take place no later than the first semester of the faculty member's sixth year of service, consistent with Faculty Rule [3335-06-03\(D\)](#), dealing with exclusion of time from the probationary period, and with Faculty Rule [3335-06-03\(E\)](#), dealing with prior service credit. The Promotion and Tenure Committee may decline to put forth a candidate for formal promotion and tenure review if the candidate's accomplishments are judged not to warrant such review, unless the review would be a mandatory review. Subject to the rules concerning fourth-year reviews, a negative outcome of a consideration for promotion to the rank of Associate Professor in a non-mandatory review shall not affect the person's status in the College.

**Timetable for Promotion to Professor.** A person initially appointed to the faculty at the rank of Assistant Professor and subsequently promoted to the rank of Associate Professor normally shall be first eligible for consideration for promotion to the rank of Professor in the first semester of the faculty member's third year of service as an Associate Professor. However, the

promotion should occur when the candidate is ready for this recognition of academic achievement. Therefore, a candidate may request a review in the second year in rank as an Associate Professor if the candidate believes their achievements fulfill the requirements for promotion. Conversely, it should not be taken as a negative indication of career advancement if a candidate does not designate readiness for promotion until after the third year in rank as an Associate Professor. The Promotion and Tenure Committee may decline to put forth a candidate for formal promotion review if the candidate's accomplishments are judged not to warrant such review, but the Promotion and Tenure Committee may not deny a tenured faculty a formal review for promotion for more than one year.

#### 4. Initial Appointment as an Instructor (Fellow)

A person initially appointed to the faculty at the rank of an Instructor (Fellow) will be appointed to the rank of Assistant Professor within one to three years of service, as mutually agreed upon by the Dean and the appointee at the time of the initial appointment, provided that the agreement is consistent with such guidelines and conditions, if any, as may have been established by the faculty in connection with its approval of the appointment. Once appointed as an Assistant Professor, the faculty member will be subject to the same timetable as those initially appointed at the rank of Assistant Professor, as set forth above.

### C. Timetable for Promotion and Reviews for Clinical Faculty

#### 1. Initial Appointment as a Clinical Associate Professor

A clinical faculty member initially appointed to the faculty at the rank of Assistant Clinical Professor normally shall first be considered for promotion to the rank of Associate Clinical Professor during that faculty member's fourth year of service as a clinical faculty member. However, the promotion should occur when the candidate is ready for this academic achievement. Therefore, it should not be taken as a negative indication of career advancement if the candidate does not designate readiness for promotion until after the candidate's fourth year of service as a clinical faculty member. The Clinical Faculty Review Committee may decline to put forth a candidate for formal promotion review if the candidate's accomplishments are judged not to warrant such review. For non-probationary faculty, the Committee may not deny a faculty member a formal review for promotion more than once.

#### 2. Promotion from Associate Clinical Professor to Clinical Professor

A faculty member at the rank of Associate Clinical Professor normally shall first be considered for promotion to Clinical Professor during that faculty member's third year of service as an Associate Clinical Professor. However, the promotion should occur when the candidate is ready for this academic achievement. Therefore, a candidate may request an earlier review if the candidate believes that their achievements fulfill the requirements for promotion. Conversely, it should not be taken as a negative indication of career advancement if the candidate does not designate readiness for promotion until after the third year in rank as an Associate Professor. The Clinical Faculty Review Committee may decline to put forth a candidate for formal promotion review if the candidate's accomplishments are judged not to warrant such review. For

non-probationary faculty, the the Committee may not deny a faculty member a formal review more than once.

#### D. Procedures for Promotion and Tenure and Promotion Reviews

The College's procedures for promotion and tenure and promotion reviews are fully consistent with those set forth in Faculty Rule [3335-6-04](#) and the Office Academic Affairs annually updated procedural guidelines for promotion and tenure reviews found in Volume 3 of the [Policies and Procedures Handbook](#).

