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## Challenges Associated with Providing Tenure and Continuous Appointment Opportunities for Academic Law Librarians

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# **Challenges Associated with Providing Tenure and Continuous Appointment Opportunities for Academic Law Librarians\***

**Carol A. Parker\*\***

## **Abstract**

*Successful tenure candidates will excel as librarians, master shared governance concepts and understand their institution's culture. Candidates should engage in self-reflection and seek feedback throughout the tenure-track process. Supportive directors and supervisors will provide support to candidates and ensure well-developed promotion and tenure policies exist and are consistently applied.*

\*© Carol A. Parker, 2011. The author thanks R. David Myers, Michelle Rigual, Eileen Cohen and Carolyn Kelly for their insight and feedback throughout the process of writing this article. The University of New Mexico School of Law Library offers a tenure track for law librarians, and the author supports the concept of tenure and faculty status for non-director law librarians.

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## Introduction

This article explores the significant investment of time and effort required of law librarian tenure candidates, and their directors and supervisors, to bring a tenure track to a successful conclusion. It also describes guidelines and procedures that will facilitate the process. Its intended audience is tenure

candidates and directors and supervisors who oversee the tenure process. While other articles discuss performance standards used to review law librarians for tenure and continuous appointment decisions,<sup>1</sup> few discuss internal best practices concerning pursuit of and support for the tenure-track process itself. In contrast, the question of how best to pursue and support the tenure-track process is more developed in the literature of general collection academic librarians.<sup>2</sup> For the sake of readability, the term “tenure” is used in this article to refer to both tenure and other forms of continuous appointment that require similar processes, procedures, and commitments, unless it is necessary to distinguish between the two for purposes of clarity.

The American Association of Law Libraries (AALL) and the Association of College and Research Libraries (ACRL) both endorse academic librarians having tenured or continuous appointment status.<sup>3</sup> Various contemporary reports

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<sup>1</sup> See, e.g., James F. Bailey and Mathew F. Dee, *Law School Libraries: Survey Relating to Autonomy and Faculty Status*, 67 *Law Libr. J.* 3 (1974); Oscar M. Trelles, II, and James F. Bailey, III, *Autonomy, Librarian Status, and Librarian Tenure in Law School Libraries; The State of the Art, 1984*. 78 *Law Libr. J.* 605, 657, 673 (1986); Katherine E. Malmquist, *Academic Law Librarians Today: Survey of Salary and Position Information*. 85 *Law Libr. J.* 135, 142 (1993); Sharon Blackburn, et al., *Status and Tenure for Academic Law Librarians: A Survey*, 96 *Law Lib. J.* 127, 130, 134, 137 (2004); and Carol A. Parker, *The Need for Faculty Status and Uniform Tenure Requirements for Law Librarians* 103 *L. Libr. J.* \_\_\_\_ (2011) (examining tenure requirements currently in use in academic law libraries in the United States).

<sup>2</sup> See generally, Rodney M. Hersberger, *The Challenges of Leading and Managing Faculty Status Librarians*, 14 (6) *J. Academic Librarianship* 361 (1989), and Matthew J. Simon, *The Library Director's Role in Colleges and Universities Where Librarians Are Faculty*, 5 *Urban Acad. Libr.* 20, 23 (1987).

<sup>3</sup> In 1987, the American Association of Law Libraries (AALL) adopted a resolution in support of “academic status” and “tenure or a form of security of position reasonably similar to tenure” for

indicate that about 25% of non-director academic law librarians have an opportunity to achieve tenured status at their institutions. Roughly another forty percent have opportunities to secure some form of continuous appointment. The remaining one-third simply work as at-will employees.<sup>4</sup>

While these figures indicate that pursuit of tenure or continuous appointment will not be experienced by all academic law librarians, a significant number of them will find themselves in such positions or will aspire to attain such positions. It is vital that law librarians who find themselves on a tenure track understand what tenure represents. Tenure candidates also need to understand that their employment will end if they do not earn tenured status by the time their probationary period of employment ends, which is typically after six years.<sup>5</sup>

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academic law librarians. Resolution on Faculty or Academic Status Proposed by Academic Law Librarians SIS, *Proceedings of the 80<sup>th</sup> Annual Meeting of the American Association of Law Libraries Held in Chicago, Illinois Business Sessions, July 6-8, 1987*, 79 L. Libr. J. 791, 831 (1987). See also, Association of College and Research Libraries (ACRL), *A Guideline for the Appointment, Promotion and Tenure of Academic Librarians*, Approved at American Library Association (ALA) Annual Conference, June 2005  
<<http://www.ala.org/ala/mgrps/divs/acrl/standards/promotiontenure.cfm#tenure>> (last visited June 1, 2009).

<sup>4</sup> Brian Huddleston. *Types of Employment Status for Academic Librarians*, in BEYOND THE BOOKS: PEOPLE, POLITICS, AND LIBRARIANSHIP 32 (Leslie A. Lee ed., William S. Hein & Co., Inc.: Buffalo, New York 2007). See also ALL-SIS Continuing Status/Tenure Comm., Academic Law Librarian Tenure and Employment Status Survey, <http://www.aallnet.org/sis/allsis/cst/index.html> (last updated Apr. 6, 2010).

<sup>5</sup> An informal survey, conducted by the author in 2009, of academic law libraries that provide tenure or continuous appointment opportunities for law librarians revealed that 53.8% (28 of 52) of respondents give candidates six years to complete the tenure or continuous appointment process; nine respondents give more than six years, six respondents give five years, six respondents give between one and three years, and three respondents give four years. Details about the survey process and questions may be found in Parker, *supra* note 1 (examining tenure

Tenured is regarded as providing a high level of employment security, academic freedom for its recipients, enhanced status within the institution, and often somewhat higher salaries.<sup>6</sup> Defining tenure is challenging:

Exactly what tenure encompasses . . . proves difficult to define and many misconceptions are associated with it. Defining tenure is no easier when examined in the context of librarian roles. Tenure is not simply a guarantee of lifetime employment, as is commonly thought, although that is what it has come to mean for many who achieve it. As explicated by the AAUP, tenure instead seeks to guarantee that educators will be afforded academic freedom in their teaching and research pursuits—important components to realizing the common good that education provides. It is also a condition of employment, providing enough economic security to make fulfillment of a faculty member’s obligations to students and society a more attractive proposition. (footnotes omitted)<sup>7</sup>

It is also important to understand that to attain tenure in its highest form of expression—as opposed to other forms of continuous appointments—one must

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requirements currently in use in academic law libraries in the United States). The August 2009 survey results are on file with the author.

