

UNIVERSITY OF MAINE SCHOOL OF LAW
FACULTY PERSONNEL POLICIES
(as of 2/2/11)

*(Approved by the Faculty, September 27, 1984,
except as otherwise specified)*

Article 1. General

- 1.1 This document contains the faculty personnel policies of the University of Maine School of Law, an academic unit of the University of Southern Maine. It codifies existing policies and practices for law faculty personnel actions and supersedes, for such actions, the provisions of the University of Southern Maine's 1972 Faculty Personnel Policies.

The criteria procedures set out in this document provide the sole basis for determination of fitness for initial appointment, reappointment, promotion, and reappointment with tenure and are to be interpreted consistently with the Board of Trustees policies and practices.

No body or officer of the Law School or of the University has any authority to make a binding statement to any faculty member with respect to personnel action except pursuant to the procedures of this document.

- 1.2 A personnel file shall be maintained for each faculty member by the Dean's office. Access to personnel files shall be limited to appropriate administrative officers of the Law School and the University, and the personnel committee while conducting a review of a faculty member. Each faculty member shall have the right to inspect and to obtain copies of materials in his or her personnel file.
- 1.3 This document is based upon the principles of academic freedom and tenure reflected in the 1940 Statement on that subject by the American Association of University and is intended to be interpreted in accordance therewith.

Article 2. Initial Appointments

- 2.1 There are three kinds of initial appointments to the faculty:
- (1) probationary appointments, as described in Article 3;
 - (2) appointments with tenure; and
 - (3) special appointments.
- 2.2 Initial probationary appointments shall be made upon the recommendation of the Dean and Faculty to the President after a full search conducted in accordance with applicable affirmative action and equal employment opportunity guidelines.
- 2.3 Initial appointments with tenure may be granted only to exceptionally qualified individuals who satisfy the criteria of section 5.4 to an extraordinary degree.

- 2.4 Special appointments include:
- (1) appointments in a visiting capacity for at least a semester or equivalent academic period;
 - (2) appointments as research professor;
 - (3) part-time appointments as lecturer or adjunct professor; and
 - (4) appointments financed by external funding over which the Law School and the University have no financial control.

Special appointments shall not lead to tenure. Special appointments that are the result of a full faculty search shall be made by the same procedure as probationary appointments and shall include the initial right to vote in faculty meetings. All other special appointments shall be made or recommended to the President by the Dean with the advice and consent of the faculty after adequate notice and an opportunity for discussion. A special appointment proposed by the Dean need not be put to a vote unless there is objection. These rules shall not otherwise apply to special appointments.

[Article 2, Section 2.4, amended by Faculty Personnel Committee, October 29, 2007, to add subsection (2) and to re-number subsequent subsections.]

- 2.5 The President or his or her designee on the recommendation of the Dean shall certify the terms of each appointment in a letter of appointment transmitted to the appointee and to the Dean. The letter of appointment shall clearly inform the appointee of the terms and conditions of her or his employment, and shall include the following information:
- (1) the kind of appointment;
 - (2) the years of prior credited service, if any, agreed upon pursuant to Section 3.2(1)(ii);
 - (3) the period of time for which the appointment is made
 - (4) the appointee's rank, salary and fringe benefits;
 - (5) the appointee's duties at the Law School;
 - (6) a copy of this personnel document.

Article 3. Probationary Appointments

- 3.1 Probationary appointments are appointments which may lead to reappointment with tenure.

Probationary appointments may be for the term of one or two years.

- 3.2 Computations:

- (1) Inclusions:

In computing the years of service on probationary status there shall be counted both:

- (i) time served as a probationary appointee at this Law School; and

- (ii) time served as a full-time faculty member with the rank of Assistant Professor or higher at other institutions of higher education, at this University outside the Law School, or in a special appointment at the Law School, up to a maximum of three years. The years of prior service to be credited may be determined initially by mutual consent of the faculty member and the President or his or her designee on the recommendation of the Dean.

(2) Exclusion:

Time spent on leave of absence from the Law School shall not count as part of the total period of probationary service, except by prior agreement in writing between the faculty member and the President or his or her designee.

- 3.3 The total time which a faculty member may serve as a probationary appointee prior to acquisition of tenured status is six years, computed as provided in Section 3.2. An individual who is not reappointed with tenure in the sixth year will be accorded a seventh year which will be his or her terminal year.

