

SETON HALL UNIVERSITY
SCHOOL OF LAW
BY-LAWS
Revised September 2005

PREAMBLE:

The accreditation standards of the American Bar Association and the Association of American Law Schools are incorporated by reference into these By-Laws as part of the governing documents of the Seton Hall University School of Law.

1. MEETINGS:

(a) The Faculty shall have two classes of meetings, regular and special.

(b) Regular meetings shall be held on the third Friday of September, October, November, January, February, March, April, May and June at 2:00 p.m. unless classes are not in session on such third Friday.

(c) Special meetings shall be called on the instance of the Dean or upon the signed petition of five or more regular full time (tenured and tenure-track) Faculty members, and shall be held not more than 10 days after the service of the petition on the Dean and upon the date specified in the petition.

(d) On days when evening classes are in session, meetings shall end at 5:30 p.m., unless the Faculty should vote otherwise by a two-thirds majority.

(e) By majority vote, meetings may be continued to a further day.

2. AGENDA AND MINUTES:

(a) The Dean shall provide the Faculty with a complete agenda, including final committee reports, seven full days before the date of the Faculty meeting at which the agenda is to be considered (e.g., by Friday at 2:00 p.m. for a Faculty meeting at 2:00 p.m. the following Friday.) Subject to the provisions of paragraph 2(b), unless copies of the motion and any related committee report have been provided to the Faculty at least seven days

before a meeting, a motion must lie over until the next Faculty meeting, when it shall be considered as unfinished business.

(b) All agenda items, including all supporting materials, must be delivered to the Dean in final form at least fourteen full days before the date of the Faculty meeting at which the item is to be considered (e.g., by Friday at 2:00 p.m. for a Faculty meeting held at 2:00 p.m. Friday in two weeks). The Dean shall have the power to adopt reasonable policies regarding the form and manner of such submissions. Any matter not on the agenda shall not be considered at the Faculty meeting, absent a vote adopted by two-thirds of the members attending the meeting to allow consideration of the matter.

(c) The Dean shall have the following powers and responsibilities in setting the agenda:

(1) Refer the reports and recommendations of a committee to other Faculty committee(s) for action, with a reasonable deadline for action, before consideration by the full Faculty.

(2) Review motions and reports before placing them on the agenda, and, when appropriate, assist in drafting and revising them. Such assistance shall apply to the rewording of the texts for the sake of clarity, and not to changing their contents.

(3) Refer matters back to the originating committee if the accompanying written report fails to contain adequate information as required by these bylaws.

(4) Original reports and recommendations of voting Faculty members shall be subject to the same provisions governing reports and recommendations of a committee under subsection (1) of this sub-paragraph.

(5) Defer consideration of any matter not submitted in a timely manner, as provided in paragraph 2(b) of these bylaws, to the next regular Faculty meeting.

(6) The Dean's decision under this paragraph may be appealed by motion to the full Faculty, to be heard at the next Faculty meeting as new business. The motion shall not be debatable but the Dean and the proponent may submit short written

statements regarding the motion. Subject to the provisions of paragraph 2(b), if the motion is approved by a majority vote of the Faculty at that meeting, the item will be placed on the agenda of the following Faculty meeting.

(d) The Secretary of the Faculty shall keep the minutes of every Faculty meeting and the minutes shall include the complete text of all resolutions adopted.

(e) At regular Faculty meetings the order of business shall be: (1) approval of minutes; (2) report by the Dean; (3) report by the Associate Dean; (4) unfinished business; (5) reports and recommendations of committees; (6) reports and recommendations of voting Faculty members, and (7) new business. Within each sub-heading, items normally shall be considered in the order they are presented to the Dean for inclusion on the agenda. This order can be changed by a vote adopted by two-thirds of the members attending the meeting. The Deans' announcements may be presented in writing.

3. **RULES:**

(a) (1) In its meetings, the Faculty shall adhere to the simplest possible rules of procedure, but for general procedural background, "Roberts Rules of Order Newly Revised" will guide the Faculty in cases of dispute.

(a) (2) 1. **To Prevent or Postpone Action.**

The following motions are designed to prevent or postpone action on a motion.

(a) **To Object to Consideration:** If passed, the question to which it applies may not be raised again until the next meeting. It requires no second, cannot be debated or amended.

