

LEVIN COLLEGE OF LAW
SHARED GOVERNANCE REPORT
April 27, 2007

Shared Governance policies within the Levin College of Law are evidenced in the College's 2004 Faculty Policy Manual (www.senate.ufl.edu/resources/constitution/collegeOfLaw.pdf), in minutes from faculty meetings, and in the time-honored custom of common law decision-making.

I. WRITTEN POLICIES

The College's written policies, as established in the College's Policy Manual and its updates, span the following subjects: (Please see the attached document entitled: Levin College of Law Shared Governance Policies.)

Appointments, including the general criteria the dean should consider in making appointments; the composition, function, and selection of the Appointments Committee (including the provision that the Chair be elected by the voting members of the committee and serve at the pleasure of those members); meetings and balloting; and administrative appointments. The Appointments Committee is "responsible to the whole faculty regarding the performance of its duties," must "report in writing to the faculty," and must "keep the faculty informed of its activities in the area of appointments." Although the dean has veto power if he believes that an appointment involving teaching and research "would not be in the best interest of the College of Law," he must "evidence his decision in a writing submitted to the faculty members voting on the appointment and give detailed reasons in that writing as to why he elects not to forward the recommendation." In addition, an April 18, 2007, amendment to these policies provides that the dean "may not make an employment offer to a candidate for a tenure-track appointment to the faculty unless 60% of the eligible faculty vote in favor of employing the candidate." Administrative Appointments not involving teaching and research are within the sole discretion of the dean.

Term of Deanship, stating in relevant part, "It is the sense of the faculty that the dean should not serve more than five years unless, upon favorable review by the faculty, he or she is requested to serve for an additional period not to exceed five years. The review process will be conducted early in the fifth year of the dean's service by a special committee of five faculty members elected by the faculty as a whole."

Endowed Professorships, stating that the dean has the power to "fill endowed professorships from the ranks of the existing faculty" and "to apply all criteria which best serve the interests of the College of Law." This policy reflects the apparent practice among law school faculties to grant the dean the "necessary discretion to take into account the overall needs of the institution" and not be bound "by a limiting set of criteria" in his selection process.

Promotion & Tenure, including procedures for the initiation of the process; criteria for the committee's written report concerning the candidate; criteria for the dean's written annual report concerning the candidate; procedures for providing timely notice to the candidate regarding committee decisions; and procedures providing for "an annual interview with each faculty member who is not a tenured full professor for the purpose of discussing progress towards satisfying promotion and tenure criteria." "The primary responsibility for evaluating scholarly work rests with the dean and with this faculty."

Sabbaticals, providing criteria for the application process, and stating that "[t]he dean should make every reasonable effort to provide sabbatical leaves in each academic year to all eligible faculty."

Research Grant Program, providing criteria regarding eligibility; work product expected; remuneration; number of grants to be awarded; application procedures; and the selection process.

Non-Tenure Track Teaching Faculty, providing procedures regarding the hiring process, and subsequent consideration for long-term contracts. Although a faculty committee makes a recommendation, "[f]inal authority to hire a non-tenure track legal skills faculty member, or not, shall rest with [the] dean." The dean also has the authority to renew a five-year contract of a non-tenure-track legal skills faculty member "without the requirement of a formal review" if the dean determines that the member's "performance has been satisfactory." The College of Law Faculty Manual, provides that non-tenure track faculty "shall not be eligible to participate in discussion sessions concerning, or to vote on the appointment, promotion, or tenure of tenure-track faculty members," but are otherwise eligible to vote at faculty meetings and to "serve and vote on all law school committees except Promotion & Tenure and Appointments."

Appointment Procedures for Adjunct Faculty, providing that the dean, with committee approval, may initially approve or assign adjunct faculty; providing procedures for faculty committee review of the adjunct's performance and subsequent reappointment; and stating that the dean should not reappoint an adjunct who the committee believes should not be reappointed, "except under extraordinary circumstances, which the dean shall report to the faculty." An appointment to teach the same course more than one semester or a different (second) course during an academic year requires faculty approval.

Governance, defining the term "faculty," and indicating the ranks of those eligible to attend faculty meetings and to exercise voting rights.

II. COMMITTEES

Service on College of Law committees and other non-committee assignments is solicited by the Dean, who then submits a proposed list of members for faculty discussion and approval. College of Law Committees include the following:

- Academic Standards
- Adjunct Teaching
- Admissions
- Appointments
- Curriculum
- Facilities
- Faculty Development
- Financial Aid
- Graduate Tax Admissions
- International Programs and Comparative Law Admission
- Non-Tenure Track Appointments, Retention, and Promotion
- Promotion and Tenure File
- Technology and Information

In addition, faculty serve as advisors to the College’s Law Review and Journals, Moot Court teams, Honor Court, Trial Team, Judicial Clerkships, and Inns of Court. Our four representatives to the Faculty Senate are selected by faculty. All faculty, whether tenured, untenured, or non-tenured track, are eligible to serve as Senators and on committees.

