

*Revisions of policies on faculty appointments, 2007 (Draft 2007-02-21)*

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Memorandum

TO: Senior Vice Presidents David W. Pershing and A. Lorris Betz  
FROM: Associate Vice Presidents Susan M. Olson and Richard J. Sperry  
DATE: February 12, 2007  
SUBJECT: **Revisions of policies on faculty appointments and related matters (PPM 9-5, 9-5.1, 9-4).**

This describes a proposal for revising various portions of University policies and procedures related to making faculty appointments.

**I. Background:**

Since June 2005, an ad hoc committee formed at the request of the Academic Senate Executive Committee has been developing this proposal for revising University policies on appointments of faculty and the closely related matter of granting tenure at the time of a faculty appointment.

The project was begun in response to a report made to the Executive Committee by a panel of the Consolidated Hearing Committee. The CHC panel had investigated a complaint about a particular incident in which there were significant misunderstandings between a faculty appointment candidate and the academic department which hired the candidate, and between administrators and the existing faculty of the department. The CHC panel reported to the Executive Committee that the unfortunate misunderstandings in that incident raised broader concerns about a lack of clarity in existing policies and procedures related to faculty appointments. The Executive Committee learned that other problematic incidents had occurred in recent years, raising similar concerns about inadequacy of existing regulations. Most prominently, there were concerns about inadequacy of rules to ensure that administrators consult fully with departmental faculty before committing to the key terms of a faculty appointment, including the rank and tenure status of the appointment. The Executive Committee charged the ad hoc

committee to carefully examine relevant existing policies and procedures, and then to “develop a proposal for revising University regulations so as to provide very clear requirements for the appropriate sequence of events in a hiring process.”

The proposal now being presented fulfills that charge. In addition, in carefully examining existing regulations, the committee identified a number of areas in which existing regulations are inappropriately silent, confusing, contradictory, or more fundamentally incorporate what is simply bad policy. Most of those problems are closely related to the faculty appointments process, and others are more distantly related but appear within the same portions of PPM that will need to be revised for the core of this project, and so included in this proposal are recommendations for resolving that broader set of problems.

Members of the committee were Bob Flores--Chair (Academic Senate President 2005-06, Professor of Law), Susan Olson (Associate V.P. Academic Affairs, Professor of Political Science), Richard Sperry (Assoc. V.P. Health Sciences, Assoc. Dean of Medicine, Professor of Anesthesiology), Joanne Yaffe (Senate Executive Committee Secretary, Assoc. Prof. Social Work), Leslie Francis (Senate Executive Committee, Professor of Law, Professor of Philosophy, Chair of Philosophy), Larry DeVries (Academic Senate President 2004-05, Distinguished Professor of Engineering). Karen Dace (Assoc. V.P. for Diversity, Assoc. Prof. Communication) assisted in limited parts of the project.

## **II. Guiding principles for the proposed revisions:**

- Clarity in describing the procedures to be followed, so that all persons involved in making an appointment can with relative ease understand what must be done, by whom, and when. With the degree of clarity achieved if these recommendations are adopted, there will be minimal likelihood of misunderstanding the steps to be taken, and therefore little likelihood of any significant step being overlooked.
- Integration of regulations applicable when a particular candidacy involves multiple decisions. For example, when a senior level outside candidate is being considered to receive both an administrative appointment, and a faculty appointment, and being considered for granting of tenure at the time of appointment, there is a need to coordinate three distinct sets of procedures. The proposed revisions would provide a basic level of guidance for such coordinated activities.
- Comprehensive coverage– so that at least the most important aspects of most appointment proceedings are encompassed in the regulations. In particular, in a few areas the committee found that important, desirable, long-established practices were either entirely unacknowledged in the current regulations, or were mentioned only briefly and sometimes in odd locations. The proposal brings those desirable practices out of the shadows and gives them solid grounding in written regulations.
- Maintaining an appropriate balance of inclusiveness of various constituencies in decision-making, procedural fairness for all persons involved in appointments proceedings, and administrative ease. It is important on the one hand to ensure that faculty and others in the academic community have ample opportunities to present their views about particular appointments. On the other hand, there are a few situations in which the University is best served by giving administrators flexibility to move

expeditiously to complete an appointment. The proposal identifies such situations and provides guidance on how those situations can be managed. In particular, it allows for short term visiting faculty appointments to be made through expedited proceedings, and it allows expedited proceedings for granting of tenure at time of permanent appointment of a senior-level candidate. Also related to the theme of administrative ease, the proposal takes into account the effects of modern technology by recognizing that in some situations voting by committee members can best be managed ‘virtually’ through electronic mail rather than face-to-face gatherings. However, in each instance in which expediting of procedures is allowed for, the proposal carefully circumscribes such authorization to ensure against undesirable encroachment on the core principles of inclusion of faculty and others in important decisions.

### **III. Highlights of specific changes:**

Existing regulations affecting faculty appointments are found in various parts of PPM. The committee identified three distinct major parts of PPM that will need to be revised to fully accomplish the mission of clarifying and improving the rules. The three are listed below, with a brief description of the proposed changes affecting each.

#### **PPM 9-5 (“Appointments of Faculty”).**

##### Highlights:

- New statement of scope, to clarify relationship between this policy for faculty appointments, and other policies for tenure decisions and for administrative appointments, with guidance for cases in which all might be simultaneously applicable, as with a senior-level hire (e.g., an outside hire of a department chair with a faculty appointment and tenure).
- Statement of general policy revised to make clear the appointment-related powers of the president, departments, and colleges, with president’s ultimate statutory authority in part delegated to departments and colleges through this policy. Includes new footnote describing tailoring of procedures to fit single-department colleges. 9-5-1-A-1, and -7.
- New part to provide basic guidance on appropriate methods of recruiting candidates for appointment, allowing departments great flexibility in selecting recruitment methods, but **requiring that recruitment be done in compliance with the University’s strong commitment to diversity.** 9-5-1-A-4.
- **New requirement that candidates be given “reasonable notice” about the appointments process.** This was a core concern driving the revision project— based on incidents in which candidates reportedly were not being given sufficient information about the process, leading to serious misunderstandings about the status of an appointment. It is drafted in general terms so as to not hamstring administrators, or give rise to lawsuits, as might occur if the policy dictated details of precisely how such notice should be given. 9-5-1-A-6.
- **Clarified rule for determining voting membership of departmental faculty appointments advisory committees. Allows for existing auxiliary faculty to be included as members for limited purposes of considering other auxiliary**

**candidacies. Clarifies that the department chair leads meetings of the committee, but that neither the department chair nor any higher administrator who holds a faculty appointment within the department is allowed to vote** within the committee. 9-5-1, B.

- New part allowing for ‘electronic meetings’ of departmental committees under some circumstances, for administrative ease. 9-5-1-B,

- **Important change—giving junior faculty a greater role in appointments of senior-level candidates.** Sets up a two-step procedure for such senior-level appointments, first having all regular faculty (including those of lower rank than is proposed for the candidate) vote on a threshold question of the general suitability of the candidate, and then having only the senior-level faculty vote on whether a senior-level rank is appropriate for the candidate. 9-5, C.

- Clarified rule that colleges have the option to establish college-level appointments advisory committees. Describes basic parameters for creating such committees. 9-5-1-D.

- Clarified rule empowering department chairs to make short-term visiting appointments without formal consultation with the departmental advisory committees when circumstances make such formalities overly burdensome. This eliminates some potentially troublesome vagueness in the existing policy. 9-5-1-G.

#### **PPM 9-5.1 (“ Retention, Promotion, and Tenure Reviews”)**

Highlights:

- **Important change-- new part codifying existing practices with expedited procedures for making tenure decisions in cases involving ‘hiring with tenure.’** The streamlined procedures allow moving quickly to extend an offer of a faculty appointment with tenure to a highly sought-after senior level candidate (while ensuring adequate consultation within department and college, and with UPTAC). Such practices have been widely used, although existing policy only very vaguely referred to the possible use of such expedited procedures, and gave almost no guidance on when they would be applicable or what steps should be followed, and the relevant passages were hidden in obscure parts of PPM. The proposed revision consolidates the relevant contents into one new part, and gives clear guidance on when and how to use the authority for expedited procedures. As compared to ordinary tenure decisions involving ‘in-house’ candidates, these ‘hiring-with-tenure’ procedures are greatly streamlined, including eliminating opportunities for time-consuming appeals. 9-5.1-K

- **Important change to membership of departmental RPT advisory committees. Revised so that for all decisions on tenure (including hiring with tenure and in-house candidates for tenure), and all decisions on formal retention, the voting membership would consist solely of the tenured faculty, regardless of rank.** The existing rules on voting rights of committee members are overly complicated, set poor policy, and likely are so poorly understood that they have not been consistently complied with. They allowed voting on tenure or retention by some persons who are themselves not tenured, and precluded voting by some tenured persons because their rank is lower than the rank of the candidate. This revised simplified policy would affect both the tenure-at-hiring cases which are the main focus of the proposed revisions, and also all

other tenure and formal retention decisions. 9-5.1-A-3-a- i & iii, and 9-5.1-K

- **Important new part, to provide limited guidance on how colleges should structure the membership of college-level RPT advisory committees.** The existing rules do presume that college-level committees might exist, but provide no guidance whatsoever on how such committees should be structured. The new part would explicitly require that each college council charter establish a college-level RPT committee, and would set out basic parameters to be considered in structuring such committees. This change would affect the function of college-level committees both for the tenure-at-hiring cases which are the main focus of the proposed revisions, and also all other tenure decisions. 9-5.1-G-1.

#### **PPM 9-4 (“Areas of Responsibility of College Councils”).**

The main principle for the proposal is to remove from this part of PPM certain language that does not belong here, because it purports to govern procedures for faculty appointments, and those should be controlled solely by the proposed revised contents of PPM 9-5. As long as revisions are being considered for 9-4, it is appropriate to also propose other improvements which are not directly related to faculty appointments.

Highlights:

- Removal of existing language in 9-4-2 (B)(1) purporting to regulate faculty appointments procedures, and instead inserting similar provisions into the newly revised PPM 9-5 and 9-5.1, as described above.

- **Important change-- to clarify the structure of college councils, and clarify who is empowered to choose that structure.** Existing policy gave very little guidance. The revised policy would clarify that it is the regular faculty of the college who determine how a council is structured, within parameters requiring that majority power within a council must always be held by regular faculty, and that other persons may be included (including representatives of auxiliary faculty, students, staff). 9-4-2 (C).

#### **IV. Further details—drafting notes:**

The drafting committee created an extensive set of ‘drafting notes’ explaining each significant change included in the proposal. A separate document with those notes is included as an appendix to the proposal documents, and for several of the more important or complex changes excerpts from those explanatory notes are temporarily inserted within the proposal documents, adjacent to the text of proposed changes.

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{ **PPM 9-5 (Faculty Appts)** Draft 2007-02-12. Only the more significant changes are shown in boldface font. }

Policy: 9-5 Rev: ~~4~~ 5

Date: ~~March 8, 1999~~ 2007

FACULTY REGULATIONS - Chapter V - Section 1

Subject: APPOINTMENTS, RETENTION, PROMOTION, AND TENURE

SECTION 1. APPOINTMENTS OF FACULTY

**Scope:** This policy governs all appointments of faculty (regular and auxiliary, of any rank), including annual appointments after retirement.<sup>1</sup>

It is not intended to be the primary regulation for appointment of administrative officers, as such. In instances in which a candidate is being appointed as an administrative officer and contemporaneously being considered for a faculty appointment, reference should be made to both this section governing the faculty appointment process, and to those regulations and statutes applicable to appointments of administrative officers, including [PPM 8-3 (authority of President for appointment of administrative officers)]; [PPM 8-6 Sec. 5 (retention and tenure status for faculty serving as administrators)], [State Board of Regents Policy 205 (Regents' power to appoint president)], and [Utah Code § 53B-2-102 & 106 (Regents' power to appoint president, president's power to make all other administrative appointments with approval of Board of Trustees)].<sup>2</sup>

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<sup>1</sup> This policy has no application to appointments for positions which carry classroom teaching responsibilities but are not faculty positions, including associate instructors, teaching fellows, and similar positions. See [PPM 9-5.6]

<sup>2</sup> In cases involving such contemporaneous consideration of a candidate for initial faculty appointment, and administrative appointment, and/or granting of tenure, the responsibilities and procedures described here and in other pertinent regulations must be coordinated appropriately, including as follows.

For appointment of an academic dean, department chairperson, vice president, or other administrative officer who is also to be considered for a faculty appointment, the *search* and the *administrative* appointment should be conducted in accord with [PPM 8-3](search originates with president or cognizant vice president, who shall arrange for faculty input). Once that search has produced one or more candidates for a *faculty* appointment, consideration of the faculty appointment must proceed as prescribed in this policy, including presentation of the candidate to appropriate representatives of the affected department/college for their recommendations.

In the case of appointment of the president of the University who is also to be considered for a faculty appointment, the *search* and the *administrative* appointment-should be conducted in accord with procedures of the Board of Regents, and when the search has produced a candidate for *faculty* appointment, consideration of the faculty appointment must proceed as prescribed in this policy, including presentation of the candidate to appropriate representatives of the affected department/college for their recommendations, and those recommendations must be presented to

This policy is not intended to regulate the process of granting of tenure. In instances in which a candidate is being considered for granting of tenure contemporaneously with being initially appointed to a faculty position (commonly referred to as hiring with tenure), reference should be made to both this policy governing the faculty appointment process and to those policies applicable to the granting of tenure (primarily [PPM 9-5.1], and also including [PPM 8-6 Sec. 2.B].)<sup>3</sup>

#### A. General Policies

(1) The president of the university, with the approval of the Board of Trustees, ~~shall appoint~~ has final authority to appoint members of the faculty ~~the administrative officers and faculty.~~ (Utah Code Ann. 53B-2-106 (2001) 53-48-15(1) (1970). The president's authority to initiate the process of making such appointments is delegated to the affected departments and colleges as described in

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the cognizant vice president and interim or acting president, and then to the Board of Trustees for final decision.

<sup>3</sup> In instances in which a candidate is being considered for granting of tenure contemporaneously with being initially appointed to a faculty position (i.e., hiring with tenure), whether or not the candidate is also being considered for an administrative appointment, the process of granting of tenure should be conducted in accord with [PPM 9-5.1], and the process of making the faculty appointment must be conducted in accord with this policy. Inasmuch as there are certain differences between the procedures required for each decision, care should be taken to ensure that the procedural requirements for each are satisfied, in addition to ensuring that the appropriate substantive criteria are employed for each decision.

Procedurally, at the departmental level, the department chairperson must serve as chairperson of the Faculty Appointments Advisory Committee (as provided in this section), yet cannot serve as chairperson of the Tenure Advisory Committee (See [PPM 9-5.1-B-3-b]). The makeup of each advisory committee may also differ in certain circumstances (compare this policy to [PPM 9-5.1-B-3-a-iii]). Therefore, the respective chairpersons of each committee should ensure that only eligible voters participate in each decision.

