

FSRR ARTICLE VI. PROMOTION AND TENURE

The amendments to FSRR Art. VI were recommended by the FSRR Art. VI Task Force chaired by Susan Twombly. The amendments are shown in bold/strikeout fonts and highlighted in yellow.

Task Force Rationale for amendments to FSRR 6.5.4 and 6.6.3

The task force added a provision to Article 6.5.4 and 6.6.3 whereby the chair and dean rationale for concurrence with a negative recommendation or lack of concurrence with a positive recommendation must be communicated in writing to the candidate along with the unit summary. The Task Force was unanimous in support of this recommendation.

6.5.4 Recommendations. Upon completion of the record, the committee conducting the initial review shall evaluate the candidate's record of teaching, scholarship, and service in light of the applicable standards and criteria and make recommendations concerning the award of tenure and/or promotion in rank.

6.5.4.1 If the department, school, or administrative unit procedures so provide, the committee recommendation shall be forwarded for consideration to a committee of the whole consisting of all faculty holding the appropriate academic rank.

6.5.4.2 The department chair, dean of the school, or head of the administrative unit shall indicate separately in writing whether he or she concurs in or disagrees with the recommendations of the committee and/or faculty.

6.5.4.3 The chair, dean, or head of the unit shall communicate the recommendations of the initial review to the candidate and provide the candidate with a copy of the corresponding evaluation section of the promotion and tenure form. **If a chair, dean or head of administrative unit does not concur with the unit's positive recommendation or concurs with a negative recommendation, a written rationale based on unit criteria will be included with the written recommendations provided to candidates.** Negative recommendations shall be communicated in writing and, if the review will not be forwarded automatically, shall inform the candidate that he or she may request that the record be forwarded for further review.

6.5.4.4 Favorable recommendations, together with the record of the initial review, shall be forwarded to the committee conducting the intermediate review, if one is to be conducted, or to the Provost for University Committee on Promotion and Tenure (UCPT) review, if not. Negative recommendations resulting from an initial review shall go forward for intermediate or UCPT review only if it is the candidate's mandatory review year or if the candidate requests it.

6.6.3 Recommendations. In conducting intermediate review, the college or school, or other administrative unit undertakes an independent review of a candidate's record and makes its own recommendations concerning the award of tenure or promotion in rank. The intermediate review neither affirms nor reverses the recommendations of the initial review, which remain part of the record that will be forwarded to the Chancellor for final decision.

6.6.3.1 The intermediate review committee shall evaluate the candidate's teaching (or professional performance), scholarship, and service in light of the applicable standards and criteria and make recommendations concerning the award of tenure and/or promotion in rank. If the intermediate review procedures so provide, the committee recommendation shall be forwarded for consideration to a committee of the whole consisting of all faculty holding the appropriate academic rank.

6.6.3.2 The dean of the college or school or head of the administrative unit shall indicate separately in writing whether he or she concurs in or disagrees with the recommendations of the intermediate review committee and/or faculty.

6.6.3.3 The dean of the college or school or head of the administrative unit shall communicate the recommendations of the committee and/or faculty to the candidate and provide the candidate with a copy of the corresponding evaluation section of the promotion and tenure form. **If a dean or head of administrative unit does not concur with the unit's positive recommendation or concurs with a negative recommendation, a written rationale based on unit criteria will be included with the written recommendations provided to candidates.** Negative recommendations shall be communicated in writing and, if the review will not be forwarded automatically, shall inform the candidate that he or she may request that the record be forwarded for further review.

6.6.3.4 Favorable recommendations, together with the record of initial and intermediate review, shall be forwarded to the Provost for consideration by the University Committee on Promotion and Tenure (UCPT). Negative recommendations resulting from an intermediate review shall go forward for UCPT review only if it is the candidate's mandatory review year or if the candidate requests it.

Task Force Rationale for New Timelines in Amendments to FSRR 6.7.4.5, 6.7.5, 6.7.6, 6.8.2, 6.8.4, and 6.8.4.3

The task force was sympathetic to the notion that candidates who have just received negative recommendations need as much time as possible to make a decision about whether they should appeal and to prepare their appeal. The alternative with the fewest potential negative consequences seemed to be to set March 1 (or the next business day) as the firm date by which UCPT must communicate its recommendations to the candidates, extend the time to appeal to March 15, still allow FRB about the same amount of time to review appeals by extending the deadline to April 22, and shorten the Chancellor's time to review and make the final decision.

Task Force Rationale for Amendments to FSRR 6.7.5

The task force added a provision that would allow candidates to submit a written response to the Chancellor and an appeal to FRB simultaneously. Currently candidates have to choose one or the other, which seems to cause confusion. By clarifying the nature of appeals that go to FRB and to the Chancellor and by allowing an individual the opportunity to appeal to both simultaneously rather than choosing, the Task Force believes several problems may be "solved." A candidate would not have to worry about whether he/she was appealing to the "right" place or not and would not lose the option of appealing directly to the Chancellor if FRB decides against the appellant.

