



**University of Pittsburgh
School of Law**

**Faculty Handbook
PART I**

**APPOINTMENT, PROMOTION, TENURE,
AND RELATED POLICIES;
FACULTY GOVERNANCE AND RELATED POLICIES**

REVISED AUGUST 10, 2023

**FACULTY HANDBOOK—PART I
 APPOINTMENT, PROMOTION, TENURE AND RELATED POLICIES;
 FACULTY GOVERNANCE AND RELATED POLICIES
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UNIVERSITY NONDISCRIMINATION POLICY

The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, as fully explained in [Policy 07-01-03](#), the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission. This policy applies to admissions, employment, access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state and/or local laws and regulations.

For information on the University's programs and commitments relating to equality and inclusion, including those relating to affirmative action, please see the website of the Office of Diversity and Inclusion at www.diversity.pitt.edu.

For complete details on the University's Nondiscrimination Policy, please refer to [Policy 07-01-03](#). For information on how to file a complaint under this policy, please refer to [Procedure 07-01-03](#).

APPOINTMENT AND PROMOTION OF FACULTY MEMBERS

Appointment and Promotion of Tenure-Stream Faculty

(Revisions approved at the September 13, 2012 Meeting of the Tenured Faculty)

The procedures and standards for appointment, promotion, and tenure of faculty members of the University of Pittsburgh School of Law set forth herein are to be interpreted and applied consistently with and in light of the standards for appointment, promotion, and tenure set forth in the University Faculty Handbook.

Appointments to the Rank of Assistant Professor of Law. The Faculty Appointments Committee recommends a list of candidates to the faculty. In making these recommendations, the Faculty Appointments Committee will report on the results of reference checks as follows:

1. Reference checks on faculty candidates will be put in writing and made available to faculty members in advance of the faculty meeting at which the candidates will be discussed, except in extenuating circumstances a written report may be circulated at the faculty meeting.
2. It is the responsibility of each faculty member to review these materials in advance of the meeting.
3. Reference reports will not be made orally at the faculty meeting. Of course, faculty members may ask for clarification or elaboration of the written reports.

The faculty reviews the candidates and votes to authorize the Dean to initiate offers to one or more candidates. The faculty vote is governed by the Rule of Substantial Majority, *infra*. Offers at the rank of assistant professor are made for a three-year contract period. In the offer letter, the appointee is advised by the Dean of the University and Law School policies and procedures in relation to contract renewal, tenure and rank elevation.

As a general rule, appointees to the rank of assistant professor who have no prior teaching experience are encouraged to focus their efforts during the first academic year on teaching. The teaching efforts in the first year and each year prior to tenure will be reviewed by a committee of tenured faculty members, as described in the Procedures for Tenure, Renewal and Promotion, *infra*.

The assistant professor is further advised to begin a significant legal research and writing project during the summer following the first year of teaching. The Dean meets with assistant professors on a regular basis to discuss scholarly progress, teaching, and general professional development.

Renewal Decisions. In the assistant professor's second year of teaching, the tenured faculty decides whether to renew the assistant professor's contract for a second three-year term. This renewal decision is normally made at a meeting held between mid-March and early April. This is not a tenure decision. The decision is based largely upon evaluations of the classroom performance during the first three semesters of teaching, as well as scholarly efforts and general professional development. If the decision is one of non-renewal, the contract terminates at the conclusion of the third year. Under a renewed contract, the assistant professor is entitled to remain at the Law School for a second three-year period. The assistant professor must seek tenure, if at all, during this period.

Promotion to Rank of Associate Professor with Tenure.

[Revisions Approved at the April 12, 2007 Meeting of the Tenured Faculty.]

Generally, it has been the practice that an assistant professor asks to be considered for tenure in the fourth year of employment, but he or she may ask to be considered for tenure as early as January of the third year of employment. A favorable determination by the tenured faculty results in a recommendation of tenure to the Provost of the University. The review by the tenured faculty will proceed according to the Procedures for Tenure, Renewal and Promotion, *infra*. The assistant professor who does not receive a favorable tenure determination during the period of the second three-year contract is terminated under the rules of the University, such termination becoming effective no earlier than twelve months from notification of the tenure decision.

The two critical elements in the evaluation of the candidate for tenure are: (A) teaching performance; (B) scholarly manifestation. Assuming these two critical elements are met, the performance of the candidate for tenure is reviewed in terms of service on Law School and University committees, contributions to the community, and participation in relevant professional activities. Scholarship will be evaluated according to the Scholarship Guidelines adopted by the tenured faculty in 1977, as amended, and set out *infra*.

Annual contract renewals are automatic for faculty members who achieve the rank of associate professor with tenure.

Promotion to the Rank of Full Professor.

[Revisions Approved at the May 10, 2007 Meeting of the Full Professors.]

Consideration of the associate professor for promotion to the rank of full professor may occur as early as three years after the tenure decision. The decision by members of the faculty who hold the full professor rank to recommend the promotion is based primarily upon the scholarly development of the associate professor. The procedures followed are those set out in the Procedures for Tenure, Renewal and Promotion, *infra*. As indicated in Section B(1)(d) of those Procedures, a Promotion Committee shall be appointed in the decisional year. In order to ascertain the candidate's continued effectiveness in the classroom, the Committee will reevaluate the candidate's teaching performance using a combination of class visitations by Committee members and reviewing student evaluations and other relevant material in the file. The standards for evaluating scholarship are those set out in the Scholarship Guidelines adopted by the tenured faculty in 1977, as amended, and set out *infra*. As a guide, a candidate for promotion to full professor should have published, since becoming an associate professor with tenure, two articles, or the equivalent, which demonstrate that meticulousness and creativity that we and outside critics regard as substantial contributions to the literature. In addition, a candidate should have attained national or international prominence in his or her field through research, writing, professional practice, or leadership in professional and learned organizations. In addition to evidence of mature scholarly development and continued effectiveness in the classroom, the decision to recommend promotion is based on evidence of substantial professional contributions to other areas of the Law School, the University, the profession, and the community.

Appointment of Experienced Law Teachers to Tenure-Track or Tenured Positions. The faculty may authorize the Dean to offer a tenure-track or tenured position to a teacher with experience at another law school. In the case of a tenure-track appointment, the length of the initial contract, and the terms of the contract including the earliest time at which the individual may ask to be considered for tenure, will depend upon the circumstances of the individual case. In the case of a tenured appointment, the tenured faculty must engage in a tenure review parallel to that described *infra* before making an offer with tenure. In cases where time is of the essence, an offer with tenure contingent on successful completion of a tenure review may be made.

Appointment and Promotion of Clinical Faculty and Legal Writing Faculty
(Adopted by the Faculty 4/3/97; 3/12/98; revisions approved at the
September 29, 2005 and April 12, 2007 Faculty Meetings.)

1. Similar to tenure-track faculty positions, there should be, unless infeasible, a nationwide search conducted by the Clinic Committee for individuals to fill positions on the clinical faculty and a nationwide search conducted by the Legal Writing Committee for individuals to fill positions on the legal writing faculty.
2. Once a contract is offered and accepted, it cannot be terminated prior to its expiration except for cause. Termination for cause can occur at anytime during the contract term so long as such termination is in accordance with University policy.

3. The initial contract term for a member of the clinical faculty and for a member of the legal writing faculty is three years. An offer for the initial three-year contract is to be extended to a candidate by the Dean on the recommendation of the faculty, as in the case of tenure-track instructors who are offered three-year contracts (other than the fact that the rule of “substantial majority” will not apply; a simple majority vote will suffice). The title of a legal writing faculty member on a three-year contract is Assistant Professor of Legal Writing. The title of a clinician on a three-year contract is Assistant Clinical Professor. This section is not intended to preclude the hiring of experienced clinical faculty members or experienced legal writing faculty members on an initial five-year contract under the standards set out below.

4. For a legal writing faculty member, the Director of the Legal Writing Program (the “L.W. Director”), after consultation with the Dean, shall meet each year with each Assistant Professor of Legal Writing. The meeting will involve an assessment of the Assistant Professor of Legal Writing’s teaching effectiveness (as defined in Section 6 below) gauged by student evaluations, as well as classroom visitations and review of written assignments and teaching materials by a committee comprising tenured faculty members (including tenured members of the Legal Writing Committee, if any), the Legal Writing Coordinator, and legal writing faculty members who are employed under five-year contracts.

For a clinical faculty member, the Director of the Clinical Program (the “Clinical Director”), after consultation with the Dean, shall meet each year with each Assistant Clinical Professor. The meeting will involve an assessment of the Assistant Clinical Professor’s teaching effectiveness (as defined in Section 6 below), gauged by student evaluations, as well as classroom visitations and review of written assignments, methods of supervision, simulation exercises and teaching materials by a committee comprising tenured faculty members (including tenured members of the Clinic Committee, if any), the Clinical Director, and clinical faculty members who are employed under five-year contracts.

5. During the second year of the initial three-year contract, the clinician or the legal writing faculty member can request, not later than December 1, that he or she be given an offer for a second three-year contract. The title of a clinician on a second three-year contract will remain Assistant Clinical Professor; the title of a legal writing faculty member on a second three-year contract will remain Assistant Professor of Legal Writing. On the recommendation of the faculty, the Dean can extend such an offer if the clinician or the legal writing faculty member has established a record of teaching effectiveness (as defined in Section 6 below), and has, in addition, begun to engage in substantial community service during the period of his or her employment at the School (as defined in Section 6 below).

A simple majority vote will suffice for decisions to offer a second three-year contract. Only legal writing and clinical faculty members on five-year contracts in the rank of Full Professor or Associate Professor, and tenured professors in the rank of Full Professor or Associate Professor are eligible to vote on an offer of a second three-year contract to a legal writing or clinical faculty member.

If a second three-year contract is not offered, the initial three-year contract should ordinarily be the last contract and notice of non-renewal given no later than April 15th of the second year of the initial three-year contract.

6. During the second year of the second three-year contract, or alternatively in the second or third year of the initial three-year contract or the first year of the second three-year contract if early promotion is desired, the clinician or legal writing faculty member can request, not later than December 1, that he or she be given an offer for a presumptively renewable five-year contract to commence the following academic year. The title of a clinician on an initial five-year contract is Associate Clinical Professor. The title of a legal writing faculty member on an initial five-year contract is Associate Professor of Legal Writing. On the recommendation of the faculty, the Dean can extend such an offer if the clinician or the legal writing faculty member has established and maintained a record of teaching effectiveness and has, in addition, engaged in substantial community service during the period of his or her employment at the School.

In this context, “teaching effectiveness” shall be assessed under the same guidelines applicable to candidates for tenure, specifically as follows:

The Law School recognizes that there are many different styles of effective teaching. There are, however, several characteristics of effective teaching that can be stated generally, even if implemented by individual faculty in somewhat different ways.

Effective teachers are: knowledgeable in the subject matter that they teach as well as being open to acquiring new levels of expertise, which will enhance their ability to deepen their own and their students’ understanding of the subject; well-organized about the material they communicate to their students and the manner in which that communication takes place; able to stimulate intellectual curiosity and independent thinking in students; able to guide class discussions without undue disruptions or digressions; respectful of students while at the same time challenging them to learn up to their potential; open to suggestions about how to improve their teaching; responsive to student questions and concerns; and available to students for consultation outside the classroom as needed.

In addition, in the clinical setting, effective teachers are able to model effective lawyering and practice management skills, and act competently in the role of supervisor and lawyer.

In this context, “substantial community service” is service not performed as part of the teaching responsibilities of a clinician or legal writing faculty member, and includes but is not limited to such activities as work on Law School and University committees, drafting legislative or administrative proposals, service on public advisory committees or commissions or bar committees, participation in pro bono litigation that raises important questions of public policy, or participation as an instructor in continuing professional education.

The rule of “substantial majority”¹ applies to decisions to offer an initial five-year contract. Only legal writing and clinical faculty members on five-year contracts in the rank of Full Professor or Associate Professor, and tenured professors in the rank of Full Professor or Associate Professor are eligible to vote on an offer of an initial five-year contract to a legal writing or clinical faculty member.

If a five-year contract is not offered, the second three-year contract should ordinarily be the last contract and notice of non-renewal given no later than April 15th of the second year of the second three-year contract.

7. Not later than December 1 of the fourth year of a five-year contract, the Associate Professor of Legal Writing or Associate Clinical Professor may request the offer of a new presumptively renewable five-year contract. Subsequent five-year contracts shall be offered except in the event of cause, or the termination or material modification of the entire Clinical or Legal Writing program. Significant curricular re-design of the Clinical or Legal Writing program, approved by the Faculty, shall constitute a material modification. If a second or subsequent five-year contract will not be offered, notice of non-renewal will have to be given no later than April 15th of the fourth year of the faculty member’s existing five-year contract.

8. The Associate Professor of Legal Writing or Associate Clinical Professor may request promotion to the rank of Professor, based on his or her record of writing, as described below. The request may be made during the third year of the first five-year contract or in any year thereafter, no later than December 1. The recommendation of the faculty to the Dean that the promotion be granted will be governed by the “substantial majority” rule. Only legal writing and clinical faculty members in the rank of Full Professor, and tenured professors in the rank of Full Professor are eligible to vote on the promotion of a legal writing or clinical faculty member to the rank of Professor.

In order to be eligible for promotion to the rank of Professor of Legal Writing, the legal writing faculty member must also produce original and effective teaching materials for the Legal Analysis and Writing course suitable for dissemination outside the Law School, or demonstrate the ability to publish research-based writing or reports on significant legal or legal writing or research issues in law reviews, journals or other periodicals (which need not include the type and quality of scholarship required for tenure). The L.W. Director will take steps to ensure that members of the legal writing faculty have time release and other support for legal writing during the summer.

In order to be eligible for promotion to the rank of Clinical Professor of Law, the clinician must also produce original teaching materials for the clinical course suitable for dissemination outside the Law School, including but not limited to materials that provide a method for replication of a successful program; or produce significant legal writing, which may

¹“Rule of ‘substantial majority’” in this policy means a sixty percent majority vote, of those faculty members present and voting. See Procedures for Promotion of Clinical and Legal Writing Faculty, General Procedures, A.1.c.7., *infra*.

include, but is not limited to, any of the following: legal briefs that are written without student involvement and that relate to important legal topics, experientially oriented research appearing in books, law reviews or other periodicals, or more traditionally oriented research appearing in books, law reviews or other periodicals. The Clinic Director will take steps to ensure that the members of the clinical faculty have time release and other support for legal writing during the summer.

9. The appeal procedures applicable to decisions regarding the offering, non-renewal, and termination of three and five-year contracts are the University rules applicable to analogous contractual arrangements.

