

BY-LAWS OF THE FACULTY OF LAW
Case Western Reserve University¹

ARTICLE 1: PURPOSE

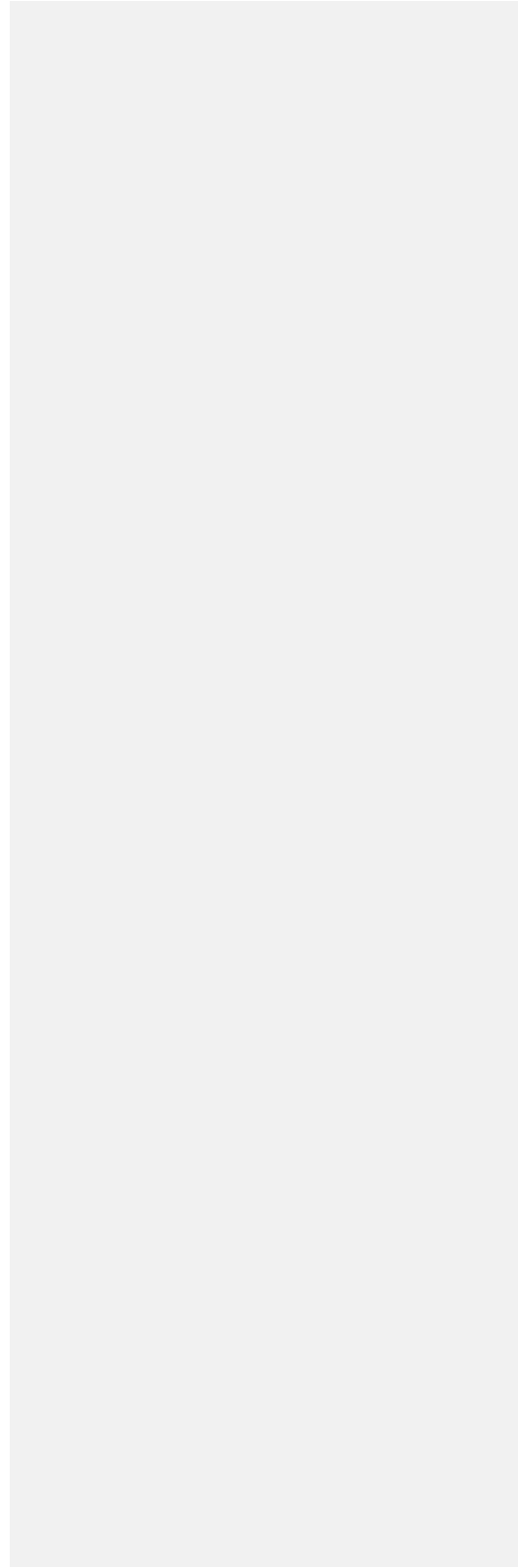
1.1 These By-Laws, and all amendments adopted as hereafter provided, shall constitute the rules governing the procedures of the Faculty of Law in the performance of its duties and powers specified in and authorized by the By-Laws of the Board of Trustees, the Constitution of the University Faculty, and the University Faculty Handbook.

ARTICLE 2: THE FUNCTIONS OF THE FACULTY

2.1 Introduction. The Faculty has primary responsibility for the selection of those individuals who constitute the tenured, tenure track, and non-tenure track Faculty. The Faculty and the Administration have joint responsibility for implementation of plans for the law school. Since operations by the Administration may require modification of plans, the Faculty has a right to be kept informed of operations, and to be consulted on operational problems or decisions which may affect the overall operations or plans of the School. Accordingly, the powers and responsibilities listed below do not constitute an exclusive (ow)2 (do no1 (a)-1 -32.075 -1.15 Td [(r)-5R3(h0EMC 0 scP <<MCID q >>BDC 011 54.6

incorporated by reference. Clinical tenured or tenure track faculty shall be appointed, evaluated, reappointed and promoted in accordance with the procedures memorialized in Appendix A as to their research and scholarship, but as to Appendix B attached and incorporated by reference, as to their teaching, practice and service to the Law School and the University Community. Tenured or tenure track faculty shall be entitled to vote on all matters coming before the University Faculty and the Faculty of Law, except as limited below.

3.2 Non-tenure track faculty. Non-tenure track faculty members are those persons holding full-time academic appointments at the ranks of professor, associate professor, assistant professor, senior instructor, and instructor whose obligations to the Law School and the University include two of the three obligations of the tenured/tenure track faculty, i.e., 1) teaching, 2) research and scholarship or 3) service to the Law School and the University Community. Non-tenure track faculty in the Law School shall be appointed, evaluated, reappointed and promoted in accordance, where applicable, with either 1) the Policies and Procedures for Clinical Faculty attached as Appendix B and incorporated by reference; 2) the Policies and Procedures for Lawyering Skills Faculty attached as Appendix C and incorporated by reference; or 3) the Policies and Procedures for Other Non-Tenure Track Faculty attached as Appendix D and incorporated by reference. Non-tenure track Clinical Faculty, ~~and~~ non-tenure track Lawyering Skills Faculty, and instructors and senior instructors eligible for reappointment under Appendix D shall be entitled to vote on all matters coming before the University Faculty and the Faculty of



ARTICLE 5: MEETINGS

- 5.1 Regular Meetings. The Faculty shall hold at least three regular meetings in each semester on dates to be determined by the Dean. The Faculty at any regular meeting may by majority vote fix the date of the next regular meeting.
- 5.2 Special Meetings. Special meetings shall be held on the call of the President, the Dean, or on the written request to the Dean or the Secretary signed by 20% of the voting Faculty.
- 5.3 Attendance at Faculty Meetings. All full-time Faculty (including full-time special Faculty) shall be entitled to attend any meeting of the Faculty subject to the limitations in this paragraph. Part-time Faculty, and administrative personnel (who do not have full-time Faculty appointments in addition to their administrative appointments) shall be entitled to attend any meeting of the Faculty subject to the limitations in this paragraph.

the meeting. Items of business not listed on the agenda may be considered at a regular meeting. No act

- (9) Experiential Education

ARTICLE 8: - MEMBERSHIP AND PROCEDURES OF COMMITTEES

8.1 Ex-Officio Members. The Dean, or a Faculty member or administrator designated by the _____ Dean, shall serve as a member ex officio of all Standing and Special Committees, except for _____ the Promotion and Tenure Committee, with full voting rights.¹⁴

shall be designated from among the membership of the Committee, by the Chair. The Chair shall have the right to vote in all cases.

- 8.8 Procedures. Committees shall meet on the call of the Dean, the Chair, or on the call of the majority of the Committee, and may establish rules as to the conduct of its meetings. Two thirds of the members of the Committee shall constitute a quorum, and all decisions shall be

~~may be determined by the Faculty.~~ The Committee shall also have jurisdiction to hear all matters in which revocation of academic credit previously granted is requested because of plagiarism, cheating, improper cooperation on work or other violation which reflects on the academic significance of the effort for which credit has been granted. -The Committee shall consider the Law School Code of Conduct, the Law-School's Academic Regulations, Policies, and Procedures, and relevant University policies on Academic Integrity Standards in making its decision on revocation of academic credit. If the Committee finds that a student has committed such a violation, it may retroactively revoke any credit which may have been awarded for said effort.¹⁸

- 9.4 Appointments. The Appointments Committee shall be composed of two students, at least four Faculty members and the Dean or his designee. The Committee shall review all candidates for appointment to the tenured, tenure track, or non-tenure track Faculty, shall make recommendations to the Faculty on every such appointment, and shall, on request of the Dean, review candidates for the special Faculty, including visiting Faculty.
- 9.5 Building. The Building Committee shall be composed of two student members, at least three Faculty members, and the Dean or his designee. The Committee shall advise the Faculty and the Dean on the utilization, allocation, maintenance, and replacement of the physical facilities of the law

make recommendations to the Faculty thereon. Each Faculty member whose appointment leads to tenure consideration shall be considered for tenure no later than six years after the effective date of the initial appointment, excluding any period of any pre-tenure extension that may have been granted under the Faculty Handbook provisions.¹⁹

9.9 Budget. The Budget Committee shall be composed of at least three Faculty members and the Dean or his designee. It shall advise and assist the dean and make recommendations to the Faculty on matters pertaining to the budget.²⁰

9.10 Experiential Education. The Experiential Education Committee shall be composed of two student members, at least four Faculty members and the Dean or his designee. The Committee shall consider and make recommendations to the Faculty on all matters relative to the experiential education program for which credit is awarded.²¹

CERTIFICATION

I certify that the above is a true copy of the By-Laws of the Faculty of Law, Case Western Reserve University, conformed to include all Amendments made up to the date of this certificate.

