



MEMORANDUM

TO: President Edward T. Foote II

FROM: Dr. George C. Alexandrakis *GEA*
Chairman, Faculty Senate

DATE: October 20, 1989

SUBJECT: Faculty Senate Legislation #89003(B) -
Amendments to Faculty Senate Legislation #87001(B),
Sections 2.7, 9.6.3 and 9.6.4

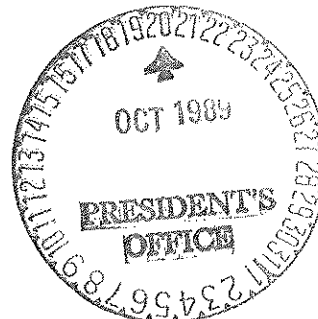
The Faculty Senate, at its meeting of October 16, 1989, voted to approve Faculty Senate Legislation #89003(B) which comprise the last amendments to Faculty Senate Legislation #87001(B). The text of the legislation is attached.

This legislation is now forwarded to you for your action.

BLH/s

Attachments

cc: Provost Luis Glaser



Faculty Senate
325 Ashe - Admin. Bldg.
Coral Gables, Florida 33124
(305) 284-3721

CAPSULE:

Faculty Senate Legislation #87001(B) -
Policy on Faculty Status, Titles, Appointment, Reappointment,
Promotion and the Award of Tenure (Including Amendments to
Sections 2.7, 9.6.3 and 9.6.4)

RESPONSE BY THE PRESIDENT:

DATE: 11/2/89

APPROVED: Jan [Signature]

OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH: Provost

EFFECTIVE DATE OF LEGISLATION: _____

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

POLICY ON FACULTY STATUS, TITLES,
APPOINTMENT, REAPPOINTMENT, PROMOTION
AND THE AWARD OF TENURE

Faculty Senate Actions,
Consolidated Version
87001, 87003, 87005, 87006, 87008, 87014, 88011, 89003

CHARTER CHANGES
Approved Faculty Senate, March 23, 1987
Class A Legislation

II. DEFINITIONS

DELETE current language:

2.1 *The University faculty consists of the President, the vice presidents holding professorial appointments, the academic deans, the professors, the associate professors, the assistant professors and the instructors, whether serving in teaching, research, or administrative appointments, whether serving part-time or full-time and whether serving in an active or an emeritus capacity. The President of the University is the presiding officer of the University faculty.*

ADD:

2.1 The General Faculty shall consist of the University Faculty and the Associated Faculty.

The University Faculty shall consist of the President, the Provost and Executive Vice President, the academic deans, the Regular, Research and Educator Faculty.

The Regular Faculty shall consist of all faculty having tenured or tenure-earning appointments and holding the rank of Professor, Associate Professor, or Assistant Professor.

The Research Faculty shall consist of those faculty whose major function is to conduct research in the academic units of the University and who hold the rank of Research Professor, Research Associate Professor, or Research Assistant Professor. Research Faculty shall not hold tenured or tenure-earning appointments.

The Educator Faculty shall consist of those clinicians who hold the rank of Professor, Associate Professor, or Assistant Professor, who serve in the clinical programs of the University, and whose title consists of a rank and discipline prefixed by "Clinical" (e.g., Professor of Clinical Surgery, Professor of Clinical Nursing). Educator Faculty shall not hold tenured or tenure-earning appointments.

The Associated Faculty are all faculty with professorial titles prefixed by Clinical (e.g., Clinical Professor of Surgery), Adjunct, Visiting, and Affiliated, Lecturers, and Instructors. Additional titles for Associated Faculty may be created by a special Bylaw defining the title.

DELETE:

2.2 *The voting members of the University faculty are those members of the University who (1) hold the rank of professor, associate professor, assistant professor, or instructor, (2) serve full-time in their appointments at the University of Miami, and (3) devote at least half-time to teaching or research duties, or other activities of an academically related nature. Research professors, research associate professors, research assistant professors, and research instructors, meeting the preceding requirements, are considered voting members of the University faculty with the exception of ratification of Class A legislation. For the ratification of Class A legislation, only faculty with unmodified rank, otherwise qualified, are eligible to vote.*

ADD:

2.2 The Regular Faculty are entitled to vote on all matters for which they are qualified by rank and tenure status.

The Research and Educator Faculty are entitled to vote on all matters for which they are qualified with the exception of appointment, reappointment, promotion, the award of tenure, evaluation of the Chair and Dean, and ratification of Amendments to the *Faculty Charter*.

The University Faculty of each school are the President, Provost, Dean of the school, and the University Faculty holding appointments in the school.

Members of the University Faculty may vote only once on a single question. Persons holding appointive administrative office may not vote on any matter which is subject to or may be reviewed by their office.

DELETE:

2.4 *The voting members in a department of school are those voting members of the University faculty holding at least half-time (as specified in the annual renewal of appointment) appointments in the department or school. A voting member of the University who holds half-time appointments in two departments or two schools, excluding the Graduate School, shall in a written statement to the secretary of the Senate, elect one department or school for all voting privileges.*

Class B Legislation

[This section constitutes a separate Senate action, Legislation #88011.]

Change in Bylaw 1.1

Replace on page 28, *Manual*, section 1.1 of Bylaws:

DELETE current language: This bylaw is intended to clarify the meaning of Section 3.1 of the Faculty Government Charter.

ADD: Bylaws and Policies are intended to clarify the meaning of the Faculty Government Charter.

1.0
DEFINITIONS

1.1

The General Faculty shall consist of the University Faculty and the Associated Faculty.

1.2

The University Faculty shall consist of the President, the Provost and Executive Vice President, the academic deans, the Regular, Research and Educator Faculty.

1.3

The Regular Faculty shall consist of all faculty having tenured or tenure-earning positions and holding the rank of Professor, Associate Professor, or Assistant Professor.

1.4

The Research Faculty shall consist of those faculty whose major function is to conduct research in the academic units of the University and who hold the rank of Research Professor, Research Associate Professor, or Research Assistant Professor. Research Faculty shall not hold tenured or tenure-earning appointments.

[This section constitutes a separate Senate action, Legislation #88011.]

1.5

The Educator Faculty shall consist of those physicians who are in the clinical departments of the School of Medicine or nurses in the clinical programs of the School of Nursing with such titles as "rank" of Clinical "name of department", (e.g. Professor of Clinical Surgery or Professor of Clinical Nursing). These titles are granted to physicians and nurses who choose to concentrate on clinical performance and its use as a teaching tool. Such faculty are full-time and, if salaried by the University, are subject to a ceiling.

1.6

The Associated Faculty are all faculty with professorial titles prefixed by Clinical, except in the School of Law, (e.g., Clinical Professor of Surgery) or by Adjunct, Visiting, or Affiliated, and all Lecturers and Instructors. Additional titles for Associated Faculty may be created by a special Bylaw defining the title.

1.7

The Regular Faculty are entitled to vote on all matters for which they are qualified by rank and tenure status.

The Research and Educator Faculty are entitled to vote on all matters for which they are qualified with the exception of appointment, reappointment, promotion, the award of tenure, evaluation of the Chair or Dean, and ratification of Amendments to the *Faculty Charter*.

The University Faculty of each school are the President, Provost, Dean of the school, and the University Faculty holding appointments in the school.

Members of the General Faculty may vote only once on a single question. Persons holding joint appointments must designate a school or department in which to exercise their voting rights on university matters. Persons holding appointive administrative position may not vote on any matter which is subject to review or other action by their office.

1.8

Change of Type of Faculty Appointment

1.8.1

Any member of the Research or Educator faculty may initiate a request to be considered for appointment to the Regular Faculty of the University. The decision on that request must be made in accordance with the standards and procedures applicable to initial appointment to the Regular Faculty as set forth in the *Faculty Charter* and these Bylaws, including Sections 6 and 8. If the requested appointment to the Regular faculty is made, but without an immediate grant of tenure, the period served as a member of the Research or Educator faculty may, if requested by the faculty member and approved by the President, be credited toward the probationary period for Regular Faculty appointments as provided in Sections 3.6 and 3.6.1 of these Bylaws.

1.8.2

Members of the Regular Faculty of the University, during their probationary period as defined in Section 3.6 of these Bylaws, may initiate a request to be considered for appointment to the Research or Educator Faculty. The decision on that request shall be made by the President upon recommendation of the Regular Faculty of the department and the Dean of the School.

1.8.3

Members of the Regular Faculty who have become members of the Research or Educator Faculty under the provisions of Section 1.8.2 may not subsequently be appointed to the Regular Faculty except as a tenured Professor.

2.0
THE FACULTY

2.1
Appointive Authorities

[*This section, with section 9.10, constitutes a separate Senate action, Legislation #87005.*]

The power to appoint and remove both administrative officers and members of the General Faculty is vested in the Board of Trustees. The Board of Trustees shall appoint the President of the University.

The President, by authority of the Board of Trustees, shall select the Provost, the Deans, and the administrative officers and shall appoint the General Faculty of the University. The President is the presiding officer of the General Faculty.

The Provost, as delegated by authority of the President, shall make appointments to the General Faculty and promote members of the General Faculty to higher ranks.

All appointments to the General Faculty and promotions to higher ranks shall be made in accordance with the procedures set forth in the *Faculty Charter*, Section XII, and in this Bylaw.

2.2
Faculty Status

2.2.1

All University Faculty shall be deemed to have full-time status. Unless on sabbatical or other approved leave, University Faculty shall be deemed to be "in residence." University Faculty members may request reduced teaching and research loads for reduced pay while retaining all rights and privileges. Associated Faculty may have either full-time or part-time status as established by their contracts with the University.

2.2.2

While under contract all members of the University Faculty in residence shall be entitled to an average of one working day of consultation per week, either on a part-time or self-employed basis, unless a written exception allowing additional time is issued by the President.

2.2.3

[This section, with section 3.2.2, constitutes a separate Senate action, Legislation #87006.]

A member of the General Faculty shall be compensated from University approved sources, but not necessarily by the University. The fact that the salary of a member of the Regular Faculty is paid from non-University sources does not affect the faculty member's tenure status.

