UNIVERSITY of DENVER

Policies and Procedures Relating to Faculty Appointment, Promotion, & Tenure

2015

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1. PREFACE

The term “academic unit” will be used throughout this document to designate the smallest unit such as center, department, division, school, or college to which a faculty member is appointed. The designation Dean will be used throughout this document to designate either a Dean or an Associate Provost if there is no Dean. Throughout the document, “year” refers to an academic year rather than a calendar year and “University” refers to the University of Denver. “Shall” means duty, obligation or requirement to perform an action or satisfy a criterion. The University subscribes to the principle of shared governance with ultimate authority in governance resting with the Board of Trustees. The philosophies, policies, and procedures for appointment, promotion, and tenure are informed by and are to be implemented in congruence with the University’s values and missions.

Effective personnel operations are based upon policies that reflect the nature of the University which the policies serve. The University, through its faculty, shall engage in a variety of professional functions, such as teaching, scholarly research and/or creative activity, shared governance, and professional/public service. The relative priority of these functions carried out by colleges, schools, divisions, departments, centers, and individual faculty members should and does vary. Some overall guidelines are necessary, however, to ensure consistency and equity of treatment of the faculty as a whole. Except as noted herein, this document spells out general guidelines for the appointment, reappointment, promotion, granting of tenure, and termination of faculty members at the University.

The policies and procedures described in these guidelines are subject to change. Approved changes shall be circulated to members of the faculty by the Provost. Changes shall be made only after consultation with and approval by the Faculty Senate and the Board of Trustees. Reference to the Board of Trustees includes the Executive Committee of the Board of Trustees, acting on its behalf.

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

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 Faculty Senate approved additional changes in March, 2014. Faculty members who held appointed and benefitted positions in either the Tenure-line Professorial Series, Professorial Series in University Libraries, Lecturer Series, Clinical Professorial Series, or Research Professorial Series were asked to vote on those additional changes in April, 2014, and they were approved when "yes" votes outnumbered "no" votes. Additional changes (including renaming the document to "Policies and Procedures Relating to Faculty Appointment, Promotion, and Tenure") were approved by the Faculty Senate in December, 2014. Faculty members who held appointed and benefitted positions in either the Tenure-line Professorial Series, Professorial Series in University Libraries, Lecturer Series, Clinical Professorial Series, or Research Professorial Series were asked to vote on those additional changes in January, 2015, and they were approved when "yes" votes outnumbered "no" votes. The Board of Trustees approved the changes on January 16, 2015.

The provisions in this document supersede the provisions concerning faculty members in the University Handbook and in 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, shall decide which provisions shall prevail.

Except as noted in Section 4.4.1 and Section 4.4.11, when incomplete specifications or ambiguities lead to questions about the correct philosophies, policies or procedures to follow, the Provost (in consultation with the President of the Faculty Senate) has the final authority to make or to direct others to make decisions about the proper philosophies, policies, and procedures to follow. Such decisions shall be recorded to ensure that the decisions are consistent over time and those records shall be periodically shared with the President of the Faculty Senate to assist in future revisions of the present document.

Colleges, schools, divisions, departments, and centers are encouraged to develop written guidelines to supplement the philosophies, policies, and procedures for appointment, reappointment, promotion, tenure, and termination in the present document. However, college, school, division, department, and center guidelines must be approved by the appropriate Dean and must be consistent with the philosophies, policies, and procedures in the present document. If conflicts arise between the philosophies, policies, and procedures in the present document and the guidelines of colleges, schools, divisions, departments, and centers, the philosophies, policies, and procedures in the present document prevail. In addition, guidelines by departments or centers must be consistent with the guidelines of any college, school, or division that house the department or center. Copies of approved college, school, division, department, and center guidelines shall be submitted to the Dean, Provost, and the

Personnel Committee of the Faculty Senate. Colleges, schools, divisions, departments, and centers are encouraged to review and revise their written guidelines as circumstances warrant.

1.1 Academic Freedom

The University fully supports the academic freedom of its faculty. A bedrock principle upon which the advancement and dissemination of knowledge rests, academic freedom grants faculty members the liberty to teach, pursue, and discuss knowledge. Under this core principle, faculty members are entitled to freedom in research and in the publication of research results. In the classroom, they have the right to teach and say what they believe to be pertinent to the subject at hand, even though their methods or speech may be offensive or contrary to the beliefs of some. Academic freedom also includes faculty members' rights to speak or write on matters related to the governance of colleges, schools, divisions, departments, or other academic units and the University as a whole without negative consequences.

Faculty members shall remember, however, that with this right comes responsibility. The principle of academic freedom does not grant faculty members the right to intimidate, exploit, or illegally to harass or discriminate, or persistently to introduce issues or topics that are not justifiably pertinent to the subject of a class. Likewise, in their actions and words, faculty members shall remember that their primary role as an educator is to facilitate the intellectual development of their students. Creating a safe learning environment that promotes the concept of intellectual diversity, welcomes critical thinking, and fosters student growth shall be at the heart of their teaching endeavors.

When speaking, writing, or acting as a public citizen, faculty members shall not represent themselves as acting on, or imply they are acting on, behalf of the University. When speaking, writing, or acting as a citizen, a faculty member shall be free from institutional censorship or discipline, but is expected to remember that the public may judge the profession and University by his or her speech.

While it is the responsibility of the University to seek the best possible faculty, its obligations to the individual faculty member shall be taken seriously. The University shall respect the rights of each faculty member with regard to academic freedom. Moreover, within the resources available to it, the University shall seek to provide an environment and conditions for the faculty member to become and remain a first-rate teacher and scholar.

1.2 Professional Behavior and Responsibility

In accordance with the University's commitment to the teaching and practice of ethics, faculty members should be guided by a deep conviction to the worth and dignity of the advancement of knowledge. Faculty members should also recognize the special responsibilities placed upon them because of their role as teachers and scholars. As public representatives of the University, faculty members shall demonstrate the highest

standards of integrity, truthfulness, honesty and fortitude in all of their professional activities. Faculty members are expected to act with professionalism in all they do and to be good citizens of the University and the greater academic and public communities. Good citizenship, however, does not preclude the exercise of academic freedom (see Section 1.1).

Consistent with the University's Honor Code and values, faculty members shall not intimidate, exploit, or illegally harass or discriminate in their treatment of students, staff, colleagues and other associates (also see Section 1.3). In addition, faculty members are obligated to treat others with respect and dignity; strive for professional excellence and encourage the same from students, staff, and colleagues; and promote a satisfying and intellectually stimulating work environment through University service, professional service, and service to the public good.

In the pursuit of these principles, faculty members must subscribe to: intellectual and academic honesty; moral and ethical standards; collegial relationships built on trust and confidence; proper academic conduct; respect for confidentiality (and the privacy rights of others); academic freedom and the free pursuit of learning; objectivity and merit in their judgments of students, staff, and colleagues; responsibility for shared governance; and critical self-discipline and judgment in using, extending and transmitting knowledge.

The University may attempt informal or formal resolution of a faculty member's failure to conform to the standards of professional behavior and responsibility. Such attempts at resolution shall involve the input of faculty member peers at every level, up to and including the Faculty Senate president, as warranted.

1.3 Equal Opportunity, Discrimination, and Harassment Policy and Procedures

The University 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 race, color, national origin, age, religion, disability, sex, genetic information, veteran status, marital status, sexual orientation, or gender variance.

The University absolutely condemns any type of discrimination and/or harassment on the basis of the above listed classifications. Discrimination and/or harassment on these bases is a violation of the law and also threatens an academic atmosphere characterized by freedom of inquiry and expression and will not be tolerated.

To protect against unlawful discrimination and harassment and to ensure equal opportunity, the University has established an Office of Equal Opportunity 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. The process of review is described more fully in other University documents (for more details consult with the Office of Equal Opportunity). Harassment or unlawful discrimination of any kind is a violation of University policy and will be subject to severe sanctions up to and including termination for cause (see Section 6).

2. FACULTY POSITIONS

The functions and responsibilities of each faculty position and the relative priority of these responsibilities within an academic unit should reflect agreement among the faculty members of the academic unit, the appropriate Dean, and the Provost.

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

Policies and procedures in this document which 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 shall be negotiated in an effort to achieve satisfaction of all parties and may not be applied retroactively (unless specifically authorized by these guidelines) or arbitrarily.

2.1 Definitions

All faculty appointments must fall within the categories for faculty appointments established by the University.

The term "faculty" is defined broadly at the University 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: tenure-line faculty appointments which are appointments with tenure or eligibility for tenure, and non-tenure-line faculty appointments which are appointments without eligibility for tenure. Awards of tenure may be made only within the Tenure-Line Professorial Series at the ranks of Professor and Associate Professor.

Non-tenure-line faculty appointments are further categorized as either renewable or term-limited appointments.

2.1.1 Renewable Appointments

Renewable appointments are those that 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 renewable appointment implies neither tenure nor eligibility for tenure (see Section 5). A renewable position is intended to fulfill an on-going academic need. Appointments in the Tenure-Line Professorial Series, Professorial Series in University Libraries, Teaching Professorial Series, Clinical Professorial Series, Professors of the Practice Series, Research Professorial Series, non-remunerative appointments in the Adjunct Professorial Series, and Emeritus Professorial Series are all renewable appointments. Tenured faculty members have appointments that are continuing rather than annually renewed.

2.1.2 Term-Limited Appointments

Term-limited appointments are made for a fixed term, typically of one to three years or less, and are not intended to be renewed. The nonrenewal of a term-limited appointment shall not be considered as a discharge. A clear end date for a term-limited appointment should be stated in the appointment agreement. Appointments in the Visiting Professorial Series and the In-Residence Series are all term-limited appointments.