APPENDIX A TO THE BY-LAWS OF THE
FACULTY OF LAW
Case Western Reserve University

PROCEDURES FOR PROMOTION, REAPPOINTMENT AND TENURE

I. . SOURCES OF PROMOTION, RETENTION AND TENURE PROCEDURE

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2. Excellence in teaching, a significant and substantial scholarly contribution, and service to the University and Law School communities are required of all candidates for Promotion and Tenure.

3. Promotion and tenure decisions are not made merely to recognize past performance but also involve a prediction of future contributions.

4. The Promotion and Tenure decision involves a determination of whether the candidate has fulfilled and will continue to fulfill the obligation of teaching, scholarship, and service.

5. The standards for Promotion and Tenure are evolving standards, and it is expected that they will become increasingly rigorous as the Law School continues to improve and gain recognition as a national law center of importance.

B. Evaluating Scholarship and Teaching

1. Standards for evaluating teaching and scholarship sufficient to support a promotion or tenure are not readily reducible to words or formulae.

2. The scholarship must reflect substantial research, a thorough understanding of the subject, and an insight into the issues and problems that contribute substantially to available knowledge. It should, in other words, make a significant advance to our understanding of the field.

3. The most important aspect is the depth and reach reflected in the scholarship. Descriptive analysis is often a useful contribution, but the grant of tenure normally requires that the scholarship also include the development of a systematic approach or analytical rigor of a higher order.

4. A writing is normally considered “published” when it has been formally accepted for publication.

5. Teaching will be evaluated on the basis of annual reviews, student evaluations and faculty class visits.

C. Promotion to Associate Professor

1. Normally, two published articles and demonstrated teaching effectiveness are expected for promotion to associate professor.

2. A candidate initially will be considered for promotion to associate professor in the fall following the completion of his or her second year of service.

3. A candidate may be granted an extension of one additional year for consideration for promotion to associate professor. While extensions are not automatic, requests for extension will be favorably considered for those candidates who have demonstrated substantial progress toward meeting the standards for promotion. Extensions are not considered as negative decisions.

D. Promotion to Full Professor with Tenure

1. Normally at least three significant articles and demonstrated teaching effectiveness are expected for consideration for promotion to full professor with tenure. As required by the Faculty Handbook, the candidate's record must show a documented national or international reputation for sustained scholarship in the candidate's discipline.

2. The normal pre-tenure period is six years, unless the letter of appointment provides otherwise. This means that a candidate will normally be considered for tenure and promotion to full professor in the fall following the completion of his or her fifth year of service.

E. Provisions for obtaining additional extensions during the pre-tenure period are set forth in the University Faculty Handbook, at Chapter 3, part 1 G.

IV. INTERNAL PROMOTION & TENURE COMMITTEE PROCEDURE REGARDING TENURE-TRACK FACULTY

A. Promotion to Associate Professor without Tenure

1. At the beginning of the academic year in which the candidate is considered for promotion, the Chair discusses the promotion process with each candidate. The candidate is

The candidate should be asked to describe any relationship that he or she has with the reviewer in order to ensure compliance with the University Guidelines.

- b. **Committee Nominations** The Chair shall share the candidate's suggested outside reviewers with the members of the committee, and shall ask the committee members to nominate suggested reviewer of their own. The Chair may also ask other Faculty

scholarship and asked for comments on the package as a whole.

1) The Dean or the Dean's designee shall ensure compliance with the University Guidelines which provide that the letters solicited from outside reviewers are confidential to the extent permitted by law, and that this should be made clear to all referees. Referees should be informed that candidates will be shown a carefully redacted version of their review letter, and that the Dean or Dean's designee will exercise due diligence to preserve the referee's anonymity to the maximum extent practicable.

2) The Promotion and Tenure Committee meets to review the candidate's scholarship before receiving and reviewing the letters from outside reviewers. The purpose is to permit the committee to develop its own opinion as to the candidate's scholarship independent of

evaluation from these other law schools. However, it is important for the Chair to determine how student evaluations are obtained and what use they are put to in these other areas of the university or at other schools, and to communicate this information to the committee to assist in reviewing the evaluations.

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B. Promotion to Full Professor with Tenure

1. Section 9.8 of the Faculty By-Laws states that each faculty member shall be considered for tenure no later than six years after the effective date of his or her initial appointment. The 1986 Promotion and Tenure Memorandum similarly states that “the normal pre-tenure period is six years, unless the letter of appointment provides otherwise. This means that a candidate will normally be considered for tenure and promotion to full professor in the fall following the completion of his or her fifth year of service.”

2. The University Faculty Handbook permits pre-tenure extensions:

a. “[F]or up to three years of extension for exceptionally worthy candidates in the event of unusual constraints in the University, or part of parts thereof which would prevent tenure awarded at the end of the normal period.”

b. “[F]or the purpose of compensating special earlier circumstances disadvantageous to a candidate’s tenure consideration.” The Handbook adds that “such circumstances might include serious illness, family emergency, maternity, or extraordinary teaching or administrative assignments.”

c. Upon written request by the faculty member within one year after each live birth or after each adoption, an extension of up to one year of the pre-tenure period shall be granted by the provost to any faculty member who will be the primary care giving parent.

b. Extensions under a. and b. above must be approved by the faculty and the university. The Faculty Handbook states that except for extensions under c. above, no more than three years of extensions may be granted in the period before tenure, meaning that, generally, at the latest, a faculty member would be considered in his or her ninth year after appointment.

3. The written standards for outside reviewers are also the same as the standards for promotion to associate professor.

4. The procedures for the Promotion and Tenure Committee’s consideration of a candidate’s candidacy for promotion to full professor with tenure are essentially the same as those for consideration to promotion to associate professor.

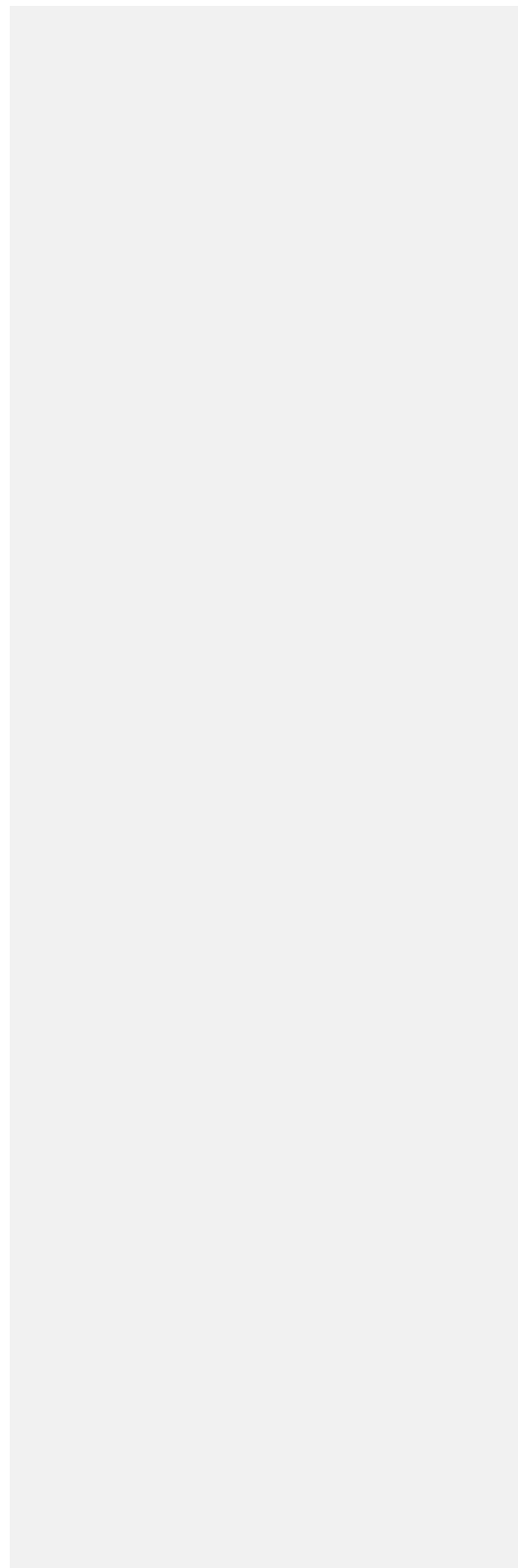
5. The process of voting at the faculty level is also the same, except that only tenured faculty are entitled to vote on promotion with tenure.

