UNIVERSITY OF DENVER

FACULTY PERSONNEL GUIDELINES
RELATING TO APPOINTMENT, PROMOTION, AND TENURE

Revised 2001

Approved by the Board of Trustees
June 8, 2001
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Preface</td>
<td>3</td>
</tr>
<tr>
<td>1.1 Professional Behavior and Responsibility</td>
<td>4</td>
</tr>
<tr>
<td>1.2 Equal Opportunity/Sexual Harassment Policy &amp; Procedures</td>
<td>4</td>
</tr>
<tr>
<td>2. Faculty Positions</td>
<td>6</td>
</tr>
<tr>
<td>2.1 Definitions</td>
<td>6</td>
</tr>
<tr>
<td>2.2 Faculty Series</td>
<td>8</td>
</tr>
<tr>
<td>2.3 Professorial Series</td>
<td>8</td>
</tr>
<tr>
<td>2.4 Professorial Series in Universities Libraries</td>
<td>8</td>
</tr>
<tr>
<td>2.5 Research Professorial Series</td>
<td>9</td>
</tr>
<tr>
<td>2.6 Clinical Professorial Series</td>
<td>10</td>
</tr>
<tr>
<td>2.7 Lecturer Series</td>
<td>11</td>
</tr>
<tr>
<td>2.8 Adjunct Professorial Series</td>
<td>11</td>
</tr>
<tr>
<td>2.9 Visiting Professorial Series</td>
<td>11</td>
</tr>
<tr>
<td>2.10 In-Residence Series</td>
<td>11</td>
</tr>
<tr>
<td>2.11 Emeritus Series</td>
<td>11</td>
</tr>
<tr>
<td>3.1 Appointment Policies</td>
<td>12</td>
</tr>
<tr>
<td>3.2 Appointment Procedures</td>
<td>12</td>
</tr>
<tr>
<td>3.3 Annual Review of Faculty Performance</td>
<td>13</td>
</tr>
<tr>
<td>3.4 Policies and Procedures for Reappointment</td>
<td>14</td>
</tr>
<tr>
<td>4. Professorial Series: Promotion</td>
<td>15</td>
</tr>
<tr>
<td>4.1 Philosophy</td>
<td>15</td>
</tr>
<tr>
<td>4.2 Policies for Promotion</td>
<td>15</td>
</tr>
<tr>
<td>4.3 Types of Evidence for Promotion Decisions</td>
<td>15</td>
</tr>
<tr>
<td>4.4 Procedures for Promotion</td>
<td>17</td>
</tr>
<tr>
<td>4.5 Qualifications for Promotion: Professor</td>
<td>18</td>
</tr>
<tr>
<td>4.6 Qualifications for Promotion: Associate Professor</td>
<td>19</td>
</tr>
<tr>
<td>4.7 Qualifications for Promotion: Assistant Professor</td>
<td>19</td>
</tr>
<tr>
<td>4.8 Qualifications for Promotion: Instructor</td>
<td>20</td>
</tr>
<tr>
<td>5. Professorial Series: Tenure</td>
<td>22</td>
</tr>
<tr>
<td>5.1 Philosophy</td>
<td>22</td>
</tr>
<tr>
<td>5.2 Pre-Tenure Review</td>
<td>23</td>
</tr>
<tr>
<td>5.3 Policies for Tenure Decisions</td>
<td>23</td>
</tr>
<tr>
<td>5.4 Procedures for Tenure Decisions</td>
<td>25</td>
</tr>
<tr>
<td>5.5 Tenure Probationary Periods and Notification Dates</td>
<td>28</td>
</tr>
</tbody>
</table>
6. Termination of Appointments

6.1 Preamble

6.2 Involuntary Termination of Tenure or of Non-tenured Appointments during their Term

6.3 Termination for Cause

6.4 Termination because of Discontinuance of an Academic Unit

6.5 Termination During a State of Financial Exigency

6.6 Termination for Other Reasons

6.7 Rights of Terminated Faculty

7. Reviews and Appeals

7.1 Scope

7.2 Basis for Reviews and Appeals

7.3 Review of Negative Departmental Decisions

7.4 Appeal of Negative Provost Recommendations
1. PREFACE

Effective personnel operations are based upon policies that reflect the nature of the institution which the policies serve. The University of Denver, through its faculty, must perform a variety of professional functions, such as teaching, scholarly research and/or creative activity, institutional self-governance, and public service. The relative priority of these functions carried out by colleges, schools, divisions, departments, and individual faculty should and does vary. Some overall guidelines are necessary, however, to insure consistency and equity of treatment of the faculty as a whole. This document spells out general guidelines for the appointment, reappointment, promotion, granting of tenure, and termination of faculty members at the University of Denver.

This document includes detailed guidelines for the appointment, reappointment, and promotion of faculty members only in the Professorial Series, Professorial Series in University Libraries, Research Professorial Series, and Clinical Professorial Series. Written guidelines for appointment, reappointment, and promotion outside these four Series should be established by the appropriate department1 or colleges and forwarded to the Faculty Senate for review through the Personnel Committee.

Sections of the "University Handbook," dated March 1968, were revised, expanded, and issued separately as a section of the Policy Manual entitled "Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure." These guidelines were originally adopted by the University Senate on February 19, 1976, and were subsequently approved by the Board of Trustees in October, 1976. The guidelines were further revised by the Senate in 1977-78. The Senate adopted the revisions on April 25, 1978, which were subsequently approved by the Board of Trustees in May, 1978. Additional modifications were adopted by the Senate on May 20, 1980. The guidelines were further revised by the Faculty Senate from 1989 to 1992, were approved by the Board of Trustees on January 22, 1993 subject to a final vote of approval by the faculty, and were adopted by a vote of the full faculty on April 9, 1993. Additional modifications were adopted by the Faculty Senate in October, 1995, and were approved by the Board of Trustees on January 19, 1996. The Faculty Senate adopted further modifications on May 4, 2001 and the Board of Trustees approved these modifications on June 8, 2001.

The provisions in this document supersede the provisions concerning faculty members in the University Handbook and in earlier versions of the Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure delineated above. If there is a claim either of a conflict or that the provisions of one of the earlier documents should apply, the Provost, after consultation with the Personnel Committee of the Faculty Senate, will decide which provisions will prevail.

1The designation department will be used throughout this document to designate the smallest unit such as department, division, school, or college to which a faculty member is appointed.
The policies and procedures described in these guidelines are subject to change. Approved changes will be circulated to members of the faculty by the Provost. Changes shall be made only after consultation with and approval by the Faculty Senate.

Colleges, schools, divisions, and departments are encouraged to report to the Senate Personnel Committee their experiences with these guidelines so that modifications can be considered.

1.1 Professional Behavior and Responsibility
In accordance with the University of Denver's commitment to the teaching and practice of ethics, faculty should be guided by a deep conviction to the worth and dignity of the advancement of knowledge. Faculty should also recognize the special responsibilities placed upon them because of their role as teachers and scholars. They should demonstrate the highest standards of integrity, truthfulness, honesty and fortitude in all of their professional activities.

Faculty should display respect and dignity to students, staff and colleagues. They should strive for professional excellence and encourage the same from students, staff, and colleagues. They should avoid any exploitation, harassment, or unlawful discriminatory treatment of students, staff, colleagues and other associates.

In the pursuit of these principles faculty should subscribe to the following: intellectual honesty, professional competence, moral and legal standards, collegial relationships built on trust and confidence, proper academic conduct, respect for confidentiality, academic freedom and the free pursuit of learning, objectivity and merit in their judgments of students, staff, and colleagues, responsibility for institutional governance, and critical self-discipline and judgment in using, extending and transmitting knowledge.

1.2 Equal Opportunity/Sexual Harassment Policy & Procedures
The University of Denver is committed to the ideals of equal opportunity. To ensure equal opportunity, the University has actively incorporated both the spirit and the substance of federal, state, and local laws prohibiting discrimination on the basis of age, color, disabled status, national origin, race, religion, sex, sexual orientation, marital status, and veteran's status.

As an academic community, the University's mission beyond equal opportunity is to create an environment in which people are treated with mutual trust, decency, and respect. Accordingly, the University absolutely condemns any type of harassment on the basis of the above listed classifications. Harassment on these bases is a violation of the law and also threatens an academic atmosphere characterized by freedom of inquiry and expression.
To protect against unlawful discrimination and harassment and to ensure equal opportunity, the University of Denver has established Equal Opportunity/Sexual Harassment Policy & Procedures to review the complaint of any person within the University community who feels that she or he has been the subject of discrimination or harassment in violation of University policy or the law. This process is described more fully in the Equal Opportunity/Sexual Harassment Policy & Procedures, which is attached to this document as Appendix A. Sexual exploitation or sexual harassment of any kind is a violation of that Policy and will be subject to severe sanctions up to and including termination for cause (see Section 6 of the Faculty Personnel Guidelines.)
2. FACULTY POSITIONS

The functions and responsibilities of each faculty position and the relative priority of
these responsibilities within a department should reflect agreement among the members
of the department, the appropriate Dean\(^2\), and the Provost.

Each department will provide a description for every faculty position which defines the
actual functions and their relative priority for the department. It is recognized that the
definition of "professional functions" will vary somewhat according to the recognized
standards of the academic discipline. Such position descriptions shall reflect the
aspirations and plans of the department as well as the personnel needs to accomplish such
long-range goals. Position descriptions shall be reviewed if the nature of the position has
changed. The department chairperson shall give copies of these position descriptions to
the individual faculty member after the description has been agreed upon by the faculty,
the appropriate Dean, and the Provost. (Also see Section 3.2.)

The department and the University bear a responsibility to the faculty member if there are
changes in professional expectations to counsel and assist him/her over a transition
period before the change in position expectations affect his/her eligibility for
reappointment, promotion, tenure and salary increases.