10. Except as otherwise provided in this paragraph, legal writing and clinical faculty on five-year contracts can attend and vote at Faculty meetings on all decisions including hiring, but not on renewal, tenure or promotion for tenure-track faculty. Legal writing faculty members and clinicians on five-year contracts in the rank of Full Professor can vote on offering three and five-year contracts to clinicians and legal writing faculty members other than themselves, and may vote on requests from clinicians and legal writing faculty members for promotion to the rank of Full Professor; those on five-year contracts in the rank of Associate Professor can vote on offering three-year contracts and five-year contracts to clinicians and legal writing faculty members other than themselves. Clinicians and legal writing faculty members on three-year contracts in the rank of Assistant Professor can attend and vote at Faculty meetings on all decisions, including hiring, but not on renewal, tenure, or promotion decisions for tenure track faculty or (other) clinicians and legal writing faculty.

Appointment of Nonpermanent Faculty **(Adopted by the Faculty 9/7/17)**

In addition to the permanent faculty, the Law School believes that there is much potential substantial benefit to its students, its faculty and the legal community in having Nonpermanent Faculty as part of the Law School. Such Nonpermanent Faculty have no presumption of contract renewal and no governance responsibilities in the Law School.

Nonpermanent Faculty are classified into four separate categories: Visiting Faculty, Contract Faculty, Professors of Practice and Distinguished Jurists in Residence. Visiting Faculty and Contract Faculty are the most common Nonpermanent Faculty appointments available at the Law School. Professors of Practice are accomplished practitioners with extensive experience in a particular field of law. The position is expected to entail substantial teaching and/or service responsibility beyond that of an adjunct, at least over the course of a single semester each academic year. Distinguished Jurists in Residence are accomplished judges of national stature who can make a unique contribution to the Law School through teaching and service. The position is expected to entail substantial teaching responsibility beyond that of an adjunct, at least over the course of a single semester each academic year.

The Dean will recommend the appointment of Nonpermanent Faculty, upon due consultation with the Appointments and Curriculum Committees, and the appointment is awarded after a vote of the Faculty as a whole. For this purpose, "Faculty as a whole" includes all non-visiting tenure-track, clinical, and legal writing faculty. The term of a Nonpermanent

Faculty Member of any category may be from a one semester minimum to three years in the aggregate. The Dean may extend this term by (i) a successive semester, (ii) a semester in the fall or spring in the next academic year, or (iii) one or more full academic years, or (iv) any combination thereof; provided, that following such extension or extensions, as the case may be, the term expires no later than three years from the date of the initial appointment. In exceptional circumstances, upon an approving vote of at least 60% of the faculty participating, the Dean may extend an offer for a specified term longer than three years.

Notwithstanding the foregoing, in exigent circumstances, the Dean may appoint a Nonpermanent Faculty Member without a faculty vote for no more than a one-year term, upon consultation with the Appointments and Curriculum Committees. Similarly, in exigent circumstances, the Dean may hire a Nonpermanent Faculty member without a faculty vote for up to a three-year term under the University's dual-career assistance program, upon consultation with the Appointments and Curriculum Committees. For purposes of this paragraph, "exigent circumstances" refer to circumstances where, in the Dean's discretion, the Dean concludes that a faculty vote is infeasible and further concludes that the hiring of a Nonpermanent Faculty Member provides a substantial benefit to the Law School.

Look-See Visits

The following procedures apply to the hiring of permanent faculty through a "look-see" visit. "Podium" visitors (i.e., all those visitors not falling within this procedure) are eligible to apply for open positions at the Law School before, during, or after their visits but are not entitled to the benefits of the procedures outlined here and would instead be considered under the procedures for "Appointment of Nonpermanent Faculty" set forth above. The type of visit for which a particular candidate is being considered (i.e., "look-see" or "podium") should be communicated clearly to the candidate as early in the process as possible and, preferably, in writing. The Appointments Committee may change the type of visit for which a candidate is being considered (e.g., a candidate for a podium visit may be moved into the pool of potential "look-see" visitors or vice versa) so long as this change is communicated to the candidate as early as possible and in writing. However, the Appointments Committee may only move a candidate into the pool of "look-see" visitors if there is sufficient time remaining before the hiring meeting at which "look-see" visitors will be considered so that the other requirements of this procedure can be met.

Definition of "look-see" visit. To qualify as a "look-see" visit, the Dean must have received an indication from the Provost's Office that the Provost is open and willing to issue a waiver of a national search for filling the relevant permanent position because the search to fill that position is proceeding under the Law School's "look-see" visit procedure. In addition, the offer letter to the candidate must specify that the candidate's visit will be a "look-see" visit and that, absent unusual or unexpected circumstances, the candidate is expected to be considered by the faculty for a permanent position on the faculty during the twelve-month period beginning with the start of the visit under the procedures for "look-see" visits. A copy of these procedures should be provided to the candidate with the offer letter. Absent exceptional circumstances and as limited by the Provost's authorization to hire, a "look-see" visit may only be offered to an experienced law faculty member, typically one who already has a permanent position on the faculty of another law school, whether that

position is tenured or tenure track or with (or on the track for) equivalent protection of position.

Search process. Once the Dean has received the appropriate indication from the Provost's Office regarding the Provost's willingness to waive a national search, the Dean shall meet with and instruct the Appointments Committee to begin a search for a "look-see" visitor. The Appointments Committee will undertake a search process that comports with the regular and customary process employed by the faculty in making permanent faculty hires (e.g., the search should be nationally advertised, involve screening and callback interviews, etc.). In addition, if any of the candidates are already tenured or have equivalent protection of position or are currently under consideration by their home institution for tenure or equivalent protection of position, the Appointments Committee shall request that the candidate either provide or ask the candidate's home institution to provide the Appointments Committee with a full copy of the candidate's tenure or equivalent file from the home institution as well as any file(s) relating to the candidate's promotion (e.g., to the rank of full professor or its equivalent). If the candidate does not possess a copy of the relevant file(s) and is reluctant to ask the home institution to provide the file(s) to the Appointments Committee, the Appointments Committee may proceed with considering the candidate, provided that the Committee should undertake investigation regarding the candidate's teaching, research, and service in advance of the pre-visit hiring meeting sufficient to permit the faculty to consider the likelihood of the candidate being conferred the desired rank and protection of position should the candidate be offered a "look-see" visit and later considered for a permanent faculty position at the Law School. Any tenure, promotion, or other relevant files or documents obtained by the Appointments Committee and/or the results of any investigation undertaken by the Appointments Committee in lieu of or to supplement those files shall be provided to the relevant segment of the faculty in advance of the hiring meeting (as described in the next paragraph) along with all other customary materials provided to the faculty in advance of a hiring meeting (e.g., copies of student evaluations of teaching, reference checks, etc.).

The candidates identified by the Appointments Committee will be considered by the permanent faculty for hiring as a "look-see" visitor at a hiring meeting that is called and conducted in accordance with the usual procedures that apply to permanent faculty hires (e.g., the meeting should be held in December or at such other time permitted under those procedures, the Rule of Substantial Majority shall apply, only those faculty normally eligible to vote on permanent hires will be eligible to vote on hiring, etc.). After the hiring meeting, the Dean will communicate with the candidates and negotiate with those to whom an offer is to be extended and issue the appropriate offer letter (as described earlier), following the usual and customary practices for negotiating with prospective faculty hires.

Class visitation. To facilitate the faculty's consideration of the "look-see" visitor for a permanent faculty position, the Dean's Office shall, prior to the start of the visit, appoint two faculty members to visit the classes being taught by the "look-see" visitor at the Law School. Each of these faculty members shall attend and report on at least one class session in each semester of the visit. The faculty members not only must attend different class sessions each semester but they must also attend class sessions of different courses each semester (unless, in the case of the latter requirement, the visitor is teaching only one course in a given

semester or is only visiting the Law School for a single semester). In the spring semester, visits should be scheduled so that timely reports may be provided to the faculty in advance of the meeting at which the “look-see” visitor will be considered for a permanent faculty position.

Tenure (or equivalent) process. If, as part of the permanent hiring process, the candidate will be seeking tenure or equivalent protection of position or appointment to the rank of full professor (or its equivalent), the Committee on Committees shall appoint a tenure committee or other appropriate evaluation or promotion committee to compile the necessary dossier for consideration by the faculty. This committee appointment shall be made along with other committee appointments following the “first window” for applying for tenure described in the Procedures for Tenure, Renewal, and Promotion in order to allow sufficient time to prepare the dossier. If the candidate has not already provided the tenure or equivalent file and/or the promotion file(s) from the home institution, the candidate’s tenure, evaluation, or promotion committee shall work with the candidate to have the relevant files provided to the Law School at the earliest possible opportunity. The tenure, evaluation, or promotion committee shall follow the normal procedures for tenure or promotion of tenured or tenure-track faculty or for the conferral of protection of position and/or promotion of other faculty, but may reasonably adapt the timing and process to the circumstances presented by a particular “look-see” visitor’s candidacy.

Permanent hiring decision. The “look-see” visitor will be considered and voted upon by the faculty for a permanent position at a faculty meeting (whether regular or special) to be held no later than mid-February of the academic year of the “look-see” visit. The faculty eligible to vote at that meeting on the permanent hire of the “look-see” visitor shall be provided the class visitation reports, student evaluations, and such other information as is customary and appropriate at least one week in advance of the meeting. The quorum and vote requirements of the Rule of Substantial Majority shall apply for purposes of determining whether an offer of a permanent faculty position will be extended to the “look-see” visitor. If the “look-see” visitor desires to be considered for tenure or equivalent protection of position or for promotion to the rank of full professor (or its equivalent), then the relevant segment(s) of the faculty shall meet expeditiously (and, if possible, immediately after the decision to extend an offer of permanent employment has been made) to consider that request. The Dean shall communicate the faculty’s decision(s) and, if an offer of permanent employment is to be extended, shall negotiate with the “look-see” visitor following the usual and customary practices for negotiating with prospective faculty hires.

Variation of procedures. In the presence of unusual circumstances, the Appointments Committee and the Dean’s Office shall consult with the Steering Committee on the question of whether it is appropriate to develop alternative procedures that are better suited to the circumstances presented by the search or by an individual “look-see” visitor’s candidacy than those provided here. If alternative procedures are developed, the Steering Committee shall communicate the changes made to the procedures to the permanent faculty as soon as reasonably possible. If the Steering Committee deems the changes to be substantial, it may call for the changes to be brought before the faculty for a vote at its next regular meeting or, if necessary, at a special meeting called for the purpose of considering the changes to these procedures.

Affiliated Faculty Appointments
(Adopted by the Faculty 5/96)

In order to encourage respected professionals and academicians to contribute to teaching and scholarship in the Law School, the faculty seeks to create a class of uncompensated faculty appointments, which shall be referred to as “Affiliated Faculty.” As stated below, Affiliated Faculty shall include two types of appointments: Adjunct Faculty Appointments and Secondary Faculty Appointments. Adjunct Faculty Appointments are part-time non-appointment-stream faculty appointments for affiliates who are primarily involved in professional roles outside of the University of Pittsburgh. Secondary Appointments are secondary faculty appointments for affiliates who have a primary appointment in another school or department of the University of Pittsburgh. Affiliated Faculty are not compensated for their position. However, if they provide discrete, substantial service to the Law School (such as, for example, teaching a class or organizing a moot court competition), the Law School may compensate them for this service.

The class of Affiliated Faculty shall be in addition to and separate from the classes of compensated adjunct faculty appointments and of compensated joint faculty appointments, both of which already exist in the Law School. In adopting the following definitions and provisions concerning the class of Affiliated Faculty, the faculty does not intend to change the provisions and procedures that apply to the appointment, rights or responsibilities of members of either of these two classes of compensated faculty appointments.

Criteria for Membership in the Class of Affiliated Faculty: The class of Affiliated Faculty shall include only those persons as approved by the procedure specified below who:

a) either

(1) are full-time, tenure-stream members of the faculty of the University of Pittsburgh (other than the Law School), Carnegie Mellon University, or other educational institution that the Faculty Appointments Committee deems equivalent to these, or

(2) have been compensated, part-time adjunct faculty members of the Law School, and

b) have a substantive intellectual involvement in topics that are taught or studied within the Law School community, and

c) have participated or have undertaken to participate in regular and substantial contacts with the Law School’s faculty and students, including some combination of participation in Law School seminars, reading groups, mentoring of law students, and guest lecturing Law School classes. Participation in a Recognized Program of the Law School shall be strong evidence of such contacts. Recognized Programs include the Center for International Legal Education, Graduate Program for Foreign Lawyers, the Certificate Program in Health Law, the several Joint Degree Programs in which the Law School participates, the Clinical Programs of the Law School and any other Centers, Graduate Programs, Certificate Programs, Joint Degree Programs, or Clinical Programs established by the Law School in the future.

Rights and Titles: Affiliated Faculty shall include two types of appointments, Adjunct Faculty Appointments and Secondary Faculty Appointments, with the rights and titles as set out below:

Adjunct Faculty Appointments: Affiliated Faculty of the University of Pittsburgh School of Law who are primarily involved in professional roles outside of the University of Pittsburgh shall receive a part-time non-appointment-stream faculty appointment and shall have the title of “Adjunct Professor,” “Adjunct Associate Professor,” or “Adjunct Assistant Professor.” The affiliate’s rank shall be assigned by the procedure set out below and shall reflect the affiliate’s professional expertise, reputation, academic credentials and other qualifications. (See University Faculty Handbook, September 1995, p. 17.)

Secondary Faculty Appointments: Affiliated Faculty of the University of Pittsburgh School of Law who have a primary appointment in another school or department of the University of Pittsburgh shall receive a secondary faculty appointment commensurate with the title and rank of their primary appointment. By way of example, an associate professor of psychology who becomes a member of the Affiliated Faculty will have the title Associate Professor of Psychology and Associate Professor of Law. (See University Faculty Handbook, September 1995, pp. 22-23.)

In the case of either Adjunct Faculty Appointments or Secondary Faculty Appointments, the appointment shall have a three-year term and may be renewed according to the procedure set forth below. There is no limit on the number of renewals. Members of the Affiliated Faculty shall have no right to participate in the governance of the Law School.

Responsibilities: It is the responsibility of the members of the Affiliated Faculty of the University of Pittsburgh School of Law to maintain regular and substantial contacts with the Law School faculty and students. Such members shall have no responsibilities concerning the governance of the Law School.

Procedures: Membership in the class of Affiliated Faculty and renewals of appointments shall be determined by vote of the Faculty as a whole. The Dean shall maintain an official list of Affiliated Faculty of the University of Pittsburgh School of Law and their dates of appointment.

