

E. Faculty Review and Promotion Committee

(1) The Faculty Review and Promotion Committee shall be composed of six members of the Executive Committee and the Dean ex officio. The Dean shall appoint the members of the Committee and shall designate one member each year to serve as Chair.

(2) The Faculty Review and Promotion Committee shall make an annual written report to the Dean and the Executive Committee on the work of each tenure-track faculty member on limited appointment. The Dean shall consult with each such faculty member on limited appointment at least once each year to communicate the conclusions of the Faculty Review and Promotion Committee and to review that faculty member's professional accomplishments and development. The Dean will make available to each such faculty member on limited appointment the report of the Faculty Review and Promotion Committee, written reviews of publications, written evaluations of teaching, and other reports or reviews considered by the Faculty Review and Promotion Committee or the Dean in appraising the work of the faculty member under review. The faculty member will be invited to comment, to correct any factual errors, and to offer additional relevant materials for consideration. When appropriate the Dean may redact the written materials to protect confidentiality.

F. Annual Reports for Tenure-Track Faculty on Limited Appointment

This Part II(I)(F) applies only to tenure-track faculty on limited appointment.

(1) An annual report by the Faculty Review and Promotion Committee shall review the scholarly work, teaching, and other professional accomplishments of the faculty member during the period since the most recent report and since the faculty member's initial appointment.

(2) The report for any given period shall include at a minimum (i) written reviews by at least three members of the Executive Committee, only one of whom need be a member of the Faculty Review and Promotion Committee, of every scholarly publication by the faculty member not previously reported on; (ii) a current curriculum vitae, with a list of teaching and committee assignments; (iii) a digest of student teaching evaluations; (iv) written reports on the faculty member's teaching by at least two members of the Faculty Review and Promotion Committee; and (v) a description of any other professional activities relevant to a determination of the faculty member's overall contribution to the Law School, the University, and the legal profession. The Faculty Review and Promotion Committee shall consult with the faculty member before preparing the report to ensure that the faculty member's activities and accomplishments are properly described, and the faculty member will be invited to correct any factual errors and to add additional relevant information. The review process is intended to be constructive and consultative.

(3) Written reviews of scholarly work shall specifically address the extent to which, in the opinion of the reviewer, the work in question would weigh in favor of a recommendation for tenure on the ground of scholarship. When the annual report of the Faculty Review and Promotion Committee recommends consideration for continuous appointment, such report shall include (in addition to written reviews by members of the Executive Committee) reviews of the

candidate's work by neutral, external reviewers. The number of such external reviews shall be at least as many as is required by the university. For promotion to continuous appointment, the number that is currently required by the university is six.

For promotion from assistant professor to associate professor without continuous appointment, the report shall include (in addition to written reviews by members of the faculty with rank of associate professor and above) reviews of the candidate's work by neutral, external reviewers. The number of external reviews for such a promotion shall be at least four.

The candidate shall provide the Faculty Review and Promotion Committee with a list of proposed reviewers. However, the Faculty Review and Promotion Committee is not limited to choosing outside reviewers from this list.

(4) Each annual report shall express the sense of the Faculty Review and Promotion Committee as to the faculty member's overall accomplishments and professional development at the Law School. Each report on a faculty member whose appointment is due for renewal shall include the recommendation of the Faculty Review and Promotion Committee on the question of reappointment. A report by which the Faculty Review and Promotion Committee advises the Executive Committee to consider a recommendation for continuous appointment shall include the recommendation of the Faculty Review and Promotion Committee on the question of continuous appointment.

(5) In seeking external reviews, the committee shall be guided by the following university requirements. The following requirements shall be followed in all cases of promotion, including promotion to associate professor without continuous appointment:

a. IDENTIFYING EXTERNAL REVIEWERS. A tracking form is used by all schools and colleges to record name and institutional affiliation of potential external reviewers and their response; those persons who decline to serve as an external reviewer will be asked for a reason. This form also shows the source(s) of the nomination.

b. LETTER REQUESTING EXTERNAL REVIEW. Letters requesting external review come from the Dean's office of the law school. These letters can be tailored but at a minimum must include:

a request for a statement on the candidate's scholarship, including its quality and impact, and, if feasible, a review of the candidate's teaching and service;

a request for a statement on the candidate's stature in the discipline(s) and the likelihood of the candidate's promotion and, when applicable, tenure at the top twenty institutions in the candidate's field of expertise, and at the reviewer's institution;

a copy (either in the letter or as an attachment) of the Criteria For Reappointment, Promotion, and Continuous Appointment in Part II(I)(I) below.

