

**POLICIES AND PROCEDURES FOR
HIRING AND EVALUATING
FULL-TIME NON-TENURE TRACK
EXTERNSHIP INSTRUCTIONAL STAFF
[Adopted April 23, 2014]**

These policies and procedures are for instructional staff (“Staff”) members of the University of Dayton School of Law (“UDSL”) teaching in the Externship Program. They apply to each full-time Externship Program Staff member appointed to a non-tenure track position. These policies and procedures are intended to be construed consistently with current versions of the Faculty Handbook of the University of Dayton, the School of Law Policy Manual, the accreditation standards of the American Bar Association, and the membership standards of the American Association of Law Schools.

I. Externship Program Staff: Meaning of Titles.

- A. Assistant Professor of Externships. An Externship Program Staff member who is appointed to a one-year term is an Assistant Professor of Externships.
- B. Associate Professor of Externships. An Externship Program Staff member who is appointed to a three-year term is an Associate Professor of Externships.
- C. Professor of Externships. An Externship Program Staff member who is appointed to a five-year term is a Professor of Externships.

II. Initial Appointment of Externship Program Staff.

- A. Procedure for New Appointments. New appointments will be made by the Dean, based on the recommendation of a Hiring Committee. The Hiring Committee shall be appointed by the Dean and shall include four members: 1) two members with non-tenure track, long-term contract status at UDSL (at least one of whom is a full-time non-tenure-track Externship Program Staff member, if possible); and 2) two members who are full-time tenure-track or tenured faculty members. The Dean may appoint a candidate voted acceptable by two-thirds (three members) of the Hiring Committee, unless there are exigent circumstances.

Externship Program Staff members typically will be hired at the rank of Assistant Professor of Externships and typically for appointment to an initial term of one year and, absent extraordinary circumstances, the possibility of up to two additional one-year terms as an Assistant Professor of Externships. The Dean may appoint an experienced candidate to a three-year term or a five-year term, based on the recommendation of the Hiring Committee. These appointments are not tenure-track and may not be converted to tenure-track.

- B. Standards for Initial Appointment. A candidate for initial appointment as an Externship Program Staff member at the rank of Assistant Professor of

Externships must demonstrate the potential for excellence as a teacher and of externship issues, as shown by educational achievement, prior practice of law, prior teaching, or other relevant achievements and skills.

- C. Standards for Appointment to a Three-Year Term or Five-Year Term. A candidate for appointment as an Externship Program Staff member at the rank of Associate Professor of Externships or Professor of Externships must demonstrate compliance with the standards set forth below in III. B. for appointment to a three-year term or a five-year term, respectively.

III. Appointment Renewals.

- A. One-Year Appointments. To renew one-year appointments of Externship Program Staff members at the Assistant Professor rank, the Dean shall designate an appropriate person to conduct an evaluation of the Externship Program Staff member (“Dean’s Evaluation”), who may consult with a consultant from another law school (“Outside Consultant”); the Outside Consultant shall be a person who currently performs, or in the past has performed, essentially the same job performed by the Externship Program Staff member. The Externship Program Staff member shall be consulted in the selection of the Outside Consultant. For re-appointment, the Externship Program Staff member must demonstrate excellence in the teaching of the appropriate externship course and familiarity with the pedagogy of law student externships.

If a one-year appointment will not be renewed, notice must be given in writing to the Externship Program Staff member not later than March 15 of the current academic year.

- B. Three-Year & Initial Five-Year Appointments. A Review Committee shall review the application for a three-year appointment and the application for the initial five-year appointment. The Review Committee shall be appointed by the Dean and shall include four members: 1) two members with non-tenure track, long-term contract status at UDSL (at least one of whom is a full-time non-tenure-track Externship Program Staff member, if possible); and 2) two members who are full-time tenure-track or tenured faculty members. The Review Committee shall consult with an Outside Consultant, selected as in Section III. A., above. Only those candidates voted acceptable by two-thirds (three members) of the Review Committee shall be eligible for a multi-year appointment.

- 1. Three-Year Appointment. By March 15 of an Assistant Professor of Externships second one-year term, s/he shall apply for a three-year appointment; by not doing so, the Assistant Professor of Externship agrees that he/she has no claim to employment at UDSL after the following academic year. The Review Committee shall review the candidate under the standards set forth in Section IV. below and shall provide the candidate with a written evaluation based on the information collected. The Review

Committee shall make its recommendation and provide notice of its decision to the candidate not later than November 15 of his/her third one-year term.

Upon recommendation of the Review Committee and the Dean, the Provost, subject to approval by the President, may appoint the candidate to a three-year term. A candidate who is denied a three-year term may be re-appointed for one final year.

