

APPENDIX I: SCHOOL OF LAW

Procedures for Appointment, Promotion, and Tenure

The Law School Lateral Faculty Appointments Committee and the Entry-Level Faculty Appointments Committee, working in conjunction with the dean, are charged generally with identifying personnel needs, establishing priorities of needs, locating prospective appointees, evaluating candidates, and making recommendations to the faculty on all new appointments. All members of the faculty are encouraged to submit to the committees the names of prospective candidates they believe deserve serious consideration.

The committees shall make a recommendation to the faculty concerning the type of appointment to be offered to a particular candidate it finds acceptable. If the appointment is to be with tenure status, that fact shall be made known to the faculty when the name is placed before it.

With certain exceptions, all members of the faculty entitled to attend, participate in, and vote at faculty meetings shall be eligible to vote on recommended appointments, provided, however, that only such members of the faculty who have tenure shall be eligible to vote on tenure, and only tenured members of the faculty and research professors shall be eligible to vote on reappointments of tenure-track faculty. No affirmative action shall be taken by the faculty on any recommended appointment unless by a two-thirds majority vote of those members present, eligible to vote and actually voting, provided, however, that on a matter affecting indefinite tenure, affirmative action shall be taken by a majority vote of those members present, eligible to vote and actually voting.

Detailed descriptions of procedures and standards for the various types of law school appointments appear in Rules 4-3 and 4-3.1 of the Law School Rules, which can be found on the Law School's website at <http://www.law.duke.edu/about/community/rules/index>.

A candidate shall be granted indefinite tenure only if he or she has demonstrated the qualities necessary for sustained excellence as both a teacher and a creative and productive scholar, looking to the future as well as the past. In making this decision, the faculty may assess the quality of a candidate's teaching on the basis of student evaluations, class visitations, and/or such other techniques it deems appropriate; it may assess the quality of a candidate's scholarship only on the basis of his or her written work that is in a state of completion sufficient to satisfy reasonable standards of craftsmanship, and this written work must be sufficiently substantial to permit confident judgment by the faculty in the matter. Other factors that may weigh in the decision are the extent, relevance, and significance of a candidate's contributions to legal education, law reform, public service, and the administration of justice.

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