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MEMORANDUM

To: Donna E. Shalala, President

From: Tomas A. Salerno
Chair, Faculty Senate

A handwritten signature in black ink, appearing to read 'Tomas A. Salerno'.

Date: September 23, 2014

Subject: Faculty Senate Legislation #2014-01(B) – Amend *Faculty Manual* Section C13.4(b)(iv) to Establish a Procedure for the Explanation of Individual Faculty Votes During Tenure Review

The Faculty Senate, at its September 17, 2014 meeting, voted unanimously to approve the amend the *Faculty Manual* Section C13.4(b)(iv) to establish a procedure for the explanation of individual faculty votes during tenure review.

The Tenure Review Board proposed this change to the *Faculty Manual* to explicitly account for written explanations of votes. Ideally, when a member of the voting faculty votes on someone's tenure she will express her reasons for her vote to other voting members of the faculty at the appropriate time and in the appropriate forum. This allows these views to be recorded for the comprehension of those further up the chain of the tenure process; gives the other members of the voting faculty an opportunity to respond and then have their views recorded, and also gives all parties concerned an opportunity to alter their views, and potentially their votes. However, Section C13.4(b)(iv) of the *Faculty Manual* sets out the procedure for the faculty vote, but does not address a process for the written recordation of a faculty member who chooses explain her or his vote in writing.

The approved recommendation would establish a procedure in the *Faculty Manual* by which voting faculty may express his or her opinion in writing, while enriching the review process. Should a voting member of the faculty choose to write a letter of explanation for the benefit of the process, the *Faculty Manual* must be revised to reflect a requirement that such letter go directly to the Chair of the department or directly to the Dean, in the case of non-departmental schools. The presumption is that someone in a position of responsibility who is also a knowledgeable member of the department from which the candidate's tenure is being considered, should have the opportunity to respond to the points in the letter prior to the explanatory letter moving up the tenure process chain. When letters of explanation, especially in dissent, are permitted without opportunity for appropriate response, it may be unfair to the person seeking tenure.

The proposed language for the *Faculty Manual* is written below in underline/~~strikeout~~ format:

BEGIN TEXT:

C13.4 (b)(iv) FACULTY VOTE. The appropriate voting faculty,¹ or the Ad Hoc Review Committee when one is required, shall be assembled to consult on the candidate. Notice of the meeting shall be in writing and shall include the names of candidates under consideration. The meeting shall be noticed sufficiently in advance to provide faculty members adequate time to review the candidates' files. After systematic examination of the file, including any Evaluation Committee report, and after deliberation, the voting faculty shall vote on whether to recommend reappointment, promotion or tenure. The vote shall be conducted in accordance with the provisions of C20.8.² Following this announcement, a reporter, who shall be elected³ from the appropriate voting faculty but who shall be someone other than the chair or dean, shall prepare a written summary of the recommendation of the voting faculty which shall be circulated to the voting faculty for concurrence on its accuracy prior to its transmission to the dean.⁴ While all voting members of the faculty are encouraged to express their views at the time of the vote, should a voting member of the faculty choose to write a letter of explanation of that vote for the benefit of the process, such letter must go directly to the Chair of the department or directly to the Dean in the case of non-departmental schools. The Chair or Dean is obligated to address any properly submitted explanatory letter in her or his own letter regarding the candidate. The Chair or Dean must inform the voting faculty of the deadline for submission of explanatory letters so that she or he may comment on the substance of any such letters. The Chair or Dean must then include explanatory letters for reference in the file. Letters of explanation, appropriately submitted by the deadline, are the only extraneous material permitted in the file, after the faculty vote.*

Footnote: * Extraneous material does not include direct information or further evidence substantiating the candidate's relevant accomplishments. Nothing should preclude inclusion of such additional information, after the faculty vote, of such things like acceptance of scholarly work in a prestigious journal, a book published, or other relevant examples.

END TEXT

This legislation is now forwarded to you for your action.

TAS/rh

cc: Thomas LeBlanc, Executive Vice President and Provost
David Birnbach, Vice Provost, Faculty Affairs
Zanita Fenton, Chair, Tenure Review Board

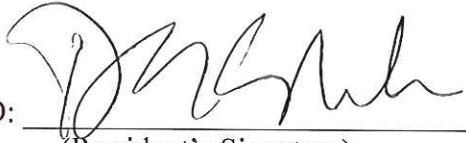
¹ See section [C10.2\(d\)](#) for voting criteria

² [#2012-26\(B\)](#)

³ [#2011-60\(B\)](#)

⁴ [#2012-26\(B\)](#)

CAPSULE: Faculty Senate Legislation #2014-01(B) – Amend *Faculty Manual* Section C13.4(b)(iv) to Establish a Procedure for the Explanation of Individual Faculty Votes During Tenure Review

APPROVED:  DATE: Oct 2 2014
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: FACULTY SENATE

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

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____