Through these Committees, the faculty engages in many shared governance functions, including the following: drafting the hiring policy for full faculty approval; developing and overseeing grading policies; choosing applicants for admission to the College; selecting scholarship recipients; suggesting improvements to and overseeing the physical plant; developing policies on issues such as merit pay and sabbaticals; conducting peer teaching evaluations; and making policies dealing with teaching.

III. “COMMON LAW” PRACTICES

Being small in number, the faculty acts as a committee of the whole to deal with major issues affecting the College, including Appointments, Advancements, and Curriculum development. Other aspects of shared governance include the following:

Faculty retreat: The faculty historically has convened for retreats, and the dean has continued this process each August to advise the faculty on issues regarding the state of the College.

Faculty meetings: The dean’s office sends out a notice prior to each faculty meeting

requesting agenda items, and any faculty member may request that an item be placed on the agenda.

Teaching preferences: The dean's office sends out a questionnaire each semester to the faculty inquiring about the courses each member would like to teach. For the summer semester, the questionnaire also includes an inquiry regarding research assignments.

IV. SHARED GOVERNANCE COMMITTEE COMMUNICATIONS WITH THE FACULTY

The Committee conducted an informal poll of the College of Law faculty, asking the following questions:

1. Please indicate any particular areas of shared governance you believe the faculty should address.
2. The dean has asked the Committee to evaluate whether the College should create a Faculty Policy / Advisory Committee which the dean could consult regarding matters involving decanal discretion. What are your thoughts on this idea?

The Committee then discussed the Committee's mission at a luncheon meeting of the faculty, and at a second meeting of the untenured faculty. The following was the agenda of these meetings:

- I. THE COLLEGE'S COMMITTEES
 - A. How can we improve our election and appointment procedures?
 - B. To provide for continuity over time, should the Appointments, Curriculum, and Promotion & Tenure Committees be appointed for a term of years with chairs elected by the faculty or appointed by the dean or by a Committee on Committees?
 - C. Should we establish an upper or lower limit for the number of committees each faculty member serves upon?
 - D. Should we create new committees such as (1) Budget, (2) Long-Range Planning, and (3) an Ad Hoc Committee on Committees?
 - E. Should we combine the Adjunct and Non-Tenure Track Committees?

II. DECANAL STRUCTURE

- A. Should we suggest changes to the decanal structure? In particular, should we suggest changes regarding the role and function of the Associate Deans?
- B. Should we conduct an annual faculty review of the Deans?

III. FACULTY MORALE – COLLEGIALITY

- A. Should we revise the written standards governing the Appointments and Promotion & Tenure Committees to ensure greater transparency and consistency in decision-making?
- B. What can we do to improve the mentoring of non-tenured faculty?
- C. What can we do to improve over-all faculty morale?

Responses from the faculty included the following comments and concerns.

- * The College should establish a means of assessing the utility of current committees, and develop a mechanism for sun-setting any unnecessary committees.
- * The College should more clearly define the jurisdiction of its committees.
- * The College should *not* more clearly define the jurisdiction of its committees.
- * Committee proposals should be disseminated to the faculty well in advance of faculty meetings; and a mechanism should be established (such as a computer blog or other on-line discussion group) for faculty members to provide input to committee members prior to the faculty meeting at which the committee's recommendations will be discussed.
- * The faculty should establish a culture of giving more deference to the recommendations of committees.
- * A set of operating guidelines should be developed for committees, including procedures establishing deadlines for the issuance of committee reports, faculty action on committee recommendations, and the role and duties of the Chair and members.
- * In theory, the concept of a Dean's Advisory Committee is laudable, but selecting committee members who represented the interests of the entire faculty would be extremely difficult, if not impossible. Although random selection of members might be a solution, the committee likely would still be perceived as intensely political.
- * Roberts Rules of Order should be followed more precisely during faculty meetings, especially concerning amendments to committee proposals.

LEVIN COLLEGE OF LAW SHARED GOVERNANCE POLICIES

Faculty Appointments

(5/13/77; 5/18/79; 1/21/83; 9/18/03)

General Criteria for Appointments

The criteria for original appointment of faculty members, which should be considered by the dean, the Appointments Committee, and the faculty, are:

1. Teaching ability.
2. Creative research ability.
3. Intellectual strength and interests, including dedication to teaching students and research.
4. Areas of special interest or specialization, and the college's needs as to courses and programs.
5. Educational qualifications, including graduate degrees in law and related fields.
6. Institution from which graduated, standing in law school class and standing in graduate study.
7. Experience in law practice, business, and teaching experience in other disciplines.
8. Recommendations from teachers, colleagues, practitioners and others.
9. Awareness of the relationship between academic freedom and academic responsibility, such as is indicated in the October 31, 1970, statement of the Council of the American Association of University Professors entitled "Freedom and Responsibility."
10. The University of Florida Levin College of Law is committed to non-discrimination with respect to race, creed, color, religion, age, disability, gender, marital status, sexual orientation, national origin, political opinions or affiliations, and veteran status. (04/26/01)