It shall be the responsibility of the Faculty Appointments Committee to recommend to the Faculty candidates for membership in the class of Affiliated Faculty, to determine that such candidates satisfy the above Criteria for Membership in the Class of Affiliated Faculty, and to select which type of appointment is appropriate for the candidate: Adjunct Faculty Appointment or Secondary Faculty Appointment. If the candidate is under consideration for appointment as an Adjunct Faculty member, the Committee shall also recommend the appropriate rank.

Nominations for secondary appointments may be made by any faculty member or members. Nominations should be submitted in writing to the Faculty Appointments Committee and should explain briefly why the candidate meets the criteria established by the Faculty. If the Faculty Appointments Committee endorses the nomination, the Committee shall submit the nomination to the faculty along with the statement of nomination. If the nomination is approved by the faculty, the Dean shall forward the nomination to the Provost except in the case of the

appointment of a person who is a faculty member within another unit of the University. In that case, the Dean shall forward the nomination to the Dean of the Affiliated Faculty Member's Department. The supporting statement should be made part of the Law School record.

For each current member of the class of Affiliated Faculty whose three-year term of appointment is about to end, the Faculty Appointments Committee shall determine whether to recommend to the Faculty as a whole that the appointment be renewed. In making that determination, the Committee shall consider whether the member continues to satisfy the Criteria for Membership in the Class of Affiliated Faculty. If the current member is under consideration for renewed appointment as an Adjunct Faculty member, the Committee shall also recommend the appropriate rank.

Adjunct Course Policy; Adjunct Faculty Appointments and Reappointments
(Adopted by the Faculty 9/96; revised 12/04, 2/15, 5/19)

New Courses

Preliminary Consideration: The Dean's Office will prepare a New Adjunct Course Proposal Form to be completed by any person interested in adding a new adjunct course to the curriculum. The form will ask the applicant to describe the proposed course in no more than 150 words. The form will also ask the applicant to identify the courses within the curriculum that relate to the subject matter of the proposed new course, and to explain how the proposed course will add to the educational experience of Law School students in light of current offerings. Proposals may be submitted by anyone seeking to add a new adjunct course to the curriculum, whether or not affiliated with the Law School or the University. The form will make clear to the applicant that there is no guarantee, or even presumption, that the proposed course will be taught, or, if it is taught, that the applicant will be the person selected to teach it.

Proposals must be submitted to the Vice Dean no later than September 15 of the academic year prior to the year that the course is proposed to be taught. The Vice Dean may extend this deadline in extraordinary cases with the approval of the Curriculum Committee. Following submission of all proposals:

- (a) The Curriculum Committee and the Vice Dean will consult with the faculty who teach in the relevant field about their views of the course proposal and whether the topic of the course will add value to the Law School's existing curricular offerings.
- (b) The Curriculum Committee and the Dean's Office will also consider whether the proposed course promotes any of the Law School's curricular goals, including whether the course topic fits within an area of identified curricular need, satisfies a certificate or area of concentration requirement, or contributes to the work of a program, institute or initiative.
- (c) The Curriculum Committee will decide which proposals of those submitted to accept no later than October 15. Any acceptance of a proposal will be provisional. Upon provisional acceptance of the proposal, the Vice Dean will initiate the processes set forth below under the heading "Selection of Adjunct Faculty." For the avoidance of doubt,

there is no presumption that the applicant who submitted the proposal for a new course will be the faculty member who teaches it.

Final Consideration: When an adjunct faculty member is selected for a provisionally accepted course, that faculty member shall submit a full course package to the Curriculum Committee for approval. A full course package will include a detailed description of the proposed course with a preliminary syllabus. If the new course qualifies for experiential credit, then the Curriculum Committee will not approve the course unless it is satisfied from the course description or syllabus that the course provides students with multiple opportunities for self-assessment and self-evaluation.

Given the timelines set forth above, any final approval of the new adjunct course will in the normal course take place after the approval of the balance of the curriculum by the faculty. Accordingly, when the Curriculum Committee approves the course, it will be added to the curriculum the subsequent academic year and the Vice Dean will post the materials considered and approved by the Curriculum Committee relating to the new adjunct course on a shared folder viewable by all permanent faculty, and will further inform the faculty of the addition. In the unlikely event that the Curriculum Committee approves the course before the regular approval of the entire curriculum by the faculty, then it will be included in the curriculum package submitted to the faculty for its approval.

Approval of Existing Adjunct Courses: The Curriculum Committee will consider the approval of existing adjunct courses along with its consideration of the rest of the curriculum. It is not ordinarily expected that adjunct faculty members will be asked to submit a detailed syllabus for approval of an existing adjunct course.

Selection of Adjunct Faculty:

1. **Qualifications and Experience.** Adjunct professors at a given rank must have demonstrable academic or professional qualifications and experience appropriate to the courses they teach, and ordinarily possess specific knowledge, skills, or experience that augments that of regular faculty. The factors to be considered for each prospective adjunct professor include (i) the number of years in law practice, (ii) the nature of that practice, (iii) the academic background of the prospective faculty member, (iv) teaching ability, based on student and peer evaluations, if any, (v) the extent to which a given candidate submitted the initial proposal to teach the course, (vi) other significant achievements and awards, (vii) commitment to public service, and (viii) contribution to legal education or the legal profession.
2. **Initial Term.** Except in extraordinary circumstances as determined by the Dean's Office, the initial appointment term of an adjunct will be two years, with a potential one year extension granted at the discretion of the Dean's Office. Contracts with adjuncts will be freely terminable by the Dean's Office on 30 days' notice. In the event of such termination, the Dean's Office will provide the faculty with the reasons that it exercised its right to terminate the instructor.

3. **Appointment/Reappointment Process.** An initial appointment, or a reappointment of an adjunct professor after the initial three year term, proceeds as follows in the normal course:
 - a. When there is an opening in a course for which an adjunct is needed, which arises because of the provisional approval of a new adjunct course, the inability of a faculty member to teach an existing course in the curriculum, or the fact that the term of the adjunct who has been teaching an existing course has ended, the Vice Dean will solicit candidates from (a) all permanent faculty at the Law School, (b) the Law School's Committee on Diversity and Inclusive Excellence, (c) the Director and/or Assistant Director of Equity and Inclusive Excellence at the Law School, and (d) affinity groups within the Allegheny Bar County Association including at a minimum the Asian Attorneys Committee, the Committee on Law and Disability, the Hispanic Attorneys Committee, the Homer S. Brown Division, the LGBT Rights Committee, the Women in the Law Division, and the Young Lawyers Division Diversity Committee. The candidate list may include any adjunct who has taught the class in the past and who is seeking reappointment to the position of adjunct professor.
 - b. The Vice Dean will then deliver the names of all nominees to the chair of the Diversity Committee. The Chair of the Diversity Committee will review the candidate list with the Vice Dean to ascertain that all of the steps set forth in Section 3.a above were followed. After this process is complete and both the Vice Dean and the Chair of the Diversity Committee are satisfied that the recruiting and evaluation process has been fair and complete under the criteria set forth above, the Vice Dean will submit the final candidate list to the Appointments Committee for its evaluation.
 - c. The Appointments Committee will review the nominations, taking into consideration the qualifications and experience of each of the candidates as defined in Section 1, as well as all other pertinent criteria relevant to the Law School's needs and the candidates' capacity for fulfilling those needs. The Appointments Committee will then submit to the Vice Dean a recommendation to hire on the basis of the foregoing, along with a recommended term of years of no less than two and no more than five. In making a term recommendation, the Appointments Committee will consider all of the factors set forth above respecting appointment of the candidate as well as potential enrollment in the course to be taught, based substantially, where available, on historical enrollment data.
4. **Exceptions.** The procedures set forth above are to be followed in each case of appointment or reappointment of adjunct faculty. There is therefore no presumption of reappointment of faculty who have served to the end of their teaching term. Notwithstanding the foregoing, the processes above do not apply in the following circumstances:

- a. where an adjunct faculty member is coteaching a course with a permanent faculty member, in which case the permanent faculty member engaged in the coteaching shall make the recommendation of the appropriate candidate directly to the Vice Dean;
- b. where a current or proposed adjunct faculty member is on the faculty at the University of Pittsburgh outside of the Law School, or is otherwise employed at the Law School; or
- c. where the need for an adjunct faculty member arises as an exigent circumstance where time does not permit the following of the procedures set forth in Section 3 above, in which case the Vice Dean may nominate a potential adjunct upon consultation with the Appointments Committee.

Quality Assessment of Adjunct Courses:

1. **Student Evaluations.** The Vice Dean will review the student evaluations of each adjunct faculty member on an annual basis.
2. **Peer Evaluations.** The Vice Dean will assign permanent faculty members to undertake reviews of the adjunct faculty according to a rubric developed by the Vice Dean and the Curriculum Committee. Each adjunct faculty member will receive reviews according to the following schedule:
 - a. For an adjunct faculty member on an initial two-year contract (renewable by the Dean's Office for one year), one review during each of the first two years of the contract.
 - b. For an adjunct faculty member on a renewed contract, one review during the second year of the contract, and a second review on the terminal year of the contract.

In connection with the strong commitment of the Law School to teaching excellence across its various faculty categories, the expectation is that these reviews will identify areas of weakness as well as strength, and assess the overall effectiveness of the instructor and the course in a considered and careful way.

The Vice Dean will provide the peer and student evaluations to the Appointments Committee in connection with any potential reappointment of an adjunct in accordance with the procedures set forth above.

Adjunct Orientation and Support:

The Teaching Committee will organize a half day workshop prior to the start of the fall semester that will provide orientation and training for new adjuncts and existing adjuncts who wish to improve their teaching skills. The Teaching Committee will consider adding other programming to support adjuncts who wish to improve their teaching skills.

Process for Suspending Adjunct Courses/Process for Reviewing Adjunct Courses: The faculty shall establish initial enrollment thresholds for adjunct courses. Due to the nature of the coursework, the enrollment threshold should be lower for language classes and for clinics, practicums, and other actively experiential courses than for lecture and discussion based courses. The enrollment threshold should be initially set at 4 students for language and experiential courses, and 8 students for lecture/discussion courses. The Curriculum Committee has the authority to adjust these thresholds in the future.

If the enrollment in an adjunct course falls below the established enrollment threshold, that shall trigger a review of the course by the Dean's Office. The response to under-enrollment shall be discretionary and progressive: if the Dean's Office decides to take action, the frequency with which the course will be offered should first be reduced, and then if low enrollments continue, the course should be considered for cancellation. In evaluating under-enrolled courses, the Dean's Office should take into account factors that may be artificially reducing enrollment, such as the day/time the course is offered, as well as, the function of the course in the curriculum, such as whether it fills a curricular gap or is needed for certificate requirements. The Dean's Office should also take into account whether or not the term of the relevant adjunct professor teaching the course is nearing an end.

Transitional: Over the course of the 2020-21 academic year, the Dean's Office may extend contracts to former and existing adjunct professors of the Law School for a term ranging from one to five years. At the expiration of such terms, the procedures set forth in Section 3 relating to the reappointment of adjunct faculty members shall apply.

RULE OF SUBSTANTIAL MAJORITY IN THE APPOINTMENTS PROCESS
(Approved by the Faculty in 1984, as amended 2008)

When there are two or more candidates for the same faculty slot, consideration of the candidates for that position should begin with a preferential ballot or other procedure suggested by the Appointments Committee and designed to ascertain initial faculty preferences as between competing candidates. Once those preferences have been determined, the resulting preferential ranking will determine the order of considering offers. The Chair will entertain a motion to extend an offer to the candidate with the strongest faculty support. If such a motion is made and seconded, discussion will follow. If no such motion is made and seconded, the Chair will entertain motions to extend offers to other candidates, proceeding down the list of candidates from those with the strongest faculty support to those with the least faculty support.

The consideration of any candidate will necessarily include discussion of the strengths and weaknesses of competing candidates. Faculty members with preferences for competing candidates should express and explain those preferences. Similarly, some faculty members may feel that the recruitment process should continue and that no immediate offer should be made. Any of these reasons—opposition to the candidate, preference for another candidate, or a desire that the recruitment process continue and that additional candidates be considered—are legitimate reasons for opposing the appointment and voting “No” on the motion. [The possibility of continuing the recruitment process and not extending any offer may also be raised by a motion to table.]

Unless the motion to extend an offer is supported by at least 60% of those faculty members present and voting, no offer shall be extended. A quorum of 60% of the faculty eligible to vote is necessary at the time of voting to extend an offer to any candidate. If a motion to extend an offer to a candidate fails to receive the support of at least sixty percent of the faculty present and voting, the candidate may be the subject of a renewed motion to extend an offer after other candidates have been considered. However, if a candidate receives more than 50% but less than 60% of the votes on a first ballot, a second vote will be taken on that candidate alone before any other candidate is considered.

PROCEDURES FOR TENURE, RENEWAL AND PROMOTION

**(Initially Adopted at the January 20, 1983 Meeting of the Tenured Faculty;
Revisions Approved at the April 15, 1999 Meeting of the Tenured Faculty,
the April 12, 2007 meeting of the Tenured Faculty, the May 10, 2007 Meeting of the
Full Professors, the September 13, 2007 meeting of the Tenured Faculty,
and the September 13, 2012 meeting of the Tenured Faculty.)**

A. *Remote and In Person Participation in Faculty Meetings for Evaluation, Tenure, Renewal, and Promotion*

1. Meetings and Participation. Faculty members may elect to attend a meeting of the tenured faculty or tenured full professors virtually. A faculty member choosing to exercise this option should inform the Dean's Office that they intend to participate virtually no later than one week before the meeting. If emergency circumstances arise that change a faculty member's ability to attend in person, the faculty member should alert the Dean's Office as soon as is practicable. Where more than 50% of the faculty have indicated that they will attend a meeting remotely, the Dean's Office may hold the meeting entirely virtually.

All meetings with at least one remote attendee shall use appropriate technology that allows for full faculty participation and, where necessary, anonymous voting on matters that are to be decided by secret ballot.

2. The September meeting. In September of each year, the tenured faculty will meet to hear reports from Evaluation and Renewal Committees (see § C) on each untenured faculty member in the tenure stream who has not made a request to be considered for tenure during that year. These reports will cover teaching (see § D), scholarship (see § E), and service. On the basis of these reports and other available information, the Dean will advise each untenured faculty member as to whether, in the judgment of the tenured faculty, he or she is making satisfactory progress toward tenure. Although the tenured faculty will not receive reports on faculty members who have made requests to be considered for tenure that year at the September meeting, the tenured faculty may discuss tenure candidates and ask the Dean to provide feedback to the candidates regarding their candidacies.

3. January meeting and by-first-week-of-March meeting. Tenure decisions will be made at a meeting held in January. Promotion decisions will be made at a meeting held by the end of the first week of March.