2.3

Joint Appointments

Members of the University Faculty may hold appointments in two or more schools or in two or more departments within a school. Such appointments imply financial support from both academic units and should be made to promote interdisciplinary or inter-professional teaching and research. Recommendations on salary, merit increases, promotion, and tenure, and assignment of teaching and research responsibilities shall be determined by both of the units involved. The holder of a joint appointment shall be entitled to vote in both units, but may not vote twice on the same question. All Participating Faculty in the Graduate School of International Studies shall hold joint appointments. In all joint appointments, one unit shall be designated as the "unit of primary administrative responsibility" for such matters as salary, promotion, tenure, and teaching assignment. Persons holding joint appointments must designate the unit of primary administrative responsibility as the school or department in which to exercise their voting rights on university matters.

2.4

Secondary Appointments

Members of the General Faculty may hold secondary appointments in departments or schools where they have a professional interest and in which they occasionally work. Holders of secondary appointments do not have tenure in, nor need they be compensated by, the secondary unit. Limited voting privileges may be extended by the secondary department in accordance with the provisions of Section 8.2 of the *Charter*.

2.5

Titles of Associated Faculty

2.5.1

Visiting Faculty

The term "Visiting" is prefixed to the title of persons who are expected to teach and/or engage in research or clinical activities at the University of Miami for a limited period of time only. Faculty members may be appointed with the visiting title for no more than two consecutive one-year terms.

2.5.2

Adjunct Faculty

The term "Adjunct" is prefixed to the title of persons who collaborate in some special way in the academic work of the University.

2.5.3

Instructors

The title "Instructor" shall be used only for persons being trained to become members of the University Faculty. Persons who are expected to be appointed to the University Faculty but who have not completed the requirements for a terminal degree in their field must be appointed as Instructor. The President shall make the final determination of "terminal degree" in any field or discipline.

2.5.4

Affiliated Faculty

Qualified staff members of hospitals and medical research institutions with which the University has an affiliation agreement may receive appointments as Affiliated Faculty of the Schools of Medicine and Nursing. Such appointments may be continued until normal retirement, subject to annual renewal by the University and continuing employment in the affiliated institution. Affiliated Faculty are not paid by the University, although the University may provide compensation to the institution for the services of such individuals.

2.5.5

Lecturers

The title "Lecturer" is ordinarily assigned to a faculty member who teaches, but who is not expected to proceed through the regular promotion sequence. A Lecturer is expected to have appreciable skill in a specialized field.

Lecturers who teach nine or more credit hours in a semester are eligible for full-time status as a Semester Lecturer.

2.6

Emeriti Faculty

Emeritus status is automatically conferred at the time of retirement upon all University Faculty holding tenure at the University. The President may be petitioned for the award of emeritus status to retired members of the General Faculty and academic administrative personnel who have not held tenure. The names of emeriti faculty are listed in a separate section of the appropriate Bulletin.

2.7
**Privileges and Benefits
of Associated and Emeriti Faculty**

[*This section constitutes a separate Senate action, Legislation #87008; with the changes from Senate action, Legislation #88011.*]

Associated and Emeriti faculty members are entitled to the following privileges and benefits: 1) Any discounts which University Faculty members are eligible to receive including identification cards, bookstore purchases, football tickets, etc.; 2) Membership in the Faculty Club, Lowe Museum, and Credit Union; 3) Purchase of parking stickers; and 4) Purchase of prescription medicines through the University Health Center.

2.7.1

Visiting Faculty who are full-time are entitled to remission of tuition for themselves and their dependents at the University of Miami consistent with tuition remission policy and are eligible for participation in the group insurance plans but not in the retirement plan.

2.7.2

Associated Faculty who are both full-time and salaried by the University are entitled to participate in the insurance and retirement programs, and tuition remission for themselves and their dependents in accordance with University Policy.

2.7.3

Semester Lecturers are eligible for health insurance, tuition remission for themselves and 75% for their dependents (during the period of full-time employment), and disability insurance. After four consecutive semesters as Semester Lecturer, the individual is eligible for all full-time benefits, including retirement.

2.7.4

Associated Faculty who are part-time are entitled to fifty percent (50%) tuition remission for themselves at the University of Miami after one academic year of continuous employment at the University except in the doctoral programs of the Graduate School and the programs in the Schools of Medicine and Law. Benefits are limited to seven credit hours per semester and four credit hours per summer session.

2.7.5

University Faculty are entitled to the benefits and privileges listed in the Benefits and Privileges section of this *Manual*.

3.0 APPOINTMENTS

3.1 General Policy

The University wishes to maintain the highest possible standards of teaching, scholarship and patient care at the University of Miami, to ensure faculty members full academic freedom, and to enable the University to rely on the continuous service of an able faculty.

To ensure teaching and scholarship of high quality in an atmosphere of academic integrity and mutual confidence, it is the policy of the University to provide stability and continuity of appointment for the faculty member at the University.

3.2 Kinds of Appointments

Each member of the General Faculty shall be appointed to one of the following categories:

3.2.1 Appointments to the Regular Faculty

Appointments to the Regular Faculty provide either for tenure with initial appointment or for tenure consideration during a probationary period if appointment is not terminated during that period.

3.2.2 Regular Appointments With Limited Financial Support

[This section, with section 2.2.3, constitutes a separate Senate action, Legislation #87006.]

Regular appointments with limited financial support may be made only in the School of Medicine. "Limited financial support" defines the minimum level of salary support which the University is obligated to provide tenured members of the faculty. The dollar amount of the minimum level of salary support is calculated by a formula established by the School Council of the School of Medicine and approved by the Dean of the School of Medicine and the President. The amount of limited financial support may not be decreased except in times of declared financial exigency.

The President of the University shall determine annually which sources and amounts of funds the School of Medicine may consider sufficiently secure to be used in providing limited financial support for tenured members of the faculty. In making this determination, the General and Educational budget of the School of Medicine shall be considered the most secure source. Other secure sources may include, but are not limited to: Veterans Administration Medical Center; Professional Income Plan; and Dade County (Jackson Memorial Hospital/Public Health Trust). Research grants and contracts are not considered sufficiently secure to

warrant their use in fulfilling the obligations associated with tenure with limited financial support.

3.2.3

Appointments not Involving Tenure

Faculty members holding Research, Educator or Associated appointments shall not be eligible for tenure.

3.3

Term Appointments

Term appointments are issued for a defined period of time specified in the letter of appointment. Appointment to the Associated Faculty is automatically terminated at the conclusion of the period specified in the letter of the appointment. Research and Educator Faculty have term appointments. Regular faculty with probationary appointments are not considered to have term appointments.

3.4

**Notice of Termination
for Research and Educator Faculty**

Research Faculty members are entitled to one month's notice with pay for each year of full-time continuous service as a Research Faculty member at the University up to a maximum of twelve months for twelve or more years of service. The Research Faculty member will be expected to perform normal faculty duties during the notice period and such pay will cease upon the availability of other grant support at the University or initiation of employment elsewhere. Notice so used may be re-earned at the rate of one month per year up to the maximum of twelve months.

[This constitutes a separate Senate action, Legislation #88011 taken from p.55 of Manual.]

An Educator appointment to the faculty may be terminated at the close of any academic year by written notice, either by the University of intention not to appoint or by the faculty member not to return. A decision not to reappoint needs no justification. Such written notice by the University shall be given in accordance with the following standards:

1. Not later than March 1st of the first academic year of service, if the appointment is to expire at the end of that year.
2. Not later than December 15 of the second year of academic service, if the appointment is to expire at the end of that year.
3. After two or more years of service, at least twelve months before the expiration of an appointment.

Notice of termination by a faculty member shall be given either six months prior to the termination of the appointment or by the time specified for the return of salary memoranda for the following year.

Faculty who change from a regular appointment to a research or educator appointment shall receive one year's notice after two years' service in the regular appointment.

3.5

Terms in Writing

All appointments shall specify, in writing, whether they are Regular, Research, Educator or Associated appointments and, in the case of untenured Regular Faculty, the expiration of the probationary period. All appointments shall specify rank, salary, and full or part time status.

3.6

Probationary Period for Regular Appointments

The probationary period before the award of tenure is six (6) years at the University of Miami.

3.6.1

Credit for Prior Service

Persons with appropriate experience at other comparable institutions may be awarded up to three years credit toward the probationary period by the President following a recommendation of the Dean upon consultation with the Chair. Persons granted credit for prior service under section 3.6.1 shall have their probationary period appropriately reduced, but in no case shall a probationary period be established for less than three years.

3.6.2

Waiver of Prior Service

During the first year of appointment, faculty members may waive credit for applicable prior service at another institution.

3.6.3

Early Award of Tenure

A faculty member holding a regular appointment is normally considered for tenure during the sixth year of the probationary period, but in unusual circumstances may be awarded tenure at any other time during the probationary period. Faculty members wishing to be considered for tenure before the expiration of the probationary period should consult with the Chair or Dean. Any consideration of a faculty member for the early award of tenure shall have no prejudicial effect on reconsideration through the sixth year of the probationary period.

3.6.4

Term of Probationary Appointments

The University permits initial probationary appointments for terms of one, two or three years, provided that the term of the appointment is uniform within the School. A substantive review of the appointee shall occur as provided in Sections 9.6-9.10 below, and, if the conclusion is favorable, the appointment shall be renewed with the final review for tenure occurring in the sixth year. If sixth year review is unfavorable, the appointee shall be granted a one year terminal appointment. Where evidence of unsatisfactory performance exists during the term of any appointment, an early substantive review of the appointee may be initiated by the voting faculty, Chair or Dean.

3.6.5

Definition Probationary Year

The probationary period shall begin with the first September of the Faculty member's appointment. The first probationary year shall end on the following May 31.

3.6.6

Notice of Termination of a Probationary Appointment

During the probationary period, a regular appointment to the faculty may be terminated at the close of the term of the appointment by written notice, either by the University of intention not to reappoint or by the faculty member of intention not to return. Notice of termination by the faculty member shall be given prior to the expiration of the appointment.

Schools with probationary appointments for a term of one year shall observe the following notice requirements: Not later than March 15 during the first appointment; not later than December 15 during the second appointment. With the third and following appointments notice of a full year is required.

Schools with probationary appointments for a term of two years shall observe the following notice requirements: Not later than December 15 of the second year of the first appointment and with the second and following appointments notice of a full year is required.

Schools with probationary appointments for a term of three years shall give notice of a full year.

The justification of a decision by the University not to reappoint need not be communicated to the faculty member, but shall be made in accord with established University standards.

