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Law School DPC Procedures Table of Contents
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**William S. Richardson School of Law
Department Personnel Committee Procedures**

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I. Conformity

All criteria and procedures herein are intended to be in compliance and conformity with current University of Hawai'i Board of Regent (UH BOR) Policies and the current Collective Bargaining Agreement (CBA) between the UH BOR and the University of Hawai'i Professional Assembly (UHPA).

II. Purpose of the Committee

The Department Personnel Committee (DPC) is responsible for evaluation of materials submitted by UHPA Bargaining Unit (BU) 07 members for tenure, promotion, contract renewal, and limited-term appointment. The DPC Chair is responsible for the administration of the five-year post-tenure assessment procedures.

III. Composition of the DPC

The DPC shall consist of tenured and tenure-track BU 07 members with locus of tenure in the Law School.

Non-tenure track BU 07 members may participate in the establishment of DPC policies ("Tenure and Promotion Standards") and procedures.

IV. DPC Chair and Vice-Chair

- A. All tenured BU 07 members holding the rank of J-5, B-5, and S-5 are eligible to serve as DPC Chair or Vice-Chair. The DPC Chair for the following year shall be selected by the DPC in the Spring semester based on years of service in rank. The next DPC member in line to chair the DPC will usually serve as a Vice-Chair for at least one year before becoming Chair and shall also be selected by the DPC in the Spring semester. The Vice-Chair will support the Chair, take on assigned tasks, and serve in place of the Chair when the Chair is not available to conduct official business.
- B. Leadership of the DPC shall rotate; however, a DPC Chair and/or Vice-Chair may serve multiple terms, but only in exceptional circumstances. It is the duty of the eligible BU 07 members to serve as DPC Chair and Vice-Chair from time to time.
 1. If a DPC member is in line to chair the DPC and is ending their service as an Associate Dean or Dean, that member will be excused from service as Chair or Vice-Chair for one full

academic year after the end of their administrative appointment.

- C. The DPC Chair and Vice-Chair are voting members of the DPC.
- D. The DPC Chair and Vice-Chair shall maintain and update a memorandum setting forth the timelines and procedures as ongoing guidance for succeeding Chairs.
- E. **Faculty Mentors:** In consultation with the Dean, the DPC Chair and Vice-Chair shall assign to each tenure-track faculty member two (2) tenured faculty mentors (Mentors). The selection of the Mentors should consider such criteria as the tenure-track faculty member's research and scholarship interests as well as guiding the tenure-track faculty member through the contract renewal, tenure and promotion processes set forth herein. The DPC Chair and Vice-Chair may consider replacements at the request of either the Mentors or the tenure-track faculty member.

V. DPC Meetings and Voting

A. DPC Meetings

1. Quorum and Action.

The majority of the DPC members eligible to vote on any tenure and promotion decisions or other matters shall constitute quorum for the purpose of any meeting. Any action of that determined majority at any meeting in which a quorum is present is an act of the DPC.

2. Electronic Meetings.

A meeting may be conducted solely by means of telephonic, electronic, or other communications that permits all the DPC members in attendance to communicate effectively with each other during the meeting. A majority of the DPC eligible to vote on a matter shall decide what means is appropriate.

3. Remote Attendance.

A DPC member may participate in a DPC meeting being held in-person by means of telephonic, electronic, or other communication that permits the other DPC members in

attendance to communicate effectively with the remote attendee during the meeting.

4. Confidentiality.

To protect and enhance the integrity of the DPC, each DPC member shall proceed with the utmost discretion and confidentiality as to all DPC processes and decisions. DPC members shall not communicate any decision or the contents of any discussion of the DPC to anyone who was ineligible to participate in the discussion or vote on such matter. DPC members should be cautious to communicate only with members who were eligible to participate.

B. Voting on Tenure and Promotion

1. Voting eligibility on promotion decisions is limited to tenured DPC members holding equal or higher rank than the rank to which the applicant aspires.
2. Voting eligibility on tenure decisions is limited to tenured DPC members holding equal or higher rank than the applicant.
3. When a candidate is seeking tenure and promotion at the same time, voting eligibility on tenure and promotion decisions is limited to tenured DPC members holding equal or higher rank than the rank to which the applicant aspires.
 - a. When a candidate holding the rank of J-3 is applying for tenure and promotion to J-4, eligible DPC members shall cast only one vote with respect to tenure as promotion to J-4 is automatic if tenure is ultimately granted. This rule does not apply to S faculty or B faculty—separate votes for tenure and for promotion are required.