4. The mid-March/early-April meeting. Renewal decisions will be made at a meeting held mid-March or early April.

5. Additional meetings. Additional meetings may be held at other times upon recommendation of the Dean or the Committee on Committees.

6. Request for tenure decision. A faculty member who desires to be considered for tenure shall so inform the Dean during either one of two time “windows” during the year:

(a) First window: A request to be considered for tenure may be made between April 15 and May 15.

(b) Second window: A request to be considered for tenure may be made after May 15 and no later than the first day of the fall semester.

Comment: The purpose of these rules is to facilitate the recruitment of outside reviewers for candidates’ scholarship. These rules will enable the Dean’s Office, the Tenure Committee, and the candidate to: (1) secure the most desired reviewers before those reviewers begin to turn down requests for outside reviews because of prior commitments to provide outside reviews, (2) provide the reviewers with the time that they feel they need to balance completing the outside review with their other commitments, and (3) provide a “cushion” of time in which to accommodate unforeseen circumstances (*e.g.*, illness or a death in the family) that may delay the arrival of an outside review and possibly cause a year’s postponement in the faculty’s consideration of a request for tenure. These ends will be achieved to some extent when candidates make a request for tenure during the later opportunity to do so (the so-called second window described above), but will be best achieved when candidates make a request for tenure during the earlier opportunity to do so (the so-called first window described above). A faculty member may of course withdraw his or her request to be considered for tenure.

7. Request for promotion decision. A faculty member who desires to be considered for promotion to full professor shall so inform the Dean no later than the day before the September meeting.

B. Committees of the Tenured Faculty

1. Types of Committees. The tenured faculty makes use of four kinds of committees:

(a) An Evaluation Committee serves in non-decisional years for untenured faculty members in the tenure stream.

(b) A Renewal Committee serves in the year that a faculty member is considered for renewal.

(c) A Tenure Committee serves in the year that a faculty member is considered for tenure.

(d) A Promotion Committee serves in the year that a faculty member is considered for promotion to full professor.

2. Selection of Committees.

(a) If a request to be considered for tenure is made during the first window (see § A(5)(a)), the Dean and Committee on Committees (see § 3) shall meet in mid- to late-May for the purpose of naming the Tenure Committee(s) for the requesting candidate(s).

(b) If a request to be considered for tenure is made during the second window (see § A(5)(b)), then the Dean and Committee on Committees shall meet no later than the fifth business day of the fall semester for the purpose of naming the Tenure Committee(s) for the requesting candidate(s).

(c) The Dean and Committee on Committees shall select all other committees of the tenured faculty immediately after the September meeting.

(d) Evaluation and Renewal Committees will serve until the September meeting of the following year. Tenure and Promotion Committees will serve until a tenure or promotion decision is reached.

3. Committee on Committees.

(a) Composition. The Committee on Committees will be composed of four full professors, selected as follows. In the first year, the Committee will consist of the first four full professors in alphabetical order (excluding the Dean, the Vice Dean, and full professors who are on sabbatical or leave of absence). Thereafter, the Committee will consist of the next group of full professors in alphabetical order (with the same exclusions).

Comment: Selection is limited to full professors so that the Committee can also designate Promotion Committees.

(b) Term. The term of the Committee on Committees will run from May 1 through April 30 in order to ensure that the same faculty members appoint all of the Evaluation, Tenure, Renewal, and Promotion Committees that will be operating during a given year. To this end, if a member of the Committee on Committees is prevented from attending the May meeting of the Committee on Committees (if any), the next full professor on the alphabetical list shall serve on the Committee on Committees that year as a replacement for the absent professor. The professor who avoided service will be included among the four full professors on the following year's Committee on Committees (unless the Dean excuses the faculty member from service that year).

4. Composition of Committees.

(a) Number of members. Evaluation Committees will consist of two tenured faculty members. Tenure and Renewal Committees will consist of three tenured faculty members. Promotion Committees will consist of three full professors.

(b) Qualifications. If possible, one member of each committee should have some familiarity with one or more fields in which the faculty member teaches. Mentors (see Pre-Tenure Mentoring section below) should not serve on Evaluation, Tenure, or Renewal Committees for a faculty member they are mentoring in that year. Previously designated members of an Evaluation or Renewal Committee who later are appointed as mentor of the faculty member shall complete their current term of committee service but shall not serve on Evaluation, Renewal, or Tenure Committees for the faculty member they are mentoring in future years in which they are mentoring that faculty member.

(c) Designation of chairperson. The Committee on Committees will select a chairperson from among the members of each committee.

(d) Faculty member's role in tenure or renewal decisions. In years when a tenure or renewal decision is contemplated, the faculty member will be given the names of four potential members of the Tenure or Renewal Committee, and will be required to strike one. To expedite the process of forming Tenure Committees and securing outside reviewers, a faculty member who has requested to be considered for tenure shall strike one of the four names on the list of potential committee members no later than three business days after being provided the list. Each Tenure Committee shall meet no later than five business days following the day on which the candidate notifies the Vice Dean (or his/her designate) of whom should be struck from the list. At that meeting, the Tenure Committee shall begin the process of identifying and securing outside reviewers.

(e) Faculty member's role in promotion decisions. In years when a promotion decision is contemplated, the associate professor will be given the names of four potential members of the Promotion Committee, and will be required to strike one.

5. Responsibilities of Committees.

(a) The responsibilities of the Tenure, Renewal, and Evaluation Committees are as follows:

- (1) to visit the classes of the faculty member;
- (2) to write detailed individual reports of the class visits;
- (3) to read the scholarly works completed by the faculty member during the committee's term of office;
- (4) in the case of Tenure Committees, to assist the Dean or Vice Dean in selecting outside reviewers for scholarly works submitted for evaluation; and
- (5) to prepare the report(s) to the tenured faculty described in section C.

(b) The responsibilities of the Promotion Committee are as follows:

- (1) to visit the classes of the faculty member;
- (2) to write detailed individual reports of the class visits;
- (3) to read the scholarly works completed by the faculty member subsequent to those considered for the tenure decision;

- (4) to assist the Dean or Vice Dean in selecting outside reviewers for scholarly works submitted for evaluation; and
- (5) to prepare the report to the full professors described in section C.

The report of the committee will provide a comprehensive dossier that will assist the tenured faculty and the full professors in making their decision. It will also provide the documentation that will show the basis on which the tenured faculty's recommendations to the Dean rest.

6. Responsibilities of committee chairperson. The chairperson of a committee will be responsible for coordinating class visits, communicating with the faculty member, and assuring that timely written reports are submitted to the Dean's Office. The chairperson should obtain copies of the faculty member's scholarly works as soon as they are ready and distribute them to the other members of the committee.

C. Committee Reports

1. Evaluation reports. Each Evaluation and Renewal Committee should write a report for the tenured faculty that summarizes the faculty member's progress toward tenure.

(a) Timing. The report should be submitted to the tenured faculty at least one week before the September meeting. A copy of the report shall be furnished to the faculty member at the same time that it is submitted to the tenured faculty.

(b) Content. The report should examine the faculty member's record with respect to all three factors affecting tenure decisions: teaching, scholarship, and service.

(c) Teaching. The committee report should summarize all relevant information about the faculty member's teaching, including the observations and evaluations contained in the individual written reports of the committee members (see § D(3)) and summaries of student evaluations of teaching. If prior committees have reported problems in the faculty member's teaching, the committee should advise the tenured faculty in its report of progress toward correction of those problems.

(d) Response by faculty member. At least one week prior to the committee's submission of the report to the tenured faculty, the faculty member should be given an opportunity to review the report and suggest changes. The faculty member may write a response to the report in the event that the committee decides not to make changes suggested by the faculty member.

2. Renewal Committee reports. Each Renewal Committee should also write a report that will provide a solid foundation for the tenured faculty's decision on renewal.

(a) Timing. The report should be submitted to the tenured faculty at least two weeks before the meeting at which the renewal decision is to be made (see § A(3)).

(b) Content. The report should provide a detailed account of the candidate's progress toward tenure, with particular emphasis on teaching accomplishments. It should not make a recommendation about renewal.

(c) Teaching. The Committee report should summarize all relevant information about the faculty member's teaching, including the observations and evaluations contained in the individual written reports of the Committee members (see § D(3)) and summaries of student evaluations of teaching. If prior committees have reported problems in the faculty member's teaching, the Committee should advise the tenured faculty in its report of progress toward correction of those problems.

(d) Response by candidate. At least one week prior to the Committee's submission of the report to the tenured faculty, the candidate should be given an opportunity to review the report and suggest changes. The candidate may write a response to the report in the event that the Committee decides not to make changes suggested by the candidate.

3. Tenure Committee reports. Each Tenure Committee should write a comprehensive and detailed report that will provide a solid foundation for the decision on tenure.

(a) Timing. The report should be submitted to the tenured faculty at least two weeks before the meeting at which the tenure decision is to be made (see § A(2)).

(b) Content. The report should provide a detailed account of the candidate's record with respect to all three factors affecting tenure decisions: teaching, scholarship, and service. It should not make a recommendation about tenure.

(c) Scholarship. The report should include a detailed synopsis of the outside evaluations of the candidate's scholarship and other relevant information in order to provide faculty members with a basis for determining whether the candidate has progressed in attaining national or international prominence in a scholarly or professional field.

Evidence of whether the candidate has progressed in attaining national or international prominence in a scholarly or professional field may take many forms. The following is a non-exhaustive list of the types of evidence that the Committee should collect for the faculty's consideration. While no one expects a candidate to have all, or even a substantial number, of these types of evidence, they illustrate the types of evidence the faculty will consider:

- (i) invitations or selections to deliver lectures or to participate in scholarly events at symposia, conferences, and workshops;
- (ii) participation in government, bar and community projects in the candidate's field;
- (iii) awards received because of the excellence of the candidate's research;
- (iv) reproduction of a significant portion of a candidate's publications in other sources, including casebooks;
- (v) citations to the candidate's work by other scholars,
- (vi) publication of an article by a recognized authority citing and relying upon the candidate's research, even though it may be disputed;

- (vii) inclusion of the candidate's work in a selective electronic database;
- (viii) selection of the candidate for editorship of a scholarly journal;
- (ix) citation by the majority or minority of a court or by a legislative body of a candidate's published research;
- (x) selection of the candidate either to referee submissions for publication to scholarly journals or to scholarly presses, or to referee grant applications submitted to private foundations or to a governmental body;
- (xi) selection to positions of leadership in professional organizations;
- (xii) recognition of the candidate or the candidate's work by prestigious professional or governmental organizations.

(d) Teaching. The Committee report should summarize all relevant information about the faculty member's teaching, including the observations and evaluations contained in the individual written reports of the Committee members (see § D(3)) and summaries of student evaluations of teaching. If prior committees have reported problems in the candidate's teaching, the Committee should advise the tenured faculty in its report of progress toward correction of those problems.

(e) Response by candidate. At least one week prior to the Committee's submission of the report to the tenured faculty, the candidate should be given an opportunity to review the report (after deletion of identifying information about outside evaluators) and suggest changes. The candidate may write a response to the report in the event that the Committee decides not to make changes suggested by the candidate. The candidate may also write a response to one or more of the outside evaluations.

(f) Outside evaluation letters. The scholarship evaluation letters will be appended to the Committee's report so that each tenured faculty member will be able to engage in a thorough, individualized review of this essential part of the dossier. Any responses by the candidate to the Committee's report on outside evaluations or to one or more of the outside evaluations shall also be appended. The members of the tenured faculty will be reminded that this material is confidential and should not be copied or shared with anyone outside the tenured faculty.

4. Promotion Committee reports. Each Promotion Committee should write a comprehensive and detailed report that will provide a solid foundation for the decision of the full professors on whether to recommend promotion of an associate professor with tenure to the rank of full professor.

(a) Timing. The report should be submitted to the full professors at least two weeks before the meeting at which the promotion decision is to be made (see § A(2)).

(b) Content. The report should summarize the associate professor's record of scholarship, including a detailed synopsis of the outside evaluations, and of teaching and service. The report should not make a recommendation about promotion.

(c) Response by associate professor. At least one week prior to the Committee's submission of the report to the full professors, the associate professor should be given an opportunity to review the report (after deletion of identifying information about outside evaluators) and suggest changes. The associate professor may write a response to the report in the event that the Committee decides not to make changes suggested by the associate professor. The associate professor may also write a response to one or more of the outside evaluations.

(d) Outside evaluation letters. The scholarship evaluation letters will be appended to the Committee's report so that each full professor will be able to engage in a thorough, individualized review of this essential part of the dossier. Any responses by the candidate to the Committee's report on outside evaluations or to one or more of the outside evaluations shall also be appended. The full professors will be reminded that this material is confidential and should not be copied or shared with anyone outside the group.

D. Evaluation of Teaching

1. Basis of evaluation. Teaching evaluations will be based on:

- (a) class visitations by committee members; and
- (b) a review by committee members of the student evaluation forms; and
- (c) a review of other relevant material in the file.

2. Class visits. Each member of an Evaluation, Renewal, or Tenure Committee should visit at least three classes taught by the faculty member during the academic year. Each member of a Promotion Committee should visit at least two classes taught by the faculty member during the academic year. Absent exceptional circumstances, all class visits should not be made to the same course. No committee member should visit more than six classes without prior approval by the Dean.

3. Written reports. Each committee member must prepare a written report for the tenured faculty on the classroom visits for each semester. These reports should be submitted to the Dean's Office and the chair of the committee no later than the end of the examination period for the semester.

4. Annual class visits for associate professors. For every associate professor, the Dean shall arrange for at least one class visitation to occur each year and for a report of the visitation to become part of the associate professor's file for promotion to full professor.

E. Evaluation of Scholarship

1. Scholarship progress reports. At least two weeks before the September meeting of the tenured faculty, every assistant professor and associate professor should submit to the Dean a brief written statement describing his or her scholarly work during the preceding year and his or her goals for the coming year. This statement should specify the nature of each project, the stage it has reached, what remains to be done, and when the professor expects to complete the work. Each report will be forwarded to the professor's committee.

2. Internal review. Each member of an Evaluation or Renewal Committee should read all scholarly works completed during the Committee's term of office. Each member of a Tenure or Promotion Committee should read all scholarly works that have been submitted for outside evaluation. Each member of an Evaluation, Renewal, Tenure, or Promotion Committee who has formed a final evaluative judgment regarding the quality of the scholarly work or works thus read should prepare a written report stating and supporting that judgment. The candidate should be given an opportunity to review such reports and to write responses to them. In addition to review by Committee members, articles and other works of scholarship will be made available to other members of the tenured faculty, who are encouraged to read them.