Article 4. Reappointment

- 4.1 A faculty member subject to reappointment will automatically be considered for reappointment in the last year of her or his current appointment unless the faculty member indicates in writing to the Dean her or his intent to resign at the end of that appointment.
- 4.2 Consideration for reappointment shall consist of a review conducted and a recommendation developed pursuant to the procedures contained in Articles 6, 7, and 8.
- 4.3 The President or his or her designee shall notify each candidate of his or her reappointment or non-reappointment, in accordance with the provisions of this article.
- 4.4 Subject to the terms of the faculty member's contract, written notice that he or she will not be reappointed will be given by the President or his or her designee in writing to the faculty member prior to the expiration of her or his appointment as follows:
- (1) not later than March 1 of the first academic year of service, if the appointment expires at the end of the academic year; or, if an initial one year appointment terminates during an academic year, at least three months in advance of its termination;
 - (2) not later than December 15 of the second academic year of service, if the appointment expires at the end of that academic year; or, if an initial two year appointment terminates during an academic year, at least six months in advance of its termination;
 - (3) not later than June 30th of the academic year in which the review was conducted for faculty members with two or more years of service at the Law School, provided that notice shall be given at least twelve

months before the termination of employment.

- 4.5 When a faculty member is reappointed, the President or his or her designee shall certify the terms and conditions of the reappointment in a letter of appointment to the faculty member which shall contain the same information required in the appointment letter described in Section 2.3.

Article 5. Promotion or Reappointment with Tenure

- 5.1 Tenure and promotion are granted to a faculty member upon the recommendation of the President of the University by official action of the Board of Trustees of the University.
- 5.2 A probationary appointee shall be considered for promotion or reappointment with tenure when:
- (1) a probationary appointee has requested consideration for promotion or reappointment with tenure or both. A faculty member must advise the Dean no later than September 25 that she or he wishes to be considered for tenure or promotion or both during that academic year and shall provide to the Dean information and material in support of his or her candidacy in the format required by the University.
 - (2) a probationary appointee is in the sixth year of a probationary appointment unless the probationary appointee has resigned effective at the end of that academic year.
- 5.3 Normally a faculty member will be considered for tenure no sooner than the fourth probationary year, computed as provided in Section 3.2.
- 5.4 Tenure is an arrangement under which faculty appointments are continued until retirement or disability, subject to dismissal for cause, termination due to financial reasons, and/or termination due to change in the University program offerings.

Tenure shall be granted on the basis of achievement in teaching, scholarship, contributions to the profession and the public on matters relating to a faculty member's expertise in the law, and service to the Law School and the University. Tenure reflects the judgment that a faculty member has the commitment and ability to continue to make significant contributions and achievements in all aspects of her or his professional life.

The continuing engagement of a faculty member as a productive and exceptional member of the law school community is the essential criterion for tenure.

- (1) Teaching is regarded as the most important responsibility of a faculty member, and it is heavily weighted in evaluating a tenure candidate.
- (2) Significant achievement in scholarship is also required of each tenure candidate. Scholarship is the contribution, usually in published writings, to the understanding and knowledge of the areas in which the faculty member teaches or is otherwise professionally active.
- (3) Service to the profession, the legal system, and the public is intimately

linked to successful teaching and productive scholarship. Such service is an important consideration in the tenure decision.

- (4) Service to the Law School and the University is essential to the functioning of those institutions. Each faculty member is expected to participate actively in the Law School community and to accept and to perform effectively a reasonable number of administrative responsibilities in the Law School and, when appropriate, in the University.
- 5.5 Promotion shall be based upon the criteria set forth in the description of academic ranks in Article 9.
- 5.6 Recommendation of an individual for reappointment with tenure need not be joined with a recommendation for promotion.
- 5.7 The procedures governing promotion or reappointment with tenure are contained in Articles 6, 7 and 8.

Article 6. Personnel Committee

- 6.1 All recommendations for reappointment, tenure or promotion shall originate in the personnel committee.
- 6.2 The personnel committee shall be composed of all tenured members of the faculty and, when possible, one member of the faculty with a probationary appointment who shall actively participate in the work of the personnel committee but who shall not vote. This position shall be filled by majority vote of the faculty. Any faculty member in a probationary appointment not being considered for reappointment, tenure, or promotion in the current year is eligible for election to the non-tenured position on the personnel committee.
- 6.3 The chair of the personnel committee shall be elected by majority vote of the committee. He or she shall appoint subcommittees in the areas of teaching, scholarship, and service to review each faculty member being considered for reappointment or promotion or reappointment with tenure. The subcommittees shall report to the personnel committee.
- 6.4 The recommendation of the personnel committee on promotion or reappointment with tenure shall be made by a two-thirds vote of those present. All other decisions shall be made by majority vote.