The philosophies, policies, and procedures for the termination of the appointments of term-limited faculty members during their term shall follow the procedures in Section 6, unless otherwise provided in the appointment agreement. Other philosophies, policies, and procedures in this document do not apply to term-limited appointments. Instead, the philosophies, policies, and procedures for the employment of term-limited appointments shall be established by the appropriate academic unit, with the approval of the Dean.

Another distinction that can be made concerning types of faculty appointments is between full-time and part-time. There are also joint appointments and administrative appointments.

2.1.3 Full-time Appointments

Full-time appointments comprise a full assignment of duties and ordinarily range over the academic year. Annual full-time appointments may be 9-month or 12-month appointments.

2.1.4 Part-time Appointments

Part-time appointments are those that have less than a full-time teaching, research and/or creative activity, and service load. Part-time appointments may be either renewable or term-limited appointments.

2.1.5 Joint Appointments

Joint appointments may be made between and/or among academic units of the University. Such appointments must be negotiated and approved by all academic units involved with the appointment. At the time of initial appointment, academic units shall specify, with the approval of the appropriate Deans and the Provost, how responsibilities, including service contributions, shall be divided among units. How personnel actions affecting the faculty member (including, if applicable, decisions about reappointment, promotion, and tenure) will be shared among academic units shall also be specified at the time of appointment, with the approval of the appropriate Deans and the Provost.

2.1.6 Administrative Appointments

Administrators having earned faculty rank and/or tenure in an academic unit may maintain their faculty rank and tenure while serving as administrators. Newly appointed administrators desiring faculty rank and/or tenure must negotiate this with an academic unit and receive the approval of the Dean and Provost.

2.2 Faculty Series

Faculty appointments fall into the following series: Tenure-Line Professorial Series, Professorial Series in University Libraries, Teaching Professorial Series, Clinical Professorial Series, Professor of the Practice Series, Research Professorial Series, Adjunct Professorial Series, Visiting Professorial Series, In-Residence Series, and the Emeritus Professorial 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 members.

All appointments in the categories described in Sections 2.2.2 through 2.2.10 are without tenure or eligibility for tenure.

A faculty member in any Faculty Series is eligible to apply and be considered for an opening in any other Faculty Series. If a faculty member is appointed to a position in a different Faculty Series, the terms of appointment shall be adjusted accordingly.

By June 1 of each year the administration shall report to the Faculty Senate and to the Board of Trustees the numbers of persons by academic unit holding faculty appointments in each of the Faculty Series and the numbers of credit hours taught within each Faculty Series during the current academic year.

When performing evaluations for appointment, annual review, reappointment, promotion, and (where appropriate) pre-tenure review and tenure, the evaluation criteria specified in Sections 2.2.1 to 2.2.10 should serve as general guidelines. However, a faculty member and his or her academic unit may negotiate different criteria from those specified in Sections 2.2.1 to 2.2.10 when circumstances warrant. The University recognizes that service, teaching, and the scholarship of teaching, research, and creative activity increasingly encompass more than one of the traditional academic areas or disciplines. Evidence used in evaluations for appointment, annual reviews, reappointment, promotion, and (where appropriate) pre-tenure review and tenure shall be sought from all the areas (including interdisciplinary areas) in which the faculty member has worked significantly.

2.2.1 Tenure-Line Professorial Series

Although it is the intent of the University to define rather broadly the general category "faculty," appointment to the Tenure-Line 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 members in the Tenure-Line Professorial Series are normally appointed

on a full-time basis. The Tenure-Line 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 Tenure-Line Professorial Series. Tenured faculty members have the right to continuous reappointments until the faculty member resigns, retires, or is terminated pursuant to the procedures in Section 6.

Appointment, annual review, reappointment, promotion, pre-tenure review, tenure, and termination of faculty members in the Tenure-Line Professorial Series shall be made in accord with the philosophies, policies, procedures, and evaluation criteria in the present document.

The evaluation criteria for appointment, annual review, reappointment, promotion, pre-tenure review, and tenure for faculty members in the Tenure-Line Professorial Series shall be based primarily on scholarly research and/or creative activity, teaching, participation in shared governance, and service to the University, profession, and public (see Sections 3.5 through 3.8).

2.2.2 Professorial Series in University Libraries

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

Appointment, annual review, reappointment, promotion, and termination of faculty members in the Professorial Series in University Libraries shall be made in accord with the philosophies, policies, procedures, and evaluation criteria in the present document.

The evaluation criteria for appointment, annual review, reappointment, and promotion shall be the same as in Sections 3.5 through 3.8 except that they shall be based primarily upon contributions made to educational and other institutional goals through librarianship, scholarly research, participation in shared governance, and service to the University, profession, and public.

2.2.3 Teaching Professorial Series

The Teaching Professorial Series is appropriate for appointments where special factors, such as experience or stature, may qualify the appointee as an excellent teacher in a particular field. This Series includes the ranks of Teaching Professor, Teaching Associate Professor, Teaching Assistant Professor, and Teaching Instructor.

Appointment, annual review, reappointment, promotion, and termination of faculty members in the Teaching Professor Series shall be made in accord with the philosophies, policies, procedures, and evaluation criteria in the present document.

The evaluation criteria for appointment, annual review, reappointment, and promotion shall be the same as in Sections 3.5 to 3.8 except that between 90% and 100% of a faculty member's responsibilities shall be devoted to teaching, participation in shared governance, and service to the University, profession, and public, and between 0% and 10% shall be devoted to scholarship and creative activity. More than 10% of responsibilities may be devoted to scholarship and creative activity only with the approval of the Dean and Provost.

2.2.4 Clinical Professorial Series

The Clinical Professorial Series is appropriate where appointments involve primary responsibilities in specialized professional practice including teaching, supervising student internships, training, and participating in other practice components of degree programs. Such positions will frequently, but not exclusively, be in health-care or human service fields such as in psychology or social work. Responsibilities of clinical faculty members may encompass any area of professional practice and/or technical expertise and may include professional development. The primary function of faculty members in the Clinical Professorial Series is to train students to become practicing clinicians. Faculty members in the Clinical Professorial Series have the academic credentials appropriate to their rank and have largely acquired the skill set they need to fulfill the responsibilities of their appointments from their academic training and experience. This series includes the ranks of Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor, and Clinical Instructor.

Appointment, annual review, reappointment, promotion, and termination of faculty members in the Clinical Professorial Series shall be made in accord with the philosophies, policies, procedures, and evaluation criteria in the present document.

The evaluation criteria for appointment, annual review, reappointment, and promotion shall be the same as in Sections 3.5 through 3.8 except that they shall be based primarily on excellence in the field of specialization and quality of teaching, participation in shared governance, and service to the University, profession, and public.

2.2.5 Professor of the Practice Series

Faculty members in the Professor of the Practice Series have expertise, achievements, and reputations developed over a sustained period of time that qualify them to be distinguished professionals in an area of practice, although they might not have academic credentials or experience. Faculty members in the Professors of the Practice Series have extensive experience in professional practice outside a university setting and have the skill set they need to fulfill the responsibilities of their appointment from professional practice outside a university setting. The responsibilities of this position are teaching courses,

seminars, and independent studies with undergraduate and graduate students or other duties that the academic unit and Dean determine are appropriate. A primary function of faculty members in the Professors of the Practice Series is to provide students with connections to the professional fields the students will be entering.

This series includes the ranks of Professor of the Practice, Associate Professor of the Practice, and Assistant Professor of the Practice. Such positions will frequently, but not exclusively, be in the fields of business and law. Examples of titles in the Professor of the Practice Series might be Professor of the Practice of Tax Law and Professor of the Practice of Finance.

Appointment, annual review, reappointment, promotion, and termination of faculty members in the Professor of the Practice Series shall be made in accord with the philosophies, policies, procedures, and evaluation criteria in the present document.

The evaluation criteria for appointment, annual review, reappointment, and promotion shall be the same as in Sections 3.6 through 3.8 except that they shall be based primarily on excellence in the field of specialization and quality of teaching, participation in shared governance, and service to the University, profession, and public.

2.2.6 Research Professorial Series

The Research Professorial Series is appropriate for research positions in an academic unit. This series includes the ranks of Research Professor, Research Associate Professor, and Research Assistant Professor.

The Research Professorial Series does not necessarily imply a remunerative relationship with the University. Appointment and reappointment are subject to the availability of external funding and may terminate due to the lack of external funding. Such termination shall not be considered a discharge. In most cases, the generation of adequate research funds is the responsibility of the faculty member. When approved by the Provost, faculty members in the Research Professorial Series may be hired without external funding when having a title in the Research Professorial Series would help in obtaining external funding.

Assuming adequate funding, appointment, annual review, reappointment, promotion, and termination of faculty members in the Research Professorial Series shall be made in accord with the philosophies, policies, procedures, and evaluation criteria in the present document.

The evaluation criteria for appointment, annual review, reappointment, and promotion shall be the same as in Sections 3.6 through 3.8 except that they shall be based primarily on the excellence of research (as demonstrated by the extent and quality of publications and the faculty member's reputation), participation in shared governance, and service to the University, profession, and public.

2.2.7 Adjunct Professorial Series

Adjunct faculty members fall into two categories. The first category consists of faculty members whose major assignment is in another academic unit of the University or outside the University. These faculty appointments are renewable and do not necessarily imply a remunerative relationship with the University. The second category is comprised of term-limited faculty members who are hired and paid in a non-benefitted capacity to teach on a per course basis. This series includes the ranks of Adjunct Professor, Adjunct Associate Professor, and Adjunct Assistant Professor.

