

PROMOTION, MERIT AND TENURE GUIDELINES FOR THE FACULTY OF LAW¹

(Revised October 12, 2005, May 30, 2007, October, 2008)

The purpose of the Guidelines is to indicate the manner in which the criteria for merit increments, tenure decisions and promotion from one rank to the next rank are applied in the Faculty of Law. They are to be read in conjunction with the Procedures Pertaining to Appointment, Promotion and Tenure of Academic Staff ("APT Procedures").

APT, Section 3

STATEMENT OF RELATIVE IMPORTANCE

Each academic staff member is expected to contribute to the teaching, research and service functions of the Faculty. Each member of the academic staff shall make excellence in teaching the highest professional priority. Each member of the academic staff shall be actively and continuously engaged in research and shall carry out the service obligations to the Faculty and University in a conscientious and diligent manner.

A member of the academic staff should be required to make a contribution to all three functions of the Faculty. However, given that we are being asked to "do more with less" and that it is likely that the demands that are being asked of us are likely to increase in the future, we do not think that it is realistic to expect that each of us make a "significant" contribution in all three areas in order to justify meritorious recommendation by the Faculty Promotions Committee (FPC) in the annual merit assessment process.

We are in agreement that teaching is and must remain the highest priority for each Faculty member. When a Faculty member abdicates any of his or her professional responsibilities, there is an immediate impact on the students and on the Faculty as well. This is particularly true when a Faculty member does not carry out his or her research obligations and service (committee) duties.

RECOGNITION OF DIVERSE CAREER PATTERNS

The Dean, Faculty Promotions Committee and the Academic Appointment Review Committee shall be sensitive to gender, social and administrative factors and recognize that these factors may influence career patterns. Each member of the academic staff who wishes the diversity of his or her career path to be considered should submit a written explanation to the Dean and the Faculty Promotions Committee or the Academic Appointment Review Committee.

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- **BOLD Script indicates the statement of the criteria.**
- **NORMAL Script indicates explanatory notes.**

When a career path is influenced by reason of administrative service commitments of a member of the academic staff, such arrangements must be confirmed in writing between the Dean and the member of the academic staff.

The APT Procedures require that Faculty criteria contain a recognition of the diversity of career paths which an individual member of the academic staff may choose to follow. The above statement is designed to recognize such diversity but is not limited to career paths which may be affected by childbirth and rearing alone. Each member of the academic staff who wishes to have the diversity of his or her career considered should be required to provide the Dean and the appropriate Committee with a specific account of his or her individual circumstances. The statement relating to administrative appointments is required by the APT Procedures.

INTERNATIONAL ACTIVITIES

The Committee shall, in assessing teaching, research and service, give consideration to the international character of activities.

One of the goals of the University Task Force on internationalization, as approved by the General Faculties Council ("GFC"), is that "... involvement in international activities be a recognized factor in faculty performance assessment, and in the hiring of new faculty members and senior University personnel." The statement on international activities is included to meet this goal.

APT Section 4

APPOINTMENT

The Faculty may implement the "extraordinary procedures for expedited spousal hiring" in accordance with Article 4.8 of the APT Procedures. Pursuant to Article 4.8.11, these procedures shall be applied at the Faculty unit.

The Faculty of Law does not contain Departments or Programs and accordingly, the procedures can be applied only at the Faculty unit and may affect only the Faculty as a Destination Unit.

APT Section 5

TENURE

The granting of an appointment with tenure in the professorial ranks requires a determination that, given the applicant's quality and pattern of career performance, there is a substantial probability that the applicant will be able to sustain a career as a productive researcher, effective teacher, and active contributor to the University of Calgary community. The criteria that will be used in making this determination are the Teaching, Research and Service criteria set out in these Guidelines.

Pursuant to Section 5.6.12 of the APT Procedures, academic appointees who wish to be considered for an appointment with tenure shall submit to the Chair of the Academic Appointment Review Committee their application form, an updated curriculum vitae,

relevant research / publication materials, a list of proposed external referees containing at least three names, a list of tenured academics at the University of Calgary outside the Faculty when such persons have direct knowledge of the applicant's academic work, and a multi-year research agenda.

The Dean shall fulfil the role of the Head as set forth in Sections 5.6.1 to 5.6.21 of the APT Procedures. The Associate Dean shall chair the Academic Appointment Review Committee. Four academic appointees holding appointments with tenure, of whom at least one and not more than one is from outside the Faculty, shall be elected to the Committee by Faculty Council. At least two of the nominees for the election shall be from outside the Faculty. Nominations for the academic appointees may come from the floor of Faculty Council. The student representative on the Committee will be selected by the Society of Law Students, and will be a voting member. One member shall be appointed by The University of Calgary Faculty Association ("TUCFA") as a non-voting member.