3.7

Term Appointments Following Retirement

According to the University retirement plans, the official retirement age at the University of Miami is 65 years and the incumbent may complete the fiscal year in which the 65th birthday occurs. Faculty members terminate their regular employment with the University at the end of the academic year (June 1 to May 31) in which they reach age seventy (70). At the discretion of the President, faculty members may be requested to continue to serve full-time after that year on a year-to-year basis, provided the concerned department or school initiates the request. Faculty members may not be continued beyond the fiscal year in which they reach the age of 72 without the approval of the Board of Trustees. Faculty members under consideration for full-time appointment beyond the retirement age shall be notified of the decision as early as possible.

**4.0
TENURE**

**4.1
Administrators and Tenure**

4.1.1

Tenure at the University of Miami shall be awarded to persons only in their capacities as faculty members in academic departments. In no case is tenure applicable to persons in their administrative capacities.

4.1.2

Academic deans and academic directors are eligible for the award of tenure as faculty members in the academic departments of their specialization, but not in their administrative posts. No other persons engaged in administrative duties are eligible for the award of tenure nor shall the period of time during which such persons are employed in positions with administrative duties be counted toward the completion of the probationary period for tenure, unless each of the following conditions is satisfied:

1) During the period of employment in question such persons must devote more than fifty percent of their total work time to teaching, research, patient care or other activities of an academically-related nature.

2) The division of such persons' efforts between administrative duties and teaching, research, patient care or other activities of an academically-related nature must be specifically documented each semester, and must be certified by the appropriate academic dean who shall make such documentation part of the faculty personnel records of such persons.

**4.2
Attainment of Tenure**

4.2.1

Tenure shall not be awarded to faculty members serving under any type of Research, Educator or Associated appointment. Regular appointments that are not accompanied by an initial award of tenure shall specify the expiration date of the probationary period.

4.2.2

By April 15 of the year in which the probationary period would normally expire, the process should culminate in a tenure decision by the Board of Trustees, which is the final authority for the award of tenure. If the process of tenure consideration has not been completed by this date, the faculty member may ask the President, in writing, to direct that the process be completed immediately.

4.2.3

Tenure shall not be awarded at the rank of assistant professor.

4.2.4

Promotion to the rank of professor awards tenure at the time of promotion. A faculty member initially appointed to the rank of associate professor or professor is eligible for tenure at any time upon recommendation of the voting faculty of the department.

4.2.5

The faculty member shall be advised in writing at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting reappointment and tenure. Any special standards adopted by the faculty member's department or school under the provisions of Section 9.1.2, below, shall also be communicated to the faculty member in writing by the Chair or the Dean.

4.3

Meaning of Tenure

4.3.1

Faculty members having tenure shall have appointments continued from year to year without necessity for annual or other renewal thereof.

4.3.2

Tenure implies that the faculty member shall accede to reasonable requests to redistribute efforts between teaching and research, to accept classes assigned, whether in day or evening hours, and, in an emergency and for the period thereof, to accept such other reasonable assignments as may be deemed necessary by the University.

4.3.3

Tenure does not imply any promise of promotion or any regular increase in salary, but it does assure the faculty member of participation in any general change in the salary scale. It also assures the faculty member of provisions for general working conditions on the same basis as other faculty members in the same academic areas who have similar professional activities and duties.

4.3.4

Tenure of a faculty member shall continue until death, resignation, retirement, termination for cause, or, in extraordinary circumstances, because of financial exigency or reorganization.

4.4

Termination of Tenure**Because of Declared Financial Exigency or Reorganization**

4.4.1

If it appears that a tenure appointment may need to be terminated because of financial exigency or because of reorganization brought about by decline in enrollment, lack of funds to support an activity, or change of course offerings, the President shall consult with the Faculty Senate Council.

4.4.2

The purposes of such consultation shall be to explain the reasons why reduction is necessary, to explore the equities of the situation, including consideration of the best interests of the University and due consideration for the faculty members involved, and to attempt to arrive at an alternative solution. If no alternative is practicable and a position must be so discontinued, such a position shall not be filled for a period of two years unless the released faculty member has been offered reappointment and has declined.

4.4.3

If the appointment of a faculty member with tenure is terminated by the University, one year's notice shall be given except in cases of termination for cause involving serious immediate injury to the University.

4.5

Obligations of Tenure

A faculty member having the rights and privileges of tenure shall in turn have the continuing obligation to maintain and improve professional competence to render efficient service to the University. Faculty members may accept an assignment to administrative duties and position without interrupting or impairing their tenure, but tenure shall apply only to their rank and service on the faculty, an administrative assignment being subject to change at any time by authority of the President.

4.6

Retention of Existing Rights

Nothing stated herein shall be interpreted to affect adversely rights acquired by faculty members under previously existing tenure policies at the University of Miami.

5.0

ACADEMIC FREEDOM

All members of the General Faculty are entitled to academic freedom as defined in the 1940 Statement of Principles of Academic Freedom and Tenure, as amended, formulated by the Association of American Colleges and the American Association of University Professors. This statement is reproduced on pp. xx of the *Manual*.

6.0 SCHOLARLY AND PROFESSIONAL QUALIFICATIONS OF THE FACULTY

6.1 Mission of the Faculty

The basic functions of a university are to preserve, augment, criticize and transmit knowledge and to foster creative capacities. Its chief instrument for performing these functions is the faculty, and its success in doing so depends on the quality of the faculty. The policy of this University is to enlist, develop and retain distinguished faculty members with outstanding qualifications.

6.2 Scholarship

Scholarship embraces inquiry, research, and creative professional performance and activity. Scholarship is required for effective teaching and is the obligation of all members of the faculty. Scholarship may be judged by the character of the advanced degree, by contributions to knowledge in the form of publication and instruction, by reputation among other scholars and professional persons, and by the performance of students.

The scholarly function of a university requires the appointment of faculty members devoted to inquiry and research. Among the criteria for evaluating research are publication of books by nationally recognized presses, and of articles and reviews of a scholarly nature in books, periodicals and technical reports nationally recognized in the profession; the directing of scholarly work by students working on advanced degrees; the receipt of professional awards and fellowships; membership on boards and commissions devoted to inquiry; and the judgment of professional colleagues.

Scholarship may be demonstrated by significant achievement in an art related to a faculty member's discipline, such as creative works, original designs, or original procedure. National recognition of such activities is demonstrated: by commissions, awards and prizes from nationally recognized bodies; by performances with nationally recognized companies; by invited presentations, exhibitions, lectures and performances before nationally recognized bodies; by invitations to teach master classes or lead intensive workshops at nationally recognized institutions; and by reviews of performance and creative works in nationally recognized journals, magazines and newspapers.

Promotion, tenure, and merit salary increases should recognize these scholarly achievements. Whenever possible, Chairs shall reduce other duties for those faculty engaged in these activities.

6.3 Teaching

The educational function of a university requires the appointment of faculty who are effective teachers. The means of evaluating teaching effectiveness are: 1) the informed judgment of colleagues; 2) the performance of students; and 3) qualified student opinion. Promotion, tenure, and merit salary increases should recognize outstanding achievements in teaching.

6.4

University Service and Administration

Contributions to committee and administrative activities are recognized as furthering the University's educational function.

6.5

Recognition of Degrees

To ensure that faculty members are appropriately qualified, the University of Miami recognizes degrees from universities which are accredited within the United States by the appropriate accrediting association. Other degrees will be individually evaluated.

6.6

**Scholarly and Professional Qualifications
for Each Rank of the University Faculty**

6.6.1

Assistant Professor

Appointment to the rank of assistant professor requires completion of professional training, in most fields marked by the Ph.D., and the clear promise of a successful career in teaching and scholarship. Appointment to the University Faculty requires a terminal degree. This requirement may be waived by the President upon recommendation of the Provost.

6.6.2

Associate Professor

Appointment to the rank of associate professor normally requires a record of substantial success in both teaching and scholarship. In unusual cases an outstanding record in one of these activities and an adequate record in the other may be considered sufficient.

6.6.3

Professor

Appointment to the rank of professor requires national recognition in the profession.

7.0
**DEFINITIONS FOR PROCEDURES FOR THE
APPOINTMENT, REAPPOINTMENT, PROMOTION,
AND AWARD OF TENURE**

7.1

The *Faculty Charter* in section XII calls for consultation with the voting faculty of the department in recommendations from the department on faculty appointments, reappointments, promotions and award of tenure. Such consultations shall be conducted in accordance with this Policy.

7.2

Definitions

For purposes of Sections 7-10 of this Bylaw, the following definitions shall apply:

7.2.1

The term **department** means either a department or a school in the case of an undepartmentalized school.

7.2.2

In an undepartmentalized school the term **Dean** encompasses the role of the Chair.

7.2.3

The term **appropriate faculty** means the Regular Faculty of the department in which the appointment is made.

7.2.4

The **voting faculty** for tenure are those tenured faculty equal or superior in rank to the candidate and for promotion those tenured faculty superior in rank to the candidate.

7.2.5

A person under consideration for appointment, reappointment, promotion or tenure is termed a **candidate**.

7.3

Voting Rights

No person may vote at more than one level of review on questions of appointment, reappointment, promotion or tenure.

Faculty members who devote more than fifty percent personal effort to administrative duties other than departmental and whose duties may involve the review of candidates, shall not participate in the vote of a department with regard to any recommendation for promotion or the award of tenure.

8.0
INITIAL APPOINTMENT

8.1

The entire Regular Faculty of a department are entitled to vote on each new appointment. In periods of recess, in summer sessions, and in departments with thirty-five or more members a committee of at least five members of the voting faculty shall be appointed, at the discretion of the Chair and in accordance with departmental bylaws, to vote on the candidate.

8.2

The voting faculty shall have an opportunity to review supporting materials of the candidate. In addition, when candidates are brought to campus, the voting faculty shall have a reasonable opportunity to interview and to attend a professional presentation by the candidate.

8.3

A Consultative Committee shall vote on the nominees by each committee member indicating the order of preference, if there is more than one nominee, and the disapproval of individual nominees. The numerical results of each member's ordered preferences, recorded anonymously, shall be reported by the committee to the appointing agent.