At the college level, for purposes of faculty appointments (with or without contemporaneous granting of tenure), each college has the option of having candidates reviewed by a college-level Faculty Appointments Advisory Committee (as provided in this section). For granting of tenure however, review by the college-level Tenure Advisory Committee is mandatory (as provided in [PPM 9-5.1-G-1-b]). There should be coordination of these differing college-level proceedings in cases involving contemporaneous candidacy for an initial faculty appointment and granting of tenure (i.e., hiring with tenure).

Subsequent to the college-level review, there are different procedures to be followed for the tenure granting decision (most importantly review by the University Promotion and Tenure Advisory Committee, per [PPM 9-5.1-H]), and the faculty appointment decision (described here), for which there is no equivalent of of UPTAC).

this policy, and procedures are established here for presenting the president with recommendations from faculty within those departments and colleges.<sup>4</sup>

(2) Criteria for appointment to faculty positions shall be determined by each department's faculties, not faculty appointments advisory committee (as defined here) and shall not be inconsistent with the approved criteria formulated for use in retention, promotion, and tenure reviews. See [PPM 9-5.1.] The criteria may should take into account and accord appropriate weight to the objective of developing a faculty with diverse educational backgrounds, varying intellectual experiences, and broadly ranging academic interests. ~~However, t~~The fact that an otherwise qualified candidate for appointment received one or more degrees from the University of Utah does not, ~~by itself,~~ disqualify that candidate from

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<sup>4</sup> The regulations stated here in [9-5-1] are stated in terms appropriate for the most widely adopted form of organizational structure, in which a faculty appointment is made in a subdivision known as an "academic department," which is organized together with related subdivisions in a parent "college." There are several variations in organizational structure relevant to appointments of faculty, as explained in [PPM 8-2-1(Academic Organization)].

These regulations in [9-5-1] shall be interpreted for appropriate adaptation to accommodate such relevant variations in organizational structure, including the following.

A. Where necessary, the term "department" shall refer to an academic subdivision within a parent college, which operates as equivalent to a department but is known by another name, including any "free-standing division" or "school." See [PPM 8-2-1].

B. Where necessary, the term "college" shall refer to an academic organization which operates as equivalent to a college, but is known by another name, including a "school." See [PPM 8-2-1].

C. For colleges that have no formal internal academic subdivisions (known commonly as 'single-department colleges' or 'nondepartmentalized colleges'), faculty appointments are made to positions in the college. See [PPM 8-2-1]. Accordingly, the procedures described here for development of criteria, conducting recruiting, and making appointments shall be modified appropriately, including as follows:

i. Formulation of criteria for appointments, described here in [9-5-1-A-2], shall be conducted within the college.

ii. The functions described throughout [9-5-1] as being performed by a department-level faculty appointments advisory committee shall instead be performed by a standing college faculty appointments advisory committee. The description of the membership and leadership of the committee shall be interpreted to include appropriate modifications, including that committee members shall be drawn from the college faculty, the regular faculty of the college shall determine in each instance whether auxiliary faculty shall be members of the committee for purposes of a particular appointment, and the college dean will be the non-voting chair of the committee.

iii. The functions described throughout [9-5-1] as being performed by a department chair shall be performed by the college dean, including such activities as determining recruitment methods, arranging for and chairing meetings of the advisory committee, preparing recommendations, and transmitting written reports to the vice president.

iv. The actions described here in [9-5-1-E] and elsewhere as being performed by a college dean and college-level advisory committee after recommendations are made at the departmental level shall be inapplicable. Instead, appointments recommendations from a single-department college shall be transmitted directly to the cognizant vice president.

appointment to a faculty position. Nor does prior service as an auxiliary faculty member in any way disqualify a candidate for appointment to the regular faculty.

(3) Each regular faculty appointment to any regular faculty position and rank, and/or the granting of tenure, shall be dependent upon the availability of reliable funding as determined by the president.

(4) The chairperson of each department, in consultation with the department's faculty appointments advisory committee may determine the appropriate methods of recruiting candidates to be considered for faculty positions. Recruitment methods shall be consistent with the University's strong commitment to equal opportunity and diversity. Such methods may, and for appointments of regular faculty ordinarily will, include formation of a representative and diverse search committee, including members of the department faculty and when appropriate nonfaculty and representatives from outside the department. Administrative officers charged with overseeing the University's commitment to equal opportunity and diversity are available to assist departments in developing appropriate recruitment methods.

*{+Drafting note: PPM9-5 Part A-4. New language is proposed to make reference to the commonplace practice of using search committees to recruit regular faculty—a practice not otherwise mentioned in PPM. This would provide some limited guidance on the makeup of such committees. Most significantly, new language would emphasize the importance of conducting recruiting in ways consistent with the University's strong commitment to seeking diversity in faculty recruiting.+}*

(5) The principle of consultation with faculty should be observed to the fullest extent possible, consistent with efficient management of appointments. As described in greater detail in the following subsections, recommendations for appointments should be initiated at the departmental level and subsequently submitted to the dean of the college, the faculty appointments advisory committee of the college in certain cases, and the cognizant senior vice president, before presentation to the president.

(6) Candidates for appointment to faculty positions should be given reasonable notice about the University procedures that will be followed for consideration of such appointments, including the roles to be played by advisory committees and administrators.

*{+ Drafting note: 9-5 Part A-6. One of the major concerns that led to the 2005-2007 project of revising this policy was a concern about candidates not being given sufficient information about the appointments procedures—and therefore being susceptible to inaccurate impressions about the status of an appointment. This new language introduces an important principle that is not mentioned anywhere else in PPM. It is drafted in very general terms, so as to avoid imposing specific obligations to provide particular types of notice according to any specified timetable. The drafting committee anticipates that administrators providing training to department chairs and others engaged in faculty recruiting will include some training regarding appropriate means and 'best practices' of keeping candidates adequately informed about the procedures applicable for their candidacy.+}*

(7) Whenever it is proposed that a candidate be considered for immediate granting of tenure contemporaneously with an initial appointment to the faculty, there must be compliance with both this policy regarding appointments and all University policies regarding granting of tenure, including [PPM 9-5.1 Sec. K].

B. Department faculty appointments advisory committee

(1) In each department, there shall be a departmental faculty appointments advisory committee. The committee membership shall include all of the regular faculty, consisting of the professors, associate professors and assistant professors (both tenured and tenure-eligible), except as follows shall be members of a department appointments advisory committee. The chairperson of the department shall serve as chairperson of the committee but shall not vote on actions of the committee. Deans, and other administrative officials who are required by the regulations to make their own recommendations in an administrative capacity, and who hold regular faculty appointments within the department, may attend meetings and participate in discussions, but shall not vote on actions of the committee. If approved by a majority of the regular faculty, other interested persons, who may include auxiliary faculty, regular faculty from outside the department, staff, students, and community representatives, may be allowed to participate in discussions with the committee, but shall not vote on actions of the committee.

Current auxiliary faculty (as described in [PPM 9-2-4]) may be allowed to serve as voting members of the departmental committee for particular cases involving appointments to auxiliary faculty positions, if (a) the cognizant college council has adopted a policy allowing such participation of auxiliary faculty for departments within the college, and (b) a majority of the regular faculty of the department has approved the inclusion of auxiliary faculty on the committee either by continuing policy or for purposes of a particular appointment decision. Whenever any auxiliary faculty are made members of the committee for purposes of a particular appointment recommendation, the department chairperson shall include a description of such participation in the written report transmitted to the dean of the college provided for in Part D of this policy.

*{+Drafting note, PPM 9-5- B-1. Regarding the role of the department chairperson, and other administrators, participating in a departmental appointments advisory committee—the existing policy was unclear. It provided for the department chairperson to chair the committee, but did not indicate clearly whether that person would have voting rights within the committee, and similarly did not give clear guidance about voting rights of other persons who are members of the department faculty but also hold administrative positions, such as dean of the college, or vice president or president of the University. It appears to be well-established consistent practice that such administrators have not voted within their departmental committees. The proposed revision would more clearly codify that established practice. The limitation is appropriate because the chairperson or other administrator would otherwise have two opportunities to affect the appointment decision—first as a voting committee member (being a member of the department’s regular faculty) shaping the recommendation of the committee, and second in the*

*administrative capacity required to make a recommendation separate from that of the committee. Note that a similar limitation has long been made quite clearly in the existing policies regarding RPT decisions—administrators are precluded from voting within their own departmental RPT committees. See PPM 9-5.1, Part A-3-A-v, and Part E- 5. Changing this policy on appointments would bring it into line with the policy on RPT decisions.+}*

(2) Ordinarily, meetings of the committee shall be conducted with members physically present at the meeting site. When the chairperson determines that circumstances make such a meeting impractical for a majority of eligible members, voting may be conducted through telephone, electronic mail, or similar means of communication. Such alternative voting methods should be used only rarely and in exigent circumstances for appointments of regular faculty, but may be used as a matter of course for other appointments. The chairperson of the committee shall provide members with as much notice as is practicable under the circumstances of the intent to conduct voting through such an alternative method.

(3) A quorum of the department faculty appointments advisory committee shall consist of two-thirds of the members entitled to vote (as provided for in paragraphs B(1) and C(2) of this policy ~~see paragraph C(2) infra~~ ), except that any member unable to ~~attend~~ participate in the meeting because of formal leave of absence or ~~physical disability~~ medical condition shall not be counted in determining the number required for a quorum.

(4) Whenever practicable, the ~~department~~ chairperson shall advise each eligible member on leave or otherwise absent and unable to participate in the meeting of the proposed action and shall request his/her written opinion and vote. **Absent members' written opinions shall be disclosed during at the meeting, and their votes will be recorded and counted the same as other votes.** Absentee votes must be received prior to the meeting during at which a vote is taken by the committee. ~~and their written vote shall be recorded separately in the report of the meeting.~~

C. Action by the department faculty appointments advisory committee

(1) The department chairperson shall convene and chair the department faculty appointments advisory committee at appropriate times to consider proposed appointments, ~~including annual appointments after retirement.~~

(2) After full consideration and discussion, ~~a vote of the committee members holding a rank equal to or higher than that proposed for the candidate for appointment shall be taken on each candidate who is nominated for appointment.~~ the votes of the committee members shall be taken as follows, for each candidate considered: First, all members of the committee shall vote on a recommendation as to the making of the appointment generally, with the appointment to be made carrying at least the lowest rank applicable for the type of position being filled. Second, if it is proposed that the appointment be made at any higher rank, then there shall be a separate vote taken among only those members holding a

rank equivalent to or higher than the proposed appointment rank, and they shall vote on a recommendation as to that specified higher rank. For example, with an appointment proposed at the rank of associate professor, the assistant professor members of the committee shall participate with other members in the first vote—producing a recommendation regarding appointment with at least the rank of assistant professor, and then only the associate and full professors shall participate in a second vote on recommending that the appointment carry the higher rank of associate professor.

*{+Drafting note, part C-2. An important change is proposed regarding rights of faculty to vote on appointments in cases in which it is proposed that an appointment be made at a rank higher than the typical minimum entry level rank. Current policy provides for only one question to be voted on, combining the decision to recommend an appointment and the decision to recommend the rank at which the appointment would be made. It gives voting rights for that combined question only to those committee members who hold a rank equal to or higher than that proposed for the candidate. Thus, when a candidate is proposed for appointment at any rank higher than the minimum entry rank, the committee members who hold a lower rank are prohibited from voting on any aspect of the appointment. There are troubling ramifications to such exclusion of the junior faculty from the appointments process. The drafting committee was informed by anecdote that various departments have developed practices that somewhat blunt the negative effects of this exclusionary policy. Some departments may have even overlooked the exclusionary restriction and allowed junior faculty to vote. Others (perhaps a majority) have found ways of giving the junior faculty a voice if not an actual vote. One described practice used a two step process, beginning with a ‘straw vote’ in which the junior faculty were allowed to participate, and then, informed with the results of that straw vote, the senior faculty would proceed to comply with the current policy’s requirement that they alone participate in the ‘real vote.’ Another practice described was to have a vote in which all regular faculty participated, but it was understood that the votes of the junior faculty “did not count.”*

*Those practices seem to reflect a view, shared by the drafting committee, that strict adherence to the exclusionary approach of the current policy is likely to be detrimental in various ways. Excluding junior faculty from decisions about senior-level appointments is likely to discourage the building of collegial relationships among the junior and senior faculty. It is likely to discourage junior faculty from participating fully in the responsibilities of conducting searches and recruitment that are crucial for keeping a department vital. Remembering that the function of departmental voting is to provide recommendations that will then be considered by administrators, including most significantly the senior vice president and president, the effect of the current policy, strictly applied, is to deny those decision-makers the benefit of obtaining the views of the junior faculty.*

*The drafting committee’s view is that the principles which have led many departments to find ways to work around the restrictive existing policy should be given full recognition, leading to a new policy that is inclusive of the junior faculty. The proposed revision gives junior faculty a significant role in developing departmental recommendations for appointments of higher-rank candidates. It clarifies that an appointment actually involves two distinguishable but intertwined decisions-- first whether a candidate should be appointed at all (which inherently would carry at least the lowest rank ordinarily associated with such a position -- i.e., the typical entry level rank), and second whether the appointment should be made at some higher rank. It gives the junior faculty members an equal role in making recommendations as to that first decision. They would participate fully in answering the threshold question of whether a candidate has the appropriate qualities to become a member of the department’s faculty—to teach that department’s students, and to work collegially with both the junior and senior faculty in research and service activities. It then preserves for the senior faculty their exclusive role in voting on the second question, of whether the candidate is qualified to be appointed at a higher-than-minimum rank.*

*The drafting committee received input about one particular concern-- that junior faculty if given voting rights may perceive (perhaps accurately) that they are not entirely free to exercise their votes. If they oppose senior faculty in making recommendations about a senior-level candidate they may later be retaliated against. Perceiving such a risk, they may be intimidated into casting their votes in line with senior faculty. It was suggested that such risks*

could be minimized by the use of secret ballots. The proposed revision, like current policy, neither precludes nor requires the use of secret balloting. There appears to be variation on that point in the established practices of various departments--- some may consistently use open balloting, some may consistently use secret balloting, and some choose a balloting format attuned to the circumstances of a particular case. The proposed revision would not dictate any change in those practices, although departments might conclude that secret balloting should be used more frequently, especially for such senior-level appointments on which there might be disagreement among junior and senior level voters and the risks of retaliation and intimidation might be presented.