The Adjunct faculty member may be a person with special competence or expertise not readily available from faculty members in the academic unit. Such persons may be professionals in the community, staff or management employees of the University, other scholars and scientists, or emeritus professors.

The philosophies, policies, and procedures for the termination of the appointments of Adjunct faculty members during their term shall follow the procedures in Section 6. Philosophies, policies, and procedures for appointment, reappointment, and promotion in the present document do not apply to Adjunct faculty members. Instead, the philosophies, policies, and procedures for the appointment, reappointment, and promotion of Adjunct faculty members shall be established by the appropriate academic unit, with the approval of the Dean and Provost.

2.2.8 Visiting Professorial Series

Appointments in the Visiting Professorial Series are term-limited appointments. The Visiting Professorial Series includes the ranks of Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor. In addition, “Visiting” may be added to the title of faculty members in other Faculty Series where appropriate. For example, faculty members may have the title of Visiting Research Professor, Visiting Teaching Professor, Visiting Clinical Professor, Visiting Professor of the Practice, and so on. However, the designation "Visiting" is not used as a designation for an adjunct appointment. The Visiting faculty designation will most often be used for appointments of three types of faculty members: (1) faculty members who are just beginning their careers and do not have an appointment at another university, (2) faculty members who are on a leave of absence, such a sabbatical, from another university and do not have a remunerative relationship with the University, and (3) faculty members with appointments at another university and have a remunerative relationship with the University for services performed for the University.

The length of appointment for faculty members in the Visiting Professorial Series is usually one to three years or less. The Visiting Professorial Series does not necessarily imply a remunerative relationship with the University.

The philosophies, policies, and procedures for the termination of the appointments of Visiting faculty members during their term shall follow the procedures in Section 6. Philosophies, policies, and procedures for appointment, reappointment, and promotion in the present document do not apply to Visiting faculty members. Instead, the philosophies, policies, and procedures for the appointment, reappointment, and promotion of Visiting faculty members shall be established by the appropriate academic unit, with the approval of the Dean and the Provost.

2.2.9 In-Residence Series

Appointments in the In-Residence Series are term-limited appointments. The In-Residence Series is appropriate to designate special contractual arrangements such as Poet-in-Residence, Artist-in-Residence, Scholar-in-Residence, or Executive-In-Residence.

The length of appointment for faculty members in the In-Residence Series is usually less than two years.

The philosophies, policies, and procedures for the termination of the appointments of In-Residence faculty members during their term shall follow the procedures in Section 6. Philosophies, policies, and procedures for appointment, reappointment, and promotion in the present document do not apply to In-Residence faculty members. Instead, the philosophies, policies, and procedures for the appointment, reappointment, and promotion of In-Residence faculty members shall be established by the appropriate academic unit, with the approval of the Dean and the Provost.

2.2.10 Emeritus Professorial Series

The Emeritus Professorial Series includes the ranks of Emeritus Professor, Emeritus Associate Professor, Emeritus Teaching Professor, Emeritus Teaching Associate Professor, Emeritus Clinical Professor, Emeritus Clinical Associate Professor, Emeritus Professor of the Practice, Emeritus Associate Professor of the Practice, Emeritus Research Professor, and Emeritus Research Associate Professor, and is used to designate distinguished faculty members in retirement. Appointment of Emeritus status is governed by the policies and procedures set forth in University Policy Manual. To obtain Emeritus Status, a faculty member must have rendered long and valuable service. A recommendation for appointment to Emeritus status must come from the academic unit and must be approved by the Dean, the Provost, and the Board of Trustees.

3. APPOINTMENT, ANNUAL REVIEW, AND REAPPOINTMENT

3.1 Appointment Policies

The qualifications a candidate shall possess to be appointed to a rank are specified in Sections 3.5 - 3.8.

3.2 Appointment Procedures

All appointments shall be recommended by and negotiated with an academic unit. 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, term-limited or renewable. Appointed faculty postings and contract terms are recommended by the academic unit's Dean for approval by the Provost.

A job specification shall be developed or revised by the appropriate academic unit 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 shall provide representation by the faculty in the academic unit. For joint appointments, appropriate steps have to be taken to assure that all involved units are represented.

A screening mechanism shall be developed by each academic unit for the review of applications. The mechanism should provide adequate representation by those faculty members whose interests would be affected by the employment of the applicant, including opportunities for the candidate to have personal conversation with associated faculty members and students. The search process shall be conducted in accordance with the current Affirmative Action Plan. Consult the Office of Equal Opportunity for guidance and information on this plan.

An on-campus interview of the applicant is normally required for appointed positions. Interview requests must be approved by the academic unit and the appropriate Dean. The interview process shall provide for adequate representation by those faculty members whose interests would be affected by the employment of the applicant. If a faculty appointment would include an award of tenure, the Provost should be included in the review process.

At the time of initial appointment, the appropriate academic unit shall provide each faculty member with a copy of the University's Policies and Procedures Relating to Faculty Appointment, Promotion, and Tenure and with a copy of any approved center, department, division, school, or college's corresponding philosophies, policies, and procedures for appointment, annual review, reappointment, promotion, and (as applicable) pre-tenure and tenure review (see Section 1). The University, colleges, schools, divisions, departments, and centers have an obligation to inform faculty members when changes are made to University, college, school, division, department, or center's philosophies, policies, and procedures. Correspondingly, faculty members have an obligation to ensure that they have a full understanding of the philosophies,

policies, and procedures for appointment, annual review, reappointment, promotion, and (as applicable) pre-tenure and tenure review, and to keep themselves informed of changes in these philosophies, policies, and procedures.

3.3 Annual Review of Faculty Members' Performance

All appointed faculty members are subject to annual review. Each academic unit shall conduct an annual review of each faculty member, wherein the past year's performance shall 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 academic unit for reappointment, promotion, salary increases, and pre-tenure and tenure review, if applicable. Academic units shall make reasonable effort to inform all non-tenured, tenure-line faculty members of the tenure process, standards of judgment, and the faculty member's relative progress in fulfilling expectations.

3.3.1 In preparation for the annual review, each faculty member shall submit a written summary to the academic unit's administrative head of her/his past year's performance and her/his goals and priorities for the subsequent year. The report shall be based on the appropriate criteria for subsequent annual review, reappointment, promotion, and (as applicable) pre-tenure and tenure review (see Sections 3.5 to 3.8).

3.3.2. The academic unit's administrative head or designated committee shall meet with each faculty member to discuss and evaluate the report.

3.3.3 In conjunction with the annual review meeting, the academic unit's administrative head shall prepare a brief written report of the evaluation and goals for the subsequent year with a copy given to the faculty member. The faculty member may attach a written response to the report.

3.3.4 The faculty member's report, the academic unit's administrative head's evaluation and the faculty member's response shall be entered as part of the faculty member's electronic personnel file. The appropriate Dean and the Provost as well as the appropriate committees for subsequent annual review, reappointment, promotion, and (if applicable) pre-tenure and tenure decisions shall have access to the annual reports.

3.4 Policies and Procedures for Reappointment

A reappointment shall be offered only following a substantive review of a faculty member's performance during the previous appointment. The qualifications a candidate shall possess to be reappointed to a rank are specified in Sections 3.5 - 3.8. Reappointment is primarily recognition of excellent performance. Reappointment decisions shall be based on rigorous standards and reappointment shall be denied if past performance is not of sufficiently high quality or does not meet the standards of professional behavior in Section 1. Reappointment may also be denied for financial or programmatic reasons.

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

Having previously held a renewable faculty appointment does not preclude a faculty member from subsequently holding a term-limited appointment.

If, through administrative error or other delays, the University fails to act in accordance with the time periods specified in this document as part of the reappointment and/or promotion process, the University shall make good faith attempts to administratively remedy the deficiency. However, reappointment and/or promotion shall never be granted through default, delay or administrative error.

3.4.1 Instructors

Instructors have renewable one-year appointments. After a maximum of five years of service in this rank at the University, an Instructor shall be promoted to Assistant Professor or released except 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.

Policies and procedures for reappointment as Instructor or for promotion from Instructor to Assistant Professor shall be established by the academic unit and approved by the Dean except that the following procedure must hold. Before an Instructor may be employed for a fourth year, the reappointment review shall be conducted by an academic unit reappointment committee which shall have at least three voting members and be constituted according to written academic unit guidelines agreed upon by the faculty of that academic unit and approved by the Dean.

The decision reached in a reappointment review shall be shared in writing with the faculty member by April 1 of the faculty member's current contract. If the decision to promote or reappoint an Instructor is negative, the faculty member's appointment shall expire at the end of the faculty member's current contract.

To be promoted in rank from Instructor to Assistant Professor, a faculty member shall meet the qualifications for the rank of Assistant Professor (see Section 3.6).

Unless the policy and procedures of the academic unit stipulate otherwise, the appeal and review procedures in Section 7 are not available for negative reappointment decisions at the rank of Instructor. However, faculty members may pursue grievance procedures (see the Department of Human Resources for further information).

3.4.2 Tenure-Line Professorial Appointments above the Level of Instructor

A. Assistant Professors in the Tenure-Line Professorial Series

Assistant Professors in the Tenure-Line Professorial Series are subject to pre-tenure review (see Section 5.2) and tenure review as specified in Section 5. Following the policies and procedures in Section 5, Assistant Professors shall either be tenured and promoted to Associate Professor or their appointment shall be terminated in accord with their tenure probationary periods as specified in Section 5.5.

B. Tenured Faculty in the Tenure-Line Professorial Series

Tenured faculty members receive career-long contracts. Policies and procedures for promotion from Associate Professor to Professor are specified in Section 4 (and include the policies and procedures for review and appeal in Section 7).

