

**FACULTY OF LAW
FACULTY GUIDELINES
MAY 2024**

INTRODUCTION

[1] These Guidelines contain the principles which should both guide the Faculty Assessment Committee, the Faculty Promotion and Tenure Committee, and Academic Appointment Selection Committees in their work, and assist individual members of faculty as they plan their own careers. They are intended to be interpreted with generosity of spirit. But these Guidelines are also meant to represent a public testament by the Faculty and its members to a commitment in excellence in everything we do. It will be noted that there is overlap between criteria within categories, and among the categories. This is an acknowledgment that much of what we do as law professors cannot be classified uni-dimensionally, as either teaching, research or service. Sometimes our work touches upon all three. Moreover, much of what we do cannot be easily captured by conventional university metrics. This can complicate the process of performance review, but it acts as a testament to the rich tapestry of academic life which the Assessment and Tenure and Promotion Committees should take into account whenever they are assessing individual performance.

[2] The Faculty Assessment Committee will (1) hear appeals of a recommendation to deny an academic staff member Progress Through the Ranks (PTR), and (2) in cycles in which the Faculty of Law applies the Outstanding Achievement Award (OAA) system in addition to the PTR component of assessment, assess applications for the OAA.

[3] The Assessment Committee will seek to understand and recognize the great variety of contributions that individuals make; however, it is important that when colleagues submit their reports, they tell their stories as fully, and in as contextualized a way, as possible, explaining clearly such matters as the amount of time and effort that went into their activities and the impact of these activities. Impact measures may include things such as advancing knowledge, capacity building, informing decision-making, legal, social and economic impacts, and improved education and teacher training.

[4] General points relevant to the interpretation and application of these Guidelines include the following:

- They are to be read and interpreted along with the relevant provisions of the collective agreement and the *GFC Handbook* that are in force from time to time;
- In the event that a provision in these guidelines contradicts the collective agreement or the *GFC Handbook*, the provisions in those documents shall apply;
- While acknowledging that the assignment of workload falls under the Collective Agreement, the Faculty also recognizes that workload can affect a faculty member's level of performance, and the Faculty's performance expectations, in research, teaching, and service;
- The Faculty is mindful of the systemic barriers that may prevent academic staff from equity-deserving groups from achieving career milestones at the same rate and speed as

others, as well as the ways in which systemic inequalities may influence assessments of merit and performance. The Faculty will make efforts to remove and counter those barriers to the extent possible, and Faculty Assessment and Tenure and Promotion Committees should assess performance with these systemic inequalities in mind.

- As part of the assessment process, the Faculty Assessment Committee shall consider information about financial and other support the Faculty has provided to faculty members. In a given cycle in which the Faculty opts in to the OAA, the Faculty Assessment Committee will report to the Faculty on who received OAAs.

RESEARCH

[5] We affirm that the Faculty is committed to a transparent, inclusive, and responsible research assessment process in accordance with the Declaration on Research Assessment (DORA) principles. We have applied the DORA principles in developing the criteria in this section and our process for assessing research and scholarship activities in Appointment, Renewal, Transfer, Tenure and Promotion, and Assessment.

[6] The overriding factor for the assessment of research engaged in by a member of the academic staff shall be the *quality* of the research, which will tend to be reflected in its influence. Research that is impactful is an essential component of an academic appointment.

[7] It is to be expected that the influence and stature of each faculty member's research should increase as they progress through the ranks.

[8] Factors relevant to assessing the *quality* and *influence* of the research may include:

- whether the research has been subject to peer review or other forms of review prior to publication;
- where the research is published (having regard to such considerations as journal impact factor, where available, and the review process and publisher prestige for books and book chapters);
- the presentation of research to academic, professional, policy-making, governmental or lay audiences;
- funding secured or otherwise provided to pursue the research, having regard to the source, competitiveness and amount of that funding and the faculty member's involvement in that funding application (e.g. as principal investigator, co-investigator, or collaborator);
- the integration or involvement of undergraduate and graduate students in the research.
- citations by courts and other decision-makers or other scholars and researchers;
- citation of the research by lawyers, professional bodies, legislators or policy-makers;
- awards or other forms of external recognition received by the member of the academic staff for the research;
- testimonials from the community and other persons affected by the research;
- being called upon to act as a peer reviewer for a journal article, book, a grant application, a tenure/promotion application, an awards competition, or in other comparable contexts can also be a sign that one's own research is viewed as impactful.

[9] While it is expected that members of the academic staff will ordinarily only receive credit for a publication in one assessment cycle, it is recognized that influence may occur over a longer

period of time. It is also recognized that some publications may take more than one assessment cycle to complete. Monographs and doctoral dissertations may be claimed in no more than two assessment cycles. A member of the academic staff claiming a piece of work in more than one cycle must explain why it is appropriate to do so.