<sup>6</sup> See, e.g., Christopher J. Hoepfner, *Trends in Compensation of Academic Law Librarians*, 1971-91, 85 *Law Libr. J.* 185, 192 (1993), and American Library Association, *Better Salaries/Pay Equity Bibliography* (2003) <[www.ala-apa.org/salaries/payequitybib.html](http://www.ala-apa.org/salaries/payequitybib.html)> (last visited August 3, 2009). Of course, a larger question still remains concerning whether anyone—teaching faculties and librarians alike—should have tenure. A recent piece by Spencer Simons on the topic of law faculty tenure for library directors gives some perspective on the arguments against tenure generally. Spencer L. Simons, *What Interests Are Served when Academic Law Library Directors Are Tenured Law Faculty? An Analysis and Proposal*, 58:2 *J. Legal Education* 245, 248-50 (2008). See also, James M. Donovan, *Do Librarians Deserve Tenure? Casting an Anthropological Eye upon Role Definition within the Law School*, 88 *Law Libr. J.* 382, 390 (1996); and Huddleston, *supra* note 4 at 27.

<sup>7</sup>Parker, *supra* note 1 at \_\_\_\_.

also hold faculty status. Faculty status provides the ability to participate in the shared faculty governance of an institution.

Faculty status . . . expands librarian roles, making them more aware of, responsible for, and involved in the overall educational process, and raises the stature of librarians in the eyes of the teaching faculty. . . . In some universities, by obtaining faculty status, academic librarians are able to hold ten-month appointments like teaching faculty, rather than twelve-month appointments. As faculty members, librarians are hired through rigorous processes similar to those undertaken to recruit teaching faculties. Librarians with faculty status participate in campus governance and have comparable criteria for retention, promotion in rank, and tenure. Tenured faculty status, of course, is also regarded as providing a high level of employment security, academic freedom for its recipients, and somewhat higher salaries. Additionally, law schools, universities, and the profession of law librarianship as a whole benefit from the institutional and profession service that librarians with faculty status typically contribute, often as requirements for attaining tenure. (footnotes omitted)<sup>8</sup>

Between one-quarter and one-third of law librarians presently report holding faculty status.<sup>9</sup>

Given what tenure represents it should be granted only after a rigorous review process through which candidates demonstrate they are, and will continue to be, excellent librarians, scholars, and often teachers, in addition to being a force for good in carrying out the mission of the library and law school. If all involved excelled at completing and administering tenure-track processes, then pursuit of tenured status would not cause the stress it can when, inevitably, some librarians

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<sup>8</sup> *Id.* at \_\_\_\_.

<sup>9</sup> Huddleston, note 4 at 46. *See also*, Malmquist, *supra* note 1 at 141, 148 (respondents to a 1991 survey indicated the number of non-director law librarians with faculty rank had decreased somewhat to about one-quarter of the respondents).

fail to pass muster. Although no statistics specific to law librarians exist, the great majority of general collection academic librarians who pursue tenure achieve it—around 90% based on one report.<sup>10</sup> If the same holds true for law librarians, then possibly as many as 10% of law librarians who aspire to achieve tenured status will not succeed. The price paid by these librarians, and their directors and supervisors, is a high one in terms of stress, disappointment, and career and institutional disruption. Understanding the commitment required by all involved in the process may shed light on why some fail to make the cut and what can be done to improve the odds of success.

### **Methodology**

To inform this discussion, a review was undertaken of law librarian and general collection librarian literature on the topic of faculty and tenured status for academic librarians. An informal survey was also undertaken in August, 2009, of academic law library directors whose institutions currently provide tenure or continuous appointment opportunities for rank and file law librarians. The survey

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<sup>10</sup> Elizabeth C. Henry, et al., *Tenure and Turnover in Academic Libraries*, College & Research Libraries, p. 429, 431 (Sept. 1994).

gathered data on both standards and procedures currently used in tenure decisions in law libraries. Some of the survey results are referenced in this article.<sup>11</sup>

## **Guidelines for Tenure Candidates**

### ***Performance Standards and Workload***

Generally performance standards include librarianship and service, with various combinations of professional, institutional, and community service in use. Very often, standards also include scholarship and teaching.<sup>12</sup> Successful tenure candidates will undertake workloads and projects sufficient to demonstrate a high level of competence in all areas that will be used to assess them. To be successful, tenure candidates need to contribute to the creation and implementation of programs and policies within the library, share in library service and administrative responsibilities, begin to think about ideas for publications, possibly prepare to teach a formal legal research class, and manage their time wisely. It should go without saying that a tenure candidate's overall

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<sup>11</sup> An informal survey, conducted by the author in 2009, of academic law libraries that provide tenure or continuous appointment opportunities for law librarians. The survey was administered via Survey Monkey ([www.surveymonkey.com](http://www.surveymonkey.com)) during the month of August, 2009; participation was solicited via email postings to the Law Library Directors' listserv and the ALL-SIS listserv. Details about the survey process and questions may be found in Parker, *supra* note 1 (examining tenure requirements currently in use in academic law libraries in the United States). The August 2009 survey results are on file with the author.

<sup>12</sup> *See*, note 1, *supra*.

performance must be excellent if he or she is to earn the privilege of holding tenured status.

The amount of work it can take to achieve tenure can be a surprise to some candidates, but there is no escaping the burden a tenure track imposes.<sup>13</sup>

Candidates must be prepared to invest the time and effort necessary to excel as a librarian, as well as publish, provide service, and frequently teach. As a consequence of committing to numerous projects such as articles to be written, classes to be taught, conference presentations to prepare, and committee service to undertake, deadlines will often conflict and a substantial investment of time will

