

**Guidelines for Appointment and Reappointment of Professors of Practice
(As adopted by the law faculty, August 29, 2014)**

1. Substantive Criteria for Appointment and Reappointment of Professors of Practice in the School of Law

a. Introduction

Indiana University Maurer School of Law is dedicated to providing the highest quality professional education to those who wish to practice law in any common law jurisdiction; to those who will become judges, legislators, and administrators, to those who plan to use their education in law as general background for a career in another field, and to those who will themselves become teachers and scholars of the law. We are dedicated to critical analysis of the law and its foundations, to pushing back the boundaries of ignorance about law, its nature, functions, and limits, and to sharing new insights with the scholarly and professional communities. And we are dedicated to using our resources to provide high quality service to the University, professional societies, the state, and the nation.

In providing such a professional education to our students, the School of Law strives to meet the following seven goals:

- i. To assure that our students develop critical thinking and legal analysis skills;
- ii. To assure that our students can express their legal analysis and conclusions through skillful and sophisticated written work;
- iii. To assure that our students possess the ability to perform accurate and comprehensive legal research;
- iv. To assure that our students acquire a broad-based substantive legal education;
- v. To assure that our students learn about the methodology of at least one other academic discipline as it relates to the law;
- vi. To assure that our students understand and respect the ethical obligations of attorneys;

- vii. To assure that our students have an adequate opportunity to obtain essential skills training in specific practice-related areas, such as negotiations, trial and appellate advocacy, mediation, interviewing, and counseling.

The Professor of Practice rank can help achieve these goals by allowing the School of Law to add to its full-time teaching faculty a limited number of eminently qualified individuals whose appointment would not be feasible or appropriate in one of the existing tenure-track, clinical, or lecturer ranks.

A Professor of Practice has enjoyed a distinguished career, in law, public service, or a law-related field, that enables the individual to bring to teaching a specific expertise in the professional sphere that adds significantly to the School of Law's course offerings, perspectives, and wealth of knowledge. Professors of Practice shall hold either a Juris Doctor; a primary legal degree in a non-U.S. legal system; or an earned doctoral degree in law or a related discipline.

The following substantive criteria for appointment and reappointment define the School of Law's expectations for "excellence in instruction" by Professors of Practice.

b. Excellence in Instruction

Like all faculty members at the School of Law, Professors of Practice are expected to possess the intellectual capability necessary to think analytically about law; the role of lawyers in society; law's impact on national and international political and economic structures; and law's relationship to other disciplines.

Professors of Practice must be excellent teachers. While a Professor of Practice's substantive expertise should be fully formed at the time of initial appointment, the individual's pedagogical skills should follow a steadily ascending arc of excellence from initial appointment to the time of his or her appointment to a long-term contract.

A Professor of Practice's teaching may encompass not only traditional classroom instruction, but also a wide range of professional and scholarly activities that enrich our students' professional development and placement. These roles may include legal skills training; individual or group counseling and mentoring; and the creation and supervision of experiential learning opportunities.

Instructional excellence also may encompass research and service, both assigned by the Law School and self-initiated, that contribute meaningfully to the School of Law's educational mission, resources, and reputation. These include law reform and advocacy; institutional leadership (such as creating or directing a center, workshop,

lecture series, grant or similar project); serving as a liaison between the School of Law and the legal or other professions in addressing public issues and identifying new avenues of teaching; and collaborating with practitioners or scholars in law or related fields, both within and outside the University, to create new research and training opportunities for students.

Such excellence also may encompass writing and publishing scholarly works, both academic (e.g., law review articles; books published by university presses) and non-academic, such as “white papers,” articles for professional or non-legal periodicals, or works written primarily for practitioners or the general public.

2. Standards for Appointment and Reappointment of Professors of Practice

a. General Considerations

- i. General expectations.* The School of Law expects Professors of Practice to be excellent teachers. This requires not merely very good or effective performance, but rather performance that is excellent in the context of a first-rate university law school.
- ii. Number of critical evaluation stages.* During a probationary period not to exceed seven years, Professors of Practice will be reviewed annually. No later than the sixth year of service, each Professor of Practice will be considered for an appointment to a renewable long-term contract. The decision of when to consider a particular Professor of Practice for a long-term contract will be made by the Dean and the Committee on Clinical, Lecturer, and Professor of Practice Ranks, after consultation with the Professor of Practice involved.
- iii. Specific standards are not exclusive.* The specific standards that appear in the following sections, although normally applicable, do not exhaust all possible models of appointment to a long-term contract. A candidate who does not satisfy these standards normally will not qualify for such a long-term contract, but exceptional cases may arise in which the candidate’s special contributions to teaching and related research or service activities may justify it.