the following language: "As required by Emory University, candidates for appointment or promotion to Associate Professor or to continuous appointment must show academic

excellence, including meritorious scholarship, creative inquiry, and teaching, as well as have the demonstrated promise to become leaders and transform their field as their career progresses.”

c. **NUMBER OF EXTERNAL REVIEWERS.** A minimum of six letters from external reviewers must be included. Reference letters or letters of support from a search that led to the candidate’s recruitment do not count as such.

d. **BIOGRAPHIC SKETCH OF THE EXTERNAL REVIEWER.** Each external reviewer is asked to provide a brief biographic sketch that includes name, affiliation, title, area of specialization/research, and other pertinent information.

e. **STATEMENT BY EXTERNAL REVIEWER ON RELATIONSHIP WITH THE CANDIDATE.** Each external reviewer will complete a form indicating the relationship to the candidate, the knowledge of the candidate’s work, and any possible conflict.

G. Promotion to Professor, and the Professorship Subcommittee

(1) Promotion from the rank of associate professor of law to professor of law is conferred by the Board of Trustees, initiated by recommendations by the Dean to the President; and promotion is based upon the Law School's needs and upon the faculty member's growth in professional competence and increased service to the University.

(2) The Professorship Subcommittee shall be composed of the members of the Faculty Review and Promotion Committee holding the rank of professor of law and the Dean ex officio.

(3) The Professorship Subcommittee shall meet once a year to review the teaching, scholarship, and other professional activities of all members of the faculty holding continuous appointment at the rank of associate professor of law to consider whether they should be promoted to the rank of full professor. The committee shall consult with each such faculty member beforehand to ensure that the committee is fully advised of the faculty member's activities and accomplishments. The Professorship Subcommittee shall seek independent external reviews of the candidate’s publications since being granted tenure, obtaining at least as many external reviews as may be required by the University. The university currently requires at least six external reviews. The candidate shall provide the Professorship Subcommittee with a list of proposed reviewers. However, the Subcommittee is not limited to choosing external reviewers from this list.

If, in the judgment of the Subcommittee, the needs of the Law School and the faculty member's growth in professional competence and service to the University justify promotion, the subcommittee, by written report, shall so advise those members of the Executive Committee holding the rank of professor of law.

(4) A report by the Professorship Subcommittee recommending promotion shall be similar in content to a report by the Faculty Review and Promotion Committee advising

consideration of tenure, and the candidate under consideration shall be afforded an opportunity to participate in the process and to review, correct, or add to the reports and other written materials under consideration by the Professorship Subcommittee. Discussion and voting shall be carried out in the same manner as in the case of a tenure recommendation; provided, however, that only those members of the Executive Committee who hold the rank of professor of law shall participate in the meeting or the vote.

(5) In seeking external reviews, the committee shall be guided by the following university requirements:

a. IDENTIFYING EXTERNAL REVIEWERS. A tracking form is used by all schools and colleges to record name and institutional affiliation of potential external reviewers and their response; those persons who decline to serve as an external reviewer will be asked for a reason. This form also shows the source(s) of the nomination.

b. LETTER REQUESTING EXTERNAL REVIEW. Letters requesting external review come from the Dean's office of the law school. These letters can be tailored but at a minimum must include:

a request for a statement on the candidate's scholarship, including its quality and impact, and, if feasible, a review of the candidate's teaching and service;

a request for a statement on the candidate's stature in the discipline(s) and the likelihood of the candidate's promotion and, when applicable, tenure at the top twenty institutions in the candidate's field of expertise, and at the reviewer's institution;

a copy (either in the letter or as an attachment) of the Criteria for Promotion to Professor of Law In Part II)(I)(J) below.

the following language, "As required by Emory University, candidates for appointment or promotion to Professor must show scholarly excellence and be established, nationally or internationally, as among the most distinctive and recognized voices in their disciplines, consistently examining and addressing their fields' most pressing questions."

c. NUMBER OF EXTERNAL REVIEWERS. A minimum of six letters from external reviewers must be included. Reference letters or letters of support from a search that led to the candidate's recruitment do not count as such.

d. BIOGRAPHIC SKETCH OF THE EXTERNAL REVIEWER. Each external reviewer is asked to provide a brief biographic sketch that includes name, affiliation, title, area of specialization/research, and other pertinent information.

e. STATEMENT BY EXTERNAL REVIEWER ON RELATIONSHIP WITH THE CANDIDATE. Each external reviewer will complete a form indicating the relationship to the candidate, the knowledge of the candidate's work, and any possible conflict.