3.4.3 Renewable Non-Tenure-Line Professorial Appointments above the Level of Instructor

A. Assistant Professor

Except for faculty in the Research Professorial Series (see Section 3.4.3.B), a faculty member may hold an appointment at the rank of Assistant Professor for no more than seven years.

Contracts awarded to Assistant Professors may be no longer than three years. Policies and procedures for the reappointment of Assistant Professors shall be established by the academic units, with the approval of the Dean except that the following procedure shall hold. Before an Assistant Professor may be employed for a fourth year, a reappointment review shall be conducted by an academic unit reappointment committee which shall have at least three voting members and be constituted according to written academic unit guidelines agreed upon by the faculty of that academic unit and approved by the Dean.

The reappointment review shall be conducted no later than during the last year of a faculty member's current contract. The decision reached in a reappointment review shall be shared with the faculty member in writing.

If the decision to reappoint an Assistant Professor is negative and if the faculty member has been employed as an Assistant Professor at the University for less than three years, the faculty member's appointment shall end in one of two ways. If the decision reached in the reappointment review is shared with the faculty member on or before April 1of the last year of the faculty member's current contract, the faculty member's appointment shall expire at the end of the faculty

member's current contract. If the decision reached in the reappointment review is shared with the faculty member after April 1of the last year of the faculty member's current contract, the faculty member shall be awarded a contract for one additional year beyond the current contract, after which the faculty member's appointment shall end.

If the decision to reappoint an Assistant Professor is negative and if the faculty member has been employed at the rank of Assistant Professor for three years or more, the faculty member's appointment shall end in one of two ways. First, if the decision reached in the reappointment review is shared with the faculty member before the beginning of the last year of the faculty member's current contract, the faculty member's appointment shall expire at the end of the current contract. Second, if the decision reached in the reappointment review is shared with the faculty member after the beginning of the last year of the faculty member's current contract, the faculty member shall be awarded a contract for one additional year beyond the faculty member's current contract, after which the faculty member's appointment shall end.

Unless the policies and procedures of the academic unit stipulate otherwise, the appeal and review procedures in Section 7 are not available for negative reappointment decisions at the rank of Assistant Professor. However, faculty members may pursue grievance procedures (see the Department of Human Resources for further information).

B. Promotion to Associate Professor and Initial Appointment to Associate Professor

An Assistant Professor may request review for promotion to Associate Professor at any time during service at the rank of Assistant Professor. If the faculty member does not request review at an earlier time, the review for promotion from Assistant Professor to Associate Professor shall be conducted during the sixth year of service as an Assistant Professor.

The policies and procedures for promotion are specified in Section 4 (and include the policies and procedures for review and appeal in Section 7).

The review for promotion shall result in either a positive or negative decision. If the decision to promote the faculty member is positive, the faculty member shall be promoted to Associate Professor and awarded a five-year contract that begins the year after the year in which the review was conducted. To be promoted to Associate Professor and awarded a five-year contract, a faculty member shall meet the qualifications to be appointed to the rank of Associate Professor (see Section 3.7).

If the decision to promote a faculty member is negative and if the review was conducted during the last year of a faculty member's contract, the faculty member shall be awarded a contract for one additional year beyond the faculty member's current contract, after which the faculty member's appointment shall end.

If the decision to promote the faculty member is negative, and the review was conducted before the last year of the faculty member's current contract (e.g., because the faculty member requested an early review for promotion or because the faculty member's current contract does not expire until the seventh year of service as an Assistant Professor), the faculty member's appointment shall expire at the end of the faculty member's current contract.

In addition to a positive or negative decision, a third option is available for faculty members in the Research Professorial Series. The third option is that faculty members in the Research Professorial Series may be reappointed at the rank of Assistant Professor with the length of contract determined by the academic unit, except that it may be no longer than three years. At the end of that contract, the review process for promotion to Associate Professor shall be repeated and the same three options will again be available.

If a faculty member is initially appointed to the rank of Associate Professor, the length of the contract will be determined by the Dean and will be for no more than five years. An appointment at the rank of Associate Professor must be approved by the Provost.

C. Reappointment to Associate Professor, Promotion to Full Professor, and Initial Appointment to Full Professor

A review for the reappointment of an Associate Professor shall include a review for promotion to Full Professor. Conversely, a review for the promotion of an Associate Professor shall include a review for reappointment.

The policies and procedures for the reappointment and promotion of an Associate Professor shall be the same as the policies and procedures for promotion as specified in Section 4 (including the policies and procedures for review and appeal in Section 7) except that "reappointment and promotion" replaces "promotion" everywhere "promotion" appears in Section 4.

The review for reappointment and promotion of an Associate Professor shall be conducted no later than the next to last year of the faculty member's current contract. With the mutual agreement of the academic unit and the faculty member, a review for reappointment and promotion

may be conducted prior to the next to last year of the faculty member's current contract (i.e., an "early" review).

If the review for the reappointment and promotion of an Associate Professor is conducted during the next to last year of the faculty member's current contract, the review shall result in one of the following three outcomes:

i. The Associate Professor may be promoted to Full Professor and awarded a seven-year contract that begins the year after the year in which the review was conducted. To be promoted to Full Professor and receive a seven-year contract, an Associate Professor shall meet the qualifications to be appointed to the rank of Full Professor (see Section 3.8).

ii. The Associate Professor may be awarded another five-year contract without promotion in rank (where the new contract begins the year after the year in which the review was conducted).

iii. The Associate Professor may be denied a reappointment, in which case the faculty member's appointment shall expire at the end of the faculty member's current contract.

If the review for reappointment and promotion of an Associate Professor is conducted before the next to last year of the faculty member's current contract (because the academic unit and the faculty member agreed to an "early" review), the review shall result in one of the two following outcomes:

i. The Associate Professor may be promoted to Full Professor and awarded a seven-year contract that begins the year after the year in which the review was conducted. To be promoted to Full Professor and receive a seven-year contract, an Associate Professor shall meet the qualifications to be appointed to the rank of Full Professor (see Section 3.8).

ii. The Associate Professor may be continued in rank without promotion under the faculty member's current contract and considered for reappointment and promotion in the next to last year of the faculty member's current contract.

If a faculty member is initially appointed to the rank of Full Professor, the length of the initial contract shall be determined by the Dean and shall be for no more than seven years. An appointment at the rank of Full Professor must be approved by the Provost.

D. Reappointment to Full Professor

The policies and procedures for the reappointment of a Full Professor shall be the same as the policies and procedures for promotion as specified in Section 4 (including the policies and procedures for review and appeal in Section 7) except that "reappointment" replaces "promotion" and "promotion to a higher rank" in Sections 4.2 to 4.4 and except that a positive decision by the Dean shall be final; reappointment need not be approved by the Provost or Board of Trustees.

The review for reappointment shall take place no later than the next to last year of the faculty member's current contract. With the mutual agreement of the academic unit and the faculty member, a review for reappointment may be conducted prior to the next to last year of the faculty member's current contract (i.e., an "early" review).

A review for the reappointment of Full Professors shall result in one of two decisions. With a positive decision, the faculty member shall be granted a seven-year contract that begins the year after the year in which the review was conducted.

With a negative decision, the faculty member's appointment shall expire at the end of the faculty member's current contract.

3.4.4 Term-Limited Appointments

Term-Limited appointments are not renewable. The length of appointment is specified in the contract letter.

3.5 Qualification for: INSTRUCTOR

The candidate shall possess the same qualifications as for promotion to Assistant Professor (see Section 3.6) 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 the candidate's field).

The maximum number of years of service that are allowed at the rank of Instructor are specified in Section 3.4.1.

3.6 Qualifications for: ASSISTANT PROFESSOR

3.6.1 The candidate should be a person of demonstrated promise.

3.6.2 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 teaching, scholarly research and/or creative activity, as befits the requirements of the position, may meet this criterion.

3.6.3 The candidate shall have demonstrated the ability to teach and perform scholarly work and/or creative activity (to the extent such activities are part of the candidate's responsibilities) 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.

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.

3.7 Qualifications for: ASSOCIATE PROFESSOR

3.7.1 The candidate shall have demonstrated growth and accomplishments in his/her academic career. The normal career would span approximately six 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 of new talents or expertise in successively broader fields, or increasingly significant contributions made in a single field.

3.7.2 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 teaching, scholarly research and/or creative activity, demonstrated by national or regional recognition, as befits the requirements of the position, may also meet this criterion.

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

3.7.4 To the extent scholarly research and/or creative activity are a component of the candidate's responsibilities, there should be evidence of the beginning of regional, national, or international recognition of the candidate's achievements and ability.

3.8 Qualifications for: PROFESSOR

3.8.1 The candidate shall have demonstrated growth and significant accomplishments in his/her academic career. The normal career would span approximately eleven to 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.

3.8.2 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 teaching, scholarly research and/or creative activity, demonstrated by national or international recognition, as befits the requirements of the position, may also meet this criterion.

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

3.8.4 To the extent scholarly research and/or creative activity are a component of the candidate's responsibilities, there shall be evidence of regional, national, or international recognition of the candidate's achievements and ability.

4. PROMOTION

4.1 Philosophy

The University is committed to academic excellence as determined principally by teaching, scholarly research and/or creative activity, participation in shared governance, and service to the University, profession, and public. 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 shall be based upon high standards to ensure that the candidate possesses qualifications which meet current University, college, school, division, department, and center expectations. It is recognized that standards for promotion may change over time.

As we improve our quality standards for faculty performance, faculty members who may have qualified for promotion at some past time might no longer do so. As we state and invoke higher standards, however, we shall 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.