(b) **To Withdraw a Motion:** Before a motion is formally open to debate, it may be withdrawn at will by its original mover. After that time, it may be withdrawn only with the consent of the Faculty.

If a single member objects to withdrawal, then a formal motion to withdraw must be moved, seconded, and voted upon without debate. If withdrawn, the motion may not be made again until another meeting.

(c) **To Postpone to a Fixed Time:** This interrupts consideration of the business to which it relates. It can be amended only by changing the time specified and is debatable only with respect to the propriety of the postponement; it requires a simple majority for passage.

(d) **To Commit or Recommit:** If the motion is adopted, the subject under consideration is referred to committee or committees. When the committee named is the same as that which reported the original question to the meeting, the motion is to recommit. It may be debated and amended, and requires a simple majority.

2. **Motions to Hasten or Expedite.**

The following motions are designed to hasten or expedite action on a motion (all requiring 2/3 majority).

(a) **To End Debate (Call the Question):** If adopted, such a motion has the effect of causing an immediate vote on the question to which it applies. Unless otherwise specified, it applies to the principal motion and all related amendments. Such a motion may not be debated or amended. It requires a two-thirds majority for passage.

(b) **To Suspend a Rule:** This motion applies to a specific question under consideration, and the rule or rules suspended are in force again as soon as the question under consideration is disposed of. The motion interrupts consideration of the business to which it applies. It cannot be debated or amended. It requires a two-thirds vote for passage, except as otherwise provided in a specific rule.

(c) **To Limit Debate:** This motion has the effect of fixing a time at which debate on a subject shall be terminated. It is not debatable, but it can be amended as to time. The amendment may be debated. A motion to limit debate requires a two-thirds vote for passage.

3. **Motions to Maintain Rules.**

The following motions are designed to maintain rules.

(a) **Point of Order:** The Chair may interrupt any speaker on any business at any time to call a member to order, or to rule a motion out of order. Similarly, a member may interrupt a speaker or business by rising to a point of order which, when stated, is decided upon by the Chair immediately. There shall be no second, or debate, except that the Chair may, at the Chair's discretion, submit the question to the meeting and permit a brief debate thereon.

(b) **Parliamentary Questions and Matters of Privilege:** Any member may interrupt a speaker or any business in order to request information regarding proper procedure or with respect to facts under discussion. The Chair immediately rules as to whether the question or request is a proper interruption and acts accordingly. There is the usual right of appeal from the Chair's ruling.

4. **Parliamentarian.** At a regularly scheduled meeting, the Faculty shall elect a Parliamentarian to serve for a term of three years. The Parliamentarian shall advise the Chair in its rulings in accordance with the adopted parliamentary authority.

(b) Meetings shall be chaired by the Dean or, in the Dean's absence, by any Associate or Assistant Dean, provided however, that he or she is a tenured member of the Faculty, or by such other tenured Faculty member as the Dean shall appoint.

(c) The Dean shall respect the principle of neutrality when matters are under debate. If the Dean desires to take a partisan position in a debate, the Dean shall so announce to the body and then relinquish the Chair for the remainder of the consideration of the matter to a tenured Faculty member.

(d) All rulings made by the Chair shall be appealable to the body. Whenever the ruling of the Chair is appealed, the body may by a majority vote of those present and voting reverse the ruling of the Chair.

(e) At the request of any member of the body, voting shall be by secret ballot. In matters of Faculty personnel, voting shall be by secret ballot.

(f) **Uncontested Matters.**

(1) Before opening debate on any motion or similar agenda item requiring a Faculty vote, the Chair (or committee chair or Faculty member presenting the matter) shall briefly summarize the purpose of the recommendation, its principal features and major issues and inquire if there is any objection to the item or if any member has a question regarding the matter that was not addressed in the committee report, and if none is proffered immediately proceed to a vote.

(2) No discussion of an uncontested matter shall be permissible absent a vote adopted by a majority of the members attending the meeting.

(3) The Chair shall have the power to determine if a putative objection or question should be recharacterized as an attempt to evade the prior subsection.