Article 7. Review by Personnel Committee

- 7.1 The Dean shall inform the personnel committee not later than October 1 of the academic year in which the recommendation of the committee must be made:
 - (1) of those persons to be considered for reappointment pursuant to Section 4.1; and
 - (2) of those persons to be considered for promotion or reappointment with tenure or both.

- 7.2 The personnel committee shall develop methods of review to undertake the evaluation of faculty performance. In carrying out its responsibilities for faculty review:
- (1) The personnel committee shall use the criteria set forth in Article 5, Promotion and Reappointment with Tenure, and Article 9, Academic Ranks.
 - (2) The personnel committee shall use the faculty-authorized unsigned student course evaluation questionnaires completed by students in the regular course at the end of the semester.
 - (3) The personnel committee shall accept at any time signed statements from any person, if the statements are concerned with matters which may properly be taken into consideration in evaluating the faculty member's performance for purposes of reappointment, tenure or promotion. Statements which are in the judgment of the Chair of the personnel committee not relevant to the evaluation of a faculty member shall be returned to the sender by the Chair. Subject to the provision of paragraph 2 of this section, statements which are not signed shall be destroyed by the Chair. All statements shall be confidential except that they may be considered by the Dean, the personnel committee, appropriate administrative officers of the University, and the Board of Trustees in making personnel decisions. All statements considered by the personnel committee are open to inspection by the candidate.
- 7.3 Each faculty member being considered for reappointment, promotion, or tenure shall promptly provide the personnel committee with relevant information and materials necessary to conduct its review and shall cooperate fully with the subcommittees of the personnel committee.
- 7.4 The personnel committee may seek an evaluation of a faculty member's work product from a faculty member of another school of law or other appropriate scholar.
- 7.5 Each subcommittee will review the tentative draft of its report to the committee with the candidate no later than November 1. The subcommittee will make such changes in its report as are warranted, and the candidate will be entitled to file comments on each report with the committee.
- 7.6 The personnel committee shall meet prior to November 15. Each faculty member under review shall be given the opportunity to appear or to submit a written statement at this meeting.

Article 8. Transmittal of Recommendations

- 8.1 The personnel committee shall transmit its recommendations concerning reappointment, tenure, and promotion, together with a summary of its reasons, to the Dean no later than November 15. It shall furnish a copy to the candidate, who may respond in writing to a negative recommendation of the personnel committee. This written response shall be transmitted to the Dean within a week of the transmittal of the committee's recommendation to the Dean.

The personnel committee shall transmit to the Dean at the time of its recommendation all evidence which was before it.

- 8.2 The Dean will forward the recommendation of the personnel committee with his or her concurring or non-concurring recommendation and any statement the candidate has made pursuant to Section 8.1 to the President of the University.
- 8.3 Upon receipt of the recommendation of the personnel committee and the concurring or non-concurring recommendation of the Dean, the President will act either to reappoint or to not reappoint the candidate, or in the case of a recommendation for promotion, or tenure, or both, the President will, if he or she concurs with the recommendation, forward his or her recommendation to the Board of Trustees of the University no later than February 28th.
- 8.4 If the Dean fails to concur in the recommendation of the personnel committee, the Dean shall state in detail and in writing the reasons for non-concurrence and forward a copy of the same to the personnel committee and to the candidate. Similarly, copies of the concurrence or non-concurrence of the President will be forwarded to the personnel committee, the Dean, and the candidate.
- 8.5 After the Dean transmits the recommendation of the personnel committee with his or her concurrence or non-concurrence, there shall be no further opportunity to submit additional materials except:
- (1) in extraordinary circumstances;
 - (2) to correct factual errors in the material submitted;
 - (3) to receive letters of support solicited during the personnel committee review which are received prior to the recommendation of the President. The personnel committee, faculty member, and the Dean shall have the opportunity to comment in writing upon any such letter of support.

Article 9. Academic Ranks

- 9.1 The following criteria shall apply in appointments and promotions to specific academic ranks in the Law School:
- (1) Assistant Professor. An Assistant Professor must exhibit significant potential as a teacher and a scholar. Normally an Assistant Professor should have superior academic qualifications and some experience in teaching, government service, or the private practice of law.
 - (2) Associate Professor. An Associate Professor must also exhibit significant potential as a teacher and a scholar. If the candidate for Associate Professor has prior teaching experience, she or he must have demonstrated competence in teaching and scholarship. Normally an Associate Professor without teaching experience will have had significant background and experience in government service or otherwise in the practice of law, in which he or she has produced creative professional research and writing.
 - (3) Professor. The Professor must show an extraordinary ability to stimulate students and a demonstrated capacity for scholarship of an exceptionally high order. She or he should have a reputation for making creative contributions to scholarship in her or his field. His or her professional reputation among peers should be more than local and should enhance the reputation of the University.