3. Outside evaluation.

(a) Outside evaluation is required. As is the strong, longstanding practice in legal education, the articles or other works of scholarship submitted by the faculty member for consideration as part of the tenure or promotion decision should be sent by the Dean to outside evaluators for a written report on their quality. A minimum of six outside evaluation letters must be obtained in advance of the meeting at which the tenure or promotion decision is to be made (see § A(2)).

(b) Selection of outside reviewers. The outside reviewers shall be selected by the Dean or Vice Dean with the concurrence of the Tenure or Promotion Committee. Before a final selection is made, the candidate should be asked to suggest names of outside evaluators; however, no more than three of the six letters required can be requested from persons suggested only by the candidate and not by the Tenure or Promotion Committee.

(c) Judgment to be sought. For tenure decisions, the outside reviewers should not be asked whether the candidate would qualify for tenure at their school; however, they should be asked whether the particular work would meet the standard for a tenure article. For promotion to the rank of full professor, the outside reviewers will also be asked for their assessments of whether the candidate has attained national or international prominence in his or her field through research, writing, professional practice, or leadership in professional and learned organizations. In order to assist reviewers in making this assessment, the materials provided to the outside reviewers will include the candidate's CV and additional samples of the candidate's published work.

(d) Responsibilities of Vice Dean. The Vice Dean shall be responsible for preparing formal letters requesting outside evaluations, ensuring the receipt of evaluation letters, and making the letters available to the committee and to the tenured faculty.

4. Deadline for submission in decisional year.

(a) A faculty member who has decided to be considered for tenure should submit completed articles or other works of scholarship to the Dean as soon as possible after the request to be considered for tenure is made, but in no event later than September 15 of the academic year in which the decision is to be made. Information about the topic and possible reviewers should be submitted at the time that the request to be considered for tenure is made so that the Dean and the Tenure Committee can begin identifying possible outside reviewers.

(b) An associate professor who has decided to be considered for promotion to full professor should comply with the deadlines set forth in (a) for faculty members seeking tenure.

5. Review of outside evaluations. The Dean's Office should inform members of the tenured faculty or full professors, as appropriate, of the receipt of outside evaluations so that they can read them without waiting for completion of the Tenure or Promotion Committee report.

F. Procedures at Decisional Meetings

1. Committee report. The report of the Tenure or Renewal Committee will be circulated to the tenured faculty in advance of the meeting, as required by section C above. Members of the Committee may add orally to their report, but the meeting will proceed on the assumption that all members of the tenured faculty have carefully read the report in advance of the meeting.

2. Initial statements by faculty members. Following any supplemental report by members of the Tenure or Renewal Committee, each member of the Tenured Faculty will make his or her individual statement with respect to the candidate in reverse order of seniority. Seniority shall be based on when faculty members attained their present rank, whether at the University of Pittsburgh School of Law or at another law school. In the event that more than one tenured faculty member attained his or her current rank in the same year as one or more other tenured faculty members of the same rank, the order of discussion among those with the same seniority shall be by the alphabetical order of faculty last names.

3. Exchange of views. Upon the completion of all individual statements, the tenured faculty may engage in an exchange of views with respect to the candidate.

4. Secret ballot. Vote will be by secret, written ballot. Tenured faculty members may vote "yes," "no," or "abstain." Any vote of "abstain" should be explained in writing on the ballot.

5. Confidentiality. To foster the full and forthright exchange of views, all deliberations regarding tenure and renewal will be kept in the strictest confidence by all participants.

6. Sixty percent vote requirement. A sixty percent majority vote, of those tenured faculty members present and voting, will be required in renewal, tenure and promotion decisions.

7. Notification to candidates. Unless otherwise agreed, the Dean, immediately upon the adjournment of a decisional meeting, will communicate each recommendation to the professor affected.

G. Procedures for Promotion to Full Professor

The procedures for decisional meetings involving promotion to full professor will parallel those set forth for the tenure decision (see § F).

H. Modification of Procedures

When unusual circumstances appear to call for a modification of these procedures, the appropriate committee and the Dean should recommend, preferably for adoption by the tenured faculty at the September meeting, modifications for dealing with the particular situation.

I. Finality of Recommendation

Recommendations emanating from this process will not be reexamined in the absence of substantial evidence that there were serious defects in the process as applied to the particular candidate. Such defects would include, but not be limited to, the failure to report critical evidence regarding the candidate's abilities as a law teacher, legal scholar, or contributing member of the faculty.

J. General Rule of Confidentiality

A presumptive rule of confidentiality applies to all matters discussed in tenured faculty meetings.

K. Changes in Policies Regarding Tenure

The tenured faculty will not vote on a change in policy without considering the views of the untenured tenure-stream members of the faculty. Such consultation shall be effected by placing the matter on the agenda of a regular faculty meeting.

SCHOLARSHIP GUIDELINES

(Adopted by the Tenured Faculty in 1977; Subsequently Amended)

It is impossible to state, with certainty and predictability, a quantitative measurement of scholarship that would be sufficient evidence of the scholarly ability of a candidate for tenure upon which a positive recommendation for tenure could be based. A hypothetical tenure candidate could have produced thousands of pages and, if it were claptrap (even in publication), it would not meet our standard. On the other hand, it is conceivable, though more than unlikely, that a very brief piece could demonstrate scholarly aptitude sufficient to meet our requirements. We are attempting a qualitative measurement, which necessarily makes our task infinitely more difficult. We are attempting to determine, typically at an early stage of the candidate's scholarly development, the candidate's commitment to scholarship as well as his or her ability, talent, imagination and creativity.

A guide, though not an exclusive test by any means, has evolved over the years, to wit, two articles (at least one of which is published and the other clearly publishable), which demonstrate that meticulousness and creativity that we and outside critics regard as substantial contributions to the literature though such pieces may demonstrate certain defects that are not uncommon among new and budding scholars. The candidate for tenure should have progressed in attaining national or international prominence in a scholarly or professional field. (See University Faculty Handbook, Article IV, Full-Time Tenured or Tenure-Stream Faculty, 4.4 Criteria for Associate Professor.)

The equivalent to this standard may take many forms. For example:

(1) One article, published (or publishable) in a journal of high reputation, which undertakes a comprehensive and highly creative analysis of a difficult (*e.g.*, confused) area of the law and appears to be a major breakthrough in that area. If this work product appears to be the equivalent of two otherwise acceptable pieces, it could be a sufficient manifestation of early scholarship to warrant our positive recommendation.

(2) A published (or publishable) book that has all of the earmarks of sound scholarship would also meet an equivalency test—perhaps more easily than the epic article equivalent in (1).

(3) More than two articles which, cumulatively, meet a clear standard of effective scholarship though any two, standing alone, would be insufficient evidence of that standard.

It is impossible to consider all of the equivalents since what we seek is a reliable basis for the exercise of our judgment that our candidate-colleague will produce scholarship that will benefit the law, the Law School, the candidate and all of us who require assistance to fulfill our collective responsibility of law reform through scholarship. There are certain kinds of published and unpublished work that normally do not justify a positive recommendation. Again, the list cannot be exhaustive.

(1) Published (or unpublished) articles that simply report case law or other developments, *i.e.*, they are not creative, insightful or otherwise beneficial for the development of refined analyses in the particular subject matter of the articles.

(2) Books that take a similar form (sometimes referred to as “potboilers”), which are simplistic restatements of the law in particular areas. Though such publications may be helpful to the practicing lawyer who is untutored in these areas, they are simply new presentations of “old wine” and suggest no creativity or insight.

(3) Certain classroom materials may be mere compilations, which are suited to the instructional methods of the teacher. They may demonstrate organizational ability and they may include new cases and new excerpts, which are not otherwise available in currently published sources. However, such materials are usually insufficient evidence of the scholarly perceptions of the editor. On the other hand, certain classroom vehicles may include much original text material as well as original problem material, which could form part of the basis for a necessary demonstration of scholarship. However, if the materials are merely compilations of the excellent work of others (*i.e.*, excerpts from books or articles spread over cases and/or problems), such a compilation merely demonstrates the fact that the candidate is capable of appreciating and using the work of the fine scholars in his or her area rather than that the candidate can emulate that kind of creativity.

(4) Co-authored material is difficult to evaluate, particularly if the non-candidate author is a recognized authority in the area and the senior contributor to the material. If the junior author has merely updated the material or worked as a super research assistant, it is difficult to separate his or her work product from the integrated product. However, if it appears that the co-authorship was equal (or that the candidate contributed more) and the finished work is a significant contribution to the literature in that area, such co-authored work would form part of

the basis for the necessary demonstration of scholarly ability. The difficulty here is a reliable basis for separation notwithstanding good faith assertions by the candidate.

(5) Papers or published works dealing with generic topics other than those taught by the candidate are often insubstantial manifestations of scholarship. Thus, for example, pieces published in the *Journal of Legal Education* dealing with curricular changes or reporting interesting teaching experiments in certain courses or seminars may be valuable for the readership of that Journal but would not constitute sufficient manifestations of scholarship. Even here, it is conceivable that a piece in this mold would be so extraordinary that it should be considered as part of the candidate's scholarly manifestation. However, such a demonstration with this type of piece is quite unlikely.

This non-exhaustive list could be continued but it seems more polemical than fruitful to do so. Our concern is with ability (or talent) and commitment. What the candidate has produced at the time a tenure decision is in process is merely evidence of that ability and commitment. We have learned that such evidence is indispensable since so many legal educators otherwise appeared to have that ability and commitment through our conversations with them over a period of time. Unfortunately, we know that it is much easier to talk about scholarship than to produce it. We cannot be satisfied with an apparent willingness and ability to pursue scholarship; we must insist that the candidate demonstrate it. Indeed, in adopting the 2007 amendments to the tenure and promotion rules, the faculty recognized its responsibility, as part of the tenure and promotion process, to undertake a serious assessment of a candidate's progress in attaining national or international prominence in a scholarly or professional field.

TEACHING GUIDELINES

Candidates for tenure should have an established record of teaching effectiveness. It is, of course, difficult to define with any exactitude what constitutes effective teaching, and indeed, the Law School recognizes that there are many different styles of effective teaching. There are, however, several characteristics of effective teaching that can be stated generally, even if implemented by individual faculty in somewhat different ways.

Effective teachers are: knowledgeable in the subject matter that they teach as well as being open to acquiring new levels of expertise, which will enhance their ability to deepen their own and their students' understanding of the subject; well-organized about the material they communicate to their students and the manner in which that communication takes place; able to stimulate intellectual curiosity and independent thinking in students; able to guide class discussions without undue disruptions or digressions; respectful of students while at the same time challenging them to learn up to their potential; open to suggestions about how to improve their teaching; responsive to student questions and concerns; and available to students for consultation outside the classroom as needed.

BALANCE OF TEACHING, SCHOLARSHIP AND SERVICE

Decisions about contract renewal for tenure stream faculty will principally be based upon a record of teaching effectiveness. While some candidates for contract renewal will have completed a first article at the time renewal decisions are made, renewal will not depend on such

an accomplishment. The tenured faculty will, however, want to see some evidence that the candidate for renewal has made progress toward scholarship. In the first few years of a tenure stream appointment, faculty are actively discouraged from engaging in too many outside activities in order to concentrate on becoming effective teachers and scholars. Hence, although service by tenure stream faculty can enhance the candidate's record at the time of contract renewal, the tenured faculty will not expect tenure stream faculty to have performed any service outside the Law School at such an early point in the candidate's career.

Tenure decisions will principally be based on an established record of both teaching effectiveness and scholarly achievement, for these are the primary responsibilities of faculty members to the Law School. It is also expected that a faculty member applying for tenure will have demonstrated a willingness and capacity to discharge his or her fair share of administrative service to the Law School in a conscientious manner. Beyond this, service contributions germane to a tenure decision usually relate to the teaching or research interests of the faculty member. Sometimes they entail an exceptional commitment to the education of our students outside the classroom. Often they reflect a willingness to share with communities outside the Law School the knowledge and skills that the faculty member has built up in the course of his or her academic career. In this sense, service contributions may help confirm a faculty member's broader reputation for academic excellence and genuine commitment to teaching, and thus service contributions can enhance a tenure application. However, even exceptional service will not merit a favorable decision on tenure if the Law School's standards for teaching effectiveness or scholarly achievement are not met.

PRE-TENURE MENTORING
(Adopted by the Tenured Faculty, April 1995)

The mentoring program for tenure stream faculty members should facilitate more successful (and less stressful) migrations by them into the ranks of the tenured faculty. A mentoring program would also be helpful in recruitment of junior faculty.

The following are among the services that mentors may provide to tenure stream faculty: discussions with "mentees" about teaching styles and methods, how to prepare for and conduct courses and seminars, how to deal with authority issues in the classroom and other problems that new teachers often face, topics worth investigating in possible law review articles, how to approach faculty both within and outside of Pitt Law School about reviewing draft articles, strategies for placement of articles once written, general tenured faculty expectations concerning scholarly productivity and quality, and the relative priorities of teaching, scholarship, and service in the early years of a tenure stream faculty member's experience.

Tenure stream faculty members should understand that mentors cannot make representations about their work that will bind the institution. They should also understand that on many issues of importance, there is no monolithic institutional view. Mentors should help mentees appreciate the range of views held by the faculty on particular issues to enable mentees to develop effective strategies for responding to these varied expectations. Mentors should thus actively aid mentees in understanding and meeting the Law School's expectations about their performance, while at the same time not stifling initiative by mentees or undermining the mentees' sense of ultimate responsibility for their own professional development.

A two-member mentoring committee should be appointed by the Dean after consultation with proposed mentors and mentees.

Tenure stream faculty members should inform the Dean about any preferences they may have about who should be selected as their mentors and tenured faculty should inform the Dean if they wish to offer their services as mentor for a particular junior faculty member. Based on this information, the Dean should appoint two members of the tenured faculty as mentors for each tenure stream faculty member at the start of the fall semester. Such appointments would be for a year at a time. However, mentors will often be reappointed from year to year because of the desirability of maintaining continuity in the mentoring relationship insofar as this is productive for the mentee. Because mentoring needs can change as interests of a tenure stream faculty member evolve or because the mentoring efforts of some faculty may not prove effective, the Dean may select other faculty members as mentors for a particular individual in subsequent years.

Mentoring does, of course, involve some evaluative components; and evaluators can be, and often are, supportive of junior faculty members. However, to encourage tenure stream faculty to confide in mentors, mentors should not serve on evaluation committees for any person for whom they are currently a mentor.

There should be an annual consultation between the Dean and mentors for each tenure stream member on how the mentoring process is proceeding. This can be accomplished during the annual “exit interview” that each member of the faculty has with the Dean at the end of the academic year.