4. **ATTENDANCE**

(a) No person other than Deans of the Law School and full-time Faculty may attend Faculty meetings except: (1) The Chancellor and Provost of the University at their request or on invitation of the Dean or Faculty; (2) Visiting Faculty; (3) the President of the Student Bar Association; (4) A representative of the editorial board of Res Ipsa Loquitur and five students selected at random from those wishing to attend Faculty

meetings, without the right to participate; (5) Any other person on invitation of the Dean or Faculty.

(b) Whenever in the judgment of a member of the regular full- time Faculty or the Dean, the matter about to be discussed is of a personal or confidential nature, such as those affecting personnel, the conduct of a particular Faculty member or an administrator or student, or compensation, any member of the Faculty may have excluded from the relevant portion of the meeting all persons except members of the regular full-time Faculty and the Deans.

(c) After such exclusion has occurred, any member of the regular full-time Faculty may move to readmit the excluded persons, who shall be readmitted upon a majority vote. The Chair may also, after such exclusion, rule that the confidential nature of the discussion being terminated, the excluded persons may be readmitted.

5. VOTING RIGHTS:

(a) Each regular full-time Faculty member shall have one vote except while on leave without pay from the University. The President of the Student Bar Association shall have one vote, except on matters affecting individual Faculty, students or staff; and when excluded pursuant to 4(b).

6. COMMITTEES:

(a) The following shall be standing Faculty committees: Academic Credentials, Budget, By-Laws/Faculty Guide, Clinics, Contract Renewal, Curriculum, DASC, Faculty Appointments, Financial Aid, Graduation, Law School Planning/Building, Independent Research, Library, Probation/Grievance, Rank and Tenure. Faculty approved on January 31, 1989 and May 10, 1996.

(b) Except as otherwise provided, the Dean shall appoint the regular Faculty members and the Deans to all committees.

(c) Upon approval by a majority of the Faculty, the Dean may appoint special committees of the Faculty, which shall be constituted as the creating resolution states, or absent such statement as the Dean shall appoint.

(d) All committees shall be composed of a majority of regular full-time Faculty. In no event shall there be fewer than three regular full-time Faculty members on any standing committee. No Dean shall be counted as Faculty for this purpose.

(e) Prior to making appointments of Faculty members to the various committees, the Dean shall solicit from each Faculty member that person's committee preferences, which shall be given all due consideration.

(f) **Committee Reports**

(1) Absent a vote of the majority of the Faculty to the contrary, committee reports shall not be read aloud at Faculty meetings. The committee chair or Faculty member presenting the report shall briefly summarize the purpose of the recommendation, its principal features and major issues.

(2) All matters placed on the agenda by a Faculty committee shall be accompanied by a written report containing adequate information on the matter in question. "Adequate information" means information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the matter under consideration, that would enable a hypothetical reasonable member of the Faculty to make an informed judgment about the matter solely by reference to the report.

(3) Whenever a committee remains divided as to its findings or recommendations on matters of substance, it may submit both majority and minority reports, although whenever possible compromise and consensus is encouraged.

(4) Each April or May, every extant committee shall present a short written report to the Faculty on the committee's activities for the year, including meetings

held and attendance at the same. Recommendations for changes in committee duties or structure may be included in an annual report.

(5) At any regular Faculty meeting, any voting Faculty member may introduce a motion under the heading of New Business to compel a committee report on a given matter at the next regularly scheduled Faculty meeting.

(g) **Duties of Committee Chairpersons.** In addition to the express duties provided by other sections of these bylaws, the committee chairperson shall:

(1) Schedule meetings and provide the members with reasonable notice regarding the same;

(2) Prepare a written agenda for each committee meeting and provide it to the members reasonably in advance of the meeting;

(3) Preside at committee meetings and keep accurate records of committee decisions and attendance;

(4) Oversee the preparation of all written committee reports to the Faculty.

(5) Answer questions at the Faculty meeting about matters placed on the agenda by the committee or designate a member of the committee to so act.

(6) If the Chair is absent or declines to call a meeting, a meeting may be called by any two of its members.

(h) **Rank and Tenure Committee:**

(1) The Rank and Tenure Committee is comprised of the Chair and four other tenured Faculty members. The Chair and members shall be appointed by the Dean with the advice and consent of the Faculty. The Committee membership shall be approved by the Faculty by majority vote on each member individually. It is the responsibility of the Rank and Tenure Committee to make written recommendations to the appropriate Faculty body with respect to tenure and promotion. The Dean shall not sit with the Committee.