9.0
**REVIEW OF THE FACULTY FOR
REAPPOINTMENT, PROMOTION,
AND THE AWARD OF TENURE**

9.1
Notification of Standards and Procedures

9.1.1

At the time of initial appointment, each faculty member shall be advised in writing by the President of the substantive standards outlined in Section 6 above and of the procedures generally employed in decisions affecting reappointment, promotion, and tenure.

9.1.2

Special additional standards may be adopted by departments, by vote of their tenured faculty and with the approval of the school faculty, and by schools by vote of their faculty. Such additional standards shall not conflict with the *Faculty Manual*. Departments and schools shall consult with the Faculty Senate Council to determine whether such additional standards conform to the *Faculty Manual*. Following certification of the Faculty Senate Council, copies of such special additional standards shall be provided the Dean and the President.

9.1.3

Each faculty member shall be advised in writing by the Chair of any additional standards at the time of initial appointment, at the time of their adoption, and before any major review.

9.2
Review of the Faculty

In accord with established University policies, a systematic annual evaluation is made of every faculty member, tenured and untenured. Such evaluations are implemented by the Chair observing the guidelines, standards and rights established in Article XII, Sections 12.3 and 12.4 of the *Faculty Charter*. Reappointment, promotion, merit salary increases, and the award of tenure are based on such reviews. Upon completion of this evaluation, in accordance with the procedures described below, the Chair discusses the results with each faculty member and, in the event of unsatisfactory performance, the Chair shall counsel the faculty member as to how to correct any deficiencies. In the extreme case where there appear to be grounds for termination for cause, the provisions of Section XX of the University Faculty and Tenure Policy shall be observed. Each Dean reports annually to the President when the review of all members of the faculty has been completed consistent with established University procedures.

9.3

Types of Review

The Regular Faculty of each school and department undertakes two types of review of the performance of its members:

Annual Reviews of each individual's accomplishments for the purposes of salary increases; and

Special Reviews for the purposes of reappointment, promotion, and the award of tenure.

The Research, Educator, and Associated Faculty of each school are subject to Annual Reviews and Special Reviews for the purposes of reappointment and promotion. Such reviews shall be undertaken by the Regular Faculty.

9.4

Faculty Files

The file of the candidate shall be the basis for the deliberations at each state of the reviews.

Each faculty member shall be responsible for maintaining a current statement of his professional activities, arranged according to customary practices and university requirements. This file shall include evidence of: a) educational attainments; b) awards and fellowships; c) funded research projects; d) publications, papers, performances and other scholarly contributions to the profession; e) services to the profession in scholarly bodies and in university agencies; and f) public service to the community relating to scholarship and the profession.

Prior to any faculty consultation or vote, candidates shall have an opportunity to make current their files in the office of the Chair, as described in Section 12.5 of the *Faculty Charter*.

The Chair shall make available to the appropriate voting faculty all relevant materials from the files of each candidate.

9.5

Annual Reviews

Each tenured and untenured member of the faculty shall be reviewed annually by the appropriate faculty based upon a systematic evaluation of the past year's work.

9.5.1

For untenured faculty, the Chair shall discuss the results of the Annual Review with each faculty member, and, following this discussion, the Chair shall prepare a written statement summarizing the review. This statement shall be placed in the file and shall be made available to the faculty member who may prepare a response to be included in the file.

9.5.2

The Annual Review is complete when the Dean advises the Provost of recommended salary increases.

9.6 Special Reviews

A more complete review is required: 1) in the year prior to reappointment of a faculty member holding a tenure earning appointment; 2) when promotion to associate professor or professor is to be considered; and 3) in the year prior to the award of tenure. Each **Special Review** shall be conducted as follows:

9.6.1 Teaching Evaluation

The file of a candidate for reappointment, promotion and tenure shall contain an assessment of teaching performance. For promotion to associate professor and tenure the file shall include, except for initial appointments, and cases in which teaching has not been part of the duties of the candidate, an assessment of classroom teaching made by the appropriate voting faculty on the basis of classroom visitation, and a summary and interpretation of the results of student evaluations. The faculty of each school and college is authorized to develop procedures governing the peer review and classroom visitations by tenured faculty who are evaluating the teaching of non-tenured faculty members.

9.6.2 External Letters

The file of a candidate for tenure or for promotion to full professor shall include at least three written evaluations of the scholarly work of the candidate solicited from scholars specializing in the field of work who hold tenured positions at comparable universities.

Such letters are solicited by the Chair following consultation with the candidate and the appropriate voting faculty. The content of letters requesting written evaluations shall be prepared with the approval of the appropriate voting faculty and shall be shown to the candidate. Letters of evaluation are confidential, but such letters may be seen by anyone directly concerned in making the promotion or tenure decision.

Copies of each letter used to solicit external reviews shall be included in the candidate's file. The Chair shall supply the voting faculty and the Dean with a list of external reviewers, indicating how and why each was selected. If outside letters are solicited from reviewers recommended by the candidate, the nature of any relationship shall be indicated. Candidates shall be permitted to identify persons who are thought to be unsuitable external reviewers and the reasons for that judgment.

Exceptions to the need for written external evaluations of the candidate's scholarly work may be made when such letters would not add materially to the candidate's file.

9.6.3 Evaluation Committee

Each School may, by a bylaw, provide for the establishment of an Evaluation Committee in each department of the School with five or more faculty eligible to vote on candidates for reappointment, promotion or tenure. A School may delegate to each department the decision whether to establish such a Committee. The

Committee shall assist the voting faculty of the department to assess the qualifications of the candidate.

9.6.4

Special Evaluation Committee

In the case of departments with fewer than five faculty eligible to vote on a candidate, Special Evaluation Committees shall be established for each candidate in the department. The Committees shall be appointed in the manner provided for in the School's by-laws, but, in all events, shall have five-members consisting of (1) such voting faculty in the department as the by-laws provide and (2) up to five faculty from cognate disciplines within the University whose research and scholarly activities will enable them to assist in evaluating the candidate. The vote of the Special Evaluation Committees shall be recorded and placed in the candidate's file. The Dean shall appoint the Committee and shall advise the candidates, the Senate Council and the President of the appointment of all such Committees. Special Evaluation Committees shall be chaired, wherever possible, by a member of the department.

If it is likely that a Special Evaluation Committee will be needed when a member of the department becomes a candidate for reappointment, promotion or tenure, the Committee should be established at the time of the candidate's appointment or as far in advance of the evaluation as is practicable.

9.6.5

Formal Written Evaluation.

The Evaluation Committee shall examine the complete work of the candidate. On the basis of this examination, the Committee shall prepare a detailed written evaluation of the candidate's contribution to knowledge and to the profession. The Committee shall then state whether, in its judgment, reappointment, promotion, or award of tenure is justified. The candidate, the appropriate voting faculty, the Chair and the Dean shall be entitled to examine the report. If in the judgment of the Committee or Department Faculty any of these persons can show good cause why the Committee should reconsider its decision, the Committee shall promptly do so. Prior to any vote by the Faculty of the Department the candidate shall have the right to submit a written statement in response to the Committee's report and that statement shall be part of the candidate's file available to the voting faculty.

9.6.6

Candidate's Statement

Candidates may present a written career assessment providing the rationale of their work and the significance of their contribution to knowledge and the profession.

9.7.

Faculty Vote

The appropriate voting faculty shall be assembled to consult on the candidate. Notice of the meeting shall be in writing, shall provide adequate notice of the date and agenda of the meeting, and shall include the names of candidates under consideration.

9.7.1

After systematic examination of the file, including any Evaluation Committee report, and after deliberation, the voting faculty shall determine by ballot for each candidate whether to recommend reappointment, promotion or tenure. The ballots shall be counted by two designated members of the voting faculty and the results of the ballot announced to the electorate. Following this announcement, the Chair shall prepare a written statement of the views of the voting faculty which shall be circulated to the voting faculty prior to its transmission to the Dean.

9.7.2

Absentee ballots shall not be counted unless they have been submitted prior to the meeting called to consider candidates for tenure, promotion, and appointment. The electorate shall be informed of the numerical results of the ballot.

9.8

Role of the Chair.

9.8.1

The Chair shall prepare and forward a written summary of the recommendation of the voting faculty and a numerical tally of the ballot with the file of the candidate.

9.8.2

The Chair shall not participate in the ballot of the voting faculty, but shall provide a separate recommendation supported by a written evaluation of each candidate. The Chair should make reference to the performance of the candidate in terms of the Annual Reviews and any prior Special Reviews.

9.8.3

The Chair shall forward with the file of the candidate all materials that were considered, the recommendation of the Chair, and the written summary of the voting faculty.

9.8.4

Subsequent to the meeting of the voting faculty, the voting faculty and each candidate shall be informed promptly by the Chair of the relevant recommendations of the voting faculty and of the Chair.

9.9

Actions of the Dean

In a departmentalized School, the Dean shall, after reviewing in a written statement the file of each candidate, make a recommendation to the President with regard to each candidate.

9.9.1

School Advisory Boards

In departmentalized schools where Deans do not perform the role of Chair in the Annual and Special Reviews, the Faculty of the School may enact a bylaw establishing an Advisory Board consisting of tenured full professors to assist in the review of all candidates for reappointment, promotion and tenure in the School. The bylaw shall prescribe the number, composition and method of selecting the members of the board. Advisory Boards shall examine all the material forwarded by the department and the Chair and shall prepare a written report explaining the

reasons for their recommendations. This report shall be included in each candidate's file along with all other materials and forwarded to the Dean. Recommendations of any advisory group not established in accordance with this provision may not be cited or placed in the file of the candidate.

9.9.2

The Dean shall forward the files of all candidates together with the recommendations of the Chair and the voting faculty, and the report of the Advisory Board.

9.9.3

The Dean's recommendation and written statement shall be included in each candidate's file along with all other material and forwarded to the Provost.

9.10

Provost Actions

[This section, with Section 2.1, constitutes a separate Senate action, Legislation #87005.]

The Provost, as delegated by the President, makes all reappointments and promotions. After reviewing each candidate's file, the Provost shall notify each candidate of his decision to reappoint or promote. When the Provost decides against promotion and there is a positive recommendation from the voting faculty, the Provost should explain his reasons in writing and the candidate should be counseled by his Chair or Dean on what should be done to secure promotion.

