

**UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW
DEPARTMENT OF LEGAL STUDIES**

RETENTION PROCEDURES AND STANDARDS

Each year the Tenured Faculty of the Department of Legal Studies shall evaluate for retention all untenured, tenure-track faculty members not applying for tenure or promotion. The Chair of Tenured Faculty shall supervise the retention evaluation process. With the consent of the Dean, the Chair may delegate duties to the Associate Dean of Faculty Development. Hereinafter all references to duties performed by the Chair are duties that may be performed by the Associate Dean of Faculty Development if so delegated.

I. PROCEDURES

- A. **Applicable Procedures.** Except as otherwise provided in paragraph I.K. governing retention evaluation in the third year of an appointment, the provisions of paragraphs I.B. through I.J. shall govern the retention evaluation process.
- B. **Meetings of the Tenured Faculty on Retention.** By August 15 of each year, the Chair shall notify the Tenured Faculty and untenured faculty members subject to retention evaluation of the date of the Tenured Faculty meeting(s) on retention. The Chair shall select the meeting date(s) to permit a retention decision within the notice period for non-reappointment specified in the Faculty Manual.
- C. **Preparation of Files.** A Candidate for retention shall prepare a retention file with the assistance of the Chair. The file shall contain the Candidate's resume, the Chair's teaching summary, copies of all publications, the evaluation team report, previous evaluation team reports, and any other items deemed relevant by the Candidate or Chair. All information must be in the file at least one week before the retention meeting, except for a Candidate's written response to the evaluation team report which must be included in the file three days before the retention meeting. If critical information appears within the one-week period, the Chair may reschedule the retention meeting.
- D. **Evaluation Teams.**
 - 1. **Appointment.** By September 15 the Chair shall appoint a three-person evaluation team for each candidate and provide the evaluation teams with a time-table for performance of their duties.
 - 2. **Composition.** Only faculty members eligible to vote on a Candidate may serve on that Candidate's evaluation team. Before appointment of an evaluation team, the Chair shall consult with the Candidate about its

composition. The Chair shall attempt to include on each evaluation team at least one faculty member who teaches or publishes in the Candidate's primary field.

3. **Duties.**

- (a) **Scholarship.** The evaluation team shall review all of the Candidate's publications not reviewed by a previous evaluation team and assess whether the publications qualify as "significant publications" under the applicable Tenure and Promotion Standards. In addition, the evaluation team shall determine the status of any works in progress.
- (b) **Teaching.** The evaluation team shall review Candidate's teaching. In conducting this review, the evaluation team shall:
 - (i) Attend a representative sampling of the Candidate's classes, at times agreed upon in advance with the Candidate. If possible, each member of the evaluation team shall attend at least two classes in each of the Candidate's courses.
 - (ii) Review the syllabus and method of assessing student performance for each of the Candidate's courses.
 - (iii) Consider the Candidate's availability to advise and counsel students, to consult with them on research projects, and to provide professional guidance and support.
 - (iv) Review the Chair's teaching summary of the Candidate's student evaluations.
- (c) **Service.** The evaluation team shall review the candidate's service contributions.
- (d) **National or International Reputation.** Based upon its review of Candidate's entire file, the evaluation team shall assess whether the Candidate has demonstrated progress toward establishing a national or international reputation in the Candidate's field.
- (e) **Meeting with Candidate.** Prior submission of its written report under paragraph I.D.3.f., the evaluation team shall meet with candidate to discuss its evaluation of Candidate's file. Prior to this

meeting, the evaluation team may provide the Candidate with a draft of its written report.

- (f) **Written Report.** At least one week before the retention meeting, the evaluation team shall submit a written report to the Tenured Faculty that shall include an assessment of whether the Candidate has met the standard for retention. The evaluation team shall also provide the Candidate with a copy of the written report. The Candidate may submit a written response to the evaluation team's written report to the Chair and the Chair shall include the response in the Candidate's file.

E. **Participation in Meetings.** All tenured faculty of rank equal to or higher than the candidate may participate in the vote in the retention meeting.