C. Annual Reviews

1. In accordance with the University Faculty Handbook (Chapter 3(I)(F)(5)), the Dean shall ensure that all full-time faculty members receive an annual review. The Dean shall

provide a written summary of the annual review to the faculty member.

2. Annual reviews of full-time, non-tenured members of the



c. If the other Professors in the candidate's track believe the candidate no longer continues to meet the applicable standards, no "Certification" shall be submitted. In that case, the Professors in the candidate's track shall submit a report to the Promotion and Tenure Committee which addresses the issues presented. The report will reflect any minority views or Pration

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4. Following the faculty's vote, the faculty's recommendation will be communicated to the Dean. The Dean will then prepare his own recommendation to the Provost, which will accompany the faculty's recommendation, and will include the Promotion and Tenure Committee's report and associated supporting materials. If the candidate is promoted or retained, a new appointment shall be issued for the term recommended and approved by the Provost. If the candidate is not promoted or retained, the candidate's appointment shall be terminated in accordance with the notice procedures for non-renewal of term appointments set forth in the Faculty Handbook (Chapter 3, Part One, I, K.)

APPENDIX B

Policies and Procedures for Faculty Whose Primary Appointments Are In the Clinical Program

School of Law
Case Western Reserve University

I. Introduction

The faculty of law consists of the President of the University or his or her designee and all persons who hold full-time appointments in the School of Law and who have the rank of professor, associate professor, assistant professor, or instructor. These policies and procedures outline the rights and responsibilities of Case Western Reserve University School of Law I faculty whose primary appointments are in the clinical program at the law school, whether tenured, tenure track, or non-tenure track (referred to herein as "clinical faculty") and whose voting privileges are set forth in Sections 3.2 and 3.4 of the Law School by-laws. They encompass the process for hiring, evaluating, and promoting these faculty.

Nothing in these policies and procedures limits the inherent right of the faculty to control the content and approach of the clinical program.

II. Obligations of the Clinical Faculty

In general, the obligations of the non-tenure track clinical faculty to the institution are teaching and institutional service. In general, the obligations of the tenured or tenure track clinical faculty are teaching, institutional service, and research and scholarship.

III. Specifications of Rank and Title

A. The following titles shall be applied to clinical faculty appointments: "Assistant Professor," "Associate Professor," and "Professor." Professor is the most

Professor

A non-

(5) year appointment, subject to the notice provisions in the University Faculty Handbook.

VI. Periodic E valuations

In addition to evaluations for promotion and reappointment, all clinical faculty members at the titles of Assistant and Associate Professor shall be given an annual performance evaluation by the Promotion and Tenure Committee for the purpose of assisting the candidate in achieving levels of performance sufficient to warrant promotion to the next level of appointment.

VII. Procedures for Termination of Employment.

Any clinical faculty appointment may be terminated: 1) for just cause as defined in the Faculty Handbook Chapter 3, Part One, Section I.E.3.; 2) for serious failure to meet the continuing performance obligations set forth in Item XI. below; or 3) pursuant to a Faculty vote pertaining to reduction in staff as set forth in Item VIII be low.

If the Dean or a majority of the voting faculty determines that mid -term termination of employment should be considered, the matter shall be referred to the Promotion and Tenure Committee for review and recommendation to the Faculty.

Following receipt of the recommendation of the Promotion and Tenure Committee if, in a valid faculty vote, a majority of faculty members entitled to vote on such matters finds that sufficient cause exists for termination, the candidate's employment shall be terminated, in accordance with, and subject to the notice provisions in the University Faculty Handbook.

VIII.

in a way that requires a reduction in the need for clinical faculty who teach in the clinical program, a member of the clinical faculty may be terminated regardless of

engage in service to the Law School or University, for example in administrative or committee work. In addition, they may be asked to engage in public service, for

A. Clinical Teaching Effectiveness. Candidates for ~~reappointment—~~
~~and reappointment and~~ promotion should demonstrate steady progress towards excellence in achieving the goals of clinical teaching: to instill in students the habits of careful research, rigorous analysis, thorough preparation, good relations with clients and others, honest self-criticism, and the ability to learn from experience. Candidates who achieve the title of Clinical Professor should perform proficiently in both one-to-one supervision and clinical classroom teaching.

B. Competence as a Lawyer. Because one of the goals of the clinical program is instruction in the lawyering skills and professional values needed by the practicing lawyer, the effective teacher must be a good lawyer. The following are criteria for determining the quality of lawyering. The list is not exhaustive:

1. Knowledge of the Law. Clinicians should be knowledgeable in the fields of law in which they practice. They should be able to identify matters that are

Clinicians should evidence an appreciation of the professional values necessary to be a competent advocate and officer of the court. Clinicians also should be aware of ethical issues raised by practice and should take appropriate action to deal with these issues in a manner consistent with applicable ethical and legal standards.

C. Character. Clinicians should be intellectually and emotionally capable of rendering professional service to clients and of providing supervision to students.

D. Growth as a Lawyer. The clinical program is designed primarily to assist students in becoming competent practitioners. Competency as a practitioner is not learned at once but must be achieved and maintained throughout one's career. Growth as a practitioner is, therefore, a factor for consideration in retention and promotion decisions.

Growth may be demonstrated in a variety of ways: for example, by an intensive period of time spent practicing law with a firm or governmental agency during the summers or while on sabbatical; by representing clients in the clinic or through public or private consultation in cases that pose significant new challenges to the faculty member; or by teaching in participating programs such as institutes on trial advocacy. This requirement shall be interpreted reasonably in light of the opportunities that the school and program make available.

XI.

positive recommendations from the Faculty Appointments Committee to the faculty, from the faculty to the Dean, and from the Dean to the Provost. Such a recommendation would focus on teaching, service, practice, and scholarship. Teaching, service and practice shall be governed by the policies and procedures stated above generally applicable to all clinical faculty. Scholarship generally shall be governed by the provisions of Appendix A to the By-Laws of the Faculty of Law, applicable to other tenure track faculty.

1. Evidence of Scholarly Potential – As with nonclinical tenure-track candidates, clinical faculty seeking a tenure-track appointment must establish their strong interest in, and ~~substantial~~ substantial potential for, producing high quality scholarship with reasonable regularity throughout their teaching career.

a. Appointment on the Basis of Prior Articles

Like candidates for nonclinical tenure-track positions, clinical faculty members may request that prior articles be considered in order to establish evidence of scholarly potential sufficient for appointment to a tenure-track position.

b. Release Time and Support for Writing

To be appointed to the tenure track, non-tenure track clinical faculty members employed by the Law School as ~~of March of~~ March 5, 2008, who have no prior publications or whose prior publications do not establish an adequate basis for appointment must produce an article demonstrating scholarly potential. Based

upon their scholarly potential and progress, as determined by the Dean, clinical faculty members in this position who declare their intention to seek a tenure-track appointment may be released from clinical obligations during the summer and may be given research support, including research assistants and summer research grants for no more than three years.

2. Once a clinical faculty member is on the tenure track, that faculty member will receive the same benefits, rights, and obligations as nonclinical tenure-track faculty.

B. Consideration of prior scholarship, rank and years to tenure at application

1. As with nonclinical tenure-track faculty, a clinical tenure-track faculty member may be given credit at the time of appointment for scholarship previously produced.

2. While working toward tenure, clinical tenure-track faculty members may retain the rank and titles they earned at the law school prior to being appointed to the tenure track.

C. Choice to apply for tenure track

1. Clinical faculty members must choose, within five years of June 30, 2008, whether to apply for a tenure-track position or retain long-term contract status.

2. Clinical faculty members who apply for, but do not receive, a tenure-track position would retain long-term contract status.

3. All full- time clinical faculty employed by the Law School as of March 5, 2008 have the option to retain their previous non -tenure track long-term contract status and not apply for a tenure- track position.