##### 1. Tenure-Track and Clinical Faculty Members

###### a. Candidate Responsibilities

Candidates for promotion and tenure or promotion are responsible for submitting a complete, accurate dossier and providing a copy of the APT document under which they wish to be reviewed. If external evaluations are required, candidates are responsible for reviewing the list of potential external evaluators compiled for their case according to College guidelines. Each of these elements is described in detail below.

- **Dossier**

Every candidate must submit a complete and accurate dossier that follows the Office of Academic Affairs [dossier outline](#). Candidates should not sign the Office of Academic Affairs [Candidate Checklist](#) without ascertaining that they have fully met the requirements set forth in the Office of Academic Affairs core dossier outline including, but not limited to, those highlighted on the checklist.

While the College Promotion and Tenure Committee, with respect to tenure-track candidates, and the Clinical Faculty Review Committee, with respect to clinical faculty candidates, makes reasonable efforts to check the dossier for accuracy and completeness, the candidate bears full responsibility for all parts of the dossier that are to be completed by them.

Documentation.

Clinical faculty promotion assessments shall use the same documentation (described below) for teaching and service as tenure track promotion. The production and dissemination of scholarship shall not be required for promotion for clinical faculty.

Teaching Documentation. The College's reputation is tied closely to the quality of its graduates and their ability to meet the demands of their future careers. Effective knowledge dissemination in the College requires a diverse

set of skills linked to a wide range of learning experiences in the curriculum. Evidence of quality teaching (not an exhaustive list) may include:

- Peer reviews
- Student evaluations (SET forms)
- Receipt of teaching awards

The time period for teaching documentation to be included in the dossier for probationary faculty is the start date to present. For tenured or non-probationary faculty, it is the date of last promotion, reappointment, or the last five years, whichever is more recent, to present. Candidates are allowed to include information prior to the date of last promotion or reappointment if such information would be relevant to the review. Any such material must be clearly indicated.

Scholarship (Research and Publication) Documentation. The College's reputation is also tied closely to the quality of its faculty's scholarly research creativity and productivity. Faculty members are expected to engage in knowledge creation and scholarly activity. Evidence of scholarship (not an exhaustive list) may include:

- Law review articles
- Books (including treatises and monographs)
- Law-related book reviews of significant length and scope
- Publications for learned societies such as the American Law Institute or the American Bar Foundation
- Publications for legislative, judicial, or administrative conferences
- Law-related articles in non-legal publications (e.g., an article on jurisprudence published in a philosophy journal)

For scholarship documentation, a full history of publications and creative work should be included, as this information provides context to the more recent and relevant research record and demonstrates scholarly independence. Information about scholarship produced prior to the start date (for probationary faculty) or date of last promotion or reappointment may be provided. Any such material should be clearly indicated. However, it is the scholarship performance since the start date or date of last promotion that is to be the focus of the evaluating parties.

Service Documentation. The College is committed to fulfilling its land grant university mission of public service; as such College faculty members are expected to engage in public and academic service. Public service has many aspects, including but not restricted to: consultation to government, not-for-profits, and other institutions and service to professional organizations. Academic service includes service on College and University committees as appropriate to the expectations of their rank. Service contributions to

University committees and governance; scholarly journals and publishers; major academic and professional organizations are also valued. Evidence might include (not an exhaustive list):

- Public Service:
  - Serving as an organizer of workshops or panels
  - Serving as a speaker or presenter at conferences
  - Serving as a leader or member of a task force or committee providing service to local, state, regional, national, or international (academic and professional) organizations
  - Serving as advisor or consultant (to practicing attorneys, government, not for profit)
  - Participation in radio, television, and newspaper interviews
  - Funding through grants and contracts with government agencies, foundations, non-profit organizations, or private firms working in the public sector
  - Other professional or public service if not included elsewhere, such as reviewer of proposals, or external examiner, and media appearances
  - Testifying before government committees and participating on expert panels in areas related to the candidate's research; standard book review; major academic/professional awards and commendations
  
- Academic Service:
  - College committees
  - University committees
  - Mentoring activities
  - Administrative positions held
  - Other administrative services to or for the University
  - Major academic or professional awards and commendations
  - Offices held and other service to professional organizations

The time period for service documentation to be included in the dossier for probationary faculty is the start date to present. For tenured or non-probationary faculty, it is the date of last promotion, reappointment, or the last five years, whichever is more recent, to present. Candidates are allowed to include information prior to the date of last promotion or reappointment if such information would be relevant to the review. Any such material should be clearly stated.