Policies and procedures stated in this document which may produce a change of status or
title for a faculty member or which may adversely affect the progress of a faculty
member toward desired goals of reappointment, promotion or tenure must be negotiated
with efforts to achieve satisfaction of all parties and may not be applied retroactively,
(unless specifically authorized by these guidelines), arbitrarily, or without consultation.

The evaluation of the individual for appointment, reappointment, promotion, or tenure
based on these guidelines will grow out of the recommendations of a departmental
committee or other clearly designated structure which may be established on a permanent
or on an ad-hoc basis to include appropriate representation of all areas primarily affected
by the position. Such coordination shall be assured by the Deans involved and reflect the
University mission.

2.1 Definitions

The term "faculty" is defined broadly at the University of Denver to include a variety of
persons engaged in some aspect of one or more of the basic purposes of the University:
teaching, research and/or creative activity, and service. Within this broad definition of
faculty there are two major types of appointments: appointments with tenure or eligibility
for tenure and appointments without eligibility for tenure. Awards of tenure may be made

\(^2\) The designation Dean shall be used throughout this document to designate either a Dean or a Director if there is no
Dean.
only within the Professorial Series at the ranks of Professor and Associate Professor.

Other distinctions that can be made concerning types of faculty appointments are full-time or part-time and continuing or temporary. There are also joint appointments and administrative appointments.

2.1.1 Full-time Appointments
Full-time appointments involve a full assignment of duties and ordinarily range over the academic year.

2.1.2 Part-time Appointments
Part-time positions are those which involve less than a full-time teaching, research and/or creative activity load appointment. Part-time appointments may be regular continuing appointments with faculty rank, but they are normally on a quarterly or semester basis and do not involve commitments by the University beyond those specified in the quarterly or semester appointment.

2.1.3 Continuing Appointments
Continuing appointments are those which are made with the intent that the appointment may (but need not) be renewed as the appointee engages in satisfactory service to the University. A regular continuing appointment implies neither tenure nor eligibility for tenure (see Section 5).

2.1.4 Temporary Appointments
Temporary appointments are those which are made for the duration of one year or less. These appointments are for a fixed term and are not intended to be renewed. The nonrenewal of a temporary appointment shall not be considered as a discharge.

2.1.5 Joint Appointments
Joint appointments can be made between departments and units of the University. Such appointments must be negotiated and approved by all departments and units involved with the appointment. A primary department or unit that will be responsible for personnel actions affecting the faculty member (including, if applicable, reappointment, promotion and tenure) must be designated for faculty members holding joint appointments, in consultation with the appropriate Deans and the Provost.

2.1.6 Administrative Appointments
Administrators having earned rank and tenure in a department may maintain their rank and tenure while serving as administrators. Newly appointed administrators desiring rank and tenure must negotiate this with a department or with a school or college of the University if no department exists.
All faculty appointments must fall within the categories established by the University for faculty appointments.

2.2 Faculty Series
Faculty appointments fall into the following series: Professorial Series, Professorial Series in University Libraries, Research Professorial Series, Clinical Professorial Series, Lecturer Series, Adjunct Professorial Series, Visiting Professorial Series, In-Residence Series, and the Emeritus Series. These categories of faculty appointments and their associated titles are described below. Appointments that use categories other than those specified herein are not to be considered "faculty" appointments. Other persons engaged in various forms of research, instruction, or service, such as, without limitation, Post-Doctoral Fellows, Graduate Teaching Assistants, and Interns, are designated "other instructional personnel," and are not regarded as faculty.

All appointments in the categories described in Sections 2.4 through 2.11 are without tenure or eligibility for tenure.

By March 15 of each year the administration shall report to the Faculty Senate and to the Board of Trustees by department the numbers of individuals holding faculty appointments in each of the Faculty Series and the numbers of credit hours taught within each Faculty Series during the fall quarter or semester of the current academic year.

2.3 Professorial Series
Although it is the intent of the University to define rather broadly the general category "faculty," appointment to the Professorial Series is a guarded privilege granted only to those faculty members who meet the qualifications stated for each rank, and who are either tenured or deemed likely one day to become eligible for tenured appointments.

Faculty in the Professorial Series are normally appointed on a full-time basis. The Professorial Series includes the ranks of Professor, Associate Professor, Assistant Professor, and Instructor.

Tenure may be granted only to those holding or being promoted to the rank of Professor or Associate Professor in the Professorial Series. Tenured faculty have the right to continuous reappointments until the faculty member resigns, retires, or is terminated pursuant to the procedures in Section 6. General procedures for appointment, reappointment, promotion, tenure, and termination of faculty in the Professorial Series are described in the present document.

2.4 Professorial Series in University Libraries
The Professorial Series in University Libraries is appropriate when appointments primarily involve responsibilities in the library system. This Series includes the ranks of
Professor, Associate Professor, Assistant Professor, and Instructor.

The philosophy, policies, procedures, and standards for appointment, reappointment, and promotion in the Professorial Series in University Libraries shall be parallel, to the extent reasonable, to those for the corresponding ranks in the Professorial Series as specified in Sections 3 and 4, unless noted otherwise and except that:

2.4.1 The evaluation criteria shall be based primarily upon contributions made to educational and other institutional goals through librarianship, and

2.4.2 Library faculty are not eligible for tenure. Library faculty who have met eligibility requirements set forth in library guidelines will receive extended term appointments.

A faculty member denied reappointment, promotion or extended contract has access to appeal/review procedures parallel, to the extent reasonable, to those in the Professorial Series.

In cases of dispute over the extent to which parallel procedures for appointment, reappointment, promotion, or appeal/review are reasonable, the decision of the Provost, in consultation with the Personnel Committee of the Faculty Senate, is final.

2.5 Research Professorial Series
The Research Professorial Series, which includes Research Professor, Research Associate Professor, and Research Assistant Professor, is appropriate for research positions in an academic unit.

The period of appointment and reappointment shall usually be one year. Appointment and reappointment are subject to the availability of funding and may terminate due to lack of funding. Such termination shall not be considered a discharge.

The philosophy, policies, procedures, and standards for appointment, reappointment, and promotion in the Research Professorial Series shall be parallel, to the extent reasonable, to those for the corresponding ranks in the Professorial Series as specified in Sections 3 and 4, unless noted otherwise and except that:

2.5.1 The evaluation criteria shall be primarily based on the excellence of research as demonstrated by the extent and quality of the publications and the faculty member's reputation.

2.5.2 Appointment, reappointment, and promotion are subject to the availability of research funds. In most cases, the generation of adequate research funds is the responsibility of the faculty member.
2.5.3 Research faculty are not eligible for tenure.

A faculty member denied promotion or reappointment has access to appeal/review procedures parallel, to the extent reasonable, to those in the Professorial Series, except that no appeal/review shall be considered when there is a lack of sufficient funds.

In cases of dispute over the extent to which parallel procedures for appointment, reappointment, promotion, and appeal/review are reasonable, the decision of the Provost, in consultation with the Personnel Committee of the Faculty Senate, is final.

On matters relating to the appointment, retention, promotion, or tenure of faculty in the Professorial Series, faculty members with appointments in the Research Professorial Series may advise.

2.6 Clinical Professorial Series
The Clinical Professorial Series is appropriate where appointments involve primary responsibilities in specialized professional practice. Such positions will frequently, but not exclusively, be in health-care fields. Titles in the series include Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor, and Clinical Instructor.

Appointments in the Clinical Professorial Series may be subject to the availability of funding and may terminate due to lack of funding. Such termination shall not be considered a discharge.

The philosophy, policies, procedures, and standards for appointment, reappointment, and promotion in the Clinical Professorial Series shall be parallel, to the extent reasonable, to those for the corresponding ranks in the Professorial Series as specified in Sections 3 and 4, unless noted otherwise and except that:

2.6.1 Evaluation criteria shall be primarily based on excellence in the field of specialization and quality of teaching,

2.6.2 Decisions to reappoint are subject to the availability of funds, and

2.6.3 Clinical faculty are not eligible for tenure.

A faculty member denied reappointment or promotion has access to appeal/review procedures parallel, to the extent reasonable, to those in the Professorial Series.

In cases of dispute over the extent to which procedures parallel to those of the Professorial Series are reasonable on issues of appointment, reappointment,
promotion, and appeal/review, the decision of the Provost, in consultation with the Personnel Committee of the Faculty Senate, is final.

2.7 Lecturer Series
The Lecturer Series is appropriate for either continuing or temporary appointments where special factors, such as experience or stature, may qualify the appointee as a lecturer in a particular field. The Lecturer Series includes the ranks of Senior Lecturer and Lecturer. Promotion to Senior Lecturer is by recommendation of the department chair and the appropriate Dean with the approval of the Provost.

2.8 Adjunct Professorial Series
The Adjunct Professorial Series includes the ranks of Adjunct Professor, Adjunct Associate Professor, and Adjunct Assistant Professor. The designation "Adjunct" is used in instances when a faculty member's major assignment is in another unit of the University or outside the University. The Adjunct Professorial Series does not necessarily imply a remunerative relationship with the University.

2.9 Visiting Professorial Series
The Visiting Professorial Series includes the ranks of Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor. The designation "Visiting" is used only when a faculty member is visiting from another institution, not as a designation for an adjunct appointment.

2.10 In-Residence Series
The In-Residence Series is appropriate to designate special contractual arrangements such as Poet-in-Residence or Executive-In-Residence.

2.11 Emeritus Series
The Emeritus Series includes the ranks of Emeritus Professor, Emeritus Associate Professor, Emeritus Research Professor, and Emeritus Research Associate Professor, and is appropriate to designate distinguished faculty members in retirement. To obtain Emeritus Status, a faculty member must have rendered long and valuable service. As far as procedure is concerned, a recommendation must come from the department, the Dean, and the Provost, and finally, be approved by the Board of Trustees.
3. PROFESSORIAL SERIES:
APPOINTMENT, ANNUAL REVIEW, AND REAPPOINTMENT

3.1 Appointment Policies
The qualifications a candidate shall possess to be appointed to a rank shall be parallel to
the extent reasonable to the qualifications a candidate shall possess to be promoted to that
rank, as specified in Sections 4.5-4.8.

