



To: Julio Frenk
University President

From: Tomás A. Salerno
Chair, Faculty Senate

Date: August 31, 2016 (Revised - 2)

Subject: Faculty Senate Legislation #2015-02(B) – Amend *Faculty Manual* Section B4.12, TENURE REVIEW BOARD (Board) and Section C13.4, SPECIAL REVIEWS, Information available to the TRB and the candidate

Initial Proposal:

The Faculty Senate, at its September 24, 2015 meeting, and the revised version at it August 24, 2016 meeting, voted unanimously to approve the amendments to *Faculty Manual* Section B4.12, TENURE REVIEW BOARD (Board) and Section C13.4, SPECIAL REVIEWS, which pertain to information in candidate files that is available to the TRB and the candidate, as amended at the meeting.

The Senate discussed concerns that the Tenure Review Board did not always receive sufficient information or complete candidate files in order to adequately review denials of tenure. Concerns were also raised regarding the process and timeliness of notifying individuals who are up for promotion that the decision is against promotion.

The ad hoc sub-committee appointed by the Chair of the Senate reviewed and proposed the changes in Sections B4.12 and C13.4(b)(viii) in order to ameliorate the concerns raised. After discussion with the Senate leadership and the administration, the language was revised and clarified so that major changes entail: (1) ensuring adequate materials are available to the Tenure Review Board, and (2) requiring the Dean of the School to promptly inform and explain the decision to the candidate when the decision is against promotion despite a positive recommendation from the voting faculty and/or the dean.

Proposed changes are reflected in underlined/~~strikeout~~ format.

BEGIN TEXT *Faculty Manual* Sections:

B4.12 The TENURE REVIEW BOARD (Board) shall (1) upon request by a member of the faculty within two calendar weeks¹ from receipt of notice of a denial of tenure award by the Executive Vice President and Provost communicate to the President by May 31, if practicable, whether in its opinion an incorrect 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 decision by May 31, the decision shall be made by October 15); (2) determine the

¹ [2013-04\(B\)](#)

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 tenure²; (4) recommend to the Senate legislation on matters pertaining to tenure; and (5) submit an annual report of its activities to the Senate. In its hearings, the Board shall have access to the candidate's file as described in C13.3 and C13.4(a), as well as the materials created during the review process as described in C13.4(b), including (but not limited to) all written recommendations, all votes required by the *Faculty Manual*, and all documents relating thereto. This will not require the creation of any documents that do not already exist, except in the case of a Dean or other administrator (e.g., a Chair) who, where permitted, has changed his or her prior written recommendation regarding the promotion of a candidate. In that case, the administrator or Dean shall prepare a written explanation of his or her new recommendation and promptly inform the candidate. The Committee-Tenure Review Board 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-Board and to the Chair of the Faculty Senate.³ Board members shall consist of tenured faculty and shall serve staggered 3-year terms.^{4 5 6}

C13.4 Special Reviews

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

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(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, who shall promptly inform the candidate and explain the reasoning to the candidate. 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 weeks⁷ request a review of this recommendation by the Tenure Review Board (B4.12).⁸ A faculty member may request such a review, even if that faculty member had requested the review of a prior denial of tenure.

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
Academic Deans

² #2003-04(B)

³ #93003(B)

⁴ #2002-20(B)


⁵ #2008-19(B)

⁶ #2008-21(B)

⁷ 2013-04(B)

⁸ #2004-15(B)

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APPROVED:  DATE: 9/21/2016
(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): _____