H. Criteria For Limited Appointment

(1) Each candidate for a limited appointment on tenure track must satisfy the following minimum requirements:

- (i) an undergraduate degree from an accredited institution or the equivalent thereof;
- (ii) a first professional degree in law from an American law school that is fully accredited by the American Bar Association and that is a member of the Association of American Law Schools, from an accredited law school in another country whose legal system and legal education is based on the common law, or the equivalent thereof in another discipline or under a different system of education;
- (iii) a superior academic record;
- (iv) evidence of aptitude for or demonstrated competence in professional scholarly writing;
- (v) at least two supportive letters or reports from persons familiar with the work of the candidate.

(2) The Faculty Appointments Committee is responsible for confirming that a candidate has met the requirements listed in subparagraph (a) and, in addition, the Faculty Appointments Committee shall evaluate each candidate with respect to each of the following:

- (i) the candidate's understanding of the role of a professor in a research university with respect to research, teaching, and service;
- (ii) the candidate's commitment to legal scholarship and to the education of law students;
- (iii) the candidate's commitment to objectivity in scholarship and teaching;
- (iv) the candidate's commitment to collegial enterprise;
- (v) the candidate's commitment to service through the profession and related activities, and
- (vi) the candidate's ability to satisfy the particular institutional needs of Emory University.

I. Criteria For Reappointment, Promotion, and Continuous Appointment

The following criteria apply when the Faculty Review and Promotion Committee and the Professorship Subcommittee are (1) conducting annual reviews of tenure-track faculty members who are on limited appointment and (2) evaluating candidates for promotion or continuous appointment. In addition, the criteria apply when the Faculty Appointments Committee is evaluating candidates to be hired at the level of associate professor without continuous appointment and associate professor with continuous appointment. In evaluating the potential hiring of a candidate at the level of full professor with continuous appointment, the Faculty Appointments Committee must consider both these criteria and the criteria in Part II(I)(J), below, for promotion to full professor.

As required by the university, candidates for appointment or promotion to Associate Professor or to continuous appointment must show academic excellence, including meritorious

scholarship, creative inquiry, and teaching, as well as have the demonstrated promise to become leaders and transform their field as their career progresses. The committee or subcommittee that is evaluating a candidate should not be bound by limiting quantitative criteria but should consider the overall quality of the scholarship, teaching, and service of each person under review and the contributions of that person to the mission of the Law School and the University. However, there are particular factors that should be taken into account in the candidate's scholarship, teaching, and service.

(1) **Scholarship:** Demonstrated excellence in scholarship is essential for any candidate to be promoted to continuous appointment with tenure. High performance in other areas cannot substitute for scholarly excellence.

In reviewing a candidate's scholarship, the appropriate committee should consider the specific contributions to legal scholarship of the candidate's major works, the significance of the works, and the quality of their execution. The committee also should take into account the relative standing of the candidate in comparison with other scholars of the same generation in the candidate's field. In addition, the committee should consider how the candidate's work contributes to the advancement of the mission of the Law School and the University.

Although scholarship may take many forms, a candidate will be expected to present for consideration publications of serious independent scholarly work that constitute significant contributions to learning in the candidate's area(s) of specialty as measured by national, or, where appropriate, international standards. Each candidate also will be expected to provide evidence that the candidate will exhibit a continuing and serious commitment to the scholarly enterprise after receiving tenure. That is, the candidate's record must demonstrate that he or she will continue to produce published scholarship of equal or higher quality throughout his or her academic career.

The works to be considered may take many forms, such as books, law review articles, essays, and book reviews, with an expectation that the bulk of those publications be will be in academic journals and with book publishers that are considered authoritative in legal education and/or in the candidate's area(s) of specialty. Blog posts and op-ed posts will also be considered, and will be given weight in accord with their length, scholarly content and rigor, and the eminence of the publication where the blog post or op-ed is published.