6.7.4.5 The Provost shall communicate the recommendations of the university level review to the candidate in writing. If UCPT or Provost makes a negative recommendation, the written notification shall state the reasons for the recommendation and notify the candidate of his or her right to respond or appeal pursuant to section 6.7.5. Notification of a negative recommendation shall be communicated to the candidate ~~by the first Friday in March~~ **no later than March 1 or the next business day** of the academic year in which the candidate is being considered for award of tenure and/or promotion in Rank.

6.7.5 Candidate Response. ~~A candidate may file either a written response to be included in the record or an appeal pursuant to section 6.8 within ten days of the first Friday in March~~ **must initiate the appeal process no later than March 15 or the next business day** of the academic year in which the candidate is being considered for award of tenure and/or promotion in rank. **A candidate may appeal to the Faculty Rights Board alleging violation of one or more of the three grounds specified in 6.8.1, may appeal on the merits of the case in the form of a written response directly to the Chancellor, or appeal to both simultaneously. In the case in which a candidate chooses to do both, the appeal to the Chancellor will be held by the Provost until the matter is resolved in the FRB, no later than April 22 or the next business day of the academic year in which the candidate is being considered**

for award of tenure and/or promotion in rank, at which time all records pertaining to the candidate will be submitted to the Chancellor for final decision.

6.7.6 Promotion and Tenure Record. If the University Committee on Promotion and Tenure (UCPT) and Provost recommend the candidate favorably for promotion and/or tenure, the record of review, including the recommendations of UCPT and the Provost, shall be forwarded to the Chancellor for decision under section 6.9 of the Faculty Senate Rules and Regulations. If the candidate has received a negative recommendation from either UCPT or the Provost, UCPT shall retain the record of review until whichever of the following occurs first: (1) the candidate files either a timely response to a negative recommendation at the university level or an appeal; (2) the time for filing either a response to a negative recommendation at the university level or appeal has expired; or (3) ~~April 15~~ **April 22 or the next business day** of the year in which the candidate received a negative recommendation. If an appeal is filed, the recommendations and record of review will be forwarded to the Faculty Rights Board. If no appeal is filed, the recommendations and record of review, including the response, if any, shall be forwarded to the Chancellor for decision.

6.8.2 Initiation of Appeals. A faculty member who wishes to have the Faculty Rights Board (FRB) review a recommendation concerning promotion and /or tenure must file a written request with the Office of University Governance ~~within ten days of the first Friday in March~~ by **March 15 or the next business day** of the academic year in which the candidate is being considered for award of tenure and/or promotion in rank. The request for review must specifically identify the ground(s) for appeal under section 6.8.1 and briefly describe the circumstances supporting the ground(s). Upon receipt of an appeal, the Office of University Governance shall notify the Provost and request that the record of review be forwarded for review by the FRB.

6.8.4 Recommendations. After consideration of the appeal, but not later than ~~April 15~~ **April 22 or the next business day** in the year in which the appeal is filed, the Faculty Rights Board (FRB) shall provide the Chancellor a written recommendation based on its conclusions and a copy shall be provided to the candidate and included in the record of review. If the FRB determines that one or more of the alleged grounds for appeal has been established by the faculty member, then the FRB shall provide a copy of the recommendation to the department, school, administrative unit, or committee determined to have committed a procedural error, violated academic freedom, or applied improper standards.

6.8.4.1 The written recommendation shall state whether the faculty member has established the alleged ground or grounds for appeal and provide a description of the circumstances supporting the FRB's recommendation. The recommendation shall specifically address any disputed factual issues.

6.8.4.2 If the FRB determines that one or more grounds for appeal has been established by the faculty member, it shall include in its recommendation a statement of whether and, if so, how the procedural error, violation of academic freedom, or application of improper standards adversely affected the consideration of the case. The FRB may recommend to the Chancellor that particular remedial accommodations or adjustments be made in the consideration of the record of review. Upon its completion of an appeal, the FRB shall forward its recommendation and the record of review to the Chancellor for decision pursuant to section 6.9.

6.8.4.3 If the FRB is unable to provide a written recommendation to the Chancellor by ~~April 15~~ **April 22 or the next business day** of the year in which the appeal was received, the appeal will be deemed completed without recommendation and the FRB will forward all materials of the appeal to the Chancellor to be included in the record of review. The candidate shall be informed and the FRB shall provide to the candidate and Chancellor a written statement explaining the reasons why the appeal was completed without recommendation. The Chancellor shall consider the entire record of review, including the materials of the appeal, and issue the final agency action.