These policies and procedures were initially adopted by the Faculty of Law on April 16, 1997; additional changes to conform to 1^a#)#^a» .@oonfs to 19(po)d

Appendix C: Policies and Procedures for Lawyering Skills Faculty
Case Western Reserve University School of Law

I. Introduction

These policies and procedures outline the rights and responsibilities of the faculty of the Case Western Reserve University School of Law whose primary appointments involve teaching lawyering skills courses, ~~in the CaseARC Integrated Lawyering Skills Program or other parts of the curriculum, and who are~~ hereinafter referred to as the “lawyering skills faculty.” Tr

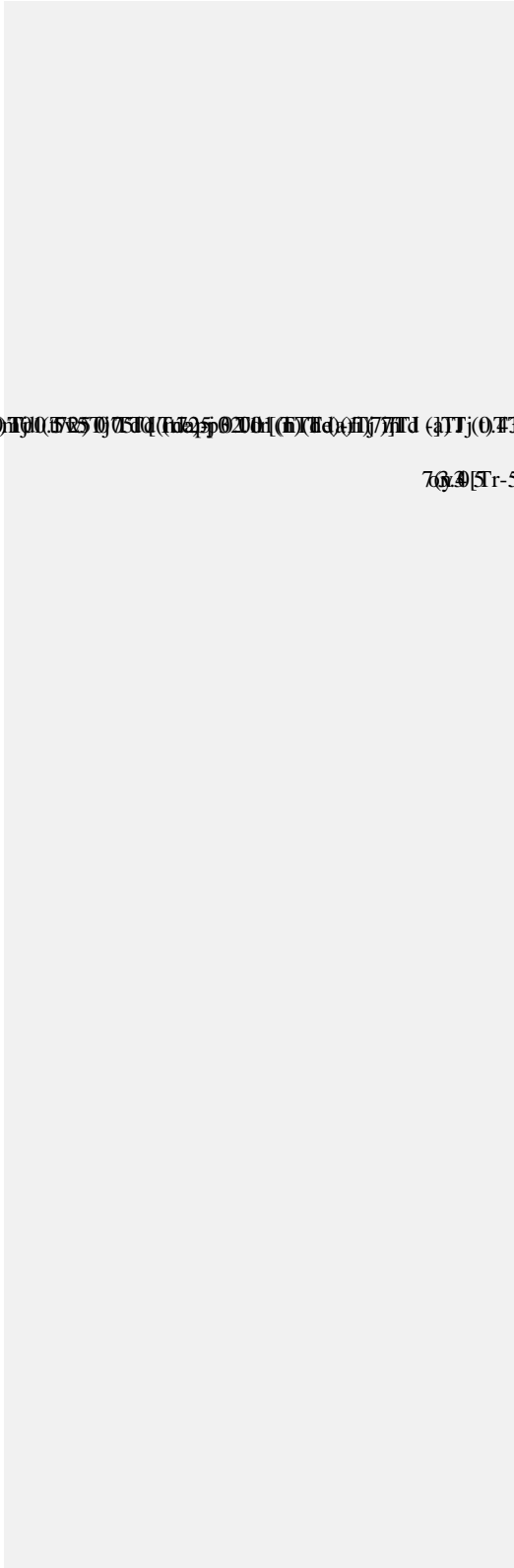
professor of lawyering skills” depending on the nature of the appointment. All non-tenure track lawyering skills faculty are senior to special lawyering skills faculty.

B. Assistant Professor. The title “assistant professor of law” applies to a member of the non-tenure track lawyering skills faculty who is without significant teaching or other relevant experience, but who shows the capacity to meet standards for promotion to the rank of professor.

C. Associate Professor. The title “associate professor of law” applies to a member of the non-tenure track lawyering skills faculty who has prior teaching experience as an assistant professor or has other relevant experience, and who demonstrates strong performance and

B. ~~Reappointment and Promotion Decisions~~. The Promotion and Tenure Committee (or such other committee designated for this purpose) has responsibility for making recommendations to the faculty regarding promotion and reappointment of non-tenure track lawyering skills faculty in accordance with these policies and procedures.

All reappointment and promotion decisions shall be made pursuant to a majority vote by the faculty member



the end of the one (1) year or three (3) year appointment periods.

If reappointment is not made before the end of the one (1) year or three (3) year appointment periods, the appointment shall terminate at the end of the current appointment term, subject to the notice provisions in the University Faculty Handbook.

E. ~~Lawyering Skills Faculty Promotion to Associate Professor.~~ Promotion to associate professor in the lawyering skills program results in an appointment for a five (5) year term.

Review for promotion to associate professor in the lawyering skills program shall ordinarily be done in the spring of the lawyering skills faculty member's fourth year as assistant professor by the Promotion and Tenure Committee, which shall transmit its recommendation to the faculty for a vote.

If an assistant professor is not promoted to associate professor, that faculty member's appointment shall terminate at the end of the current appointment term, subject to the notice provisions in the University Faculty Handbook.

F. ~~Lawyering Skills Faculty Promotion to Professor.~~ Promotion to professor in the lawyering skills program results in an appointment for a five (5) year term, with possible renewals for subsequent five (5) year terms ~~as aH~~

IV, the Dean, in consultation with the Appointments Committee and the full faculty, shall have flexibility to create continuing, special faculty positions in the lawyering skills program when doing so is in the best interests of the School of Law.

V. Reappointments of Non-Tenure Track Appointments of Lawyering Skills Professors

In the spring of the fourth year of a faculty member's five (5) year appointment as a non-tenure track professor in the lawyering skills program, the Promotion and Tenure Committee shall review the faculty member's performance to ensure that the standards for appointment as professor continue to be met, and the Committee shall make a recommendation to the faculty on renewal of ~~the lawyering~~the lawyering skills faculty member's appointment. The faculty shall meet to vote on the recommendation, and reappointment shall occur

VII. Procedures for Termination of Appointment

Any lawyering skills faculty appointment may be terminated before the end of the current appointment period 1) for just cause as defined in the Faculty Handbook Chapter 3, Part One, Section I.E.3. and 2) for serious failure to meet the continuing performance obligations set forth in article X below; or 3) pursuant to a faculty vote pertaining to reduction in staff as set forth in article VIII below and pursuant to the applicable Faculty Handbook provisions.

In the case of non-tenure track lawyering skills faculty, if the Dean or a majority of the voting faculty entitled to vote on appointments, reappointments and promotions of the individual in question determines that mid-term termination of appointment should be considered, the matter shall be referred to the Promotion and Tenure Committee for review and recommendation to the faculty. Following receipt of the recommendation of the Promotion and Tenure Committee if a majority of faculty members entitled to vote on such matters finds that sufficient cause exists for termination, the faculty member' s appointment shall be terminated, subject to the notice provisions in the University Faculty Handbook (T 5 (b) 1 (3) and 2 (a) and (b) (i) 5 (d) (1) 9 (d) (1) 10 (1) 11 (5) 12 (d) 13 (1) 14 (1) 15 (d) 16 (1) 17 (1) 18 (1) 19 (1) 20 (1) 21 (1) 22 (1) 23 (1) 24 (1) 25 (1) 26 (1) 27 (1) 28 (1) 29 (1) 30 (1) 31 (1) 32 (1) 33 (1) 34 (1) 35 (1) 36 (1) 37 (1) 38 (1) 39 (1) 40 (1) 41 (1) 42 (1) 43 (1) 44 (1) 45 (1) 46 (1) 47 (1) 48 (1) 49 (1) 50 (1) 51 (1) 52 (1) 53 (1) 54 (1) 55 (1) 56 (1) 57 (1) 58 (1) 59 (1) 60 (1) 61 (1) 62 (1) 63 (1) 64 (1) 65 (1) 66 (1) 67 (1) 68 (1) 69 (1) 70 (1) 71 (1) 72 (1) 73 (1) 74 (1) 75 (1) 76 (1) 77 (1) 78 (1) 79 (1) 80 (1) 81 (1) 82 (1) 83 (1) 84 (1) 85 (1) 86 (1) 87 (1) 88 (1) 89 (1) 90 (1) 91 (1) 92 (1) 93 (1) 94 (1) 95 (1) 96 (1) 97 (1) 98 (1) 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IX. Standards of Performance: Lawyering Skills Faculty

A. **In General.** Standards for reappointment and promotion of non-tenure track lawyering skills faculty require effective teaching and institutional service. Standards for reappointment of special lawyering skills faculty require effective teaching.

B. **Teaching Effectiveness** Teaching ability is the primary factor to be considered in evaluating lawyering skills faculty for hiring, reappointment, and promotion. Lawyering skills faculty who are candidates for reappointment or promotion should demonstrate steady progress towards excellence in achieving the goals of teaching lawyering skills — to begin to instill in students the habits of competent and effective performance of the lawyering skills taught in their courses, including to the extent applicable: 1) clear exposition, cogent analysis, and effective communication.