C. Voting on Pre-Tenure Contract Renewal

Voting eligibility on pre-tenure contract renewal decisions is limited to tenured DPC members.

D. Voting on Limited-Term Appointments

Voting eligibility on limited-term appointment decisions is limited to tenured and tenure-track DPC members.

E. All votes shall be taken by secret ballot.

F. Abstention votes with respect to any DPC decision on applications for tenure and/or promotion are generally barred, permitted only in exceptional circumstances. DPC members may be obligated to recuse themselves from a deliberation and vote of the DPC in accordance with Section V.I. [Memorandum of Understanding on Abstentions in Tenure and Promotion Applications, August 2017]

G.. DPC members on sabbatical or on leave may participate in the DPC's deliberations and votes if they are present at such meetings in accordance with Section V.A.

H. Only DPC members eligible to vote on an applicant are entitled to examine the dossier of the candidate being considered.

I. Any DPC member who has professional or personal affiliations with an applicant that could affect his/her impartiality shall recuse himself/herself from the deliberations and votes of the DPC regarding the applicant.

VI. DPC Procedures for Tenure and Promotion

A. Submission of Dossier

Each applicant for tenure and/or promotion shall prepare and submit to the DPC a dossier that conforms to the University of Hawai'i at Mānoa *Criteria and Guidelines for Faculty Tenure/Promotion Application*.

B. Satisfaction of Tenure and/or Promotion Criteria

Each applicant for tenure and/or promotion at the Law School must demonstrate that he or she meets the criteria for tenure and/or promotion established for Law School faculty by the University of Hawai'i at Mānoa and the Board of Regents, as supplemented by the *Tenure and Promotion Standards of the William S. Richardson School of Law*, approved by the Law School Faculty on December 12, 2014.

C. External Evaluations

The procedures for obtaining external evaluations of each applicant's work shall follow the procedures described in the University of Hawai'i at Mānoa's *Criteria and Guidelines for Faculty Tenure/Promotion Application*.

D. The Review Process

1. The review process is the responsibility of the DPC Chair, who shall oversee the review process and ensure compliance with these procedures. The decision by the Law School on tenure and promotion shall be made by the Dean.
2. The DPC Chair may delegate the information-gathering phase of the review to a sub-committee of the DPC (DPC T&P Review Sub-Committee) comprised of faculty members eligible to vote on the application, which shall include a minimum of at least two faculty members, subject to the following:
 - a. If the applicant is a J-Faculty member, then the sub-committee chair shall be a J-Faculty member of the same rank or higher if such a J-Faculty member is available to serve.
 - b. If the applicant is an S-Faculty member, then the sub-committee chair shall be an S-Faculty member of the same rank or higher if such an S-Faculty member is available to serve.
 - c. If the applicant is a B-Faculty member, then the sub-committee chair shall be a B-Faculty member of the same rank or higher if such a B-Faculty member is available to serve. If the Director of the Law Library is not a member of the sub-committee, the sub-committee shall solicit the Director's views.
3. The DPC Chair and/or the DPC T&P Review Sub-Committee may consult with other DPC members, regardless of their eligibility to vote on the application.
4. The DPC Chair and/or the DPC T&P Review Sub-Committee may ask the applicant to provide additional information and/or address concerns that arise in the information-

gathering stage. These requests shall be made in writing and make it clear that the applicant may decline to provide additional information.

5. After gathering all of the necessary information, the DPC shall:
 - a. Consider the dossier, supporting documents, and information gathered from the applicant;
 - b. Provide a written assessment of the applicant's strengths and weaknesses;
 - (1) The names and institutional affiliations of all external reviewers shall be omitted from the written assessment.
 - c. Vote on the application in accordance with Article V, above; and
 - d. Append its assessment and recommendation to the dossier.
6. After the process described in Section 5, immediately above, is completed, the DPC Chair shall transmit the DPC's assessments and recommendations to the Dean.
 - a. The DPC Chair shall not communicate the decision nor the contents of the discussion of the DPC to the faculty candidate.