Appointments Committee

1. The Appointments Committee is charged generally, working in conjunction with the dean, with identifying personnel needs, establishing priorities of needs, locating prospective faculty members, evaluating candidates, and making recommendations to the faculty.
2. As the first order of business after its designation by the dean, the chairperson of the Appointments Committee will be elected by the voting members of the committee, to serve at the pleasure of its voting members.
3. The membership of the Appointments and Curriculum Committees should be announced by the dean early enough for the committees to assume formal authority by September 1st. The time of announcement is thought to be best by the end of classes in the Spring Term.
4. There will be two non-voting student members of the Appointments Committee, one of whom will also be chairperson of the Student Interviewing Committee.
5. All matters concerning appointment of faculty members shall be referred to the committee except that instructors in the legal writing program who do not serve for more than four quarters may be appointed administratively without reference to the committee or to the faculty. As to all prospective appointees, the committee shall prepare and make available to the faculty a written report containing recommendations, including rank, duration of appointment and tenure status. Tenure status on an original appointment can be granted only upon vote of the tenured faculty. Each member of the faculty is to be encouraged to submit to the committee the names of candidates he believes deserve serious consideration. The committee shall make every effort to keep the faculty apprised of persons who are under consideration for possible appointments. Visits are to be encouraged when feasible from the standpoint of economics or time.

COMMENT: The Appointments Committee is responsible to the whole faculty regarding the performance of its duties. It is required to report in writing to the faculty and to keep the faculty informed of its activities in the area of

appointments. If the original appointment is ultimately recommended to be with tenure, tenure status is to be determined separately in accordance with procedures for recommending tenure. While visits of prospective appointees are desirable, they cannot be made mandatory in view of limitations as to finances and time.

6. The Appointments Committee is the chief arm of the faculty in the identification and recommendation to the faculty of personnel needs. However, the Curriculum Committee will annually and at other appropriate times assess the curriculum and its implementation by the faculty and administration, and that committee will provide its considered evaluations to the faculty and to the Appointments Committee in a joint meeting with that committee in such time as to be of aid in the recommending and decisional functions of those bodies. Based on such Curriculum Committee evaluation, counsel from the dean, goals of affirmative action, needs for balance in educational perspectives, input from individual members of the faculty and from the student body, and other relevant inquiries, the Appointments Committee will at the earliest feasible time in the Fall Term transmit to the faculty its recommendations on hiring policy for the year. All faculty entitled to vote on appointments will be eligible to vote to affirm, modify, or reject such recommendations, and such vote will be binding on the committee unless modified by subsequent faculty action. The Appointments Committee may at any time propose to the faculty for its review and vote changes in the hiring policy as previously adopted by the faculty. However, if the change recommended by the committee is authorization to search for one or more additional visiting faculty appointees, notice to all members of the faculty will suffice to authorize such search.

Meetings and Balloting

1. The dean shall schedule a meeting of those faculty members eligible to vote to receive recommendations of the committee. This meeting shall be a discussion meeting and shall not be convened until at least three days after the committee's report has been distributed to the faculty. During the meeting, any voting member may move that any candidate for a faculty position that has been interviewed on campus by the faculty in connection with positions currently open be placed on the ballot along with those candidates recommended by the committee. A simple majority of those voting shall carry the issue.

COMMENT: The purpose of the discussion meeting is to allow faculty members to express their opinions, to take any action other than final balloting on the nominee, and to receive any additional information pertinent to the issue. The reason for this minimum time period is to make certain that faculty members have had time to consider the committee report.

2. Whenever the Appointments Committee reviews the status of a visiting faculty member in residence with regard to a permanent appointment it will report its action to the faculty at an appointments discussion meeting.

3. Persons not interviewed on campus may not be added to the ballot at an appointments meeting. If any person has a complaint about the committee's failure to interview specified persons, he shall ask the dean to place the matter on the agenda of the faculty meeting next ensuing after the complaint is made and it shall be done. If a two-thirds majority of the faculty voting votes to extend an invitation to visit to the particular candidate, the committee will do so. The consideration of other persons for appointment shall not be held up in accommodating this process, unless a complaint is made to the dean within one week from the time the committee gives notice of its intention to invite the first of any other candidates whom the committee intends to invite to visit.

4. Balloting on appointments shall occur on the first working day after the appointments meeting unless a later date is agreed upon at that meeting. A secret ballot shall be taken, but an eligible voter may cast his vote by telephone. All faculty members eligible to vote at faculty meetings are eligible to vote on appointments. Faculty members on leave are eligible to vote if in the opinion of the dean the committee's report and a summary of the discussion at the meeting may be supplied to them and their ballots obtained without undue delay. An approving vote by a majority of the faculty members

eligible to vote is necessary before a recommendation for appointment can be forwarded. If a faculty member eligible to vote does not vote, or votes to abstain, his vote or failure to vote will not be considered in determining a majority if he is a faculty member on leave, or not on duty, or not physically present.