Extraordinary performance of service is an important factor in promotion or
reappointment decisions, but it will not justify a

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APPENDIX D

POLICIES AND PROCEDURES FOR OTHER NON-TENURE TRACK FACULTY School of Law, Case Western Reserve University

I. Introduction

These policies and procedures outline the rights and responsibilities of the non-tenure track faculty of the Case Western Reserve University School of Law whose primary appointments are not in the Clinical or the CaseArc Integrated Lawyering Skills Program. However, under the limited circumstances described below and for limited duration, a Professor from Practice may receive a primary appointment in the clinical program. These policies and procedures describe the process for hiring, evaluating, promoting, reappointing, and terminating members of such non-tenure track faculty. Nothing in these policies and procedures limits the inherent right of the faculty to control the content and approach of the program taught by non-tenure track p

are qualified. Professors from Practice may be appointed or reappointed only under extraordinary circumstances. This type of appointment is an exception to the general policy that clinical faculty shall be appointed to positions on the tenure track.

IV. Procedures for Appointment, Evaluation and Reappointment

A. Hiring . All hiring decisions of non-tenure track faculty shall be pursuant to a recommendation by the Appointments Committee and a majority vote of the faculty entitled to vote on the issue.

B. Reappointment Decisions. The Promotion and Tenure Committee (or such other committee designated for this purpose) has responsibility for making recommendations to the faculty regarding reappointment of non-tenure track faculty in accordance with these policies and procedures. All reappointment decisions shall be made pursuant to a majority vote by the faculty members entitled to vote, following review by the Promotion and Tenure Committee.

C. Persons Entitled to Vote Regarding Non-Tenure Track Faculty Personnel Matters. Any member of the tenure-track faculty and any clinical and lawyering skills faculty member shall be entitled to vote on initial appointments, reappointments, or terminations regarding non-tenure track faculty.

D. Initial Appointment. A non-tenure track faculty member shall be appointed to a three (3) year term. If reappointment is not made before the end of the three (3) year appointment period, the appointment shall terminate^a

- (3) standards for curricula and content of courses and programs;
- (4) standards and facilities for research and scholarship;
- (5) requirements for admission and graduation;
- (6) the establishment or discontinuance of educational ~~or~~ ^{vice} programs.

2.3 Specific Functions The faculty shall have the authority and responsibility to:

- (1) make recommendations to the President and the Board of Trustees for the awarding of degrees in the ordinary course;
- (2) make recommendations to the President relative to appointment of a Dean of the Law School in accordance with Faculty Handbook procedures³
- (3) make recommendations to the President for appointment of members of the Faculty. No person shall be appointed to the tenured, ~~tenure~~ ^{tenure} or non-tenure track Faculty by the University unless his or her appointment has been recommended by the affirmative vote of the faculty. This function may not be delegated. Special Faculty may be appointed by the Dean or his designee provided in the Faculty Handbook.
- (4) make recommendations to waive policies on requirements for admission or graduation in specific areas. This function may be delegated.
- (5) make recommendations to the Dean on the appointment of administrative officers, the formulation of the budget, and the allocation of the resources and facilities of the Law School, without limitation on the Dean's authority in any of the matters referred to in this paragraph 5.

³ Sections 2.3(2) and (3) were amended September 30, 2015 to add "in accordance with Faculty Handbook procedures"

⁴ Amended April 22, 1981. The ~~form~~ section provided that no person shall be appointed unless the appointment is approved by the Faculty, incorrectly implying that it is the Faculty which appoints. Reference to Faculty Handbook incorporated on September 30, 2015.

vote.¹⁰

- (6) On matters involving the initial appointment of non-tenure track Lawyering Skills Faculty, all tenured, tenure track, Clinical and Lawyering Skills Faculty shall be entitled to vote.
 - (7) On matters involving the reappointment or promotion of tenure track Lawyering Skills Faculty, only those Faculty of rank equal to or senior to the rank to which the individual is being reappointed or promoted shall be entitled to vote.
 - (8) On matters involving standards and policies concerning promotion, tenure, or eligibility for sabbatical leave of non-clinical tenured or tenure track Faculty only tenured or tenure track Faculty shall be entitled to vote.
 - (9) On matters involving standards and policies concerning promotion, tenure, or eligibility for sabbatical leave of tenured or tenure track Clinical Faculty only tenured or tenure track Faculty and Clinical Faculty (tenure track or non-tenure track) shall be entitled to vote.
- 3.5 Law Librarian The Law Librarian is eligible for election to the tenured, tenure track, non-tenure track or special Faculty as defined above, which election shall entitle the Law Librarian to vote on matters presented to the Law Faculty, in accordance with the voting rights and limitations applicable to the type of appointment.
- 3.6 Allocation of Resources. The Law School shall allocate a reasonable amount of resources and time to each member of the Law Faculty (whether tenured, tenure track, non-tenure track or special) to encourage and make possible scholarly growth, academic achievement and professional

the President of the University exercises the presidential prerogative to do so. In the absence of both the President and the Dean, the Associate Dean for Academic Affairs preside unless the Faculty elect a presiding officer.

4.2 Secretary The Secretary shall be elected annually by the Faculty. Functions of the secretary are:

- (1) to keep the minutes of the Faculty Meetings and sign the official copies of the minutes;
- (2) to be responsible for reproduction and distribution of these minutes to the Faculty;
- (3) to be responsible for preparation of and distribution to the Student Bar Association of a summary of action taken at Faculty Meetings, with the approval of the Dean;
- (4) to prepare for the Faculty annually in the fall a list of members of the Faculty including those with voting privileges and those without voting privileges.

ARTICLE 5: MEETINGS

5.1 Regular Meetings The Faculty shall hold at least three regular meetings in each semester on dates to be determined by the Dean. The Faculty at any regular meeting may by majority vote fix the date of the next regular meeting.

5.2 Special Meetings. Special meetings shall be held on the call of the President, the Dean, or on the written request to the Dean or the Secretary signed by 20% of the voting Faculty.

5.3 Attendance at Faculty Meetings. All full-time Faculty (including full-time special Faculty) shall be entitled to attend any meeting of the Faculty subject to the limitations in this paragraph. Part-time Faculty, and administrative personnel (who do not have fixed Faculty appointments) in addition to their administrative appointments shall be entitled to attend meetings of the Faculty to which they are specifically invited by the Dean. In matters involving initial appointments to the Faculty, only full-time tenured, tenure track, non-tenure track and special Faculty, whether or not they are entitled to vote on the matter under consideration, shall be entitled to attend that portion of the meeting at which discussions and

by secret ballot. Votes may be cast by a written proxy filed with the Secretary. A secret ballot shall be required on all personnel matters, including appointments, reappointments, promotions and grants of tenure¹³

- 5.4 Quorum One half of the members of the Faculty entitled to vote on a particular matter shall constitute a quorum for that matter. Members present by proxy shall not be counted in determining a quorum.
- 5.6 Notice and Agenda The Dean (or in his or her absence the Secretary) shall notify in writing each member of the Faculty entitled to notice, at least five (5) days in advance of any meeting held during the academic year, and at least fifteen (15) days in advance of any meeting held during the summer period. Faculty on leave shall be entitled to receive notice and to vote. The notice shall specify the time and place of the meeting, and the agenda of the meeting. Items of business not listed on the agenda may be considered at a regular meeting. No action may be taken at either a regular or special meeting on an individual personnel decision (appointment, promotion, tenure, etc.) unless the notice of the meeting specifies the individual and the action proposed. The requirement of notice of a meeting may be waived by a written waiver agreed to by the faculty member(s) and shall be waived by attendance at the meeting.
- 5.7 Action Without Meeting Any action which may be taken by the Faculty at a meeting may be taken without a meeting, by a writing filed with the Secretary setting forth the action taken and the written approval of all of the Faculty entitled to vote on such action if a meeting were held.

ARTICLE 6: RULES OF ORDER AND ORDER OF BUSINESS

- 6.1 Rules of Order and Order of Business The meetings shall be conducted in accordance with Robert's Rules of Order (latest edition). The order of business at all regular meetings shall be as follows:

¹³ Prior to the Amendment of October 18, 1978, Section 5.3 (now 5.4) read as follows:
"5.3 Voting. Voting shall be by voice or show of hands unless a roll call vote is requested by any voting member in which case a roll call vote shall be taken and recorded. Votes may be cast by a written proxy filed with the Secretary, with respect to specific matters listed in the notice of the meeting."

