

MEMORANDUM

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FROM: Active LLC Members

DATE: August 14, 2015

RE: Tenure Process

As most of you know by now, a financial exigency has forced the Law School to not renew the contracts of seven highly-paid faculty members in order to correct negative income and provide a more stable financial situation so that the School might be able to recover and remain viable. While we all regret the personal impact on those affected, the greater good and survival of the School as a whole is our paramount concern.

Just as the School could not continue to pay those seven salaries without jeopardizing its continued existence, it also is not in a financial position to commit to tenure status for currently non-tenured faculty. The same economic challenges that required non-renewal of tenured faculty require that we retain whatever latitude the School has to make sound business decisions about faculty size in the future. As an aside, we note that AAUP guidelines suggest that new tenure appointments should not be made during a period in which existing tenured positions were eliminated because of a financial exigency. Although the School has not adopted and is not bound by those guidelines, they are a source of general information on such matters.

There currently are three candidates for tenure who have met the standards for being recommended for tenure by the faculty tenure committee and the dean as set forth in the faculty handbook. Moreover, President Harbaugh and Dean Abrams strongly support award of the three applications for tenure now or as soon as possible. Under normal circumstances, the next step under our handbook and policies would be for the Board to make a formal consideration of the dean/faculty recommendation and then

render a decision as to each of these three individuals regarding whether or not to grant tenure. We simply are not able to engage in that consideration at this time because of the financial exigency. However, in order to balance the interests of the current and future candidates against the interest of the School in remaining viable, we have decided to adopt a tolling process that will preserve the ability of the candidates to be considered for tenure if and when the School has successfully recovered from financial exigency status and shows sustained financial health.

In conjunction with this tolling process, all related proceedings and deadlines will be stayed including, but not limited to, the Board consideration process, the formal granting or denial of tenure, and the onset of terminal year provisions. At such time as the financial issues are favorably resolved, the Board (whether it be this or some subsequent Board) will end the tolling process and begin the consideration process at the point where it is today. The three individuals will not have to repeat any steps or requirements but will begin the process in the position in which they are "frozen" today. President Harbaugh and Dean Abrams have been tasked with consulting with the faculty and drafting a formal policy to implement this decision.

Anything less than the full award of tenure is not satisfying to anyone. However, any action other than this would be to the detriment of the Law School in resolving its financial exigency. It is our one and only goal to see the School survive, thrive and continue to serve our students, faculty, and community. We have dedicated ourselves to that goal. We are confident that you share that goal also and will help to see the Charleston School of Law through these trying times. We deeply appreciate your understanding and patience while these matters are worked out. We also appreciate your dedication to our students and the School.

C: Andrew L. Abrams, Dean
Joseph D. Harbaugh, Interim President