COMMENT: Balloting is delayed until the first working day after the appointments discussion meeting to permit a reflective judgment to be formed. While the balloting is secret, the secrecy is for the benefit of the voter. To an extent secrecy is waived if the voter utilizes the telephone. In such a case the party taking his vote would know how he voted. The mechanics of taking the ballots of faculty members on leave would pose little problem if they have not left the city. Faculty members on leave abroad are another matter. Besides the delay that might be involved, prompt resolution of an appointments issue is desirable. The dean will have to try to make a realistic and practicable judgment here. Regarding the necessity of an approving vote by a majority of the faculty members eligible to vote, the sentence providing that votes to abstain and failures to vote by faculty members on leave, or not on duty, or not physically present are not to be counted in determining a majority, is intended to facilitate obtaining a majority. Votes of "yes" or "no" by faculty members in any of these three categories will be counted determining the majority. Faculty members determined by the dean not to be eligible to vote because undue delay would be encountered in obtaining their votes are not to be considered in determining a majority.

5. For rules on proxy voting, see "Proxy Voting," page 33 [of the Policy Manual].

6. For visiting appointments, solely for the purpose of course coverage, the Dean will recommend visitors and the faculty will vote yes or no on the Dean's recommendation (with at least twenty-four hours notice). In the event that the Dean needs to hire a visitor to cover a course on an emergency basis, the Dean may do so provided that such visitor will be ineligible to be considered for a permanent position until the semester following the conclusion of the visit. Faculty vote on look-see visits will be in accordance with existing procedures.

7. No invitation to join the faculty shall be extended if there is opposition on the faculty of sufficient importance that, in the judgment of the dean after consultation with the committee, the appointment would not be in the best interest of the College of Law. In any such case, however, the dean shall evidence his decision in a writing submitted to the faculty members voting on the appointment and give detailed reasons in that writing as to why he elects not to forward the recommendation.

COMMENT: The initial appointments procedure should be the most crucial procedure, more so than promotions and tenure. Consequently, a veto power is furnished to the dean. Prior to using this power, the dean must consult with the Appointments Committee. If it is used, the dean must explain to the faculty, in writing, why he elects not to forward the faculty's recommendation.

Administrative Appointments

The dean shall appoint persons to subordinate administrative positions, but if the appointee will be engaged in teaching and research, the appointments procedure applicable to faculty members shall be followed.

COMMENT: Subordinate administrative appointments are the prerogative of the dean. He or she must be free to appoint to these positions persons in whom he or she has confidence and with whom he or she can effectively work. A safeguard is provided to the faculty where such appointments are new and would, in part, involve teaching and research.

Term of Deanship

It is the sense of the faculty that the dean should not serve more than five years unless, upon favorable review by the faculty, he or she is requested to serve for an additional period not to exceed five years. The review process will be conducted early in the fifth year of the dean's service by a special committee of five faculty members elected by the faculty as a whole. Initiation of the election process of the special committee is the responsibility of the Promotion and Tenure Committee.

This statement shall be forwarded to the president of the university and be communicated to all candidates for the office of dean of the College of Law. It shall also be published in the Policy Manual of the college. (8/8/80)

Filling Endowed Professorships

(11/9/84)

The power to select and fill endowed professorships from the ranks of the existing faculty [sic] be exercised by the dean, and in the selection process the dean is empowered to apply all criteria which best serve the interests of the College of Law.

COMMENT: From discussions of an ad hoc faculty committee appointed by Dean Read with many faculty members, it would appear that a sizeable majority of the faculty expressing an opinion favor decanal selection for a variety of reasons. Some felt that it would be too divisive to have the ultimate power rest with the faculty (or a committee thereof); others believed that the dean would be more likely to reflect centrist values, better balancing competing interests within the college than a faculty committee or other entity. While virtually no support was voiced for selection by faculty or faculty committee, a few colleagues did advocate vesting the power of selection in an outside committee, consisting either solely of distinguished teachers at other institutions or those academics acting in conjunction with distinguished practitioners. Overall however, all members of the committee and a significant number of the faculty indicated a preference for the practice which most other schools apparently follow — decanal selection.