On September 30, 2015, the faculty voted to retain the proxy system despite a recommendation from Central University that w

- 8.3 Student Members of Committees. Only-time students of the School of Law are eligible to serve on Committees designated in Article 9 as having student members.
- 8.4 Selection of Members~~Standing Committees~~ Faculty members shall be elected by the Faculty. Student members shall be selected by the Student Bar Association.²⁰
- 8.5 Selection of Members~~Special Committees~~ For those Special Committees established by the Faculty, members shall be selected in the manner designated by the Faculty, for those Special Committees established by the Dean, members shall be selected by the Dean.
- 8.6 Time of Selection and Term Members of Special Committees shall be selected at such time and shall serve for such time as shall be designated by the authority (Dean or Faculty) which establishes the Committee. Student members of Standing Committees shall be selected not later than the first month of the fall semester, to take office immediately. Faculty members of Standing Committees shall be elected not later than the first month of the fall semester, to take office immediately.²¹ Members of Standing Committees shall serve from the time selected until the end of the academic year for which they are selected, until their successors assume office, whichever is later.
- 8.7 Officers The Chair of each Committee shall be designated from among the membership of the Committee, by the Dean, with the advice and consent of the Faculty. The Secretary shall be designated from among the membership of the Committee, by the Chair. The Chair shall have the right to vote in all cases.
- 8.8 Procedures. Committees shall meet on the call of the Chair, or on the call of the majority of the Committee, and may establish rules as to the conduct of its meetings. Two thirds of the members of the Committee shall constitute a quorum, and all decisions shall be by majority vote of those present. All Committee members have equal rights to vote and participate.

ARTICLE 9: FUNCTIONS AND COMPOSITION OF COMMITTEES²²

²⁰Prior to Amendment on June 3, 1974, Section 8.4 as follows:

“8.4 Selection of Members~~Standing Committee~~

Faculty members shall be appointed by the Dean with the advice and consent of the Faculty. Student members shall be selected by the Student Bar Association.”

²¹Prior to Amendment on June 3, 1974, the third paragraph of Section 8.6 read as follows:

“Faculty members of Standing Committees shall be selected during the last month of the spring semester, to take office i2(e)-1.1-5-1.2 (i)0.6 (a)-1.1 (t)0e5 (a)-1.1 (l)0y1 (9n)-5 (.4-3.5 ("))TJ 0 Tc 00 0163.808 0 Td ()Tj EMC /

9.10 Experiential Education. The Experiential Education Committee shall be composed of two student members, at least four Faculty members and the Dean or his designee. The Committee shall consider and make recommendations to the Faculty on all matters relative to the experiential education program for which credit is awarded.²⁶

ARTICLE 10: FACULTY REPRESENTATION IN UNIVERSITY GOVERNANCE

The Faculty shall be represented in University Governance by its Dean, other law school administrators and by individual members of the Faculty as they shall from time to time be elected to serve on various University governing bodies.

The Faculty shall elect representatives to the Faculty Senate and other similar organizations which include Faculty representatives. All such representatives shall be elected at the time and for the term specified in the rules of such organization.²⁷

ARTICLE 11: AMENDMENTS

These ByLaws may be amended at any Faculty meeting provided that each voting member of the Faculty shall have received from the Dean or the Secretary a written copy of the proposed amendments at least seven (7) days before the meeting.

²⁶ Added by Amendment on November 17, 2011.

²⁷ Article 10 was added by Amendment on June 3, 1974.

CERTIFICATION

I certify that the above is a true copy of the Bylaws of the Faculty of Law, Case Western Reserve University, conformed to include all Amendments made up to the date of this certificate.

Kathryn Mercer, Faculty Secretary

Date

APPENDIX A TO THE BY-LAWS OF THE
FACULTY OF LAW
Case Western Reserve University

PROCEDURES FOR PROMOTION, REAPPOINTMENT AND TENURE

I. SOURCES OF PROMOTION, RETENTION AND TENURE PROCEDURE

The Policies and Procedures generally governing appointments, promotions, reappointments and tenure for all University Faculty are set forth in the University Faculty Handbook, chapter 3, part 1. For tenure track faculty personnel decisions, these procedures are supplemented periodically by the University Guidelines for Recommendation of Faculty Promotions and Awards of Tenure ("University Guidelines"). Attached are the University Guidelines promulgated for academic year 2014²⁸. These Procedures incorporate by reference the most current version of the University Guidelines. For Clinical and Lawyering Skills Faculty on the Faculty of Law, separate Policies and Procedures have been adopted and are attached to the Bylaws of the Faculty of Law as Appendices B and C respectively.

II. COMPOSITION AND FUNCTIONS OF THE PROMOTION AND TENURE COMMITTEE

A. As set forth in Section 9.8 of the Bylaws the Promotion and Tenure Committee is composed of at least four tenured or tenure track faculty who evaluate the teaching, scholarship and service of tenure track faculty for purposes of Promotion and Tenure

B. The Promotion and Tenure Committee also conducts annual reviews of faculty on the tenure, and non-tenure tracks, evaluates non-tenure track faculty for promotion and reappointment, and reviews sabbatical requests of tenured faculty. For purposes of reappointment and promotion of Clinical or Lawyering Skills faculty, the Committee is augmented as required in Appendices B and C to the Bylaws. For purposes of retention (uai Tw 11 (i).1 (a)

1. Teaching and scholarship are the most important requirements because they reflect the two primary functions of the university faculty.

2. Excellence in teaching, a significant and substantial scholarly contribution, and service to the University and Law School communities are required of all candidates for Promotion and Tenure

3. Promotion and tenure decisions are not made merely to recognize past performance but also involve a prediction of future contributions.

4. The Promotion and Tenure decision involves a determination of whether the

2. A candidate initially will be considered for promotion to associate professor in the fall following the completion of his or her second year of service.

3. A candidate may be granted an extension of one additional year for consideration for promotion to associate professor. While extensions are not automatic, requests for extension will be favorably considered for those candidates who have demonstrated substantial progress toward meeting the standards for promotion. Extensions are not considered as negative decisions.

D. Promotion to Full Professor with Tenure

1. Normally at least three significant articles and demonstrated teaching effectiveness are expected for consideration for promotion to full professor with tenure. As required by the Faculty Handbook, the candidate's record must show a documented national or international reputation for sustained scholarship in the candidate's discipline.

2. The normal pre-tenure period is six years, unless the letter of appointment provides otherwise. This means that a candidate will normally be considered for tenure and promotion to full professor in the fall following the completion of his or her fifth year of service.

E. Provisions for obtaining additional extensions during the pre-tenure period are set forth in the University Faculty Handbook, at Chapter 3, part 1 G.

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. The Dean (or the³²Dean's designee) contacts potential outside reviewers, initially by telephone or email and with followup lettersto the reviewers.Typically, the outside reviewer i(W)4.2 (S)-wrs

7. The Chair places copies of the candidate's annotated C.V., student evaluations and scholarship at several secretarial stations for review by the members of the faculty.

8. All members of the faculty who are entitled to vote on the promotion meet to consider it. According to Article 3 of the Faculty By-Laws, "this consists of only those faculty who rank equal to or senior to the rank to which the individual is being promoted", in the case of promotion to associate professor, tenured faculty with the rank of associate professor without tenure are entitled to vote. Article 4 of the Faculty By-Laws provides that a secret ballot shall be required on all personnel matters, including appointments, reappointments, promotions and grants of tenure.

9. Following the faculty's vote, the faculty's recommendation is communicated to the Dean. The Dean then prepares the Dean's recommendation to the Provost, which accompanies the faculty recommendation and includes the Promotion and Tenure Committee report and associated supporting materials.

B. Promotion to Full Professor with Tenure

1. Section 9.8 of the Faculty By-Laws states that each faculty member shall be considered for tenure no later than six years after the effective date of his or her initial appointment. The 1986 Promotion and Tenure Memorandum similarly states that the normal pre-tenure period is six years, unless the letter of appointment provides otherwise. This means that a candidate will not shall (s)-1 (s)pTd (b)2 (i)-(s)]TJ T* [(6 (f)4)-1TJ T t-1 li46 (f)4rovosm62 (i)-2 (

than three years of extensions may be granted in the period before tenure, meaning that, generally, at the latest, a faculty member would be considered in his or her ninth year after appointment.

3. The written standards for outside reviewers are also the same as the standards for promotion to associate professor.

4. The procedures for the Promotion and Tenure Committee consideration of a candidate's candidacy for promotion to full professor with tenure are essentially the same as those for consideration to promotion to associate professor.