4.2 Policies for Promotion

Promotion to a higher rank by the University is primarily recognition of excellent performance in teaching, scholarship, and/or creative activity. Consideration is also given to contributions to the shared governance of the University and to professional/public service. The qualifications a candidate shall possess to be promoted in rank are specified in Sections 3.6-3.8.

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. Service at a lower rank shall not, in itself, constitute grounds for promotion.

An essential component in promotion is a positive judgment by a faculty member's immediate peers and colleagues, both intra- and extra-mural, regarding the candidate's performance.

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:

4.3.1 Vita

The candidate shall submit to the academic unit promotion committee (see Section 4.4) a comprehensive and current vita.

4.3.2 Teaching

Evidence of quality of teaching shall be considered in the evaluation process to the extent teaching is a component of the candidate's job responsibilities. The quality of teaching – broadly understood to include classroom teaching, on-line teaching or instruction, experiential learning, student mentoring, and research partnering with students shall be judged by all appropriate evidence available. The evidence to be used, though not to the exclusion of other evidence available, shall come at a minimum from each of the following three areas:(A) self-analysis, (B) teaching observations and/or the review of course material, and (C) empirical data on teaching effectiveness.

A. Self-Analysis

Self-analysis entails the candidate's written reflection on:

i. Teaching goals, and/or

ii. Teaching strengths and areas for further development, and/or

iii. Innovative approaches to teaching (in method or content), as well as extra efforts in developing new courses or laboratories, and/or

iv. Efforts to improve teaching effectiveness (such as attendance at appropriate programs, taping or filming class sessions for analysis, use of course evaluations and assessments of student learning outcomes, and the like) and/or

v. Presentations at teaching seminars, conferences, workshops on or off campus, and/or

vi. Curricular development/evaluation/academic program assessment activities, and/or

vii. Mentoring other faculty and working with teaching assistants, and/or

viii. Innovative teaching projects,

ix. Among other aspects of teaching.

B. Teaching Observations and/or the Review of Course Materials

Teaching observations and/or the review of course materials includes assessment of the following:

i. Teaching materials such as course syllabi, course outlines, reading lists, statements regarding the basis on which grades are given, sample exams, assignments, and/or other materials for content, organization, practice and mechanics, and/or

ii. Descriptive or evaluative letter(s) written by colleague(s), reflecting upon class visits and course materials, and/or

iii. Degree of commitment to students (e.g., class attendance, punctuality, office hours, counseling, and the like),

iv. Among other evidence.

C. Empirical Data on Teaching Effectiveness

Empirical data on teaching effectiveness includes:

i. Teaching performance assessed through course and teacher evaluations performed by students, and/or

ii. Student learning outcomes, and/or

iii. Letters written by students and/or alumni, and/or

iv. Scholarly and/or creative work produced by students (e.g., theses) and recognition of students' work (e.g., prizes or awards won), and/or

v. Appropriate objective measurement,

vi. Among other evidence.

4.3.3 Scholarly Research and/or Creative Activity

Scholarly output and/or creative activity shall be considered in the evaluation process to the extent scholarly output and/or creative activity is a component of the candidate's responsibilities. Scholarly output and creative activity includes publications, creative work, consultation, presentations in public media, public performance, exhibitions, and interdisciplinary and community-engaged research, and other activities promoting the public good. The quality of scholarly research and/or 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). Presentations in public media and

professional/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 graduate research and creative activity; and

C. For faculty whose responsibilities include more than 10% time devoted to research, 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 widely solicited to provide multiple viewpoints. For faculty whose responsibilities include 10% or less time devoted to research, external letters of recommendation may be obtained if the promotion committee (see Section 4.4) deems it is appropriate, but external letters are not required for the review process.

A minimum of three evaluations of scholarly research and/or creative output shall be obtained though it is highly desirable to obtain a larger number. These evaluations are to be prepared by persons external to the University.

i. The academic unit promotion committee (see Section 4.4) shall ask the candidate to submit in writing names of persons to be contacted.

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

iii. The candidate shall have the right to comment and add to the list. However, the academic unit promotion committee has the right to limit the total number of names added by the candidate to no more than half of the names on the list in Section 4.3.3.C.ii.

iv. The academic unit promotion committee or the administrative head of the academic unit 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.

4.3.4 University Service

Evidence of the quality and quantity of University service shall be considered in the evaluation process to the extent University service is a component of the candidate's responsibilities. University service can be judged by memberships and performance on the various advisory or governmental committees and organizations of the University, by participation in the necessary advisory, examination, governance, and other duties of the academic unit, by participation in formal University functions and ceremonies, by advising student organizations, by student recruitment, and by professional assistance to the University, other programs, centers, departments, divisions, schools, and colleges.

4.3.5 Professional/Public Service

Evidence of the quality and quantity of professional/public service shall be considered in the evaluation process to the extent professional/public service is a component of the candidate's responsibilities. Professional/public service includes 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 professional or 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. The University recognizes that one of the principal missions of its faculty is to contribute to the public good. Contributions to the public good could include leading student service learning, building institutional capacity for community engagement, or making contributions to the community in one's teaching, scholarly research and/or creative activity, or service.

4.3.6 Regional, National, or International Stature

Evidence of regional, national or international stature shall be considered in the evaluation process to the extent this is relevant to the candidate's appointment. Types of evidence to be used in assessing the regional, national, or international stature of a candidate's achievements and ability include:

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

B. Statements from recognized authorities in the candidate's specialized fields, cognate fields, interdisciplinary fields, and areas of applied practice relating to the individual's work and abilities. If evaluations will not be obtained to assess scholarly output as specified in Section 4.3.3 or if the evaluations to be obtained in Section 4.3.3 are not anticipated to be adequate to assess a candidate's regional, national,

or international stature, additional evaluations may be sought. The procedures to be used to solicit additional evaluations should follow the procedures in Section 4.3.3 to the extent those procedures are deemed reasonable.

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

4.4 Procedures for Promotion

4.4.1 Composition of the Academic Unit Promotion Committee

Each academic unit shall have an academic unit promotion committee constituted according to guidelines agreed upon by the faculty of that academic unit and the Dean, which will make recommendations on promotion to the administrative head of the academic unit, the Dean (if he/she is not the administrative head of the academic unit) and the Provost.

The academic unit guidelines may stipulate that a single promotion committee be formed to consider promotions of all candidates. Or, the academic unit guidelines may stipulate that different promotion committees be formed for different candidates.

With the approval of the Dean, the academic unit guidelines may stipulate that an academic unit promotion committee serve concurrently as an academic unit reappointment committee (see Section 3.4).

An academic unit promotion committee shall have at least three active members who are eligible to vote on each candidate being considered for promotion. A faculty member under consideration for promotion may not sit on the academic unit promotion committee during the time he/she is the subject of committee business and is not eligible to vote on his or her own promotion.

A member of the academic unit promotion committee shall recuse him or herself because of a conflict of interest or other bias. The candidate may request that one or more members of the academic unit promotion committee be replaced (or omitted from the proceedings) because of a conflict of interest or other bias. Such a request will be granted only with the approval of the Provost.

All members of the promotion committee shall hold a tenure-line or renewable faculty position at the University as faculty positions are defined in Section 2. Each academic unit should decide which faculty members are eligible to serve on an academic unit promotion committee. The stipulation of eligibility should be approved by the Dean and included in the academic unit guidelines.

The academic unit guidelines may also stipulate which faculty members are eligible to be elected by the academic unit to serve on an academic unit review

committee (see Section 7.3.3). In the absence of a separate stipulation of which faculty members are eligible to be elected by the academic unit to serve on an academic unit review committee, the same criteria apply for eligibility to serve on both the academic unit promotion committee and for eligibility to be elected by the academic unit to serve on an academic unit review committee.

The academic unit guidelines may stipulate whether faculty members with joint appointments are eligible either to serve on an academic unit promotion committee or to be elected by the academic unit to serve on an academic unit review committee. In the absence of stipulations to the contrary, faculty members with joint appointments are eligible to serve on an academic unit promotion committee and are eligible to be elected by the academic unit to serve on an academic unit review committee.

With the approval of the Dean, the academic unit guidelines may provide under certain circumstances that the academic unit promotion committee include (as voting members of the committee) faculty members from cognate academic units who are acceptable to the faculty members of the academic unit and the candidate. With the approval of the Dean, the academic unit guidelines may stipulate that the academic unit's administrative head may serve as an ex-officio member of the committee. In the absence of such a stipulation, the academic unit promotion committee shall decide if the academic unit's administrative head serves as an ex-officio member of the committee. But in either case, the academic unit's administrative head may not participate in the vote or final recommendation of the committee and may not chair the committee. Other than the academic unit's administrative head, administrators whose administrative status makes them part of the decision making process for promotion and any other administrators at the dean-level or higher are not eligible to serve on an academic unit promotion committee and are not eligible to be elected by the academic unit to serve on an academic unit review committee.

Except when the academic unit's administrative head is under consideration for promotion, the academic unit promotion committee shall elect its own chair from among its members. If a single academic unit promotion committee considers the promotion of more than one candidate, the chair of the academic unit promotion committee may differ for different candidates.