The presence of the Chair, two of the academic appointees holding appointments with tenure (one of whom must be from outside the Faculty), one of the Dean's appointees, the Dean (except where excluded by section 5.7.5.6 of the Procedures), the TUCFA appointee and members of both genders is required for a quorum.

The Dean shall solicit advice from other academic staff before completing a recommendation for tenure. Academic staff whose advice is to be sought include:

- (a) all full-time Law faculty members;
- (b) tenured academic staff at the University of Calgary outside the Faculty when such persons have direct knowledge of the applicant's academic work and who are on the list provided by the applicant; and
- (c) other tenured academic staff at the University of Calgary outside the Faculty when such persons have direct knowledge of the applicant's academic work and with whom the Dean chooses to consult. The Dean shall provide the applicant with a list of all those whose advice was sought under this sub-paragraph.

The Dean shall solicit advice from the academic staff mentioned by providing them with the opportunity to provide written comments, and making available to them for at least two weeks the applicant's curriculum vitae and relevant research / publication materials. The Dean shall maintain a confidential written record of any comments received. A fair summary of the advice received shall be included in the Dean's assessment and discussed with the applicant.

In selecting referees, the Committee Chair shall choose at least one referee from the list of external referees supplied by the applicant. In addition, the Committee Chair shall consult with the Dean, and shall choose at least two referees from a list of proposed referees containing at least three names supplied by the Dean. The Committee Chair may choose up to two additional referees that are not on either the applicant's list or the Dean's list.

The provisions are required by the APT Procedures. In a non-departmentalized Faculty such as ours, the Dean may make the initial assessment or chair the Academic Appointment Review Committee, but not both. These Guidelines reflect a decision that it is appropriate for the Dean to make the initial assessment.

APT, Section 6

FACULTY PROMOTIONS COMMITTEE

The process for establishing the composition of the Faculty Promotions Committee is as follows, pursuant to determination by Faculty Council and subject to the approval of the Vice-President (Academic). The number of voting members on the Committee (excluding the Chair) shall be four. The Committee shall include one student, *elected by the Faculty of Law Society of Law Students*, who is a voting member. The election of the remaining voting members from Law faculty members shall draw on the breadth of experience in the Faculty. At least one of the faculty members is not to be a full Professor. The faculty members shall be elected by a vote of Law faculty members at a Faculty Council meeting. *One Faculty member shall be elected as an Alternate*. There shall be one non-voting member appointed by TUCFA. The voting members of the Committee shall include both genders.

The quorum for the Committee is a majority of voting members, excluding the Chair. The TUCFA representative is to be present at all meetings of the Committee.

Biennial Assessment

The Dean shall carry out the biennial assessment of Faculty members in accordance with the procedure for non-departmentalized faculties under Section 6.2.2 (a) of the APT Procedures.

Assessment of Associate Deans

The performance of the Associate Dean and the Associate Dean (Research), in all of their responsibilities, shall be reviewed by the Faculty Promotions Committee.

MERIT ASSESSMENT - MERITORIOUS PERFORMANCE

Assignment of a merit increment of above 0.4 requires meritorious performance in the areas of teaching, research and service measured in accordance with Article 6.0 of the General Promotions Committee Manual of Policies and Procedures for the Annual Assessment of Academic Staff (Salary Increments and Promotions) ("GPC Manual") as assessed in light of the progression through the ranks and teaching, research and service criteria set out in this document below.

The assessment process shall reflect the realization, stated above, that "we do not think that it is realistic to expect that each of us make a 'significant' contribution in all three areas in order to justify meritorious recommendation by the Faculty Promotions Committee (FPC) in the annual merit assessment process."

MERIT ASSESSMENT - UNSATISFACTORY PERFORMANCE

Failure to contribute in any one or more of the three areas, teaching, research or service, may result in a 0.0 increment for unsatisfactory performance. Additionally, where an Academic Performance Report is absent without sufficient reason, the Dean will normally

award a 0.0 increment for unsatisfactory performance (see the guidelines under the heading "Submission of Academic Performance Reports" in this document).

PROMOTION

The provisions for selecting referees for a tenure application shall also be followed in selecting referees for an application for promotion to Professor.