2. Initial Five-Year Appointment. By March 15 of an Associate Professor of Externships' second year of the three year term, s/he shall apply for an initial five-year appointment; by not doing so, the Associate Professor of Externships agrees that s/he has no claim to employment at UDSL after the following academic year. The Review Committee shall review the candidate under the standards set forth in Section IV. below and shall provide the candidate with a written evaluation based on the information collected. The Review Committee shall make its recommendation and provide notice of its decision to the candidate not later than November 15 of his/her three-year term regarding awarding a five-year appointment. Upon recommendation of the Review Committee and the Dean, the Provost, subject to approval by the President, may appoint the candidate to a five-year term.

A candidate who is not awarded a five-year appointment may be re-appointed to a final one-year appointment for the subsequent academic year.

3. Initiation of Review Committee Process. By September 1 of the academic year in which a Review Committee decision is sought, the Externship Program Staff member shall submit to the chair of the Review Committee one copy of a "Candidate Portfolio." Materials on which the candidate wishes to rely may be added to the Candidate Portfolio through October 1.
4. Submission of Candidate Portfolio. The Externship Program Staff member being reviewed shall submit to the Review Committee a Candidate Portfolio that includes:
 - a. A curriculum vitae;
 - b. A teaching dossier including a list of courses and workshops taught at the law school; the past years' syllabi; original course materials; and at least 3 critiqued student papers;
 - c. Prior Dean's Evaluations;
 - d. Two teaching evaluations written by two members of the Review Committee who have each viewed recordings of two classes and/or

workshops taught by the candidate (at the candidate's option, recordings of additional classes may be provided to the Review Committee);

- e. A copy of all published work;
- f. A list of law school committee assignments and service;
- g. A description of other service activities outside the law school;
- h. Scholarly works in progress or any other material the candidate deems relevant.

C. Subsequent Five-Year Appointment Renewals. Subsequent five-year appointment renewals do not require a review by a Review Committee, but may be made by the Dean.

IV. Standards for Appointment to a Multi-year Appointment Term.

At the time of the first multi-year appointment review (during the third year), the Externship Program Staff member should have demonstrated progress toward, and the potential for meeting, the standards set forth below. At the time of the initial five-year appointment review, and thereafter for subsequent five-year appointment renewals, the Externship Program Staff member should have demonstrated satisfaction of the standards set forth below, as well as a commitment to serving as a contributing member of the Externship Program, the School of Law, and the University.

A. Teaching. Teaching ability is the primary factor to be considered in evaluating Externship Program Staff members for hiring, retention, and promotion. Externship Program Staff members will be required to perform in a number of capacities in carrying out their teaching responsibilities. Evaluation of the candidate's teaching performance shall include the following factors:

1. Sound knowledge of externship experiences and pedagogy;
2. Ability to provide well-organized and clearly presented classroom, online, and workshop experiences;
3. Ability to create an atmosphere conducive to learning (e.g., use of a range of creative pedagogical methodologies so as to help students with different learning styles);
4. Ability to facilitate class discussion;
5. Ability to provide insightful critique of students' performance;
6. Accessibility to students (e.g., office hours; in-person conferences; placement counseling);

7. Continued development and refinement of teaching; and
8. Production and selection of materials for use in teaching, including research and writing problems or exercises, samples, readings, and other teaching tools.

B. Service to the Externship Program, the School of Law, or University Community.

Externship Program Staff members must have demonstrated an ability and willingness to perform appropriate service.

Externship Program Staff members are presumed to devote most of their time to their teaching responsibilities, including classroom and one-on-one teaching, as well as assuming substantial administrative responsibilities for the area of the Externship Program. Externship Program Staff members are expected to attend and participate in faculty meetings and provide service to the School of Law and the University. Where appropriate by reason of need, opportunity and expertise, service to the bar and the larger civic, social and cultural community may also be provided by Externship Program Staff members.

V. Voting Rights.

Externship Program Staff members are entitled to participate fully in Faculty Meetings. They are entitled to vote on all matters except:

- A. matters concerning appointments and promotions of tenure track faculty;
- B. changes in the status of the Externship Program Staff positions; and
- C. continuation of the Externship Program.

VI. Termination of Appointments.

- A. For Adequate Cause. The Dean may terminate any appointment at any time, or may deny renewal of any appointment, for adequate cause, such as the failure to fulfill an appointment obligation, moral turpitude, etc.
- B. Financial Exigency or Discontinuance of the Externship Program. Pursuant to University policy, the School of Law reserves the right, in the case of financial exigency or discontinuance of a program or department of instruction, to terminate an Externship Program Staff member. The affected Externship Program Staff member will be given notice as soon as possible and never less than twelve months' notice.