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<sup>13</sup> Because of the work imposed by the tenure process, some librarians are ambivalent about holding faculty status and pursuit of tenure; seemingly some expect to have all of the benefits of tenure without any of the burdens. Hersberger, *supra* note 2 at 361-62. Other librarians regard the responsibilities as too burdensome to be worth the effort. Simon, *supra* note 2 at 21. See also Huddleston, note 4 at 36; and Thomas G. English, *Administrator's Views of Library Personnel Status*, 45(3) *College & Research Libraries* 189, 192-93 (1984). Representative of explorations of the way in which tenure—which was developed for teaching faculties—can have an adverse impact on librarians by dividing their focus and changing their priorities in the work place, are Joyce A. McCray Pearson, *The Director and Law School Librarian's Role as Educator* in *INSIDE THE MINDS: THE LAW SCHOOL LIBRARIAN'S ROLE AS AN EDUCATOR* 33-34 (Aspatore Books: Boston 2008), and Jerry D. Campbell, *An Administrator's View on the Negative Impact of Tenure on Librarians*, 6(2) *Technical Services Quarterly* 3 (1988). For more discussion of librarians who are reluctant to undertake the extra effort the process requires, see Donovan, *supra* note 6 at 385-86 (1996), and Richard M. Dougherty, *Faculty Status: Playing on a Tilted Field*, 19 *J. of Acad. Libr.* 67 (1993). Others argue that librarianship itself is equivalent to the contribution of teaching faculties, thus doing a good job as a librarian should be enough. See, e.g., James F. Bailey, et al., *Status of Academic Law Librarians*, 73 *Law Libr. J.* 882, 885 (1980) (reporting comments by Kathleen Carrick made during an ALL-SIS panel discussion: “We should not feel we must fit the traditional mold for faculty members. We have different professional responsibilities and commitments.”). But see, Donald J. Dunn, *The Law Librarian's Obligation to Publish*, 75 *Law Libr. J.* 225 (1972) (arguing law librarians have a professional obligation to publish, aside from possible mandatory obligations associated with seeking tenure). In fact, the viewpoint that excellent librarianship alone should be enough to earn tenure has not won out and almost universally academic law librarians will be required to do more in order to earn tenure. See generally, Parker, *supra* note 1 (examining tenure requirements currently in use in academic law libraries in the United States).

be required in order to meet all of these obligations. Such demands necessitate long hours and a strong commitment to completing the process.

### ***Hitting the Ground Running***

When starting a tenure-track position, it can seem as though there is ample time available to complete the process, but in reality demonstrating excellence in multiple performance areas in only a handful of years can be challenging. The successful tenure candidate will understand that the first year or two can be a critical time period that sets the stage for future success. The highest priority initially for a tenure candidate should be to learn all new job responsibilities, which may take months. If a schedule is not provided by the director or supervisor, tenure candidates should create one that includes deadlines for learning all of the different duties that have been assigned.<sup>14</sup> A clear sense of what will be expected in order to demonstrate excellence or the potential for excellence in the factors used to assess performance should be acquired as quickly as possible. It is also important to know whether any factors are given more weight than others. For example, many policies give more weight to librarianship than to other factors.<sup>15</sup> If the director or supervisor does not automatically

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<sup>14</sup> Priscilla K. Shontz and Jeffrey S. Bullington, *Tips for new librarians: What to know in the first year of a tenure-track position*, C&RL News, Feb. 1998 at 85-86.

<sup>15</sup> *Id.* at 85.

schedule regular meetings to discuss policies and progress, candidates should request them.

### ***Mentors and Networking***

Successful tenure candidates will quickly start to network and join professional associations.<sup>16</sup> Professional contacts made locally, as well as through national association meetings, will not only provide advice and guidance but also can represent potential partners for future presentations at conferences, or informal reviewers with whom to share drafts of scholarship for feedback.

Successful tenure candidates will also seek out professional mentors, both formal and informal. Formal mentoring programs and other professional development programs offered by AALL and other professional associations could be helpful.<sup>17</sup> Tenure candidates should also look into institutional service opportunities that are afforded by law school and university faculty committees.<sup>18</sup>

### ***Mastering the Concept of Shared Governance***

The concept of shared governance figures prominently in any discussion of tenured status for law librarians if they also enjoy faculty status. It is essential

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<sup>16</sup> See, e.g., *id.* at 86.

<sup>17</sup> See, e.g., Carol A. Parker, *Leadership Development Programs for Law Librarians*, 49 J. Acad. Librarianship 881 (2009).

<sup>18</sup> See, Shontz, *supra* note 14 at 86.

for tenure candidates to understand what shared governance represents.

Unfortunately, a general lack of knowledge about faculty status and shared governance among law librarians is common. Unlike graduate and doctoral programs in other disciplines, law school and graduate library degree programs provide little opportunity to fully absorb the academic culture of faculty and tenured status, let alone master the concept of shared governance.

According to the American Association of University Professors (AAUP), shared governance is “one of the key tenets of quality higher education” and “refers to governance of higher education institutions in which responsibility is shared by faculty, administrators, and trustees.”<sup>19</sup> Fully implemented, shared governance for law librarians means they can expect to have a say in determining a law library’s mission, values, direction, and programming.<sup>20</sup> They can also expect to participate in policy development for “the hiring, review, retention, and continuing appointment of their peers.”<sup>21</sup>

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<sup>19</sup>AAUP, *Informal Glossary of AAUP Terms and Abbreviations* <<http://www.aaup.org/AAUP/about/mission/glossary.htm>> (last visited August 3, 2009). Faculty should “have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process . . . .” *Id.*

<sup>20</sup> For example, library directors might invite program review by the library faculty, and work to achieve consensus among the library faculty whenever possible on programming elements. Hersberger, *supra* note 2 at 363-65.

<sup>21</sup> Association of College and Research Libraries Joint Statement on Faculty Status of College and University Librarians (2007) <<http://www.ala.org/ala/mgrps/divs/acrl/standards/jointstatementfaculty.cfm>> (last visited October 16, 2009) (“[L]ibrarians should also participate in the development of the institution's mission,

Shared governance is both benefit and burden. Realizing a shared governance role in a law library for rank-and-file law librarians comes at the price of requiring them to share responsibility for the outcome of collective decisions. If any of the parties involved, including tenure candidates themselves, are unwilling to assume or share responsibility, then arguments for librarians holding faculty status are weakened. Librarians who, whether by choice or because of institutional constraints, do not fulfill their obligations as faculty members and participate in the shared governance of the library may also weaken arguments for holding tenured status. Attempting to hold tenured status without being involved in this aspect of academic library life is inconsistent with the premise of tenure.<sup>22</sup>

Successful tenure candidates will be aware of the potential for conflict that exists concerning how the concept of shared governance is implemented within a

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curriculum, and governance. Librarians should participate in the development of policies and procedures for their library including the hiring, review, retention, and continuing appointment of their peers.”).

