

**UNIVERSITY OF DAYTON SCHOOL OF LAW**

**SELECTION OF NEW FACULTY**

[Adopted September 9, 1981 and amended February 3, 1982 and February 11, 1988.]

1. IN GENERAL

The following procedure will be used by the School of Law when considering candidates for appointment to the tenure-track faculty. The procedure may be followed, either as written or modified in one or more respects, when other positions are filled as well.

2. POSITION DESCRIPTION

When a vacancy on the tenure-track faculty exists, the Faculty Recruitment Committee will develop a brief position description of the opening. The description should include information like, the rank of the position, the duration of the position, and any teaching or special responsibilities to be attached to it.

3. CANDIDATE SEARCH

The committee and the Dean will share responsibility for conducting a search to identify and develop a reasonably complete pool of qualified applicants for the open position. Normally the search will include at a minimum, screening the AALS Placement Register and placing notices in appropriate publications, including those most likely to elicit applications from minority and disadvantaged persons. The Committee and/or the Dean may also interview applicants and/or check references as part of the search process.

4. CAMPUS VISITS

The Dean and the committee will evaluate the applicants for the position in order to prepare a list of qualified candidates. Several of the best qualified candidates then will be invited to visit the school. Normally not less than three, nor more than five, candidates will be invited to the campus for any open position. During the visit, each candidate will be asked to make a brief presentation on a point of law, to the whole faculty. [September 16, 1987.] At the conclusion of a visit, the committee will solicit the views of individual faculty members, either formally or informally.

5. CANDIDATE SLATES

After the completion of all campus visits by applicants under consideration for a vacancy, the committee will present to the faculty a slate of candidates containing the names of those the committee has found qualified for the position. While faculty members can request the inclusion of a candidate on a slate, only those candidates whose names appear on a slate will be considered for the vacancy.

In the event there is more than one vacancy to be filled, the committee will present a separate slate of candidates for each such vacancy. Candidates' names may appear on more than one slate at a time.

#### 6. FACULTY CONSIDERATION

The faculty will consider each slate of candidates at a faculty meeting, in executive session. The actual number of votes cast for each candidate will not be included in the Minutes of the meeting, however. [February 3, 1982.]

#### 7. ACCEPTABILITY

The faculty will first decide whether one or more of the candidates are acceptable for appointment. Voting on all candidates will be done simultaneously, by means of a written ballot containing the names of all slated candidates. Acceptability requires the vote of two-thirds (2/3) of all members of the tenure-track faculty, excluding those on leave or visiting at other law schools. [February 11, 1988.] Votes of abstention are deemed as votes of unacceptability. After the voting on acceptability is completed, the ballots shall be collected and retained by the Dean for a reasonable period of time, during which they shall be open to inspection by any member of the tenure-track faculty, and then destroyed.

#### 8. PREFERENCE

##### (a) ONE ACCEPTABLE CANDIDATE

If only one of the slated candidates is found acceptable, that candidate shall be deemed the faculty's choice and recommended by it to the Dean to fill the vacant position.

##### (b) MORE THAN ONE ACCEPTABLE CANDIDATE

If more than one candidate is found acceptable, the faculty will indicate its preference between or among the acceptable candidates. However, the vote on preference, unlike the vote on acceptability, is an expression of faculty sentiment and, thus, not binding on the Dean.

##### (c) VOTING

The preference vote will be accomplished by means of a written ballot on which the names of all acceptable candidates appear. Each faculty member will indicate his or her order of preference by entering "1" for the first choice candidate, "2" for the second, and so forth. Ties are not permitted and abstentions will be indicated by leaving the space next to the candidates name blank. All ballots will be turned over to the Dean who will determine the faculty's preference by the following procedure, retain the ballots for a reasonable time during which they are open to inspection by any member of the faculty, and then destroy them.

(i) If there are only two acceptable candidates, the one receiving the highest number of first place votes is the faculty's preference. A tie indicates no preference between them.

(ii) If there are three or more acceptable candidates, the one receiving the highest number of first place votes is the faculty's first preference. In the event of a tie, the ballots indicating a first choice *other than a candidate in the tie* will be redistributed between the tied candidates on the basis of second choice. In such a case, the tied candidate receiving the highest number of first and second choice votes is the first preference.

If the faculty's preferred candidate declines the offer, or if the Dean finds him or her unacceptable, the faculty's next preference will be determined by redistributing the ballots on which the first preferred candidate was first choice on the basis of second choice. The candidate receiving the highest number of first and second place votes is the faculty's second preference. In the event of a tie, the procedure described above for deciding a tie for first preference will be used to determine the faculty's second preference.

If the faculty's second preference declines, or if he or she is found unacceptable by the Dean, further faculty preferences will be determined by redistributing ballots in the manner described above for determining the faculty's second preference.

#### 9. ACADEMIC TRANSCRIPTS

Offers of employment to faculty candidates shall be made on the express condition that an official transcript be sent by the Registrar of the law school from which the candidate graduated, reflecting the receipt of the law degree or degrees as represented by the candidate.