

UNIVERSITY AT BUFFALO LAW SCHOOL - Policies and Procedures

Clinical Faculty Appointments Policy

- approved by the faculty on March 20, 2009
- amended by the faculty on January 15, 2014
- amended by the faculty on April 15, 2016

Clinical Legal Education plays an important role in the University at Buffalo Law School curriculum. The Principles, Aspirations and Strategies for the University at Buffalo Law School, approved by the faculty on May 16, 2008, states that:

An appropriate and effective law school curriculum must integrate a sophisticated clinical education program.

The clinical program is a significant part of the opportunities we offer our law students for “live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence...” ABA Standards for Approval of Law Schools, Standard 302(b)(1).

To maintain a strong and vibrant clinical program, we need to clarify the Law School’s commitment to the clinical faculty. We attract and maintain a quality clinical faculty, as with the academic faculty, in many ways, including the offer of job security under the policies set forth below, and academic freedom. This policy addresses the hiring, contract renewal and promotion of clinical faculty on long-term and short-term contract tracks. The goal is to provide attractive job security and academic freedom appropriate to the law school setting by providing a form of security of position reasonably similar to tenure, while allowing for a limited number of short-term clinical appointments that further the goals of the Law School and the clinical program.

I. Long-Term Contracts

Full-time members of the Law School’s instructional staff, appointed to an indefinitely renewable long-term contract, or on track for an indefinitely renewable long-term contract and who hold the rank of Clinical Professor, Clinical Associate Professor, or Clinical Assistant Professor are Faculty Members of the Law School. Bylaws, III (A). These Faculty Members have full voting rights except they cannot vote “upon a recommendation of appointment, promotion, tenure, dismissal or termination of appointment with respect to a tenure-track appointment,” Id. These Faculty Members have the right to participate fully in faculty governance except they cannot serve on the Appointments or Promotion and Tenure Committees. Bylaws, III (E)(2) and III (E)(3).

a. Initial Appointment

- i. **The Search:** The Dean will approve a search for long-term contract track clinical faculty positions. The Appointments Committee will consult with the Clinic Director(s) in designing an appropriate search. The Appointments Committee may delegate the search to a subcommittee, that in the ordinary

course of business, will consist of the Clinic Director, ex officio, at least one Clinical Professor and at least one tenured or tenure-track faculty member.

- ii. **The job description:** The job description and minimum qualifications for the position will focus on the skills and experience that fit the clinical need.
 - iii. **The Appointment:** For long-term contract track clinical faculty positions the faculty will follow the process for appointing new faculty members set out in our by-laws.
 - iv. **The Term of Appointment:** The initial term of appointment shall be three years. Absent special qualifications for a higher title with an expedited renewal process, the initial appointment of a faculty member on the long-term contract track shall be as Clinical Assistant Professor.
- b. **Visiting Committee:** The Committee on Clinical Promotion and Review (CCPR) shall assign a three member Visiting Committee for long-term contract track clinical faculty. The assignment should be made during the first teaching semester, in the same manner that tenure-track faculty are assigned a Visiting Committee.
- c. **The Renewal and promotion decision for a Clinical Assistant Professor:** Before the end of the second year of the Clinical Assistant Professor's three-year contract, the Clinical Director(s) will present a recommendation on renewal, based mainly on the quality of teaching, to the Visiting Committee. The Clinical Assistant Professor will also submit to the Visiting Committee a statement on teaching and service. The Visiting Committee will present this material, along with its own recommendation, to the Dean. The Dean will consider the materials and presentation of the Visiting Committee in determining whether to renew the Clinical Assistant Professor for an additional three years. The renewal is approved when all members of the visiting committee and the Dean agree to renew. Otherwise, the renewal will be considered by the CCPR which will issue a recommendation. The Dean will consider the CCPR recommendation, and the materials on which it is based, in determining whether to renew the contract. It is expected that, absent unusual circumstances, the initial appointment will be renewed. The standard for a favorable recommendation by the Visiting Committee and the Dean is:

that the candidate, upon evidence before the committee, has demonstrated the ability and promise that led to his or her initial appointment.

Upon renewal of the contract, the Clinical Assistant Professor will be promoted to Clinical Associate Professor.

- d. **The Renewal and promotion decision for a Clinical Associate Professor:** Before the end of the second year of the Clinical Associate Professor's three-year contract, the Visiting Committee shall assemble a dossier and circulate it to the CCPR. This dossier shall include an Assessment by the Clinical Director(s).
- i. **Criteria for review:** In determining if a full-time clinical faculty member meets standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching, research and service should be judged in terms of the responsibilities of clinical faculty.

Specifically, these criteria for the review are:

1. The candidate has mastery of the subject matter related to his or her clinical work.
2. The candidate has made a significant contribution to a clinic that has served a substantial educational role.
3. The candidate has offered a high level of instruction in clinical and classroom settings.
4. The candidate effectively has integrated classroom and clinical teaching.
5. The candidate has contributed significant service to the Law School, University or community and been a good colleague.
6. The candidate has contributed to the reputation of the UB Law Clinical Legal Education program.

