UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
DEPARTMENT OF CLINICAL LEGAL STUDIES
POST-TENURE REVIEW PROCEDURES
1999

I. Calendar

The School of Law post-tenure review calendar will follow the calendar established for this purpose by the Office of the Provost.

II. Clinical Faculty Eligibility for Post-Tenure Review

A. Each tenured faculty member in the Clinical Legal Studies (CLS), regardless of rank, but excluding the Department Chair, will be reviewed following this procedure, every six years unless, during the previous six year period, the faculty member is reviewed and advanced to or retained in a higher or administrative position (Dean, Associate Dean, a chaired professorship, an advance in rank, or a grant of tenure). Post-tenure review will be waived for any CLS faculty member who notifies the Dean in writing of retirement within three years of the next scheduled review.

B. The Department Chair shall be reviewed by the Dean of the Law School. In conducting the review of the Chair, the Dean shall review his/her performance in the areas of administration, teaching, scholarship, service, and overall performance. After making the evaluation, the Dean, acting as the review committee, shall proceed in accordance with subpart V.F. through I. *infra*.

C. The Department Chair shall prepare a list of full professors, ranked according to length of service since promotion to, or award of tenure at, that rank, followed by a list of associate professors, similarly ranked. The Department shall conduct a post-tenure review of each nonexempt CLS faculty member every six years. Each year 1/6th of the nonexempt professors on the list will be evaluated, starting with faculty who have tenured the longest.

III. The Post-Tenure Review Committee

Each year the Department Chair shall appoint three tenured CLS professors of equal or greater rank to the evaluatee to constitute a Post-Tenure Review Committee. If there are insufficient eligible CLS faculty available to constitute a Post-Tenure Review Committee the Chair after consultation with the evaluatee shall appoint the requisite number of tenured full professors from the Department of Legal Studies to complete the Post-Tenure Review Committee.

IV. File Documentation

The Department Chair and the Dean's offices, with assistance from the faculty member being reviewed, shall prepare and present a post-tenure review file to the post-tenure review committee. While the faculty member may include any documentation deemed pertinent, the file shall include the following:

A. Teaching

1. A list of all courses taught in the previous five years;

2. A numerical and descriptive summary of the student course evaluations for each of the courses listed (to be prepared by the Dean's Office);

3. Student and peer teaching evaluations.

B. Scholarship

A list and copies, of all scholarly activities conducted during the previous five years. Scholarly activities are defined in the Standards for Tenure and Promotion for the Department of Clinical Legal Studies.

C. Service

A list of all service activities conducted during the previous five years. Service activities are defined as those listed in the School of Law Policy on the Professional Obligations of Full-Time Faculty, I.A.4. (1987) (See Appendix).

D. Annual Evaluations

A copy of all annual performance evaluations conducted by the Dean and any reviews by the Department of Clinical Legal Studies Tenure Committee accumulated since the initial tenure review or since the last post-tenure review or a summary of these as compiled by the Dean.

E. Sabbatical Reports

A copy of the official report of sabbatical activities, if one was taken during the review period.

F. Summer Research Grant Reports

A copy of each summer research grant report for the period under review.

G. Resume'

A copy of a current resume'.

V. Committee Procedures

A. The Chair of the Department, with the assistance, of the Associate Dean for Academic Affairs, shall ensure that peer reviews, from outside the Department of Clinical Legal Studies, of scholarly activities are conducted in a timely manner. Articles published in law journals of accredited law schools or in refereed academic journals and books that were subjected to peer review during the publication process fulfill the peer review of scholarly activities requirement.

B. Student teaching evaluations will be conducted in every class. In conducting the peer review of teaching, the committee shall examine the student evaluations, course syllabi, and teaching materials and confer with the faculty member under review about the faculty member's teaching methodology, course preparation and availability for student consultation. If the committee determines that the faculty member's class evaluations indicate an unsatisfactory performance, or if the faculty member requests it, the Committee shall conduct class visits.