<sup>22</sup> Tenure is not simply a guarantee of lifetime employment, as is commonly thought, although that is what it has come to mean for many who achieve it. “Faculty tenure in higher education is, in its essence, a presumption of competence and continuing service that can be overcome only if specified conditions are met.” Donna R. Euben, *Tenure: Perspectives and Challenges*, October (2002) <<http://www.aaup.org/AAUP/protect/legal/topics/tenure-perspectives.htm>> (last visited June 1, 2009). As explicated by the American Association of University Professors (AAUP), tenure seeks to guarantee that educators will be afforded academic freedom in their teaching and research pursuits, both important components in realizing the common good that education provides. It is also a condition of employment, providing enough economic security to make fulfillment of a faculty member’s obligations to students and society a more attractive proposition; a faculty member must give something, and continue to give something, on an ongoing basis, in return for receiving tenure. American Association of University Professors (AAUP), *1940 Statement of Principles on Academic Freedom and Tenure* <<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>> (last visited June 1, 2009). See also, Richard A. Danner and Barbara Bintliff, *Academic Freedom Issues for Academic Librarians*, 25 *Legal Ref. Serv. Quarterly* 13, 17 (2006).

given library. Commentators have noted an awkwardness that comes from superimposing the teaching faculty model of collegial shared governance upon the administrative hierarchy of a library, describing the result as unsettling and causing conflict.<sup>23</sup> Some argue shared governance is difficult to implement in libraries because library operations are so different from other academic units, and so complex that they require a bureaucracy to deliver resources and services.<sup>24</sup> This complexity results in libraries having hierarchies and layers of middle managers that other academic departments do not have.<sup>25</sup>

However, other academic units can be as large or larger than libraries and arguably just as complex to administer. If shared governance is awkward in a library setting, and one theorizes that the difficulties in implementation do not necessarily come from organizational complexity, then the origin of any awkwardness must lie elsewhere. Awkwardness in implementing shared governance in libraries instead might come from individuals who are unable to regard librarians—who provide services—as anything other than support staff. The more library directors, supervisors, or law faculties persist in regarding law librarians as support staff rather than as equals of teaching faculties, the greater

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<sup>23</sup> See Martha J. Bailey, *Some Effects of Faculty Status on Supervision in Academic Libraries*, 37 *C. & Res. Libr.* 48, 50-51 (Jan. 1976).

<sup>24</sup> *Id.*

<sup>25</sup> McCray Pearson, *supra* note 13 at 36.

the conflict is likely to be when law librarians demand to participate in the governance of the law library.

Difficulties in implementing shared governance in a library setting might also reflect another significant difference between library faculties and teaching faculties. Librarians by nature of their work are much more deeply involved in administrative aspects of the organization than are members of teaching faculties. Members of teaching faculties often can operate as independent actors, more or less loosely aligned with each other or with the administration, depending upon the issues. In other words their contributions to shared governance rarely go beyond curriculum development and hiring, retention, promotion and tenure decisions. For librarians, in contrast, participation in shared governance must, by its very nature, reflect participation in library administration at least to the extent it involves creation and implementation of policies and service goals. If librarians disagree with the direction these goals and policies should take, they cannot retreat to the classroom or to research and scholarship. Librarians must continue to be involved in delivering services and implementing policies. In some ways it can be harder to be asked for input if one's ideas are not ultimately implemented, than it is to never to be asked in the first place. Successful tenure candidates will not take such an outcome as a personal rejection, but will recognize it for what it is—a legitimate difference of opinion on how best to proceed.

Successful tenure candidates will also understand that shared governance in an administrative context does not mean that a library director cedes all of his or her administrative authority and responsibility to the rank and file library faculty. Rather shared governance means librarians who hold faculty status should expect to be consulted about important administrative decisions and be active participants in the decision-making process. After a thorough, inclusive and transparent decision-making process, the director as chief administrative officer of the library must then exercise the responsibility vested in him or herself for deciding future courses of action consistent with the best interests of the library. This may or may not result in the director deciding to delegate some decision making ability to some or all of the library faculty members. Ultimately, in respect to shared governance, it is worth noting again the importance of understanding local institutional culture.

### ***Mission, Values, Collegiality and Becoming a Team Player***

Successful tenure candidates will seek out mentors, both formal and informal, to help them learn about the institutional culture of their library. The mission and values of the law library are, of course, heavily influenced by the mission and values of the parent law school as well as the political realities at each institution.<sup>26</sup> Library missions are often articulated and recorded, but values

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<sup>26</sup> Michelle Rigual. *Teaching a New Dog the Same Old Trick*, in *INSIDE THE MINDS: THE LAW SCHOOL LIBRARIAN'S ROLE AS AN EDUCATOR* 8 (Aspatore Books: Boston 2008).

statements are less commonly written. Philip Howze distinguished mission from values, stating: “Value statements articulate what the members of the organization believe. ‘Why we are here’ is not the same as ‘what we believe.’” He gives examples of values such as candor, cooperation, respect, fairness, inclusiveness, sharing, and collegiality.<sup>27</sup> Ideally, each law librarian, if asked, could articulate a clear understanding of their institution’s values. If not, or if there is disagreement about what these should be, there is likely to be conflict.

These value-laden considerations often underlie the concept of collegiality, which is perhaps the least understood aspect of the tenure process. Collegiality is defined as “the sharing of authority among colleagues.”<sup>28</sup> It is fairly common for tenure policies of teaching faculties to explicitly reference collegiality as a factor in tenure reviews. The concept appears less often in law librarian tenure policies, but it is likely to be implicit—even if not explicitly stated.<sup>29</sup> Given the strong association between collegiality and shared

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<sup>27</sup> Phillip C. Howze, *Perspectives on Collegiality, Collegial Management, and Academic Libraries*, 29 *J. of Acad. Libr.* 40, 41-42 (2003).

<sup>28</sup> *Id.* at 40, citing *Webster’s New World Dictionary* (“defining collegiality as ‘the sharing of authority among colleagues.’”).

<sup>29</sup> Search the Internet for the terms ‘faculty handbook’ and ‘collegiality’ to find numerous, explicit references to collegiality requirements in university policy documents. The AAUP, however, discourages use of collegiality as a criterion for tenure evaluation. AAUP. *On Collegiality as a Criterion for Faculty Evaluation* (November, 1999) <<http://www.aaup.org/AAUP/pubsres/policydocs/contents/collegiality.htm>> (last visited November 8, 2009). In the August 2009 survey undertaken by the author, only one library—under an “other factors” category—indicated that collegiality is explicitly mentioned in its librarian promotion and tenure policy. Results on file with the author. *See*, note 9, *supra*.

governance it is perhaps understandable that collegiality does not appear to be widely used in librarian tenure policies, especially if those policies do not emphasize shared governance.

Performance factors such as scholarship, teaching, and librarianship are much more easily assessed than is collegiality. One author has likened recognizing a lack of collegiality to recognizing pornography: “Collegiality is an amorphous criterion, often defined in terms of a Supreme Court pornography test, in which perception is reality. The absence of collegiality, however, is quickly known and readily described when the purpose is to deny tenure.”<sup>30</sup> It is not uncommon to see allegations that tenure candidates lack collegiality forming the basis for retention, promotion, or tenure denials. Often, charging that a tenure candidate lacks collegiality is perceived by the candidate as discrimination under another guise, and lawsuits ensue.<sup>31</sup>

The successful tenure candidate will understand that, in a truly collegial environment, the focus is less on the promotion of self-interests and more on the promotion of the mission of the institution. One author described the tenure

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<sup>30</sup> Howze, *supra* note 27 at 40.