Article 10. Law Library Director

- 10.1 The position of Law Library Director shall be a probationary appointment as described in Article 3 of the Faculty Personnel Policies, and shall be subject to the provisions of Article 3.
- 10.2 Reappointment shall be in accordance with the procedures in Article 4 except that the applicable University deadlines shall apply.
- 10.3 Promotion or Reappointment with Tenure.
- 10.3.1 Tenure and promotion are granted to the Law Library Director upon the recommendation of the President of the University by official action of the Board of Trustees of the University.
- 10.3.2 Tenure is an arrangement under which faculty appointments are continued until retirement or disability, subject to dismissal for cause, termination due to financial reasons, and/or termination due to change in the University program offerings.
- 10.3.3 A Law Library Director shall be considered for promotion or reappointment with tenure when:
- (1) she or he has requested consideration for promotion or reappointment with tenure or both. The Law Library Director must advise the Dean no later than June 30 that she or he wishes to be considered for tenure or promotion or both in the upcoming academic year, and must comply with the deadlines and format of the University for providing promotion and reappointment materials;
 - (2) a Law Library Director is in the sixth year of a probationary appointment unless the Law Library Director has resigned effective at the end of that academic year.
- 10.3.4 Normally a Law Library Director will be considered for tenure no sooner than the fourth probationary year, computed as provided in section 3.2.
- 10.3.5 Standards for Law Library Director:
In evaluating the Law Library Director for purposes of reappointment, with or without tenure, or promotion, the personnel committee shall consider the following criteria:

(1) Administration

The management of the Law Library is the principal responsibility of the Law Library Director, and continuing excellence in management is weighted heavily in evaluating his or her reappointment, promotion, and tenure. The management of the Law Library includes budgeting, expenditures, hiring and supervision of all library staff, collection development, research and reference services, both strategic long-term and short-term planning, initiating and monitoring all library programs and services, including service to faculty, law students, and the public, technology applications, and other aspects of library operations.

(2) Scholarship

The standards for excellence in scholarship and publication comparable to those expected of other tenure-track and tenured members of the faculty apply to the Law Library Director, but it is recognized that the Law Library Director may publish in fields, formats, and journals that are different from those applicable to other faculty, including, for example, research and publications concerning library science, legal education, librarianship, information science, information sources and services, and law or law library-related bibliographies.

(3) Service

As is true for all tenure-track and tenured faculty, the Law Library Director is expected to participate in activities that will contribute to the improvement of the Law School, the University, the local and national communities. Service activities are an important consideration in the tenure decision and will be evaluated accordingly. Service activities include, without limitation, contributions to and within the Law School as a law librarian and as a faculty member and to the University of Southern Maine, participation in the University of Maine System's library director's group, service on the State Court Library Committee, and participation in national library and law library associations.

(4) Teaching

Formal classroom teaching is not a requirement of the position but if the Law Library Director teaches classroom courses, an evaluation of teaching effectiveness will be made, comparable to evaluations made of other tenure-track and tenured members of the faculty. Informal instructional aspects of the position, such as collaborating with the Legal Research and Writing faculty, providing instruction in the use of the library and bibliographic techniques, and providing specific information needed by students and faculty are significant responsibilities of the Law Library Director and will be evaluated accordingly.

- 10.3.6 Recommendation of a Law Library Director for reappointment with tenure need not be joined with a recommendation for promotion.
- 10.3.7 The procedures governing promotion or reappointment with tenure are contained in Articles 6, 7, and 8 and these apply to the Law Library Director's employment, except that the applicable University deadlines shall apply.
- 10.3.8 A Law Library Director who is not reappointed with tenure within seven years after his or her initial faculty appointment may not thereafter be reappointed with tenure but may be reappointed for one or more two-year terms without tenure in the appropriate academic rank, as long as she or he continues to serve as Law Library Director.
- 10.3.9 If a Law Library Director having a non-tenured or tenured academic appointment subject to these special conditions resigns or is terminated for cause as Law Library Director, the academic appointment will be terminated effective on the date of such resignation or termination, unless the personnel committee and the Dean recommend, and the appropriate University authority

approves, the continuance of the individual in her or his current appointment as a regular member of the faculty not subject to these conditions.