10

Trustee Authority in Tenure

Tenure may be earned only by a considered action of the University. The Board of Trustees is the final authority for the award of tenure. The award or denial of tenure shall be directly communicated to the candidate by the President immediately following the completion of the tenure process. If the Board denies tenure to a faculty member in the final year of the probationary period, the faculty member shall receive at least twelve (12) months notice prior to the expiration of the appointment.

**POLICY ON FACULTY STATUS, TITLES,
APPOINTMENT, REAPPOINTMENT, PROMOTION
AND THE AWARD OF TENURE**

**Faculty Senate Actions,
Consolidated Version
87001, 87003, 87005, 87006, 87008, 87014, 88011, 89003**

**CHARTER CHANGES
Approved Faculty Senate, March 23, 1987
Class A Legislation**

II. DEFINITIONS

DELETE current language:

2.1 *The University faculty consists of the President, the vice presidents holding professorial appointments, the academic deans, the professors, the associate professors, the assistant professors and the instructors, whether serving in teaching, research, or administrative appointments, whether serving part-time or full-time and whether serving in an active or an emeritus capacity. The President of the University is the presiding officer of the University faculty.*

ADD:

2.1 The General Faculty shall consist of the University Faculty and the Associated Faculty.

The University Faculty shall consist of the President, the Provost and Executive Vice President, the academic deans, the Regular, Research and Educator Faculty.

The Regular Faculty shall consist of all faculty having tenured or tenure-earning appointments and holding the rank of Professor, Associate Professor, or Assistant Professor.

The Research Faculty shall consist of those faculty whose major function is to conduct research in the academic units of the University and who hold the rank of Research Professor, Research Associate Professor, or Research Assistant Professor. Research Faculty shall not hold tenured or tenure-earning appointments.

The Educator Faculty shall consist of those clinicians who hold the rank of Professor, Associate Professor, or Assistant Professor, who serve in the clinical programs of the University, and whose title consists of a rank and discipline prefixed by "Clinical" (e.g., Professor of Clinical Surgery, Professor of Clinical Nursing). Educator Faculty shall not hold tenured or tenure-earning appointments.

The Associated Faculty are all faculty with professorial titles prefixed by Clinical (e.g., Clinical Professor of Surgery), Adjunct, Visiting, and Affiliated, Lecturers, and Instructors. Additional titles for Associated Faculty may be created by a special Bylaw defining the title.

DELETE:

2.2 *The voting members of the University faculty are those members of the University who (1) hold the rank of professor, associate professor, assistant professor, or instructor, (2) serve full-time in their appointments at the University of Miami, and (3) devote at least half-time to teaching or research duties, or other activities of an academically related nature. Research professors, research associate professors, research assistant professors, and research instructors, meeting the preceding requirements, are considered voting members of the University faculty with the exception of ratification of Class A legislation. For the ratification of Class A legislation, only faculty with unmodified rank, otherwise qualified, are eligible to vote.*

ADD:

2.2 The Regular Faculty are entitled to vote on all matters for which they are qualified by rank and tenure status.

The Research and Educator Faculty are entitled to vote on all matters for which they are qualified with the exception of appointment, reappointment, promotion, the award of tenure, evaluation of the Chair and Dean, and ratification of Amendments to the *Faculty Charter*.

The University Faculty of each school are the President, Provost, Dean of the school, and the University Faculty holding appointments in the school.

Members of the University Faculty may vote only once on a single question. Persons holding appointive administrative office may not vote on any matter which is subject to or may be reviewed by their office.

DELETE:

2.4 *The voting members in a department of school are those voting members of the University faculty holding at least half-time (as specified in the annual renewal of appointment) appointments in the department or school. A voting member of the University who holds half-time appointments in two departments or two schools, excluding the Graduate School, shall in a written statement to the secretary of the Senate, elect one department or school for all voting privileges.*

Class B Legislation

[This section constitutes a separate Senate action, Legislation #88011.]

Change in Bylaw 1.1

Replace on page 28, *Manual*, section 1.1 of Bylaws:

DELETE current language: This bylaw is intended to clarify the meaning of Section 3.1 of the Faculty Government Charter.

ADD: Bylaws and Policies are intended to clarify the meaning of the Faculty Government Charter.

1.0
DEFINITIONS

1.1

The General Faculty shall consist of the University Faculty and the Associated Faculty.

1.2

The University Faculty shall consist of the President, the Provost and Executive Vice President, the academic deans, the Regular, Research and Educator Faculty.

1.3

The Regular Faculty shall consist of all faculty having tenured or tenure-earning positions and holding the rank of Professor, Associate Professor, or Assistant Professor.

1.4

The Research Faculty shall consist of those faculty whose major function is to conduct research in the academic units of the University and who hold the rank of Research Professor, Research Associate Professor, or Research Assistant Professor. Research Faculty shall not hold tenured or tenure-earning appointments.

[This section constitutes a separate Senate action, Legislation #88011.]

1.5

The Educator Faculty shall consist of those physicians who are in the clinical departments of the School of Medicine or nurses in the clinical programs of the School of Nursing with such titles as "rank" of Clinical "name of department", (e.g. Professor of Clinical Surgery or Professor of Clinical Nursing). These titles are granted to physicians and nurses who choose to concentrate on clinical performance and its use as a teaching tool. Such faculty are full-time and, if salaried by the University, are subject to a ceiling.

1.6

The Associated Faculty are all faculty with professorial titles prefixed by Clinical, except in the School of Law, (e.g., Clinical Professor of Surgery) or by Adjunct, Visiting, or Affiliated, and all Lecturers and Instructors. Additional titles for Associated Faculty may be created by a special Bylaw defining the title.

1.7

The Regular Faculty are entitled to vote on all matters for which they are qualified by rank and tenure status.

The Research and Educator Faculty are entitled to vote on all matters for which they are qualified with the exception of appointment, reappointment, promotion, the award of tenure, evaluation of the Chair or Dean, and ratification of Amendments to the *Faculty Charter*.

The University Faculty of each school are the President, Provost, Dean of the school, and the University Faculty holding appointments in the school.

Members of the General Faculty may vote only once on a single question. Persons holding joint appointments must designate a school or department in which to exercise their voting rights on university matters. Persons holding appointive administrative position may not vote on any matter which is subject to review or other action by their office.

1.8

Change of Type of Faculty Appointment

1.8.1

Any member of the Research or Educator faculty may initiate a request to be considered for appointment to the Regular Faculty of the University. The decision on that request must be made in accordance with the standards and procedures applicable to initial appointment to the Regular Faculty as set forth in the *Faculty Charter* and these Bylaws, including Sections 6 and 8. If the requested appointment to the Regular faculty is made, but without an immediate grant of tenure, the period served as a member of the Research or Educator faculty may, if requested by the faculty member and approved by the President, be credited toward the probationary period for Regular Faculty appointments as provided in Sections 3.6 and 3.6.1 of these Bylaws.

1.8.2

Members of the Regular Faculty of the University, during their probationary period as defined in Section 3.6 of these Bylaws, may initiate a request to be considered for appointment to the Research or Educator Faculty. The decision on that request shall be made by the President upon recommendation of the Regular Faculty of the department and the Dean of the School.

1.8.3

Members of the Regular Faculty who have become members of the Research or Educator Faculty under the provisions of Section 1.8.2 may not subsequently be appointed to the Regular Faculty except as a tenured Professor.

2.0
THE FACULTY

2.1
Appointive Authorities

[*This section, with section 9.10, constitutes a separate Senate action, Legislation #87005.*]

The power to appoint and remove both administrative officers and members of the General Faculty is vested in the Board of Trustees. The Board of Trustees shall appoint the President of the University.

The President, by authority of the Board of Trustees, shall select the Provost, the Deans, and the administrative officers and shall appoint the General Faculty of the University. The President is the presiding officer of the General Faculty.

The Provost, as delegated by authority of the President, shall make appointments to the General Faculty and promote members of the General Faculty to higher ranks.

All appointments to the General Faculty and promotions to higher ranks shall be made in accordance with the procedures set forth in the *Faculty Charter*, Section XII, and in this Bylaw.

2.2
Faculty Status

2.2.1

All University Faculty shall be deemed to have full-time status. Unless on sabbatical or other approved leave, University Faculty shall be deemed to be "in residence." University Faculty members may request reduced teaching and research loads for reduced pay while retaining all rights and privileges. Associated Faculty may have either full-time or part-time status as established by their contracts with the University.

2.2.2

While under contract all members of the University Faculty in residence shall be entitled to an average of one working day of consultation per week, either on a part-time or self-employed basis, unless a written exception allowing additional time is issued by the President.

2.2.3

[This section, with section 3.2.2, constitutes a separate Senate action, Legislation #87006.]

A member of the General Faculty shall be compensated from University approved sources, but not necessarily by the University. The fact that the salary of a member of the Regular Faculty is paid from non-University sources does not affect the faculty member's tenure status.

2.3

Joint Appointments

Members of the University Faculty may hold appointments in two or more schools or in two or more departments within a school. Such appointments imply financial support from both academic units and should be made to promote interdisciplinary or inter-professional teaching and research. Recommendations on salary, merit increases, promotion, and tenure, and assignment of teaching and research responsibilities shall be determined by both of the units involved. The holder of a joint appointment shall be entitled to vote in both units, but may not vote twice on the same question. All Participating Faculty in the Graduate School of International Studies shall hold joint appointments. In all joint appointments, one unit shall be designated as the "unit of primary administrative responsibility" for such matters as salary, promotion, tenure, and teaching assignment. Persons holding joint appointments must designate the unit of primary administrative responsibility as the school or department in which to exercise their voting rights on university matters.

2.4

Secondary Appointments

Members of the General Faculty may hold secondary appointments in departments or schools where they have a professional interest and in which they occasionally work. Holders of secondary appointments do not have tenure in, nor need they be compensated by, the secondary unit. Limited voting privileges may be extended by the secondary department in accordance with the provisions of Section 8.2 of the *Charter*.

2.5

Titles of Associated Faculty

2.5.1

Visiting Faculty

The term "Visiting" is prefixed to the title of persons who are expected to teach and/or engage in research or clinical activities at the University of Miami for a limited period of time only. Faculty members may be appointed with the visiting title for no more than two consecutive one-year terms.

2.5.2

Adjunct Faculty

The term "Adjunct" is prefixed to the title of persons who collaborate in some special way in the academic work of the University.