Treatises and teaching materials, such as casebooks, may be considered if they contribute substantially to the teaching and development of knowledge in a particular field of legal study, but scholarly articles and monographs will presumptively carry more weight than treatises and casebooks.

Quantity should not be the guiding criterion, but rarely will a candidate be recommended for continuous appointment unless the candidate has produced at least the equivalent of one monograph or three substantial law review articles. Candidates for continuous appointment are strongly encouraged to aim for five or more substantial publications in academic journals, or for publication of a monograph plus two or three substantial articles in academic journals, and this is the normal expectation.

For the purposes of the qualitative and quantitative standards, a work may be considered when it has been published or accepted for publication in time to be considered in the necessary external reviews. See above Part II(I)(F)(3). Works that have been published or accepted for publication by October 1 of the academic year in which the candidate is being considered for continuous appointment will certainly meet this standard. Works that have neither been published nor accepted for publication will not be considered. The candidate's distribution of a work by posting a manuscript on the Social Science Research Network or other similar on-line repository, or by providing a copy of the manuscript to a library, does not constitute publication or acceptance for publication.

(2) Teaching: Demonstrated dedication, rigor, and skill in teaching is essential for any candidate to be promoted to continuous appointment. The appropriate committee will consider the student evaluation (SET) forms completed by students and will conduct periodic visits to the classrooms of each person under consideration. See Part II(I)(M) below.

Teaching obligations go beyond the classroom. In addition to judging the candidate's classroom performance, the appropriate committee will also judge (a) the candidate's availability for and effectiveness in interactions with students outside the classroom, during regular office hours, for academic and professional counseling; and (b) the availability and effectiveness of each candidate in serving as an adviser on law review and directed-study papers for students and as an adviser to one of the law journals or professional student societies such Moot Court or EPIC, or one of the clinics.

(3) Service: The appropriate committee also will consider each candidate's service to the Law School, to the University, and to the Profession through, for example, work on committees, and as a member of professional organizations. The University's central mission is academic in nature and for purposes of reappointment, promotion, or tenure, the review of service should focus on activities that support or advance the mission. Public-spirited, usually-uncompensated work on law assessment, law reform, or in public policy through participation in regulatory, legislative, and judicial venues is also a recognized and valuable form of service. Service is an important consideration for appointment and promotion. However, service should be viewed as a supplement to, not a substitute for scholarship or teaching. It is expected that both scholarship and teaching contributions will be weighted significantly and that service contributions will not be the primary basis for awarding tenure or promotion.

In judging each candidate, the appropriate committee should review the cumulative contribution of that candidate's scholarship, teaching, and service. The ideal is excellence in all three areas of contribution to the institution. No promotion to continuous appointment will take place without excellent performance in scholarship. Dedication, rigor, and skill in teaching is essential. Service is an important part of a successful promotion.

J. Criteria for Promotion to Professor of Law.

An associate professor is to be considered for promotion to full professor upon the basis of research, teaching, and service that have not been taken into consideration previously in

connection with promotion or tenure in the law school. As required by the university, candidates for appointment or promotion to Professor must show scholarly excellence and be established, nationally or internationally, as among the most distinctive and recognized voices in their disciplines, consistently examining and addressing their fields' most pressing questions.

Specifically, associate professors are to be promoted to the rank of full professor upon satisfaction of the following standards:

1. Continued, frequent scholarly achievement of high quality, accompanied by unmistakable evidence that the candidate is a nationally, and where applicable, internationally recognized legal scholar in the field;
2. Consistent record of dedication, rigor, and skill in teaching; and
3. The candidate has a record of significant and effective service to the department, college, the University, and/or the profession.

As with promotion to continuous appointment, demonstrated excellence in scholarship is essential for any candidate to be promoted to full professor. High performance in other areas cannot substitute for scholarly excellence. Service should be viewed as a supplement to, not a substitute for, scholarship or teaching. It is expected that both scholarship and teaching contributions will be weighted significantly and that service contributions will not be the primary basis for awarding promotion.

Upon promotion to professor of law, full professors along with all other tenure-stream faculty will submit an annual report of activities to the Dean, usually by email, that will be kept on file by the Dean's office. All tenure-stream faculty will receive any evaluation feedback, in relation to the standards stated above, from the Dean either by face-to-face meeting or annual letter in advance of the following academic year.