[10] The Dean, Department Head equivalent, and the Faculty Assessment Committee or the Faculty Tenure and Promotion Committee shall consider the following as forms of research in the Faculty of Law:

- books, texts, treatises, casebooks, and legal encyclopedias (including revisions) or sections thereof;
- articles and commentaries in periodicals, journals, reviews and newsletters (both legal and non-legal);
- chapters in scholarly books;
- case notes, annotations and book reviews;
- audio, visual and digital communications designed to add to the knowledge of the law and its functioning, such as blog posts (including ABlawg posts) and podcasts;
- research papers and reports for law reform bodies, governmental and nongovernmental bodies and agencies, and professional bodies and agencies;
- research papers distributed to academic and professional audiences (in connection with conferences, seminars, workshops and similar meetings);
- research presentations and keynote or plenary addresses to academic and professional audiences (at conferences, seminars, workshops and similar meetings);
- written or oral communications to lay audiences for the purpose of knowledge translation or education;
- applications for research funding;
- editorial work on scholarly texts and journals;
- unpublished casebooks and teaching materials used in a course taught by the member of the academic staff;
- academic theses leading towards the conferral of relevant higher degrees, whether begun before or during the academic staff member's appointment at the University of Calgary.

[11] We have tried to make the kinds of research that will be considered as comprehensive as possible. However, it is open to members of the academic staff to provide information about other forms of research work they have completed to the Dean, Department Head equivalent, Faculty Assessment Committee and/or the Faculty Tenure and Promotion Committee.

[12] We recognize that members of the academic staff frequently collaborate with other researchers, including those from other disciplines, and that the research produced from those collaborations is often co-authored. Given that co-authored research does not necessarily denote a particular division of labour, it is open to members of the academic staff to provide information about their individual contribution to co-authored research. It is also recognized that collaborative research, especially when it involves another discipline, may take more rather than less time than sole-authored publications and academic staff are encouraged to provide information about that.

[13] 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.

[14] 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 (including editorial review) which our research may be subjected to.

[15] While we have taken a broad approach to research in this section, it is important to recognize that for faculty members applying for tenure and promotion, the external reviews of applicants’ work will typically focus on research rather than teaching and service, and will expect to see a record of research that is peer-reviewed. Teaching and service remain important considerations for tenure and promotion and are discussed in subsequent sections. Overall, the Faculty recognizes that:

- balancing the demands of research, teaching, and service can be challenging for pre-tenure colleagues;
- the requirements of tenure and promotion are significant;
- colleagues in various stages of their lives and careers may find different balances of these demands;
- mentorship and advice from more senior colleagues is a useful way of assisting more junior colleagues with these challenges;
- the Head should be available to discuss these matters prior to a tenure and promotion application.

TEACHING

[16] It is to be expected that an academic staff member’s effectiveness, engagement, and/or experimentation in teaching and curriculum development should increase as they progress through the ranks. The Faculty also recognizes that respect must be accorded to individual faculty members to develop and offer their courses and other teaching activities in keeping with principles of academic freedom and in light of the subjects being taught. We acknowledge that evidence of some criteria may be more difficult to gather and would be more appropriate for tenure and promotion applications rather than in each assessment cycle. In assessing the teaching performance of a member of the academic staff, the following criteria are relevant, with relative consideration depending on the nature of the teaching assignments of the academic staff member.

- understanding of the subject matter of the courses taught;
- whether the courses are well-organized and have appropriate scope in light of the subject matter;
- the quality of the teaching materials produced or used by the instructor;
- the instructor’s ability to effectively communicate material to the students and their ability to generate student interest in the subject matter of the course;
- the instructor’s accessibility to students;
- innovation in teaching techniques, including the development, testing and application of online learning techniques and materials, where appropriate;
- use of experiential and other student-centred teaching methods;
- inclusion of materials related to law’s impact on historically disadvantaged groups, and

- the importance of reconciliation between settlers and Indigenous persons;
- articulation of clear course and learning objectives;
- participation in teaching development programs and/or conferences and self-directed learning;
- seeking out or providing mentorship with colleagues on teaching and learning;
- supervision of directed research projects, along with the scope and outcomes of those projects;
- supervision or participation in the examination of graduate students, both within and beyond the Faculty of Law;
- participation in mentorship activities related to teaching and learning, for example mentorship of student groups;
- the number of courses and credit hours taught by the instructor in the Faculty and elsewhere;
- the number and character of assignments and other forms of evaluation used by the instructor;
- the number of students enrolled in courses taught by the instructor, both in individual courses and overall;
- whether the instructor is teaching courses within or outside their area of research expertise;
- whether a particular course is being taught for the first time by the instructor, and to what extent the instructor had to create the course and teaching materials;
- whether the instructor's load consists of mandatory (1L or upper year/graduate) versus optional courses and how this load might impact their teaching and other responsibilities;
- whether the instructor has sought, and/or received funding and other resources to support their teaching of particular courses;
- evidence of leadership in teaching.