2.5.3

Instructors

The title "Instructor" shall be used only for persons being trained to become members of the University Faculty. Persons who are expected to be appointed to the University Faculty but who have not completed the requirements for a terminal degree in their field must be appointed as Instructor. The President shall make the final determination of "terminal degree" in any field or discipline.

2.5.4

Affiliated Faculty

Qualified staff members of hospitals and medical research institutions with which the University has an affiliation agreement may receive appointments as Affiliated Faculty of the Schools of Medicine and Nursing. Such appointments may be continued until normal retirement, subject to annual renewal by the University and continuing employment in the affiliated institution. Affiliated Faculty are not paid by the University, although the University may provide compensation to the institution for the services of such individuals.

2.5.5

Lecturers

The title "Lecturer" is ordinarily assigned to a faculty member who teaches, but who is not expected to proceed through the regular promotion sequence. A Lecturer is expected to have appreciable skill in a specialized field.

Lecturers who teach nine or more credit hours in a semester are eligible for full-time status as a Semester Lecturer.

2.6

Emeriti Faculty

Emeritus status is automatically conferred at the time of retirement upon all University Faculty holding tenure at the University. The President may be petitioned for the award of emeritus status to retired members of the General Faculty and academic administrative personnel who have not held tenure. The names of emeriti faculty are listed in a separate section of the appropriate Bulletin.

2.7
**Privileges and Benefits
of Associated and Emeriti Faculty**

[This section constitutes a separate Senate action, Legislation #87008; with the changes from Senate action, Legislation #88011.]

Associated and Emeriti faculty members are entitled to the following privileges and benefits: 1) Any discounts which University Faculty members are eligible to receive including identification cards, bookstore purchases, football tickets, etc.; 2) Membership in the Faculty Club, Lowe Museum, and Credit Union; 3) Purchase of parking stickers; and 4) Purchase of prescription medicines through the University Health Center.

2.7.1

Visiting Faculty who are full-time are entitled to remission of tuition for themselves and their dependents at the University of Miami consistent with tuition remission policy and are eligible for participation in the group insurance plans but not in the retirement plan.

2.7.2

Associated Faculty who are both full-time and salaried by the University are entitled to participate in the insurance and retirement programs, and tuition remission for themselves and their dependents in accordance with University Policy.

2.7.3

Semester Lecturers are eligible for health insurance, tuition remission for themselves and 75% for their dependents (during the period of full-time employment), and disability insurance. After four consecutive semesters as Semester Lecturer, the individual is eligible for all full-time benefits, including retirement.

2.7.4

Associated Faculty who are part-time are entitled to fifty percent (50%) tuition remission for themselves at the University of Miami after one academic year of continuous employment at the University except in the doctoral programs of the Graduate School and the programs in the Schools of Medicine and Law. Benefits are limited to seven credit hours per semester and four credit hours per summer session.

2.7.5

University Faculty are entitled to the benefits and privileges listed in the Benefits and Privileges section of this *Manual*.

3.0
APPOINTMENTS

3.1
General Policy

The University wishes to maintain the highest possible standards of teaching, scholarship and patient care at the University of Miami, to ensure faculty members full academic freedom, and to enable the University to rely on the continuous service of an able faculty.

To ensure teaching and scholarship of high quality in an atmosphere of academic integrity and mutual confidence, it is the policy of the University to provide stability and continuity of appointment for the faculty member at the University.

3.2
Kinds of Appointments

Each member of the General Faculty shall be appointed to one of the following categories:

3.2.1
Appointments to the Regular Faculty

Appointments to the Regular Faculty provide either for tenure with initial appointment or for tenure consideration during a probationary period if appointment is not terminated during that period.

3.2.2
Regular Appointments With Limited Financial Support

[This section, with section 2.2.3, constitutes a separate Senate action, Legislation #87006.]

Regular appointments with limited financial support may be made only in the School of Medicine. "Limited financial support" defines the minimum level of salary support which the University is obligated to provide tenured members of the faculty. The dollar amount of the minimum level of salary support is calculated by a formula established by the School Council of the School of Medicine and approved by the Dean of the School of Medicine and the President. The amount of limited financial support may not be decreased except in times of declared financial exigency.

The President of the University shall determine annually which sources and amounts of funds the School of Medicine may consider sufficiently secure to be used in providing limited financial support for tenured members of the faculty. In making this determination, the General and Educational budget of the School of Medicine shall be considered the most secure source. Other secure sources may include, but are not limited to: Veterans Administration Medical Center; Professional Income Plan; and Dade County (Jackson Memorial Hospital/Public Health Trust). Research grants and contracts are not considered sufficiently secure to

warrant their use in fulfilling the obligations associated with tenure with limited financial support.

3.2.3

Appointments not Involving Tenure

Faculty members holding Research, Educator or Associated appointments shall not be eligible for tenure.

3.3

Term Appointments

Term appointments are issued for a defined period of time specified in the letter of appointment. Appointment to the Associated Faculty is automatically terminated at the conclusion of the period specified in the letter of the appointment. Research and Educator Faculty have term appointments. Regular faculty with probationary appointments are not considered to have term appointments.

3.4

Notice of Termination for Research and Educator Faculty

Research Faculty members are entitled to one month's notice with pay for each year of full-time continuous service as a Research Faculty member at the University up to a maximum of twelve months for twelve or more years of service. The Research Faculty member will be expected to perform normal faculty duties during the notice period and such pay will cease upon the availability of other grant support at the University or initiation of employment elsewhere. Notice so used may be re-earned at the rate of one month per year up to the maximum of twelve months.

[This constitutes a separate Senate action, Legislation #88011 taken from p.55 of Manual.]

An Educator appointment to the faculty may be terminated at the close of any academic year by written notice, either by the University of intention not to appoint or by the faculty member not to return. A decision not to reappoint needs no justification. Such written notice by the University shall be given in accordance with the following standards:

1. Not later than March 1st of the first academic year of service, if the appointment is to expire at the end of that year.
2. Not later than December 15 of the second year of academic service, if the appointment is to expire at the end of that year.
3. After two or more years of service, at least twelve months before the expiration of an appointment.

Notice of termination by a faculty member shall be given either six months prior to the termination of the appointment or by the time specified for the return of salary memoranda for the following year.

Faculty who change from a regular appointment to a research or educator appointment shall receive one year's notice after two years' service in the regular appointment.

3.5

Terms in Writing

All appointments shall specify, in writing, whether they are Regular, Research, Educator or Associated appointments and, in the case of untenured Regular Faculty, the expiration of the probationary period. All appointments shall specify rank, salary, and full or part time status.

3.6

Probationary Period for Regular Appointments

The probationary period before the award of tenure is six (6) years at the University of Miami.

3.6.1

Credit for Prior Service

Persons with appropriate experience at other comparable institutions may be awarded up to three years credit toward the probationary period by the President following a recommendation of the Dean upon consultation with the Chair. Persons granted credit for prior service under section 3.6.1 shall have their probationary period appropriately reduced, but in no case shall a probationary period be established for less than three years.

3.6.2

Waiver of Prior Service

During the first year of appointment, faculty members may waive credit for applicable prior service at another institution.

3.6.3

Early Award of Tenure

A faculty member holding a regular appointment is normally considered for tenure during the sixth year of the probationary period, but in unusual circumstances may be awarded tenure at any other time during the probationary period. Faculty members wishing to be considered for tenure before the expiration of the probationary period should consult with the Chair or Dean. Any consideration of a faculty member for the early award of tenure shall have no prejudicial effect on reconsideration through the sixth year of the probationary period.

3.6.4

Term of Probationary Appointments

The University permits initial probationary appointments for terms of one, two or three years, provided that the term of the appointment is uniform within the School. A substantive review of the appointee shall occur as provided in Sections 9.6-9.10 below, and, if the conclusion is favorable, the appointment shall be renewed with the final review for tenure occurring in the sixth year. If sixth year review is unfavorable, the appointee shall be granted a one year terminal appointment. Where evidence of unsatisfactory performance exists during the term of any appointment, an early substantive review of the appointee may be initiated by the voting faculty, Chair or Dean.

3.6.5

Definition Probationary Year

The probationary period shall begin with the first September of the Faculty member's appointment. The first probationary year shall end on the following May 31.

3.6.6

Notice of Termination of a Probationary Appointment

During the probationary period, a regular appointment to the faculty may be terminated at the close of the term of the appointment by written notice, either by the University of intention not to reappoint or by the faculty member of intention not to return. Notice of termination by the faculty member shall be given prior to the expiration of the appointment.

Schools with probationary appointments for a term of one year shall observe the following notice requirements: Not later than March 15 during the first appointment; not later than December 15 during the second appointment. With the third and following appointments notice of a full year is required.

Schools with probationary appointments for a term of two years shall observe the following notice requirements: Not later than December 15 of the second year of the first appointment and with the second and following appointments notice of a full year is required.

Schools with probationary appointments for a term of three years shall give notice of a full year.

The justification of a decision by the University not to reappoint need not be communicated to the faculty member, but shall be made in accord with established University standards.

3.7

Term Appointments Following Retirement

According to the University retirement plans, the official retirement age at the University of Miami is 65 years and the incumbent may complete the fiscal year in which the 65th birthday occurs. Faculty members terminate their regular employment with the University at the end of the academic year (June 1 to May 31) in which they reach age seventy (70). At the discretion of the President, faculty members may be requested to continue to serve full-time after that year on a year-to-year basis, provided the concerned department or school initiates the request. Faculty members may not be continued beyond the fiscal year in which they reach the age of 72 without the approval of the Board of Trustees. Faculty members under consideration for full-time appointment beyond the retirement age shall be notified of the decision as early as possible.

**4.0
TENURE**

**4.1
Administrators and Tenure**

4.1.1

Tenure at the University of Miami shall be awarded to persons only in their capacities as faculty members in academic departments. In no case is tenure applicable to persons in their administrative capacities.

4.1.2

Academic deans and academic directors are eligible for the award of tenure as faculty members in the academic departments of their specialization, but not in their administrative posts. No other persons engaged in administrative duties are eligible for the award of tenure nor shall the period of time during which such persons are employed in positions with administrative duties be counted toward the completion of the probationary period for tenure, unless each of the following conditions is satisfied:

1) During the period of employment in question such persons must devote more than fifty percent of their total work time to teaching, research, patient care or other activities of an academically-related nature.