**A suggestion was received that the policy should allow for localized choice as to voting rights—that each college or even each department could come up with its own rule about excluding or including junior faculty from such appointments decisions. The drafting committee carefully considered and then declined to further entertain that concept. Among other serious faults, such an approach would impose major administrative burdens, keeping track of a tangled mess of different rules operating in the multitude of departments across campus. The central administrators charged with receiving and taking into account the recommendations coming from those departments, and verifying that departmental as well as university-wide procedures had been properly followed at each step of each appointment process, would be overtaxed. There would also be the very difficult matter of determining how a department or college would go about the process of choosing its local rule--- would it be done by college councils (which typically include junior and senior regular faculty, auxiliary faculty, and students), or by a plenary group of all of the regular faculty (junior and senior), or would that decision itself be reserved only for the most senior-level regular faculty? A uniform university-wide policy is the strong recommendation of the drafting committee.+ }**

#### D. Action by department chairperson

(1) Subsequent to receiving the recommendations of the department faculty appointments advisory committee ~~T~~the department chairperson shall prepare a written recommendation on the appointment of each candidate, and if the recommendation of the chairperson differs from the recommendations of the committee with regard to the appointment generally or the specific rank of the appointment, the chairperson shall state specifically the reasons for such difference stating specifically the reasons for a recommendation contrary to the vote of the department appointments advisory committee.

(2) The department chairperson shall then transmit to the dean of the college a written report of the action of the department faculty appointments advisory committee, including a tabulation of the votes taken, together with his/her the chairperson's recommendations ~~to the dean of the college.~~

#### E. Action by dean and college advisory committee

(1) The college council of each college shall adopt a policy determining: a) whether the college will maintain a standing college faculty appointments advisory committee, b) which faculty of the college the committee members shall be drawn from, and c) what role such committee shall have in making recommendations with respect to appointments of regular or other faculty. [See PPM 9-4.] If there is no college policy providing for a standing faculty appointments advisory committee applicable to a particular type of appointment, the dean of the college may act without further consultation with faculty of the college, or may ask another appropriate standing college

committee or an ad hoc committee to study further any individual proposed appointment. The dean of the college shall consider the recommendations of the department faculty appointments advisory committee, ~~and the department chairperson, and the college committee, if any, may, at his/her discretion, ask an appropriate college committee or an ad hoc committee to study further any individual candidate for appointment.~~

*{+Drafting note: 9-5 Part E-(1). The existing version of this policy left it up to a dean to decide whether to call together and seek input from a college-level advisory committee, on an ad hoc basis. However, the existing version of PPM 9-4 (which describes functions of college councils) seemed to assume that all colleges maintained standing appointments advisory committees. We were informed that actual practices among colleges have varied. The proposal is to cut that language out of 9-4, where it was oddly placed and therefore effectively hidden, and have this part of PPM 9-5 become the sole source of regulation of the role of college-level committees in the appointments process. This proposal reflects the desirability of allowing variation of practices among colleges, and not being overly restrictive of a dean's authority to handle matters on an ad hoc basis. The drafters considered but rejected an alternative of leaving to deans the power to decide whether to impanel a standing committee. This proposal places that power with the college council, acting through formal adoption of a 'permanent' policy, rather than having such decisions made piece-meal and ad hoc. The proposal also includes amending 9-4 so as to clarify the structure of college councils, and that clarification would ensure that the majority power within a college council is always held by regular faculty. With that clarification in 9-4, it would be assured that the college policy referred to here in 9-5-E-(1) will have been adopted by a council with sufficient regular faculty involvement.+}*

(2) The dean shall then prepare his/her written recommendations, together with reasons therefor, and forward the entire file to the cognizant senior vice president ~~for academic affairs.~~

F. Action by cognizant senior vice president ~~for academic affairs~~ , president, and Senate

(1) The vice president ~~for academic affairs~~ shall review the previous action on candidates for appointment and may, at his/her ~~the vice president's~~ discretion, require further clarification of individual cases.

(2) The vice president ~~for academic affairs~~ shall then forward the entire file with a recommendation, where appropriate, to the president.

(3) The president shall then inform the Academic Senate of proposed appointments to the faculty. If a majority of the Senate objects to any proposed appointment, the objection shall be referred to the Executive Committee of the Senate for investigation and review. The Executive Committee shall prepare a report, and shall transmit its report to the president. See [PPM 8-5 Sec. 2].

(4) The president shall then submit such candidates as the president shall determine for appointment to the Board of Trustees for approval at its next meeting ~~unless there is objection to any of these recommendations by a majority of the Senate~~ and shall include a copy of the Executive Committee's investigation report in cases of objection by the majority of the Senate.

~~(5) Objections shall be referred to the Executive Committee of the senate for investigation and review, and the report of the Executive Committee shall be transmitted by the president to the Board of Trustees.~~

#### G. Provisional appointments of visiting faculty

~~(1) Provisional nontenured appointments of visiting faculty for a duration up to one year **may shall** be made by the procedures outlined in this [policy section](#), except that for such appointments ~~the recommendations of the department appointments advisory committee and the college advisory committee are not necessary in advance.~~ **if the chairperson of the department determines that circumstances require the use of expedited procedures, then such appointments may be made without advance consultation with either the department faculty appointments advisory committee or college appointments advisory committee. In such cases, members of the department faculty appointments advisory committee shall be notified of the appointment as soon as practicable. The continuation beyond one year of any appointment initially made by such expedited procedures**~~

~~(2) However, these committees shall be notified, and the continuation of such an appointment beyond one year shall not be permitted until the full procedures outlined [herein in parts A-F of this policy](#) shall have been carried out. See the definition of visiting faculty given in [PPM 9-2, Sec. 4, D. 5].~~

*{+Drafting Note: Part G. Solely for convenience of readers in considering this proposal, here is the relevant portion of PPM 9-2, part 4, D. 5, cross-referenced because it defines "visiting faculty": "5) Visiting Faculty participate in the university's academic program on an interim basis and make a substantial contribution to the appointing department or college during that period in either the instructional and/or research realm. Individuals in such positions may be reappointed up to a cumulative total of three years in residence, but should not hold long-term appointments and are not entitled to notice of non-reappointment. Appointments to "visiting" positions are without significance for the achieving or holding of tenure, unless the individual is appointed to a regular faculty rank immediately upon completion of service in the visiting rank. Then the period served in the visiting rank may be counted as part of the pretenure probationary period. Whether the period in the visiting rank will be so counted must be agreed upon in writing at the time of the appointment to the regular faculty rank." +}*

#### H. Appointments initiated by dean or president's office

(1) The delegation of authority for initiation of appointments to the faculty, [referred to in Part A-1](#), shall not prevent any dean or the [cognizant](#) vice president ~~for academic affairs~~ or the president from initiating appointments when, in their judgment, the best interest of the university will be served by doing so.

(2) In the event the president, vice president ~~for academic affairs~~, or a dean initiates an appointment, the proposed action shall first be referred to the appropriate department [appointments](#) advisory committee [and thereafter the procedures described in Parts A-G of this policy, as appropriate, shall be followed.](#) ~~where the procedure described above shall be then followed in~~

~~considering the proposed appointment, including written reports with stated findings and reasons where feasible and appropriate, submitted through the stated channels to the president.~~

Approved: University Senate ~~2/1/99~~ [\_\_\_\_2007]

[[This policy reflects changes made to comply with PPM 9-2 as approved by the Board of Trustees on 3/8/99]]

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***{PPM 9-5.1 (RPT)--‘hiring with tenure,’ Draft 2007-02-21. All changes are shown in boldface font. Important changes are in part A-3, part G-1, and part K. }***

Policy: 9-5.1 Rev. ~~18~~ 19  
Date: ~~May 16, 2005~~ \_\_\_\_, 2007

**Subject:** FACULTY REGULATIONS - Chapter V - Section 2 APPOINTMENTS, RETENTION, PROMOTION, AND TENURE

SECTION 2. RETENTION, PROMOTION, AND TENURE <sup>5</sup>

A. Retention, promotion, and tenure reviews <sup>6</sup>

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<sup>5</sup> On March 2, 1987, the Academic Senate adopted the following resolution: The University RPT process shall be reviewed in three years (spring 1990) by a committee selected by the Academic Senate. The committee shall consist of students, faculty (both tenured and nontenured), and administrators.

<sup>6</sup> The regulations stated here in [PPM 9-5.1] are stated in terms appropriate for the most widely adopted form of organizational structure, in which a faculty appointment is made in a subdivision known as an “academic department,” which is organized together with related subdivisions in a parent “college.” In that structure, tenure is established in an academic department. There are several variations in organizational structure relevant to appointments and tenure of faculty, as explained in [PPM 9-2-1, 9-6-1].

These regulations in [PPM 9-5.1] shall be interpreted for appropriate adaptation to accommodate such relevant variations in organizational structure, including the following.

A. Where necessary, the term “department” shall refer to an academic subdivision within a parent college, which operates as equivalent to a department but is known by another name, including any “free-standing division” or “school”. See [PPM 9-2-1].

B. Where necessary, the term “college” shall refer to an academic organization which operates as equivalent to a college, but is known by another name, including a “school.” See [PPM 9-2-1].

C. For colleges that have no formal internal academic subdivisions (known commonly as ‘single-department colleges’ or ‘nondepartmentalized colleges’), appointments and tenure are established in the college. See [PPM 8-6-1, 9-2-1, 9-6-1]. Accordingly, the procedures described here for development of criteria, and making and reviewing of retention, promotion and tenure decisions, shall be modified appropriately, including as follows:

i. Formulation of criteria or guidelines for retention, promotion, and tenure reviews, described here in [9-5.1-2-A] and elsewhere, shall be conducted by the college.

ii. The functions described here in [9-5.1-2-A] and elsewhere as being performed by a department-level RPT advisory committee shall be performed by a college RPT committee. The description of the membership and leadership of the committee shall be interpreted to include appropriate modifications, including that the college dean is ineligible to serve as committee chair, and that committee members shall be drawn from the ranks of the college faculty.

iii. The functions described here in [9-5.1-2-B-1] and elsewhere as being performed by a department chair shall be performed by the college dean (see [PPM 8-3-5-F]), including such activities as holding meetings with RPT candidates.

iv. The functions described here in [9-5.1-2-C-3] and elsewhere as being performed by a department-level student advisory committee shall be performed by the college SAC.

v. The actions described here in [9-5.1-2-F-4, 9-5.1-2-G], and elsewhere as being performed by a college dean and college-level RPT committee shall be inapplicable. Instead, RPT actions from a

## 1. Purpose:

a. Retention. A probationary period is normally required for all individuals appointed to regular faculty ranks prior to the granting of tenure. Annual reviews shall be scheduled during this probationary period to evaluate the academic performance of nontenured individuals, to provide constructive feedback on their academic progress, and to terminate the appointment of those who do not meet the standards of the department and the expectations of the university after their initial appointments.

b. Promotion. Promotion in rank is the acknowledgment by the university of excellence in performance in teaching, research and creative work, professional competence, activity, and responsibility and university and public service.

c. Tenure. Granting tenure implies a commitment by the university to defend faculty members' academic freedom. Likewise, faculty members who are granted tenure make an equally strong commitment to serve their students, their colleagues, their discipline, and the university in a manner befitting a responsible academic person. It also raises a strong presumption that those granted tenure are competent in their discipline and capable of scholarly contributions. Granting tenure is regarded as the university's most critical personnel decision. Except for extraordinary instances, when specific and persuasive justification is provided, tenure will not be awarded to faculty members prior to their advancement to the rank of associate professor. It is therefore imperative, before such commitments are made, that a responsible screening process be followed to ensure that the most highly qualified candidates available are granted tenure. Tenured faculty shall be reviewed every five years as per [PPM 8-3, Section 5.C].

## 2. Criteria.

a. Content and approval. Each department or college shall formulate and distribute to all faculty members a statement of criteria to be used in retention, promotion, and tenure ("RPT") reviews. These criteria shall address the qualifications of candidates with respect to the areas of (1) teaching, (2) research and other creative activity, (3) university, professional, and public service. This statement of these criteria shall include the rationale for the criteria, and must be approved by majority vote of the department faculty, the dean, and the URPT Standards Committee. The statement shall be consistent with applicable provisions of University Regulations, Faculty Regulations and the Code of Faculty Responsibility as well as professional codes if appropriate, and with the purpose of the University of Utah as stated in Chapter 1, Section 1, of the State Higher Education System Regulations.

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single-department college shall be forwarded for review at the level of the cognizant vice president and appropriate committees as provided in [9-5.1-2-H] and elsewhere.

b. Standards for the criteria. Insistence upon the highest attainable standards for faculty members is essential for the maintenance of the quality of the university as an institution dedicated to the discovery as well as the assimilation and transmission of knowledge. The criteria shall emphasize the university's commitment to superior intellectual attainment and responsible faculty conduct. In carrying out their duties in teaching, research/other creative activity and service, faculty members are expected to demonstrate the ability and willingness to perform as responsible members of the faculty, as defined in the Code of Faculty Rights and Responsibilities [(PPM 8-12.4)].

c. Candidates in a regular faculty appointment may have accomplishments achieved prior to their probationary period at the University of Utah be considered as relevant to the demonstration of their achievement of the RPT criteria. Prior accomplishments, such as research publications or teaching experience, shall not substitute for a continuing record of accomplishments during the probationary period at the University of Utah. The burden is on the candidate to demonstrate that these achievements satisfy the RPT criteria. (For evaluation process, see [PPM8-6, Section 3.C.1.]).

i. Teaching and research/other creative activity. A continuing record of achievement in the areas of both teaching and research/other creative activity, including the exercise of professional expertise, is an indispensable qualification for promotion and tenure. For the purpose of retention, a reasonable potential for meeting these criteria should be demonstrated.

ii. Service. Recognition shall be accorded faculty members for the quality and extent of their public service, both of which shall be taken into account in the evaluation made in the context of retention, promotion, and tenure.

iii. Assessments of teaching, research/other creative activity and service may consider the candidate's conduct as a responsible member of the faculty.

### 3. Department retention, promotion, and tenure advisory committee

#### a. Committee membership:

i. Retention. In each department all tenured faculty members ~~of equal or higher rank and all tenure-eligible faculty members of higher rank than that held by the candidate for retention, regardless of rank,~~ are eligible to participate in the consideration of and to vote on recommendations in individual cases on matters of retention. Other faculty members may participate in the consideration of candidates for retention if allowed by department guidelines, but may not vote.

ii. Promotion. In each department all regular faculty members of equal or higher rank than that proposed for the candidate for promotion are eligible to participate in the consideration of and to vote on recommendations in individual cases on matters of promotion. Other faculty members may participate in the consideration of candidates for promotion if allowed by department guidelines, but may not vote.

iii. Tenure. In each department all tenured faculty members ~~whose rank is equal to or higher than the rank currently held by the candidate for tenure, and all tenure-eligible faculty members of higher rank than that proposed for the candidate for tenure,~~ **whose rank is equal to or higher than the rank currently held by the candidate for tenure, and all tenure-eligible faculty members of higher rank than that proposed for the candidate for tenure, regardless of rank,** are eligible to participate in the consideration of and to vote on recommendations in individual cases on matters of tenure. Other faculty members may participate in the consideration of candidates for tenure if allowed by department guidelines, but may not vote.