PROGRESSION THROUGH THE RANKS

As each member of the academic staff progresses through the ranks and within a particular rank, the normal expectation of performance rises.

This is required by the APT Procedures.

TEACHING CRITERIA

In assessing the teaching performance of a member of the academic staff, the following shall be considered:

- understanding of the subject matter of the courses taught by the member of the academic staff;
- organization and scope of the subject matter of the courses taught by the member of the academic staff;
- the quality of the teaching materials produced or used by the member of the academic staff;
- the ability to communicate material to the student and the ability to generate student interest in the subject matter of the course;
- the extent to which the member of the academic staff is accessible to students;
- innovation in teaching techniques, including the development, testing and application of computer-assisted learning techniques and software when such techniques or software have been integrated into the curriculum of the Faculty;
- participation in teaching development programs;
- supervision of directed research projects;
- supervision of graduate students, both within and beyond the Faculty of Law;
- the number of courses and credit hours taught in the Faculty and elsewhere;

- **the number and character of assignments and other forms of evaluation used by the member of the academic staff;**
- **the number of students enrolled in courses taught by the member of the academic staff;**
- **whether a course is being taught for the first time by the member of the academic staff;**
- **the fact that instructor evaluations may be affected by the subject matter of the course; and**
- **the fact that evaluations of upper year courses may be affected by the course being compulsory.**

Evidence to measure the above factors may include course syllabuses, course assignments, examinations, skills exercises and other course materials submitted by the member of the academic staff.

The informed written opinion of colleagues may be considered in assessing teaching performance provided that such written opinion is made available to the member of the academic staff by the Dean.

Student evaluations shall be considered in assessing the teaching performance of a member of the academic staff.

Classroom visitations by the Dean or members of the Faculty Promotions Committee or the Academic Appointment Review Committee may constitute relevant evidence of teaching performance.

Any documentary material submitted by the member of the academic staff may be considered. The weight to be given to such material shall be determined by the Dean and the Faculty Promotions Committee or the Academic Appointment Review Committee, as the case may be.

It is our belief that the criteria should be open ended to encourage creativity and innovation in the classroom and to encourage members of the academic staff to communicate these efforts to the Dean and our colleagues.

RESEARCH CRITERIA

The controlling factor for the assessment of research engaged in by a member of the academic staff shall be the quality of the research. Factors relevant to the quality of the research shall include whether the research has been published, whether the research has been subject to peer review prior to publication, whether the research has been presented to an academic or professional body and whether such research has been commented upon

or reviewed by legal academics or members of the profession. "Publication" includes forms of research published on the world wide web.

The Dean and the Faculty Promotions Committee or the Academic Appointment Review Committee may consider the following as forms of research in the Faculty of Law:

- published law texts, treatises and casebooks (including revisions);
- sections of law texts, treatises and casebooks including legal encyclopedias;
- articles in periodicals, journals, reviews and newsletters, both legal and non-legal, provided that articles in non-legal publications have a legal focus;
- case notes, annotations and book reviews;
- research papers and reports for law reform bodies, governmental and non-governmental bodies and agencies and professional bodies and agencies;
- research papers distributed to academic and professional audiences (at or after conferences, seminars, workshops and similar meetings);
- research presentations to academic and professional audiences (at conferences, seminars, workshops and similar meetings);
- editorial work on scholarly texts and journals;
- unpublished casebooks and teaching materials used in a course taught by the member of the academic staff;
- audio, visual and computerized productions designed to add to the knowledge of the law and its functioning.

Another factor that may be taken into account is whether a member of the academic staff has developed and implemented a personal research agenda, including applications for funding.

We have tried to make the specific kinds of research which may be considered as comprehensive as possible. However, the emphasis is on quality. We have also tried to expand the traditional notion of "peer review" to include all forms of critical review which our research may be subjected to.

SERVICE CRITERIA

Service activity is a significant responsibility of each member of the academic staff. Although teaching and research are important functions, so too is service. In the Faculty of Law, service shall include:

- service at the Faculty of Law level;

- **service on other Faculties and at the University level; and**
- **service to the legal profession, the academic community and service to the broader community.**

Service activity to the legal, academic and broader communities must be characterized as a significant contribution of high quality, recognized and acknowledged within the legal or academic profession and that enhances the reputation of the individual, the Faculty and the University.