<sup>31</sup> “Collegiality can be a code word for favoring candidates with backgrounds, interests, and political and social perspectives similar to one’s own.” *Id.* The American Association of University Professors (AAUP) cautions that collegiality requirements should not serve to inhibit dissent or produce excessive deference to administrative or faculty decisions. To do otherwise would be inconsistent with tenure’s stated purpose, which is to protect faculty from being punished for expressing controversial or unpopular views.

consideration with respect to collegiality in a library setting as asking “whether the librarian has been a distinct force for good in carrying out the mission of the library.”<sup>32</sup> Franklin Silverman, in a recent monograph on the topic of the importance of collegiality for tenure candidates, states:

While a reputation as a team player is unlikely to compensate for a weak teaching or publication record . . . , not having one can nullify an adequate, but marginal, publication and teaching record . . . . In fact, a lack of collegiality that’s regarded as being substantial can nullify even a relatively strong teaching and publication record.<sup>33</sup>

Collegiality, however, has often come to mean something more than promoting the best interests of the library. The term has, in fact, come to be equated with congeniality—embodying an ability to get along with one’s colleagues—rather than as a reflection of shared governance in action.<sup>34</sup>

Consequently, successful tenure candidates will understand that they should also demonstrate congeniality, interpersonal skills, and emotional intelligence.<sup>35</sup>

While being congenial technically has nothing to do with the concept of

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<sup>32</sup> Howze, *supra* note 27 at 40.

<sup>33</sup> Franklin Silverman. COLLEGIALLY AND SERVICE FOR TENURE AND BEYOND: ACQUIRING A REPUTATION AS A TEAM PLAYER, p. 1 (Praeger Publishers, Westport, Conn., 2004). *Id.*, 3-6.

<sup>34</sup> See, Silverman, *supra* note 33 at 7-8, and Howze, *supra* note 27 at 40, 43.

<sup>35</sup> For a discussion of the importance of emotional intelligence in the workplace, see Phillip Gragg, *From Theory to Practice: Operation Emotional Intelligence*, 27(2-3) *Legal Reference Services Quarterly* 241 (2008).

collegiality, it clearly is a distinct advantage if a tenure candidate is able to get along with others at the library.

If librarian roles were more like those of teaching faculties who are engaged primarily in teaching and research, then perhaps good interpersonal skills might be less critical to the success of a library's mission. Within a highly collaborative law library environment, however, where performing well often entails being able to trust and depend on one's fellow librarians in a closely cooperative setting, a person who causes rancor and disharmony can be devastating to morale and often interferes with work getting done.<sup>36</sup> Notably, good communication and interpersonal skills underpin several of the core competencies for law librarians that have been recognized by the AALL.<sup>37</sup>

Silverman provides a four-page chart of behaviors for tenure candidates to avoid. One can discern the need for congeniality in Silverman's advice, even though it is offered in the context of promoting collegiality. To paraphrase Silverman, the successful tenure candidate will not:<sup>38</sup>

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<sup>36</sup> See Barbara Bintliff. *The Roles and Status of the Academic Law Library Director*, in *INSIDE THE MINDS: THE LAW SCHOOL LIBRARIAN'S ROLE AS AN EDUCATOR* 123 (Aspatore Books: Boston 2008) (describing the need to hire librarians and staff with well-developed communication and interpersonal skills).

<sup>37</sup> *Competencies of Law Librarianship*, approved by the AALL Executive Board March 2001 <<http://www.aallnet.org/prodev/competencies.asp>> (last visited May 31, 2009).

<sup>38</sup> Silverman *supra* note 33 at 3-6.

- Avoid doing his or her fair share
- Invest as little time and energy as possible in committee work, or avoid it altogether
- Be disrespectful toward others in your library, particularly senior faculty
- Be a chronic complainer
- Become enmeshed in politics, or align themselves with particular factions
- Demand more than his or her fair share of resources
- Spend a significant amount of time gossiping
- Use 'I want' rather than 'I'd appreciate it if'
- Fail to establish a reputation as being dependable
- Be a 'pain in the ass' to have around
- Fail to conduct him or herself in a professional manner when it is important to do so
- Be culturally insensitive
- Excessively promote him or herself or ignore the professional accomplishments of others
- Demand concessions, policy exceptions, and special favors
- Resist mentoring junior faculty
- Rarely be willing to compromise or negotiate
- Proselytize for religious, moral, ethical, and political beliefs

Being a good citizen and working toward the good of the library and law school also means that library faculty members have an obligation to attend a variety of events and functions. For example, if the law school offers colloquia for faculty to present their scholarship, candidates should try to attend and hopefully also participate. Likewise, if the library or law school offers lectures or similar events for students or the public, candidates need to put in an appearance. If law faculty or fellow librarians are honored for their work, or library and law school donors are honored for their support, candidates should plan to attend. This goes beyond political expediency. Although politically it could be imprudent to consistently fail to attend such events because absences will be noticed and possibly held against candidates, there is more to it than that. Librarians are obligated to attend and support those who present at such events because it is a way to honor the work and contribution of one's colleagues, regardless of whether one is on a tenure track. Successful tenure candidates will understand that this is the hallmark of being a professional, and is an obligation that does not diminish with time or once tenured status has been attained.

### ***Documenting Accomplishments***

Successful tenure candidates will regularly engage in self-reflection and personally assess their progress. This reflection and assessment process should include documentation on accomplishments. Most institutions require an annual

self-evaluation from tenure-track librarians, which helps candidates become accustomed to the amount of documentation that is needed to demonstrate one is worthy of retention, promotion, and ultimately tenure. Thorough annual reviews of accomplishments can later be used to assemble dossiers or portfolios for retention, promotion and tenure reviews. Thus the more effort put into annual reviews, the greater the pay off when preparing dossiers for mid-probationary and final reviews. The successful tenure candidate will find a means for keeping track of accomplishment as they occur so the task as reporting them annually does not become overwhelming, or significant accomplishments are forgotten.

Successful tenure candidates should also be aware that a significant amount of work is required of reviewing committee members, senior faculty, supervisors and library directors who must evaluate candidates for retention, promotion and tenure. A reviewer wants easy access to two types of information: what are the specific criteria for promotion, retention and tenure at this institution, and what evidence of relevant accomplishments is the candidate providing so that the reviewer can easily and quickly determine if the candidate meets the criteria. Reviewers' tasks include creating documentation that can withstand scrutiny by subsequent reviewers such as law school deans, provosts, and/or university faculty tenure review committees.