The complete dossier is forwarded when the review moves beyond the College. The documentation of teaching is forwarded along with the dossier. The documentation of scholarship and service is for use during the College review only, unless reviewers at the University level specifically request it.

- Appointment, Promotion, and Tenure (APT) Document

Candidates must indicate the APT document under which they wish to be reviewed. A candidate may be reviewed using the College's current APT document, or they may elect to be reviewed under either (a) the APT document that was in effect on their start date, or (b) the APT document that was in effect on the date of their last promotion (or last reappointment in the case of a clinical faculty member), whichever of these two latter documents is the more recent. However, for tenure-track faculty, the current APT document must be used if the letter of offer or last promotion, whichever is more recent, was more than 10 years before April 1 of the review year.

If the candidate wishes to be reviewed under an APT document other than the current approved version available [here](#), a copy of the APT document under which the candidate has elected to be reviewed must be submitted when the dossier is submitted to the College Promotion and Tenure Committee or the Clinical Faculty Review Committee.

- **External Evaluations (see also below)**

If external evaluations are required, candidates are responsible for reviewing the list of potential external evaluators developed under College guidelines. The candidate may add no more than three additional names, but is not required to do so. The candidate may request the removal of no more than two names, providing the reasons for the request. The Promotion and Tenure Committee decides whether removal is justified.

In order to allow sufficient time for external evaluations of scholarship to be obtained, the candidate will be responsible for providing a final version of scholarship to be reviewed externally by August 1 of the academic year in which the candidate is being considered for promotion or tenure.

#### b. Promotion and Tenure Committee and Clinical Faculty Review Committee Responsibilities

The responsibilities of the Promotion and Tenure Committee and the Clinical Faculty Review Committee are as follows:

- To review this document annually and to recommend proposed revisions to the faculty.
- To consider annually, requests from faculty members seeking a non-mandatory review and to decide whether it is appropriate for such a review to take place. The Promotion and Tenure Committee (with respect to tenure-track faculty) or the Clinical Faculty Review Committee (with respect to clinical faculty) may decline to put forth a candidate for formal promotion

review if the candidate's accomplishments are judged not to warrant such a review, subject to the rules set forth above. The relevant Committee bases its decision on the assessment of the record and a determination of the availability of all required documentation for a full review, such as student and peer reviews of teaching. Lack of the required documentation is sufficient grounds on which to deny a non-mandatory review. A decision by the relevant Committee to permit a review to take place in no way commits the eligible faculty, the Dean, or any other party to the review to making a positive recommendation during the review itself.

- Annually, during the fall semester, provide administrative support for the promotion and tenure process or promotion process as described below:
  - Select from among its members a Procedural Oversight Designee who will serve in this role throughout the process. The Procedural Oversight Designee cannot be the same individual who chairs the Committee. The responsibilities of the Procedural Oversight Designee are described in the Office of Academic Affairs [procedural guidelines](#).
  - Suggest names of external evaluators to the Dean, if external evaluations are required. The external evaluators will be drawn predominantly from the list of peer and aspirational peer programs. Justification will be provided in cases when a suggested evaluator is from a program not included on these lists.
  - Review candidates' dossiers for completeness, accuracy, and consistency with Office of Academic Affairs requirements; and work with candidates to ensure that needed revisions are made in the dossier before the formal review process begins.
  - Meet with each candidate for clarification as necessary and provide the candidate an opportunity to comment on their dossier.
  - Draft an analysis of the candidate's performance in teaching, scholarship (if relevant), and service to provide to the full eligible faculty with the dossier, and seek to clarify any inconsistent evidence in the case, where possible.
  - Revise the draft analysis of each case following the meeting of the full faculty, to include the faculty vote and a summary of the faculty perspectives expressed during the meeting, and forward the completed written evaluation and recommendations to the Dean.
  - Provide a written response, on behalf of the eligible faculty, to any candidate comments that warrant response, for inclusion in the dossier.
  - Provide a written evaluation and recommendation to the Dean in the case of joint appointees from another tenure initiating unit. The full eligible faculty does not vote on these cases, since the Dean's recommendation must be provided to the other tenure-initiating unit substantially earlier than the faculty begins meeting on the College's cases.

