

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2019 -**

SUBJECT: Tenure Approval for Rafael Cox-Alomar, the David A. Clarke School of Law

WHEREAS, the UDC David A. Clarke School of Law (“UDC-DACSL”) Faculty Evaluation and Retention Committee (FERC) appointed a subcommittee to prepare a report and make a recommendation to FERC regarding the tenure application of Professor Cox-Alomar; and

WHEREAS, the tenure standard at UDC-DACSL states that “[a]ll members of the faculty have as their primary responsibilities teaching and contributing to the growth and understanding of the law,” and participating in and conducting “other school of law activities... necessary to the successful functioning and harmony of the institution... and other activities... which significantly relate to and advance a faculty member’s academic skills, including working in his or her special field”; and

WHEREAS, the FERC subcommittee conducted a review of Professor Cox-Alomar’s teaching, scholarship and service to the legal profession, and concluded that Professor Cox-Alomar is a gifted teacher whose work reflects all the attributes of good teaching, that his scholarly and other writings satisfy the criteria for tenure, and that he would be a true asset to UDC-DACSL and to the legal profession; and

WHEREAS, the FERC subcommittee, upon consideration of the Standards for Promotion and Tenure and the Faculty Handbook, concluded that Professor Cox-Alomar’s teaching, scholarship and service met all applicable standards for tenure and recommended to the full committee that it should recommend to the Dean that Professor Cox-Alomar be promoted from Associate Professor to Professor and awarded tenure with the rank of Professor of Law; and

WHEREAS, the FERC considered the subcommittee’s report and voted to adopt the recommendation of the subcommittee for promotion and asked the Dean to seek an award of continuous tenure for Professor Cox-Alomar; and

WHEREAS, Dean Renee Hutchins evaluated Professor Cox-Alomar’s teaching, scholarship, and service, and concurred in writing with the FERC recommendation for promotion and tenure; and

WHEREAS, the Chief Academic Officer and the President have affirmed the promotion and recommendation of tenure for Professor Cox-Alomar from Dean Hutchins and the President has forwarded the recommendation for tenure to the Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the award of tenure to Rafael Cox-Alomar at the UDC David A. Clarke School of Law, at the rank of Professor of Law.

Submitted by the Academic &
Student Affairs Committee:

August 15, 2019

Approved by the Board of Trustees:

September 10, 2019


Christopher Bell, Esq.
Chairperson of the Board

Lawrence T. Potter, Jr., Ph.D.
Chief Academic Officer

CONFIDENTIAL MEMORANDUM

TO: Ronald Mason, Jr., J.D.
President

FROM:



Lawrence T. Potter, Jr., Ph.D.
Chief Academic Officer

DATE: June 1, 2019

RE: Mr. Rafael Cox Alomar recommendation for tenure and promotion to full professor

Dear President Mason:

Guided by the David A. Clark School of Law *Faculty Handbook*, I have reviewed the materials and other supporting documentation of Mr. Cox Alomar for tenure and promotion to full professor—an applicant holding the rank of tenure-track associate professor of law. Mr. Cox Alomar began as an assistant professor in 2014 and was promoted to associate professor in 2017. At the time of his promotion to associate professor, the Law School faculty review panel deemed him “more than qualified” for promotion.

I have reviewed Mr. Cox Alomar’s portfolio for tenure and promotion to full professor to evaluate evidence of significant and relevant achievements in scholarship/creative work, teaching, and service in tandem with the standards outlined in the Law School *Faculty Handbook*. I arrived at my independent assessment of Mr. Cox Alomar’s work after careful consideration of his record of teaching, scholarly artifacts, service contributions, and student evaluations.

Scholarship: Mr. Cox Alomar has consistently sustained a record of substantial scholarship: two books in print with a third one contracted with Oxford University Press for publication in 2020. Additionally, he has authored 10 scholarly articles (in print) with two forthcoming later in 2019. As part of his promotion review, Mr. Cox Alomar’s scholarship was reviewed by external peers. Specifically, three articles were submitted for external review. The review results were: “excellent scholarly merit,” “I am not aware of any other US-based legal scholar who has offered a scholarly contribution in this area of the law and with this particular jurisdictional focus,” and “well-researched, thoughtfully constructed, and insightful.”

In the final analysis, Mr. Cox Alomar's scholarship meets the standard required for promotion to full professor and tenure.

Teaching: Mr. Cox Alomar has established a solid record of teaching. He has received highly positive reviews from his students, and he has taught a range of law courses, including Remedies, International Law, Constitutional Law, Conflict of Laws, and International Business Law. "More than 75% of his students ranked him as a 5/5 for teaching" according to the Law School faculty review panel. He is described by his students as "extremely knowledgeable" and "organized." Furthermore, the Law School faculty review panel concluded that Mr. Cox Alomar "is a wonderful addition to a faculty dedicated to teaching the equally wonderful students who enroll at UDC Law." Therefore, his teaching meets the standard required for promotion to full professor and tenure.