The successful tenure candidate will understand this aspect of the tenure process and make reviewers' work as easy as possible. When assembling

material for a review, candidates should make a conscious effort to organize and deliver the material in a way that will make it easier for reviewers to write their reports. For example, if the library utilizes a specific format for reporting relevant criteria, be mindful of the preferred format when organizing material. Candidates may be tempted to demonstrate creativity or invent a “better” way of delivering the material than has been used in the past, but in so doing may unwittingly make reviewers’ work more difficult if needed information is buried in a mass of text or must be accessed through a novel organizational approach. Worse still is failing to directly address relevant performance review criteria in the material submitted. Reviewing committee members may not be generous enough to ask for additional information or give candidates an opportunity to clarify or supplement what was initially provided.

## **Guidelines for Directors and Supervisors**

### ***Role of the Director***

In a library offering a tenure track, the library director plays a role similar to that of a department chair or a dean, overseeing all procedural requirements of the process.<sup>39</sup> Supportive directors and supervisors will ensure that tenure-track librarians have the time and resources necessary for them to succeed in the areas

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<sup>39</sup> See generally, *supra* note 2.

in which they will be judged. Library directors and supervisors must provide regular feedback about performance and progress being made toward tenure. They also need to document performance as required by the institution's policies in addition to providing formal reviews mandated by library, law school, or university policies. Meeting these obligations requires a great deal of commitment and support on the part of senior librarians, supervisors, and directors, all of whom must also serve as good role models.<sup>40</sup>

Library directors should also encourage rank and file librarian participation in the governance of the library. To facilitate this, supportive directors will ensure that library goals, both short-term and long-term, are written down and updated regularly. These goals are often published in annual reports and accreditation reports; copies of these should be readily available to all librarians. Understanding library goals and objectives encourages tenure candidates to accept an expanded role in achieving them.<sup>41</sup> Sharing information will also facilitate strategic planning. In-house research projects undertaken by librarians to support planning will provide them with greater insight into the choices and decisions that need to be made to move the library forward.<sup>42</sup>

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<sup>40</sup> Simon, *supra* note 2 at 26.

<sup>41</sup> *Id.* at 22-23.

<sup>42</sup> *Id.* at 23.

### ***Providing Adequate Mentoring, Support and Resources***

Supportive directors and supervisors will help tenure candidates identify informal mentors who can help advise tenure candidates. These informal mentors should not be direct supervisors or involved in any formal review of candidates.<sup>43</sup>

Many law librarian promotion, retention, and tenure policies will require candidates to publish scholarly literature and to provide service to the profession.<sup>44</sup> To ensure that tenure-track librarians can take advantage of professional development, research and scholarship opportunities, supportive directors and supervisors will provide tenure candidates with time away from day-to-day service and administrative duties.<sup>45</sup> Developing a system where librarians work together to cover for each other during such periods will provide support for professional development, research, and scholarship.<sup>46</sup> For example, someone might get relief from reference or faculty support duties for a month or more in order to prepare and teach a new class. Ideally, librarians, from time to time, can also be scheduled for time away from most of their day-to-day responsibilities in

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> The AALL resolution in support of librarian tenure states “they should have proportional entitlement to promotion, compensation, leaves, and travel funds” to support librarians in “a program leading to tenure or a form of security of position reasonably similar to tenure.” *Supra*, note 3.

<sup>46</sup> Simon, *supra* note 2 at 23. *See also*, Daniel F. Ring, *Professional Development Leave As A Stepping Stone to Faculty Status*, 4(1) *J. Academic Librarianship*, 19 (1978).

order to pursue research and scholarship, or to travel for conferences and meetings. The day-to-day duties of an individual who receives such administrative relief could be covered the same as they would be if someone took vacation or sick leave. During such periods of time away from administrative duties, librarians can undertake research and write, free of the interruptions that come with reference, faculty support, and teaching.<sup>47</sup> A committee might help the director manage administrative relief opportunities, or help to develop an in-house professional development program.<sup>48</sup>

It is worth noting that the higher the degree of specialization of librarians within a given institution, the more difficult it might be to implement a program of administrative release time. If some librarians are exempt from contributing to certain roles in favor of others, e.g., cataloging, faculty research support, electronic services, or collection development, it might be difficult to cover such work during periods of professional leave if no one else can provide these specialized services. Also, at some institutions, staffing and mission constraints

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<sup>47</sup> For example, at the University of New Mexico Law Library, members of the law library faculty may be relieved of administrative duties for up to eight weeks every three years to provide time for scholarly pursuits. Some librarians use this time incrementally while others use it in larger blocks of time. Larger blocks of time require plenty of advance notice so that time away from other teaching, administrative, and service duties can be covered. This is not regarded as time off from work; instead, it is regarded as a temporary shifting of administrative and service responsibilities in order to accommodate the writing, research, and teaching that librarians are expected to provide as part of their job at the University of New Mexico, given their faculty status. Exercising this option is dependent upon the pursuit of projects that have been proposed well in advance, and sanctioned by the Law Library Director, as part of the annual review and goal-setting process.

<sup>48</sup> Simon, *supra* note 2 at 24.

may simply be too limiting of librarian roles to warrant a system of professional leave to support scholarship and teaching. It may well mean that if a particular library is unable to provide the proper support for tenure-track librarians, then a tenure option is not an ideal that should be pursued at that institution.<sup>49</sup>

Supportive library directors and supervisors can also encourage internal writing groups and colloquia modeled upon those supported by teaching faculties. Alternatively, law librarians can present at law faculty or university faculty colloquia. With respect to scholarship, directors, supervisors and senior tenured librarians should also commit the time and effort needed to evaluate drafts and provide feedback throughout the process. It is easy to underestimate the time a particular project might require. Tenure-track librarians should not be allowed to set themselves up to fail by taking on more than can reasonably or necessarily be accomplished.<sup>50</sup>

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<sup>49</sup> Possibly self-selection away from tenure has already occurred among the law school libraries that do not currently offer a tenure option. The number of academic law libraries providing a tenure option has hovered at one-quarter to one-third of total survey respondents over these many decades. A survey by the librarians at Texas Tech University demonstrated that the likelihood of providing a tenure option increases when a law school library is affiliated with a university and can presumably draw upon university resources and norms. Presumably, the three-fourths of ARL-affiliated general collection university libraries that offer tenure have more resources to support tenure-track librarians than would much smaller law libraries, especially those not affiliated with a university. Blackburn, *supra*, note 1. For a different view, however, see Bailey, *supra*, note 13 (blaming inertia, lack of respect by law faculties, and ignorance as much as anything else for the inability of certain law libraries to provide tenure options to their law librarians).