F. **Method of Voting.**

1. Faculty members shall vote by secret ballot.
2. Only faculty members present at the time the vote is called may vote. However, faculty members can participate in the retention meeting by conference call and vote by email. Such faculty members shall be deemed present for purposes of this paragraph.
3. Faculty members shall vote "yes," "no," or "abstain" on each issue presented. A favorable recommendation requires a "yes" vote by a majority of those voting "yes" or "no" and not including abstentions. If such a majority is not obtained, the vote shall constitute a negative recommendation.

G. **Decisions.** The Chair shall forward the Candidate's file to the Dean with a statement of the Tenured Faculty's recommendation. If the Dean agrees with the recommendation of the Tenured Faculty, the Dean's decision shall be final. The Dean shall notify the Provost of the decision to reappoint or not reappoint. If the Dean disagrees with the recommendation of the Tenured Faculty, then the recommendation of the Dean shall be added to the recommendation of the Tenured Faculty and shall be forwarded with the Candidate's file to the Provost, who shall review the file and all recommendations and make the final decision on reappointment.

H. **Meeting with the Dean.** The Dean shall meet with retained Candidates to discuss possible improvements in their performance. The Dean shall meet with non-retained Candidates to discuss the reasons for non-retention and the Candidate's rights under the Faculty Manual.

- I. **Grievances.** A Candidate denied retention may file a grievance as provided in the Faculty Manual.
- J. **Confidentiality.** All aspects of the retention process are confidential, except the candidate is entitled to receive:
1. A copy of the evaluation team's written report; and
 2. Upon a written request to the Dean, a written summary of the remainder of the file.
- K. **Procedures for Third Year Review.**
1. **Notice.** During the second semester of an untenured, tenure-track faculty member's second academic year, the Dean shall give the faculty member written notice that in the following academic year the faculty member must submit a tenure progress file to the Tenured Faculty. This notice must state that the third-year review process does not positively or negatively affect the University's ultimate decision in connection with the faculty member's future application for tenure.
 2. **Preparation of the Tenure Progress File.** A Candidate for retention subject to third year review must follow the usual Tenure and Promotion file format, process, and calendar. However, the tenure progress file shall also include the evaluation team's written report and shall not include outside reviews of scholarship and individual ballots cast by members of the Tenured Faculty. The tenure progress file shall not be forwarded past the Dean.
 3. **Chair's Evaluation Letter.** Following the retention meeting at which the Tenured Faculty considered a Candidate subject to third year review, the Chair shall draft and submit to the Dean an evaluation letter of the Candidate's progress toward meeting the criteria for Tenure. The letter must specifically address the candidate's progress in each of the criteria under the applicable tenure standards. The Chair's evaluation letter shall be included in the Candidate's tenure progress file and a copy of the letter shall be sent to the Candidate.
 4. **Tenured Faculty Members' Evaluation Letters.** Individual members of the Tenured Faculty may also submit evaluation letters to the Dean. These evaluation letters shall be included in the Candidate's tenure progress file and copies of these letters shall be sent to the Candidate.

5. **Dean's Evaluation.** The Dean shall review the Candidate's tenure progress file and write a detailed evaluation of the Candidate's progress in terms of the applicable criteria for tenure. The Dean's written evaluation shall be sent to the Candidate and a copy placed in the tenure progress file. After the Candidate has received the Dean's written evaluation, the Candidate and Dean shall meet to discuss the result of the evaluation. After this meeting the tenure progress file shall be returned to the Candidate, but a copy of all evaluation letters shall be retained in the faculty member's personnel file in the Dean's office.

II. STANDARDS

The standard for retention is steady progress toward meeting the standards for tenure at the rank of Associate Professor (for current Assistant and Associate Professors) or at the rank of Professor (for current Professors). Failure of a Candidate to produce a significant publication by the time of the retention meeting in the Candidate's third year may be a reason for non-retention.

ADOPTED BY THE TENURED FACULTY OF THE DEPARTMENT OF LEGAL STUDIES ON MAY 8, 2018