Typically, the candidate's dossier shall include a) an assessment by the Clinical Director(s) on the contributions to the Clinical Legal Education Program, the Law School and the Community; b) a teaching evaluation by the Visiting Committee including evaluations by students and by faculty members who visit the courses; c) letters from law school colleagues and from community representatives who can attest to the Clinical Associate Professor's contributions, including writings, if any, that will be internally evaluated with a written report of the evaluation.

- ii. **CCPR:** The Visiting Committee will present the candidate's dossier to the CCPR with a recommendation and request the CCPR vote on a recommendation for reappointment and Promotion to Clinical Professor.
 - iii. **Dean:** The Dean shall consider the recommendation of the CCPR and the dossier and shall set forth in writing the reasons s/he agrees or disagrees with the CCPR's recommendation regarding reappointment and promotion to Clinical Professor. The Dean shall forward the results of his/her evaluation and a recommendation regarding reappointment and promotion to Clinical Professor to the Provost, along with the vote and recommendation of the CCPR, for the Provost's final determination.
 - iv. **Provost:** The Provost makes the final determination regarding contract renewal and Promotion to Clinical Professor. Since these recommendations do not involve tenure consideration, review and approval by the Provost is sufficient to effect them.
- e. **Subsequent Reappointments of Clinical Professors:** It is expected that, absent unusual circumstances, the three-year contracts for Clinical Professors will be renewed.
- i. **CCPR:** The CCPR, based on the recommendation of the Clinical Director(s), shall vote on a recommendation for reappointment of the Clinical Professor. If the Clinic Director is up for renewal, no additional recommendation will be provided

- ii. **Dean:** The Dean shall consider the recommendation of the CCPR and the materials on which it was based and shall set forth in writing the reasons s/he agrees or disagrees with the CCPR's recommendation regarding reappointment of the Clinical Professor. In cases where the issue is the performance of the Clinical Professor, the Dean shall base a decision not to renew on clear evidence of a failure to maintain the demonstrated ability established in the prior reviews and recommendations in the promotion and renewal process.

Currently, SUNY policy limits term contracts to a maximum of three years. If university policy allows for longer-term contract periods, the faculty will consider extending these long-term contracts to at least 5-year contracts.

- f. **Appeal:** If a negative recommendation or vote occurs in the process described in I (c), (d) or (e), the candidate may appoint an advocate. If the Dean expects to make a final negative recommendation, the Dean shall inform the candidate of that possibility and the candidate shall have the opportunity to be represented by an advocate in a meeting with the Dean before the Dean makes a final recommendation.

- g. **Notice:** In the event a term appointment is not to be renewed upon expiration, the Dean shall notify the appointee in writing as provided by the Policies of the SUNY Board of Trustees, 8 N.Y.C.R.R. §335.14.

II. **Term Contracts other than Long-Term contracts**

- a. **Appointment:** The Dean shall appoint Clinical Instructors. The Clinic Director may recommend the appointment of full-time or part-time Clinical Instructors to a term of one, two or three years to meet the needs of a current or new clinic program. In most instances, outside funds will be available for some or all of the costs of this position.

Every Clinical Instructor should be qualified to teach by credentials, experience, and teaching ability. Except in unusual circumstances, no Clinical Instructors should be hired to teach a course for academic credit who does not have a J.D., M.B.A., or other appropriate academic credentials. Clinical Instructors should normally have significant practical experience or a record of scholarship in the subject matter of the courses they teach.

All Clinical Instructors should be hired to teach a specific clinic, determined concurrently with the decision to hire.

- b. **Clinical Instructor Development**

The Dean, or as his designee, the Clinic Director, shall provide to each new Clinical Instructor, before the instructor begins teaching, written materials setting out basic information concerning the academic policies, practices, and expectations of the Law

School. The Dean should ordinarily also provide to new Clinical Instructors an opportunity for a more in-depth orientation in a face-to-face meeting. The Dean shall ensure all Clinical Instructors are kept abreast of any relevant changes in academic policies and practices.

- c. **Annual Review:** The Clinic Director(s) shall conduct an annual review of all Clinical Instructors.
- d. **Reappointment:** Because Clinical Instructors are on renewable contracts, the Dean shall decide whether to reappoint Clinical Instructors. The Clinic Director(s) shall make a recommendation as to the renewal of the Clinical Instructor's contract. This recommendation shall include any funding available for this position.
- e. **Notice:** In the event a term appointment is not to be renewed upon expiration, the Dean shall notify the appointee in writing as provided by the Policies of the SUNY Board of Trustees, 8 N.Y.C.R.R. §335.14.

f. Application of Policies to Current Clinical Instructors

Implementation of these policies with respect to current Clinical Instructors on limited term contracts shall proceed as follows:

1. Clinical Instructors who are teaching at the Law School in the year of the adoption of these policies will not be required to go through the hiring process set above.
2. All currently employed Clinical Instructors will be provided the faculty development program set out above. The Dean shall take steps to implement this development program as soon as feasible after the adoption of these policies.