3.2 Appointment Procedures
All appointments must be recommended by and negotiated with a department or with a
school or college of the University if no department exists. Procedures for recruiting
candidates for faculty appointments vary according to the nature of the position, i.e.,
whether the position is a full-time or part-time position, temporary or continuing. Refer
to the University's Affirmative Action Plan relative to posting requirements of faculty
positions.

A job specification must be developed or revised by the appropriate department, school,
division, or college\(^3\) to describe the nature of the position and to set forth the
qualifications, education, and previous experience required of candidates to qualify for
the position. The process by which the job specification is developed or revised must
provide representation by the faculty in the department, school, division, or college.

The position description shall include a description of the degree to which faculty
members participate in the activities and administration of the department, school,
division, and college.

A screening mechanism must be developed by each department, school, division, or
college for the review of applications. The mechanism should provide adequate
representation by those faculty whose interests would be affected by the employment of
the applicant, including opportunities for the candidate to have personal conversation
with associated faculty and students.

An on-campus interview of the applicant is normally required for appointed positions in
the Professorial Series. Interview requests must be processed through the department,
school, division, or college to the appropriate Dean and forwarded through the
Affirmative Action Officer to the Provost. The interview process must provide for
adequate representation by those faculty whose interests would be affected by the
employment of the applicant.

The Vice Provost for Undergraduate Studies and the Vice Provost for Graduate Studies
may be included in these interviews when the applicant would teach in areas for which

\(^3\)For joint appointments, appropriate steps have to be taken to assure that all involved units are represented.
they have responsibility. If the Vice Provost for Undergraduate Studies or the Vice Provost for Graduate Studies interviews an applicant, their reactions to the applicant shall become a part of the recommendations sent to the Provost. If a faculty appointment would include an award of tenure, the Provost should be included in the interview process.

The search process must be conducted in accordance with the current Affirmative Action Plan.

At the time of initial appointment, the appropriate department, college or school will provide each faculty member with a copy of the University's Faculty Personnel Guidelines relating to Appointment, Promotion and Tenure and with a copy of any department, division, school or college’s corresponding policies and procedures. The faculty member will acknowledge in writing his/her receipt of those documents and said acknowledgement will be placed in his/her departmental personnel file.

3.3 **Annual Review of Faculty Performance**

Each department chairperson (or the equivalent administrative officer or designated committee) must hold an annual review conference with each faculty member, wherein the past year's performance will be discussed, evaluated, and documented. Mutually agreed upon goals and priorities for the subsequent year also shall be established during the annual review with the understanding that their attainment is to be considered as one aspect in the future evaluation by the department for reappointment, promotion, salary increases, and tenure, if applicable.

3.3.1 In preparation for the annual review conference, each faculty member will submit a written summary to the department chair of her/his past year's performance and her/his goals and priorities for the subsequent year. The report will be based on the appropriate criteria for reappointment, promotion and tenure (see Sections 3.4, 4 and 5).

3.3.2 Department chairs (or the equivalent administrative officer) will meet with each faculty member to discuss and evaluate the report. All departments shall make every reasonable effort to inform all non-tenured, tenure-track faculty of the tenure process, standards of judgment, and the faculty member's relative progress in fulfilling expectations.

3.3.3 In conjunction with the annual review meeting, department chairs will prepare a brief, written summary statement of the evaluation and goals for the subsequent year with a copy given to the faculty member and a copy signed by the faculty member indicating receipt of the report to be placed in his/her department file. The faculty member may attach a written response to the document.
3.3.4 Copies of the faculty member's report, the department chair's evaluation and the faculty member's response should be sent to the appropriate Dean and should be made available to the appropriate committees for tenure and promotion decisions.

3.4 Policies and Procedures for Reappointment

From the time of appointment, the University and the department are obligated to communicate the policies and procedures for reappointment of non-tenured faculty. Correspondingly, the faculty member has an obligation to assure that he or she has a full understanding of those policies and procedures.

A reappointment shall be offered only following a substantive review of a faculty member's performance during the previous appointment. The qualifications a candidate must possess to be reappointed to a rank shall be parallel to the extent reasonable to the qualifications a candidate must possess to be promoted to that rank, as specified in Sections 4.5 - 4.8.

A reappointment may (or may not) involve a multi-year contract. If a reappointment is for more than one year, the number of years must be stated explicitly in the reappointment document. Reappointments without an explicitly stated time period are for a single academic year.

Notice of the non-reappointment of an untenured faculty member in the Professorial Series or a faculty member with a multi-year contract in one of the other Faculty Series shall be given by the University before the start of the academic year (i.e., before the first day of classes in fall quarter or semester) in which the appointment expires except when this deadline cannot reasonably be met because of delays resulting from the faculty member requesting a departmental review or an appeal.

If a faculty member is notified during the annual review conference (see Section 3.3) that he/she is not to be reappointed, he/she may initiate a departmental review by submitting a written request to the departmental chairperson within fifteen calendar days of the annual review conference. Subsequent appeals/review policies and procedures shall be as described in Section 7.
4. PROFESSORIAL SERIES: PROMOTION

4.1 Philosophy
The University of Denver is committed to academic excellence as determined principally by teaching, scholarly research and/or creative activity, institutional self-governance, and service. Both promotion to a higher academic rank and reappointment are primary ways for recognizing such excellence in performance. Decisions about the promotion of a faculty member must be based upon high departmental standards to ensure that the candidate possesses qualifications which meet current departmental and University expectations. It is recognized that standards for promotion may change over time.

4.2 Policies for Promotion
From the time of appointment, the University and the department are obligated to communicate the philosophy and the policies regarding promotion to faculty members. Correspondingly, the faculty member has an obligation to assure that he or she has a full understanding of the philosophy and policies regarding promotion.

Promotion to a higher rank by the University is primarily recognition of excellent performance in teaching and scholarly and/or creative activity. Consideration is also given to contributions to the institutional self-governance of the University and to public service.

Promotion to a higher rank implies recognition by a faculty member that, concurrent with the honor and privileges awarded, there are continuing obligations to academic excellence, professional growth, and service.

Promotion shall occur only after an exhaustive evaluation has been made of the candidate's merits.

An essential component in promotion is a positive judgment by a faculty member's immediate peers and colleagues regarding the candidate's performance in teaching and scholarly research and/or creative activity.

The promotion committee (see Section 4.4) and the department chairperson have the right to solicit information and evaluations from any members of the University, whether faculty, staff, administrators, or students, and appropriate persons outside the University. Efforts should always be made to secure a representative and fair sample of evaluations. The candidate has the right to be informed of the types of evidence to be used in the evaluation process.

4.3 Types of Evidence for Promotion Decisions
The types of evidence to be used in the evaluation process include the following (where feasible and appropriate), but not to the exclusion of any other data that the candidate or
committee may consider relevant for consideration:

4.3.1 Vita

The candidate shall submit to the committee a comprehensive and current vita.

4.3.2 Teaching

The quality of teaching shall be judged by all appropriate evidence available. The evidence that should normally be used, though not to the exclusion of other evidence available, will include some or all of the following:

A. course organization (e.g., course outlines, reading lists, statements regarding the basis on which grades will be given, and the like);

B. the degree of commitment to students (e.g., class attendance, punctuality, office hours, counseling, and the like);

C. evaluation of teaching performance through course and teacher evaluations performed by students and/or class visits by department members;

D. scholarly and/or creative work of his/her students (e.g., theses) and recognition of his/her students' work (e.g., prizes or awards won);

E. student and/or alumni letters and evaluations (if available and representative);

F. innovative teaching in method or content, extra efforts in developing new courses or laboratories;

G. efforts to improve teaching effectiveness (e.g., self-analysis, attendance at appropriate programs, taping or filming class sessions for analysis, and the like).

4.3.3 Scholarly Research and/or Creative Activity

Scholarly output includes publications, creative work, consultation, presentations in public media, public performance, and exhibitions. The quality of scholarly research and creative activities can normally be judged by some or all of the following criteria, though not to the exclusion of evidence that may be appropriate in particular cases:

A. internal evaluation of publications (i.e., by appropriate faculty and administrators within the University of Denver). Presentations in public media and public performances or exhibitions may also be considered,
provided that they demonstrate scholarly or creative work;

B. internal evaluation of the candidate's generation and direction of advanced graduate research and creative activity; and

C. letters and critical reviews from nationally and/or internationally recognized experts in the field which comment on the quality and impact of the individual's work, and other external commentaries on the work. The comments should be solicited to provide multiple viewpoints.

4.3.4 University Service
University service shall be judged by memberships and performance on the various advisory or self-governmental committees of the University, by participation in the necessary advising, examination and other duties of the department, by participation in formal University functions and ceremonies, by advising student organizations, by student recruitment, by professional assistance in other departments, and by professional collegiality.

4.3.5 Public Service
Public service shall include efforts which add to the professional knowledge or career of the individual and which are undertaken as a formal or quasi-formal representative of the University. Such service should reflect public credit upon the University and may include responsible service to an academic discipline, such as a national or regional officer of a professional society or active participant on a major committee of such a society.

4.3.6 Regional, National, or International Recognition
Types of evidence to be used in assessing the regional, national, or international recognition of a candidate’s achievements and ability include:

A. Lists of prizes and awards received in recognition of an individual's achievements. Membership in national academies, and the like, is a form of recognition.

B. Statements from recognized authorities in the candidate's specialized field relating to the individual's work and abilities.