(2) The Faculty Body considering tenure or promotion shall, in the case of tenure, consist of all of the tenured members of the Faculty, and in the case of promotion, of all tenured members having a rank equal or superior to the rank sought.

(3) The Faculty Body shall, as to the issue of rank of a proposed Faculty member, consist of all members of the Faculty having a rank equal or superior to that proposed for the applicant. Whenever it is sought to grant a potential Faculty member tenure on the Faculty, all tenured members of the Faculty shall be eligible to vote. Whenever it is proposed to give an applicant for appointment a rank higher than Assistant Professor, all those regular full time Faculty members who are not eligible to vote shall be afforded an opportunity to address the Body on the appropriateness of such rank.

(i) **Contract Renewal Committee.**

(1) **Appointment.** The Contract Renewal Committee shall be comprised of the Chair and four other tenured Faculty members. The Chair and members shall be appointed by the Dean with the advice and consent of the Faculty. The Committee membership shall be approved by the Faculty by a majority vote on each member individually. The Dean shall not sit with the Committee.

(2) **Responsibility and Recommendations.** The Contract Renewal Committee shall:

(a) Review untenured Faculty members during their first, second, and fourth years and provide written recommendations to the Dean with respect to the renewal or nonrenewal of a contract of a tenure-track Faculty member based on the standards in subparagraph (4). The Committee may provide a limited review where appropriate, e.g. during the first year of teaching, and shall not review Faculty members in the year in which they are granted promotion or tenure.

(b) Conduct a formal, third-year review of any tenure-track Faculty member who has not been granted promotion or tenure during that year. As part of that review, the Committee will evaluate the Faculty member's teaching, scholarship and service. The Committee will submit any completed scholarship provided by the candidate for outside review. The Committee shall prepare a formal report to the Dean and the tenured Faculty addressing the Faculty member's teaching, scholarship and service and shall recommend contract renewal only if it concludes that the Faculty member's performance in all three areas provides strong evidence of progress towards tenure. The report shall be made available to the Dean and the tenured Faculty at least one week prior to the date scheduled for the meeting at which the tenured Faculty will vote on applications for promotion and tenure. At that meeting, the Committee shall present its report to the tenured Faculty who shall thereafter vote a recommendation on retention. The results of the vote shall be provided to the Dean, who will then decide whether or not to renew the contract of the Faculty member in question based on the Faculty member's teaching, scholarship and service.

(c) Review and provide written recommendations with respect to the nonrenewal of a contract when the Dean informs the Committee of any other reason why the Dean does not intend to renew the contract of a tenure-track Faculty member.

(3) Dean's Statement of Reasons and Access to Statements.

If the Dean does not accept the recommendation of the Contract Renewal Committee or, in the case of a third-year review, of the Faculty, the Dean shall state the reasons in writing. The written recommendation or report of the Contract Renewal Committee and the written statements of the Dean, if the Dean does not accept the recommendations of the Committee or of the Faculty, shall be

provided to the tenure-track Faculty member. Upon request, the Committee's recommendation or report and the Dean's written statements may be examined by full-time members of the Faculty, provided the Faculty member who is the subject of these documents consents to its disclosure.

(4) **Standards.** In providing recommendations to the Dean about nonrenewal of tenure-track Faculty members during their first, second, and fourth years, the Contract Renewal Committee shall observe the following standards:

(a) The Committee shall informally advise the tenure-track Faculty member on the Faculty member's progress in teaching, service and scholarship.

(b) The Committee may recommend nonrenewal of the contract based on one or more of the following factors:

(1) deficiencies in teaching that are sufficiently serious and detrimental to students that nonrenewal is warranted independent of any tenure decision.

(2) a substantial failure of the Faculty member to perform Committee assignments and other identified aspects of the responsibility for service.

(3) lack of progress in scholarship when the deficiencies in quantity or quality of the scholarship show that there is no reasonable prospect that the Faculty member will meet the standards for tenure relating to scholarship.

(c) In advising on whether a tenure-track Faculty member is making progress, and in making its recommendation on nonrenewal of the contract, the Committee shall take into account the years of service of the tenure-track Faculty member and any years of teaching at other institutions for which the member has received credit towards meeting the eligibility standards for applying for tenure.

