

**Proposed Revisions to the Academic Articles:
Article III/Sections 4, 5, and 6 and Article IV/Section 3**

At the Faculty Senate meeting of December 2, 2008, four motions were made, debated, in some cases amended, and passed. This document contains the four motions in their final approved form with a brief summary of the rationale for the motions.

Red text represents the recommended change approved by the Faculty Senate in the current motion.

Blue text refers to changes based on previous motions.

(Motion 1) Informing the candidate of the results of votes

We felt that it was incumbent to give the candidate as much information as possible to allow them to make informed decisions regarding the status of the case and the advisability of appeals. We therefore suggest that the Dean inform each candidate of the outcomes of the three votes taken at the department and college level.

Proposed Changes:(Article III/Section 4(a)/paragraph 2)

. . . the Dean meets with the CAP and the chairperson jointly to discuss the case before concluding his or her evaluation. The Dean informs each candidate in January of the recommendations of the Dean, the CAP, and the department chair. If the recommendation of (1) the Dean and (2) the CAP and/or departmental chairperson are negative, the Dean meets with the candidate and provides written notice to him or her that the decision concerning reappointment, promotion, or tenure is negative and that the candidacy is terminated. . . .

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(Motion 2) Procedure for terminating cases at the level of the Dean

There was strong support for the increased feedback supplied to candidates in the proposed meeting with the Dean in January after departmental and college-level consideration of the case. However, there were concerns that substantive review of the case by the PAC and the Provost serves an important function in some cases that might otherwise be terminated early (e.g., borderline cases with a split departmental vote, or cases where there has been substantial scholarship in the tenure year).

We therefore propose giving the candidate a choice in cases that are negative at the college level (negative vote by the Dean AND negative vote by either Chair or departmental CAP): Candidates could agree to have the case terminate at the level of the dean (and appeal to the Provost on grounds of personal bias, procedural error, discrimination, or infringement of academic freedom, if they wish), or they may request that the case continue to be reviewed by the PAC and Provost. If they take the latter option, they would waive the right to appeal on the basis of errors made at the college or dean's level (though they would retain the right to appeal based on subsequent errors). Because of the short time between a dean's meetings with candidates and the PAC meetings, such a decision would have to be made relatively quickly (we felt that 15 days would be reasonable). It is difficult to ask candidates to potentially waive rights on relatively short notice, but we felt that it was incumbent to do so based on considerations of intellectual honesty: if the case is flawed on the basis of procedural error, personal bias, etc., it is inappropriate (and futile) to forward it to PAC and the Provost. In such cases, the flaws in the case should be addressed through the appeals process, which can begin expeditiously.

Proposed changes:(Article III/Section 4(a)/paragraph 2)

Reappointments, promotions, and awards of tenure for the teaching and research faculty are made by the President. A faculty member under consideration for reappointment, promotion, or tenure is notified by the chairperson in advance of the evaluation process and submits a statement and evidence on the faculty member's own behalf for use in the evaluation process. The chairperson of the department submits a written recommendation, along with a written report approved by the CAP of its deliberations and recommendations, to the Dean, who then evaluates the candidacy. If the Dean anticipates disagreeing with the recommendation of either a CAP or a departmental chairperson, the Dean meets with the CAP and the chairperson jointly to discuss the case before concluding his or her evaluation. **The Dean informs each candidate in January of the recommendations of the Dean, the CAP, and the department chair.** If the recommendation of (1) the Dean and (2) the CAP and/or departmental chairperson are negative, the Dean meets with the candidate and provides written notice to him or her that the decision concerning reappointment, promotion, or tenure is negative and that the candidacy is terminated. **The candidate may, within 15 days of notification of an adverse decision by the Dean, request in writing that the Dean allow the case to continue to the Provost notwithstanding the negative recommendation. In requesting such continued consideration, the candidate waives his or her rights to appeal the case based on improprieties at the departmental or college level. If the recommendation of the Dean, or of both the CAP and/or departmental chairperson are positive,** the Dean informs the candidate that his or her candidacy is proceeding to the Provost and

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forwards all recommendations to the Provost, including a written personal recommendation, along with the results of any meeting between the Dean, the CAP, and the departmental chairperson.

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(Motion 3) Institutional information flow in the case of early termination of cases

No provision is made in the proposal for informing the upper administration about the outcome of cases that are terminated at the level of the Dean. We feel that it is important for the Provost to be informed of the existence and outcome, though not the details, of these cases. (The material in brackets below is the addition from motion (2) above, added here for clarity.)

Proposed changes:(Article III/Section 4(a)/paragraph 2)

If the recommendation of (1) the Dean and (2) the CAP and/or departmental chairperson are negative, the Dean meets with the candidate and provides written notice to him or her that the decision concerning reappointment, promotion, or tenure is negative and that the candidacy is terminated. . . . **The candidate may, within 15 days of notification of an adverse decision by the Dean, request in writing that the Dean allow the case to continue to the Provost notwithstanding the negative recommendation. In requesting such continued consideration, the candidate waives his or her rights to appeal the case based on improprieties at the departmental or college level.**

Absent such a request from the candidate, the Dean informs the Provost in writing of the termination, but does not forward to the Provost any of the materials provided by the candidate or any of the evaluations prepared by CAP, the chairperson, or the Dean, or records of meetings between the Dean and the CAP and chairperson. These materials should be retained by the Dean for at least three years following termination of the candidacy.

If the recommendation of the Dean, or of both the CAP and/or departmental chairperson are positive, the Dean informs the candidate that his or her candidacy is proceeding to the Provost . . .

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(Motion 4) Treatment of new factual information in the current academic year

In the *status quo*, it is sometimes the case that Deans will supplement the cases with new factual information (publications, grants received, etc.) that has become available after the dossier was prepared in the Fall Semester but before the meetings of PAC in February-March. Not only is this irregularly applied, but if continued, this practice would disadvantage faculty whose cases are terminated in January by the Dean. (Historically, it is sometimes the case that this new information has caused the Dean to reverse his or her earlier vote at the PAC meetings.)

We suggest instituting a uniform process that allows all candidates the opportunity to update their cases with new (purely factual) information in early February. No new information would be permitted after this deadline for any candidate.

Proposed changes:

A faculty member under consideration for reappointment, promotion, or tenure is notified by the chairperson in advance of the evaluation process and submits a statement and evidence on the faculty member's own behalf for use in the evaluation process. . . . the Dean informs the candidate that his or her candidacy is proceeding to the Provost and forwards all recommendations to the Provost, including a written personal recommendation, along with the results of any meeting between the Dean, the CAP, and the departmental chairperson. All candidates whose candidacy is progressing to the Provost may, within 15 days of their meeting with the Dean, supplement their initial statement with any new factual information that was unavailable at the time that they originally prepared their statement.