



MEMORANDUM

To: Donna E. Shalala
President

From: Stephen Sapp
Chair, Faculty Senate

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

Date: February 26, 2009

Subject: Faculty Senate Legislation #2008-19(B) – Amend the Charge of the Tenure Review Board in the *Faculty Manual*

On February 25, 2009, the Faculty Senate voted amend the timing issues in the charge of the Tenure Review Board in the *Faculty Manual*. For your reference, the proposed changes to the *Faculty Manual* are shown as underlined additions and ~~striketrough~~ deletions on the enclosed document.

This legislation is now forwarded to you for your action.

SS/rh

Enclosure (committee charge)

cc: Thomas LeBlanc, Executive Vice President and Provost
David Birnbach, Vice Provost for Faculty Affairs
Stephen Cantrell, Chair, Tenure Review Board

Faculty Senate
325 Ashe Admin. Bldg.
Coral Gables, Florida 33124

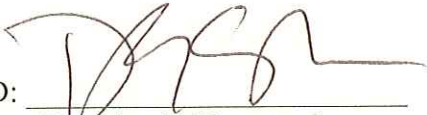
Phone: (305) 284-3721 Fax: (305) 284-5515

R:\Legislation\2008-2009\2008-19(B)-Amend Charge of the Tenure Review Board.doc
<http://www.miami.edu/FacultySenate>

e-mail: facsen@miami.edu

Faculty Senate Legislation #2008-19(B) – Amend the Charge of the Tenure Review Board in the
Faculty Manual

PRESIDENT’S RESPONSE

APPROVED:  DATE: 3/2/09
(President’s Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: FACULTY SENATE OFFICE

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

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Existing:

Section B4.12 of the *Faculty Manual*: The TENURE REVIEW BOARD shall (1) upon request by a member of the faculty within 30 days from receipt of notice of a denial of tenure award by the Executive Vice President and Provost certify to the President within 45 days¹ of the request whether in its opinion an unjust decision has been made and provide written reasons for such opinion either for or against the award of tenure based upon criteria and requirements of the Faculty Manual and upon the proposition that tenure is to be granted on the basis of the professional qualifications described in Section C9 of the Faculty Policies and is not to be limited by artificial restrictions such as quotas in its deliberations **(if the time period allowed for the appeal and review extends beyond the end of the spring semester, the faculty member may request a postponement until the fall semester)²**; (2) determine the rules and procedures for such hearings; (3) report to the Committee on General Welfare any evidence of gross injustice in matters pertaining to the award or denial of tenure³; (4) recommend to the Senate legislation on matters pertaining to tenure; and (5) submit an annual report of its activities to the Senate. The Committee shall forward to the Chair of the Faculty Senate a copy of its recommendation to the President. The President shall communicate his/her decision on each recommendation to the faculty member concerned, to the chair of the committee and to the Chair of the Faculty Senate.⁴ Board members shall consist of tenured faculty and shall serve staggered 3-year terms.⁵

- (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).⁶ A faculty member may request such a review, even if that faculty member had requested the review of a prior denial of tenure.

Proposed in UNDERLINE ~~strikeout~~ version:

Section B4.12 of the *Faculty Manual*: The TENURE REVIEW BOARD shall (1) upon request by a member of the faculty within ~~30 days~~two calendar weeks from receipt of notice of a denial of tenure award by the Executive Vice President and Provost certify to the President ~~within 45 days⁷~~of the request by May 31, if practicable, whether in its opinion an unjust decision has been

¹ #97003(B)

² #2007-29(B)

³ #2003-04(B)

⁴ #93003(B)

⁵ #2002-20(B)

⁶ #2004-15(B)

made and provide written reasons for such opinion either for or against the award of tenure based upon criteria and requirements of the Faculty Manual and upon the proposition that tenure is to be granted on the basis of the professional qualifications described in Section C9 of the Faculty Policies and is not to be limited by artificial restrictions such as quotas in its deliberations ~~((if the time period allowed for the appeal and review extends beyond the end of the spring semester, the faculty member may request a postponement until the fall semester)⁸; in cases where the Tenure Review Board is unable to make its certification by May 31, the certification shall be made by October 15)~~ (2) determine the rules and procedures for such hearings; (3) report to the Committee on General Welfare any evidence of gross injustice in matters pertaining to the award or denial of tenure⁹; (4) recommend to the Senate legislation on matters pertaining to tenure; and (5) submit an annual report of its activities to the Senate. The Committee shall forward to the Chair of the Faculty Senate a copy of its ~~recommendation certification~~ to the President. The President shall communicate his/her decision on each ~~recommendation certification~~ to the faculty member concerned, to the chair of the committee and to the Chair of the Faculty Senate.¹⁰ Board members shall consist of tenured faculty and shall serve staggered 3-year terms.¹¹

(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 two calendar weeks~~, request a review of this recommendation by the Tenure Review Board (B4.12).¹² A faculty member may request such a review, even if that faculty member had requested the review of a prior denial of tenure.

Clean version:

Section B4.12 of the *Faculty Manual*: The TENURE REVIEW BOARD shall (1) upon request by a member of the faculty within two calendar weeks from receipt of notice of a denial of tenure award by the Executive Vice President and Provost certify to the President by May 31, if practicable whether in its opinion an unjust decision has been made and provide written reasons for such opinion either for or against the award of tenure based upon criteria and requirements of the Faculty Manual and upon the proposition that tenure is to be granted on the basis of the professional qualifications described in Section C9 of the Faculty Policies and is not to be limited by artificial restrictions such as quotas in its deliberations (in cases where the Tenure Review Board is unable to make its certification by May 31, the certification shall be made by October 15) (2) determine the rules and procedures for such hearings; (3) report to the Committee on General Welfare any evidence of gross injustice in matters pertaining to

⁹ #2003-04(B)

¹⁰ #93003(B)

¹¹ #2002-20(B)

¹² #2004-15(B)

the award or denial of tenure¹³; (4) recommend to the Senate legislation on matters pertaining to tenure; and (5) submit an annual report of its activities to the Senate. The Committee shall forward to the Chair of the Faculty Senate a copy of its certification to the President. The President shall communicate his/her decision on each certification to the faculty member concerned, to the chair of the committee and to the Chair of the Faculty Senate.¹⁴ Board members shall consist of tenured faculty and shall serve staggered 3-year terms.¹⁵

(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 two calendar weeks, request a review of this recommendation by the Tenure Review Board (B4.12).¹⁶ A faculty member may request such a review, even if that faculty member had requested the review of a prior denial of tenure.

Clean version:

¹³ [#2003-04\(B\)](#)

¹⁴ [#93003\(B\)](#)

¹⁵ [#2002-20\(B\)](#)

¹⁶ [#2004-15\(B\)](#)