(j) Two students shall serve as voting members of all standing Faculty committees except Faculty Rank and Tenure, By-Laws, Contract Renewal and such other committees as the resolution constituting the committee may specify shall not consist of voting student members with the exception that the Academic Credentials Committee shall have only one student and the Graduation Committee shall have one student fewer than the number of Faculty.

(k) Any committee shall meet upon call of the Chair or the signed request of at least one-third of its membership.

7. **QUORUM:**

One half of the regular full time Faculty not on sabbatical or leave shall constitute a quorum.

8. **PLACE OF MEETINGS:**

All meetings shall take place at such location as the Dean may reasonably determine and specify in the notice of the meeting.

9. **AMENDMENT OF BY-LAWS:**

(a) A proposal to amend these By-Laws shall be delivered to the Dean and each member of the Faculty at least ten days in advance of the next regular meeting of the Faculty, at which meeting the matter must be placed on the agenda for consideration. This requirement shall not be construed to prevent a change in the text of the amendment at any meeting at which the amendment is considered.

(b) (1) At the first consideration, the proposed amendment shall be referred to the By-Laws committee for its recommendation.

(b) (2) At the next regular meeting of the Faculty, and upon receiving the report of the By-Laws Committee, the amendment may be adopted by a majority of those Faculty present and eligible to vote.

(b) (3) If the committee fails to make timely report, the amendment may be adopted by majority vote at that meeting.

(c) Notwithstanding paragraph 3(f), a By-Law proposed according to subsection (a) above may be adopted by a two-thirds vote of those Faculty present and eligible to vote without referral to the By-Laws Committee.

10. NOTICE

(a) During the academic year the requirements of notice in these By-Laws shall be met by placing the notice in that person's Faculty mail box. At other times, notice shall be given both by placement in the Faculty mail box and by mailing to each person's last known residential address. This By-Law shall be inapplicable whenever any other By-Law shall provide otherwise for notice.

(b) Notice by email sent to the person's School e-mail account shall be deemed as the equivalent of notice under the foregoing paragraph 10(a), if the e-mail message provides the identical information as would have been received if delivered by traditional means. However, the administration shall continue to honor requests for hard copies of materials.

(c) Whenever these By-Laws provide for an action to be taken in writing, it shall be sufficient that the writing consists of an e-mail message sent to the relevant parties, at their School e-mail address.

**SETON HALL UNIVERSITY
SCHOOL OF LAW**

TENURE, PROMOTION AND APPOINTMENTS STANDARDS*

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* Approved by the faculty May 12, 2006.

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I. PROCEDURE: TENURE AND PROMOTION

A. EFFECTIVE DATE

These Tenure, Promotion and Appointments Standards shall apply to all persons who become members of the full time, tenure track faculty on or after July 1, 2006.

B. RANK AND TENURE COMMITTEE

1. Membership

The Rank and Tenure Committee ("Committee") shall consist of five tenured, full professors. The Dean shall appoint the members, naming one as Chair. Committee members must be approved, individually, by affirmative vote of the Faculty.

2. Committee's Duty

The Committee shall make written recommendations to the tenured faculty with respect to applications for tenure and promotion.

3. Dean's Participation

The Dean shall not sit with the Committee.

4. Quorum

The full Committee membership shall be its quorum.

C. APPLICATION

A faculty member applying for tenure or promotion ("Candidate") shall submit to the Chair five copies of a written application including:

- (1) A table of contents listing the application's contents;
- (2) A detailed curriculum vita;
- (3) Evidence of excellence in teaching;
- (4) Evidence of excellence in scholarship, including all material both published and unpublished that the Candidate considers relevant to evaluation of the Candidate's scholarship;
- (5) Evidence of service to the law school, university, profession, and community; and
- (6) Any other information and materials the Candidate deems relevant to demonstrate satisfaction of these standards.