b. Specific Standards

- i. Appointment to a long-term contract*

A Professor of Practice will be appointed to a long-term contract if the Professor of Practice has demonstrated excellence and the promise of continuing excellence in instruction. Factors to be considered include:

- 1) Substantive knowledge of the relevant subject matter;
- 2) Analytical skills;
- 3) Teaching skills and performance (i.e., the ability to challenge and motivate students, to direct and control a class, to direct and control written work, and to use imaginative teaching techniques);
- 4) Originality and creativity;
- 5) Contributions to the specific field of legal education in which the Professor of Practice has expertise, either within Indiana University Maurer School of Law or beyond;
- 6) Ability to communicate effectively and persuasively;
- 7) Exemplary preparation efforts; and
- 8) Evidence of improvement.

ii. Reappointment during the probationary period

For reappointment during the probationary period, a candidate must demonstrate excellence in instruction on the same criteria as specified above for an appointment to a long-term contract.

3. *Standards for continuing Reappointment of Professors of Practice with a long-term contract*

Professors of Practice with a long-term contract shall be employed under long-term contracts with duration of five years. Under University policies, a Professor of Practice who is employed under such a long-term contract may not be dismissed during the five-year period of the contract, except for the following reasons:

- Closure or permanent down-sizing of the program within which the Professor of Practice teaches;
- Professional incompetence;

- Serious misconduct; or
- Financial exigency.

Under University policies, a Professor of Practice who is employed under such a long-term contract shall, upon the expiration of the contract, be reappointed to another five-year contract, except for the following reasons:

- Closure or permanent down-sizing of the program within which the Professor of Practice teaches;
- Professional incompetence;
- Serious misconduct;
- Financial exigency; or
- Changing staffing needs of the program within which the Professor of Practice teaches.

4. Procedural Criteria for Appointment and Reappointment of Professors of Practice in the School of Law

Note: Where specific dates are indicated, they are guidelines which will be followed whenever possible. However, some variation may be required by circumstances such as deadlines imposed by University procedures.

a. Procedures for appointment to a long-term contract

- i. No later than June 1 of each year, the Dean, in consultation with the Policy Committee, shall appoint a Committee on Clinical, Lecturer, and Professor of Practice Ranks (hereafter the Committee), consisting of three or more faculty members with either tenure or long-term contracts. This Committee shall be responsible for making initial recommendations on a Professor of Practice's appointment to a long-term contract.
- ii. The Committee, in conjunction with the Dean, shall determine which Professors of Practice are to be considered for appointment to a long-term contract during the fall semester. It shall be the privilege of any faculty member to submit a recommendation to the Dean concerning the appointment to a long-term contract of any faculty member, including the person making the recommendation.
- iii. A member of the Committee shall be assigned the responsibility of assembling a file for each Professor of Practice subject to review. This member shall ensure that a complete and thorough file is developed and that the specified procedures are followed, and shall present the

Professor of Practice's file to the Committee and, if requested by the Committee and Dean, to the Promotion and Tenure Committee.

- iv. As soon as the Committee and Dean have jointly determined which Professors of Practice are to be reviewed, the Dean shall notify each such person in writing that he or she is under review and that within a specified and reasonable period of time the Professor of Practice may submit materials which it is believed will be relevant to a consideration of his or her professional qualifications. Copies of these *Guidelines*, and of the appropriate University guidelines for Professors of Practice, shall be provided. All members of the permanent faculty (including lecturers and clinical faculty members) shall also be informed, and shall be invited to submit any statements they may desire.
- v. The Committee shall compile a complete file on each Professor of Practice under consideration. The content of the file shall consist of such materials as shall be determined by the Committee, after consultation with the Professor of Practice under consideration, including, but not necessarily limited to, the following:
 - 1) All materials submitted by the Professor of Practice pursuant to (d) above;
 - 2) The Professor of Practice's own statement about teaching and other professional activities;
 - 3) The factual data on the Professor of Practice's teaching and any related service activities;
 - 4) A summary of teaching evaluations by students. Faculty members eligible to vote on the appointment to a long-term contract shall have access to the individual evaluations;
 - 5) The results of interviews with students;
 - 6) Peer evaluations of teaching, by faculty members assigned to visit the Professor of Practice's classes, and by faculty members who have worked with the Professor of Practice or who otherwise have knowledge of his or her teaching competence;