Service: Mr. Cox Alomar co-chairs the Academic Standards Committee and has provided prior service on three Law School committees. He has made appearances on CSPAN, CNN, and TeleSur, which helps to elevate the visibility of the UDC Law School. The Law School faculty review committee notes that Mr. Cox Alomar "amply satisfies or exceeds the Service requirement for full and continuous tenure." His service meets the standard required for promotion to full professor and tenure.

Lastly, I concur with the recommendations of Dean Hutchins and the Law School faculty review committee. I hereby approve of this action and submit his application information for your consideration. I am pleased to provide you with his full portfolio upon request.

Enclosure: Tenure and Promotion to Full Professor Recommendation for Mr. Rafael Cox Alomar

I, Ronald Mason, Jr., President of UDC, do hereby ☒ APPROVE ☐ DENY the recommended award of tenure and promotion of full professor to Rafael Cox Alomar.


Signature

7.8.19
Date

Comments: _____

To: Lawrence T. Potter, Jr., Ph.D., Chief Academic Officer

From: Renée McDonald Hutchins, Dean, David A. Clarke School of Law

Date: May 15, 2019

Re: Recommendation for Promotion and Tenure for Professor Rafael Cox Alomar

This memorandum sets forth my report and recommendation on the conferral of tenure and promotion to full professor for Professor Rafael Cox Alomar. In short, I conclude that Professor Cox Alomar satisfies the applicable standards for promotion and tenure. I therefore recommend that he be promoted to the rank of full professor with tenure.

I. The Standards for Promotion to Full Professor and Tenure

The Faculty Handbook provides the following Criteria for Tenure and Promotion: "All members of the faculty have as their primary responsibilities teaching and contributing to the growth and understanding of the law. These two responsibilities shall be given equal weight in the determination whether to award tenure or promotion to a member of the faculty." The Handbook further provides that "Other School of Law activities" and "Other activities" are important "but should not weigh as heavily as the foregoing criteria in the promotion and tenure decision."

Other law school activities are defined as "faculty meetings, committees, conferences, continuing education projects, recruiting efforts, and similar activities." Other activities are defined as "all activities which significantly relate to and advance a faculty member's academic skills, including work in his or her special field, which is not sufficiently disinterested or profound to be regarded as scholarly work."

II. Recommendation

A Subcommittee, consisting of Professors Campbell, Ferguson, and Jones, was convened to conduct the necessary evaluation of the candidate's relevant body of scholarly work, teaching and service. The Subcommittee produced a report (attached) detailing its evaluation and recommending the award of tenure and promotion to Professor Cox Alomar. I have reviewed the Subcommittee's report, and the underlying material supporting its conclusions, and concur in the Subcommittee's recommendation.

General Background. Professor Cox Alomar completed his undergraduate studies at Cornell University, his D.Phil. at the University of Oxford, and his J.D. at Harvard Law School. He has been a member of the faculty at the School of Law since July 2014. In the spring of 2017,

Professor Cox Alomar was promoted from Assistant Professor to Associate Professor of Law. At that time the law school faculty deemed him “more than qualified” for promotion.

Scholarship. Professor Cox Alomar’s scholarly record is substantial. He is the author of two books and has a third, *THE PUERTO RICO CONSTITUTION*, that has been accepted for publication by the Oxford University Press. That third book, which is forthcoming in 2020, surveys the constitutional history of Puerto Rico and explores in depth the Commonwealth’s constitution. Professor Cox Alomar has also authored some twelve scholarly articles. The two most recent of these are forthcoming later this year. The first of the two forthcoming pieces, *La Problemática de la Cláusula Sombrilla en los Acuerdos Cubanos de Promoción y Protección Recíproca de Inversiones*, was published in the *FOREIGN INVESTMENT LAW JOURNAL* and explores umbrella clauses in Cuban investment agreements. The second, *Identidades, Relaciones Internacionales y Geopolítica del Caribe: Los Actores Territoriales de Estados Unidos y la Union Europea*, will appear in the multidisciplinary academic journal *CARIBBEAN STUDIES*, and considers the impact of involvement by the United States and European Union in the Caribbean region.

In addition to the Subcommittee’s own review of Professor Cox Alomar’s scholarly work, three of his articles were submitted for external review. One external reviewer was the Honorable Juan Torruella of the U.S. Court of Appeals for the First Circuit. He reviewed Professor Cox Alomar’s book chapter, *The Ideological Decolonization of Puerto Rico’s Autonomist Movement*. Judge Torruella found this chapter to be “of excellent scholarly merit.” A similarly positive review was provided by a second external reviewer, Professor Alejandro Garro of Columbia Law School. Professor Garro reviewed Professor Cox Alomar’s 2017 article, *Investment Treaty Arbitration in Cuba*. Of this piece, Professor Garro wrote, “I am not aware of any other US-based legal scholar who has offered a scholarly contribution in this area of the law and with this particular jurisdictional focus.” A third external reviewer, Professor Efrén Rivera of the University of Puerto Rico School of Law, reviewed Professor Cox Alomar’s 2017 article *Cuba’s Constitutional Moment*. Professor Rivera found this work to be “well-researched, thoughtfully constructed, and insightful.”