2) The division of such persons' efforts between administrative duties and teaching, research, patient care or other activities of an academically-related nature must be specifically documented each semester, and must be certified by the appropriate academic dean who shall make such documentation part of the faculty personnel records of such persons.

**4.2
Attainment of Tenure**

4.2.1

Tenure shall not be awarded to faculty members serving under any type of Research, Educator or Associated appointment. Regular appointments that are not accompanied by an initial award of tenure shall specify the expiration date of the probationary period.

4.2.2

By April 15 of the year in which the probationary period would normally expire, the process should culminate in a tenure decision by the Board of Trustees, which is the final authority for the award of tenure. If the process of tenure consideration has not been completed by this date, the faculty member may ask the President, in writing, to direct that the process be completed immediately.

4.2.3

Tenure shall not be awarded at the rank of assistant professor.

4.2.4

Promotion to the rank of professor awards tenure at the time of promotion. A faculty member initially appointed to the rank of associate professor or professor is eligible for tenure at any time upon recommendation of the voting faculty of the department.

4.2.5

The faculty member shall be advised in writing at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting reappointment and tenure. Any special standards adopted by the faculty member's department or school under the provisions of Section 9.1.2, below, shall also be communicated to the faculty member in writing by the Chair or the Dean.

4.3

Meaning of Tenure

4.3.1

Faculty members having tenure shall have appointments continued from year to year without necessity for annual or other renewal thereof.

4.3.2

Tenure implies that the faculty member shall accede to reasonable requests to redistribute efforts between teaching and research, to accept classes assigned, whether in day or evening hours, and, in an emergency and for the period thereof, to accept such other reasonable assignments as may be deemed necessary by the University.

4.3.3

Tenure does not imply any promise of promotion or any regular increase in salary, but it does assure the faculty member of participation in any general change in the salary scale. It also assures the faculty member of provisions for general working conditions on the same basis as other faculty members in the same academic areas who have similar professional activities and duties.

4.3.4

Tenure of a faculty member shall continue until death, resignation, retirement, termination for cause, or, in extraordinary circumstances, because of financial exigency or reorganization.

4.4

Termination of Tenure

Because of Declared Financial Exigency or Reorganization

4.4.1

If it appears that a tenure appointment may need to be terminated because of financial exigency or because of reorganization brought about by decline in enrollment, lack of funds to support an activity, or change of course offerings, the President shall consult with the Faculty Senate Council.

4.4.2

The purposes of such consultation shall be to explain the reasons why reduction is necessary, to explore the equities of the situation, including consideration of the best interests of the University and due consideration for the faculty members involved, and to attempt to arrive at an alternative solution. If no alternative is practicable and a position must be so discontinued, such a position shall not be filled for a period of two years unless the released faculty member has been offered reappointment and has declined.

4.4.3

If the appointment of a faculty member with tenure is terminated by the University, one year's notice shall be given except in cases of termination for cause involving serious immediate injury to the University.

4.5

Obligations of Tenure

A faculty member having the rights and privileges of tenure shall in turn have the continuing obligation to maintain and improve professional competence to render efficient service to the University. Faculty members may accept an assignment to administrative duties and position without interrupting or impairing their tenure, but tenure shall apply only to their rank and service on the faculty, an administrative assignment being subject to change at any time by authority of the President.

4.6

Retention of Existing Rights

Nothing stated herein shall be interpreted to affect adversely rights acquired by faculty members under previously existing tenure policies at the University of Miami.

5.0

ACADEMIC FREEDOM

All members of the General Faculty are entitled to academic freedom as defined in the 1940 Statement of Principles of Academic Freedom and Tenure, as amended, formulated by the Association of American Colleges and the American Association of University Professors. This statement is reproduced on pp. xx of the *Manual*.

6.0 SCHOLARLY AND PROFESSIONAL QUALIFICATIONS OF THE FACULTY

6.1 Mission of the Faculty

The basic functions of a university are to preserve, augment, criticize and transmit knowledge and to foster creative capacities. Its chief instrument for performing these functions is the faculty, and its success in doing so depends on the quality of the faculty. The policy of this University is to enlist, develop and retain distinguished faculty members with outstanding qualifications.

6.2 Scholarship

Scholarship embraces inquiry, research, and creative professional performance and activity. Scholarship is required for effective teaching and is the obligation of all members of the faculty. Scholarship may be judged by the character of the advanced degree, by contributions to knowledge in the form of publication and instruction, by reputation among other scholars and professional persons, and by the performance of students.

The scholarly function of a university requires the appointment of faculty members devoted to inquiry and research. Among the criteria for evaluating research are publication of books by nationally recognized presses, and of articles and reviews of a scholarly nature in books, periodicals and technical reports nationally recognized in the profession; the directing of scholarly work by students working on advanced degrees; the receipt of professional awards and fellowships; membership on boards and commissions devoted to inquiry; and the judgment of professional colleagues.

Scholarship may be demonstrated by significant achievement in an art related to a faculty member's discipline, such as creative works, original designs, or original procedure. National recognition of such activities is demonstrated: by commissions, awards and prizes from nationally recognized bodies; by performances with nationally recognized companies; by invited presentations, exhibitions, lectures and performances before nationally recognized bodies; by invitations to teach master classes or lead intensive workshops at nationally recognized institutions; and by reviews of performance and creative works in nationally recognized journals, magazines and newspapers.

Promotion, tenure, and merit salary increases should recognize these scholarly achievements. Whenever possible, Chairs shall reduce other duties for those faculty engaged in these activities.

6.3 Teaching

The educational function of a university requires the appointment of faculty who are effective teachers. The means of evaluating teaching effectiveness are: 1) the informed judgment of colleagues; 2) the performance of students; and 3) qualified student opinion. Promotion, tenure, and merit salary increases should recognize outstanding achievements in teaching.

6.4

University Service and Administration

Contributions to committee and administrative activities are recognized as furthering the University's educational function.

6.5

Recognition of Degrees

To ensure that faculty members are appropriately qualified, the University of Miami recognizes degrees from universities which are accredited within the United States by the appropriate accrediting association. Other degrees will be individually evaluated.

6.6

**Scholarly and Professional Qualifications
for Each Rank of the University Faculty**

6.6.1

Assistant Professor

Appointment to the rank of assistant professor requires completion of professional training, in most fields marked by the Ph.D., and the clear promise of a successful career in teaching and scholarship. Appointment to the University Faculty requires a terminal degree. This requirement may be waived by the President upon recommendation of the Provost.

6.6.2

Associate Professor

Appointment to the rank of associate professor normally requires a record of substantial success in both teaching and scholarship. In unusual cases an outstanding record in one of these activities and an adequate record in the other may be considered sufficient.

6.6.3

Professor

Appointment to the rank of professor requires national recognition in the profession.

7.0
**DEFINITIONS FOR PROCEDURES FOR THE
APPOINTMENT, REAPPOINTMENT, PROMOTION,
AND AWARD OF TENURE**

7.1

The *Faculty Charter* in section XII calls for consultation with the voting faculty of the department in recommendations from the department on faculty appointments, reappointments, promotions and award of tenure. Such consultations shall be conducted in accordance with this Policy.

7.2
Definitions

For purposes of Sections 7-10 of this Bylaw, the following definitions shall apply:

7.2.1

The term **department** means either a department or a school in the case of an undepartmentalized school.

7.2.2

In an undepartmentalized school the term **Dean** encompasses the role of the Chair.

7.2.3

The term **appropriate faculty** means the Regular Faculty of the department in which the appointment is made.

7.2.4

The **voting faculty** for tenure are those tenured faculty equal or superior in rank to the candidate and for promotion those tenured faculty superior in rank to the candidate.

7.2.5

A person under consideration for appointment, reappointment, promotion or tenure is termed a **candidate**.

7.3
Voting Rights

No person may vote at more than one level of review on questions of appointment, reappointment, promotion or tenure.

Faculty members who devote more than fifty percent personal effort to administrative duties other than departmental and whose duties may involve the review of candidates, shall not participate in the vote of a department with regard to any recommendation for promotion or the award of tenure.

8.0
INITIAL APPOINTMENT

8.1

The entire Regular Faculty of a department are entitled to vote on each new appointment. In periods of recess, in summer sessions, and in departments with thirty-five or more members a committee of at least five members of the voting faculty shall be appointed, at the discretion of the Chair and in accordance with departmental bylaws, to vote on the candidate.

8.2

The voting faculty shall have an opportunity to review supporting materials of the candidate. In addition, when candidates are brought to campus, the voting faculty shall have a reasonable opportunity to interview and to attend a professional presentation by the candidate.

8.3

A Consultative Committee shall vote on the nominees by each committee member indicating the order of preference, if there is more than one nominee, and the disapproval of individual nominees. The numerical results of each member's ordered preferences, recorded anonymously, shall be reported by the committee to the appointing agent.

9.0
**REVIEW OF THE FACULTY FOR
REAPPOINTMENT, PROMOTION,
AND THE AWARD OF TENURE**

9.1
Notification of Standards and Procedures

9.1.1

At the time of initial appointment, each faculty member shall be advised in writing by the President of the substantive standards outlined in Section 6 above and of the procedures generally employed in decisions affecting reappointment, promotion, and tenure.

9.1.2

Special additional standards may be adopted by departments, by vote of their tenured faculty and with the approval of the school faculty, and by schools by vote of their faculty. Such additional standards shall not conflict with the *Faculty Manual*. Departments and schools shall consult with the Faculty Senate Council to determine whether such additional standards conform to the *Faculty Manual*. Following certification of the Faculty Senate Council, copies of such special additional standards shall be provided the Dean and the President.

9.1.3

Each faculty member shall be advised in writing by the Chair of any additional standards at the time of initial appointment, at the time of their adoption, and before any major review.

9.2
Review of the Faculty

In accord with established University policies, a systematic annual evaluation is made of every faculty member, tenured and untenured. Such evaluations are implemented by the Chair observing the guidelines, standards and rights established in Article XII, Sections 12.3 and 12.4 of the *Faculty Charter*. Reappointment, promotion, merit salary increases, and the award of tenure are based on such reviews. Upon completion of this evaluation, in accordance with the procedures described below, the Chair discusses the results with each faculty member and, in the event of unsatisfactory performance, the Chair shall counsel the faculty member as to how to correct any deficiencies. In the extreme case where there appear to be grounds for termination for cause, the provisions of Section XX of the University Faculty and Tenure Policy shall be observed. Each Dean reports annually to the President when the review of all members of the faculty has been completed consistent with established University procedures.