C. Invitations to speak at or participate in major international, national, or regional conferences.

4.4 Procedures for Promotion
Each department shall have a promotion committee of at least three persons, constituted according to guidelines agreed upon by the faculty of that department and the Dean,
which will make recommendations on promotion to the chairperson of the department, the appropriate Dean and the Provost. Those guidelines may provide under certain circumstances that the committee include faculty from cognate departments who are acceptable to the department members and the candidate or untenured faculty. The department chair, or appropriate Dean or Director if there is no department within the academic unit, may serve as an ex-officio member of the committee but may not participate in the vote or final recommendation of the committee.

If the promotion of the departmental chairperson is under consideration, a faculty member of a cognate department, mutually acceptable to the departmental promotion committee and the chairperson, shall chair the promotion committee and forward the recommendations to the Dean and the Provost.

The University is obligated to (and departments may) devise appropriate procedures for promotion and ensure their implementation. In general, those procedures will be the same as those for tenure (see Section 5.4). The procedures shall be made available in writing to all faculty members in the department and a copy shall be submitted to the Dean, the Provost, and the Faculty Senate Personnel Committee.

To the extent requested by the promotion committee or the department chairperson, the candidate shall assist the promotion committee and chairperson in obtaining the evidence described in Section 4.3.

Appeal/review procedures are provided for recommendations at the departmental level and prior to the final announcement of a decision by the Provost. These procedures shall be as described in Section 7.

The criteria described in Sections 4.5 – 4.8 shall be used as general guidelines in recommending faculty members for promotions in rank.

### 4.5 Qualifications for Promotion: PROFESSOR

4.5.1 The candidate shall have demonstrated growth and significant accomplishments in his/her academic career. The normal career would span approximately fifteen years of increasing academic responsibility, but persons demonstrating unusually high academic promise may have gained equivalent experience in a shorter time or in nonacademic fields. When the standards of certain disciplines differ in career patterns, consideration may be given to those standards. Growth can be judged by evidence of development by the individual of new talents, or expertise in successively broader fields, or increasingly significant contributions made in a single field.

4.5.2 The candidate shall have the educational background appropriate to Professors
in his/her discipline. Normally this means possession of a terminal degree (a
doctorate or its equivalent for his/her field), but a candidate having unusually
strong achievements in scholarly research and/or creative activity, demonstrated
by national recognition, may also meet this criterion.

4.5.3 The candidate shall have demonstrated excellence in teaching, scholarly
research and/or creative activity, and service to the University and to the public,
in proportions appropriate to the responsibilities assigned to the candidate
during the period of evaluation.

4.5.4 There must be evidence of regional, national, or international recognition of the
candidate's achievements and ability.

4.6 Qualifications for Promotion: ASSOCIATE PROFESSOR

4.6.1 The candidate shall have demonstrated growth and accomplishments in his/her
academic career. The normal career would span approximately seven years of
increasing academic responsibility, but persons demonstrating unusually high
academic promise may have gained equivalent experience in a shorter time or in
nonacademic fields. When the standards of certain disciplines differ in career
patterns, consideration may be given to those standards. Growth can be judged
by evidence of development by the individual of new talents or expertise in
successively broader fields or increasingly significant contributions made in a
single field.

4.6.2 The candidate shall have the educational background appropriate to Associate
Professors in his/her discipline. Normally this means possession of a terminal
degree (a doctorate or its equivalent for his/her field), but a candidate having
strong achievements in scholarly research and/or creative activity, demonstrated
by national or regional recognition, may also meet this criterion.

4.6.3 The candidate shall have demonstrated competence and promise in teaching,
scholarly research, and/or creative activity, and service to the University and to
the public, in proportions appropriate to the responsibilities assigned to the
candidate during the period of evaluation.

4.6.4 There should be evidence of the beginning of regional, national, or international
recognition of the candidate's achievements and ability.

4.7 Qualifications for Promotion: ASSISTANT PROFESSOR

4.7.1 The candidate should be a person of demonstrated promise.
4.7.2 The candidate shall have the educational background appropriate to Assistant Professors in his/her discipline. Normally this means the possession of a terminal degree (a doctorate or its equivalent for his/her field), but a candidate having strong achievements in scholarly research and/or creative activity may meet this criterion.

4.7.3 The candidate shall have demonstrated the ability to teach and perform scholarly work and/or creative activity based on the following types of evidence.

A. A comprehensive and current vita.

B. Teaching ability shall be judged, to the extent possible, on:
   i. previous teaching experience (including service as a graduate teaching assistant);
   ii. letters of recommendation concerning previous teaching experience;
   iii. statements from professors concerning his/her performance as a graduate student, such as oral reports in seminars;
   iv. student evaluations, if available and representative.

C. Ability to perform scholarly work and/or creative activity shall be judged on:
   i. statements from his/her professors in graduate school, including research directors (if applicable);
   ii. copies of published and unpublished writing, including the dissertation, and/or evidence of creative activity.

D. Where feasible and appropriate, the types of evidence described in Sections 4.3.2 and 4.3.3 may also be used in assessing the candidate’s ability to teach and perform scholarly work and/or creative activity.

4.8 Qualification for Promotion: INSTRUCTOR
The candidate shall possess the same qualifications as for appointment to Assistant Professor (see Section 4.7) except that the candidate does not yet have the educational
background or achievement appropriate to Assistant Professors in his/her discipline. Normally, this means the candidate is working toward but has not yet completed his/her terminal degree (a doctorate or its equivalent for his/her field).

The maximum number of years of service that are allowed at the rank of Instructor are specified in Section 5.5.1.
5. PROFESSORIAL SERIES: TENURE

5.1 Philosophy

A decision to award tenure commits the University to a career-long contract with a faculty member. He or she is free to leave the University at any time, but the University is obliged to retain his or her services until retirement, except in the circumstances and under the conditions delineated in Section 6 of these Guidelines. Because tenure is usually considered in the sixth year in what may be a thirty-year or more career, the future academic quality of the University depends heavily on whether tenured faculty continue to develop and produce as teachers, scholars, and/or artists. By awarding tenure, the University is better able to retain its best people and preserve academic freedom. The judgment to award tenure, however, must be carefully made, on the basis of substantial evidence of achievement and promise; it cannot and should not be made on the basis of default or reluctance to deny tenure.

Tenure decisions are based on rigorous standards of quality of performance in teaching, scholarly research, and/or creative activity. All tenure decisions must, therefore, involve high departmental standards and must also involve comparisons of the qualifications of the candidate for tenure with the qualifications of those individuals who might be available to the department. Accordingly, it is recognized that a candidate may not be granted tenure despite high quality performance. In addition, candidates meeting high academic standards may be denied tenure for financial or programmatic reasons.

Consistent with the guidelines, under which tenure is a privilege that is awarded by the University in recognition of distinguished performance, the question to be asked when faculty members are considered for promotion to tenure is not whether they have performed adequately or even very well during their previous years of University appointment. The question is whether or not they have achieved distinction in their field and show promise of continued professional growth.

Although each faculty member with regular continuing appointment in the Professorial Series may aspire to a tenured appointment, the decision to award tenure is a serious matter which each department must make on the basis of rigorous academic standards and considered departmental needs. Tenure, therefore, is not "automatic," and a strong positive case for tenure must always be made.

While it is the responsibility of the University to seek the best possible faculty, its obligations to the individual faculty member must be taken seriously. The University must preserve and protect the rights of each faculty member with regard to academic freedom. Moreover, within the resources available to it, the University will seek to provide the environment and conditions deemed necessary for the faculty member to become and remain a first-rate teacher and scholar.
As we improve our quality standards for faculty performance, people who may have qualified for appointment, promotion, or tenure at some past time might no longer do so. As we state and invoke higher standards, however, we must avoid unfairness to previously appointed faculty members which might be caused by retroactive application of higher standards without reasonable time and opportunity to meet these standards.

5.2 Pre-Tenure Review
Each department, college or school shall conduct and deliver a pre-tenure review of untenured, tenure-track faculty prior to the beginning of the faculty member's fourth year in the tenure track, except when the probationary period (see Section 5.5) is three years or less. The review will be conducted by the unit’s tenure committee (see Sections 5.3-5.4 below) or by a special committee of at least three persons established by the unit with approval of the appropriate Dean. Other members of the department, college or school may provide input to the committee. The timing of a pre-tenure review as specified in this paragraph may be changed by mutual agreement between the faculty member and the administrative head of the department, college or school. The provisions of this paragraph do not preclude conducting more than one pre-tenure review.

A purpose of the pre-tenure review is to provide the faculty member with a progress report and to suggest what the faculty member might need to accomplish in the areas of teaching, scholarly research and/or creative activity, and service before the tenure review. Pre-tenure review may be primarily an internal matter in which no external reviewers are contacted. If written comments from external reviewers are sought, a list of reviewers will be compiled in consultation with the candidate.

The reviewing committee shall notify the faculty member of the time of the review and request that the faculty member submit relevant materials. At a minimum those materials should include a comprehensive current vita, copies of teaching evaluations, examples of scholarly research and/or creative activity, and a statement summarizing the candidate’s accomplishments. The reviewing committee may request other materials, and the faculty member may elect to submit other supporting materials.

The results of the pre-tenure review will be shared verbally and in writing with the faculty member and a copy of the review report will be placed in the faculty member's personnel file for future reference by the Tenure Committee. The faculty member has the right to submit a written response to the review report if desired and the response will be placed in the faculty member's personnel file.

The pre-tenure review process and report are neither a substitute for nor binding on any future tenure review.

5.3 Policies for Tenure Decisions
Tenure is awarded by the University primarily in recognition of excellent performance in
teaching and scholarly research and/or creative activity. Additional consideration may be given to University service and public service.

Tenure, once granted, is the right of a faculty member to continuance of appointment at the same full-time or part-time status without notice until retirement, resignation, abandonment of appointment, or termination for some other permissible reason, such as for cause (see Section 6). Conversion from part-time to full-time tenure appointments may be negotiated if/when appointments are changed to full-time appointments.