c. Eligible Faculty Responsibilities

The responsibilities of the members of the eligible faculty are as follows:

- Review thoroughly and objectively every candidate's dossier in advance of the meeting at which the candidate's case will be discussed.
- Attend all faculty meetings of eligible faculty except when circumstances beyond one's control prevent attendance, participate in discussion of every case, and vote.

d. Dean's Responsibilities

The responsibilities of the Dean are as follows:

- Determine whether a candidate is authorized to work in the United States and whether a candidate now, or in the future, will require sponsorship for an employment visa or immigration status. For tenure-track assistant professors, the Dean is to confirm that candidates are eligible to work in the United States. Candidates who are not U.S. citizens or national, permanent residents, asylees, or refugees will be required to sign an [MOU](#) at the time of promotion with tenure.
- Solicit external evaluations from a list including names suggested by the Promotion and Tenure Committee and the candidate.
- Review faculty with budgeted joint appointments. The head of the tenure initiating unit from the joint appointment unit must provide a letter of evaluation to the head of the primary tenure initiating unit. The input should be in the form of a narrative commenting on: faculty duties, responsibilities, and workload; on any additional assignments; and on the impact of the work of the individual in the field of the joint unit.
- Make each candidate's dossier available in an accessible place for review by the eligible faculty before the meeting at which specific cases are to be discussed and voted, to provide sufficient time for the eligible faculty to review those materials.
- Charge each member of the eligible faculty to conduct reviews free of bias and based on the relevant criteria.
- Remove any member of the eligible faculty from the review of a candidate when the member has a conflict of interest but does not voluntarily withdraw from the review.
- Attend the meetings of the eligible faculty at which promotion and tenure or promotion matters are discussed and provide information as needed, including responding to questions raised during the meeting. At the request of the eligible faculty, as expressed by a majority vote, the Dean will leave the meeting to allow open discussion among the eligible faculty members.
- Provide an independent written evaluation and recommendation for each candidate, following the receipt of the eligible faculty's completed evaluation and recommendation.

- Meet with eligible faculty to explain any recommendations contrary to the recommendation of the eligible faculty.
- Inform each candidate in writing after completion of the College's review process:
  - of the recommendation by the eligible faculty and the Dean;
  - of the availability for review of the written evaluations by the eligible faculty and the Dean;
  - of the opportunity to submit written comments on the written evaluations, within ten calendar days from receipt of the letter from the Dean, for inclusion in the dossier. The letter is accompanied by a form that the candidate returns to the Dean, indicating whether or not they will submit comments.
- Provide a written response to any candidate comments that warrant response for inclusion in the dossier.
- Forward the completed dossier to the Executive Vice President and Provost, who shall review the decisions of the Dean and the eligible faculty.
- Receive the Promotion and Tenure Committee or Clinical Faculty Review Committee's written evaluation and recommendation of candidates who are joint appointees from other tenure-initiating units, and to forward this material, along with the Dean's independent written evaluation and recommendation, to the head of the other tenure-initiating unit by the date requested.
- When the promotion and tenure or promotion decision is negative, the Dean will advise the candidate of their right to appeal and also their final date of employment, if applicable.

## 2. External Evaluations

In keeping with the national standing of The Ohio State University, the College will generally obtain evaluations from faculty in programs that are nationally recognized in their field or subfields. The following principles will be followed in identifying external reviewers: the external reviewer will be 1) a distinguished expert in the field, as demonstrated by publications; national and international awards; and prominence in professional organizations; and/or 2) will be nationally or internationally known in the field related to a candidate's scholarship.