Based upon its own review of Professor Cox Alomar’s writing and the insights of the external reviewers, the Subcommittee found Professor Cox Alomar’s scholarship to be “innovative, original, activist, and deeply scholarly.” Based on my determination that the Subcommittee’s assessment is substantially supported by the underlying record, I concur in the determination that Professor Cox Alomar’s scholarship meets the standard required for promotion and tenure.

Teaching. Since his arrival at the School of Law in the fall of 2014, Professor Cox Alomar has also established a solid record of teaching. Professor Cox Alomar is a dedicated teacher who receives highly positive reviews from his students. Professor Cox Alomar’s teaching includes some combination of the following classes every semester: Remedies, International Law, Constitutional Law, Conflict of Laws, and International Business Law. More than 75% of Professor Cox Alomar’s classes ranked him as a 5/5 for his teaching. He is described by his students as “extremely knowledgeable” and “organized.”

During their in-class observations, member of the Subcommittee generally echoed the positive assessment of the students. The Subcommittee found that while the “debates were less robust than perhaps one might like . . . students appeared engaged and interested in this style of teaching.” Based on its observations and the review of his student evaluations, the Subcommittee concluded that Professor Cox Alomar is “a wonderful addition to a faculty dedicated to teaching the equally wonderful students who enroll at UDC Law.” Based on my determination that the Subcommittee’s assessment is substantially supported by the underlying record, I concur in the determination that Professor Cox Alomar’s teaching meets the standard required for promotion and tenure.

Service. Professor Cox Alomar has served on three committees during his tenure at the law school. He currently co-chairs the Academic Standards Committee. In addition to his committee work, the Subcommittee also found that Professor Cox Alomar has served as a mentor to several students and was a guiding force in the coordination of an exchange program between the law school and the University of Havana. While that exchange program has been dormant since January of 2016, the program did result in further collaborations. In June 2016, bonds forged during the exchange allowed the School of Law to host the Vice Chancellor of the University of Havana and allowed Professor Cox Alomar to speak at the Tenth Conference on International Arbitration that was held that fall.

The Subcommittee also noted that Professor Cox Alomar raises the profile of the law school through his frequent appearances in major media outlets like CSPAN, CNN, and TeleSur. The Subcommittee concluded that “Professor Cox Alomar has devoted considerable time and energy in supporting and building upon the institutional framework of the School of Law, through his service on student and faculty committees, his unique encouragement and posture with the Latino student population and his extensive affiliations with the global international community. In view of his demonstrable and growing service commitment to the School of Law, (including his contributions in placing the School of Law in the mainstream of international conversations), the Subcommittee concludes that Professor Cox Alomar amply satisfies or exceeds the Service requirements for full and continuous tenure.” My review of Professor Cox Alomar’s record suggests that it substantially supports the Subcommittee’s conclusion. For that reason, I concur in the determination that Professor Cox Alomar’s service meets the standards required for promotion and tenure.

III. Conclusion

As required by our standards, Professor Cox Alomar has made a significant contribution to the Law School through his teaching, scholarship, and service. I therefore recommend that the University approve the recommendation that he be promoted to the rank of full professor with tenure.

RMA

Fiscal Impact Statement

TO: The Board of Trustees

FROM: Managing Director of Finance *David A. Franklin*

DATE: September 10, 2019

SUBJECT: Tenure Approval for Professor Rafael Cox-Alomar

Conclusion

In conclusion, there is no fiscal impact associated with the granting of tenure to Professor Rafael Cox-Alomar, Professor of Law in the David A. Clarke School of Law of the University of the District of Columbia (UDC).

The proposed resolution is for the approval of tenure for Rafael Cox-Alomar. The academic rank will be Professor of Law with continuing tenure. The Faculty Evaluation and Retention Committee (FERC) conducted a review and prepared a report in order to make a recommendation to the Dean of the Law School regarding tenure for this faculty member.

Background

The FERC of the David A. Clarke School of Law conducted a review and approval process for the tenure application for Professor Cox-Alomar. FERC undertook a thorough review of the professor's performance, based on teaching, scholarship, and service. Most importantly, Professor Cox-Alomar is a truly gifted teacher and wonderful asset to UDC Law.

In June 2004, he earned his JD from Harvard Law School, and prior to that earned his Bachelor of Arts and Sciences, magna cum laude, from Cornell University, in May 1997. He earned a Doctor of Philosophy, (2001) from the University of Oxford. The conclusion is that Professor Cox-Alomar meets and exceeds all of the standards for the award of tenure.

The Dean, Chief Academic Officer and President have affirmed the recommendation of tenure for Rafael Cox-Alomar. The President has forwarded the recommendation for tenure to the Board of Trustees.

Financial Impact

This request is approved based upon the information provided. There are no anticipated risks at this time.