*{+Drafting note for 9-5.1 Part A-3-a- i and -iii: The current policy allows voting on tenure to be done by non-tenured faculty of a higher rank than the proposed rank of a candidate, and precludes voting by tenured faculty who hold a lower rank than the proposed candidate's rank. The drafting committee viewed that as troubling, first because we think it inappropriate for non-tenured persons to vote on the granting of tenure, second because it conflates the two distinct issues of promotion in rank and granting of tenure, and third because it makes for an unduly complicated procedure for identifying the eligible voters. The revised version of Part A-2-iii is much more simple—tenure voting is done by (and only by) committee members who themselves hold tenure, regardless of rank. Similarly, for retention, the current version of A-3-i allows voting by non-tenured faculty of a higher rank than the rank of the candidate for retention, and precludes voting by tenured faculty who hold a lower rank than the rank of the candidate for retention. Because a vote with regard to retention is primarily a decision that the candidate is progressing appropriately toward tenure, it is appropriate that voting on retention be done by the same persons who vote on tenure decisions. The proposed revised version of A-3-i would use the same simple rule for retention as for tenure, with voting done by (and only by) committee members who themselves hold tenure, regardless of rank. + }*

iv. Small academic unit rule. Any department or division advisory committee making a formal RPT recommendation must include at least three members eligible to vote by tenure status and rank. If the unit does not have at least three eligible members, the department or division chair must recommend to the dean one or more faculty members with the appropriate tenure status and rank and with some knowledge of the candidate's field from other units of the University of Utah or from appropriate emeritus faculty. In advance of the chair's contacting such faculty members, the chair shall notify the candidate of the potential persons to be asked, and the candidate must be offered the opportunity to comment in writing on the suitability of the potential committee members. The final selection rests with the dean.

v. Single vote rule. No individual may cast a vote in the same academic year in any person's case in more than one capacity (e.g., as member of both department and academic program, as member of both

department and college advisory committees, as member of both department and administration).

b. Chairperson. The chairperson of the department RPT advisory committee shall be elected annually from the tenured members of the department. In this election all regular faculty members of the rank of professor, associate professor, assistant professor, and instructor shall be entitled to vote. The department chairperson is not eligible to chair this committee.

B. Informal or Formal Reviews. All tenure-eligible faculty shall be reviewed annually to assess their achievement in teaching, research/other creative activity, responsibility, and service. Informal annual reviews are required in each year in which a formal review is not held. More extensive, formal reviews are required for mid-probationary retention reviews; final probationary year reviews (consideration for tenure); consideration for termination at any point in the probationary period (such as triggered reviews); and promotion decisions. (A chart of the timing and review requirements is set forth below at [PPM 9-5.1 Section 2 D.12.]

1. Informal reviews. Informal reviews must minimally include 1) a face to face meeting between the candidate and the department chair (or a designee, as per department guidelines) to discuss the candidate's progress based on the file; 2) involvement, determined by the department, from the RPT advisory committee (and academic program if relevant); and, 3) a written report to be made available to the candidate, the members of the RPT advisory committee and the department chair.

a. Department criteria. Department guidelines must prescribe specific requirements for informal reviews. Minimally, the guidelines must state the required documentation and who provides it, procedures for preparing and distributing the written report, the nature of the involvement by the RPT advisory committee (and academic program if relevant), procedures and criteria for appointment of a chair's designee, if any, and the timetable for the annual reviews. Departments may elect to include in their guidelines more extensive review procedures than the minimum required.

b. Actions after the report. Candidates shall have the opportunity to make a written response to the report. The report and the response, if any, are then filed in the candidate's cumulative file with a copy of each sent to the dean. The informal review concludes at this point.

c. Triggering formal retention reviews. If a tenure-eligible faculty member does not demonstrate clearly adequate progress to the reviewers in an informal review, the department chair or department RPT advisory committee in consultation with the reviewers may trigger a formal RPT review after giving the candidate written notice of such a review and its timing. The formal RPT review may proceed either in the following year or as soon as the file is completed (including the solicitation and receipt of external review letters if applicable) but no sooner than 30 days after written notice of the review is provided to the candidate.

2. Formal reviews. Formal reviews must provide a substantive assessment of the candidate's research or other creative activity, teaching and service to date. Formal reviews require a vote of the full RPT advisory committee. External evaluations, as discussed below ([PPM9-5.1. Section 2 D.9]), are required for tenure and promotion reviews. Departments, through departmental policy, may also mandate external evaluations for mid-probationary and or/or triggered reviews. When such external evaluations are not mandated, candidates still retain the right to have external letters solicited unless quality of research or creative activity is not an issue in the review (e.g., a triggered review focused solely on teaching) and provided that such request is made before the review commences.

a. Mid-probationary retention reviews. All tenure-eligible faculty members shall have at least one formal, mid-probationary review in their third or fourth year, as determined by departmental policy. Department policy must prescribe the number of reviews and the year(s) in which they occur.

b. "Triggered" reviews. The results of an informal review may "trigger" a formal review earlier than prescribed by departmental policy if an informal review has demonstrated inadequate performance or progress, as described in [PPM 9-5.1 Section 2 B.1.c] above.

c. Tenure. Tenure-eligible faculty members must be reviewed for tenure by the final year of their probationary period.

i. Deadline for tenure review. The final year is the fifth year for persons appointed at the ranks of associate professor or professor and the seventh year for those appointed at the rank of assistant professor (unless the department has established, through policy, a six year probationary period for assistant professors). See [PPM 8-6, Sec. 3. B].

ii. Request for earlier review. Within limits specified by departmental policy and by PPM 8-6, Sec. 3.C.1., tenure-eligible faculty may request a review for tenure earlier than the year of the mandatory review.

d. Promotion.

i. Timing for tenure-eligible faculty. Tenure-eligible faculty members are usually reviewed for promotion concurrently with their tenure reviews. Under unusual circumstances, tenure-eligible faculty members may request a review for promotion earlier than the year of the mandatory tenure review.

ii. Timing for tenured faculty. Tenured faculty members may request a review for promotion within limits specified by departmental policy.

### C. Notice to involved individuals

1. Notice to candidate. Each candidate for retention, promotion, or tenure shall be given at least 30 days advance notice of the department RPT advisory committee meeting and an opportunity to submit any information the candidate desires the committee to consider.

2. Notice to department faculty and staff. At least three weeks prior to the convening of the departmental RPT committee, the department chairperson shall invite any interested faculty and staff members in the department to submit written recommendations for the file of each candidate to be considered, stating as specifically as possible the reasons for each recommendation.

3. Notice to student advisory committee. Prior to the convening of the departmental RPT committee, the department chairperson shall notify the college's representative to the Student Senate and the department student advisory committee(s) (SACs) of the upcoming review and request that the department SAC(s) submit written recommendations with respect to each candidate to be considered, stating as specifically as possible the reasons for each recommendation. The SAC shall be given at least three weeks to prepare its recommendations, but upon failure to report after such notification and attempts by the department chairperson to obtain the reports, the SAC's recommendations shall be deemed conclusively waived and their absence shall not thereafter be cause for complaint by faculty members appealing an adverse decision.

4. Notice to academic program. When a candidate for retention, tenure or promotion in a department is also a member of an academic program, the department chairperson shall notify the chair/director of the academic program of the action to be considered at the same time that the faculty candidate is notified. Academic program faculty as defined by procedures established by the program (and not participating in the departmental review committee) shall meet to make a written recommendation which shall be sent to the department chair in a timely manner.

D. Candidate's file. Proper preparation and completeness of each candidate's file are essential for the uninterrupted progress of a RPT review through all the stages of the review process. Required components and their timing are identified in the table below in paragraph [PPM 9-5.1 Sec 2 D.12].

1. Structure of the file. The file is envisioned as a notebook in the department office, which is growing throughout a faculty member's probationary period at the University. However, a physical notebook is not the only method allowable — for example an electronic file or other format may be used alone or as a supplement. The file shall be cumulative and kept current as described in the following sections.

2. Curriculum vitae. The candidate's file is expected to provide a current and complete curriculum vitae, which is organized in a clear and coherent manner, with appropriate dates of various items and logical groupings or categories related to the department's RPT criteria. The CV should be updated annually, but not during the course of a given year's review. During a review, new accomplishments may be

reported and documented as a part of any of the reports or responses in the regular process.

3. Evidence of research/creative activity. The candidate is expected to provide evidence of research and other creative activity, updated annually.

4. Past reviews and recommendations. The department chair shall include the recommendations from all previous reports submitted by all voting levels in formal reviews, i.e. SAC, department and college RPT advisory committees, letters from chairs, deans, vice presidents, the president and recommendation from UPTAC (if present). Teaching evaluations and letters or reports from all informal reviews should also be included. The past reviews and recommendations in a file for promotion to Professor shall include the candidate's vita at the time of the previous promotion (or at appointment if hired as Associate Professor), all reports and recommendations from tenured faculty reviews, and teaching evaluation summaries since the previous promotion (or appointment). If that promotion or appointment was more than five years earlier, teaching evaluation summaries should be included for at least the most recent five years.

5. Evidence of faculty responsibility. Letters of administrative reprimand and the latest findings, decisions, or recommendations from university committees or officials, arising from relevant concerns about the faculty member should also be included in the candidate's file.

6. Recommendation from academic program. In the event that an academic program produces a recommendation as under [PPM 9-5.1 Sec 2 C.4], the department chairperson shall include the recommendation in the candidate's file before the department faculty RPT advisory committee meets to consider the case.

7. Recommendation from the department student advisory committee. If the department SAC produces a recommendation as under [PPM 9-5.1 Sec 2 C.3], the recommendation shall be placed in the candidate's file by the department chairperson before the department faculty RPT advisory committee meets to consider the case.

8. Other written statements. Any other written statements — from the candidate, faculty members in the department, the department chairperson, the college dean, staff, or interested individuals--which are intended to provide information or data of consequence for the formal review of the candidate, must be placed in the file by the department chairperson before the department faculty RPT advisory committee meets to consider the case.

9. External evaluations. The purpose of external evaluations is to provide an objective assessment of the quality of the candidate's work and its impact on the academic and/or professional community at large. Along with the actual review, the external evaluator should describe his/her qualifications and relationship to the candidate. The department chairperson should make sure that any letters of

evaluation from outside the department are requested early enough for the letters to arrive and be included in the candidate's file before the program and department advisory committee meetings. Before external letters of evaluation are requested, the faculty member being reviewed shall be presented with a departmentally prepared form containing the following statements and signature lines:

*I waive my right to see the external letters of evaluation obtained from outside the department for my retention/ promotion/tenure review.*

*signature date*

*I retain my right to read the external evaluation obtained from outside the department for my retention/promotion/ tenure review.*

*signature date*

That form, with the candidate's signature below the statement preferred by the candidate, shall be included in the candidate's review file. When the candidate reserves the right to read the external letters of evaluation, respondents shall be informed in writing that their letters may be seen by the faculty member being reviewed.

10. Candidate's rights. Candidates are entitled to see their review file upon request at any time during the review process, except for confidential letters of evaluation solicited from outside the department if the candidate has waived the right to see them. If a candidate wishes to comment on, or to take exception to, any item in his/her initial formal review file, the candidate's written comment or exception must be added to the file before the department RPT advisory committee meeting is held.

11. Review of file. The candidate's file shall be made available to those eligible to attend the departmental advisory committee meeting a reasonable time before the meeting, which may be specified in department policy.

12. Table of Minimum University Requirements for Reviews.

Type	Retention			Tenure	Promotion to Associate or "full" Professor
	Informal	Formal	Formal	Formal	Formal
When	<i>Annual</i>	<i>Triggered-b,c</i>	<i>Mid-Probationary</i>	<i>End of Probation</i>	<i>Typically end of probation or when meets department standards</i>
<i>Involved parties:</i>					
External reviewers	No	As per Department Policy-a	As per Department Policy-a	Yes	Yes
Academic program, if appropriate	Yes	Yes	Yes	Yes	Yes
SAC	No	Yes	Yes	Yes	Yes
Department RPT	Representation-d	Yes	Yes	Yes	Yes
Department chair-f	Yes	Yes	Yes	Yes	Yes
College RPT	No	As per 9-5.1, G.1.a.	As per 9-5.1, G.1.a.	Yes	Yes
Dean	Receives report	Yes	Yes	Yes	Yes
Candidate includes in file: (minimum requirements)					
Curriculum Vitae	Yes	Yes	Yes	Yes	Yes
Department Includes in File: (minimum Requirements)					
SAC report	No	Yes	Yes	Yes	Yes

External Letters (could be internal to University but external to department)	No	As per Departmental Policy-a	As per Departmental Policy-a	Yes	Yes
Past Reviews and Recommendations-e	Yes	Yes	Yes	Yes	Yes
Academic program report	Yes	Yes	Yes	Yes	Yes
Comments from others	Optional	Yes	Yes	Yes	Yes
Student Course Evaluations	Yes	Yes	Yes	Yes	Yes

- a. Candidates retain the right to have external letters be solicited in a formal review if quality of research or creative activity is an issue in the review. See [PPM 9-5.1 Sec 2 D.9] above.
- b. This triggered review may occur in the same year as the review or in the subsequent year.
- c. The required components for triggered and mid-probationary reviews may be identical or different, as determined by department policy.
- d. This representation occurs through the type of involvement set forth in departmental criteria. See [PPM 9-5.1 Section B.1]. above.
- e. Reports from all voting levels in all RPT reviews and letters or reports from all annual reviews. [PPM 9-5.1 Sec 2 D.4]
- f. A designee may be used for informal reviews in large departments' reviews as noted in [PPM 9-5.1 Sec 2 B.1].

- E. Action by the department retention, promotion, and tenure advisory committee
1. Meetings. The department chairperson shall call a meeting of the departmental RPT advisory committee to conduct reviews as described in [PPM 9-5.1 B].
  2. Committee secretary. A secretary of each meeting shall be designated by the chairperson of the department RPT advisory committee and shall take notes of the discussion to provide the basis for developing a summary.
  3. Quorum. A quorum of a department advisory committee for any given case shall consist of two-thirds of its members, except that any member unable to attend the meeting because of formal leave of absence or physical disability shall not be counted in determining the number required for a quorum.
  4. Absentee voting. Whenever practicable, the department chairperson shall advise all members on leave or otherwise absent of the proposed action and shall request their written opinions and votes. Absent members' written opinions shall be disclosed at the meeting and their votes will be counted the same as other votes. Absentee votes must be received prior to the meeting at which a vote is taken by the department advisory committee.
  5. Limitations on participation and voting. Department chairpersons, deans, and other administrative officials who are required by the regulations to make their own recommendations in an administrative capacity may attend and, upon invitation by majority vote of the committee, may submit evidence, judgments, and opinions, or participate in discussion. By majority vote the committee may move to executive session, from which nonvoting participants may be excluded. Department chairpersons, deans, and other administrative officials who cast RPT votes in their administrative capacities shall not vote at the department level.
  6. Committee report. After due consideration, a vote shall be taken on each candidate for retention, promotion, or tenure, with a separate vote taken on each proposed action for each candidate. The secretary shall make a record of the vote and shall prepare a summary of the meeting which shall include the substance of the discussion and also the findings and recommendations of the department advisory committee. If a candidate is jointly appointed with an academic program, the department advisory committee report shall reflect the department's discussion and consideration of the report and recommendation of the academic program.
  7. Approval of the committee report. This summary report of the meeting, signed by the secretary and bearing the written approval of the committee chairperson, shall be made available for inspection by the committee members. After allowing an inspection period of not less than two business days nor more than five business days, and after such modification as the committee approves, the secretary shall forward the summary report to the department chairperson and the candidate, along with a list of all faculty members present at the meeting.