External evaluations of scholarly activity and research are obtained for all promotion reviews in which scholarship must be assessed. These include all tenure-track faculty promotion and tenure reviews. External evaluations of scholarly activity and research are not obtained for clinical faculty unless the faculty member being reviewed requests that the committee obtain external letters.

A conflict of interest for external reviewers exists if the reviewer is or has been to the candidate: (a) a thesis, dissertation, or post-doctoral advisee or supervisor; (b) a research collaborator, which includes someone who has been a co-author on a publication within the past three years, including pending publications and submissions; (c) a

collaborator on a project within the past three years, including current and planned collaborations; (d) in a consulting/financial arrangement with the candidate within the past three years, including receiving compensation or any type (e.g., money, goods, or services); (e) a relative or close personal friend; or (f) in any relationship, personal or professional, that could reduce the reviewer's objectivity. Also excluded are reviewers from the same institution, or those who had previous employment in the same institution within the past 12 months, or those who are being considered for employment at that institution.

A minimum of five credible and useful evaluations must be obtained. A credible and useful evaluation:

- Is written by a person highly qualified to judge the candidate's scholarship (or other performance, if relevant) who is not a close personal friend, former academic advisor or post-doctoral mentor of the candidate, or someone who has collaborated extensively with the candidate or is currently collaborating with the candidate, as indicated in the section on conflict of interest above. Qualifications are generally judged on the basis of the evaluator's expertise, record of accomplishments, and institutional affiliation. The College will solicit evaluations only from professors who meet the criteria described above. In the case of an assistant professor seeking promotion to associate professor with tenure, a minority of the evaluations may come from associate professors.
- Provides sufficient analysis of the candidate's performance to add information to the review. A letter's usefulness is defined as the extent to which the letter is analytical as opposed to perfunctory. Under no circumstances will "usefulness" be defined by the perspective taken by an evaluator on the merits of the case.

Since the College cannot control who agrees to write and or the usefulness of the letters received, more letters are sought than are required.

As described above, a list of potential evaluators is assembled by the Promotion and Tenure and the candidate. If the evaluators suggested by the candidate meet the criteria for credibility, a letter is generally requested from at least one of those persons. University Faculty Rule [3335-6-04](#) requires that no more than half the external evaluation letters in the dossier be written by persons suggested by the candidate. In the event that the persons suggested by the candidate do not agree to write, neither the Office of Academic Affairs nor this College requires that the dossier contain letters from evaluators suggested by the candidate.

The College follows the Office of Academic Affairs suggested format for letters requesting external evaluations. A sample letter for tenure-track faculty can be found [here](#). A sample letter for clinical faculty can be found [here](#).

Under no circumstances may a candidate solicit external evaluations or initiate contact in any way with external evaluators for any purpose related to the promotion

review. If an external evaluator should initiate contact with the candidate regarding the review, the candidate must inform the evaluator that such communication is inappropriate and report the occurrence to the Dean, who will decide what, if any, action is warranted, such as requesting permission from the Office of Academic Affairs to exclude that letter from the dossier. It is in the candidate's self-interest to assure that there is no ethical or procedural lapse, or the appearance of such a lapse, in the course of the review process.

All solicited external evaluation letters that are received must be included in the dossier. If concerns arise about any of the letters received, these concerns may be addressed in the College's written evaluations or brought to the attention of the Office of Academic Affairs for advice.

## **VII. Promotion and Tenure and Reappointment Appeals**

Only the candidate may appeal a negative tenure, promotion, or reappointment decision. Performance that is adequate for annual reappointment may not be adequate for granting of promotion or tenure for tenure-track faculty or for reappointment or promotion for clinical faculty.

University Faculty Rule [3335-6-05](#) sets forth general criteria for appeals of negative promotion and tenure decisions. Appeals alleging improper evaluation are described in University Faculty Rule [3335-5-05](#).

Disagreement with a negative decision is not grounds for appeal. In pursuing an appeal, the faculty member is required to document the failure of one or more parties to the review process to follow written policies and procedures.