- 7) Evaluations of the Professor of Practice's teaching and any related service activities by outside referees as the Committee and Dean deem appropriate, in consultation with the Professor of Practice.
- 8) Evaluations of all pedagogical or scholarly publications, by faculty members assigned to review them and by outside referees as the Committee and Dean deem appropriate, in consultation with the Professor of Practice.
 - a) The pedagogical and scholarly publications to be evaluated for the purpose of appointment to a long-term contract will normally include all those accepted for publication (or accepted for distribution, in the case of non-published works) by September 15 of the academic year in which the decision is being made;
 - b) All referees shall be given a copy of these *Guidelines*, the candidate's curriculum vitae, all the materials to be reviewed by the particular referee, and an option to receive the candidate's other publications.
- vi. The Committee or a member designated by the Committee shall inform the Professor of Practice from time to time regarding the development of the file and shall involve the Professor of Practice as far as possible in the development of the file. The Professor of Practice shall have the right to examine all parts of the file at any time, including each letter as soon as it becomes available.
- vii. The Committee shall decide whether an affirmative recommendation on appointment to a long-term contract is to be made to the Promotion and Tenure Committee, and shall prepare a written report containing a review of the candidate's achievements and the recommendation of the Committee (unless the candidate withdraws), the Dean shall immediately refer the recommendation and report, along with the complete file, to the Promotion and Tenure Committee for its consideration. The recommendation and report shall also be made available to the candidate.
- viii. As soon as practicable, the Promotion and Tenure Committee shall decide whether an affirmative recommendation on appointment to a long-term contract is to be made to the faculty, and shall supplement the Committee's report with the recommendation of the Promotion and Tenure Committee. Following receipt of either a positive or

negative recommendation from the Promotion and Tenure Committee (unless the candidate withdraws), the Dean shall then promptly call a meeting of the appropriate members of the permanent faculty; this shall include all faculty members with tenure and full rank and all clinical, lecturer, and Professors of Practice faculty members with long-term contracts. The report, including the recommendations of both the Committee and the Promotion and Tenure Committee, shall be made available to faculty members voting on appointment to a long-term contract at least seven days in advance of the meeting. The report and recommendations shall also be made available to the candidate at least seven days in advance of the meeting.

- ix. As soon as practicable after the meeting of the appropriate members of the permanent faculty, the Dean shall prepare his or her recommendation. The recommendation is to be made available to faculty members who were eligible to participate in the meeting. Faculty members who were eligible to participate in the meeting may, if they so desire, prepare an additional statement of their views to supplement the candidate's file; which statement, if prepared in time, shall be sent to the Vice Provost for Faculty and Academic Affairs as part of the complete file.
- x. As soon as practicable after the faculty deliberations on appointment to a long-term contract, the Dean shall inform the Professor of Practice of the action of the faculty, and of his or her intended action or recommendation, if any. If the result is a negative recommendation by either the faculty or the Dean, the faculty member shall be provided with a written statement fully explaining his or her rights according to University policies. In the case of such a negative recommendation, upon written request submitted to the Dean within 30 days of reasonable notification thereof, the Dean will provide the Professor of Practice within a reasonable period of time with a written statement of the reasons for the recommendation. The Professor of Practice may request reconsideration of a negative recommendation. If not satisfied with the Law School's action, the Professor of Practice has recourse to the review mechanisms specified by University policies.

b. Procedures for Reappointment of Professors of Practice with long-term contracts

All decisions on dismissal or non-reappointment of Professors of Practice with long-term contracts shall be made by the Dean after consultation with the Policy Committee. If the decision on dismissal or non-reappointment is based on the Professor of Practice's professional incompetence or serious misconduct, the

Dean may request that the Committee compile relevant information and supply that information to the Dean and the Policy Committee. In the event of a decision by the Dean to dismiss or not to reappoint a Professor of Practice with a long-term contract, the Dean shall notify the faculty member of that decision as soon as possible. The Dean shall also inform the faculty member of his or her rights, including all of the available review mechanisms specified by University policies. The jurisdiction of campus faculty grievance institutions extends to all cases of dismissal and non-reappointment of Professors of Practice.

c. Procedures for Reappointment of Professors of Practice during Probationary Period

Probationary appointment is the name given to the period of employment of a Professor of Practice who has not achieved a long-term contract; this probationary period may last no longer than seven years. Even though a Professor of Practice on probationary appointment does not have the security of a long-term contract, there are certain other protections against arbitrary administrative action. Specifically, depending upon the number of years of academic service at Indiana University an individual has, there are varying notice requirements if the individual's services are to be terminated. In the first year of service, notice of non-reappointment must be given three months before the termination of a one-year contract; in the second year of service, notice of non-reappointment must be given by November 15 if the appointment expires at the end of that academic year; and in the third and later years, twelve months' notice is required.