8. Confidentiality. All committee votes and deliberations are personnel actions and should be treated with confidentiality in accordance with policy and law.

F. Action by department chairperson

1. Recommendations. After studying the entire file relating to each candidate, the department chairperson shall prepare his/her written recommendation to be included in the file on the retention, promotion, or tenure of each candidate, including specific reasons for the recommendation.

2. Notice to faculty member. Prior to forwarding the file, the department chairperson shall send an exact copy of the chairperson's evaluation of each faculty member to that faculty member.

3. Candidate's right to respond. The candidate shall have the opportunity at this time, but not the obligation, to add a written statement to his/her formal review file in response to the summary report of the department faculty advisory committee and/or the evaluation of the department chairperson. Written notice of this option shall be included with the copy of the chairperson's evaluation, which is sent to the candidate. If the candidate chooses to add such a statement to the file, that statement must be submitted to the department chairperson within seven business days, except in extenuating circumstances, of the date upon which the chairperson's evaluation is delivered to the candidate. If the candidate submits a written statement to the department chairperson within this time limit, the candidate's statement shall be added to the review file without comment by the chairperson.

4. Forwarding files. The department chairperson shall then forward the entire file for each individual to the dean of the college.

G. Action by dean and college advisory committee

1. Referral of cases to the college advisory committee [/ membership of committee:](#)

[Each college shall establish a college RPT advisory committee, and the criteria for membership of the committee shall be as set forth in the charter of the college council. The charter shall specify whether the membership may include tenured or un-tenured regular faculty, whether there must be representation from all or fewer than all departments within the college, and whether representatives from a department are to participate or not participate in matters involving candidates from the representatives' departments, consistent with the part A-3-a-v of this policy\(single vote rule\).](#)

*{+Drafting note for 9-5.1 Part G-1: Currently, nowhere in PPM is there any guidance as to the makeup of college RPT advisory committees, nor clear rules as to who decides what the structure of the committees shall be. The revision provides some basic guidance, but leaves each college great leeway to determine how its committee will be structured. The specific question of participation of a college advisory committee member who is from the same department as a candidate is in part governed by PPM 9-5.1 part A-3-a-v, single vote rule-- "No individual may cast a vote in more than one capacity (e.g., as member of both...department and college advisory committee....) There is also the limitation in G-1-c, that "Neither the dean nor the chairperson of the department*

*concerned shall attend or participate in the deliberations of the college committee except by invitation of the committee.” + }*

a. Retention. The dean at his/her discretion may request the college advisory committee to review and submit recommendations on any candidate for retention. However, if termination of a candidate is recommended by the SAC, or the department advisory committee, or the department chairperson, the dean shall transmit the entire file on that candidate to the college advisory committee.

b. Promotion or tenure. The dean shall forward the entire file on all cases dealing with promotion or tenure to the college advisory committee.

c. Attendance and participation at meetings. Neither the dean nor the chairperson of the department concerned shall attend or participate in the deliberations of the college committee except by invitation of the committee.

d. Recommendations of the college advisory committee. The college advisory committee shall review the file of each case referred to it and shall determine if the department reasonably applied its written substantive and procedural guidelines to each case. The college committee shall make its recommendations on an individual's retention, promotion, or tenure, based upon its assessment whether the department's recommendations are supported by the evidence presented. The college committee shall use the department's criteria (or college criteria if the college has college-wide instead of departmental criteria) in making its assessment. If documents required by policy are missing, the college committee may return the file to the department for appropriate action. The college committee shall advise the dean in writing of its vote and recommendations.

2. Recommendations of the dean. The dean shall then review the entire file for each candidate for retention, promotion, or tenure and shall make recommendations in writing, stating reasons therefor, and shall forward the file, including all the recommendations, to the cognizant senior vice president (for academic affairs or for health sciences).

3. Notice to faculty members. Prior to forwarding the file, the dean shall send an exact copy of the college advisory committee's report of its evaluation and an exact copy of the dean's evaluation of each faculty member to that faculty member and to the department chair.

4. Candidate's right to respond. The candidate shall have the opportunity at this time, but not the obligation, to add a written statement to his/her formal review file in response to the report of the college advisory committee's evaluation and/or the dean's evaluation. Written notice of this option shall be included with the copy of the dean's evaluation which is sent to the candidate. If the candidate chooses to add such a statement to the file, that statement must be submitted to the dean within seven days, except in extenuating circumstances, of the date upon which the dean's

evaluation is delivered to the candidate. If the candidate submits a written statement to the dean within this time limit, the candidate's statement shall be added to the review file without comment by the dean.

5. Forwarding files. The dean shall then forward the entire file for each individual to the cognizant senior vice president.

#### H. Action by cognizant vice president, and the University Promotion and Tenure Advisory Committee

1. Referral of cases to the university committee. The cognizant senior vice president shall forward to the University Promotion and Tenure Advisory Committee (“UPTAC”) for its review and recommendation the files in all cases in which the college is organized and functions as a single academic department or there is a differing recommendation from any of the prior review levels--the student advisory committee, the academic program, the department advisory committee, the department chairperson, the college advisory committee, or the college dean. The cognizant senior vice president, in his/her sole discretion, may also send any other RPT case to UPTAC for its review and recommendations. UPTAC provides advice to the senior vice president.

2. Recommendations of the University Promotion and Tenure Advisory Committee. The committee shall review the entire file for all cases referred to it, and after due deliberation shall submit its recommendations with reasons and its vote to the cognizant senior vice president.

a. In cases reviewed only because they arise from single department colleges, UPTAC shall determine whether the college reasonably applied its written substantive and procedural guidelines to each case and whether the college’s recommendations are supported by the evidence presented.

b. In cases in which there were differing recommendations from the prior reviewing entities, UPTAC shall identify the source(s) of the differences or controversy, determine how each level addressed the issues in controversy, and assess the degree to which the file is sufficiently clear to support any conclusive recommendation.

c. In cases which are reviewed at the discretionary request of the senior vice president, UPTAC shall review the file to respond to the specific issues identified by the senior vice president.

d. In making all reviews, UPTAC shall consider only the material in the file. UPTAC shall summarize its assessment of the issues identified in a, b, or c above in a written report to the senior vice president, but not report a conclusion of its own on the candidate’s overall qualification for retention, promotion, or tenure.

3. Consideration by the senior vice president. The cognizant senior vice president shall review each file, including the recommendations (if any) of the University

Promotion and Tenure Advisory Committee. If the senior vice president determines that the file is incomplete or unclear, he/she may return the file to the department with a request to clarify specific matters, materials, and/or issues. All levels of review shall reconsider the file and their votes if appropriate, with the candidate responding in writing at the normal points in the process. (SAC need not reconsider the file unless teaching is the issue in question.)

4. Senior vice president's decision. In cases of positive retention decisions, the senior vice president's decision shall be the university's final decision. In all cases of promotion and tenure and in cases of retention when termination is recommended, the senior vice president shall prepare a final recommendation to the president with respect to the candidate's retention, promotion, and/or tenure, stating reasons therefor.

5. Notice of senior vice president's recommendation. In positive retention cases, the senior vice president shall transmit the final decision and the report of the University Promotion and Tenure Advisory Committee (if any) to the candidate, the department chair, and the dean. In all other cases, prior to forwarding the file to the president, the senior vice president shall send an exact copy of the report of the University Promotion and Tenure Advisory Committee (if any) and an exact copy of the senior vice president's recommendation with respect to that faculty member to the candidate, the dean, the department chairperson, and the chairpersons of the departmental RPT committee and the Student Advisory Committee, together with a copy or summary of subsection I. The chairpersons of the departmental RPT and student advisory committees shall notify the members of their committees in an expeditious manner of the senior vice president's recommendation. The senior vice president shall not submit the final recommendation to the president until at least fourteen days have elapsed following the giving of such notice, so that parties may notify the senior vice president's office if they intend to appeal.

6. Extension of time limits. The time limits provided by this subsection H may be extended by the senior vice president in the interest of justice.

I. Appeal of recommendation with respect to retention, promotion, and/or tenure.

1. Appeal by faculty member. A faculty member may appeal to the Consolidated Hearing Committee (CHC) for review of an unfavorable final recommendation with respect to retention, promotion, and/or tenure by following the procedures provided in PPM 9-3, Section 10 and upon the grounds enumerated in that section. The CHC is the hearing body for an appeal brought on any grounds, including academic freedom, but if the candidate alleges that the unfavorable recommendation violates academic freedom, then the CHC shall refer that part of the appeal to the Academic Freedom and [Faculty Rights Tenure](#) Committee for pre-hearing consideration and report, as per [PPM 9-3, Sec. 10, III, F.1.a.ii.].

2. Other appeals. Appeals of the vice president's recommendation on promotion and/or tenure may also be initiated by the department SAC, a majority of the

departmental ~~RPTP~~-advisory committee, the department chairperson, or the dean, when the vice president's recommendation opposes their own recommendation. The appeal is made to the Consolidated Hearing Committee and should follow the procedures provided in [PPM 9-3, Section 10], and upon the grounds enumerated in that section. Authorized parties initiating an appeal may have access to the entire file except that the faculty member may not see external letters which he/she waived the right to read.

J. Final action by president

1. Action in absence of review proceedings. If no proceedings for review have been initiated under subsection I of this section within the time provided therein, the recommendation of the vice president with respect to retention, promotion, and/or tenure of a faculty member shall be transmitted to the president for action. After reviewing the recommendation, giving such consideration to the documents in the candidate's file as the president deems necessary under the circumstances, the president shall make a final decision granting or denying retention, or granting or denying promotion, and/or tenure, and shall advise the candidate, the cognizant vice president, the dean and the department chairperson of that decision, stating reasons therefor.

2. Action after conclusion of review proceedings. If proceedings for review have been timely initiated under subsection I of this section, the recommendation of the vice president with respect to retention, promotion, and/or tenure shall be placed in the candidate's file but shall not be transmitted to the president for action. Except as provided in subsection J (3), below, the president shall not consider the merits of the matter and shall not take final action with respect thereto until the pending review proceedings have concluded. Upon conclusion of the review proceedings, the president shall review the file and make a final decision consistent with paragraph (1), above.

3. Notice of termination. When review proceedings have been timely initiated under subsection I of this section, the president, on recommendation of the cognizant vice president, may give a candidate advance written notice of termination pursuant to [PPM 8-6, Sec. 4 / University Regulations, Chapter VI, Section 4]. Such notice shall be effective as of the date it is given if a final decision to terminate the faculty member's appointment is subsequently made by the president, on or before the termination date specified in the notice, but shall have no force or effect if a final decision is made by the president on or before that date approving retention, promotion, and/or tenure or otherwise disposing of the case in a manner that does not require termination.

**K. New appointments with tenure—expedited procedures for granting tenure**

**Tenure may be granted at the time of initial appointment of a faculty member (commonly known as 'hiring with tenure'). See [PPM 8-6 Sec. 2-B]. When a decision regarding tenure is to be considered contemporaneously with a decision**

regarding initial appointment, the procedures for the appointment and initial rank decisions are governed by [PPM 9-5-1], and the procedures for the tenure decision are as described here in [9-5.1 part K].

This part K allows the use of expedited procedures for tenure decisions arising in circumstances in which more complex and lengthy procedures are inappropriate.

1. For purposes of expedited decisions on granting of tenure at the time of initial appointment of a candidate, the voting membership of the department RPT advisory committee shall consist of all tenured faculty members of the department, regardless of rank (subject to the limitations of [part A-3-a-v, and part E-5]). If allowed by departmental guidelines, other faculty members may participate in consideration of the candidate, but shall not vote on the tenure decision.

2. The chairperson of the department shall provide interested persons with notice of scheduled meetings of the committee, and invite them to submit information for consideration by the committee. Notice may be given orally, or in writing as circumstances permit, and should be given as early as practicable under the circumstances. Notice shall be given to the candidate, the department faculty and staff, and student representatives (including any members of the student advisory committee who are available, and/or other students determined by the department chairperson to adequately represent student interests). If it is contemplated that the candidate will also be appointed to an academic program separate from the tenure-granting department, notice shall also be provided to the chair/director of that academic program, who may in turn give notice to members of that program.

3. The candidate's file shall include information submitted by the candidate, faculty, staff, and student representatives of the department, and representatives of any related academic program, and other information determined by the department chairperson or department RPT chairperson to be relevant. It shall include a curriculum vitae, available evidence of research/creative activity, available evidence of teaching effectiveness, and a report from student representatives, and may include available evidence regarding faculty responsibility. The file shall include letters of evaluation from at least three outside evaluators. It shall be presumed that the candidate waives any right to see such external evaluation letters, unless the candidate submits to the RPT chairperson a written request for access to any letters prior to the time the letters are submitted.

4. The actions of the department RPT committee and the department chairperson shall proceed as described in parts E and F of this policy, except that i) the RPT committee chairperson may set a shortened period for inspection of the report of the RPT meeting, ii) the candidate need not be provided copies of either the committee report or the chairperson's recommendation, and iii) the candidate need not be given an opportunity to respond to either the committee report or the chairperson's recommendation.

5. The actions of the dean and college RPT advisory committee shall proceed as described in part G, except that the candidate need not be provided copies of the committee's or the dean's recommendations, and the candidate need not be given an opportunity to respond to either recommendation.

6. The actions of the vice president and UPTAC shall proceed as described in part H for a tenure decision, except as follows. UPTAC reviews all recommendations of tenure accompanying new appointments, regardless of college or of votes by prior levels. UPTAC may delegate its responsibilities to a subcommittee formed for purposes of such expedited proceedings, and its reports may be made in abbreviated form. The candidate need not be provided copies of either the committee's report or the vice president's recommendation. The student representatives need not be provided such copies, but when practical shall be informed of the recommendations of UPTAC and the vice president. The vice president may submit the final recommendation to the president immediately (without awaiting notice from any person of an intent to appeal).

7. In expedited proceedings neither the candidate nor any other person has a right of appeal of either a favorable or unfavorable recommendation of the vice president. The final action of the president shall be taken as provided in section J.

