



**MEMORANDUM
REVISED LEGISLATION**

To: Donna E. Shalala, President

From: Stephen Sapp
Chair, Faculty Senate

A handwritten signature in black ink that reads "Stephen Sapp". The signature is written in a cursive, flowing style.

Date: March 20, 2008

Subject: Faculty Senate Legislation #2007-22(D) –Report of Ad Hoc Committee on Faculty Tenure and Promotion **REVISED to Faculty Senate Legislation #2007-22(B) – Change to Faculty Manual Sections C5.5, C5.6, C5.8, C7.2, C13.2, C13.4, C13.5 regarding Tenure and Promotion**

Because of a clerical error, originally this legislation was sent to you for your information as Class D legislation; however, because the legislation involves Senate actions over which the faculty and the President have joint responsibility, your approval is required.

This legislation made a number of changes in the tenure process (e.g., the move to a four year/three year probationary appointment period), all of which were implemented June 1, 2007. I am therefore asking that you approve the legislation as effective on that date.

This legislation is now forwarded to you for your action.

SS/rh

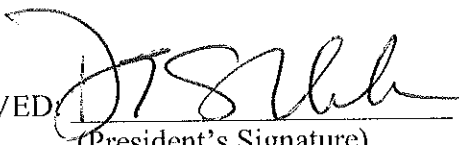
Enclosure (Original legislation)

cc: Thomas LeBlanc, Executive Vice President and Provost
David J. Birnbach, Vice Provost for University Administration and Faculty Affairs

REVISED LEGISLATION

Faculty Senate Legislation #2007-22(D) – Report of Ad Hoc Committee on Faculty Tenure and Promotion **REVISED to Faculty Senate Legislation #2007-22(B) – Change to Faculty Manual Sections C5.5, C5.6, C5.8, C7.2, C13.2, C13.4, C13.5 regarding Tenure and Promotion**

PRESIDENT'S RESPONSE

APPROVED:  DATE: March 20, 2008
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Provost

EFFECTIVE DATE OF LEGISLATION: June 1, 2007
(if other than June 1 next following)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____



MEMORANDUM

To: Donna E. Shalala, President

From: Stephen Sapp
Chair, Faculty Senate

A handwritten signature in black ink that reads "Stephen Sapp".

Date: July 16, 2007

Subject: Faculty Senate Legislation #2007-22(D) –Report of Ad Hoc Committee on Faculty Tenure and Promotion

On March 28, 2007, the Faculty Senate approved the proposed changes to the Faculty Manual in relation to Tenure and Promotion, presented by the Ad Hoc Committee.

The changes to the Faculty Manual are shown as underlined additions and ~~striketrough~~ deletions in the enclosed document. For your reference, also enclosed is a clean version of the document that incorporates all of the changes.

This legislation is now forwarded to you for your information.

SS/ib

cc: Thomas LeBlanc, Executive Vice President and Provost
David J. Birnbach, Vice Provost for University Administration and Faculty Affairs

C5.5 Probationary Period for Regular Appointments

(a) The maximum probationary period before the award of tenure is six years at the University of Miami.¹ The probationary period of a faculty member may be extended, as provided for in the appropriate policies for the following reasons: child care, disability leave, unpaid leaves of absence, and personal hardship. These extensions are independent of one another. In no event may the probationary period be extended for these reasons once the final Special Review for tenure has been initiated.²

(b) A faculty member holding a regular appointment shall be considered for tenure in the final Special Review during the sixth year of the probationary period. A faculty member may be awarded tenure at any time during the probationary period but may request a Special Review only one time prior to the sixth year of the probationary period. In addition, the dean may initiate a second Special Review during this period. Any such consideration for the award of tenure shall have no prejudicial effect on reconsideration during the sixth year of the probationary period.³

C5.6 Term of Probationary Appointments

Initial probationary appointments shall be for a term of four years. Whatever the date of appointment, Faculty whose appointment begins between January 1 and May 31 shall be considered to have been appointed June 1 of the same calendar year for the purpose of this section. A review of the appointee shall occur as provided in Section C13.5, and, if the conclusion is favorable, the appointment shall be renewed for a three-year term with the final review for tenure occurring in the sixth year. If the sixth-year review is unfavorable, the seventh year shall be considered a terminal appointment.

C5.8 Notice of Intention not to Reappoint Regular Faculty.

At the conclusion of the Special Review during the initial probationary period, an appointment to the REGULAR FACULTY may be terminated by written notice from the University. This notice shall be communicated to the faculty member at least twelve months prior to the expiration of the appointment.

(a) If a decision not to reappoint has a basis other than unsatisfactory scholarship, teaching, or academic citizenship, the faculty member shall be informed of the justification. Faculty members so informed may appeal a decision not to reappoint either to the Committee on Rank, Salary and Conditions of Employment or to the Committee on Professional Conduct as provided in Section B4.10 of the Bylaws, whichever is appropriate.

(b) A faculty member is expected to inform the University of a decision not to accept reappointment six months prior to the end of the current term of appointment.