While the promotion of the academic unit's administrative head is under consideration, a faculty member of a cognate academic unit, mutually acceptable to the academic unit promotion committee and the academic unit's administrative head, shall chair the promotion committee, serve as a voting member of the committee, and prepare the recommendations and supporting report for the Dean or the Provost. If the academic unit's administrative head's appointment is in the Tenure-Line Professorial Series, the chair of the promotion

committee must be tenured. If the academic unit's administrative head's appointment is not in the Tenure-Line Professorial Series, the chair of the promotion committee may, but need not, be tenured. If the academic unit promotion committee and the academic unit's administrative head cannot agree on a mutually acceptable faculty member from a cognate academic unit to chair the academic unit promotion committee, the Dean (or Provost if the Dean is under review) shall choose that faculty member. Unless division, college, school, department, or center guidelines stipulate otherwise, serving on an academic unit promotion committee (or on an academic unit review committee, see Section 7.3.3, or on a reconstituted review committee, see Section 7.3.5) does not disqualify a person from serving on a divisional, college, or school promotion committee.

When academic unit guidelines concerning eligibility for membership on academic unit promotion committees or academic unit review committees are incomplete or ambiguous, the Dean (or the Provost, if the Dean is under review) shall determine eligibility.

4.4.2 Meetings of the Academic Unit Promotion Committee

The academic unit promotion committee shall meet at least annually to consider candidates for promotion. Minutes of all meetings of this committee shall be prepared and retained by the academic unit. It is suggested, in order to allow sufficient time for appeals, that the committee report be submitted before February 1, if promotion is to become effective the subsequent September.

4.4.3 Soliciting Information

The academic unit promotion committee, the academic unit review committee, the academic unit reconstituted committee, and the academic unit's administrative head 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 at any time during deliberations. The divisional, school, or college promotion committees, the Dean, and the Provost may request clarification of information and evaluations compiled by the academic unit committees and the academic unit's administrative head. Efforts should always be made to secure a representative and fair sample of information and evaluations. The candidate has the right to be informed of the types of evidence to be used in the evaluation process. To the extent requested, the candidate shall assist in obtaining information and evaluations, including the evidence described in Section 4.3.

With the approval of the Dean, academic unit guidelines may stipulate that the candidate be either invited or required to submit brief (e.g. one to three page) statements about the candidate's teaching, scholarly research and/or creative activity, and service. With the approval of the Dean, academic unit guidelines may also stipulate that the candidate be invited to submit any additional information he/she would like to have considered.

4.4.4 Confidentiality

Each member of a committee, at any level, that votes for or against tenure shall sign a document attesting to his or her vote and that document shall be delivered to the Dean and the Provost. Votes shall remain confidential in all other respects. Exceptions to these confidentiality requirements shall be made only with the approval of the Provost.

4.4.5 Recommendation by the Academic Unit Promotion Committee

Decisions by the academic unit promotion committee shall be reached by a simple majority vote of the members of the committee. After reviewing the evidence, the academic unit promotion committee shall make a recommendation for or against promotion and write a report justifying the recommendation. If any member of the academic unit promotion committee so requests, a statement on the reasons for any dissenting or concurring vote(s) shall be included in the report. The academic unit promotion committee's recommendation (but not the report) shall be communicated to the candidate in writing. If the recommendation is negative, the academic unit promotion committee shall forward a written memorandum to the candidate stating the specific reasons for the recommendation. Because the deliberations of the academic unit promotion committee are to remain confidential in all respects (see section 4.4.4), the memorandum to the candidate shall report that the vote was negative but shall not report the number of committee members voting positively, negatively, or abstaining. The memorandum shall also be careful to maintain the confidentiality of any statements made by external reviewers. To maintain confidentiality, it is recommended that the memorandum contain no quotations from external reviewers.

The academic unit promotion committee shall assemble a portfolio of the candidate's materials. The portfolio shall include the candidate's vita, the candidate's statements if applicable (see Section 4.4.3), the candidate's annual performance reports with any accompanying written responses by the candidate (see Section 3.3), and any other materials the academic unit promotion committee deems appropriate or are stipulated to be included in the candidate's portfolio by division, school, college, department, or center guidelines. If letters of evaluation are obtained (see Sections 4.3.3 and 4.3.6), a copy of each evaluation and of the letter requesting the evaluations shall be included in the candidate's portfolio.

The academic unit promotion committee's recommendation, report and, if applicable, memorandum to the candidate shall also be included in the candidate's portfolio. The candidate will, if the recommendation is negative, have the right to an academic unit review (see Section 7). The candidate's written request for a review (and, if applicable and when available, the academic unit promotion committee's response to that request – see Section 7.3.2) shall

be added to the candidate's portfolio. If an academic unit review is undertaken, the report of the academic unit review committee shall be added to the candidate's portfolio. If, following the appeals/review procedures described in Section 7, the academic unit promotion committee repeats its review, the report and recommendation of that repeated review shall be included in the candidate's portfolio. If, following the appeals/review procedures described in Section 7, a reconstituted academic unit promotion committee repeats the promotion review, the report and recommendation of the reconstituted committee shall be included in the candidate's portfolio.

4.4.6 Recommendation by the Academic Unit's Administrative Head

After the candidate's portfolio has been assembled as specified in Section 4.4.5 and after any academic unit review, the candidate's portfolio shall be forwarded to the academic unit's administrative head. The academic unit's administrative head shall review the candidate's portfolio and prepare a separate statement of recommendation, with supporting report. The statement of recommendation, but not the supporting report, shall be shared with the candidate, the academic unit promotion committee, and, if applicable, the academic unit review committee and the reconstituted academic unit promotion committee. The academic unit's administrative head's recommendation and report shall be added to the candidate's portfolio. At the discretion of the academic unit's administrative head, the reasons for the academic unit's administrative head's decision may be shared with the candidate and/or the other committees. If the academic unit's administrative head is under review, the procedures in Section 4.4.6 shall be omitted.

4.4.7 Recommendation by the College, School, or Division Promotion Committee

If the academic unit is a college, school, or division, the procedures in Sections 4.4.7 and 4.4.8 shall be omitted. The procedures in Sections 4.4.7 and 4.4.8 apply only if the academic unit is encompassed within a college, school, or division which has a Dean who is not the academic unit's administrative head.

After the candidate's portfolio has been assembled as specified in Sections 4.4.5 and 4.4.6, it shall be forwarded to and reviewed by the Dean and, if established, the college, school, or division tenure and promotion committee. If a college, school, or division promotion 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 members. These policies and procedures must be approved by the faculty of the school, college, or division and submitted to the Provost for approval and communicated to faculty members 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 ensure equitable and fair treatment of the faculty as a whole.

Decisions by a college, school, or division promotion committee shall be reached by a simple majority vote of the members of the committee.

The college, school, or division promotion committee shall forward its recommendation for or against promotion to the candidate, academic unit's administrative head, the academic unit promotion committee, the academic unit review committee (if there is one), and the reconstituted academic unit promotion committee (if there is one).

The recommendation for or against promotion and the supporting report of the college, school, or division committee shall be added to the candidate's portfolio. If the college, school, or division has not established a promotion committee separate from the academic unit promotion committee, the procedures in Section 4.4.7 shall be omitted.

4.4.8 Recommendation by the Dean

After the candidate's portfolio has been assembled as specified in Sections 4.4.5, 4.4.6, and 4.4.7, it shall be forwarded to the Dean. The Dean shall review the candidate's portfolio and any appropriate additional information, then prepare a statement of recommendation with a supporting report for the Provost. The Dean shall add his or her recommendation and report to the candidate's portfolio. The Dean shall also forward his or her recommendation, but not the supporting report, to the candidate, the academic unit's administrative head, the academic unit promotion committee, the academic unit review committee (if there is one), the reconstituted academic unit promotion committee (if there is one), and the college, school or division promotion committee (if there is one). At the discretion of the Dean, the reasons for the decision of the college, school or division decision and/or the Dean's decision may be shared with the candidate, the academic unit's administrative head, and/or the other committees. If there is no Dean in the administrative structure or if the candidate for promotion is the Dean, the procedures in Section 4.4.8 shall be omitted.

4.4.9 Recommendation by the Provost

After the candidate's portfolio has been assembled as specified in Sections 4.4.5, 4.4.6, 4.4.7, and 4.4.8, it shall be forwarded to the Provost. The Provost shall review the candidate's portfolio and any additional relevant information and make a recommendation for or against promotion and add that recommendation to the candidate's portfolio. The Provost's final recommendation shall be forwarded to the candidate, Dean, academic unit's administrative head (if different than the Dean), academic unit promotion committee, academic unit review committee (if there is one), reconstituted academic unit promotion committee (if there is one), and the college, school or division promotion committee (if one exists different than the academic unit promotion committee). 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).

4.4.10 Decision by the Board of Trustees

The Provost shall forward his or her recommendation to the Board of Trustees which shall make a final decision about the faculty member's promotion (also see Section 7).

4.4.11 Gaps and Ambiguities

When gaps or ambiguities in the guidelines of the division, school, college, department or center, or in the present document lead to uncertainty about the correct procedures to follow in Sections 4.4.1 to Section 4.4.8, the Dean (or Provost if the Dean is being considered for promotion) has the final authority to make decisions about the proper procedures to follow so as to remove the gaps or ambiguities.

5. TENURE

5.1 Philosophy

Tenure may be granted only to those holding or being promoted to the rank of Professor or Associate Professor in the Tenure-Line Professorial Series (see Section 2.2.1).

A decision to award tenure commits the University to a career-long contract with a faculty member. He/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 members 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 (which includes the freedom to speak and write about professional duties and the functioning of the University – see Section 1.1). The judgment to award tenure, however, must be carefully made, on the basis of substantial evidence of achievement and promise; it cannot and shall 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. Therefore, all tenure decisions shall involve high academic unit standards and shall also involve comparisons of the qualifications of the candidate for tenure with the qualifications of those persons who are at a similar stage in their careers and who might be available to the academic unit.

Consistent with these 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 they have achieved distinction in their field and show promise of continued professional growth.