D. COMMITTEE EVALUATION

1. Consideration of Scholarship

- (a) The Committee shall:
 - (i) Evaluate all material submitted by the Candidate; and
 - (ii) Submit the Candidate's major scholarly works for outside evaluation, unless those works received outside reviews in connection with a prior application at Seton Hall Law School.
- (b) The Committee may:
 - (i) Consider prior outside evaluations of the Candidate's scholarship; and
 - (ii) Submit previously evaluated work for additional outside evaluation.
- (c) With regard to outside evaluations:
 - (i) The Candidate may submit a list of recommended evaluators and the Committee may use these or other evaluators.
 - (ii) Before using an evaluator not recommended by the Candidate, the Committee shall submit the name to the Candidate, who may for cause object to any evaluator.
 - (iii) The Candidate shall disclose any prior professional or other relationship with the evaluator.

2. Consideration of Teaching

- (a) The Committee shall:
 - (i) Observe and evaluate the Candidate's teaching.
 - (ii) Consider authorized student evaluations of the Candidate's teaching; and
 - (iii) Consider any additional written information reflecting on the Candidate's teaching.
- (b) The Committee may arrange visitations by other members of the Faculty.

3. Consideration of Service

The Committee shall consider the Candidate's service to the law school, the university, the profession, and the community.

4. Information and Views of Others

The Committee shall receive and consider any written information and views concerning the Candidate from any faculty member, student or administrator.

5. Candidate Meeting with Committee

At either the Candidate's or the Committee's request, the Candidate may meet with the Committee to discuss any matters the Candidate or the Committee deems relevant.

6. Disclosing Committee's Decision

The Chair shall disclose to the Candidate and the faculty the Committee's decision and shall inform the Candidate of the reasons for the decision, keeping confidential the votes and views of individual Committee members.

E. FACULTY AND DEAN EVALUATION

1. Committee Report; Tenured Faculty Meeting and Vote

- (a) The Chair shall call a meeting of the tenured faculty at which 2/3 of those eligible to vote, not counting those on sabbatical or leave at the time of the meeting, shall be a quorum. The Dean of the law school may sit with the faculty at the meeting, but may not vote.
- (b) The Committee shall provide the tenured faculty with a written report sufficiently in advance of the meeting to permit them to review and consider it. The Committee shall endeavor to provide the written report at least two weeks before the meeting.
- (c) When the application is for tenure, all tenured faculty may vote. When the application is for promotion, all tenured faculty of a rank equal to or exceeding that sought by the Candidate may vote.
- (d) The tenured faculty shall, by majority vote, recommend to the Dean and the Provost whether to approve the Candidate's application.

2. Reporting Vote

The Chair shall report to the Dean and Candidate the decision of the tenured faculty.

3. Dean's Independent Decision

The Dean of the law school shall make an independent decision on the application and transmit the decisions of the tenured faculty and of the Dean to the Provost and the Candidate.

F. CONFIDENTIALITY; PUBLIC ANNOUNCEMENT

2. Confidentiality

Committee members and faculty shall maintain fully the confidentiality of all applications and their consideration and shall not communicate with anyone concerning the meetings, votes or deliberations, except as otherwise provided.

2. Public Announcement

A public announcement concerning the final action of the Committee and faculty shall be made only by the Dean. The Dean shall exercise discretion concerning the announcement's timing. Ordinarily an announcement shall be made shortly after the tenured faculty has made its decision and the Candidate has been fully informed of that decision.

II. ELIGIBILITY FOR TENURE AND PROMOTION

A. ELIGIBILITY FOR TENURE; TERMINAL CONTRACT

1. Application for Tenure: When Permitted, When Required

Unless the Candidate's letter of appointment grants credit for prior teaching as provided in section II(A)(3) or the Candidate is appointed with tenure or entitled by that letter to apply as provided in section II(A)(4),

- (a) A tenure-track non-clinical faculty member
 - (i) May apply for tenure during the fifth year of teaching as a tenure-track faculty member at Seton Hall Law School, and
 - (ii) Must apply no later than the sixth year of teaching as a tenure-track faculty member at Seton Hall Law School; and
- (b) A tenure-track clinical faculty member
 - (i) May apply for tenure during the fifth year of teaching as a tenure-track faculty member at Seton Hall Law School, and
 - (ii) Must apply no later than the eighth year of teaching as a tenure-track faculty member at Seton Hall Law School.

2. Terminal Contract

If tenure is not granted before or during the sixth year for non-clinical faculty, or the eighth year for clinical faculty, the faculty member shall be given a terminal contract for the following year.