*{+Drafting note for 9-5.1, part K-7. For ordinary tenure decisions involving in-house candidates, under parts H, I, and J, the candidate has a right to appeal to the Consolidated Hearing Committee if the vice president makes a recommendation against granting tenure. Other persons, such as department faculty and student representatives have a right to appeal either a favorable or unfavorable recommendation of the vice president. The appeal process is lengthy and can impose substantial delay on a final resolution of the tenure decision. The proposal for expedited proceedings for granting tenure at time of appointment does not include any such right of appeal for either the candidate or any other person. The drafting committee thought it clearly inappropriate to provide for a candidate's right of appeal from an unfavorable recommendation. Given that the candidate ordinarily has no long term commitment to the University, and typically will have no prior relationship at all, there is insufficient justification to provide a burdensome appeal opportunity for such a candidate. As a practical matter, a candidate disfavored by the VP would likely withdraw from consideration even for hiring, much less for hiring with tenure, or would accept being hired without tenure but perhaps with an agreement to be subsequently considered for early tenure.*

*For a time, the drafting committee considered offering an alternative draft in which there would be a right of appeal for persons other than the candidate. Such an appeal route would mostly likely be used by someone within a department, perhaps student representatives, who were opposed to a candidate, and would seek to appeal to the CHC after the VP made a recommendation favoring tenure for the candidate.*

*After consultation with various constituents, and finding minimal indication of any support for including such a right of appeal, the drafting committee eliminated that alternative version from the proposal. The proposal presented to the Senate precludes appeal by anyone—primarily because a potentially lengthy appeal process is inconsistent with the principle of having an expedited process for granting tenure at the time of hiring.+ }*

Approved: Academic Senate 5/2/2005 \_\_\_\_\_; Board of Trustees-5/16/2005 \_\_\_\_\_

{ **PPM 9-4 (College Councils)**, Draft 2007-02-12 Only the most significant changes are shown in **boldface font.** }

Policy: 9-4 Rev. ~~3~~ **4**

Date: ~~November 10, 1997~~ \_\_\_2007

**Subject:** FACULTY REGULATIONS - Chapter IV COLLEGE FACULTIES AND COUNCIL

## SECTION 1. SCHOOL AND COLLEGE FACULTIES

Each school and college faculty shall have, subject to the approval of the Academic Senate and appeal to the university faculty, jurisdiction over all questions of educational policy affecting that school or college, including requirements for entrance, graduation, and major, and prescribed subjects of study.

Majors shall be authorized by the school or college faculty concerned, but the content of the major shall be determined by the department or departments in which it is given. Majors and their content shall be subject to the review of the Academic Senate. ~~( in accord with [PPM 8-5 / University Regulations, Chap. V, Sec. 4].)~~

A statement of the action taken upon educational policy by any school or college faculty shall be presented at the next regular meeting of the Academic Senate for consideration and action thereon.

## SECTION 2. COLLEGE COUNCILS

### A. ESTABLISHMENT AND AUTHORITY OF COLLEGE COUNCILS

1. Establishment. College councils are hereby established within the system of university governance.

2. Organizational Scope. A college council shall be organized and shall function within each college. Any academic unit or personnel with faculty rank not administratively situated within an existing college shall affiliate with and become a constituent part of a college council designated by the president, but only for the purpose of participating in the university governance responsibilities vested in such college council.

3. General Powers. A college council shall formulate policies and exercise primary authority to make decisions relating to college and department

affairs to the extent authorized by Faculty Regulations. All actions taken by a college council shall be reviewable by the Executive Committee of the Academic Senate in accordance with criteria approved by the senate, and shall be subject to the power of the Academic Senate to establish uniform policies and take final action on all matters of university concern.

## B. AREAS OF RESPONSIBILITY OF COLLEGE COUNCILS

### 1. Faculty Personnel Actions

(a) Appointments, **and retention, promotion and tenure.**

**The role of college councils within the process of making appointments of faculty shall be as prescribed in [PPM 9-5-1].** As is more fully described in that policy, each college council may adopt college policy regarding the establishment and role of any college-level faculty appointments advisory committee, and may adopt college policy regarding the eligibility of auxiliary faculty to serve on departmental faculty appointments advisory committees.

**The role of college councils with regard to decisions on retention, promotion, or tenure of faculty shall be as prescribed in [PPM 9-5.1].** As is more fully described in that policy, each college shall establish a college RPT advisory committee, and such committees shall make recommendations with respect to certain RPT decisions.

**Colleges may choose to establish a single committee to carry out both the advisory function for appointments, and the advisory function for decisions of retention, promotion and tenure, in all cases, or to serve both functions only for cases in which it is proposed that tenure be granted at the time of initial appointment (commonly known as hiring with tenure).**

~~Recommendation for appointments shall be initiated at the department level and submitted successively, for evaluation and recommendation, to the dean of the college, the appointments committee of the college council, and the vice president for academic affairs; provided, however, that a college council may permit appointments at the rank of assistant professor and lower ranks to be processed by the department and appropriate college dean without reference to the appointments committee. Recommendations for appointments with tenure must include a statement of the views of the department student advisory committee. No offer of a faculty appointment with tenure shall be made until the proposal has been presented to the University Promotions and Tenure Advisory Committee, and the committee, or a subcommittee thereof, has had an opportunity to make a recommendation concerning the award of tenure at the time of appointment.~~

~~(b) Other Personnel Matters. Action regarding retention, tenure, promotion, and sabbatical leaves shall be initiated at the department level and processed successively through an appropriate committee of the college council, the dean of the college, and the vice president for academic affairs. Where disparity occurs in the recommended actions, or other cause exists, the vice president for academic affairs may refer the matter to an appropriate university committee.~~

## 2. Academic Policy Actions

College councils shall develop curriculum and related academic programs to meet the goals and purposes of the university. Any program requiring approval of the State Board of Regents including the establishment of a new department or a new degree, must be submitted to ~~the Executive Committee~~ of the Academic Senate for approval.

## 3. University Curriculum Policy Review Board

The chairpersons of the various college curriculum committees will be convened as a University Curriculum Policy Review Board to review curriculum policies and procedures, coordinate curriculum planning and intercollege consultations, and promulgate modifications in guidelines for processing curricular proposals. The Associate Vice President for Academic Affairs and Undergraduate Studies, or his/her designee, will chair the Review Board-committee. The guidelines proposed by the University Curriculum Policy Review Board, after approval by the Executive Committee of the Academic Senate, will be the operating rules for making curriculum changes during the academic year. Each college council shall develop appropriate procedures consistent with guidelines established by the University Curriculum Policy Review Board for initiating and reviewing curriculum changes and adjustments for all programs within their respective jurisdictions.

## 4. General Policy Recommendations

A college council may recommend to the Academic Senate, through the Executive Committee of Academic Senate, new policies or policy modifications in relationship to any aspect of the university operation.

## 5. Additional Duties

College councils shall perform other functions and duties assigned to them by the Academic Senate from time to time.

# C. COUNCIL STRUCTURE

1. The organizational structure and membership of each college council shall be determined, and may be modified from time to time, by majority vote of all voting **regular** faculty members of the college ~~involved,~~ **within the following parameters. A majority of the voting members of the council shall be comprised of regular faculty members, whose roles** and may be either plenary or representative. ~~The college councils should include student members.~~ Where a representative structure is adopted **for regular faculty,** the representation formula should be broad, ~~and shall be subject to the approval of the Executive Committee of the Academic Senate.~~ **The membership of the council should include representatives of the auxiliary faculty, and of students, and may include representatives of staff.** The structure shall be subject to the approval of the Executive Committee of the Academic Senate.

2. Each college council shall establish appropriate committees and procedures to expedite its work, and shall provide for meaningful involvement of students in department and college deliberations and activities, including effective coordinating with departmental student advisory committees.

3. When dealing with faculty personnel action, a college council representing two departments or less or having a total of fewer than twenty-five faculty members in the ranks of professor, associate professor and assistant professor, shall provide for committee processing, where necessary, by referring the matter to the appropriate university-wide committee.

#### D. COLLEGE COUNCIL COORDINATION WITH UNIVERSITY-WIDE COMMITTEES

To the extent necessary to effectuate the purposes of the college council system of governance as provided herein, the Executive Committee of the Academic Senate shall (1) direct the transfer to the college councils of responsibility for functions delegated to them and heretofore performed by university-wide committees and (2) modify the responsibilities of university-wide committees in corresponding manner.

Approved: Academic Senate ~~11/3/97~~ \_\_\_\_\_

Approved: Board of Trustees ~~11/10/97~~ \_\_\_\_\_

**Appendix A-- Drafting Notes  
for 2007 Proposal to Revise Policies on Faculty Appointments, RPT, College  
Councils**

**Feb. 21, 2007**

*Contents: 2007 Drafting Notes for:  
PPM 9-5 (APPOINTMENTS OF FACULTY)  
PPM 9-5.1 (RPT)  
PPM 9-4 (COLLEGE COUNCILS)*

These Drafting Notes do not constitute part of the official policies they refer to. They describe the views of the drafting committee, but have not been approved by the Academic Senate or Board of Trustees. They may be consulted for information about decisions made within the drafting process.

## **PPM 9-5 APPOINTMENTS OF FACULTY**

### **PPM 9-5 “Scope” statement:**

The title of the section is changed to include the phrase “of faculty”—so as to emphasize that this section governs only the faculty appointments process, not appointments of administrative officers.

The opening statement of “Scope” is added to clarify that this section governs only appointments to faculty positions.

A new footnote # 1 is added to clarify that this section is not applicable to appointment of various positions which do carry classroom teaching responsibilities but which are not considered part of the “faculty” of the University for this and various other purposes. Such positions include associate instructors, teaching fellows, and others. See PPM 9-5.6, describing appointments procedures for “Academic Staff” (nonfaculty instructional positions of associate instructor, associate instructor AOCE and research associate), and “Educational Trainees” (nonfaculty positions of teaching assistant, teaching fellow and research assistant).

The new, lengthy footnotes # 2 & # 3 are added to provide cross-references and some guidance on how this and other sections of the regulations apply jointly when an appointment to a faculty position is being made in conjunction with an appointment as an administrative officer (such as department chair or college dean), and/or in conjunction with consideration for granting tenure. In some instances, all three types of decisions are involved, more or less simultaneously, such as when a candidate from outside the University is appointed as dean of a college, given a faculty appointment in a department within that college, and granted tenure in that department. When these related decisions are being made concurrently, there are multiple sets of regulations to be complied with. To some extent, the procedures followed for each decision do overlap, and the same persons are involved, yet there are some significant differences among the procedures. These footnotes provide some easily referenced guidance on coordinating those distinct

procedures. The new cross-reference to PPM 9-5.1 will lead readers to a new part of that policy, which we are simultaneously proposing for adoption, to provide clear guidance on procedures for granting tenure at time of appointment.

#### **PPM 9-5 Part A-(1)**

The existing version mentioned the power to appoint “administrative officers,” and that is removed for the revised version because this policy focuses only on appointments of faculty.

The citation to the Utah Code section is updated in the revised version, because the numbering was changed by the Legislature many years ago.

A sentence is added mentioning delegation of authority from the president to departments for initiating the appointment process. With former language, particularly part H-1, there seemed to be an assumption that there was such a delegation of authority, but the delegation was not expressly stated anywhere. Adding the sentence here makes explicit what H-1 had done implicitly. The new sentence also reinforces the understanding of the advisory role of the faculty in providing recommendations to the president regarding each candidate presented to the president for a faculty appointment.

New footnote # 4. The existing version of policy gave no explicit guidance for how procedures designed to fit the model of separate academic departments grouped within a larger college should be adapted to the circumstances of a single-department college. This entirely new footnote is added primarily to provide that guidance, as well as to clarify the applicability of this regulation for appointments of faculty throughout the University despite variations in the structure of academic units or the names used by some academic units. This footnote is largely modeled after a similar footnote that in 2005 was inserted in PPM 9-5.1 (RPT procedures).

#### **PPM 9-5 Part A-(2)**

The former phrasing gave the power of formulating criteria to the department “faculties”—but didn’t explain precisely what constituted a faculty for that purpose. The revision is intended to make clear that this responsibility is undertaken by the same body that makes recommendations on actual appointments—which is the departmental appointments advisory committee.

#### **PPM 9-5 Part A-(3)**

The revised version removes the former reference to granting of tenure, because this section governs only “appointments,” and the rules about granting tenure appear elsewhere in PPM.

#### **PPM 9-5 Part A-(4)**

The revised version explains that the authority to choose search/recruitment methods is placed with the department chairperson, although some consultation with the appointments advisory committee is required. Previously, there was nothing in this part of PPM that even mentioned the ordinary practice of using search committees, or in any way provided guidance about search methods, and importantly there was no mention of

the role that choice of search methods may play in increasing (or decreasing) the diversity of a recruitment pool. Language is added to make plain that for regular faculty appointments, there is a nearly universal practice of using search committees and to give some guidance about the makeup of such committees—that they be ‘representative.’ For auxiliary appointments, use of search committees is left optional, and there is no statement of expectations about the makeup of such committees.

**Regarding diversity, the revised version adds a statement of the important principle that recruitment methods be “consistent with the University’s commitment to equal opportunity and diversity.”** The drafters considered including specific references to the functions of the currently existing offices which assist departments in meeting that commitment. Those offices currently include offices of diversity within the academic affairs administration and within the health sciences administration, as well as the Office of Equal Opportunity/ Affirmative Action. It was decided not to specifically name those offices, so that PPM will not become outdated if there ever occurs a renaming or restructuring of the offices.

#### **PPM 9-5 Part A-(5)**

The revised version includes this new subsection, incorporating some points taken from existing PPM 9-4 regarding College Councils, and also providing a general statement about the important principle of faculty consultation. The overview of the steps for appointments previously appeared in PPM 9-4 (a part of PPM that explains the existence and operation of college councils). It was rather odd to have that detailed description of appointments procedures appear in 9-4, rather than here in 9-5, and so the revised version moves that overview here to this more appropriate context, and slightly modifies it. See the concurrent proposal for revision of 9-4.

#### **PPM 9-5 Part A-(6).**

Notice to candidates. This is entirely new language. One of the major concerns that led to the 2005-2007 project of revising the appointments policy was a concern about candidates not being given sufficient information about the appointments procedures—and therefore being susceptible to inaccurate impressions about the status of an appointment. Nowhere else in PPM is there any mention of the important principle of providing reasonable notice to candidates about the procedures through which their candidacies are being considered. This part is drafted in very general terms to establish a general principle of providing useful information to candidates, without attempting to impose specific obligations to provide particular types of notice according to any specified timetable. The drafting committee anticipates that administrators providing training to department chairs and others engaged in faculty recruiting will include some training regarding appropriate means and ‘best practices’ of keeping candidates adequately informed about the procedures applicable for their candidacy.