There was more support for the faculty's adoption of criteria for selection than for faculty involvement in a particular selection. While the majority of the committee and probably most of the faculty expressing an opinion would leave this, too, to the dean's discretion, certain faculty favored the adoption of a list of factors. A majority of those who would also establish priorities would appear to favor scholarship and national reputation over outstanding teaching and perhaps service and seniority as well. From discussions with members of other law school faculties, it would appear that here, too, the dean is typically given the necessary discretion to take into account the overall needs of the institution and is not bound by a limiting set of criteria. As the number of endowed professorships increases at the institution, seniority would appear to acquire increased significance

Procedure for Recommending Promotion and Tenure

Initiation of the Process

1. Appointment of Promotion and Tenure Committee Members: Appointment of Promotion and Tenure Committee members should occur in the spring of each year.
2. The dean shall refer to the Promotion and Tenure committee the names of all faculty members who by reason of time in service are eligible for promotion or tenure. Consideration for promotion may be deferred with the concurrence of the faculty member.
3. The dean shall forward to the committee the promotion and tenure file for each candidate referred. Each candidate for promotion or tenure shall be permitted to review the Promotion and Tenure File at any reasonable time and shall be requested to review it in the spring before the fall term of the academic year in which a promotion or tenure decision is to be made. At that time and at any later time the candidate may submit additional relevant material. The fact that the candidate has been given an opportunity for pre-consideration review shall be noted in the file.

Committee Report

1. After receiving a referral for consideration for promotion or tenure, the committee shall prepare a written report concerning the candidacy. This report shall assemble all information and evaluations pertinent to the application of criteria for promotion or tenure. The committee report should also include a copy of the Dean's Annual Report to the candidate for each year since hiring or the candidate's last promotion. The committee report should also include (1) a copy of the Dean's Annual Report to the candidate for each year since hiring or the candidate's last promotion, and (2) a written statement from the candidate concerning whether he or she waives the right to learn the

identity of the outside reviewers and the content of their reviews. A meeting of faculty members eligible to vote on an issue of promotion or tenure shall be convened no sooner than seven calendar days after the committee's report has been made available to eligible voters.

COMMENT: The role of the committee is to gather the information to be included in the report. The purpose of the report is to provide information to the faculty that will assist it in evaluating the performance of the candidate. The burden of full preparation to discuss and vote on individual candidacies rests with each voting faculty member. To facilitate faculty preparation, the committee will distribute copies of articles, teaching evaluations, evaluations of scholarship and the like as soon as these materials are available. The committee may distribute notebooks or binders early in the fall semester to help faculty members organize materials as they are distributed.

2. In evaluating the scholarly work of a candidate for promotion or tenure, the faculty will consider only published works and manuscripts accompanied by a letter of commitment for publication received prior to the faculty discussion meeting. Publication in a journal sponsored by a non-ABA accredited law school will not suffice. For the purpose of promotion to associate professor, scholarly works that were in progress when the candidate joined this faculty will be evaluated and considered only if a substantial portion of the work is completed after joining this faculty. For the purpose of promotion to full professor or the grant of tenure, quality, quantity, and timing of all scholarly work, whenever produced, will be considered.

COMMENT: Because promotion to associate professor is, in effect, a recognition of accomplishment while a member of this faculty, only the work completed while a member is to be considered. At the time of hiring, an understanding between the dean and the faculty member should be reached in writing as to the treatment of works in progress. Because promotion to full professor and the grant of tenure are based on a projection of the candidate's lifelong productivity, all prior scholarly work is relevant.

3. The primary responsibility for evaluating scholarly work rests with the dean and with this faculty. To that end members of the faculty selected by the committee will prepare written evaluations. In addition, the dean and faculty will consider written evaluations prepared by at least three qualified persons who are not members of this faculty. The committee will select persons from whom evaluations will be solicited in accord with Section C, below, the Protocol For Assembling Promotion Files, Selection of Reviewers, and Preparation of Reports.

4. Unless delayed by material interfering circumstances or factors, the committee shall make its report and recommendations to the faculty by the end of the first full week in November and the faculty shall make its decision in the last week of November, or the first full week in December.

Promotion and Tenure File

A Promotion and Tenure File shall be maintained for each regular faculty member until the rank of full professor and tenure has been attained.

Annual Record

The dean shall assure that the following materials are inserted into each active Promotion and Tenure File by the end of each academic year.

1. Courses taught each semester and size of enrollment.
2. Law school committee assignments and any record of performance as indicated in the Promotion and Tenure committee's annual report to the dean.
3. University committee assignments and any available information as to performance.
4. A copy of the teacher's annual activity report submitted to the dean including citations to writings published during the year and the repository of unpublished writings that the teacher wishes to have available for review.
5. A copy of the dean's annual review letter to the faculty member pertaining to performance in matters covered by promotion and tenure criteria.

6. A copy of all student evaluation reports (or peer evaluation reports, if performed) accumulated during the academic year. The forms themselves may be stored separately but the place of storage and identification of courses evaluated should be noted in the file.
7. A copy of the report from the committee to the dean pertaining to the review of the current state of the record.

Discussion Meeting, Voting, and Confidentiality

5. Reports and Appeals. The dean shall notify the candidate in writing immediately or as soon as possible of the final action taken on the nomination for tenure or promotion. If the candidate is denied tenure or promotion the notice shall include a statement of the reasons for the denial. A faculty member who has been denied tenure or promotion may notify the dean in writing that he/she intends to appeal and submit further information and argument supporting the appeal to the dean and, if necessary, to superior administrators.