3. Credit for Prior Law School Teaching

Except as provided in section II(A)(4), if expressly stated in the faculty member's letter of appointment, a maximum of eight semesters of full-time service at Seton Hall Law School or other accredited law schools or their foreign equivalents may be counted towards the required period for tenure review.

4. Candidates Tenured at Other Law Schools

A faculty member who, at the time of appointment, had tenure at another accredited law school or who, having had tenure at such a school, surrendered it voluntarily, may on recommendation by majority vote of the tenured faculty and the Dean, be appointed to the faculty with tenure or be allowed to apply for tenure during the second year at the law school.

5. All Candidates to Satisfy Standards

Without regard to when a candidate applies, the Candidate must satisfy these standards to receive tenure. Thus, an application before the sixth year, where permitted, will require the same quantity and level of achievement as one made in the sixth year.

B. ELIGIBILITY FOR PROMOTION TO ASSOCIATE PROFESSOR

- (1) A Candidate may apply for promotion to the rank of Associate Professor who is:
 - (a) At least in the Candidate's third year of full-time service at the rank of Assistant Professor; and
 - (b) At least in the Candidate's second year of full-time service at Seton Hall Law School.
- (2) A Candidate may apply for promotion to Associate Professor without the grant of tenure, or, if the Candidate is eligible to apply for tenure, may apply for promotion to Associate Professor with grant of tenure.

C. ELIGIBILITY FOR PROMOTION TO FULL PROFESSOR

- (1) A Candidate may apply for promotion to the rank of Full Professor who is:
 - (a) At least in the Candidate's second year of full-time service at the rank of Associate Professor; and
 - (b) At least in the Candidate's second year of full-time service at Seton Hall Law School.
- (2) A Candidate applying for promotion to Full Professor may be either:
 - (a) An Associate Professor with tenure, or
 - (b) An Associate Professor without tenure, who must be simultaneously applying for tenure.

III. STANDARDS FOR TENURE AND PROMOTION

A. TEACHING, SCHOLARSHIP, AND SERVICE

1. Teaching

For tenure or promotion, faculty members must demonstrate excellence in teaching, including a capacity to inspire and challenge students and to develop their legal skills and knowledge. Relevant factors include the Candidate's ability to communicate, preparation for class, breadth and depth of knowledge, organization of individual classes and overall course content, ability to stimulate students, ability to direct a class, accessibility to students, demonstrated interest and involvement in students' welfare, effectiveness and timeliness in preparing and grading examinations and other evaluative mechanisms, and regular and punctual conduct of classes.

2. Scholarship

- (a) Legal scholars find many outlets and pursue a wide range of objectives in their scholarship. However varied the purposes of scholarship and however diverse the forms in which it is manifested, it must ultimately appear in writing, be the result of thoughtful labor and be disseminated to and warrant recognition by a significant professional audience.
- (b) Appropriate forms of scholarship include, but are not limited to, books and monographs; book chapters; articles, especially in law reviews or other scholarly journals; book reviews of significant depth; research project reports such as those under the auspices of the law school, a bar foundation or under contract research; and publications of learned societies such as the ALI, ABA, other bar associations, AALS, and judicial or administrative conferences.
- (c) Scholarly pieces should include carefully conceived analysis, whether doctrinal, theoretical, or empirical. The scholarship should be sufficiently ambitious to justify the substantial commitment of time that the Candidate should have invested in the work. Scholarship, in sum, is informed, reflective, deeply analytical and, in some substantial part, a personal statement.
- (d) In general, the work considered for tenure is that completed since appointment as a law professor, and the work considered for promotion is that completed since attainment of the prior rank. Other work, however, may bear on consideration of the Candidate's overall scholarly achievement.

3. Service

A Candidate for tenure or promotion must fulfill the Candidate's duties to the law school, and must demonstrate substantial service to the law school, university, profession, or community. A Candidate's duties to the law School, in addition to teaching and scholarship, include attending and participating in faculty and committee meetings and being available to students and colleagues. The law school encourages Candidates to use their professional ability in service to the

community and the profession, which may be manifested through activities of bar associations and other professional organizations or participation in public affairs or government or community organizations. The quality of the Candidate's service is important.