PROCEDURES FOR PROMOTION OF CLINICAL AND LEGAL WRITING FACULTY

A. General Procedures

1. Request for Promotion to Associate Clinical Professor or Associate Professor of Legal Writing
 - a. An Assistant Clinical Professor or Assistant Professor of Legal Writing who desires to be considered for promotion to Associate Clinical Professor or Associate Professor of Legal Writing for the following academic year shall so inform the Dean before December 1 of the current academic year.
 - b. Promotion decisions will be made at a meeting held in March, although the progress of individual Clinical or Legal Writing Faculty may be considered at other faculty meetings throughout the year, as well.
 - c. The procedures at decisional meetings will be as follows:
 1. The Clinical or Legal Writing Faculty Teaching Evaluation and Review Committee (see § B) will submit its report on the candidate’s teaching and community service.

2. The Dean will report on the Clinical or Legal Writing Faculty Member's teaching.
 3. Each faculty member will have an opportunity to make an individual statement concerning the clinical or legal writing faculty member. Upon completion of all individual statements, the faculty may engage in an interchange of views with respect to the candidate.
 4. Eligible faculty will vote by secret ballot.
 5. To foster the full and forthright exchange of views, all deliberations regarding promotion will be kept in the strictest confidence by all participants.
 6. Unless otherwise agreed, the Dean, immediately upon the adjournment of a decisional meeting, will transmit each decision to the clinical or legal writing faculty member affected.
 7. A sixty percent majority vote, of those faculty members present and voting, will be required for promotion decisions.
 8. When unusual circumstances appear to call for a modification of these procedures, the Teaching, Evaluation and Review Committee for a particular individual and the Dean should recommend, preferably for adoption at the March meeting, modifications for dealing with the particular situation.
 9. Decisions emanating from this process will not be reexamined in the absence of substantial evidence that there were serious defects in the process as applied to the particular candidate. Such defects would include, but not be limited to, the failure to report critical evidence regarding the candidate's abilities as a law teacher or contributing member of the community.
2. Request for Promotion to Clinical Professor or Professor of Legal Writing
 - a. An Associate Clinical Professor or Associate Professor of Legal Writing who desires to be considered for promotion to Clinical Professor or Professor of Legal Writing for the following academic year shall so inform the Dean no later than December 1 of the current year. The procedures for promotion to Clinical Professor or Professor of Legal Writing will parallel those set forth for promotion to Associate Clinical Professor or Associate Professor of Legal Writing, except that the Faculty Teaching Evaluation and Review Committees will consider not only the candidate's teaching and community service, but also the candidate's legal writing or teaching materials.

- b. Evaluation of legal writing or teaching materials shall proceed as follows:
1. An Associate Clinical Professor or Associate Professor of Legal Writing who has decided to be considered for promotion to Clinical Professor or Professor of Legal Writing should submit completed articles or other works to the Dean no later than December 1 of the decisional year.
 2. Each member of the Teaching Evaluation and Review Committee will read and report to the faculty on the written work of the Associate Clinical Professor or the Associate Professor of Legal Writing. In addition, articles and other works will be made available to other members of the faculty, who are encouraged to read them.
 3. Each article or other work should be sent by the Dean to three outside evaluators for a written report on its quality. The outside reviewers should be selected by the faculty member's Teaching Evaluation and Review Committee and the Dean or Vice Dean. The same evaluators need not be selected for all articles by a particular candidate. The Provost's Office requires a minimum of six outside evaluation letters for promotion.
 4. Legal writing submitted by junior clinical or legal writing faculty members will be sent out for review prior to the formal promotion process. This will allow for early feedback and consultation.

B. Evaluation Committees

1. Immediately following the September Tenured Faculty meeting, Teaching Evaluation and Review Committees will be selected by the Dean, and a Committee on Committees, for each Assistant Clinical Professor, Assistant Professor of Legal Writing, Associate Clinical Professor, and Associate Professor of Legal Writing who has taught in the School of Law for fewer than four full years, and for each Associate Clinical Professor and Associate Professor of Legal Writing seeking promotion to the rank of Clinical Professor or Professor of Legal Writing. These committees will serve until the September meeting of the following year, or until a promotion decision is reached, whichever comes first.
2. Each Teaching Evaluation and Review Committee will consist of two tenured faculty members or clinical or legal writing faculty members at rank or above. In addition, "the Director (or, in cases where the Director is unavailable to serve, an appropriate faculty member designated by the Dean in consultation with the Committee on Committees) will serve on the committees for legal writing faculty." If possible, one member of the committee should have some familiarity with one or more fields in which a specific Assistant Clinical or Associate Professor teaches.

3. Each Teaching Evaluation and Review Committee will have a designated chairperson. The chairperson will be responsible for coordinating class visits, communicating with the faculty member, and assuring that timely written reports are submitted to the Dean and the tenured faculty.
4. Teaching Evaluation and Review Committees should write a report on the candidate's record with regard to the two primary factors on which promotion decisions are based, *i.e.*, teaching and community service (legal writing and teaching materials are covered in the section of this document discussing procedures for promotion to Clinical Professor or Professor of Legal Writing), but not make a recommendation about promotion. First, the report should provide the faculty with a concise synopsis of the candidate's record that will establish a consistent base of knowledge about the candidate. Second, it will assist the Dean in the preparation of his or her report to the University about a particular candidate. Third, it will facilitate the preparation of a reference letter for any clinical or legal writing faculty member who may seek a similar position at another law school.
5. These Teaching Evaluation and Review Committees will construct a narrative report that will provide a fair synopsis of the candidate's record. The candidate will have an opportunity to review the report before it is sent to the faculty and will have an opportunity to write a response to the report in the event that the Committee decides not to make changes suggested by the candidate.

C. Evaluation of Teaching

1. Teaching evaluation reports will be submitted to the faculty at the March meeting.
2. Teaching evaluation reports will be based on direct observations of the faculty member's teaching in multiple settings (*e.g.*, classroom, courtroom) by committee members, and a review by committee members of the student evaluation forms from the preceding two semesters.
3. Each member of a Teaching Evaluation and Review Committee should observe the faculty member's teaching methods in the classroom and in other settings during the academic year.
4. Each Teaching Evaluation and Review Committee member must submit to the Dean's Office a written report regarding teaching observations for each semester, no later than the end of the examination period for the semester.
5. The faculty member may review student evaluation forms only after grades have been submitted for the course. Teaching evaluation forms should be returned to the Dean by the faculty member after he or she has reviewed them. The forms should be submitted at the appropriate time to the faculty member's Teaching Evaluation and Review Committee.

6. Teaching Evaluation and Review Committees should take note of teaching problems discerned by previous committees and advise the specific faculty member and the faculty as a whole as to whether or not these problems have been corrected.

SUMMER STIPENDS

Summer stipends are to support *substantial new scholarly work resulting in publication*. The work supported by a summer research stipend should be both substantial and original, and of a type likely to contribute to the scholarly profile of the Law School. This standard envisions a substantial law review article (for example, typically of at least 12,000 words, including footnotes) *or the equivalent in scholarly scope and weightiness*. A substantial and novel book chapter of similar length may meet this standard, if it is a serious work of scholarship (inclusion in a peer reviewed anthology would be evidence of this). Shorter, less substantial works may be combined to meet this standard if they each are original and high-value contributions to their field. For example, two shorter book chapters in different peer reviewed anthologies may meet this standard, as would one shorter law review article plus one shorter book chapter, or two shorter law review articles. Substantial progress on a scholarly book, for example completing several chapters in a given year may also meet the standard. A new edition of a casebook or revision of a treatise may meet the standard if it involves substantial new research and analysis.

The legal academy has only (relatively) recently begun to grapple with how to value interdisciplinary work published outside of conventional legal publications. Interdisciplinary scholarship should be recognized and supported for its contribution to our scholarly mission. Accordingly, the publication of an interdisciplinary article in a publication appropriate for that type of work may count as a substantial new scholarly work. Because work published in journals outside of law often prefer or require shorter length articles, such work should not be subject to the same word count expectations as a full-length law review article. In evaluating whether a particular interdisciplinary project qualifies for support, the standard for substantial new scholarly work will be applied in a manner that is sensitive to the norms of the discipline and to the use of research methods that typically result in shorter publications. Indicators that the work is substantial as measured by the norms of the discipline, such as publication in a peer-reviewed journal, may be used to satisfy the standard.

Because defining a substantial work of scholarship is inherently open-ended, it may help to clarify the substance of what is intended by giving examples of what would typically *not* qualify for support. Non-qualifying work would include: annual updates or supplements to casebooks, conference papers that are not published or disseminated beyond the conference participants, written CLE materials, short essays published in popular presses; and short articles that primarily consist of published oral remarks with minimal footnotes.

In recognition of the intellectual value of collaboration with other scholars, coauthored work may qualify as a substantial scholarly work. However, if there are many coauthors on a single work, meeting the standard may require more in the way of length or publications. For all coauthored work, the faculty member should indicate the extent of their contribution to the work. This does not necessarily mean that a faculty member who coauthored a publication must be able to point to discrete pages authored in a piece. We recognize that a faculty member's contribution

may not be reducible to “single authorship” that parcels out some distinct portion of a publication, and that some collaborative publications (such as publication of a data set) may defy separating out author contributions entirely. The intent is not to constrain methods of collaboration, but rather to ascertain the extent and nature of the contribution.

The scholarship supported should be *original*. Expanding and building on prior work is part of the scholarly enterprise, and necessary for a scholar to develop a strong expertise and prominence in their field. At the same time, these stipends are intended to support original work that is more than a “recycling” or republication of prior work in a different format or forum. If the project supported by a stipend is related to the author’s prior work, it should deepen, build on, or expand that work.

The scholarly work should result in publication in some broadly circulated form. An author should have great leeway in where, and in what form, scholarly work is “published,” as long as it is in a published form that is accessible and likely to contribute to the scholarly profile of the School.

We recognize that high-quality, impactful scholarship can take a variety of forms, and that our diversity in legal scholarship is a valuable feature of our academic community. The requirements of this policy should be interpreted consistently with its purpose: encouraging and rewarding the production of innovative, high-quality scholarship in all its varied forms.

Each spring, the Dean’s Office shall circulate an application form that faculty must return by the prescribed deadline in order to be eligible for an award. Among proposals that meet the criteria noted above, awards will be made on the basis of a proposed project’s potential contribution to the legal literature in its field.

Applications from previous recipients of awards will be received only after the work product resulting is complete. If the complete work is not yet either published or accepted for publication (either of which would fulfill the completion requirement), it should be (if permitted by the publisher) posted to an online repository such as SSRN whenever possible. If not posted, the work must be submitted to the Dean’s Office as part of the stipend application process, along with a proposed plan and timeline for publication.

A “completed” work may still be subject to further revision—for example, in the editing process of a submitted work, or in response to comments from workshopping the piece; however, it should not have major gaps, unfinished footnotes, or entire sections incomplete. For most types of scholarly projects, including law review articles, other journal articles, book chapters, and new editions of casebooks and treatises, summer stipend support should normally be limited to one summer. For major scholarly books, stipend support should be limited to three summers total; but the author must have a book contract to receive more than one summer stipend. Exceptions to these expectations should be considered on a case-by-case basis, and include consideration of any other work published during that timeframe. For example, an exception may be warranted where the scholarly method undertaken requires an unusually lengthy research period, such as for some types of empirical work that involve extensive data collection, or where a faculty member’s role as a principal investigator on a grant involves putting together and managing a research team and other administrative tasks. If the scholarly work supported is part

of a longer work, the applicant must show substantial progress since the prior grant, and must submit the completed portions of the work supported by that grant. For example, if the supported work is a book, the applicant should submit the chapters completed during the period since the grant was awarded.

It is permissible for a faculty member who has secured support for a particular project proposal to “shift gears” and devote his or her summer efforts to a different work of at least equivalent ambition and significance. It is necessary only that the faculty member alert the Dean’s Office promptly that this change has occurred and provide a written statement of the project actually being undertaken. The Dean’s Office will send out a notice, before stipend awards are issued, reminding stipend recipients of this notification obligation. The base amount of the summer stipend is dependent on available funding.

The Law School has adopted a tiered system to support particularly impactful published work, over and above the regular summer stipend amount, with the goal of raising the law school’s scholarly profile. An additional stipend amount may be awarded upon publication of any of the following works. Ordinarily, only one of these may be awarded per each single stipend award. The additional amount will be paid when approved.

(1) An extra \$2,500 above the regular stipend amount may be awarded for the publication of an original, full-length law review article (typically of at least 17,000 words) that makes a significant contribution to the scholarly profile of the law school. One way such a contribution might be established is by placement in a general law review of a top 50 law school (as measured by *US News*) or a specialty journal at a top-20 law school. This benchmark might also be established by placement in a highly ranked (top 50) journal as measured by a credible ranking system for law reviews (such as, for example, the law review rankings published by Washington & Lee or the meta-rankings published on TaxProf Blog). It might also be established by publication of the article in a peer reviewed law journal, where the article has undergone a substantial peer review and substantive editing process. Other indicators of the kind of publication that contributes to the Law School’s scholarly reputation may be considered, such as selection for recognition by the legal profession or legal scholars for special honors or awards, or inclusion in a major symposium law review issue along with other highly regarded scholars in the field.

(2) An extra \$2,500 above the regular amount may be awarded for the publication of one or more highly impactful interdisciplinary articles in peer reviewed journals. Where one such piece is equivalent in scope, author contribution, and impact, to either a major law review article or the publication norm for a strong annual record in that discipline, more than one such piece would not be required for the extra incentive award. A journal’s impact factor may be a relevant consideration in whether the publication is highly impactful. Other indicators include: selection of the work for grant funding in a competitive process, highly innovative research methods, and any awards or recognition of the work according to the norms of the discipline. Because such publications tend to be shorter than a major law review article, a set word count expectation is less likely to serve as a marker for high-impact work. However, depending on the length and scope of the publication, more than one publication may be required to demonstrate the kind of work expected to qualify for the additional incentive. This is not a hard and fast rule, however, and will be evaluated on a case-by-case basis.

(3) An extra \$5,000 above the regular stipend amount may be awarded for the publication of an impactful scholarly book published in a major university press or other highly regarded publisher of academic books. An edited anthology may satisfy this standard if it consists of original material and constitutes a major contribution to the field. A casebook, treatise, or study guide will not.

Discretion is necessarily involved in determining whether published work qualifies for the higher tier of support under these policies. That discretion is to be exercised by the Dean's Office.

All normal tax and other deductions must be made from such payments in accordance with University payroll procedures. A faculty recipient of an award is required to devote at least ten weeks during the summer to the funded research project.

SABBATICAL POLICY

The University policy on Sabbatical Leave provides, in part:

Sabbatical leaves are granted to faculty members for the purpose of conducting scholarly or other appropriate endeavors which will advance their own professional standing, and, upon their return to the University will enrich their teaching and research.