[17] Evidence to measure the above factors should include evidence from the instructor, students, and colleagues.

[18] Evidence from the instructor may include:

- a teaching dossier that includes selected course syllabuses, course assignments, examinations, skills-based exercises and other course materials;
- statements of activities related to teaching, supervision and mentorship;
- statements of teaching philosophy and supervision/mentorship philosophy; presentations/publications on teaching, supervision or mentoring.

[19] Evidence from students may include:

- student feedback through the university's student feedback instruments;
- faculty-developed teaching/instructor evaluations;
- instructor-developed evaluations;
- samples of student work;
- teaching awards and nominations received from students (e.g. Student Union Teaching Awards); letters of support from former students.

[20] Multiple sources of evidence must be used to obtain a holistic picture of the teaching expertise and effectiveness of the academic staff member. Student feedback cannot be used alone, and must be applied in a contextual manner.

[21] Evidence from colleagues may include:

- statements from co-instructors in the same course;
- written observations of the staff member's teaching;
- letters of support from colleagues;
- peer-based teaching awards and nominations;
- peer-reviewed and other publications related to teaching and learning.

[22] The weight to be given to such material shall be determined by the Dean, Department Head equivalent, and the Faculty Assessment Committee or the Faculty Tenure and Promotion Committee, as the case may be.

[23] It is our belief that these 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.

SERVICE

[24] Ours is a small law school that prides itself on its sense of community. We have never subscribed to the notion that Research and Teaching are the only truly important components of excellence in academic life. The lynchpin of this has been the willingness of colleagues to share willingly and equitably the responsibilities of service and the goals of collegial governance of the Faculty and University. In that vein, these are the guiding principles for assessment of service and administrative responsibilities within the Faculty.

[25] There is an expectation that with increased seniority, faculty members will take on increased administrative responsibility. It is also understood that some Faculty service assignments are heavier than others, and that this should be considered for assessment purposes.

[26] Beyond assignments made by the Dean, some colleagues may participate on professional committees or perform other service external to the Faculty and University. Some colleagues with particular areas of expertise, and those in senior administrative roles and chair positions, may be called upon by the University and external bodies to participate in this work. Such service is recognized and valued by the Faculty, but it cannot ordinarily substitute for service work internal to the Faculty.

[27] It is important to note that what people sometimes refer to as "soft duties" represent important contributions to the life of the Faculty, and they are appreciated but not mandatory. This includes things like attending convocation, graduation dinners and the like. It also includes providing support, mentorship and counselling to students as required. These types of activities should be taken into account when assessing service, although it is also recognized that not all faculty members may be able to participate equally in events that are after hours.

[28] Regular attendance at faculty meetings is expected, as is participation in judging first year moots.

[29] In evaluating service, the Faculty Assessment and Tenure and Promotion Committees should do their best to judge according to the quality of work as well as the quantity. In the Tenure and Promotion process, the Dean solicits written input from academic staff above the introductory ranks in the Faculty, and the Head equivalent is required to summarize that input in their letter. In the Academic Performance Assessment process, the Head equivalent may seek advice from relevant sources prior to determining whether the academic staff member meets the standard for a PTR increase. This may include reports from various committee chairs, as well as input received from the Dean, Associate Deans, Assistant Deans, and senior administrative staff. In gathering this information, Heads shall comply with the GFC Handbook and Collective Agreement. In order to be considered by the Assessment and Tenure and Promotion Committees, these sources of information must be referenced in the Head's assessment letters.

ACADEMIC APPOINTMENT SELECTION COMMITTEE

[30] The selection of the academic staff members on the Academic Appointment Selection Committee will be determined by a vote of Faculty Council no later than May of each year for appointment beginning in July of the next academic year. Formal Academic Appointments Selection Committees shall be constituted and will ordinarily consist of the following:

- Chair: Dean or delegate,
- Three voting members elected by Faculty Council, from the Continuing, Limited Term and Contingent academic staff within the Faculty, with the majority of these members holding a Continuing appointment,
- One voting member elected by Faculty Council, who holds an appointment as an academic staff member within the Faculty but is outside the affected discipline,
- One voting member elected by Faculty Council who is a Continuing academic staff member from outside the Faculty and any applicable Conjoint Unit,
- One student representative as a voting member appointed by the Chair,
- If applicable to the hire, one or two additional members who do not hold an academic appointment may be appointed as a non-voting member. Such committee members (e.g., clinical appointees, emeriti, members of Deans' advisory council, industry experts, non-academic specialists within the unit, other community members, or Indigenous knowledge keepers) provide additional professional, cultural or community expertise that is not otherwise present in the committee makeup.

[31] One or two additional Committee members may be appointed by the Dean to account for leaves, secondments and the like, and these additional members will be voting members of the Committee.

[32] Responsibility for drafting a position posting lies with the Academic Appointment Selection Committee; however, final approval of the posting by the Dean or delegate is required before publication.