B. STANDARD FOR TENURE

The serious consequences of granting tenure require that the law school apply a high standard to determine whether past performance permits a confident prediction that the Candidate will be not merely an adequate faculty member, but a strong asset to the institution throughout the balance of the Candidate's career. For tenure, a Candidate must:

- (1) Demonstrate excellence in teaching, in accordance with section III(A)(1).
- (2) Demonstrate significant productivity in scholarship, in accordance with section III(A)(2). The Candidate's record of scholarship, in both quality and quantity, must demonstrate that the Candidate has made a significant contribution to legal scholarship, and must provide confidence that the Candidate will continue to be a productive scholar for the balance of the Candidate's career. Ordinarily tenure should not be granted unless a Candidate has published at least two substantial works of legal scholarship.
- (3) Demonstrate substantial service, in accordance with section III(A)(3).

C. STANDARD FOR PROMOTION TO ASSOCIATE PROFESSOR

1. Promotion With Grant of Tenure

For promotion to Associate Professor with grant of tenure, a Candidate must meet the standards for tenure with regard to teaching, scholarship, and service.

2. Promotion Without Grant of Tenure

For promotion to Associate Professor without grant of tenure, a Candidate must:

- (a) Demonstrate a level of teaching quality, in accordance with section III(A)(1), that provides confidence that the Candidate will meet the teaching standards for tenure;
- (b) Demonstrate a level of accomplishment in scholarship, in accordance with section III(A)(2), that provides confidence that the Candidate will meet the scholarship standards for tenure. The Candidate must have published at least one substantial work of legal scholarship, or have had it accepted for publication in final form by a suitable journal, and the work must have received outside evaluation; and
- (c) Demonstrate substantial service, in accordance with section III(A)(3).

D. STANDARD FOR PROMOTION TO FULL PROFESSOR

For promotion to Full Professor, a Candidate must:

- (1) Meet or continue to meet the standard for tenure with regard to teaching; and
- (2) Demonstrate that the Candidate's scholarship, in both quality and quantity, has exceeded the standard for tenure and has merited recognition by scholars in the Candidate's field or fields; and
- (3) Meet or continue to meet the standard for tenure with regard to service.

IV. STANDARDS FOR APPOINTMENT TO FACULTY

A. GENERAL STANDARDS; DEFINITIONS

1. Minimum Qualifications

Each Law School Faculty Candidate member must:

- (a) Hold at a minimum the Juris Doctor (J.D.) degree or an equivalent first professional degree in law from an AALS approved law school or foreign school of equivalent standing; and
- (b) Meet the requirements for the rank to which the Candidate is appointed.

2. Definitions

The following definitions shall apply to all appointments:

- (a) Teaching experience: Teaching law courses in an ABA or AALS accredited law school or foreign law school of equivalent standing.
- (b) Practice of law: Employment as an attorney, service as judicial law clerk, or other employment requiring the skills of an attorney.

B. STANDARD FOR APPOINTMENT AS ASSISTANT PROFESSOR

A Candidate appointed as an Assistant Professor shall, as a minimum, meet the qualifications for appointment to faculty described in Paragraph IV(A)(1).

C. STANDARD FOR APPOINTMENT AS ASSOCIATE PROFESSOR

A Candidate appointed as an Associate Professor shall, as a minimum, have one of the following qualifications:

1. One year of successful teaching experience, with evidence of teaching effectiveness as described in section III(A)(1) and institutional and public service as described in section III(A)(3), or
2. Three years of successful experience in the practice of law which should include legal scholarship and indicate a potential for effective law teaching, or
3. An appropriate combination of successful teaching and practice experience.

D. STANDARD FOR APPOINTMENT AS FULL PROFESSOR

A Candidate appointed as a Full Professor shall, as a minimum, satisfy each of the following qualifications:

1. Three years' successful teaching experience at the rank of Associate Professor or Full Professor, and
2. Fulfillment of the teaching, scholarship, and service requirements of section III(D), provided that for purposes of the service requirement, service to another law school or university may be considered.

E. WAIVER OF REQUIREMENTS IN EXCEPTIONAL CASES

In exceptional cases the faculty may recommend waiver of any requirements of appointment to a rank, or appointment with tenure, by a two-thirds vote of the faculty present and voting. Factors that may be considered in granting a waiver include advanced degrees in law, a substantial record of publication, advanced degrees in relevant disciplines, and extraordinary professional activities in non-academic endeavors.