The enjoyment of tenure implies recognition by a faculty member that, concurrent with the honor and privileges awarded, there are reciprocal obligations and courtesies due the University.

The purposes of tenure are to assure academic freedom in both teaching and research and to afford a basic security that will attract faculty of ability to the University.

Only faculty members with regular continuing appointments within the Professorial Series at Associate or full Professorial rank may acquire tenure.

Probation periods involving service at the University of Denver normally will be required before the awarding of tenure (see Section 5.5 below). However, where circumstances warrant, an individual may be awarded tenure upon initial appointment (see Section 5.5.5).

Tenure will be awarded only after an exhaustive evaluation has been made of the candidate's merits.

An essential component in the award of tenure is the judgment by a faculty member's immediate peers and colleagues of the candidate's degree of merit.

The University and the department are obligated to communicate clearly the philosophy and policies regarding the granting of tenure at the time of initial appointment. Correspondingly, the faculty member has an obligation to assure that he or she has a full understanding of the philosophy and policies regarding the granting of tenure.

Each department shall have a tenure committee which will make a recommendation to the chairperson and the Dean for each tenure candidate.

The University and the department are obligated to devise and implement appropriate procedures to evaluate candidates for tenure.

Appeal/review procedures are provided for recommendations at the departmental level and prior to the final announcement of a decision by the Provost.
5.4 Procedures for Tenure Decisions

5.4.1 The procedures governing each department's tenure committee and the process of arriving at a departmental recommendation on tenure shall be made available in writing to all faculty members in the department and a copy shall be submitted to the Dean, the Provost, and the Faculty Senate Personnel Committee. When faculty members are hired:

A. The department chairperson will transmit a copy of the Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure (also see Section 3.2) and any other University, college, school, division, and department documents that pertain to the basic philosophy, policy, and procedures for granting tenure.

B. The faculty member will at that time acknowledge in writing receipt of those documents, with the receipt being retained in department files.

5.4.2 Each department shall have a tenure committee of at least three persons, constituted according to guidelines agreed upon by the faculty of that department and the Dean. The tenure committee will make recommendations on tenure to the chairperson of the department, the appropriate Dean and the Provost. Those guidelines may provide under certain circumstances that the committee include faculty from cognate departments who are acceptable to the department and the candidate. Untenured faculty members may advise and serve as members of the committee. The department chair, or appropriate Dean or Director if there is no department within the academic unit, may not participate in the vote or final recommendation of the committee, but may be invited to the deliberations.

If the awarding of tenure of the departmental chairperson is under consideration, a tenured faculty member of a cognate department mutually acceptable to the tenure committee and the chairperson shall chair the tenure committee and prepare the recommendation and supporting brief for the Dean or Provost.

The tenure committee shall meet at least annually to consider candidates for tenure. Minutes of all meetings of this committee shall be prepared and retained by the department. It is suggested, in order to allow sufficient time for appeals, that the committee report be submitted before March 1 prior to the last year of the probationary period.

5.4.3 The tenure committee and the department chairperson have the right to solicit
information and evaluations from any members of the University, whether faculty, staff, administrators, or students, and appropriate persons outside the University. Efforts should always be made to secure a representative and fair sample of evaluations. The candidate has the right to be informed of the types of evidence to be used in the evaluation process.

5.4.4 The evidence to be used in the evaluation process should go beyond that which is examined in making recommendations for promotion and should include the evidence specified in Section 4.3. To the extent requested by the tenure committee or department chairperson, the candidate shall assist the committee in obtaining evidence for the evaluation process.

5.4.5 Reasonable effort must be made to obtain a minimum of three evaluations of scholarly research and/or creative output and the review committee will often request a larger number. These evaluations are to be prepared by persons external to the University.

A. The committee shall ask the candidate to submit in writing names of persons to be contacted.

B. A list of persons, including those submitted by the candidate, shall be generated by the tenure committee. This list shall be made available to the candidate prior to solicitation of information and opinions.

C. The candidate shall have the right to add to the list. However, the committee has the right to limit the total number of names submitted by the candidate to no more than one-half on the final list.

D. The tenure committee or chairperson is obligated to make written requests for evaluation of the candidate's scholarly/creative abilities from each of the persons on the list as amended by the candidate. Reasonable time should be allowed for securing written evaluations.

5.4.6 Votes at any level for or against the granting of tenure shall be taken by secret ballot, and the deliberations of the committees shall remain confidential in all respects. Exceptions to these confidentiality requirements shall only be made with the approval of the Provost.

5.4.7 The departmental recommendation shall be communicated to the candidate in writing. If the recommendation is negative, and if requested by the candidate within fifteen days after notification of the departmental recommendation, a written memorandum shall be given the candidate stating the specific reasons for the recommendation. The candidate shall, if the recommendation is
negative, have the right to a departmental review (see Section 7).

5.4.8 The department chairperson shall review the candidate's tenure materials and prepare a separate statement of recommendation, with supporting brief, for the Dean (if there is such a position in the administrative structure) or the Provost. The statement of recommendation will be shared with the candidate and the departmental tenure committee, and the candidate and department tenure committee shall have the opportunity to respond. If the department chairperson is under review, the procedures in section 5.4.8 shall be omitted.

5.4.9 The report of the departmental tenure committee on the candidate, the department chairperson's recommendation (unless the department chairperson is the candidate) and, if applicable, reports of the departmental review committee and reconstituted departmental tenure committee generated by the appeals/review procedure described in Section 7 shall be forwarded to the Dean (if there is such a position in the administrative structure) or to the Provost. If any member of the departmental tenure committee shall so request, a report on the reasons for any dissenting vote(s) shall be included.

5.4.10 The recommendations and reports for or against awarding of tenure submitted by the chairperson (if applicable), departmental tenure committee, departmental review committee, and reconstituted departmental tenure committee generated by the review process described in Section 7 shall be reviewed first by the Dean and, if established, the college, school, or division tenure and promotion committee.

5.4.11 If a college, school, or division tenure committee is established, policies for the composition of the committee and procedures that the committee will follow shall be developed by the Dean in consultation with appropriate faculty. These policies and procedures will be submitted to the Provost for approval and communicated to faculty in the college, schools, or division and to the Faculty Senate Personnel Committee. The policies and procedures of colleges, schools or divisions may vary; however, every effort should be made to insure equitable and fair treatment of the faculty as a whole.

5.4.12 The Dean shall report to the Provost his/her final recommendation and forward the applicable recommendations and reports of the departmental chairperson, the departmental and college, school or division tenure committees, departmental review committee, and the reconstituted departmental tenure committee generated by the appeals process described in Section 7, with supporting data.

5.4.13 If, after reviewing tenure recommendations and reports, the Provost's
recommendation is negative, the Provost shall notify the candidate of the
candidate’s right to appeal to the Faculty Review Committee (see Section 7).

5.5 **Tenure Probationary Periods and Notification Dates**

5.5.1 Tenure shall not be awarded in the rank of Instructor. After a maximum of five years aggregate full-time service in this rank at the University of Denver, an Instructor shall be promoted or released (except as specified in Section 5.5.1.B below).

A. The decision by the University to either promote or release an Instructor shall be communicated to the faculty member no later than July 1 prior to the fifth year of service.

B. Under special circumstances and at the discretion of the Board of Trustees, a faculty member may be continued in the rank of instructor for one additional year beyond the fifth year.

5.5.2 Tenure shall not be awarded in the rank of Assistant Professor. At the end of the agreed-upon probationary period an Assistant Professor either shall be promoted and tenured or shall be released (except as described below in Section 5.5.4.E).

5.5.3 Any faculty member with a regular continuing appointment in the Professorial Series with professorial rank accrues time toward the probationary period for tenure, whether the appointment is within one or more academic departments or in an administrative position.

A. Probationary time for eligibility for tenure may be earned in the rank of Assistant Professor but not in the rank of Instructor. The tenure probationary period for Instructors shall begin on the date of promotion to Assistant Professor.

B. Appointment in Faculty Series other than the Professorial Series (see Section 2) will not accrue time toward the probationary period for tenure.

C. Any part-time faculty member with a regular continuing appointment in the Professorial Series with professorial rank will accrue time toward the probationary period for tenure at an appropriate rate (see Section 5.5.3.D below). The same is true for faculty members with joint appointments, one of which is not in the Professorial Series.
D. One year of full-time equivalent service accrues in one year when a Professorial appointment is full time or in two years when the appointment is half-time and similarly for other part-time appointments.

E. The conditions of appointment, i.e., whether full-time, half-time, and the like, are to be specified in the letter of appointment to the faculty member.

F. Under special circumstances or when a faculty member is on an approved leave of absence or family leave, the time allotted for the leave need not count as part of the tenure probationary period, depending on specific arrangements with the Dean and approved by the Provost.

5.5.4 As specified in Sections 5.5.4.A through 5.5.4.E below, separate deadlines are established for the decision to award tenure and for the awarding of tenure.

A. A decision by the University either to award tenure or to release a faculty member with rank in the Professorial Series shall be communicated to the candidate before September 1 of the academic year in which he/she will complete the last year of the agreed-upon probationary period, but in any case before September 1 of the academic year in which he/she will complete the seventh year of aggregate full-time equivalent service. If the decision is to release the faculty member after the probationary period, this release shall not become effective until the end of the academic year in which the faculty member completes the probationary period. To meet the time limits specified herein (also see section 5.4.2) the departmental tenure committee must finish its deliberations no later than one year before the end of the probationary period.

B. The effective date of gaining tenure, after a decision to award tenure has been made, shall be the next September 1 following the end of the probationary period, even though the probationary period may have been completed before the end of an academic year.