Annual Reports/Promotion and Tenure

Annual Report on Faculty Members Who are Not Tenured Full Professors

The Dean's Annual Interview and Letter. The dean shall have an annual interview with each faculty member who is not a tenured full professor for the purpose of discussing progress toward satisfying promotion and tenure criteria. Particular attention will be given to opportunities for progress that have been available and the need for future opportunities for progress in areas of weakness. Each faculty member shall be permitted to review the Promotion and Tenure File and to submit material to augment or explain matters touched upon therein. After the interview, the dean shall write a letter, commenting as appropriate upon the apparent progress or lack of it toward satisfying the criteria for promotion and tenure.

Sabbaticals, Research Program, Leaves and Exchanges

(The Faculty Support Committee recommended changes to the Sabbatical Program, but the faculty voted to not adopt the changes; policy remained the same. 9/11/98. Several changes were made to the policy on 4/30/02).

Eligibility

Any tenure-track faculty member who will have achieved twelve regular semesters (spring or [sic] all) of eligible service at the start of the academic year for which the sabbatical has been granted shall be eligible to apply for a sabbatical. An individual who expects to be tenured at the time the sabbatical is taken may apply prior to being awarded tenure; any award by the dean of a sabbatical to an untenured individual shall be conditional upon such individual's receiving tenure prior to the taking of the sabbatical.

Application Procedure

The dean shall request faculty members to indicate that they wish to be considered for a sabbatical during the fall semester preceding the academic year in which the sabbatical is to be taken. Applications submitted at that time shall be given priority; late applications may be considered as funding and teaching needs permit.

Consideration of Applications

The dean shall consider each proposal submitted and shall grant or deny each request prior to the conclusion of the fall semester based on the quality of the proposal and the applicant's productivity in scholarship, teaching, and service in the previous six years. In cases of denial, the Dean shall give written reasons for the decision.

COMMENT: It is anticipated that the Dean will grant most sabbatical requests, but this policy gives the Dean discretion to deny or delay sabbaticals, if written explanation is given. Information about the intended use of the sabbatical should be provided in the proposal that this policy requires and should make clear how the sabbatical will enhance scholarship, teaching and/or service. Information about past productivity should be available from the annual report that each faculty member must submit and should be used by the Dean to help assess the extent to which the sabbatical will enhance scholarship, teaching and service.

Compensation

A faculty member shall be compensated at a rate of: (1) one-half of the normal rate of pay for a sabbatical of two semesters; or (2) at full pay for a sabbatical of one semester. Compensation shall also include the full contribution normally made by the university to retirement and insurance programs, as well as the individual's full Faculty Enrichment Fund allotment.

Record of Activities

No tangible research product is required of a person who receives a sabbatical. On returning from sabbatical, however, the individual shall submit a written report to the dean describing activities undertaken during the leave.

Service Following Sabbatical

A faculty member is expected to return to the College of Law on a full-time basis for two semesters following a sabbatical leave, or to return to the university the salary received during the leave.

Number and Timing of Sabbaticals

The dean should make every reasonable effort to provide sabbatical leaves in each academic year to all eligible faculty. The dean and the faculty member awarded a sabbatical shall agree on the semester during which the leave shall be taken, taking into account the faculty member's preferences and the teaching needs of the institution.

Summer Research Assignment

1. *Eligibility:* All tenure-track faculty members at the University of Florida Levin College of Law who are on nine-month salaries. Untenured tenure-track faculty are presumptively entitled to research assignments every summer.
2. *Research Requirement:* Eight weeks of research, devoted to completing one or more definitive projects leading to publication of an article, paper, book or other written material intended for distribution beyond the University of Florida Levin College of Law. Summer research assignments shall be granted to all applicants who: (1) submit a research proposal; (2) are able to devote at least eight weeks during the summer to research; and (3) have produced significant scholarship in the previous three years (excluding family, medical and similar leaves). Under exceptional circumstances, the Dean may also grant a summer research assignment to a faculty member who does not meet criterion (3).

COMMENT: Every faculty member at the Levin College of Law should be engaged in scholarship of high quality. The purpose of this program is to encourage and support such scholarship, with the understanding that it comes in many forms, including essays, books, chapters, empirical work, and teaching materials, as well as law review articles, and with the recognition that a work's length alone is not the sole measure of substantiality. In applying criterion (3), the Dean should demand documentation of productivity during the previous three years, including any summer research assignments previously granted. Production of two law review articles or other scholarship of comparable significance during the three-year period should generally satisfy that criterion. But the ultimate determination of whether scholarship has been significant, and whether exceptional circumstances exist that justify giving a research assignment in the absence of significant scholarship, shall be within the discretion of the Dean. Nor does this program affect the

Dean's authority to facilitate scholarly productivity by adjusting teaching loads during the regular school year, pursuant to the Strategic Plan of April 30, 2002. University policy requires that paid summer research assignments be carried out at the University of Florida unless dispensation to conduct the research elsewhere is granted by the Dean.