#### **PPM 9-5 Part A-(7).**

This is an entirely new part. There is some redundancy among this part and the new footnote # 3, both addressing the overlap of policies that apply for processing any hiring-with-tenure. The drafting committee concluded that this message is sufficiently important to justify repetition. The cross-reference to PPM 9-5.1-K will lead readers to the newly revised policy on expedited procedures for granting tenure at time of appointment.

### **PPM 9-5 Part B-(1)**

Extensive additions are made to subsection B-(1) to add clarity regarding membership of the departmental advisory committee, and the non-voting role of the department chairperson, and the non-voting role of deans and other administrators who hold faculty appointments in the department.

For committee membership, it is first clarified that the committee includes all regular faculty (i.e., it is not a subset representative committee, even in a very large department such as exist in Medicine). It is then clarified that “regular” faculty are always voting members (including untenured-tenure-track faculty).

It is clarified that although the department chairperson serves as chair of the appointments committee (as was formerly stated in subsection C(1)), the chairperson does not have voting rights within the committee. The drafting committee was informed that such a limit on voting rights is in accord with long-established University-wide practice, but that limitation was not made explicit in the existing version. That limitation is appropriate because the chairperson would otherwise have two opportunities to affect the appointment decision—first as a voting committee member (being a regular faculty member) shaping the recommendation of the committee, and second in the administrative capacity of department chairperson required to make a recommendation separate from that of the committee. Similarly, the revised version states a limitation on voting rights of deans and other higher administrators, who by regulation must make their separate recommendations as administrators, but who could be included as regular faculty members of the committee were this limitation not made explicit. This change appears to bring the policy in line with well-established practice, although the limitation was not well-stated in the existing version of the policy.

Note that a similar limitation is made quite clearly in the existing policies regarding RPT decisions. There is PPM 9-5.1-E-5 (dept. chair, deans, and other administrators who will be casting an RPT “vote” in administrative capacity shall not vote at department level), and PPM 9-5.1 Part A-3-A-v. (RPT committee, “Single vote rule. No individual may cast vote in more than one capacity (e.g., as member of both department and administration).” )

Clarification is also made regarding the possible involvement of “auxiliary” faculty. The revised version reflects the view that it can be appropriate for auxiliary faculty to have voting privileges for decisions about other auxiliary positions (never for decisions on regular faculty appointments). So, the revision clarifies that current auxiliary faculty may be allowed as voting members only for purposes of considering

appointments being made to auxiliary faculty positions, and only when such participation has been approved in advance as a general matter by the college council and by the regular faculty of the department. Note that this limited set of rights provided here is consistent with an existing description in PPM 9-2.4A, which generally describes the roles of auxiliary faculty, and states that “*Colleges and departments may permit such auxiliary faculty to vote on appointment and promotion decisions with respect to other auxiliary faculty in their respective categories, and to advise on other appointments.*” It is made clear here that a record of the participation of auxiliary faculty shall be included in the written report prepared by the chairperson and forwarded to the dean and then to central administration. In any instance in which the requirements have been met and auxiliary faculty are made members of the committee for purposes of a particular appointment—they should be treated as full members for all purposes related to that appointment—they would have voting rights in setting the criteria for the position, they would have the right to be given notice of meetings and have absentee balloting, and finally to vote on recommendations regarding a particular candidates.

The revised version also reflects the view that it can be appropriate to include other interested persons in discussions for some appointments, and so it is made clear here that such participation is permissible if specifically approved by the regular faculty—but those persons can never have voting rights. Such persons might include auxiliary faculty (especially for appointments of regular faculty), faculty from outside the department, staff members and student leaders, and even local community representatives.

#### **PPM 9-5 Part B-(2)**

Drafters’ note: The previous version, (which probably reflects thinking of an era before widespread use of email) seemed to assume that actual physical presence is required for most of the members—although it allowed for individual members to be physically absent yet have their vote reported in writing and counted. This new subsection is added to clearly allow for the increasingly common practice of holding “virtual” meetings, and recognizes that such methods are entirely appropriate for routine appointments of auxiliary faculty, but not to be used for appointments of regular faculty except in extraordinary circumstances—such as may occur when an appointment of a highly desired candidate must be considered during a summer or holiday period. This may occur for example when a faculty appointment is being made contemporaneously with an administrative appointment.

The drafters discussed but rejected the idea of authorizing such virtual voting only if the department (or possibly the college), has previously formally adopted a policy permitting such voting methods, so that a chair would not be able to decide on the use of such a method ad hoc in the midst of conducting a particular recruitment. It was decided that the admonition against using virtual meeting methods for regular faculty appointments except in exigent circumstances is sufficient safeguard against excessive use and abuse of the virtual meeting procedure.

#### **PPM 9-5 Part B-(3)**

The changes in subsection B(3) are meant to clarify that for purposes of a establishing a quorum, the membership of the committee is as described in Part B-(1)—always including the regular faculty and possibly including auxiliary faculty.

The changes are also meant to make clear that the contents of Part C-(2) should be considered in determining a quorum. That subsection specifies two different groups of voters for two distinct recommendations—appointment at entry level rank and appointment at higher rank. Thus the criteria for a quorum may differ for those two separate phases of voting.

In the final phrase of the sentence, the term “participate in” is replacing the term “attend,” to be more consistent with the newly added provision of B-(2) which allows for ‘virtual’ meetings rather than requiring in-person meetings. Similar minor rephrasing is used in Part B-(4) for that purpose.

#### **PPM 9-5 Part B-(4)**

A change is made to reduce the risk of a candidate learning about an individual absentee voter having voted unfavorably. Under the previous phrasing, an absent member’s vote was to be singled out for recording separately from votes of those who were present, and that seemed to present a risk that a candidate would be easily able to learn about the individual absentee’s (unfavorable) vote. So the proposal is to have the absentee’s vote blended in with votes of those present. This new language is partly copied from PPM 9-5.1-A3.ii which describes the absentee voting process used in RPT proceedings. The revised version also emphasizes that the absentee voting process is only applicable for those faculty actually eligible to vote on a particular question under the definitions provided in Part C-2.

#### **PPM 9-5 Part C-(1)**

In the former version, this phrase appeared at the end: “including annual appointments after retirement.” It is proposed to remove that language here, and place it instead in the new statement of “Scope” appearing at the beginning of this policy where it seems to fit best.

#### **PPM 9-5 Part C-(2)**

An important change is proposed regarding rights of faculty to vote on appointments in cases in which it is proposed that an appointment be made at a rank higher than the typical minimum entry level rank. Current policy provides for only one question to be voted on, combining the decision to recommend an appointment and the decision to recommend the rank at which the appointment would be made. It gives voting rights for that combined question only to those committee members who hold a rank equal to or higher than that proposed for the candidate. Thus, when a candidate is proposed for appointment at any rank higher than the minimum entry rank, the committee members who hold a lower rank are prohibited from voting on any aspect of the appointment. There are troubling ramifications to such exclusion of the junior faculty from the appointments process. The drafting committee was informed by anecdote that various departments have

developed practices that somewhat blunt the negative effects of this exclusionary policy. Some departments may have even overlooked the exclusionary restriction and allowed junior faculty to vote. Others (perhaps a majority) have found ways of giving the junior faculty a voice if not an actual vote. One described practice used a two step process, beginning with a ‘straw vote’ in which the junior faculty were allowed to participate, and then, informed with the results of that straw vote, the senior faculty would proceed to comply with the current policy’s requirement that they alone participate in the ‘real vote.’ Another practice described was to have a vote in which all regular faculty participated, but it was understood that the votes of the junior faculty “did not count.”

Those practices seem to reflect a view, shared by the drafting committee, that strict adherence to the exclusionary approach of the current policy is likely to be detrimental in various ways. Excluding junior faculty from decisions about senior-level appointments is likely to discourage the building of collegial relationships among the junior and senior faculty. It is likely to discourage junior faculty from participating fully in the responsibilities of conducting searches and recruitment that are crucial for keeping a department vital. Remembering that the function of departmental voting is to provide recommendations that will then be considered by administrators, including most significantly the senior vice president and president, the effect of the current policy, strictly applied, is to deny those decision-makers the benefit of obtaining the views of the junior faculty.

The drafting committee’s view is that the principles which have led many departments to find ways to work around the restrictive existing policy should be given full recognition, leading to a new policy that is inclusive of the junior faculty. The proposed revision gives junior faculty a significant role in developing departmental recommendations for appointments of higher-rank candidates. It clarifies that an appointment actually involves two distinguishable but intertwined decisions-- first whether a candidate should be appointed at all (which inherently would carry at least the lowest rank ordinarily associated with such a position -- i.e., the typical entry level rank), and second whether the appointment should be made at some higher rank. It gives the junior faculty members an equal role in making recommendations as to that first decision. They would participate fully in answering the threshold question of whether a candidate has the appropriate qualities to become a member of the department’s faculty—to teach that department’s students, and to work collegially with both the junior and senior faculty in research and service activities. It then preserves for the senior faculty their exclusive role in voting on the second question, of whether the candidate is qualified to be appointed at a higher-than-minimum rank.

The drafting committee received input about one particular concern-- that junior faculty if given voting rights may perceive (perhaps accurately) that they are not entirely free to exercise their votes. If they oppose senior faculty in making recommendations about a senior-level candidate they may later be retaliated against. Perceiving such a risk, they may be intimidated into casting their votes in line with senior faculty. It was suggested that such risks could be minimized by the use of secret ballots. The proposed revision, like current policy, neither precludes nor requires the use of secret balloting. There appears to

be variation on that point in the established practices of various departments--- some may consistently use open balloting, some may consistently use secret balloting, and some choose a balloting format attuned to the circumstances of a particular case. The proposed revision would not dictate any change in those practices, although departments might conclude that secret balloting should be used more frequently, especially for such senior-level appointments on which there might be disagreement among junior and senior level voters and the risks of retaliation and intimidation might be presented.

A suggestion was received that the policy should allow for localized choice as to voting rights—that each college or even each department could come up with its own rule about excluding or including junior faculty from such appointments decisions. The drafting committee carefully considered and then declined to further entertain that concept. Among other serious faults, such an approach would impose major administrative burdens, keeping track of a tangled mess of different rules operating in the multitude of departments across campus. The central administrators charged with receiving and taking into account the recommendations coming from those departments, and verifying that departmental as well as university-wide procedures had been properly followed at each step of each appointment process, would be overtaxed. There would also be the very difficult matter of determining how a department or college would go about the process of choosing its local rule--- would it be done by college councils (which typically include junior and senior regular faculty, auxiliary faculty, and students), or by a plenary group of all of the regular faculty (junior and senior), or would that decision itself be reserved only for the most senior-level regular faculty? A uniform university-wide policy is the strong recommendation of the drafting committee.

#### **PPM 9-5 Part E-(1)**

This is one of the areas discussed most extensively in the drafting process, which is probably a reflection of there being some variation in current practices among colleges, which in turn likely results from lack of clarity of the existing regulations. The existing version of this policy left it up to a dean to decide whether to call together and seek input from a college-level advisory committee, on an ad hoc basis. In PPM 9-4 (which describes functions of college councils), the existing version seemed to assume that all colleges maintained standing appointments advisory committees. The proposal is to cut that language out of 9-4, where it was oddly placed and therefore effectively hidden, and have this part of PPM 9-5 become the sole source of regulation of the role of college-level committees in the appointments process.

This proposal reflects the desirability of allowing variation of practices among colleges, and not being overly restrictive of a dean's authority to handle matters on an ad hoc basis. The drafters considered but rejected an alternative of leaving to deans the power to decide whether to impanel a standing committee. This proposal places that power with the college council, acting through formal adoption of a 'permanent' policy, rather than having such decisions made piece-meal and ad hoc. The proposal also includes amending 9-4 so as to clarify the structure of college councils, and that clarification would ensure that the majority power within a college council is always held by regular faculty. With that clarification in 9-4, it would be assured that the college

policy referred to here in 9-5-E-(1) will have been adopted by a council with sufficient regular faculty involvement. Once a college council adopts a formal policy, that college-level policy will govern the role of any college-level committee in considering appointments. If no such policy has yet been formally adopted, the dean is free to proceed without consultation of faculty, or to arrange some sort of consultation with any existing or ad hoc committee.

Elaborating further, the following language appeared in the existing version PPM 9-4, which described various functions of college councils. The proposal includes a specific recommendation of revising that language within 9-4, so that it will become merely a cross-reference, leading readers here to PPM 9-5.

PPM 9-4. "Appointments. Recommendation for appointments shall be initiated at the department level and submitted successively, for evaluation and recommendation, to the dean of the college, the appointments committee of the college council, and the vice president for academic affairs; provided, however, that a college council may permit appointments at the rank of assistant professor and lower ranks to be processed by the department and appropriate college dean without reference to the appointments committee. Recommendations for appointments with tenure must include a statement of the views of the department student advisory committee. No offer of a faculty appointment with tenure shall be made until the proposal has been presented to the University Promotions and Tenure Advisory Committee, and the committee, or a subcommittee thereof, has had an opportunity to make a recommendation concerning the award of tenure at the time of appointment.

Other Personnel Matters. Action regarding retention, tenure, promotion, and sabbatical leaves shall be initiated at the department level and processed successively through an appropriate committee of the college council, the dean of the college, and the vice president for academic affairs. Where disparity occurs in the recommended actions, or other cause exists, the vice president for academic affairs may refer the matter to an appropriate university committee."

### **PPM 9-5 Part E-(2)**

The former version referred to the "VP for academic affairs." Changing that to "cognizant vice president" will bring the policy into conformity with the organizational structure established during the presidency of Bernie Machen, in which there is a senior VP of academic affairs and a senior VP of health sciences.

### **PPM 9-5 Part F-(3)**

In the former version the language about the role of the Senate and its Executive Committee appeared in Part F-(5). The revised version moves it from there to this Part F-(3) because this placement better fits with the chronology of an appointment process. This function of the Senate is also described in current PPM 8-5—which is not proposed for change. A cross reference to that policy is added here.

## PPM 9-5 Part G.

The revised version retains the principle from the existing version that for short-term visitor appointments it may often be too cumbersome to seek advance recommendations from the departmental advisory committee and a college-level committee. A problem with the existing language was that it was open to an interpretation in which the recommendations of the committees would nevertheless have to be obtained, albeit retroactively. If interpreted in that way, the language would invite the troublesome possibility of a visitor's appointment being retroactively opposed by the advisory committees, and possibly leading to the appointment being pulled out from under the candidate who had already begun preparations in reliance on having been led to believe the appointment was completed. The revised version eliminates the possibility of that troublesome interpretation, making clear that a visiting appointment can be completed, expeditiously, without recommendations formally received from either a departmental or college-level committee. In such cases, the steps involved will include all of the others set forth in Parts A-F, which include (i) recommendation by dept chair, (ii) recommendation by dean, (iii) recommendation by cognizant VP, (iv) review by Senate (with possibility of objection triggering report from Exec Committee), (v) recommendation from president to Trustees, and (vi), final approval by Trustees.