C. After a maximum of seven years aggregate equivalent full-time service in the ranks of Assistant Professor, Associate Professor, or Professor in the Professorial Series at the University of Denver, a faculty member either shall be awarded tenure or released (except as described in Sections 5.5.4.A and 5.5.4.E).
D. If, through administrative error or other delays, the University fails to provide notice or to act in accordance with the time periods specified in this document as part of the tenure process, the University will make good faith attempts to administratively remedy the deficiency. However, tenure will never be granted through default, delay or administrative error.

E. Under special circumstances and at the discretion of the Board of Trustees, a faculty member may be continued in rank without tenure for one or two additional years beyond the final year of the agreed-upon probationary period.

5.5.5 By mutual written agreement with the Dean and Department Chair, previous service in professorial ranks at another university or universities or experience in non-academic fields may be counted as part of the probationary period as follows:

A. Assistant Professor: The maximum number of years of service at another college or university or in non-academic fields which may be counted as part of the probationary period is two, except when the Provost approves a larger number.

B. Associate Professor: In those instances where the candidate has unusual qualifications, the faculty member may, with approval by the Board of Trustees, receive an initial appointment to the rank of Associate Professor with tenure. If appointment without tenure is recommended, then the maximum number of years of service at another college or university or in non-academic fields which may be counted as part of the probationary period is four.

C. Professor: In those instances where the candidate has unusual qualifications, the faculty member may, with prior approval by the Board of Trustees, receive an initial appointment to the rank of Professor with tenure. If appointment without tenure is recommended, then the maximum number of years of service at another college or university or in non-academic fields which may be counted as part of the probationary period is four.

5.5.6 The procedure for arriving at a mutual agreement to count years of service in any Professorial rank at another college or university or experience in non-academic fields as part of the probationary period is as follows:
A. In no case will the probationary period exceed seven years of aggregate equivalent full-time service (except as described in Sections 5.5.4.A. and 5.5.4.E.

B. At the time of appointment, at the request of the faculty member, and with the approval of the Dean and/or the Provost, the University will inform the candidate of the number of years of prior experience that the University deems allowable. This defines the tenure probationary period. For example, if two years of service elsewhere is allowed then the probationary period is defined to be five years.

C. Approximately eighteen months prior to the end of the probationary period as defined in Section 5.5.6.B above, the candidate shall be required to decide how many of the previously granted years of service elsewhere are actually to be counted. Based on this decision by the candidate, the probationary period shall be redefined. For example, if two years of service elsewhere has been allowed by the University and the candidate elects to have only one of those years of prior service counted, then the probationary period is redefined to be six years.

5.5.7 In cases in which a candidate begins service at the rank of Assistant, Associate or Full Professor at a time other than the beginning of an academic year, the following rules shall apply, and the foregoing time periods shall all be adjusted accordingly, unless the candidate secures the approval of the Dean and the Provost to another arrangement:

A. Where the candidate begins service with the second academic quarter or semester, the academic year in which service begins shall be counted as a full year for the tenure probationary period.

B. Where the candidate begins service with the third academic quarter, the year in which service begins shall not count as part of the tenure probationary period.

5.5.8 Nothing in Section 5.5 precludes tenure consideration at an earlier time. However, a shortening of the proposed time limits is expected to be highly unusual and justifications for such a shortening must be extensively documented and necessitates the approval of the Dean and the Provost. If a faculty member chooses to be considered for tenure at an earlier time, the probationary period shall be correspondingly shortened.
6. TERMINATION OF APPOINTMENTS

6.1 Preamble
Faculty members who have been awarded tenure by the Board of Trustees have the right to continuance of the appointment without periodic notice. Tenured faculty may be deprived involuntarily of such tenure and non-tenured faculty may have their appointments involuntarily terminated during their terms only under the conditions specified in Section 6.2 below and only after full and adequate consideration involving significant input from affected units and personnel as provided herein. The involuntary termination of tenure or of non-tenured appointments during their terms under the conditions set forth below may be appealed as specified in Sections 6.3.3 – 6.3.10 and 6.7.2.

Because the involuntary termination of tenure or the involuntary termination of non-tenured appointments during their term may result from financial problems confronting the University (see sections 6.2.2, 6.2.3, 6.2.4, 6.4, 6.5, and 6.6 below), and because of the University's commitment to the concept of tenure as the way of ensuring academic freedom, procedures to address financial problems should examine all possible alternatives before resorting to the termination of faculty appointments. In addition, because the University is a community, the resolution of financial problems must involve collaborative efforts between the central administration and the faculty. Thus, the faculty will share the burden and the process of resolving financial problems.

Toward that goal, the Chancellor, Provost and Chief Financial Officer shall regularly provide the Faculty Senate with accurate and complete information about the financial status of the University. The information provided shall include student enrollment, revenues, expenditures and endowments plus any other information reasonably requested by the Senate. In this way, the Senate will be able to assess the University's financial situation, assist the administration in avoiding financial problems and keep all members of the University community informed. Where information that may be relevant to the University's financial situation is sensitive and the public release of such information might harm the University, appropriate measures agreed to and adopted by both the Administration and Faculty Senate shall be employed to avoid such release. Under no circumstances will such information be withheld from the Faculty Senate once procedures for maintaining confidentiality have been assured.

6.2 Involuntary Termination of Tenure or of Non-tenured Appointments during their Term
Once acquired, tenure shall be involuntarily terminated or the appointments of non-tenured faculty shall be involuntarily terminated during their term only under these conditions:

6.2.1 For "cause," which includes: acts prohibited by law or university policy which
are inconsistent with professional standards recognized by the academic community (such as sexual, racial or other harassment or discrimination or engaging in conduct involving serious dishonesty, fraud, deceit or misrepresentation); clearly demonstrated willful neglect of duty; prolonged inability or prolonged refusal to carry out the responsibilities of a faculty member; or conduct which results in clear and demonstrable damage to the University. A faculty member shall not be dismissed for cause if her/his inability to carry out responsibilities is due to a psychological, emotional or other personal problem which counseling reasonably can be expected to adequately address in a reasonable period of time. Dismissal for cause will be directly and substantially related to the fitness of the faculty member in his/her professional capacity as a teacher or researcher, and dismissal or threat of dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizenship. Neither matters of personal morality or privacy nor acts of moral or social conscience are grounds for dismissal for cause. (See Section 6.3 below.)

6.2.2 For "discontinuance of an academic unit," defined as a formal decision to close an academic unit based on the judgment that the long-range educational mission of the University would be enhanced without the unit under consideration, and for associated financial reasons. (See Section 6.4 below.)

6.2.3 During a state of "financial exigency" defined as an imminent financial university-wide crisis which threatens the survival of the University and which cannot be adequately alleviated without drastic reductions in University operations, including the widespread termination of non-tenured appointments during their terms and/or the termination of tenured appointments. (See Section 6.5 below.)

6.2.4 Termination of tenure for reasons other than those set forth in Sections 6.2.1 – 6.2.3 above must be approved by a vote of the faculty. (See Section 6.6 below.)

6.3 Termination for Cause

6.3.1 Termination for cause of a faculty member with tenure, or of non-tenured appointments during their terms, shall be preceded by: (i) discussions between the faculty member and appropriate administrative officers looking toward a mutual settlement, and (ii) at the discretion of the Provost, informal consultation with a specially appointed faculty advisory committee which may recommend settlement or advise the Provost whether, in its opinion, a termination should be undertaken, without its advice being binding upon the Provost.
6.3.2 Written notice of termination for cause must be communicated from the Provost to the faculty member.

A. This notification can be delivered personally to the faculty member or will be considered to have been communicated if delivered to the faculty member's University address and last known home address.

B. The effective date of the termination shall be stated in the notice, which date shall not (barring a finding by the Provost of emergency circumstances) be less than 90 days after the date of the notice. Also see Section 6.3.10.

C. The basis for termination must be stated at least in general terms.

6.3.3 A decision to terminate for cause shall be subject to review by the Faculty Review Committee\(^5\) as established in the Faculty Senate Constitution. However, when a decision to terminate for cause is recommended by the Equal Opportunity Board or is contemplated by the Provost as a result of a report from the Board, the Provost shall seek advice and counsel from the Faculty Review Committee. There shall be no separate appeal by a faculty member to the Committee because of the Committee's advice and counsel function in such matters. (See Appendix A, Section XI.F.7.) In all other cases of terminations for cause, the procedures set forth in Sections 6.3.4 - 6.3.9 below shall be followed by the Committee.

6.3.4 Request for such Committee review must be filed with the Provost by the affected faculty member within 30 days after notification of termination. Failure to file a request for review within this time period shall constitute a waiver of the right of review and acceptance of the termination. If a review is requested, (i) the Provost will transmit the request to the Committee, and (ii) the specific charges which form the basis for the termination must be communicated in writing by the Provost to the faculty member and the Committee within two weeks after filing of the request for the review. Those charges shall constitute the subject of the review.

6.3.5 During the Committee's review proceeding, the faculty member will be permitted to be accompanied by an adviser of his or her choice, providing that notice thereof is given to the Committee. The chair of the Committee, upon consultation with the Committee, shall have discretion in determining the extent to which the adviser may participate in the hearing. If the faculty member under

\(^5\)Hereinafter in Section 6.3 referred to as the "Committee".
review is a member of the Committee, the faculty member will remove him or herself from the Committee for the review proceedings.

A. The University shall also be permitted to use a representative to present the case for dismissal.

B. A recorded tape or other verbatim record of the hearing will be taken and will be available to the faculty member and to the University upon request.

C. Subject to the foregoing, the Committee may apply such rules of procedure as it may determine appropriate in the circumstances in order to attempt to provide a fair and expeditious forum to consider the charges.

D. The Committee should recognize the gravity of such a proceeding both to the faculty member and to the University, but the proceeding is not intended as a trial in the technical sense and should not become overly legalistic.