9.3

Types of Review

The Regular Faculty of each school and department undertakes two types of review of the performance of its members:

Annual Reviews of each individual's accomplishments for the purposes of salary increases; and

Special Reviews for the purposes of reappointment, promotion, and the award of tenure.

The Research, Educator, and Associated Faculty of each school are subject to Annual Reviews and Special Reviews for the purposes of reappointment and promotion. Such reviews shall be undertaken by the Regular Faculty.

9.4

Faculty Files

The file of the candidate shall be the basis for the deliberations at each state of the reviews.

Each faculty member shall be responsible for maintaining a current statement of his professional activities, arranged according to customary practices and university requirements. This file shall include evidence of: a) educational attainments; b) awards and fellowships; c) funded research projects; d) publications, papers, performances and other scholarly contributions to the profession; e) services to the profession in scholarly bodies and in university agencies; and f) public service to the community relating to scholarship and the profession.

Prior to any faculty consultation or vote, candidates shall have an opportunity to make current their files in the office of the Chair, as described in Section 12.5 of the *Faculty Charter*.

The Chair shall make available to the appropriate voting faculty all relevant materials from the files of each candidate.

9.5

Annual Reviews

Each tenured and untenured member of the faculty shall be reviewed annually by the appropriate faculty based upon a systematic evaluation of the past year's work.

9.5.1

For untenured faculty, the Chair shall discuss the results of the Annual Review with each faculty member, and, following this discussion, the Chair shall prepare a written statement summarizing the review. This statement shall be placed in the file and shall be made available to the faculty member who may prepare a response to be included in the file.

9.5.2

The Annual Review is complete when the Dean advises the Provost of recommended salary increases.

9.6 Special Reviews

A more complete review is required: 1) in the year prior to reappointment of a faculty member holding a tenure earning appointment; 2) when promotion to associate professor or professor is to be considered; and 3) in the year prior to the award of tenure. Each Special Review shall be conducted as follows:

9.6.1 Teaching Evaluation

The file of a candidate for reappointment, promotion and tenure shall contain an assessment of teaching performance. For promotion to associate professor and tenure the file shall include, except for initial appointments, and cases in which teaching has not been part of the duties of the candidate, an assessment of classroom teaching made by the appropriate voting faculty on the basis of classroom visitation, and a summary and interpretation of the results of student evaluations. The faculty of each school and college is authorized to develop procedures governing the peer review and classroom visitations by tenured faculty who are evaluating the teaching of non-tenured faculty members.

9.6.2 External Letters

The file of a candidate for tenure or for promotion to full professor shall include at least three written evaluations of the scholarly work of the candidate solicited from scholars specializing in the field of work who hold tenured positions at comparable universities.

Such letters are solicited by the Chair following consultation with the candidate and the appropriate voting faculty. The content of letters requesting written evaluations shall be prepared with the approval of the appropriate voting faculty and shall be shown to the candidate. Letters of evaluation are confidential, but such letters may be seen by anyone directly concerned in making the promotion or tenure decision.

Copies of each letter used to solicit external reviews shall be included in the candidate's file. The Chair shall supply the voting faculty and the Dean with a list of external reviewers, indicating how and why each was selected. If outside letters are solicited from reviewers recommended by the candidate, the nature of any relationship shall be indicated. Candidates shall be permitted to identify persons who are thought to be unsuitable external reviewers and the reasons for that judgment.

Exceptions to the need for written external evaluations of the candidate's scholarly work may be made when such letters would not add materially to the candidate's file.

9.6.3 Evaluation Committee

Each School may, by a bylaw, provide for the establishment of an Evaluation Committee in each department of the School with five or more faculty eligible to vote on candidates for reappointment, promotion or tenure. A School may delegate to each department the decision whether to establish such a Committee. The

Committee shall assist the voting faculty of the department to assess the qualifications of the candidate.

9.6.4

Special Evaluation Committee

In the case of departments with fewer than five faculty eligible to vote on a candidate, Special Evaluation Committees shall be established for each candidate in the department. The Committees shall be appointed in the manner provided for in the School's by-laws, but, in all events, shall have five-members consisting of (1) such voting faculty in the department as the by-laws provide and (2) up to five faculty from cognate disciplines within the University whose research and scholarly activities will enable them to assist in evaluating the candidate. The vote of the Special Evaluation Committees shall be recorded and placed in the candidate's file. The Dean shall appoint the Committee and shall advise the candidates, the Senate Council and the President of the appointment of all such Committees. Special Evaluation Committees shall be chaired, wherever possible, by a member of the department.

If it is likely that a Special Evaluation Committee will be needed when a member of the department becomes a candidate for reappointment, promotion or tenure, the Committee should be established at the time of the candidate's appointment or as far in advance of the evaluation as is practicable.

9.6.5

Formal Written Evaluation.

The Evaluation Committee shall examine the complete work of the candidate. On the basis of this examination, the Committee shall prepare a detailed written evaluation of the candidate's contribution to knowledge and to the profession. The Committee shall then state whether, in its judgment, reappointment, promotion, or award of tenure is justified. The candidate, the appropriate voting faculty, the Chair and the Dean shall be entitled to examine the report. If in the judgment of the Committee or Department Faculty any of these persons can show good cause why the Committee should reconsider its decision, the Committee shall promptly do so. Prior to any vote by the Faculty of the Department the candidate shall have the right to submit a written statement in response to the Committee's report and that statement shall be part of the candidate's file available to the voting faculty.

9.6.6

Candidate's Statement

Candidates may present a written career assessment providing the rationale of their work and the significance of their contribution to knowledge and the profession.

9.7.

Faculty Vote

The appropriate voting faculty shall be assembled to consult on the candidate. Notice of the meeting shall be in writing, shall provide adequate notice of the date and agenda of the meeting, and shall include the names of candidates under consideration.

9.7.1

After systematic examination of the file, including any Evaluation Committee report, and after deliberation, the voting faculty shall determine by ballot for each candidate whether to recommend reappointment, promotion or tenure. The ballots shall be counted by two designated members of the voting faculty and the results of the ballot announced to the electorate. Following this announcement, the Chair shall prepare a written statement of the views of the voting faculty which shall be circulated to the voting faculty prior to its transmission to the Dean.

9.7.2

Absentee ballots shall not be counted unless they have been submitted prior to the meeting called to consider candidates for tenure, promotion, and appointment. The electorate shall be informed of the numerical results of the ballot.

9.8

Role of the Chair.

9.8.1

The Chair shall prepare and forward a written summary of the recommendation of the voting faculty and a numerical tally of the ballot with the file of the candidate.

9.8.2

The Chair shall not participate in the ballot of the voting faculty, but shall provide a separate recommendation supported by a written evaluation of each candidate. The Chair should make reference to the performance of the candidate in terms of the Annual Reviews and any prior Special Reviews.

9.8.3

The Chair shall forward with the file of the candidate all materials that were considered, the recommendation of the Chair, and the written summary of the voting faculty.

9.8.4

Subsequent to the meeting of the voting faculty, the voting faculty and each candidate shall be informed promptly by the Chair of the relevant recommendations of the voting faculty and of the Chair.

9.9

Actions of the Dean

In a departmentalized School, the Dean shall, after reviewing in a written statement the file of each candidate, make a recommendation to the President with regard to each candidate.

9.9.1

School Advisory Boards

In departmentalized schools where Deans do not perform the role of Chair in the Annual and Special Reviews, the Faculty of the School may enact a bylaw establishing an Advisory Board consisting of tenured full professors to assist in the review of all candidates for reappointment, promotion and tenure in the School. The bylaw shall prescribe the number, composition and method of selecting the members of the board. Advisory Boards shall examine all the material forwarded by the department and the Chair and shall prepare a written report explaining the

reasons for their recommendations. This report shall be included in each candidate's file along with all other materials and forwarded to the Dean. Recommendations of any advisory group not established in accordance with this provision may not be cited or placed in the file of the candidate.

9.9.2

The Dean shall forward the files of all candidates together with the recommendations of the Chair and the voting faculty, and the report of the Advisory Board.

9.9.3

The Dean's recommendation and written statement shall be included in each candidate's file along with all other material and forwarded to the Provost.

9.10

Provost Actions

[This section, with Section 2.1, constitutes a separate Senate action, Legislation #87005.]

The Provost, as delegated by the President, makes all reappointments and promotions. After reviewing each candidate's file, the Provost shall notify each candidate of his decision to reappoint or promote. When the Provost decides against promotion and there is a positive recommendation from the voting faculty, the Provost should explain his reasons in writing and the candidate should be counseled by his Chair or Dean on what should be done to secure promotion.

10

Trustee Authority in Tenure

Tenure may be earned only by a considered action of the University. The Board of Trustees is the final authority for the award of tenure. The award or denial of tenure shall be directly communicated to the candidate by the President immediately following the completion of the tenure process. If the Board denies tenure to a faculty member in the final year of the probationary period, the faculty member shall receive at least twelve (12) months notice prior to the expiration of the appointment.

SYNOPSIS OF ACTIONS

Executive Committee

May 15, 1990

Page Two

ACCEPTED the recommendations of the president and the Faculty Senate and approved the following changes to the Faculty Charter: 1) replaced the current requirement for annual consideration for promotion with a provision that the faculty will be considered for promotion upon request, subject to a six-year limit; 2) places in the Charter the present four-year evaluation of deans; 3) removes two committees from the Charter and places them in the bylaws, consistent with the practices of other committees; 4) makes the Charter consistent with the new Class B legislation regarding "Policy on Faculty Status, Title, Appointment, Reappointment, Promotion and the Award of Tenure".

AUTHORIZED administration to enter into agreements to purchase workmen's compensation, excess, general, auto liability, marine, directors and officers, crime and fiduciary coverage with Johnson & Higgins and property and miscellaneous insurance coverage with Stembler, Adams & Sweet and Alexander & Alexander in an amount not to exceed \$3.06 million.

APPROVED the 1990 Medical Malpractice insurance budgets.

AUTHORIZED administration to enter an Affiliation Agreement with Mount Sinai Medical Center for an indefinite term to provide patient care and teaching, research, and community service programs.