C7.2 Attainment of Tenure

(a) Tenure shall not be awarded to faculty members serving in any type of RESEARCH, EDUCATOR, LIBRARIAN or ASSOCIATED appointment. Regular appointments not accompanied by an initial award of tenure shall specify the expiration date of the probationary period.

(b) By the end of the academic year in which the probationary period would normally expire, the process of tenure consideration should culminate in either a decision by the Provost not to forward a recommendation for the award of tenure to the Board of Trustees or a tenure decision by the Board of Trustees, which is the final authority for the award of tenure. If the process has not been completed by this date, the faculty member may ask the President, in writing, to direct that the process be completed immediately.

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

C13.2 Types of Review

The REGULAR FACULTY of each school and department undertakes two types of review of the performance of its members: (1) ANNUAL REVIEWS of individuals holding tenure-earning appointments for the purpose of assessment of progress toward tenure and/or promotion; and (2) SPECIAL REVIEWS for the purposes of promotion, tenure, or reappointment of individuals holding tenure-earning appointments. The RESEARCH FACULTY, the EDUCATOR FACULTY, the LIBRARIAN FACULTY and the 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, except as provided in Section A3 of the Faculty Government Charter. Such reviews shall be carried out by the processes set forth in C13.

C13.4 Annual Reviews

⁴Beginning with the second probationary year, all individuals holding tenure-earning appointments shall be evaluated annually by the voting faculty for the purpose of assessment of progress toward tenure. Individuals appointed as RESEARCH FACULTY, EDUCATOR FACULTY AND LIBRARIAN FACULTY shall be evaluated by the voting faculty for the purposes of reappointment during each year when their appointments are considered for renewal. After systematic review of each candidate's file and after deliberation, the voting faculty shall determine by anonymous written ballot progress toward tenure for tenure-earning faculty, and whether to recommend the reappointment of each member of the RESEARCH FACULTY, EDUCATOR FACULTY AND LIBRARIAN FACULTY. Absentee ballots shall not be counted unless they have been submitted prior to the balloting. The chair shall prepare a written summary of the discussion, which will be circulated to the voting faculty for their comment. The chair shall transmit to the candidate the faculty views as contained in the summary as well as the chair's own views. Copies of the summary and of a statement of the chair's views shall then be placed in the faculty member's file and given to the faculty member, who may prepare a written response for the file.

C13.5 Special Reviews⁵

A Special Review shall be completed (1) during the candidate's third year for a faculty member holding a tenure-earning appointment; (2) when promotion to associate professor or professor is to be considered; (3) in the year prior to the end of the probationary period; and (4) in the next-to-last year prior to reappointment of a member of Faculty holding a multiyear appointment.⁶ Each Special Review shall be conducted as described below.

(a) CANDIDATE'S FILE. The file of a candidate for mid-career reappointment, promotion and tenure will ordinarily include the following:

(i) 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 for tenure, except for initial appointments and cases in which teaching has not been part of the duties of the candidate, the file shall include an assessment of teaching made by the appropriate voting faculty on the basis of observation, 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.

(ii) EXTERNAL LETTERS. The file of a candidate for tenure or for promotion 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 positions of comparable or higher rank to that which the applicant aspires at major universities or research institutions. These letters are solicited by the chair following

⁴ #2004-09(B)

⁵ See section C10.2(d) for voting criteria

⁶ #89013(B)

consultation with the candidate and the appropriate voting faculty. Candidates shall not be informed of the names of potential external reviewers suggested by the voting faculty but shall be permitted to submit a memorandum for inclusion in the file identifying persons who are thought to be unsuitable external reviewers and the reasons for that judgment; they may not, however, exclude specific external reviewers. If outside letters are solicited from reviewers recommended by the candidate, the nature of any relationship shall be indicated. The chair shall supply the voting faculty and the dean with a list of the external reviewers, indicating how and why each was selected. 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, with the names of the addressees removed. A copy of each letter used to solicit external reviews shall be included in the candidate's file. Letters of evaluation are confidential, but they may be seen by anyone directly concerned in making the promotion or tenure decision. In the case of LIBRARIAN FACULTY 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.

(b) REVIEW PROCESS. The review process shall proceed as follows:

(viii) ACTIONS BY THE PROVOST. The Provost, as authorized by the President, makes all decisions regarding reappointments and promotions. After reviewing each candidate's file, the Provost shall notify each candidate of a decision regarding reappointment or promotion. When the decision is against promotion and there is a positive recommendation from the voting faculty, the Provost shall explain the reasons for this decision in writing to the dean. The Provost makes recommendations to the President regarding tenure decisions. When the recommendation is negative, the Provost shall inform the faculty member in writing no later than May 1. The faculty member may, within thirty days, request a review of this recommendation by the Tenure Review Board (B4.12).⁷ A faculty member may request such a review, even if that faculty member had requested the review of a prior denial of tenure.

(ix) COUNSELING OF THE CANDIDATE. In the event of a negative decision (except in the case of a denial of tenure at the end of the probationary period), based on the discussions by the voting faculty, the evaluations by external reviewers, and the recommendations by the chair, dean, and Provost, the chair shall counsel the candidate on what might be done to secure promotion.

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(clean copy)

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