10.4 Academic Ranks

The following criteria shall apply in appointments, reappointments, and promotions for the Law Library Director:

(1) Assistant Professor. An Assistant Professor must exhibit significant potential as a law librarian and a scholar. Normally an Assistant Professor should have superior academic qualifications including an M.L.S. degree from an A.L.A. accredited institution, and some experience in law librarianship.

(2) Associate Professor. An Associate Professor must exhibit significant achievement and potential as Law Library Director and a scholar.

(3) Professor. The Professor must show an extraordinary ability to effectively manage the Law Library, and a demonstrated capacity for scholarship of an exceptionally high order. She or he should have a reputation for making creative contributions to scholarship in her or his field. Her or his professional reputation among peers should be more than local and should enhance the reputation of the Law School and the University.

[Article 10 passed by the Faculty Personnel Committee January 28, 2007, replacing a previous article 10 which has been rescinded.]

Article 10A. Clinic Director

10A.1 The position of Clinic Director shall be a probationary appointment as described in Article 3.

10A.2 The appointment, reappointment or promotion of the Clinic Director shall be on the same terms and conditions as for other members of the faculty, except that in addition to his or her achievements in teaching, scholarship and service, the Clinic Director shall also be evaluated with respect to the administration and direction of the Clinic.

In evaluating the Clinic Director's performance with the respect to the administration and direction of the Clinic, the personnel committee shall consider the following:

- (1) the Clinic Director's performance of the administrative responsibilities of the position, including operation and management of the Clinic, supervision of Clinic faculty and staff, program development, and relations with other legal service providers and Clinic-related external constituencies;
- (2) the Clinic Director's performance in overseeing the Clinic's academic program; and
- (3) the Clinic Director's performance in ensuring that the Clinic fulfills its role as a modeling and mentoring experience for law students in the ethical and competent practice of law.

Article 11. Faculty Consultations

11.1 The Dean shall:

- (1) at least once yearly meet with each member of the faculty to discuss the member's standing in the faculty; and
- (2) disclose to the faculty member the following:
 - (i) a realistic assessment of the faculty member's academic and professional strengths and weaknesses;
 - (ii) to the extent possible, and assessment of the current and future needs of the Law School in the faculty member's areas of professional and academic interest.

11.2 The Dean shall prepare a summary of the content of the consultation, which summary shall be signed by the Dean and included in the personnel file of the faculty member. The faculty member may also prepare a written statement regarding the matters discussed and submit the statement to the Dean for inclusion in the personnel file of the faculty member. The faculty member shall be given a reasonable opportunity to correct weaknesses discussed in the consultation.

Article 12. Grievances

12.1 This document incorporates by reference the Grievance Procedures for Non-Represented Employees issued by the Executive Office for Employee Relations, effective September 13, 1982.

Article 13. Termination

13.1 The Law Faculty understands that the termination provisions of the University of Southern Maine's 1972 Faculty Personnel Policies, as modified by the Grievance Procedures for Non-Represented Employees, effective September 13, 1982, currently apply to faculty termination.

13.2 A faculty member with tenured status shall not lose tenured status:

- (1) if, with the mutual consent of the faculty member, the Dean, two-thirds of the personnel committee, the President of the University, and the Board of Trustees, he or she transfers to a part-time status (i.e., not more than a six-hour load per year or equivalent professional service);
or
- (2) if, with the mutual consent of the Dean and the faculty member, and pursuant to appropriate administrative and Board approvals, she or he transfers faculty status to a different unit of the University of Maine.

Article 14. Long Term Faculty Contracts

- 14.1 Long term faculty contracts shall be negotiated by the Dean after an appropriate search. The search will be conducted by the Faculty Appointments Committee and the hiring decision will be made by the Faculty as a whole. Long term contracts may be for a term of more than one year, but no more than five years. The contracts shall be specific at least as to the following:
- (1) The duties of the position;
 - (2) The possibility of extension of the contract;
 - (3) Eligibility for faculty privileges and perquisites (including but not limited to student research assistance, faculty travel grants, and summer research grants);
 - (4) Standards for performance review.
- 14.2 Long term contract faculty shall be provided with the same process of yearly reviews of performance as other faculty, taking into account the standards for performance review provided in the contract. '
- 14.3 If the contract provides for the possibility of an extension, with the agreement of the parties, a review on the extension of the contract shall be conducted in the academic year immediately prior to the academic year in which the contract terminates. This review shall be consistent with the process for reappointment of a non-tenured faculty member, except that it shall be based upon the standards for performance review provided in the contract.
- 14.4 Long term faculty contracts shall be presented to the Faculty Personnel Committee for review.

[Article 14 approved by the Faculty April 26, 1999]