## **VIII. Seventh-Year Reviews**

University Faculty Rule [3335-6-05](#) sets forth the conditions of and procedures for a Seventh-Year Review for a faculty member denied tenure as a result of a sixth-year (mandatory tenure) review.

## **IX. Procedures for Student and Peer Evaluation of Teaching**

### **A. Student Evaluation of Teaching**

Forms for anonymous Student Evaluation of Teaching (SET) and course content shall be distributed and collected for every course taught at the College, toward the end of the course. Forms will normally be distributed for completion during class time, in which case a minimum of fifteen minutes shall be allocated for their completion. Alternatively, in unusual cases, forms may be distributed for completion outside of class, in which case they shall be collected at the commencement of a subsequent class or at an announced time and place. If the completed forms are collected during class time, they shall be delivered by a student or staff member to the person designated by the Dean. Regardless of whether the requests are completed during class time or outside of class, they shall be completed in the absence of the

instructor. The instructor shall not consult these forms until after final grades are submitted for the course unless the evaluations are solicited early enough in the term that the instructor may consult them for purposes of improving the course. In that event, the instructor shall also solicit evaluations toward the end of the course.

Appropriate forms to be used by all instructors shall be made available, and revised from time to time, by the Dean, in consultation with the Academic Affairs Committee and approved by the faculty. An instructor may use supplemental questions or supplemental methods of evaluation, if they otherwise comply with the rule set forth above.

## B. Peer Evaluation of Teaching

The Dean oversees the College's process of peer evaluation of teaching.

### 1. Review of Probationary Faculty and Those Seeking Promotion.

The Promotion and Tenure Committee oversees peer review of probationary tenure-track faculty and all tenure-track faculty seeking promotion. The rules with respect to those reviews are contained in Part V.B. The Clinical Faculty Review Committee oversees peer review of probationary clinical faculty and all clinical faculty seeking promotion. The rules with respect to those reviews are contained in Part V.D. At the conclusion of the class visits, the reviewer meets with the candidate to give feedback and also submits a written report to the Dean, copied to the candidate. The candidate may provide written comments on this report and the reviewer may respond if desired. The reports are included in the candidate's promotion and tenure dossier.

### 2. Peer Review of Teaching of Tenured Faculty Members

a. Peer review of each tenured faculty member not otherwise subject to peer review will take place every five years following award of tenure or becoming a member of the Moritz College of Law faculty with tenure. If a tenured faculty member is being reviewed as part of the promotion process, that review will supersede this rule and the next required peer review will be in the fifth academic year following the promotion review.

b. At the beginning of each academic year, the Dean, or the Dean's designee, will contact those faculty members who are to be reviewed during that academic year under this rule. If the faculty member is on leave during the academic year in which peer review would be required, the review will be postponed until the next semester in which the faculty member is in residence and teaching.

c. Peer review will be conducted by a faculty member holding a rank equal to or higher than the faculty member to be reviewed. The reviewing faculty member will be chosen by the Dean, or the Dean's designee, after consultation with and concurrence by the faculty member to be reviewed. No colleague can be selected as the reviewer for the same faculty member in two successive review periods.

d. In conducting peer review, the reviewer should review the class syllabus and class materials for the course or courses to be reviewed and attend two class sessions.

e. Following class attendance, the reviewer and the faculty member being reviewed will meet to discuss the course, teaching methods and the observations of the reviewing faculty member. At the request of either party, the conversation shall be kept confidential.

f. Once the peer review process has been completed, the faculty member conducting the review will inform the Dean, or the Dean's designee, that the process has been carried out.

### 3. Peer Review of Teaching of Non-Probationary Clinical Faculty Members

Peer review teaching of non-probationary clinical faculty members shall take place every five years following the end of their probationary period. If a clinical faculty member is being reviewed as part of a promotion process, that review will supersede this provision and the next required peer review will be in the fifth academic year following the promotion review. The process of peer review of teaching of non-probationary clinical faculty members shall otherwise follow the procedures set forth above with respect to the peer review of teaching of tenured faculty members.