E. Deadlines for Tenure and Promotion

1. Each academic year, the DPC Chair shall coordinate with the Dean to provide all faculty members a calendar of the tenure and promotion process and deadlines for the year as soon as possible after receiving them from the University of Hawai'i at Mānoa, and, at least six weeks prior to the deadline.
2. The usual deadline for tenure and promotion applications is in early October. The normal deadline for the DPC to reach a determination and transmit the dossier to the Dean is late November.
3. The deadlines for the DPC, the Dean, the campus Tenure and Promotion and Review Committee, and any subsequent

review are set out in the University of Hawai'i at Mānoa's *Criteria and Guidelines for Faculty Tenure/Promotion Application* and the CBA.

VII. DPC Procedures for Pre-Tenure Contract Renewal

Pre-tenure contract review is for probationary faculty, which includes all eligible tenure-track faculty during the probationary period (see CBA, Article XII.A.2 and C).

“The probationary period ends by the granting of tenure, the refusal of tenure by the Employer, or the non-renewal of appointment. During this period, probationers do not have a claim to their position and the Employer, through its officers, may exercise its prerogative of non-appointment without a statement of reasons.” (See CBA, Article XII., Section C.1.b.)

A. Submission of Application

Each applicant for pre-tenure contract renewal shall prepare and submit to the DPC an application that conforms with the requirements of the University of Hawai'i at Mānoa, Probationary Faculty: Annual Evaluation/Contract Renewal Recommendation procedures in the form of “Attachment A” to the annual *Memorandum from the Vice Chancellor for Academic Affairs regarding Contract Renewal or Non-Renewal and Limited-Term Appointment or Non-Reappointment (Vice Chancellor's Memorandum*, a copy of which is attached).

1. The applicant must provide a brief, written narrative self-assessment of the faculty member's performance since the last review and address progress toward meeting the appropriate criteria for tenure (e.g., J faculty should discuss instruction, research/scholarship, and service; B and S faculty should discuss professional activities, professional development, and service).
2. The self-assessment shall be no longer than 8 pages, single-spaced and shall be prepared in Word format.
3. The applicant may provide up to 30 pages of supporting documentation, in addition to peer and student teaching evaluations or publications.
4. The applicant should submit all application materials to the DPC Chair by November 1 of the year of the review.

B. Purposes of the Evaluation

1. Performance assessments and recommendations must be conducted during the probationary period in accordance with Article XII.E. of the CBA and the Law School Policies and Procedures.
2. Pre-tenure faculty should be carefully evaluated in the years prior to their application for tenure. If it is determined that the faculty member is failing to meet the Law School's expectations, non-renewal should be recommended. As stated in the *Vice Chancellor's Memorandum*, "Though such decisions are difficult, it is ultimately in the best interest of the department, college/school/unit, and university to not renew a faculty member at this stage rather than wait until the full tenure application process."
3. The evaluation shall be used solely for determining contract renewal and shall not be part of the tenure and/or promotion process.

C. External Evaluations

No external evaluations shall be required.

D. The Review Process

1. By September 1 of each year, the DPC Chair and/or the Dean shall provide all eligible faculty members a calendar of the pre-tenure contract renewal process.
2. By September 1 of each year, the DPC Chair shall notify the faculty member eligible for pre-tenure contract renewal of the time period under review, which shall include the time period since the last review.
3. The review process is the responsibility of the DPC Chair, who shall oversee the review process and ensure compliance with these procedures. The decision by the Law School on pre-tenure contract renewal shall be made by the Dean.
4. The DPC Chair may delegate the information-gathering phase of the review to a sub-committee of the DPC (DPC PTCR Review Sub-Committee) comprised of faculty members eligible to vote on the application, which shall include at a

minimum at least two faculty members, subject to the following:

- a. If the applicant is a J-Faculty member, then the sub-committee chair shall be a J-Faculty member of the same rank or higher if such a J-Faculty member is available to serve.
 - b. If the applicant is an S-Faculty member, then the sub-committee chair shall be an S-Faculty member of the same rank or higher if such an S-Faculty member is available to serve.
 - c. If the applicant is a B-Faculty member, then the sub-committee chair shall be a B-Faculty member of the same rank or higher if such a B-faculty member is available to serve). If the Director of the Law Library is not a member of the sub-committee, the sub-committee shall solicit the Director's views.
5. For all J-Faculty and for all S-Faculty and B-Faculty members with instruction responsibilities, the Review shall include peer evaluations of the applicant's teaching ability. A member of the PTCR Sub-Committee and one other tenured DPC member who is not on the Sub-Committee shall each perform a peer evaluation of the applicant's teaching ability.
- a. The peer evaluation shall include observations of the applicant's classes with post-visit meetings to discuss the applicant's class performance and provide any necessary input. The peer evaluation shall also include a review of the applicant's course materials including but not limited to syllabi and assessments utilized (both formative and summative).
 - b. The following factors shall be considered in evaluating an applicant's "teaching ability"—(i) ability to communicate effectively with students in the class; (ii) thoughtful organization of individual class sessions and overall course content; (iii) preparation for class demonstrated through clear goals and effective delivery of instruction to meet those goals; (iv) ability to devise assessments to determine a student's progress and performance in the class; and (v) overall accessibility to students.

- c. In years in which a Review is not required, the Mentors assigned to the applicant pursuant to IV.E. shall endeavor, at the applicant's request, to informally evaluate and provide feedback as to the applicant's ongoing progress in their teaching ability.
6. The DPC Chair and/or the DPC PTCR Review Sub-Committee may consult with other DPC members, regardless of their eligibility to vote on the application.
7. The DPC Chair and/or the DPC PTCR Review Sub-Committee may request that the applicant provide previous self-assessments, supporting documents, peer and student teaching evaluations, and the DPC's previous reports. These requests shall be made in writing and make it clear that the applicant may decline to provide these materials.
8. The DPC Chair and/or the DPC PTCR Review Sub-Committee may ask the applicant to provide additional information and/or address concerns that arise in the information-gathering stage. These requests shall be made in writing and make it clear that the applicant may decline to provide additional information.
9. The above process shall be completed by December 15 of the year of the review.
10. After gathering all the necessary information, the DPC shall:
 - a. Consider the application, supporting materials, and information gathered from the applicant;
 - b. Assess each faculty member's performance in accordance with Article XII.E .1. of the CBA, which provides that:

"Recommendations for renewal shall require that the Faculty Member's performance has been assessed for strengths and weaknesses and has been rated as satisfactory, that there is a continuing need for the Faculty Member's services at the University, and that the Faculty Member has made the professional improvement or has demonstrated the professional and personal qualities needed by the department . . ."

- c. Ensure that the evaluation shall consist of a written assessment of the faculty member's performance appropriate to the faculty member's category. If the evaluation identifies concerns, the DPC should include specific comments to help the faculty member improve in the areas of weakness(es). The DPC shall also comment on the future need for the faculty member and the position each time the applicant is renewed (see CBA Memorandum of Understanding re "Future Need" referred to in Attachment A to the *Vice Chancellor's Memorandum*).
 - d. Vote on the pre-tenure contract renewal in accordance with Article V., above, and:
 - 1. provide an overall rating (satisfactory or unsatisfactory); and
 - 2. determine whether there is a future need for the position (yes or no); and
 - 3. make a recommendation on the annual renewal of contract (renewal, non-renewal, or "not applicable" (when a faculty member requests a review in the 3rd year of probation)).
11. After the process described in Section 9, immediately above, is completed, the DPC Chair shall:
- a. Record the DPC's assessment and recommendation on Attachment A;
 - b. Show the assessment and recommendation to the faculty member in person before forwarding them to the Dean.;
 - c. Ensure that the faculty member acknowledges receipt by signing Attachment A, page 2; or, if that is not possible, attach an explanation as to how this assessment was delivered to the faculty member; and
 - d. Transmit Attachment A and supporting documentation to the Dean.

Note: "A positive assessment does not necessarily assure renewal of appointment." (CBA, Article XII.E.1.).