C. After review of the faculty member's file and after the discussion at the meeting described in subsection E, each member of the Committee shall complete a written evaluation form for the faculty member. The form rates the faculty member's performance in the areas of teaching, scholarship, service, and overall performance. In each of the four areas, the Committee member will rate the faculty member's performance as superior, satisfactory or unsatisfactory.

D. For purposes of post-tenure review the expectations for the performance of a tenured professor in regards to teaching, scholarship as defined in the Tenure and Promotion Standards of the Department of Clinical legal Studies, and service are those indicated in the School of Law Policy on the Professional Obligations of Full-Time Faculty I.A. 1, 2, and 4 (1987). (See Appendix.)

1. A superior performance would meet an expectation at a very high level.

2. A satisfactory performance would meet an expectation adequately.

3. An unsatisfactory performance would fail to meet an expectation.

E. The committee shall discuss the faculty member's performance in a meeting at which all members of the committee shall be present. The committee chair shall collect the performance forms from the members and total the ratings in each of the areas of teaching, scholarship, and service, and overall performance and shall announce the results to the committee. Decision shall be by a simple majority of the committee.

F. Following the completion of the above steps the Chair of the Committee will draft a report of post-tenure review which will include at minimum the Committee's rating of the performance for each of the four evaluation areas and sufficient comments to

aid the faculty member in his/her professional growth and development. Individual votes and any written evaluations shall be made available to the professor on request.

G. A copy of the Committee report shall be sent to the faculty member and to the Dean of the School of Law for inclusion in the faculty member's personnel file. In the event of an unsatisfactory review, a copy of the Committee report and development plan must also be sent to the Provost.

H. If the performance rating for each of the four evaluation areas of the faculty member's performance is superior or satisfactory, the evaluation of the faculty member is concluded with the distribution of the report. If the Committee determines that the faculty member's overall performance is satisfactory, but that his/her performance in teaching, scholarship, or service areas is unsatisfactory, the Committee must include recommendations in its report that could assist in restoring the faculty member's performance to a satisfactory level in that area. A finding of unsatisfactory in two or three of the three areas of teaching, scholarship, and service shall result in an overall rating of unsatisfactory. A finding of unsatisfactory in one of the three areas of teaching, scholarship, and service may result in an overall rating of either satisfactory or unsatisfactory. A review that results in an overall performance rating of satisfactory, but includes an unsatisfactory rating in one of the other areas does not require a development plan.

I. An Unsatisfactory Review

1. If the Committee rates the individual's overall performance as unsatisfactory, the Committee will also act as the faculty member's Development Committee. The Chair of the Department may appoint one or more additional members to the Development Committee with particular expertise that would assist the faculty member in reaching the development goals.

2. The Dean of the School of Law, in consultation with the Committee and the faculty member, shall produce a development plan including an improvement timetable for the faculty member. The timetable is at the discretion of the Committee depending on the nature of the development plan, but in no case will the development plan timetable be less than one year nor more than three years in duration.

3. Periodically the Development Committee shall review the faculty member's updated file and shall submit an evaluation of progress to the Department of Clinical Legal Studies Tenure Committee. The Department of Clinical Legal Studies Tenure Committee shall recommend in writing to the Dean of the School of Law whether the goals of the development plan have been met, in general or in particular.

4. The Dean of the School of Law shall make the final determination on the

progress of the faculty member in meeting the goals of the development plan, and whether or not further measures may be necessary. The Dean shall conform to the timetable established in the development plan, and shall file periodic progress reports with the Provost.

5. A faculty member's existing tenure rights are not affected by these procedures, and the only grounds for revocation of tenure are those stated in the Faculty Manual in effect at the time the faculty member was hired.

V. Appeal Procedures

A. A faculty member who receives an unsatisfactory review and disagrees with the evaluation or any aspect of the recommendations may appeal to the School of Law Tenured Professors of equal or greater rank to contest the overall conclusion or any particular part of the review. The findings of the School of Law Tenured Professors together with its recommendations for action and a statement by the faculty member will be forwarded to the Dean for final determination of the evaluation.

B. A faculty member who disagrees with the development plan produced by the Dean of the School of Law may appeal specific aspects of the development plan to the Provost. The Provost will make the final determination of the adequacy of an appealed development plan.