6.3.6 Following receipt of such evidence as the Committee determines necessary, it shall prepare a written report after the conclusion of the hearing. The report shall include:

A. Detailed findings of fact based on the evidence in the record with supporting reasons and conclusions.

B. A recommendation on whether, in the Committee's opinion, adequate cause for dismissal exists, based on a majority vote of the Committee.

C. Any dissenting opinions.

D. The report may also recommend affirmation of the dismissal, some other disciplinary action short of dismissal, or no action, with, in each case, reasons therefor.

6.3.7 The report of the Committee shall be forwarded to the faculty member under review. The report of the Committee and (if the faculty member desires) a written statement from the faculty member shall be forwarded to the Provost for submission to the Chancellor. The faculty member and the Provost shall have 21 days after receipt of the Committee's report in which to submit any desired written statement.
6.3.8 The Provost and the Chancellor shall review the recommendations of the Committee. If they do not concur with the recommendation of the Committee, the Provost shall notify both the faculty member and the Committee, in writing, of the reasons for the disagreement and allow at least 15 days for written responses from the Committee and the faculty member before transmitting a recommendation and the supporting documents to the Board of Trustees.\(^6\)

6.3.9 The Board of Trustees shall review the report and recommendation of the Provost and the reports submitted to the Provost. If, in reviewing the matter, the Board of Trustees determines that there is need for additional evidence, it may return the case to the Committee for further consideration. If the Board of Trustees disagrees with the recommendation of the Committee, the Committee shall be informed in writing of the reasons for the disagreement and shall be given an opportunity to reconsider its recommendation (including receiving new evidence if appropriate) and to submit a revised report taking account of the disagreement. The Board of Trustees shall make a final decision whether to reverse or modify the termination only after considering the revised report of the Committee. Throughout this process, the Provost and the Chancellor may serve as advisers to the Board of Trustees if the Board so desires. The Provost, the Chancellor, the Committee, and the faculty member under review shall be informed in writing of the decision of the Board of Trustees.

6.3.10 Termination for cause shall not become effective within less than 90 days after notice has been given (except if the Provost determines that there are emergency circumstances). If the process of review is not completed prior to the effective date of termination as fixed by the Provost, the Chancellor may determine whether such effective date shall be extended, and, if so, for what period. Otherwise, the effective date of termination shall remain in effect, subject to such further action as the Board of Trustees may direct or authorize. However, suspension from duties with pay may be effected earlier.

6.4 Termination because of Discontinuance of an Academic Unit

6.4.1 The scope of this section is limited to termination of tenured appointments and non-tenured appointments during their terms when an academic unit is discontinued for educational and associated financial reasons. An academic unit shall be defined as a department, division, school, or college.

6.4.2 The discontinuation of an academic unit shall not result in the termination of tenured appointments without considering whether the reassignment or the

\(^6\)Herein, reference to the Board of Trustees shall include the Executive Committee of the Board of Trustees, acting on its behalf.
normally expected pattern of attrition of affected faculty is an appropriate alternative.

6.4.3 Discontinuance of an academic unit shall proceed only after a thorough review of the educational value and influence of the academic unit upon other academic units and the University as a whole.

6.4.4 If the discontinuance of a department is under consideration the review shall be conducted by a Review Committee comprised of three faculty members each from the division, school or college that houses the department, the Graduate Council, the Undergraduate Council, and the Faculty Senate Academic Affairs Committee.

A. Members of the Review Committee shall be faculty only, elected by the faculty of the contributing division, school or college, Councils, or Faculty Senate Committee. None of the members of the Review Committee shall have appointments in the department under consideration.

B. If the department under consideration has only an undergraduate or graduate instructional program, but not both, the Review Committee shall be made up of faculty representatives only from the single relevant Council along with the faculty representatives from the division, school, or college, and the Faculty Senate Committee.

6.4.5 If discontinuance of a division, college or school is under consideration, the review shall be conducted by a Review Committee comprised of three faculty members each from the Graduate Council, the Undergraduate Council, and the Faculty Senate Academic Affairs Committee. The Dean of the division, school, or college under consideration shall also be a member of the Review Committee.

A. Members of the Review Committee shall be faculty only, elected by the faculty of the contributing Councils and Faculty Senate Committee. Except possibly for the Dean, none of the members of the Review Committee shall have appointments in the academic unit under consideration.

B. If the academic unit under consideration has only an undergraduate or graduate instructional program, but not both, the Review Committee shall be made up of faculty representatives only from the single relevant Council along with the Dean and faculty representatives from the Faculty Senate Committee.
6.4.6 The criteria for review of an academic unit for purposes of discontinuance shall include (to the extent feasible and appropriate) but not be limited to the following:

A. Educational need as demonstrated by how well the academic unit fits into the educational mission of the University as a whole and whether or not the unit is essential or beneficial to the total educational program for students.

B. Educational quality and associated financial reasons as determined by the strength of the unit as measured by the following criteria, but not to the exclusion of others:

   i. The quantity and quality of student majors and minors as measured by appropriate admission, retention, and graduation criteria, and by career placement results on the basis of a demonstrated comparison to those institutions with comparable programs.

   ii. The productivity of the unit in terms of student credit hours generated by service courses as well as the effect on service courses offered by other units taken by majors of the affected unit.

   iii. The quality of the curriculum in terms of its breadth, depth, cohesiveness, relationship to other units on campus, and usefulness to students.

   iv. The quality of the faculty in terms of their accomplishments and the manner in which they fit into the curriculum of the affected academic unit and the University as a whole.

   v. The influence and effect of the discontinuance of associated research on the research and teaching mission of the University.

   vi. The nature of the influence that discontinuance of the unit will have upon student enrollment, University service to the community, alumni, and general fund-raising efforts.

   vii. Financial considerations.

6.4.7 It should be incumbent upon the academic unit under review to provide as
thorough an analysis as possible of its relationship to other departments, divisions, schools, colleges and the University as a whole. Where appropriate, relevant information concerning comparable units at other institutions should be included.

6.4.8 The report of the Review Committee together with its recommendations and supporting documentation and evidence shall be forwarded to the chair of the Faculty Senate Academic Planning Committee, the chair of the Undergraduate Council, the chair of the Graduate Council, to the head of the affected unit, and to the Dean of the affected unit. The report will also be forwarded to the Provost and the Chancellor, who make the final decision regarding discontinuance subject to the approval of the Board of Trustees.

6.4.9 Termination because of discontinuance of an academic unit shall require a minimum of twelve months notice.

6.5 Termination During a State of Financial Exigency

6.5.1 When financial exigency, defined according to Section 6.2.3, has been declared by the Board of Trustees, and such declaration recommends the reduction of faculty, the faculty of those academic units where reductions are to be made shall elect committees to develop a general plan for the reduction of faculty and to identify the positions to be eliminated or modified.

6.5.2 Each committee shall be composed of members who represent the major areas of instruction in the unit and shall develop its plan in cooperation with the appropriate Dean. Plans identifying positions to be eliminated or modified will be submitted to the Provost and Chancellor within 30 days of the Board of Trustees declaration of a state of financial exigency.

6.5.3 In developing its recommendations to the Dean, the primary concern of the committees within units identified for reductions shall be the maintenance of a strong academic program. In evaluating the place of individual faculty members in the new structure, the following factors should be considered of primary importance:

A. Competency in teaching and in scholarly activities in the areas to be continued and emphasized

B. Competency, flexibility and adaptability in light of possible future shifts in emphasis and growth

C. Contribution to the University, to the profession and to the community
in past and expected future performance

D. Length of service, employability elsewhere within the University, rank, and seniority

6.5.4 The recommendations from the committees within the academic unit(s) and the Deans shall be forwarded to the Chancellor and the Provost who will make the final decisions regarding terminations subject to the approval of the Board of Trustees.

6.5.5 Termination because a state of financial exigency has been declared shall require a minimum of twelve months notice.

6.6 Termination for Other Reasons

6.6.1 If it becomes necessary to terminate tenured faculty or non-tenured appointments during their terms due to financial conditions that threaten a state of financial exigency, a plan must be presented to the faculty and Faculty Senate for their approval accompanied by a clear demonstration of the need to terminate positions. The plan should include suggestions of the areas where reductions are needed and for the timing of terminations, but will not identify specific persons to be terminated. The demonstration should provide all relevant financial information and will delineate how the University has attempted to address the problems in ways other than terminating appointments.

6.6.2 The plan shall be submitted to a vote of all faculty in the Professorial Series. The plan will be adopted only if 75% of all eligible faculty vote in favor of the plan.

6.6.3 The vote will be jointly publicized and administered by the Office of the Provost and the Faculty Senate according to election procedures agreed upon by those parties.

6.6.4 If the plan is approved by the appropriate number of faculty, the procedures outlined in Section 6.5.1-6.5.4 above for identifying positions to be eliminated shall be followed. Plans identifying positions to be eliminated will be submitted to the Provost and Chancellor within 30 days of the vote of the faculty.

6.6.5 When termination is the result of a plan submitted to faculty vote, the effective date of the termination will be part of the plan approved by the faculty. (See Section 6.6.1 above.)

6.7 Rights of Terminated Faculty
6.7.1 The provisions of Section 6.7 shall apply in the event of termination of tenure because of discontinuance of an academic unit, because a state of financial exigency has been declared, or because the faculty has voted to approve a plan for addressing financial problems.

6.7.2 Appeals by terminated faculty members shall be permitted based only upon alleged lack of "adequate consideration" (see Section 7.2), or upon the faculty member's belief that her/his academic freedom has been violated. The procedures for such appeals shall parallel, to the extent reasonable, those provided in Sections 6.3.3 – 6.3.10 of these Guidelines. In cases of dispute over the extent to which procedures parallel to those in Sections 6.3.3 – 6.3.10 are reasonable, the decision of the Provost, in consultation with the Personnel Committee of the Faculty Senate, is final.

6.7.3 Upon termination, the University shall make every effort, consistent with its educational mission, to relocate affected faculty members with tenure to other academic units within the University where appropriate.