Research Grant Program

(2/25/82; 1/21/83; 10/28/83)

1. *Eligibility:* All tenured and tenure-track faculty members at the University of Florida College of Law.
2. *Research Requirement:* A definitive project leading to publication of an article, paper, book or other written material intended for distribution beyond the University of Florida College of Law.
3. *Remuneration:* Two-thirds of salary otherwise payable if the grantee were to teach for the summer or the semester, as the case may be. All fringe benefits are to be continued. The grant may be used by the faculty member to supplement outside funding that may be obtained.
4. *Number:* A minimum of three each academic year, including the summer term. Grants would be awarded for either summer or semester research leaves.
5. *Selection Process:* Selections will be made solely by the dean of the College of Law. There will be no ranking of applicants or consideration of proposals by any faculty committee. If an excess of applicants exists, priority should be given to applicants who have not received research leaves under this program in the previous three years. If an excess of applicants still exists, factors to be considered by the dean shall include (but not be limited to) date of most recent paid leave (preference to those who have not had recent leaves), total assigned work load, prior publication record and whether publication is intended for remunerative or non-remunerative purposes.
6. *Application:* Applications are due in the Dean's Office by the Friday of the third full week in October, for the following summer, fall and spring semesters. These applications will be considered as funds and teaching needs permit.
7. *Relationship to Other Programs:* Both this and the Sabbatical Programs are to have equal priority for selection and funding purposes. If a faculty member receives a funded research grant, that would in no way affect his or her eligibility or priority for a subsequent sabbatical.

Non-Tenure Track Teaching Faculty

Dean's Ability to Recognize Teaching or Other Employment Experience

Nothing stated herein should be taken to preclude the ability of the dean, in recognition of previous teaching or other appropriate employment experience, to offer a new non-tenure-track legal skills faculty member a contract of three or five years length or to reduce the required number of academic [sic] year the new hire would need to teach before being eligible for a three-year contract.

Comment: In a memorandum to Dean Jon Mills dated January 12, 2000, University Counsel Pam Bernard interpreted the Florida Administrative Code, as well as applicable Board of Regents and University of Florida rules, in a manner supporting the law school's ability to make the modifications recommended herein.

Hiring Process

When the dean has identified the need to hire a new non-tenure-track member, he or she shall ask the A&R Committee to conduct a search. At the conclusion of its search, the A&R Committee shall make appropriate hiring recommendations to the faculty. Following discussions, the faculty shall vote on the A&R Committee's recommendations. The recommendations of the A&R Committee, and the results of the faculty vote, shall be reported to the dean. Final authority to hire a non-tenure-track legal skills faculty member, or not, shall rest with [sic] dean.

Process of Review Before Granting Renewal Under a Long-Term Contract

If a non-tenure-track legal skills faculty member is eligible to be considered for renewal under a longer-term contract, there shall be a formal review of his or her performance. This review shall begin with an evaluation conducted by the A&R Committee. At the conclusion of its evaluation, the committee shall make appropriate recommendations to the faculty. Following discussion, the faculty shall vote on the committee's recommendations. The recommendations of the committee, and the results of the faculty vote shall be reported to the dean. Final authority to grant or not grant a longer-term contract to a non-tenure-track skill faculty member shall rest with the dean.

Process of Review Before Granting Renewal of Five-Year Contract

If a non-tenure-track legal skills faculty member is teaching under a five-year contract and is eligible to be considered for renewal, the authority to renew the contract of the non-tenure-track legal skills faculty member shall rest with the dean without the requirement of a formal review. In these contract renewal decisions, the dean may choose to consult with the A&R Committee. Contact renewal shall be based upon the dean's determination that a non-tenure-track legal skills faculty member's performance has been satisfactory.

Note: Prior to the beginning of the 2000-2001 contract year, the dean reviewed the circumstances of each existing non-tenure-track faculty's employment and determined the faculty members appropriate salary and term of contract.

Appointment Procedures for Adjunct Faculty

Initial appointment by dean, with committee approval: The dean may initially appoint Track Two (outside) adjunct faculty or assign Track One (inside) adjunct faculty, with approval of the Adjunct Teaching Committee. The dean should provide the Adjunct Teaching Committee with resumes and any other available information regarding the proposed adjunct, as soon as reasonably possible.

New course is a new appointment: When an adjunct is appointed to teach a course that the adjunct has not previously taught, or which is not substantially similar to a course the adjunct has previously taught, that appointment shall be considered an initial appointment, for purposes of these policies.

Initial evaluation in first semester: The Adjunct Teaching Committee shall make every effort to do a written evaluation of adjuncts in their first semester of teaching.

Basis of committee's written evaluation: A member of the committee shall do a written evaluation, based on a review of the course syllabus and materials, and class visitation.