- i. At the beginning of each academic year (by October 1), the Dean will inform the Committee of the names of those Professors of Practice on probationary appointment.
- ii. The Dean will notify each such Professor of Practice that he or she is under such consideration, and that within a properly specified and reasonable period the Professor of Practice may submit material relevant to a consideration of his or her professional qualifications.
- iii. The extent of formal file preparation and Committee review necessary will be determined in each case by the Committee in conjunction with the Dean.
- iv. The Committee will make its recommendations to the Dean in a timely fashion, having in mind the deadlines for notice stated above and the University timetable of deadlines.

- v. If the Committee recommends reappointment and the Dean concurs, the Dean shall proceed with the reappointment. If the Committee recommends non-reappointment or if the Dean disagrees with an affirmative Committee recommendation, the matter shall be presented to those members of the permanent faculty who have tenure and full rank, and all clinical, lecturer, and Professor of Practice faculty members with long-term contracts for their advice. The vote of the faculty shall be included as part of the Dean's report and the recommendation on the reappointment.
- vi. In the event of a decision not to recommend reappointment of a Professor of Practice on probationary status, the Dean shall notify the Professor of Practice of that decision as soon as possible and shall inform the Professor of Practice of the review procedures as specified by University policies. A copy of these University policies shall be furnished to the Professor of Practice.

d. Annual Review of Professors of Practice

The Dean conducts annual reviews of all Professors of Practice without long-term contracts. These reviews are usually conducted at the end of the academic year. It is the purpose of the annual review to inform the Professor of Practice of all matters relevant to reappointment and to appointment to a long-term contract. The Professor of Practice should cooperate with the Dean to ensure that the file on which such a review is based contains all relevant materials. A written statement summarizing the substance of each annual review shall be kept in the individual's file, and the individual should also be given a copy. The Committee will assist the Dean in the implementation of the annual review process.

The Dean will appoint one or more faculty member(s) from the Committee who will have the chief responsibility of collecting all material relevant to the annual review. The faculty member(s) and the Committee will then consult with the Dean concerning matters which should be discussed during the annual review process. It is anticipated that the annual review process will involve class visitation, the examination of teaching evaluation forms completed by students, and the reading of any publications. The materials collected for purposes of the annual review will also be used for decisions on reappointment and appointment to a long-term contract.

e. Procedures for Appointment of New Professors of Practice

If the Dean becomes aware of the potential to appoint a Professor of Practice who would fulfill the objectives set forth above and contribute significantly to the

School of Law, the Dean shall inform the Committee of the possible opportunity to appoint a new Professor of Practice. The Committee shall undertake to, evaluate the appropriateness of making such an appointment, operating in a manner similar to that of the Appointments Committee with respect to the appointment of other faculty members. After reviewing the candidacy, the Committee shall make its recommendation to the faculty. The Committee's recommendation may include the possibility of reducing or eliminating the standard probationary period for the new Professor of Practice or appointing the individual to a long-term contract. Before making such a recommendation, however, the Committee shall prepare and distribute to the faculty a complete file, comparable in content to the file described above in *Procedures for Appointment to a Long-Term Contract*, containing all of the relevant information on which the Committee's special recommendation is based. Upon receipt of the recommendation of the Committee, the Dean shall promptly call a meeting of the appropriate members of the permanent faculty; this shall include all faculty members with tenure or on the tenure track and all clinical, lecturer, and Professor of Practice faculty members with long-term contracts or in their probationary period. The deliberations and vote of the faculty on the appointment of a new Professor of Practice shall be conducted in the same manner as for the appointment of other new faculty members.

Under University policies, candidates shall also have their credentials reviewed by the Provost or designee, who must approve the offer. Ordinarily, initial appointment shall be for three years. The Professor of Practice appointment may not be converted to a tenure-track position.