6.7.4 Upon request by a terminated faculty member, Deans shall try to assist terminated faculty members to remain in the employ of the University. For example, Deans might want to consider assistance such as a sabbatical or part-time employment during a retraining period for related employment or temporary employment in some position while waiting for an anticipated opening because of an impending retirement.

6.7.5 Terminated faculty members may not displace an untenured faculty member in any other academic unit. A terminated faculty member may apply for a vacant position and when such a faculty member has qualifications equal to those of outside candidates or when the faculty member would have been given the position had it been available at the time of termination, special consideration shall be given the terminated faculty member.
7. REVIEWS AND APPEALS

7.1 Scope
The scope of Section 7 is limited to reviews and appeals of negative recommendations for (a) reappointment, promotion, or tenure of faculty with continuing appointments in the Professorial Series or (b) reappointment or promotion of faculty with continuing appointments in the Professorial Series in University Libraries, Research Professorial Series, and Clinical Professorial Series. Procedures for reviews and appeals of terminations are described in Section 6.

7.2 Basis for Reviews and Appeals
Appeals and reviews shall be based only upon alleged lack of "adequate consideration" or upon the faculty member's belief that his/her academic freedom has been violated.

"Adequate consideration" concerns the procedures that led to a recommendation for or against promotion, reappointment, or tenure and not to the recommendation itself. The question to address is not whether the correct recommendation was reached but whether the recommendation, whatever it is, was reached using appropriate procedures and standards. Was the available evidence taken into consideration? Was the decision made conscientiously? Were the standards used to evaluate the faculty member's accomplishments and performance relevant and appropriate? It is these types of procedural issues that might be raised under the rubric of adequate consideration.

Discrimination on the basis of age, color, disabled status, national origin, race, religion, sex, sexual orientation, marital status, and veteran's status will be viewed as a "procedural" inadequacy and is included in the assessment of "adequate consideration". Discrimination allegations will be handled according to the Equal Opportunity/Sexual Harassment Policy & Procedures. See Appendix A, Section II.E.

7.3 Review of Negative Departmental Recommendations

7.3.1 The candidate shall, if the departmental recommendation is negative, have the right to a departmental review. The review of an initial reappointment/promotion/tenure recommendation may differ in those professional or graduate schools that (i) demonstrate to the Provost's satisfaction that a separate tenure review process is necessary or advisable, (ii) develop such a process in writing, and (iii) obtain the Provost's approval of the process. The review process so adopted shall be attached to and become a part of these Guidelines and, for tenure decisions in the school, shall supersede the appeal process below, except that there shall be no changes in the role of the Dean, Faculty Review Committee or Provost.

7.3.2 A request for such review shall be submitted in writing to the departmental chairperson within fifteen calendar days of the date of notice or the date of the
receipt of the explanation of the negative recommendation. If the departmental recommendation for awarding reappointment/promotion/tenure to the departmental chairperson is negative, the departmental chairperson may appeal within fifteen calendar days of the date of notice or the date of the receipt of the explanation of the negative recommendation by providing written notification to the chair of the reappointment/promotion/tenure committee.

7.3.3 The review shall be conducted by a committee of five faculty who will be selected in the following order. Two members shall be elected by the faculty of the department. One member will be appointed by the department chair, or by the appropriate Dean or Director if there is no department within the academic unit. One member will be named by the candidate. Any of these four members may be from outside the department, but none of the members may be the candidate under review. The four members thus selected will then name a fifth member from outside the department. There shall be no overlap in membership between the departmental reappointment/promotion/tenure committee and the review committee. If the chairperson's tenure is under consideration, the same procedure shall be followed except the faculty of the department shall elect three members to the review committee. Any candidate may request that a different process for constituting the review committee be implemented by the appropriate Dean, or Provost (or his/her designee) if there is no Dean of the academic unit. Such requests must be substantiated by the candidate.

7.3.4 The report of the review committee shall be forwarded to the faculty member, to the departmental reappointment/promotion/tenure committee, to the chair of the department and to the Dean (if there is such a position in the administrative structure) or the Provost. If any member of the departmental review committee shall so request, a report on the reasons for any dissenting vote(s) shall be included.

7.3.5 If the review committee finds that adequate consideration was not given or that academic freedom was violated, the departmental reappointment/promotion/tenure committee (or a reconstitution of the committee if deemed appropriate by the review committee) shall repeat the review of reappointment, promotion, or tenure, remedying the inadequacies that were discovered. The review committee shall make known to the faculty member and to the departmental reappointment/promotion/tenure committee the ways in which the departmental reappointment/promotion/tenure committee failed to give adequate consideration or violated academic freedom. If the review committee recommends that the review of reappointment/promotion/tenure be repeated by a reconstituted departmental reappointment/promotion/tenure committee, the reconstituted committee will be formed under the direction of the appropriate Dean, or Provost (or his/her
designee) if there is no Dean of the academic unit. If any member of the reconstituted departmental reappointment/promotion/tenure committee shall so request, a report on the reasons for any dissenting vote(s) shall be included.

7.3.6 If the review committee, while reviewing for "adequate consideration" or a violation of academic freedom, discovers that there may have been discrimination on the basis of legally prohibited factors, such as age, color, disabled status, national origin, race, religion, sex, sexual orientation, marital status, and veteran's status, or if the candidate alleges such discrimination in his/her appeal, the review committee must notify the Affirmative Action Officer in accordance with the Equal Opportunity/Sexual Harassment Policy & Procedures, Section II.E. The candidate may also independently contact the Affirmative Action Officer if she/he believes there has been prohibited discrimination in the reappointment, promotion, or tenure review process. In accordance with that section, further action under these Faculty Personnel Guidelines will be suspended until the conclusion of any appeal taken under the Equal Opportunity/Sexual Harassment Policy & Procedures. (See Appendix A, Section II.E. and Section 7.4.6 below).

7.4 Appeal of Negative Provost Recommendations

7.4.1 If, after reviewing reappointment/promotion/tenure recommendations and reports, the Provost's recommendation is negative, the Provost shall notify the candidate of his/her right to appeal to the Faculty Review Committee (as established in the Faculty Senate Constitution) on grounds of lack of "adequate consideration" or on grounds of violation of academic freedom. All appeals must be made in writing within fifteen calendar days from date of written notification.

7.4.2 The Faculty Review Committee shall within thirty days of receipt of a written appeal make a written report to the Provost and to the candidate. That report shall not recommend for or against reappointment/promotion/tenure, but shall limit itself to the questions of "adequate consideration," or violation of academic freedom.

7.4.3 Any member of the Faculty Review Committee who was also a member of either the reappointment/promotion/tenure or departmental review committee, or reconstituted reappointment/promotion/tenure committee, or who was chair of the department for the reappointment/promotion/tenure review, or who is the candidate under review, shall remove him or herself from the Faculty Review Committee for the appeal proceedings.

7.4.4 The Faculty Review Committee shall notify the faculty member and the
individuals or committees involved such ways in which the reappointment/promotion/tenure-decision process failed to give adequate consideration, or violated academic freedom.

7.4.5 If the Faculty Review Committee, while reviewing for "adequate consideration" or a violation of academic freedom, discovers that there may have been discrimination on the basis of legally prohibited factors, such as age, color, disabled status, national origin, race, religion, sex, sexual orientation, marital status, and veteran's status, or if the candidate alleges such discrimination in his/her appeal, the committee must notify the Affirmative Action Officer in accordance with the Equal Opportunity/Sexual Harassment Policy & Procedures, Section II.E. In accordance with that section, further action under these Faculty Personnel Guidelines will be suspended until the conclusion of any appeal taken under the Equal Opportunity/Sexual Harassment Policy & Procedures. (See Appendix A, Section II.E. and Section 7.4.6 below.) However, if the candidate's discrimination complaint has gone through the Equal Opportunity/Sexual Harassment Policy & Procedures prior to the appeal to the Faculty Review Committee, the complaint may not be asserted again unless the Equal Opportunity Board determines there is new evidence.

7.4.6 At the completion of any review handled through the Faculty Review Committee or the Equal Opportunity/Sexual Harassment Board where a finding is made that discrimination has tainted the reappointment/promotion/tenure process, the Provost may require a re-review by the department, college, school and/or division reappointment/promotion/tenure committees or reconstituted reappointment/promotion/tenure committee. In appropriate circumstances, the Provost may recommend to the Board of Trustees that the candidate be reappointed/promoted/tenured.

7.4.7 The Provost shall, based on all information transmitted to that office (including the reports from the Faculty Review Committee and/or Equal Opportunity Board) proceed as follows.

A. If the Provost determines that reappointment/promotion/tenure should not be granted, he/she may advise the faculty member that reappointment/promotion/tenure has been denied. Alternatively, the Provost may transmit the matter to the Board of Trustees with such report as the Provost deems appropriate in the circumstances and with a request for counsel and/or action on the matter by the Board of Trustees. The Board of Trustees shall give such counsel or take such action as it deems appropriate. If it declines to act, the Provost shall then make his/her final determination; if it takes action, the Provost shall implement that action.
B. If the Provost determines that reappointment/promotion/tenure should be granted, he/she shall transmit a recommendation to that effect to the Board of Trustees for its action. If the Board of Trustees determines that reappointment/promotion/tenure should be granted, the decision to reappoint/promote/tenure shall be communicated to the candidate in writing by the Provost.

C. A denial of reappointment/promotion/tenure, whether by action of the Provost or of the Board of Trustees, as hereinabove provided, shall be communicated to the candidate in writing by the Provost no later than September 1 of the final year of the probationary period. If, through administrative error or other delays, the University fails to provide notice or to act in accordance with the time periods specified herein as part of the reappointment, promotion, tenure, or appeal/review processes, the University will make good faith attempts to administratively remedy the deficiency. However, reappointment, promotion, or tenure will never be granted through default, delay or administrative error.