Review of evaluation by the full committee: The committee shall review the written evaluation, as soon as reasonably possible after the evaluation is completed. Where the evaluation is deemed by the committee to be negative, a different committee member shall do a second evaluation, and a fuller evaluation shall be done which may include past evaluations in this or other courses.

Review of student evaluations: The dean shall provide the committee with the student evaluations of the adjunct as soon as reasonably possible. The committee shall review the student evaluations.

Evaluation and recommendation to dean and adjunct faculty member: The Adjunct Teaching Committee shall submit the written evaluation, as approved by the committee, to the dean, and shall indicate when there appears to be discrepancy between the committee evaluation and the student evaluations. As part of its submission to the dean, the Adjunct Teaching Committee shall make a recommendation to the dean, which may include a positive recommendation, a recommendation that the adjunct not be reappointed to teach this course, or such other recommendation as the committee deems appropriate.

Copy of evaluation and recommendation to adjunct faculty member: A copy of the written evaluation and recommendation shall be provided to the adjunct at any point, but no later than at the time it is provided to the dean.

Subsequent reappointment: Following a positive recommendation to the dean by the Adjunct Teaching Committee, the dean may reappoint the adjunct to teach the same or a substantially similar course in subsequent semesters. Following a committee recommendation that the adjunct not be

reappointed to teach this course, the dean should not reappoint the adjunct to teach that particular course, except under extraordinary circumstances, which the dean shall report to the faculty.

Teaching second course in same academic year requires faculty approval, same course: If the dean wishes to appoint the adjunct to teach the same course more than one semester during the Academic year (including summer), the Adjunct Faculty Committee must present the appointment to the faculty for approval prior to the appointment, and the faculty's approval is required for the second appointment to teach the course.

Different course: If the dean wishes to appoint the adjunct to teach a second (different) course resulting in the adjunct teaching more than one course during the academic year, the Adjunct Faculty Committee must present the appointment for the second course to the faculty for approval prior to the appointment, and the faculty's approval is required for the appointment to the second course.

Subsequent reevaluation: The Adjunct Faculty Committee shall conduct subsequent evaluations at least once every four years. More frequent reviews should be done where appropriate to follow up on recommendations or concerns expressed in earlier reviews. After each evaluation, the committee shall make a recommendation to the dean regarding the advisability of continuing to utilize the adjunct in the particular course.

Adjunct Committee Reports to the Faculty

Presentation to faculty regarding adjuncts teaching more than one course in an academic year: The Adjunct Teaching Committee shall present to the faculty the names of adjuncts whom the dean proposes to teach for the second time in an academic year. Whenever feasible, this presentation should occur significantly prior to the publication of the course offerings for the semester in which the second course would be taught.

Survey of use of adjunct faculty: The Adjunct Teaching Committee should regularly provide the faculty with a survey of the use of adjunct faculty generally by the College of Law, and, where appropriate, should make recommendations to the dean and to the faculty regarding the use of adjuncts generally, including the advisability of using them in particular courses

Governance

(11/5/71)

For the purpose of participating in the governance of the College of Law by attending and voting at faculty meetings, "faculty" means those persons whose primary function is teaching and research and who hold the rank of professor, associate professor or assistant professor and includes the dean, associate dean, assistant dean and persons holding similar administrative positions if they also hold professorial rank but does not include the assistant to the dean, persons holding the rank of instructor or any interim rank or a member of the library staff, whether engaged in teaching or not, except that the law librarian by action of the faculty may be a member of the faculty. Persons serving in the College of Law with professorial rank as visitors, or holding an interim instructional rank, or otherwise directly engaged in the instructional program, are invited and encouraged to attend faculty meetings but are not eligible to vote.

COMMENT: The proposed definition is designed to identify those persons whose functions and responsibilities are at the heart of the educational process itself, as distinct from the personnel whose concern is centered in the necessary supporting services such as admissions, library, etc. The service of persons with interim status is from its inception usually intended to be of short duration. Therefore, these persons are not included within the fully participating faculty even though their duties maybe exclusively in the teaching area. Visiting professors occupy a unique position. They are usually established teachers whose experiences constitute a valuable resource. On the other hand, their long-range interest and commitment are usually elsewhere. Therefore, the proposal is that they participate in discussions but not directly in decisions. Mention is made of eligibility to participate in the faculty's deliberative and decisional processes,

because it is in connection with this type of action that the classification of law school personnel is here important. It should be emphasized that regardless of classification, any person who engages in teaching is vested with a full measure of academic freedom and responsibility in his teaching role, even though for other purposes he is not included within the definition of "faculty." Within the College of Law there have been examples of appointments to positions in which the title of the appointee has been determined solely or in part by the label on the budgetary item from which the appointee's compensation is paid. The philosophy of the definition is to posit faculty status on the duties assigned, and in the event of conflict between budgetary descriptions and teaching function, the assigned duties should always prevail over budgetary or similar factors.