5. The process of voting at the faculty level is also the same, except that only tenured faculty are entitled to vote on promotion with tenure.

C. Annual Reviews

1. In accordance with the University Faculty Handbook (Chapter 3(1)(5)) (the Dean shall ensure that all full-time faculty members receive an annual review. The Dean shall provide a written summary of the annual review to the faculty member

2. Annual reviews of full-time, nontenured members of the faculty typically are also conducted by the Promotion and Tenure Committee the first year of their appointment, this review is conducted in the spring semester. In subsequent years, the process begins in the fall semester and continues through the spring of the academic year before the faculty member is considered for tenure if applicable, or in the case of non-tenure track faculty, until they are promoted to the rank of Professor

between subse

A. The Policies and Procedures for Clinical Faculty and tenure track Lawyering Skills Faculty attached to the Bylaws of the Faculty of Law as Appendices B and C, respectively, provide for annual reviews and the standards for review of these faculty for promotion and reappointment. The Promotion and Tenure Committee, augmented as required in those standards, is charged with performing the necessary committee review in such cases and to make recommendations to the Faculty to the extent that the standards for review of Clinical Faculty (Appendix B) are applicable to tenure track clinical faculty, the Promotion and Tenure Committee applies those standards to tenure track clinical faculty in addition to the standards for review of the candidate's scholarship described above.

B. As described more fully below, review for a promotion decision for such faculty should include the following: Candidate Dossier, Formal Written Evaluation by Faculty in the candidate's track that are senior to the candidate, and Review by the Promotion and Tenure Committee. In the case of tenure track clinical faculty candidates for promotion, the material described below is provided in addition to the requirements for review of the candidate's scholarship applicable to all tenure track candidates described above.

1. Candidate Dossier

a. The candidate should submit to the Promotion and Tenure Committee a full C.V. including all teaching and professional activities, any publications and unsolicited letters of support, testimonials or reviews.

b. It is not the intention of the faculty that the candidate solicit outside letters for the promotion process.

2. Formal Written Evaluation by Senior Faculty in the candidate's track.

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d. In the case of Clinical and Lawyering Skills Faculty, the Committee or sub-committee will also review videotape(s) of at least one supervision or ~~one~~ instructional sessions(s) provided by the candidate.

e. The Promotion and Tenure Committee will prepare a draft report of the committee's views. The Chair will share the draft with the candidate, who is asked to correct any misstatement. In addition, the

2. Certification or Report by other Professors in the candidate's track.

a. The other Professors in the candidate's track who are equal in rank to the candidate shall submit an evaluation that addresses whether the candidate continues to meet the applicable standards identified in the Policies and Procedures.

b. If the other Professors in the candidate's track believe the candidate continues to meet the applicable standards, the evaluation referred to in the previous paragraph shall consist of a brief 'Certification' to that effect

c. If the other Professors in the candidate's track believe the candidate no longer continues to meet the applicable standards, no 'Certification' shall be submitted. In that case, the Professors in the candidate's track shall submit a report to the Promotion and Tenure Committee which addresses the issues presented. The report will reflect any minority views or specific issues raised.

3. Review by Promotion and Tenure Committee

a. The Promotion and Tenure Committee will review the candidate dossier, the Certification or Report by senior faculty in the candidate's track, the previous two annual reports to the Deans, together with the Deans' written comments following their meetings with the candidate and copies of the candidate's most recent student evaluations. Absent a showing of good cause for a more substantial review of the candidate for retention, the committee's recommendation of

4. All members of the faculty entitled to vote as provided in Article 3.5 of the By-Laws of the Faculty of Law will meet to consider it. As required by Article 5.3, a secret ballot shall be required on all appointments.

4. Scholarship. If required by the terms of the initial appointment, the scholarship of non-tenure track faculty members must reflect substantial research, a thorough understanding of the subject, and an insight into the issues and problems that contribute substantially to available knowledge.

C. Review for a promotion or reappointment decision for such faculty should include the following: Candidate Dossier, and Review by the Promotion and Tenure Committee.

1. Candidate Dossier

a. The candidate should submit to the Promotion and Tenure Committee a full C.V. including all teaching and professional activities, any publications and unsolicited letters of support, testimonials or reviews.

b. It is not the intention of the faculty that the candidate solicit outside letters for the promotion or retention processes

2. Review by Promotion and Tenure Committee

a. The Promotion and Tenure Committee will review the candidate dossier, and all annual review reports previously completed by the Deans and the Promotion and Tenure Committee. In addition, the Promotion and Tenure Committee will independently review those aspects of the candidate's teaching, research and scholarship, or service to the Law School and University that are required under the candidate's tenure track appointment. b. If appropriate, the Promotion and Tenure Committee will visit the candidate's classes. The committee will also review student evaluations.

b. The Promotion and Tenure Committee will prepare a draft report of the committee's views. The Chair will share the draft with the candidate, who is asked to correct any misstatement. In addition, the candidate may wish to respond to the report of the committee. The Promotion and Tenure Committee will prepare a final report and then vote on whether or not to recommend the candidate's promotion or retention. The committee's decision is determined by the majority vote.

c. The Chair will place copies of the candidate's C.V. and student evaluations at several secretarial stations for review by members of the faculty. In addition, each faculty member entitled to vote on the promotion or retention will be sent a confidential copy of the Promotion and Tenure Committee's recommendation and report, together with class visit memoranda. The committee will also include the candidate's written responses to the report, if any.

3. All members of the faculty entitled to vote as provided in Article 3.51 of the By-Laws of the Faculty of Law will meet to consider it. As required by Article 5.3, a secret ballot shall be required on all promotions or retentions for tenure track faculty.

4. Following the faculty's vote, the faculty's recommendation will be communicated to the Dean. The Dean will then prepare his own recommendation to the Provost, which will accompany the faculty's recommendation, and will include the Promotion and Tenure Committee's report and associated supporting materials. If the candidate is promoted or retained, a new appointment shall be issued for the term recommended and approved by the Provost. If the candidate is not promoted or retained, the candidate's appointment shall be terminated in accordance with the notice procedures for renewal of term appointments set forth in the Faculty Handbook (Chapter 3, Part One, I, K.)

APPENDIX B

Policies and Procedures for Faculty Whose Primary Appointments Are In the Clinical Program

School of Law
Case Western Reserve University

I. Introduction

The faculty of law consists of the President of the University or his or her designee and all persons who hold full-time appointments in the School of Law and who have the rank of professor, associate professor, assistant professor, or instructor. These policies and procedures outline the rights and responsibilities of Case Western Reserve University School of Law faculty whose primary appointments are in the clinical program at the law school, whether tenured, tenure track, or non-tenure track (referred to herein as "clinical faculty") and whose voting privileges are set forth in Sections 3.2 and 3.4 of the Law School by-laws. They encompass the process for hiring, evaluating, and promoting these faculty.

Nothing in these policies and procedures limits the inherent right of the faculty to control the content and approach of the clinical program.

II. Obligations of the Clinical Faculty

In general, the obligations of the non-tenure track clinical faculty to the institution are teaching and institutional service. In general, the obligations of the tenured or tenure track clinical faculty are teaching, institutional service, and research and scholarship.

III. Specifications of Rank and Title

A. The following titles shall be applied to clinical faculty appointments: "Assistant Professor," "Associate Professor," and "Professor." Professor is the most

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reappointments, promotions or terminations.

D. Non-Tenure Track Clinical Faculty Appointments as Assistant Professor

A non-tenure track clinical faculty candidate appointed as Assistant Professor shall be eligible to receive two consecutive one (1) year appointments, followed by a three (3) year appointment. If the reappointment is not made, employment shall terminate at the end of the current appointment term, subject to the notice provisions in the University Faculty Handbook.

At the end of the three (3) year appointment, if the candidate is not promoted to Associate Professor, employment shall terminate, subject to the notice provisions in the University Faculty Handbook.

E. Non-Tenure Track Clinical Faculty Promotion to Associate Professor

Review for promotion to Associate Professor shall be done by the Promotion and Tenure Committee in the spring of the faculty member's fourth year, which shall transmit its recommendation to the faculty for a vote.

If a candidate is not promoted, that candidate's employment shall terminate at the end of the current appointment term, subject to the notice provisions in the University Faculty Handbook.