<sup>50</sup> Simon, *supra* note 2 at 25-26.

Supportive directors and supervisors will encourage tenure candidates who hold faculty status to seek out small university grants that are often available to faculty to cover expenses associated with research projects. Such grants can be used to cover interlibrary loan and copying expenses, or travel associated with working in other libraries or special collections.<sup>51</sup> Law librarians might benefit from the support of a research assistant as well; there is no reason for library directors and supervisors to regard this resource as something that is only available to the law teaching faculty.

Some law librarian promotion and tenure policies require candidates to teach, either formally or informally.<sup>52</sup> In those cases, supportive library directors and supervisors will ensure mentoring and development of tenure candidates as teachers. Candidates who hold faculty status and are affiliated with a university can be encouraged to take advantage of workshops and other professional development opportunities geared toward mastering theories of learning, developing curriculum, and creating assessment tools—all aimed at developing more effective teaching skills. Student course evaluations should always be obtained when librarians teach formal classes. Supportive directors and

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<sup>51</sup> For example, the University of New Mexico offers small grants to faculty members for this purpose, and library faculty are eligible to apply. <http://research.unm.edu/rac/RACPoliciesAndGuidelines08-09.pdf> (last visited October 16, 2009).

<sup>52</sup> See generally, *supra* note 1.

supervisors will regularly visit classes taught by tenure candidates to provide feedback on ways to improve teaching skills, in addition to making a record of a candidate's progress toward development as an effective teacher. If class visits are burdensome, candidates can arrange to have several classes recorded for later review.

Supportive directors and supervisors will promote the service, teaching, and scholarly contributions of tenure candidates in school and campus newsletters and publications, as well as through email and web page announcements. This publicity helps ensure that the work of the librarians and their contributions to the educational mission of the school are recognized.<sup>53</sup> To raise the profile of law librarian scholarship, publications should be deposited into online repositories such as SSRN, bepress, and local institutional repositories.<sup>54</sup>

Supportive library directors will also provide institutional financial support for tenure candidates to travel to national and regional conferences for continuing education and professional service opportunities. If travel must be restricted due to revenue constraints, a schedule can be developed anticipating

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<sup>53</sup> Simon *supra* note 2 at 23.

<sup>54</sup> Law librarians enjoy numerous nontraditional ways to promote their scholarship to national and international audiences through the use of commercial online repositories such as the Social Science Research Network: Legal Scholarship Network Subject Matter Journal, *Legal Information & Technology* <http://ssrn.com/lrn/index.html> (last visited October 16, 2009), and the bepress Legal Repository <http://law.bepress.com/repository/> (last visited October 16, 2009), as well as institutional online repositories such as NELLCO Legal Scholarship Repository <http://lsr.nellco.org/> (last visited October 16, 2009).

that committee service often requires conference attendance in subsequent years. Tenure candidates can feel comfortable volunteering for service in one year if they know they can return the following year. In exchange, they may then need to wait a year or two before traveling again. Ideally, the law library will also cover the cost of membership in various professional associations such as AALL, AALS, and ABA to facilitate pursuit of professional development opportunities and mentoring programs. Community service, and law school and university committee service should be encouraged and supported.<sup>55</sup>

At a minimum, tenure candidates should be able to expect administrative support from directors and supervisors for all of a candidate's efforts related to professional development, teaching, research, scholarship, and service. Examples of such institutional support would include photocopying, library computer use, installation of specialized software applications, access to computer networks and related services such as email and server storage space, access to licensed databases, postage, access to telephone and fax services, etc. If possible, supportive library directors will also provide candidates with clerical support.

### ***Policy Documentation***

Supportive directors will ensure that when a tenure track is available to law librarians, written policy documents will also exist, fully describing all

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<sup>55</sup> See generally, *supra*, note 1, for performance standards for law-librarian tenure candidates which often include community, institutional and professional service.

retention, promotion, and tenure evaluation criteria.<sup>56</sup> Policies must memorialize the performance standards that will be used to determine who is qualified to be a tenured librarian, as well as who will review and assess performance, how often reviews will be undertaken, and who may vote as to whether a candidate is retained, promoted, or receives tenure.<sup>57</sup> It is the responsibility of the library director to ensure that policy documentation exists and is appropriate for the individual library.

Whether a candidate is retained, promoted or receives tenure is essentially a determination of whether the candidate met requirements spelled out in the policy document. In its simplest form, the analysis can resemble the process of legal analysis—the rules described in the tenure policy documentation are applied to the facts of the candidate’s accomplishments as shown by the material and information available for review. The candidate’s accomplishments either meet the standards described in the policy, or they do not. Policies explicated in the documentation determine not only whether someone should be promoted, retained or receive tenure, but also make it possible to determine whether the decision-making process was based on the facts and appropriate evaluation criteria, and

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<sup>56</sup> Simon *supra* note 2 at 25.

<sup>57</sup> What those procedures should provide is outside the scope of this article. The general collection academic library literature is a rich source of such information however. *See, e.g.,* S. Nazim Ali, et al., *Determining the quality of publications and research for tenure or promotion decisions: A preliminary checklist to assist*, 45(1) *Library Review* 39 (1996).

whether the reviewers applied the correct standards during the performance review.

Tenure policies often require multiple levels of candidate assessment beyond peer review within the law library. Outside reviewers are common.<sup>58</sup> So is subsequent review of recommendations by law school deans. Review of recommendations typically also extends to the university level, with review by either or both the Provost's Office or a university faculty tenure review committee not uncommon.

All parties involved in the process should be completely familiar with any law school or university-wide faculty policies and handbooks that govern the process or potentially even preempt inconsistent internal policies. Typically, these are sources of the rights and responsibilities of all parties involved in tenure processes, including rights and responsibilities related to annual reviews, and appeals of promotion, retention, and tenure denials.