Eligibility for sabbatical leave is limited to tenured associate professors or professors with at least 12 terms of full-time service.

- Part-time service, such as summer teaching which is not part of the basic contractual responsibility, is not counted in determining eligibility.
- Leaves of absence do not count as credit toward sabbatical eligibility.
- Periods of time that a tenured faculty member might work on a reduced effort basis will be prorated.

...

Sabbatical leaves may be approved for either:

- A full appointment year at one-half salary
- A one-half the appointment year at full salary. . . .

In accepting the award of a sabbatical leave, the faculty member agrees to:

- Submit a brief report to his or her dean or campus president within one term of return from leave, summarizing the sabbatical activities and indicating the extent to which the purposes of the leave described in the proposal were achieved

- Return to the University for at least one full appointment year.

For additional information, refer to University Policy 02-05-01, *Sabbatical Leave*, www.cfo.pitt.edu/policies/policy/02/02-05-01.html.

It is the philosophy of the Law School that a program of ambitious sabbaticals or research leaves does contribute substantially to the quality of the Law School's research and teaching program. A faculty member who successfully uses a leave to pursue a suitable challenging project of research or professional development can enhance not only his or her personal record, but also the Law School's reputation and the quality of education we afford. For these reasons, and in accord with University policy, it is important that faculty applying for sabbaticals/research leaves propose projects sufficiently concrete and ambitious to warrant a temporary release from normal faculty responsibilities. Requests for sabbatical leave must be submitted to the Dean on or before November 1 of the academic year prior to the year in which the sabbatical is requested.

Ordinarily, the School of Law will have the capacity to support a maximum of four to five sabbatical applications per year. Should only that number of applications be forthcoming, the Dean will try to support all those applications that otherwise qualify for the Provost's consideration under University policy. Faculty applicants, however, may be asked for curricular reasons to adjust the semester in which a leave shall be afforded.

If more than five qualifying applications are forthcoming in a single year, the Dean will generally observe the following priorities in deciding which applications shall be forwarded to the Provost for review:

1. Negotiated commitments to faculty members that they will be eligible for sabbatical consideration in a particular year will be honored first. (Such commitments often accompany the recruitment of faculty from other institutions or to administrative positions.)
2. Priority will next be afforded to faculty members whose research or professional development projects are subject to a time constraint, for example, the availability of a grant in a single year.
3. Preference will next be based on the number of years a faculty member has served at the University of Pittsburgh since his or her last Pitt sabbatical, if any.
4. Among faculty who have served the same number of years since their last Pitt sabbatical, if any, priority will normally be assigned by seniority as measured by the years a faculty member has been teaching in a law school setting.

In exceptional circumstances, the Dean may depart from the third or fourth criteria stated above, in order to give preference to an especially significant research proposal from a faculty member whose outstanding record of scholarship warrants special confidence in that proposal. Further, in weighing sabbatical proposals, the Dean will need to give consideration to the availability of faculty to cover required courses, although this will ordinarily affect only the semester in which a sabbatical is available, not whether it is available at all.

ENDOWED CHAIR SELECTION PROCEDURES
(Adopted by the Faculty 11/11/99)

In the event resources become available to appoint a member of the full-time faculty to an endowed chair, the following procedures shall govern the selection process. The Dean shall select the chair holder without any formal input from the law faculty. University policy provides that endowed chairs recognize “eminence in a field of study that reflects outstanding contributions to a discipline. National, and where appropriate, international recognition in a field is expected.” (1995 University of Pittsburgh Faculty Handbook at 21.) In making his or her selection, the Dean shall consider the following factors (not ranked in order of importance): (1) the donor’s criteria, if any; (2) the candidates’ scholarly records; (3) the candidates’ teaching ability; (4) the candidates’ years of service at the University of Pittsburgh School of Law; (5) the candidates’ years of service as law teachers; and (6) the candidates’ community service. Consistent with University policy, the School shall solicit outside review letters evaluating the scholarship of the faculty member so chosen.

PROVISIONAL GUIDELINES ON OUTSIDE PROFESSIONAL ACTIVITY
BY SCHOOL OF LAW FACULTY

These guidelines are intended to supplement, for faculty of the School of Law, the University of Pittsburgh Policy on “Consulting and Outside Professional Service.” They incorporate also the requirements of the American Bar Association Standards for the Approval of Law Schools, Standard 402 and its Interpretations. These guidelines do not supplant any otherwise applicable regulation or policy of the University of Pittsburgh, which continue to apply to faculty engaged in the activities covered.

Definitions

“**External service activity**” refers to activity beyond a faculty member’s normal teaching and research obligations that is intended, as a form of public service, to make the faculty member’s knowledge and professional competence available to government, business, labor, public interest and civic organizations.

“**Outside employment**” refers to activity beyond a faculty member’s normal teaching and research obligations that is intended as a supplemental form of income-generating activity for the faculty member.

“**Outside professional activity**” includes all external service activity and all outside employment.

A. *Rules Governing All Outside Professional Activity*

1. Faculty members must ensure that outside professional activity does not conflict with responsibilities assigned them within the School of Law and does not lead to fundamental conflicts of interest.
2. If a faculty member advocates positions of law or policy in the course of outside professional activity, he or she must avoid any appearance that the position of law

or policy is the institutional position of the University of Pittsburgh or of the School of Law.

3. Faculty members engaged in litigation in the course of outside professional activity may not execute correspondence in connection with such litigation on stationery bearing the letterhead or other imprint of the University of Pittsburgh or of the School of Law.

B. Additional Rules Governing Outside Employment

1. Under ABA accreditation standards, a full-time faculty member is one who during the academic year devotes substantially all working time to teaching and legal scholarship, participates in Law School governance and service, has no outside office or business activities, and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member's capacity as scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with his or her responsibility as a faculty member.
2. Notwithstanding paragraph 1, a faculty member may engage in outside employment if he or she communicates with the Dean indicating (a) the approximate amount of time to be given and the amount of money to be received, (b) the work expected to be done, and (c) the faculty member's commitment that the outside work will not impair the time and energy the individual devotes to his or her regular School of Law duties.
3. Under ABA accreditation standards, regularly engaging in law practice, having an ongoing relationship with a law firm or a business, being named on a law firm letterhead, or having a professional telephone listing is prima facie evidence that an individual has "outside office or business activities" and is not a full-time faculty member. If there is prima facie evidence that an individual is not a full-time faculty member, the faculty member must be prepared to document to the Dean that the faculty member nonetheless has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the institution to the full extent expected of full-time faculty. Such documentation shall include completion of all time reports and conflict of interest statements required by the School of Law or the University of Pittsburgh, which must indicate (a) that the faculty member is devoting at least 40 hours a week to teaching, research, and service that does not include his or her outside employment, and (b) that no more than 20 per cent of the faculty member's total time commitment to professional activity, including teaching, is devoted to outside employment.
4. A faculty member engaged in outside employment must make sure that the name, property, and facilities of the School of Law are not used in the work for which he or she receives or expects to receive personal payment. Faculty members may not use Law School-compensated research assistance in connection with such work.

5. A faculty member engaged in outside employment should make sure that fees for outside work are commensurate with his or her professional standing.

C. *Additional Rules Governing External Service Activity*

1. To aid in the solution of urgent problems, the School of Law recognizes an obligation to make available to government, business, labor, public interest and civic organizations the special knowledge and intellectual competence of its faculty members. It also recognizes the potential value, both to faculty and to the School of Law, that outside activity may offer a faculty member by acquainting the individual with the organizations in which his or her students may eventually be employed. Outside professional activity counts as external service activity, however, only if it relates directly to the faculty member's particular areas of teaching and research.
2. Subject to the terms of these guidelines, it is permissible for faculty to use School of Law resources in aid of external service activity and to receive certain categories of payment in connection with such activity. A faculty member must apply to the Dean in advance, however, in order to pursue external service activity if such activity will entail non-trivial amounts of Law School support.
 - (a) The application should indicate (1) the approximate amount of time to be given to the project, (2) the amount of Law School resources to be employed; (3) the work expected to be accomplished, and (4) the funding, if any, from external sources that is anticipated in connection with the proposed project.
 - (b) The Dean will approve an application if:
 - i. The proposed activity relates to the faculty member's research and teaching;
 - ii. The faculty member's proposed use of School of Law resources in aid of the activity is reasonable in amount in light of the importance of the activity to the faculty member's teaching and research and the significance of the service rendered; and
 - iii. Any payments for such services received by the faculty member will be limited to (a) reimbursement to the faculty member or the Law School for the necessary expenses associated with such service, such as travel, (b) modest honoraria consistent with customary practice regarding such service activity, (c) if the service activity is being rendered to a governmental or government-authorized body, whatever consulting fees are authorized by law to compensate the faculty member for the services rendered, or (d) payments as prescribed in Section C(6), set out below.

3. Faculty members using Law School resources to aid in external service activity shall keep careful records of all such resources employed and external funding received, including hours of secretarial and research assistance, and the use of telephones, fax machines, and photocopying. Such information shall be transmitted to the Dean for review on request, but, in any event, at least once a semester until completion of the project.
4. Law School-compensated research assistants may be used in connection with external service work, subject to the same policies on hiring, supervision and the ethical employment of students as apply to research assistants in any other capacity in the Law School.
5. The amount of time given to outside activities should not exceed an average of one day per normal work week.
6. In the event that external service activity entails litigation for which attorneys' fees and costs may be recoverable, application for and receipt of such fees shall not disqualify the activity as external service activity so long as the University of Pittsburgh is reimbursed for all the Law School resources utilized in connection with the litigation.

D. Clinical Legal Education

1. Faculty members who supervise students in the course of academically credited programs of clinical legal education shall be deemed to be engaged in teaching activity, and not in outside professional activity, by virtue of such supervision.
2. Any litigation in which faculty or students assist in the course of such programs must be consistent with the clinical curriculum approved by the faculty in connection with such programs.
3. Fees recovered in the course of litigation pursued as a part of an academically credited program of clinical legal education shall be remitted in full to the School of Law. Direct expenditures and the use of Law School resources must be consistent with budgets approved by the Dean (or his or her delegate) and with the terms of any external grant or gift supporting the litigation.
4. Faculty members who advocate positions of law or policy in the course of academically credited programs of clinical legal education must avoid any appearance that the position of law or policy is the institutional position of the University of Pittsburgh or of the School of Law.

SALARIES AND ANNUAL REVIEW

In addition to the conferences between the Dean and faculty members described in the Procedures for Tenure, Renewal and Promotion, supra, the Dean conducts a year-end interview with every faculty member. The discussion focuses on the written professional activity report submitted by the faculty member in advance of the meeting. That report describes professional

activities and accomplishments during the past academic year. The discussion also encompasses professional plans and goals for the summer, the following academic year, and beyond. Each faculty member's record of professional achievement and activities will provide the substantial basis for determination of salary adjustment by the Dean for the following year.

University Pay Transparency Policy Statement

The University of Pittsburgh will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant.

However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

SELECTION OF THE STEERING COMMITTEE

(Adopted by the Faculty April 13, 1979; Amended April 17, 1997; Amended April 11, 2002)

1. There shall be five members of the Steering Committee, elected by the full-time, non-administrator faculty in an election to be conducted virtually (see "Faculty Meeting Procedures," Part D) in April of each year. The election meeting shall be conducted by the members of the current year's Steering Committee. The quorum necessary to conduct the election shall be equal to the sum of (i) one-half the number of faculty members eligible for election to the Steering Committee plus (ii) one.

2. Four of the seats on the Steering Committee shall be allocated according to rank—with one member elected from among tenured full professors, one from among tenured associate professors, one from among tenure-track (but not yet tenured) associate and assistant professors, and one from among appointment stream faculty members (whether full, associate, or assistant professors). The remaining seat will be "at-large." In the event there are fewer than four tenured associate professors eligible for election to the Steering Committee, the tenured associate professors and the tenured full professors shall vote as a single unit to elect one member of the Steering Committee, and there will then be two at-large seats on the Committee.

3. The faculty members from each of the ranks described in paragraph two shall vote for one member of their rank to be a member of the Steering Committee. In the event of a tie, the faculty member whose most recent service on the Steering Committee is more distant in time shall be declared to be elected. In the event that both faculty members' most recent service on the Steering Committee is of equal distance in time, then the winner shall be chosen by a coin toss.

4. At-large nominees will include all faculty members except for (i) those members elected to rank-allocated seats in accordance with paragraphs two and three and (ii) those members who are ineligible for election in accordance with paragraph six. In the event of a tie,

the faculty member whose most recent service on the Steering Committee is more distant in time shall be declared to be elected. In the event that both faculty members' most recent service on the Steering Committee is of equal distance in time, then the winner shall be chosen by a coin toss.

5. The Steering Committee shall immediately elect its Chair. Its choice shall promptly be reported to the faculty.

6. No person shall serve as a member of the Steering Committee for more than two of any three successive academic years. Any faculty members who will be on leave for all or a portion of the succeeding academic year shall be ineligible for election to the Steering Committee. Faculty members who will be on leave at the time that the election of the Steering Committee is scheduled to take place are permitted to withdraw their names from the pool of faculty members eligible for election to the Steering Committee.

7. No administrator (including the Dean, Vice Dean, and any Associate Dean) shall be eligible to serve on the Steering Committee.

8. With the exception of those who withdraw their names from the pool of faculty members eligible for election to the Steering Committee under paragraphs 6 or 5 of this policy, all members of the faculty eligible to serve on the Steering Committee must stand for election.

APPELLATE JURISDICTION OF THE STEERING COMMITTEE

(As clarified by the Steering Committee 10/4/02)

The Steering Committee has the appellate jurisdiction to review only non-unanimous decisions of the Faculty Committee on Petitions and Academic Standards in cases where a student has been excluded from the School of Law for any reason and has sought readmission by Petition to that Committee. The standard for review of such Petitions, is "abuse of discretion."

In all other cases, including unanimous decisions of the Faculty Committee on Petitions and Academic Standards on exclusion Petitions and unanimous or non-unanimous decisions on all other Petitions, all decisions of the Faculty Committee on Petitions and Academic Standards are final and the Steering Committee lacks the appellate jurisdiction to review them.

SELECTION OF THE PLANNING & BUDGET COMMITTEE

(Adopted by the Faculty January 14, 1999; Revised April 24, 2003, and April 18, 2013)

1. Members of the Planning and Budget Committee shall be elected to terms commencing on August 15 and ending on August 14 of the following year. Members selected in the spring for the upcoming year are encouraged to attend meetings of the outgoing Committee held over the summer.

2. To ensure continuity in the budgetary process, the terms of office of faculty members on the Committee shall be staggered as follows:

- a. Each year, one new member shall be elected for a one-year term and one new member shall be elected for a two-year term. In April of 2003, one two-year

member was elected and two one-year members were elected. Hereafter, one two-year member and one one-year member shall be elected each year.