Promotion to Associate Professor results in an appointment for a five (5) year term. At the end of the five (5) year term, if an Associate does not meet standards for promotion to Professor and is not promoted, employment shall terminate, subject to the notice provisions in the University Faculty Handbook.

F. Non-Tenure Track Clinical Faculty Promotion to Professor

Review for promotion to Professor shall be done by the Promotion and Tenure Committee in the spring of the faculty member's ninth year, which shall transmit its recommendation to the Faculty for a vote.

If the candidate is not promoted, that candidate's employment shall terminate at the end of the current appointment term, subject to the notice

provisions in the University Faculty Handbook.

Promotion to Professor results in an appointment for a five (5) year term, with renewals for subsequent five (5) year terms as specified in V.

G. Tenure Track Clinical Faculty Appointmen

entitled to vote on such matters. If, following a valid faculty vote, the reappointment is not made, termination of employment would occur at the end of the current five (5) year appointment, subject to the notice provisions in the University Faculty Handbook.

VI. Periodic Evaluations

In addition to evaluations for promotion and reappointment, all clinical faculty members at the titles of Assistant and Associate Professor shall be given an annual performance evaluation by the Promotion and Tenure Committee for the purpose of assisting the candidate in achieving levels of performance sufficient to warrant promotion to the next level of appointment.

VII. Procedures for Termination of Employment.

Any clinical faculty appointment may be terminated: 1) for just cause as defined in the Faculty Handbook Chapter 3, Part One, Section I.E.3.; 2) for serious failure to meet the continuing performance obligations set forth in Item XI. below; or 3) pursuant to a Faculty vote pertaining to reduction in staff as set forth in Item VIII below.

If the Dean or a majority of the voting faculty determines that mid-term termination of employment should be considered, the matter shall be referred to the Promotion and Tenure Committee for review and recommendation to the Faculty.

Following receipt of the recommendation of the Promotion and Tenure Committee if, in a valid faculty vote, a majority of faculty members entitled to vote on such matters finds that sufficient cause exists for termination, the candidate's employment shall be terminated, in accordance with, and subject to the notice provisions in the University Faculty Handbook.

C. Service to the University, the Profession and the Community. Clinical faculty, like other members of the Faculty, will be called upon from time to time to engage in service to the Law School or University, for example in administrative or committee work. In addition, they may be asked to engage in public service, for example in organizing or appearing in continuing legal education programs, programs presented to non-lawyer community or educational groups, and service in other community groups such as boards of directors or legal bodies. Clinical faculty are expected to perform such services satisfactorily.

Extraordinary performance of service is an important factor in promotion decisions for non-tenure track clinical faculty. Extraordinary performance of service, however, will not justify promotion or reappointment if a clinical faculty member has not demonstrated effective teaching ability, or in the case of tenure track faculty, the required research and scholarship.

D. Capacity to collaborate with Colleagues. A candidate for reappointment or promotion in the clinical program shall demonstrate that he or she can work well with colleagues and has the inclination to continue to do so.

X. Additional Standards of Performance in the Clinical Program for All Clinical Faculty.

In addition to the general standards stated above in Item IX., the following

A. Clinical Teaching Effectiveness. Candidates for reappointment and promotion should demonstrate steady progress towards excellence in achieving the goals of clinical teaching: to instill in students the habits of careful research, rigorous analysis, thorough preparation, good relations with clients and others, honest self-criticism, and the ability to learn from experience. Candidates who achieve the title of Clinical Professor should perform proficiently in both one-to-one supervision and clinical classroom teaching.

B. Competence as a Lawyer. Because one of the goals of the clinical

Clinicians should evidence an appreciation of the professional values necessary to be a competent advocate and officer of the court. Clinicians also should be aware of ethical issues raised by practice and should take appropriate action to deal with these issues in a manner consistent with applicable ethical and legal standards.

C. Character. Clinicians should be intellectually and emotionally capable of rendering professional service to clients and of providing supervision to students.

D. Growth as a Lawyer. The clinical program is designed primarily to assist students in becoming competent practitioners. Competency as a practitioner is

positive recommendations from the Faculty Appointments Committee to the faculty, from the faculty to the Dean, and from the Dean to the Provost. Such a recommendation would focus on teaching, service, practice, and scholarship.

Teaching, service and practice shall be governed by the policies and procedures stated above generally applicable to all clinical faculty. Scholarship generally shall be

scholarly potential and progress, as determined by the Dean, clinical faculty members in this position who declare their intention to seek a tenure- track appointment may be released from clinical obligations during the summer and may be given research support, including research assistants and summer research grants for no more than three years.

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3. All full- time clinical faculty employed by the Law School as of March 5, 2008 have the option to retain their previous non -tenure track long-term contract status and not apply for a tenure -track position.

These policies and procedures were oc

Appendix C: Policies and Procedures for Lawyering Skills Faculty

Case Western Reserve University School of Law

I. Introduction

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B. Reappointment and Promotion Decisions. The Promotion and Tenure Committee (or such other committee designated for this purpose) has responsibility for making recommendations to the faculty regarding promotion and reappointment of non-tenure track lawyering skills faculty in accordance with these policies and procedures.

All reappointment and promotion decisions shall be made pursuant to a majority vote by the faculty members entitled to vote, following review by the Promotion and Tenure Committee. For the sole purpose of considering a member of the non-tenure track lawyering skills faculty for promotion or reappointment, one member of the Promotion and Tenure Committee shall be a member of the non-tenure track lawyering skills faculty who holds a rank equal to or senior to the rank to which the non-tenure track lawyering skills faculty member under consideration is being reappointed or promoted.

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appointments, followed by a thr

G. Special Faculty Positions. Notwithstanding any of the above provisions in this article IV, the Dean, in consultation with the Appointments Committee and the f

VII. Procedures for Termination of Appointment

Any lawyering skills faculty appointment may be terminated before the end of the current appointment year.

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IX. Standards of Performance: Lawyering Skills Faculty

A. In General. Standards for reappointment and promotion of non-tenure track lawyering skills faculty require effective teaching and institutional service. Standards for reappointment of special lawyering skills faculty require effective teaching.

B. Teaching Effectiveness Teaching ability is the primary factor to be considered in evaluating lawyering skills faculty for hiring, reappointment, and promotion. Lawyering skills faculty who are candidates for reappointment or promotion should demonstrate steady progress towards excellence in achieving the goals of teaching lawyering skills — to begin to instill in students the habits of competent and effective performance of the lawyering skills taught in their courses, including to the extent applicable: 1) clear exposition, careful research, rigorous analysis; 2) thorough preparation; 3) effective interviewing, fact gathering, counseling, negotiation and oral presentation; 4) written and oral examination and advocacy; 5) honest self-criticism. Faculty members in the lawyering skills program should perform proficiently in one-to-one interaction, small group and classroom teaching.

C. Service to the University, the Profession, and the Community

are qualified. Professors from Practice may be appointed or reappointed only under extraordinary circumstances. This type of appointment is an exception to the general policy that clinical faculty shall be appointed to positions on the tenure track.

IV. Procedures for Appointment, Evaluation and Reappointment

A. Hiring . All hiring decisions of non-tenure track faculty shall be pursuant to a recommendation by the Appointments Committee and a majority vote of the faculty entitled to vote on the issue.

B. Reappointment Decisions. The Promotion and Tenure Committee (or such other committee designated for this purpose) has responsibility for making recommendations to the faculty regarding reappointment of non-tenure track faculty in accordance with these policies and procedures. All reappointment decisions shall be made pursuant to a majority vote by the faculty members entitled to vote, following review by the Promotion and Tenure Committee.

C. Persons Entitled to Vote Regarding Non-Tenure Track Faculty Personnel Matters. Any member of the tenure-track faculty and any clinical and law yering skills faculty member shall be entitled to vote on initial appointments, reappointments, or terminations regarding non-tenure track faculty.

D. Initial Appointment. A non-tenure track faculty member shall be appointed to a three (3) year term. If reappointment is not made before the end of the three (3) year appointment period, the appointment shall terminate at the end of the academic year following the end of the initial appointment term, subject to the notice provisions in the University Faculty Ha

reappointment shall occur upon a majority vote in favor of reappointment by the faculty members entitled to vote on such matters. If a non-tenure track faculty member is not reappointed, that faculty member's appointment shall terminate at the end of the academic year following the end of the current appointment term, subject to the notice provisions in the University Faculty Handbook.

V. Periodic Evaluations

In addition to evaluations for renewal, all non-tenure track faculty members shall be given an annual evaluation.