### ***Providing Systematic and Regular Reviews***

It is essential for a supportive library director to ensure that equitable and appropriate procedures are in place for regularly assessing tenure candidates and

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<sup>58</sup> The Association of Research Libraries (ARL) provides extensive guidance for developing and implementing external review procedures. Tracy Bicknell-Holmes and Kay Logan-Peters. *ARL SPEC Kit 293: External Review for Promotion and Tenure* (August 2006) <<http://www.arl.org/bm~doc/spec293web.pdf>> (last visited November 8, 2009).

ensuring the integrity of the assessment process.<sup>59</sup> Regular meetings with tenure candidates to check on their progress and to provide feedback, both positive and negative, must be scheduled.<sup>60</sup> Suggestions for improvement can be verbally delivered during these meetings. Criticism and suggestions for improvement should never be conveyed for the first time in a written report. If something in an annual written report is a surprise to a tenure candidate, it means the library director or supervisor failed to provide consistent feedback and guidance when the problem was first noted.<sup>61</sup>

An AALL Special Committee to Develop Performance Measurements for Law Librarians produced measurement tools to assist with meaningful and relevant evaluation of librarians in a variety of library settings. The measurement tools reflect AALL's Competencies of Law Librarianship, and are adaptable to the progression of librarians from inexperienced beginners to experienced veterans, thus remaining highly relevant over time.<sup>62</sup> These measurement tools

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<sup>59</sup> The role of performance reviews are rarely explored in the law librarian literature, but guidance for directors and supervisors is widely available from the literature of management theory. *See, e.g.,* Jean M. Holcomb, *The Annual Performance Evaluation: Necessary Evil or Golden Opportunity?*, 98 *Law Lib. J.* 569 (2006).

<sup>60</sup> Simon, *supra* note 2 at 25.

<sup>61</sup> *Id.* The need for regular performance reviews exists whether a librarians is on a tenure track or not, and addressing performance problems in tenure-track situations is largely the same as what is involved in managing any direct-report librarian. Performance reviews are rarely explored in the law librarian literature, but guidance for managers is widely available from the literature of management theory. *See, e.g.,* Holcomb, *supra* note 59.

<sup>62</sup> AALL. *Professional Competence for Law Librarians: Core Attributes and Their Measurement*, The Report to the American Association of Law Libraries, Special Committee to Develop

are relevant to evaluating the “librarianship” or job performance component typically included in law librarian tenure policies, and a supportive library director might encourage library faculties to consider adopting the AALL Competencies as a means for assessing librarianship job performance.

A supportive director will recognize that some tenure performance standards are more difficult to quantify than others. For example, a typical standard for tenure candidates to meet is “continuing excellence in the future.” Evidence that a librarian will continue to be an excellent performer well in the future includes whether the candidate is open to change and to trying new things. The more a candidate shows a reluctance to try new things and tends to automatically say ‘no’ in the face of new proposals while still a candidate for tenure, the greater the potential that as their career matures, they will be less likely to embrace change, be motivated to keep their skills fresh, or be willing to adapt to new paradigms. Library directors and supervisors should be mindful of such behavior patterns and counsel tenure candidates accordingly.

### ***Performance Problems and Tenure Denials***

Supportive library directors and supervisors must be prepared to address performance problems that arise during a tenure track and ensure that tenure candidates understand that if performance standards are not met, their

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Performance Measurements for Law Librarians, Approved by the AALL Executive Board, July 2003, pp. 5, 7, 39  
<[http://www.aallnet.org/committee/reports/Measuring\\_Competencies\\_Report.pdf](http://www.aallnet.org/committee/reports/Measuring_Competencies_Report.pdf)> (last visited October 24, 2009).

employment contract will not be renewed. It is worth noting that without the time pressures associated with a tenure track, it might be possible for a director or supervisor to give underperformers more time to improve. The deadlines associated with a tenure track might preclude that option.

Supportive library directors will recognize that tenure systems inject an element of peer review and judging that may be absent in libraries where librarians are simply regarded as employees and have no shared governance role. Supportive library directors will ensure that library faculty members understand their responsibility in a tenure system includes having to review peers, and to contribute to the management of the library, possibly to a much greater extent than if they were simply at-will employees. If a tenure-track librarian is underperforming, knowing that those problems are going to have to be addressed can add an element of significant stress for all members of the library faculty, not just the tenure candidate, supervisors and directors. A supportive library director will understand this potential and be prepared to counteract it.

Despite often enormous investments of time and resources on the parts of both the tenure candidate and library administrators, there are instances when an award of tenure status is inappropriate. In these instances, the responsibility for protecting the library's interests as an institution must ultimately rest on the director. In serving the role in the tenure process similar to that of department chair or dean, it is ultimately the decision of the director whether to not renew a

tenure-track librarian's contract, independent of any recommendation or vote of the faculty as a whole. Hopefully, librarian roles can be structured in such a way that the interests of the tenure candidate, as well as the other people who comprise the organization, and the interests of the organization itself, can all be accommodated. Sometimes, however, that delicate balance cannot be achieved, and it becomes clear that one interest must be favored over another. The role of the library director in these situations is to ensure that the organization itself is not damaged or harmed by disproportionately favoring the interests of an underperforming individual over those of the organization.

If a librarian is not recommended for promotion, retention, or tenure, an often-extensive appeal process is likely to be available to the librarian. The levels of review of the decision not to renew a librarian can include law school deans, university provosts, academic senate committees, and even presidents and governing boards.<sup>63</sup>

Additionally, the procedures that were followed by the director and supervisor, and the documentation that was developed by them throughout the process, are also subject to review. In other words, the level of scrutiny that

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<sup>63</sup> The August 2009 survey showed that 43.2% (19 of 44) of respondents offered appeals to a university provost, another 12 respondents offered appeals to the law school dean, 12 offered appeals to a university faculty senate committee, nine offered appeals to the university president, and five offered appeals to a board of trustees or regents. A number of survey respondents selected "other" as an answer; comments provided with this choice indicated that 12 of respondents chose "other" either because they did not know about the appeals process at their school or their policy documents did not specify one. Results on file with the author. *See supra*, note 11.

comes with tenure-track reviews cuts both ways: not only will the candidate's performance receive close scrutiny, but so will the director's and supervisors' performance with respect to how they addressed and documented candidate performance problems. The process of addressing performance problems in tenure-track situations is largely the same as what is involved in managing any direct-report employee, i.e., documentation is essential. The existence of heightened scrutiny is especially prevalent when librarians enjoy faculty status recognized by a university system. It is essential that both managers and tenure-track librarians fully understand the rights and responsibilities that are expected of them in university tenure systems.

## **Conclusion**

The challenges presented by pursuing and managing tenure within an academic law library setting are numerous and important. Providing tenure opportunities for rank and file law librarians can be a costly endeavor—costly in terms of time on the part of both librarians and managers, and costly in terms of the effort it takes to create and sustain support systems and review processes. If a law library elects to provide a tenure track, all involved must be prepared to accept the level of responsibility that goes with it and be prepared occasionally to make hard choices. A full understanding of the work involved on the part of tenure candidates, adequate support from directors and supervisors, and equitable

policies and procedures applied consistently and fairly, can make a difference between tenure candidates' success and failure.