E. Frequency and Timing of the Review

The pre-tenure contract renewal process shall be conducted at the following frequency:

1. For a probationary faculty member in rank 3 (Assistant Professor) as of August 1 of the academic year, the normal probationary period is five years; therefore, the review shall be conducted in the Fall of the faculty member's 2nd and 4th year of the probationary period. (Note: while a probationary faculty member in rank 3 does not undergo a contract renewal in the 3rd year of the probationary period, the probationary faculty member may request that a review be conducted in the 3rd year to provide the probationary faculty member with additional feedback (which can prove useful particularly if concerns were raised in the evaluation in the 2nd year). The DPC's feedback is for the applicant's own use and will not be forwarded to the Dean by the DPC. No recommendation for renewal, however, shall be made at that time.)
2. For a probationary faculty member in rank 4 (Associate Professor) as of August 1 of the academic year, the normal probationary period is three years; therefore, the review shall be conducted in the Fall of the faculty member's 2nd year of the probationary period.
3. For a probationary faculty member in rank 5 (full Professor) as of August 1 of the academic year, the normal probationary period is two years; therefore, there is no contract renewal, but rather the probationary faculty member submits an application for tenure in the Fall of the faculty member's 2nd year of the probationary period.

Note: Under the Article XII.C.2. of the CBA, the probationary period for a faculty member may be lengthened, shortened, or eliminated by the Dean, but may not exceed seven years.

4. For a probationary faculty member whose probationary period has been lengthened beyond those periods set forth in Sections 1-3 above, a review shall be conducted in the Fall of each year of any extended probationary period.

- F. Renewal or Non-Renewal after the Review
1. Article XII of the CBA provides specific deadlines for written notification of intent to not renew contracts of probationary faculty. The Dean is responsible for making the final decision and for issuing the letter of non-renewal. When the intent is not to renew the contract, timely notification requirements must be followed. (See Attachment A.)
 2. The DPC's and the DPC Chair's recommendations and the Dean's decision (Attachment A) and supporting materials shall be maintained by the Law School in the faculty member's personnel file.

VIII. DPC Procedures for Limited-Term Appointments

Limited-term appointment faculty members are governed by Article XIII of the CBA. Non-tenured Specialist Faculty (S-Faculty) on limited-term appointments, whether or not on general funds, are appointed to faculty positions for a specific period of time.

A. Submission of Application

Each applicant for a limited-term re-appointment shall prepare and submit to the DPC an application that conforms with the requirements of the University of Hawai'i at Mānoa, Faculty on Limited-Term Appointment procedures in the form of "Attachment B" to the *Vice-Chancellor's Annual Memorandum*.

1. The applicant must provide a brief, written narrative self-assessment of the faculty member's performance during the specific appointment period by categories and/or responsibilities (which should reflect the major duties assigned to the faculty member).
2. The self-assessment shall be no longer than 6 pages, single-spaced and shall be prepared in Word format.
3. The applicant may provide up to 16 pages of supporting documentation, not including teaching evaluations or publications.
4. The applicant should submit all application materials to the DPC Chair by February 15 of the year of the review.

B. Purposes of the Review

1. To determine whether to re-appoint the applicant; and
2. To provide S-faculty with periodic performance evaluation.

C. External Evaluations

No external evaluations shall be required.

D. The Review Process

1. By September 1 of each year, the DPC Chair and/or the Dean shall provide all eligible faculty members a calendar of the limited-term re-appointment process and deadlines for the year.
2. The review process is the responsibility of the DPC Chair, who shall oversee the review process and ensure compliance with these procedures. The final decision by the Law School on re-appointment shall be made by the Dean.
3. The DPC Chair may delegate the information-gathering phase of the review to a sub-committee of the DPC (DPC LTA Review Sub-Committee), comprised of faculty members eligible to vote on the application, which shall include at a minimum at least one S-Faculty member.
4. The DPC Chair and/or the DPC LTA Review Sub-Committee may consult with other DPC members, regardless of their eligibility to vote on the application.
5. The DPC Chair and/or the DPC LTA Review Sub-Committee may request that the applicant provide previous self-assessments, supporting documents, and the DPC's previous reports. The request shall be made in writing and make clear to the applicant that he or she may decline to provide these materials.
6. The DPC Chair and/or the DPC LTA Review Sub-Committee may ask the applicant to provide additional information and/or address concerns that arise in the information-gathering stage. These requests shall be made in writing and make clear to the applicant that he or she may decline to provide additional information.