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

It is recognized that standards for tenure may change over time. 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 shall 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 academic unit shall conduct and deliver a pre-tenure review of each untenured, tenure-line faculty member 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 Section 5.4) or by a special committee of at least three persons established by the unit with approval of the appropriate Dean. Other members of the division, college, school, department, or center 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 academic unit. 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 an honest and frank 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. However, if written comments from external reviewers are sought, a list of reviewers shall 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 shall be shared verbally and in writing with the faculty member and a copy of the review report shall be placed in the faculty member's personnel file for future reference by the academic unit tenure committee. The faculty member has the right to submit a written response to the review report and the response shall be placed in the faculty member's personnel file for future reference by the academic unit tenure committee.

The pre-tenure review process and report are neither a substitute for nor binding on any future tenure review. Like all faculty members, untenured faculty members in the Tenure-Line Professorial Series may be terminated during their term of appointment for "cause" or for other reasons following the policies and procedures in Section 6.

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 professional/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 to the University.

Tenure is intended to ensure academic freedom in teaching, research, and shared governance, affords a basic security that will attract faculty of ability to the University, and assumes faculty members will continue to meet the rigorous standards of quality of performance in teaching, scholarly research and/or creative activity on which the decision to grant tenure was made and will continue to develop and produce as teachers, scholars, and/or artists.

Probationary periods involving service at the University normally will be required before the awarding of tenure (see Section 5.5). However, where circumstances warrant, a person 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 informed and conscientious judgment of the candidate’s degree of merit by a faculty member's immediate professional peers and colleagues.

5.4 Procedures for Tenure Decisions

Each academic unit with faculty members in the Tenure-Line Professorial Series (see Section 2.2.1) shall have an academic unit tenure committee with at least three voting members, constituted according to written academic unit guidelines agreed upon by the faculty of that academic unit and the Dean. With the approval of the Dean, the academic unit guidelines may stipulate that a single academic unit tenure committee be formed to consider tenure decisions for all candidates or the academic unit guidelines may stipulate that different academic unit tenure committees be formed for different candidates.

With the approval of the Dean, the academic unit guidelines may stipulate that an academic unit tenure committee serve concurrently as an academic unit promotion committee (see Section 4).

With the approval of the Dean, the academic unit guidelines may stipulate that untenured faculty members may advise and serve as members of the academic unit tenure committee.

The evidence and procedures for awarding tenure shall be the same as the evidence and procedures for promotion, as described in Section 4.3 and Section 4.4, except that "tenure" or the "awarding of tenure" replaces "promotion" everywhere "promotion" appears in Section 4.3 and Section 4.4, and except that the evidence to be used in the evaluation process should go beyond that which is examined in making recommendations for promotion as specified in Section 4.3 and, among other things, should include the report of the pre-tenure review along with any accompanying response by the faculty member (see Section 5.2).

5.5 Tenure Probationary Periods and Notification Dates

5.5.1 Tenure shall not be awarded in the rank of Instructor.

5.5.2 Tenure shall not be awarded in the rank of Assistant Professor. By the end of the agreed-upon probationary period, an Assistant Professor either shall be promoted and tenured or shall be released (except as described in Section 5.5.4.E). Except as noted in Section 5.5.3.F, Section 5.5.5, and Section 5.5.8 the probationary period is seven years of full time service. The decision of whether to award tenure should be reached before September 1 of the last year of the probationary period. If tenure is awarded, the effective date of the tenured appointment is at the start of the last year of the probationary period (see section 5.5.4.B).

5.5.3 Any faculty member with an appointment in the Tenure-Line Professorial Series with professorial rank accrues time toward the probationary period for tenure, whether the appointment is within one or more academic units 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 the faculty member begins service as an Assistant Professor. (Also see Section 5.5.7.)

B. Appointment in Faculty Series other than the Tenure-Line Professorial Series (see Section 2) will not accrue time toward the probationary period for tenure except with the prior approval of the Provost.

C. Any faculty member with a part-time appointment in the Tenure-Line Professorial Series with professorial rank shall accrue time toward the probationary period for tenure at an appropriate rate (see Section 5.5.3.D).

D. One year of full-time equivalent service accrues in one year when an appointment in the Tenure-Line Professorial Series 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 (e.g., 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, 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 Tenure-Line 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 (except as noted in Section 5.5.4.D and Section 5.5.4.E). 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 4.4.2) the academic unit tenure committee should finish its deliberations by February 1in the year before the year in which the probationary period ends.

B. After a decision to award tenure has been made, the effective date of receiving tenure shall be the next September 1.

C. After a maximum of seven years aggregate equivalent full-time service in the ranks of Assistant Professor, Associate Professor, or Professor in the Tenure-Line Professorial Series at the University, a faculty member either shall be awarded tenure or released (except as described in Sections 5.5.4.D 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 shall 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 tenure decision may be delayed and 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 of the Dean and academic unit's administrative head, 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 longer period.

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, except when the Provost approves a longer period.

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, except when the Provost approves a longer period.

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.D 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 the Provost, the University shall 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. No later than 30 months prior to the end of the probationary period as defined in Section 5.5.6.B above, the candidate shall 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, any 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 (including non-tenure-line faculty members) may have their appointments involuntarily terminated during their terms only under the conditions specified in Section 6.2, and only after full and adequate consideration involving significant input from affected units and personnel as provided herein. The involuntary termination of tenured 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), and because of the University's commitment to the concept of tenure as a 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, the resolution of financial problems shall involve collaborative efforts between the central administration and the faculty. Thus, the faculty shall 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 and any other information reasonably requested by the Faculty Senate. In this way, the Faculty Senate will be able to assess the University's financial situation, assist the administration in avoiding financial problems and keep all faculty members informed. Where information 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 members 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 dishonesty, fraud, deceit or misrepresentation); 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 shall 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 shall not be used to restrain faculty members in their exercise of academic freedom or other legal rights. Grounds for dismissal for cause do not include matters of personal morality or acts of social conscience so long as such actions are consistent with Sections 1.2 and 1.3. (See Section 6.3.)

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 benefitted without the unit under consideration, and for associated financial reasons. (See Section 6.4.)

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.)

6.2.4 Termination of appointments to avoid financial exigency. (See Section 6.6.)

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 shall be communicated from the Provost to the faculty member.

A. This notification may 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 (barring a finding by the Provost of emergency circumstances) shall not 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 If requested by the faculty member, a decision to terminate for cause shall be subject to review by the Faculty Review Committee[1] as established in the Faculty Senate Constitution, except under the following condition. When a decision to terminate for cause is recommended by the Office of Equal Opportunity or is contemplated by the Provost as a result of a report from the Office of Equal Opportunity, the Provost shall seek advice and counsel from the Faculty Review Committee. In all other cases of termination for cause, the procedures set forth in Sections 6.3.4 - 6.3.9 shall be followed .

6.3.4 Request for a 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 shall transmit the request to the Committee, and (ii) the specific charges which form the basis for the termination shall 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 hearing, the faculty member shall 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 faculty member and adviser may participate in the hearing. Both the faculty member and advisor may be present during the hearings of the Committee but neither the faculty member nor the advisor may be present during the deliberations of the Committee. If the faculty member under review is a member of the Committee, the faculty member shall 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 taped or other verbatim record of the hearing, but not of the Committee’s deliberations, shall be kept and shall be available to the

[1]Hereinafter in Section 6.3 referred to as the "Committee".

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. If the faculty member desires, a written statement from the faculty member shall be included in the Committee's report. The faculty member shall have 15 days after receipt of the Committee's report in which to submit any desired written statement. The Committee's report (including the faculty member's statements, if there is one) shall be forwarded to the Provost.

6.3.8 The Provost shall review the report of the Committee. If the Provost does not concur with the recommendations of the Committee, the Provost shall notify both the faculty member and the Committee in writing, within 15 days of receipt of the Committee's report, 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.

6.3.9 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. 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 may serve as adviser to the Board of Trustees if the Board so desires. The Provost, 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 become effective no sooner than 90 days after notice has been given (unless 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 Provost 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 affected 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.

6.4.2 Discontinuation of an academic unit shall not result in the termination of tenured appointments without considering whether the reassignment or the 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 or center 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 or center, 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 Academic Affairs Committee. None of the members of the Review Committee shall have appointments in the department or center under consideration.

B. If the department or center 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 Academic Affairs 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. Excepting 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 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 work 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 academic units and the University as a whole. When appropriate, relevant information concerning comparable units at other institutions should be included.

6.4.8 The report of the Review Committee 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, the head of the affected unit, and the Dean of the affected unit. The report shall also be forwarded to the Provost and the Chancellor, who will 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 requires 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 shall 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 where greater amounts of the following factors are to be given preference:

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

B. Competence, 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, and

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 requires a minimum of twelve months' notice.

6.6 Termination to Avoid Financial Exigency

6.6.1 If it becomes necessary to terminate tenured faculty members or non-tenured appointments during their terms due to financial conditions that threaten a state of financial exigency, a plan shall 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 shall 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 appointed, benefitted faculty members. The plan will be approved only if a majority of all eligible faculty members who vote approve 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 members, 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 shall be submitted to the Provost and Chancellor within 60 days of the vote of the faculty and must be approved by the Board of Trustees.

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

6.7 Rights of Terminated Faculty Members

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 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 reappointment, promotion, or tenure, that do not curtail the term of a faculty member's contractual appointment. Procedures for reviews and appeals of terminations that curtail the term of a faculty member's contractual appointment are described in Section 6.

7.2 Basis for Reviews and Appeals

Requests for 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 lead 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 are relevant to assessing 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". Allegations of prohibited harassment or discrimination will be handled according to the University's policy on sexual harassment and discrimination.