Sources of evidence which may be considered in assessing contributions to the profession include:

- **course materials developed and used in professional training and education;**
- **performance in professional programmes provided that such programmes are evaluated by the participants in the programme (such evaluation may be formal or informal);**
- **the informed opinions of leaders with the judiciary, the legal profession and of academic colleagues;**
- **published reviews of service materials;**
- **the invitation to submit work to, or present it in a professional publication or forum.**

Sources of evidence which may be considered in assessing contributions to the general community include:

- **teaching courses to members of other professions;**
- **involvement in community legal education programmes;**
- **papers presented to colloquia, symposia, seminars and conferences organized by public, community and private bodies and groups;**
- **the written opinions of informed colleagues both within and outside the University;**
- **published reviews of work completed by the member of the academic staff;**
- **the opinions of those who have reviewed or used the materials; and**
- **the invitation to submit work to, or present it in a learned publication, academic forum or other reform body.**

Leaves and Sabbaticals

The assessment criteria in these guidelines apply to a member of the academic staff on sabbatical fellowship leave subject only to the modification of the criteria related to teaching and service to reflect the terms of the sabbatical fellowship leave.

Appeals to FPC

Appeals to the FPC must be filed with the FPC Chair on or before September 23.

FPC Deliberations

The FPC shall meet during October to consider promotion and merit increment recommendations.

Appeals to GPC

Appeals to GPC, with appropriate documentation, shall be filed with the GPC Chair in Human Resources (Administration 202) on or before November 17.

Review of Non-Tenured Faculty

In academic years in which FPC review is not carried out, the Dean shall, by September 1, provide written comments on performance and career progress to non-tenured faculty members. The Dean shall, on or before September 15, meet with non-tenured faculty members to discuss the written comments. Any matter concerning the written comments may be appealed to the FPC (see "Appeals to FPC" above).

Reports by Committee Chairs

For the promotion, merit and tenure assessment processes, sources of evidence with respect to Faculty service shall include reports prepared by the chairs of Faculty Committees. By August 31 each year committee chairs shall submit reports to the Dean, advising on the work of the Committee for the previous year. The report shall contain information on the main tasks undertaken by the Committee, its main accomplishments, and the contribution of faculty members to the Committee (including the Chair). In reporting on the contribution of faculty members, the Committee Chair shall indicate whether a faculty member has made a reasonable, more than reasonable, or less than reasonable contribution to the Committee, together with the reason for reaching this conclusion. The Committee Chair shall forward a copy of the report to each faculty member on the Committee at the same time the report is submitted to the Dean.

By September 15 each year faculty members may reply to any report submitted by a Committee Chair. The reply shall be submitted to the Dean and to faculty members on the Committee.

The Dean and the FPC shall consider the reports and replies in assessing a faculty member's contribution to service in the merit assessment process. All reports and replies submitted in regard to an applicant shall be considered by the Dean and the FPC on a

promotion application, and by an Academic Appointment Review Committee on a tenure application.

For greater clarity, service on other faculties and at the University level means service activities to which faculty members are appointed through Faculty of Law and University appointment processes. Other service within the University is service to the academic community.

Failure to make a reasonable contribution to service activity at the Faculty level results in significant additional burdens for other members of Faculty. In a small Faculty such as ours, abdication of our service responsibilities to the Faculty cannot be condoned.

The guidelines recognize the importance of service contributions to the functioning of the Faculty and its impact on other members of the academic staff in the Faculty. It is also a recognition that the demands on our time are increasing and that we should not impose unnecessary additional burdens on each other.

Application for Promotion

Applications for promotion shall be filed with the Dean on or before April 30.

SUBMISSION OF ACADEMIC PERFORMANCE REPORTS

In this part, "absence of a report" means the absence, without sufficient reason, of a report at the date set for receipt of Academic Performance Reports. "Sufficient reason" shall be determined by the Dean who may consult with the FPC in reaching this determination.

Each faculty member shall submit an Academic Performance Report to the Dean on or before July 31st. *In academic years in which FPC performance review is not carried out, each non-tenured faculty member, except those applying for tenure, shall submit an Academic Performance Report to the Dean on or before July 31st.*

Where an Academic Performance Report is absent, without sufficient reason, the Dean may make a recommendation to the FPC based on only those matters which the Dean has, for every faculty member, the same knowledge: teaching evaluations, committee memberships and other responsibilities assigned by the Dean over the course of the reporting period. Normally, the Dean will conclude that there is no basis upon which to award an increment and will award a zero increment.

The absence or delay in providing an annual report may be considered by the Dean as a reason for reducing a merit increment recommendation.