7. This process shall be completed by March 30, or as soon thereafter as is practicable, but in any case before May 15, of the year of the review.
8. After gathering all of the necessary information, the DPC shall:
 - a. Consider the application, supporting materials, and information gathered from the applicant;
 - b. provide a written narrative assessment of the applicant's strengths and weaknesses (which are intended to help the applicant improve professionally);
 - c. vote on the application in accordance with Article V., above, and:
 - i. provide an overall rating (satisfactory or unsatisfactory); and
 - ii. make a recommendation on re-appointment (yes or no); and
9. After the process described in Section 8, immediately above, is completed, the DPC Chair shall:
 - a. Record the DPC's assessment and recommendation on Attachment B;
 - b. Show the assessment and recommendation to the faculty member in person before forwarding them to the Dean.;
 - c. Ensure that the faculty member acknowledges receipt by signing Attachment B, page 2; or, if that is not possible, attach an explanation as to how this assessment was delivered to the faculty member; and
 - d. Transmit Attachment B and supporting documentation to the Dean.

E. Frequency and Timing of the Review

The limited-term appointment review shall be conducted at the following frequency:

1. For a limited-term appointment faculty member with less than 5 years in classification as of August 1 of the academic year, the review shall normally be conducted annually in the Spring of that academic year, subject to Section 3, below. Therefore, such faculty member would normally be reviewed in the Spring of his or her 1st, 2nd, 3rd, 4th, and 5th year in rank.
2. For a limited-term appointment faculty member with 5 or more years in classification as of August 1 of the academic year, the review shall normally be conducted every other year (biannually) in the Spring semester starting in the 7th year in rank, subject to Section 3, below. Therefore, such faculty member would be reviewed in the Spring of his or her 7th, 9th, 11th, etc. year in rank. If concerns are raised during the biannual review, then a “special review” will be done annually for the following years until the concerns are resolved.
3. For a limited term-appointment faculty member who successfully applies for promotion, a review shall not be conducted in the year following the promotion but rather shall recommence in the second year following promotion:
 - a. For faculty members with less than 5 years in classification as of August 1 of the academic year, future reviews shall be conducted annually.
 - b. For faculty members with 5 or more years in classification as of August 1 of the academic year, future reviews shall be conducted biannually (for example, in the 2nd, 4th, 6th year, etc. following promotion). If concerns are raised during the biannual review, then a “special review” will be done annually for the following years until the concerns are resolved.

4. Non-Review Years – Report

A limited-term appointment faculty member in his or her 6th, 8th, 10th, etc. year in rank does not undergo a review. The faculty member must nonetheless provide a 3-5 page, single-spaced summary of endeavors to the DPC Chair to document his or her duties and activities for the prior year. This document is informational in nature to maintain

communication with the DPC and to assist the faculty member for the following year's review but is not the basis of a performance review.

5. The limited-term appointment review shall be done at the frequency described in Sections 1 and 2, above, regardless of whether the faculty member has had a break in service during the review period.

F. Re-Appointment or Non-Reappointment after the Review

1. After receipt of the DPC's recommendation from the DPC Chair, the Dean shall provide notice to the faculty member of the results of the review, and either a confirmation of re-appointment or a notice of non-reappointment, no later than July 15 of the academic year of the review.
2. Non-Reappointment
 - a. If substantial concerns are raised in a regular or special review, the Dean may elect not to re-appoint the faculty member to another limited-term appointment.
 - b. When the Dean decides not to re-appoint the faculty member, the Dean shall notify the faculty member as early as possible.
 - c. In the event of non-reappointment, the limited-term appointment faculty member would serve the remaining months or years under the term of the contract as provided in the CBA (e.g., to the end of the academic year if service of less than 5 years; to the end of the additional two years under the three-year rolling contract if service is 5 years or more).
3. The DPC's recommendation and the Dean's decision (Attachment B) and supporting materials shall be maintained by the Law School in the faculty member's personnel file.