7.3 Review of Negative Academic Unit Recommendations

7.3.1 If the recommendation from the academic unit reappointment/promotion/tenure committee in Section 4.4.5 is negative, the candidate shall have the right to an academic unit review of that recommendation. The academic unit review of an initial reappointment/promotion/tenure recommendation may differ from that specified herein in those professional or graduate schools that (i) demonstrate to the Provost's satisfaction that a separate academic unit review process is necessary or advisable, (ii) develop such a process in writing, and (iii) obtain the Provost's approval of the process. The academic unit review process so adopted shall supersede the appeal process below, except that there shall be no changes in the role of the Dean, Faculty Review Committee or Provost. To meet the deadlines specified in Section 5.5.4, the review committee must complete its review in a timely manner.

7.3.2 A request for an academic unit review must be submitted in writing to the academic unit's administrative head within fifteen calendar days of the date of

receipt of the academic unit reappointment/promotion/tenure committee's memorandum that is given to the candidate, stating the specific reasons for the negative recommendation (see Section 4.4.5). If the candidate under review for reappointment/promotion/tenure is the academic unit's administrative head and, if the academic unit recommendation for awarding reappointment/promotion/tenure is negative, the academic unit's administrative head must appeal within fifteen calendar days of the date of receipt of the memorandum that is given to the candidate stating the specific reasons for the negative recommendation, by providing written notification to the chair of the reappointment/promotion/tenure committee. The candidate's request for a review shall be shared with the academic unit reappointment/promotion/tenure committee and added to the candidate's portfolio. The academic unit reappointment/promotion/tenure committee may write a response to the candidate's request for a review and this response shall be added to the candidate's portfolio.

7.3.3 The review shall be conducted by a committee of five faculty members (where faculty members are defined in Section 2) who shall be selected in the following order. Two members shall be elected by the faculty of the academic unit. (As specified in section 4.4.1, academic unit guidelines may stipulate which faculty members are eligible to be elected by the academic unit to serve on the academic unit review committee.) One member shall be appointed by the academic unit's administrative head. One member shall be named by the candidate. Any of these four members may be from outside the academic unit, but none of the members may be the candidate under review. The four members thus selected shall then name a fifth member from outside the academic unit. There shall be no overlap in membership between the academic unit reappointment/promotion/tenure committee and the review committee. If the academic unit's administrative head's reappointment/promotion/tenure is under consideration, the same procedure shall be followed except the candidate shall appoint one member and the faculty of the academic unit shall elect three members to the review committee. The candidate may request that a different process for constituting the review committee be implemented by the appropriate Dean or, if the Dean is under review, by the Provost (or his/her designee). Such requests must be substantiated by the candidate and will be granted only subject to the approval of the Provost.

A member of the academic unit review committee shall recuse him or herself because of a conflict of interest or other bias. The candidate may request that one or more members of the academic unit review committee be replaced (or omitted) from the proceedings because of a conflict of interest or other bias. Such a request will be granted only subject to the approval of the Provost.

The academic unit review committee shall select its own chair. Committee decisions shall be reached by a simple majority vote of the members of the committee. The candidate's portfolio (as assembled in accordance with Section 4.4.5) shall be reviewed by the academic unit review committee.

7.3.4 The academic unit review committee shall write a report of its findings which shall be forwarded to the faculty member, to the academic unit reappointment/promotion/tenure committee, to the administrative head of the academic unit and to the Dean (if there is such a position in the administrative structure) or the Provost. If any member of the academic unit review committee so requests, a statement of the reasons for any dissenting or concurring vote(s) shall be included. The report of the academic unit review committee shall also be added to the candidate's portfolio as specified in Section 4.4.5.

7.3.5 If the academic unit review committee finds that adequate consideration was not given or that academic freedom was violated, the academic unit 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 report of the academic unit review committee shall describe the ways in which the academic unit reappointment/promotion/tenure committee failed to give adequate consideration or violated academic freedom.

If the academic unit reappointment/promotion/tenure committee is instructed to repeat its review remedying the inadequacies that were discovered, that committee shall submit another recommendation for or against reappointment/promotion/tenure and a report justifying that recommendation. If any member of the academic unit reappointment/promotion/tenure committee so requests, a statement of the reasons for any dissenting or concurring vote(s) shall be included in the report. The recommendation of the committee shall be shared with the candidate and both the committee's recommendation and report shall be added to the candidate's portfolio as specified in Section 4.4.5. To meet the deadlines specified in section 5.5.4, the academic unit reappointment/promotion/tenure committee should repeat its review promptly.

If the academic unit review committee recommends that the review of reappointment/promotion/tenure be repeated by a reconstituted academic unit reappointment/promotion/tenure committee, the reconstituted committee will be formed under the direction of the Dean or, if the Dean is the candidate, by the Provost (or his/her designee). The candidate's portfolio, as assembled according to Sections 4.4.5 and 7.3.2, shall be forwarded to the reconstituted academic unit committee. Decisions by the reconstituted academic unit reappointment/promotion/tenure committee shall be reached by a simple majority vote of the members of the committee.

The reconstituted academic unit reappointment/promotion/tenure committee shall submit a recommendation for or against reappointment/promotion/tenure and a report of its reasons for that recommendation. If any member of the committee so requests, a statement of the reasons for any dissenting or concurring vote(s) shall be included in the report of the reconstituted committee. The recommendation of the reconstituted committee shall be shared with the candidate and both the committee's recommendation and report shall be added to the candidate's portfolio as specified in Section 4.4.5. To meet the deadlines specified in section 5.5.4, the reconstituted academic unit committee should complete its review promptly.

With the approval of the Dean, the academic unit guidelines (see section 4.4.1) may stipulate that the academic unit's administrative head serve as an ex-officio member of a reconstituted review committee. In the absence of a stipulation, the reconstituted committee shall decide if the academic unit's administrative head serves as an ex-officio member. But in either case, the academic unit's administrative head may not participate in the vote or final recommendation of the reconstituted academic unit committee.

A member of the reconstituted academic unit committee shall recuse him or herself because of a conflict of interest or other bias. The candidate may request that one or more members of the reconstituted academic unit committee be replaced (or excused) from the proceedings because of a conflict of interest or other bias. Such a request will be granted only subject to the approval of the Provost.

7.3.6 If the academic unit 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 race, color, national origin, age, religion, disability, sex, genetic information, veteran status, marital status, sexual orientation, or gender variance, or if the candidate alleges such discrimination in his/her appeal, the review committee must notify the Office of Equal Opportunity. The candidate may also independently contact the Office of Equal Opportunity if she/he believes there has been prohibited discrimination in the reappointment, promotion, or tenure review process. Further action under these Policies and Procedures Relating to Faculty Appointment, Promotions, and Tenure will be suspended until the conclusion of any appeal taken under the procedures of the Office of Equal Opportunity (also see Sections 7.4.5 and 7.4.6).

7.4 Appeal of Negative Provost Recommendations

7.4.1 If, after reviewing the candidate's portfolio as forwarded to the Provost in Section 4.4.9 and any other relevant documents, the Provost's recommendation is negative (see Section 4.4.9), 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 (see Section 7.2). All appeals must be made in writing to the Provost within fifteen calendar days from the date of written notification. The Provost shall forward the written appeal and the candidate's portfolio to the Faculty Review Committee.

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 (except see Section 7.4.5). The Committee shall report severally on the validity of each individual complaint and may recommend remedies for procedural inadequacies or for inequities or injustices.

7.4.3 Any member of the Faculty Review Committee who was also a member of the academic unit reappointment/promotion/tenure committee, or the academic unit review committee, or reconstituted academic unit reappointment/promotion/tenure committee, or who was the academic unit's administrative head or Dean 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. A member of the Faculty Review Committee shall recuse him or herself because of a conflict of interest or other bias. The candidate may request that one or more members of the Faculty Review Committee be replaced (or omitted from the proceedings) because of a conflict of interest or other bias. Such a request will be granted only subject to the approval of the Provost.

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 race, color, national origin, age, religion, disability, sex, genetic information, veteran status, marital status, sexual orientation, or gender variance, or if the candidate alleges such discrimination in his/her appeal, the committee shall notify the Office of Equal Opportunity. In accordance with the policies and procedures of that Office, further action under these Policies and Procedures Relating to Faculty Appointment, Promotion, and Tenure shall be suspended until the conclusion of any appeal taken under the procedures of the Office of Equal Opportunity (see Section 7.4.6). However, if the candidate's discrimination complaint has gone through the Office of Equal Opportunity prior to the appeal to the Faculty Review Committee, the complaint may not be asserted again unless the Office of Equal Opportunity determines there is new evidence.

7.4.6 At the completion of any review handled through the Faculty Review Committee or the Office of Equal Opportunity, where a finding is made that discrimination has tainted the reappointment/promotion/tenure process, the Provost may require a re-review by the appropriate center, 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 reappointment/promoted/tenured.

7.4.7 The Provost shall make a recommendation for or against reappointment/promotion/tenure based on all information transmitted to his or her office (including, if applicable, the reports from the Faculty Review Committee and/or Office of Equal Opportunity) and convey his or her recommendation to the Board of Trustees.

A. The decision of the Board of Trustees to grant or deny reappointment/promotion/tenure shall be communicated to the candidate in writing by the Provost.

B. If, through administrative error or other delays, the University fails to provide notice or to act in accordance with the time periods specified as part of the reappointment, promotion, tenure, or appeal/review processes (see Sections 3.4 and 5.5), the University shall make good faith attempts to administratively remedy the deficiency. However, reappointment, promotion, or tenure shall never be granted through default, delay or administrative error.