- b. In advance of the meeting called to elect the Committee, the Steering Committee shall poll faculty members (normally via email) as to their interest in standing for election to the Planning and Budget Committee. The Steering Committee shall specifically inquire (1) whether any faculty member wishes to remove his or her name from consideration and (2) whether any faculty member has an affirmative interest in serving on the Planning and Budget Committee. Except as stated in paragraph 3, those members who do not wish to be considered for membership on the Planning and Budget Committee shall not stand for election.

3. If there are at least three faculty members who have conveyed to the Steering Committee an affirmative interest in serving on the Budget Committee, then only those faculty members shall stand for election for the two-year position. If less than three faculty members have conveyed an affirmative interest, then all faculty members (except ineligible members, see paragraph 6) who have not “opted out” shall stand for election. In addition, if there are less than two members who have not opted out, and less than three members who have expressed an affirmative interest in serving, then all faculty members (except ineligible members) shall stand for election.

4. The Planning & Budget Committee shall be elected by the full-time, non-administrator faculty in an election to be conducted virtually (see “Faculty Meeting Procedures,” part D) in April of each year. The election meeting shall be conducted by the members of the current year’s Steering Committee. The quorum necessary to conduct the election shall be equal to the sum of (i) one-half the number of faculty members eligible for election to the Steering Committee plus (ii) one.

5. No administrator (including the Dean, Vice Dean, and any Associate Dean) shall be eligible for election to the Planning and Budget Committee. Any faculty members who will be on leave for all or a portion of the succeeding academic year shall be ineligible for election to the Planning and Budget Committee.

6. The Planning and Budget Committee shall immediately elect its Chair. Its choice shall promptly be reported to the faculty.

COMMITTEE TERMS AND ASSOCIATE DEANS’ ROLES
(Approved by the Faculty on April 24, 2003; Updated April 2022)

1. In the interest of achieving continuity from year to year, when assigning faculty members to the Admissions and Appointments Committees, the Steering Committee shall take into account, but not be bound by, the expressed preference of one or more faculty members who are currently serving on the committee to continue their service on the committee.
2. The term of the Petitions and Academic Standards Committee shall begin on June 1 of the current calendar year and end on May 31 of the succeeding calendar year. Faculty members assigned to the Petitions and Academic Standards Committee also serve as the faculty members of the Hearing Board.

3. The Colloquium Committee shall be comprised of no fewer than two members each academic year (not including the chair), and the Associate Dean for Research and Faculty Development ordinarily should serve as its chair.
4. The Associate Dean for Equity and Inclusive Excellence should ordinarily serve as the chair of the Diversity Committee and should ordinarily serve *ex officio* on the Appointments Committee solely to consult with the Committee on matters relating to diversity, equity, and inclusion.
5. Beyond the committee service roles addressed above, the Associate Dean for Equity and Inclusive Excellence and the Associate Dean for Research and Faculty Development ordinarily should not be assigned to additional standing faculty committees.
6. At the time that any other Associate Dean role is created, the Dean shall consult with the Steering Committee regarding the service obligations of persons serving in the newly created role and propose amendments, as necessary, to these rules for consideration and approval by the faculty to codify those service obligations.

COMMITTEE PARTICIPATION: STUDENTS

**(Approved by the Faculty on September 29, 1993;
Revised on April 27, 1999 and September 3, 2009²)**

Generally, students should participate on committees except in instances where committees are considering issues related to student or faculty privacy interests. However, even when students are on committees, faculty members on the committee have the authority to conduct an executive session without students present to protect such interest.

Specifically, students will participate on committees as follows:

ADMISSIONS: Students do not participate on this committee. It is recommended that members of this committee consult with students as to recruitment of applicants and recruitment techniques to obtain the highest caliber application pool possible.

APPOINTMENTS: At least one student shall be a full member of this committee.

PLANNING & BUDGET: Two students are represented on this committee.

COLLOQUIUM: Two students should participate on this committee.

CURRICULUM AND EDUCATIONAL POLICY: Two students participate on this committee.

²The Faculty approved the elimination of the following standing committees: Career Services and Placement; Clinical; International Programs; Legal Writing; Library; and Technology.

HEARING BOARD: Two students participate on this committee.

PETITIONS AND ACADEMIC STANDARDS: Students do not participate on this committee. Students should be solicited for input as to matters of academic standards that come before the committee.

WRITING AWARDS: Students do not participate on this committee because its function relates to academic performance.

STEERING COMMITTEE: Students do not participate on this committee, although the committee should solicit the advice of students when such information is appropriate and is in the best interest of the school.

CONFERRAL OF DEGREES AND AWARDS
(Approved by the Faculty May 3, 2012)

The faculty's authority to confer degrees and awards should continue to be delegated to the Petitions and Academic Standards Committee, for this year and future years, provided that the graduation ceremony is scheduled prior to the deadline for submitting grades for students seeking to graduate.

UNIVERSITY POLICY ON FACULTY MEDICAL AND FAMILY LEAVE
(Effective January 1, 1995)

The University has a detailed policy concerning medical and family leave, the first two paragraphs of which read as follows:

Scope

This policy establishes leaves of absence for faculty for medical (including pregnancy, and childbirth), parental, and other family care purposes. Its goals are to assist faculty members in balancing the demands of the workplace with family obligations, and to establish equitable practices across the diverse departments, schools, and campuses of the University. This policy is ultimately intended to maximize the professional productivity of faculty women and men, while strengthening the University as a collegial and supportive work environment. Specific implementation of this policy may vary by a faculty member's term and nature of appointment. Faculty members should contact the office of their dean or regional campus president.

Relationship to Federal Family and Medical Leave Act of 1993

The University of Pittsburgh provides leaves of absence in accordance with the Family Medical Leave Act of 1993 (FMLA). A faculty member's minimum rights and responsibilities under the FMLA are set forth in a mandatory notice published by the United States Department of Labor. This notice can be found at <http://www.dol.gov/whd/regs/compliance/posters/fmla.htm>.

The University's policy will thus be administered consistent with the federal Family and Medical Leave Act (FMLA) of 1993, and supersedes previous University policies in force prior to 1993. The Family and Medical Leave Act entitles eligible employees, as defined in the Act, to take unpaid family care and/or medical leaves of up to 12 workweeks in any 12-month period. The Act protects the employee's employment and medical benefits during authorized family and medical leaves. Consistent with the Act, this policy provides for paid and unpaid leave periods which shall be substituted for all or part of the unpaid leave period provided by the Family and Medical Leave Act.

More details are available [here](#). The full [policy](#) and procedure are also available online.

FACULTY MEETING PROCEDURES
(Adopted by the Faculty 9/80; Revised 11/02 and 2/03)

A. *Preliminary Processes*

1. Advance notice of motions. Any committee chair or other faculty member who wishes to bring a matter before the faculty should so inform the Dean no later than the Wednesday of the week preceding the meeting. Such communications should be in writing and should include the text of any motion or resolution to be voted on.

Comment: This procedure will provide sufficient "lead time" so that the Dean can place such matters on the agenda; the secretarial staff can distribute the agenda to the faculty; and faculty members can give thought to the agenda items and, if they choose, respond to the proponent in advance of the meeting.

2. Advance distribution of reports. Any motion or resolution that is not self-explanatory should be accompanied by a report to the faculty describing the problem and the proposed solution. Short reports will be incorporated into the agenda of the meeting. Longer reports will be attached to the agenda. In the alternative, the committee chair or other faculty member may circulate the report separately. Any report so circulated should be made available to the Dean and the faculty no later than the Thursday before the meeting.

Comment: This procedure, too, is designed to insure that faculty members have adequate opportunity to consider agenda items in advance of the meeting. It is preferable if all reports to be considered at a meeting are attached to and distributed with the agenda, so that faculty members will need to bring only a single set of documents.

3. Compilation of agenda. One week before the meeting, the Dean, the Vice Dean, and the Steering Committee will meet to compile the agenda for the meeting. The Dean should feel free to consult with the Committee as to whether particular matters should be brought before the faculty or acted on by the Administration in its discretion.

4. Distribution of agenda. The agenda will be distributed immediately to all full-time faculty in the form outlined in Section B below.

5. Questions about agenda items. Any faculty member having questions about an agenda item is urged to communicate his or her thoughts to the committee chair or other proponent not later than the Tuesday before the meeting. It is particularly helpful if faculty members raise in advance any questions involving either the interpretation of a motion or possible inconsistency with other Law School policies, so that any necessary inquiries or clarifications may be made before the meeting.

Comment: The aim of this procedure is not to discourage debate, but to provide full information to all faculty members and to avoid the need for the full faculty to devote time to matters of drafting.

6. Other comments about agenda items. It will also be helpful if any faculty member with reservations about an agenda item shares those reservations with the committee chair or other proponent. It will often be desirable to draft, and perhaps circulate, proposed amendments that will provide a specific focus for discussion. Advance drafting of amendments will also help to avoid inconsistencies of substance or style in the final product.

Comment: Proposed amendments or other motions relating to agenda items are governed by this provision rather than paragraph 1.

7. Role of committees. It is expected that a faculty member who has a proposal that falls within the jurisdiction of one of the faculty committees will submit the proposal to that committee. If the committee rejects the proposal or declines to act on it, the faculty members may request that the Dean place the matter before the full faculty, and the Dean will ordinarily do so.

Comment: This provision does not apply to proposals relevant to specific agenda items that are being considered by the faculty at a faculty meeting.

B. The Faculty Meeting

The following would be a typical agenda for a faculty meeting.

1. Announcements by the Dean.

Comment: The Dean plans to prepare and circulate a monthly or semi-monthly calendar of upcoming events and deadlines. Thus, such matters need not be listed in the agenda, nor will faculty members have to rely on haphazard notes taken at faculty meetings.

2. Committee Reports.

Comment: Chairpersons of committees that have matters to report to the faculty shall make an oral report. Chairpersons are encouraged to make oral reports concerning their committee's work and progress.

3. Other Agenda Matters.

Comment: As noted above, each agenda item would be accompanied by a draft motion or resolution, if faculty action is contemplated, and by any necessary explanations, either as part of the agenda or in a separate report.

C. *Procedures*

1. Procedures for Motions to Table (Adopted by the Faculty 11/7/02)

Any faculty member present at a faculty meeting may move to table a motion that is under discussion at that meeting. If the motion to table is seconded, the proponent of the motion that would be tabled (or a person designated by the proponent of the motion) may make a statement before the vote is taken on the motion to table. No other discussion of the motion to table may take place, and the faculty will vote on the motion to table once the proponent of the underlying motion has finished his or her statement. If the proponent and the seconder of the underlying motion both agree to withdraw the motion, there will be no vote on the motion to table. If the underlying motion is not withdrawn and if the motion to table fails, discussion on the underlying motion will continue, and no other motion to table will be in order. If the motion to table carries, the faculty member or committee that offered the underlying motion retains the opportunity to offer the same or a similar motion at a future faculty meeting.

2. Procedures for Secret Ballots (Adopted by the Faculty 2/13/03)

Any faculty member may request a secret ballot on any vote likely to take place at an upcoming faculty meeting. A faculty member may request a secret ballot during the meeting at which the vote is to be taken, in which case the vote will be by secret ballot.

If a faculty member makes the request in advance of the meeting, he or she must inform the chair of the Steering Committee, the Vice Dean, or the Dean of the request no later than the day before the meeting at which the vote is likely to take place. If the request is made to the chair of the Steering Committee or the Vice Dean, he or she will convey it to the Dean without revealing the identity of the person who made the request. Prior to the vote at issue, the Dean will inform the faculty that the vote is to be by secret ballot.

The procedures described above do not apply to votes on faculty renewal, tenure, and promotion, which will continue to be governed by the Procedures for Tenure, Renewal, and Promotion, and the Procedures for Promotion of Clinical and Legal Writing Faculty.

D. In Person and Remote Meetings and Participation

Faculty meetings will ordinarily be held in person. Individual faculty members are expected to attend faculty meetings in person whenever possible.

Under extenuating circumstances, the Dean, in consultation with the Steering Committee, may schedule one or more regular or special faculty meetings to be held virtually. Such meetings shall use appropriate technology that allows for full faculty participation and, where necessary, anonymous voting on matters that are to be decided by secret ballot.

If an individual faculty member determines that they cannot attend a faculty meeting in person and would otherwise have to be absent from the meeting, the faculty member may participate and vote virtually. The faculty member should inform the Deans' Office that they intend to participate virtually no later than 8 A.M. on the day of the meeting. As with virtual faculty meetings, virtual participation by individual faculty members shall use appropriate technology that allows for full participation in the meeting, including, where necessary, anonymous voting on matters that are to be decided by secret ballot.

Faculty votes that do not require an accompanying meeting, such as election of the Steering Committee and the Planning and Budget Committee, will ordinarily be conducted virtually. Such votes shall use appropriate technology that allows anonymous voting on matters that are to be decided by secret ballot. Such votes may use ranked choice voting.

Recording of faculty meetings is prohibited.

PUBLIC STATEMENTS BY THE FACULTY
(Adopted by the Faculty April 8, 2004)

When voting on policies for the governance of the Law School, the Faculty necessarily expresses its views on the wisdom of those policies and does so by majority vote. At times, however, opportunities will arise for members of the faculty to express their views on issues in ways that do not have a close relation with the governance of the Law School. The line between governance issues and other issues may sometimes be imprecise, but in many cases the distinction will not be difficult to draw. A vote on the mission of the Law School, or an admissions policy, or whether to hire a particular person, or even a statement of principle addressed to the University administration or the state legislature regarding the rights, obligations, or duties of the Law School or its Faculty (to list some representative, non-exclusive examples), will express a majority view but also has, by itself, a tangible impact on the operations of the Law School. By contrast, signing petitions or taking out advertisements in newspapers or in other media about public issues, without more, are actions distinct enough from the governance of the Law School to warrant different treatment, even when the issues have some connection to the work of the Law School.

Every individual faculty member is, of course, free—individually or with other members of the Faculty—to sign petitions, take out advertisements, or engage in other expressive activity, and in that context to identify themselves as professors at the University of Pittsburgh School of Law.

Members of the Faculty who wish to gain the benefit of collective faculty expression on non-governance issues may seek a vote on whether to engage in a particular expressive activity. If a majority of the Faculty present at the relevant faculty meeting vote in favor of such activity, then the resulting statement must be signed “a majority of the Faculty of the University of Pittsburgh School of Law.” Only if the vote is unanimous, with “unanimous” meaning all those present at a faculty meeting, may such statements be signed “the Faculty of the University of Pittsburgh School of Law.”

All votes on public statements will be by secret ballot.