The revised version retains a requirement that the departmental committee (but not the college committee), always be notified after-the-fact of an appointment. The timing for such notice is stated only generally ("as soon as practicable") because any more specific timing requirement would likely not fit with the wide variety of situations for which such short-term provisional visiting appointments may be made. The purpose of the notification requirement is to ensure that departmental faculty are aware of who will be joining the department, even on a temporary basis. Although not stated explicitly, it seems evident that a member of the departmental committee who received such notice, and who could offer strong reasons for objecting to a particular appointment, would be able to voice such objections to influence the various participants in the appointments process—including the Senate.

The revised version makes clear that use of these expedited procedures should only occur when circumstances make it impractical to seek the recommendations of the departmental and college-level committees. The drafting committee was not informed of any past abuses of the authority for expedited procedures given under the existing version, but nevertheless concluded it would be wise to include language to minimize the likelihood of excessive use of the expedited procedures.

The cross-reference to the definition of "visiting faculty" leads the reader to PPM 9-2, part 4, D. 5, which includes the following: *"5) Visiting Faculty participate in the university's academic program on an interim basis and make a substantial contribution to the appointing department or college during that period in either the instructional and/or research realm. Individuals in such positions may be reappointed up to a cumulative total of three years in residence, but should not hold long-term appointments and are not entitled to notice of non-reappointment. Appointments to "visiting" positions are without significance for the achieving or holding of tenure, unless the individual is*

*appointed to a regular faculty rank immediately upon completion of service in the visiting rank. Then the period served in the visiting rank may be counted as part of the pretenure probationary period. Whether the period in the visiting rank will be so counted must be agreed upon in writing at the time of the appointment to the regular faculty rank.”*

### **PPM 9-5 Part H.**

Minor clarifications are proposed for this part, explaining the process to be followed when someone in the central administration initiates a faculty appointment. In the existing version, this part was the only part of PPM which there was any explicit reference to the concept of delegation of the president’s power to initiate appointments. In the revised version, in Part A-1, that delegation will be made explicit, for most appointments. Part H will continue to make clear that despite that typical delegation, initiation can be done by the president and other administrators. It clarifies that once such an administrator initiates the appointment process, then the typical consultation with faculty must be included. If the administrator-initiated appointment involves only a provisional non-tenured appointment, the expedited procedures of Part G could be used, and if it is a longer term appointment, then the full-scale consultation with faculty and others described in Parts B-F would apply.

--end—

### **PPM 9-5.1 Retention, Promotion, Tenure.**

For PPM 9-5.1, the most important changes proposed would establish rules for expedited procedures to be used in granting tenure at the time of a faculty appointment (commonly known as hiring with tenure). That comes in new part K. A few other minor changes are proposed because the committee concluded that some cleaning-up of minor problems ought to be done while this part of PPM is opened for review.

#### **PPM 9-5.1 Part A-3-a - i & -iii (and Part K-1).**

The current policy allows voting on tenure to be done by non-tenured faculty of a higher rank than the proposed rank of a candidate, and precludes voting by tenured faculty who hold a lower rank than the proposed candidate’s rank. The drafting committee viewed that as troubling, first because we think it inappropriate for non-tenured persons to vote on the granting of tenure, second because it conflates the two distinct issues of promotion in rank and granting of tenure, and third because it makes for an unduly complicated procedure for identifying the eligible voters. The revised version is much more simple—tenure voting is done by (and only by) committee members who themselves hold tenure, regardless of rank. Similarly, for retention, the current version of A-3-i allows voting by non-tenured faculty of a higher rank than the rank of the candidate

for retention, and precludes voting by tenured faculty who hold a lower rank than the rank of the candidate for retention. Because a vote with regard to retention is primarily a decision that the candidate is progressing satisfactorily toward tenure, it is appropriate that voting on retention be done by the same persons who vote on tenure decisions. The proposed revised version of A-3-i would use the same simple rule for retention as for tenure, with voting done by (and only by) committee members who themselves hold tenure, regardless of rank.

#### **PPM 9-5.1 Part G:**

Currently, nowhere in PPM is there much guidance as to the makeup of college RPT advisory committees, nor clear rules as to who decides what the structure of the committees shall be. The existing rules do presume that college-level committees will exist. We have surveyed and found that some colleges have formalized descriptions of their committees within their college council charters—while others do not. The structures used vary from college to college. We propose to add some guidance within this section of PPM, but to do so in a way that allows great flexibility for local practices. This change would affect both the tenure-at-hiring cases which are the main focus of the proposed revisions, and also all other tenure decisions. The proposal leaves each college great leeway to determine how its committee will be structured, but does require that the chosen structure be described within the charter of the college council. It requires that the college council consider certain key criteria in designing that structure, such as whether the members of the committee must themselves be tenured, whether it is necessary to have representation from all departments, and whether representatives from a candidate's department should participate in or be excused from voting as to that candidate. The specific question of participation of a college advisory committee member who is from the same department as a candidate is in part governed by PPM 9-5.1 part A-3-a-v, single vote rule-- "No individual may cast a vote in more than one capacity (e.g., as member of both...department and college advisory committee)." There is also the limitation in G-1-c, that "Neither the dean nor the chairperson of the department concerned shall attend or participate in the deliberations of the college committee except by invitation of the committee."

#### **PPM 9-5.1 Part I.**

A minor technical change is proposed. A reference to the former Academic Freedom and Tenure Committee would be changed to refer to that committee's new name, resulting from changes made in 2006, now named the Academic Freedom and Faculty Rights Committee.

#### **PPM 9-5.1 Part K.**

Summary: This new part is the main provision through which the proposal would more clearly allow for, and newly regulate, the use of expedited procedures for granting of tenure at the time a candidate is initially appointed ("hiring with tenure). The streamlined procedures allow moving quickly to extend an offer of a faculty appointment with tenure to a highly sought-after senior level candidate (while ensuring adequate consultation

within department and with UPTAC). This is meant to codify existing practices with such expedited procedures, which have been widely used, although existing policy only very vaguely referred to their possible use and gave almost no guidance on when they would be applicable or what steps should be followed, and the few relevant passages were hidden in obscure parts of PPM. One relevant existing passage is oddly located in a part of PPM otherwise devoted to the activities of college councils—where no one would expect to find regulations about hiring with tenure. As proposed, that obscure passage (from PPM 9-4) would be eliminated, and replaced by this new part K, which would allow for streamlined tenure procedures in such situations.

The practical differences between ordinary tenure decisions and the extraordinary ‘hiring-with-tenure’ situations make it appropriate to shorten or entirely eliminate some steps that apply in the ordinary context (in which tenure is earned after a several-year probationary period). These expedited procedures would allow for flexibility in obtaining input from student representatives; not require providing candidates with copies of documentation at every stage; not provide for a candidate’s right to appeal negative recommendations; and allow UPTAC to perform its reviews in an expedited manner. As a result, the University would be able to move quickly to extend an offer of a faculty appointment with tenure to a highly sought-after senior level candidate, without significantly compromising the important roles of members of the department, college representatives, and UPTAC in the decision to grant tenure.

Rather oddly, in existing regulations, the most explicit description of procedures applicable for hiring with tenure appear not in PPM 9-5.1 (RPT), or PPM 9-5 Sec.1 (Faculty Appointments), but in PPM 9-4 (Areas of Responsibility of College Councils). In the context of describing, as the title suggests, the various responsibilities of college councils, that section includes this statement:

*“Recommendations for appointments with tenure must include a statement of the views of the department student advisory committee. No offer of a faculty appointment with tenure shall be made until the proposal has been presented to the University Promotions and Tenure Advisory Committee, and the committee, or a subcommittee thereof, has had an opportunity to make a recommendation concerning the award of tenure at the time of appointment.”*

The proposal is to eliminate that passage from PPM 9-4, and replace it with the more fully developed guidance proposed for PPM 9-5.1—in new Part K.

More detail:

The opening paragraph would serve as a reminder that for any ‘hiring-with-tenure’ there are actually two distinct decisions being made, with differing standards and procedures for each decision.

**\* K-1:** This would make clear that the membership of a departmental RPT committee for purposes of an expedited tenure decision is the same as is proposed to apply for all tenure decisions—consisting of all tenured members of the department, regardless of rank. There is also a cross-reference to A-3-a-5, and E-5, as a reminder that the single-vote rule of those subsections precludes administrators from voting within their departmental RPT committee if they will

subsequently be making separate recommendations in their administrative capacities.

**\* K-2:** This would govern the notice required to be given to various persons regarding a pending departmental RPT committee meeting and decision—and would make clear that for notice may be given orally and within a time frame that is “practicable under the circumstances.” Perhaps most significantly, it would allow flexibility in selecting student representatives to participate in the process. While ordinary tenure decisions require that formal Student Advisory Committees serve as the representatives of students, for expedited proceedings (which often may occur between academic sessions when the SAC members are not easily available), departments would have flexibility to select others who can adequately represent student interests.

**\* K-3:** This would describe the contents of the candidate’s file at the time a departmental decision on tenure is made. It would be mandatory that some sort of report from student representatives be included, but that need not be the same formalized report expect in ordinary tenure decisions. It would be made clear that there must be letters from outside evaluators. It would be presumed that the candidate waives the right to see the letters from outside evaluators, although a candidate could overcome that presumption by submitting a written statement to the contrary (whereas in ordinary tenure decisions candidates must always submit a written statement as to whether or not they waive access to such letters). Given this presumption of waiver, there is no cumbersome requirement of informing outside evaluators about the status of waiver.

**\* K-4, K-5, K-6:** Regarding a candidate’s opportunities to obtain copies of documents from the departmental committee decision, and later stages, candidates won’t ordinarily be given copies, and at least implicitly don’t have a right to request them.

**\* K-6:** This would authorize established practices, allowing UPTAC to use special expedited procedures to perform its function in reviewing a tenure-at-hire decision. UPTAC would be able to use a specially formed subcommittee rather than requiring participation of the entire committee, and it could present its views through an abbreviated form of report rather than the lengthy reports that might accompany an ordinary in-house tenure case. Student representatives of the department would have to be informed of the results of the UPTAC review, and the Vice President’s recommendation, but it would not be necessary to provide the student representatives with complete copies of the UPTAC proceedings or the Vice President’s recommendation.

**\* K-7:** This would regulate rights of appeal from the V.P.’s recommendation.

For ordinary tenure decisions involving in-house candidates, under parts H, I, and J, the candidate has a right to appeal to the Consolidated Hearing Committee if the vice president makes a recommendation against granting tenure. Other persons, such as department faculty and student representatives have a right to appeal either a favorable or unfavorable recommendation of the vice president. The appeal process is lengthy and can impose substantial delay on a final

resolution of the tenure decision. The proposal for expedited proceedings for granting tenure at time of appointment does not include any such right of appeal for either the candidate or any other person. The drafting committee thought it clearly inappropriate to provide for a candidate's right of appeal from an unfavorable recommendation. Given that the candidate ordinarily has no long term commitment to the University, and typically will have no prior relationship at all, there is insufficient justification to provide a burdensome appeal opportunity for such a candidate. As a practical matter, a candidate disfavored by the VP would likely withdraw from consideration even for hiring, much less for hiring with tenure, or would accept being hired without tenure but perhaps with an agreement to be subsequently considered for early tenure.

For a time, the drafting committee considered offering an alternative draft in which there would be a right of appeal for persons other than the candidate. Such an appeal route would mostly likely be used by someone within a department, perhaps student representatives, who were opposed to a candidate, and would seek to appeal to the CHC after the VP made a recommendation favoring tenure for the candidate.

After consultation with various constituents, and finding minimal indication of any support for including such a right of appeal, the drafting committee eliminated that alternative version from the proposal. The proposal presented to the Senate precludes appeal by anyone.

Elaboration: Bear in mind that the full-scale appeal process in ordinary (i.e., in-house) tenure granting decisions is cumbersome. The cost of a cumbersome appeal system is justified in part because the in-house candidate for tenure has invested many years of service at the University. It is unfair to a candidate, after several years of service, to be denied tenure without some opportunity for appeal. It is a very different balance when the candidate is coming from outside the University, hasn't actually made any kind of contributions to the University, and hasn't built up expectations about a 'permanent' career here, etc. There is also the practical reality that the tenure decision can easily be made a moot point—if the administration doesn't want to make an appointment with tenure, they can simply exercise their relatively simple prerogative and process of refusing to make an appointment at all (a process for which there is no lengthy appeal system), and that will render the tenure issue effectively a moot point.

--end--

#### **PPM 9-4 (College Councils).**

The main objective of the proposed changes is to remove from this part of PPM certain language that relates to the procedures for making faculty appointments---which

we do because regulation of those procedures is better done within the two other parts of PPM we are simultaneously proposing to revise, PPM 9-5 and PPM 9-5.1. Additionally, there are a few other items within PPM 9-4 that we think might as well be improved as long as it has been opened up for scrutiny.

#### **PPM 9-4-2 (B)(1)**

Our proposal for revision of PPM 9-4 comes as corollary to our primary objectives—the revising of PPM 9-5 regarding the procedures for making appointments of faculty, and the revising of PPM 9-5.1 regarding procedures for granting of tenure at the time of initial appointment (i.e., hiring with tenure). In the course of preparing the primary proposal, we learned that somehow in previous revisions of PPM there had been inserted here in PPM 9-4(B)(1) certain language which on its face seems to regulate the process of making faculty appointments and the process of granting tenure at time of initial appointment. That is rather odd, given that 9-4 addresses the operations of college councils. Our research led us to believe that most persons around campus involved in faculty appointments decisions were not well aware of this language of 9-4, and in fact many colleges had likely not been following at least one aspect of the procedures purportedly required by this language. In particular, the language refers to the existence of and responsibilities of an “appointments committee of the college council”—and we found that in at least some colleges no such committee has existed for many years. It is easy enough to understand why this language has been overlooked—it was effectively hidden in a part of PPM where no one would expect to look for guidance about procedures for making faculty appointments or granting of tenure.

Accordingly, our solution is to remove that language from PPM 9-4-2 (B)(1), and replace it with a brief explanation that the appropriate place to search for regulations pertinent to faculty appointments is in PPM 9-5. The revised version would also include a summary of those key portions of 9-5 which are relevant to the responsibilities of college councils.

Similarly the existing language seemed to prescribe policy as to college council roles in both RPT decisions, and decisions on sabbaticals. Our proposed solution is to remove that language, and instead provide a reference to the appropriate provision of PPM 9-5.1 regarding RPT procedures. As for sabbaticals, we propose eliminating any mention of that topic here, so that policy regarding sabbaticals will be found only in PPM 8-8s —because to our knowledge typical practice is that college councils do not play any role in setting of policy regarding sabbaticals or reviewing individual grants of sabbatical leaves. Eliminating this language would not preclude a college council from adopting college policy on such matters if the council deems it of sufficient importance.

#### **PPM 9-4-2 (B)-(2)**

A minor revision is proposed, to make clear that academic program changes which are so important that they must be approved by the State Board of Regents should

first be submitted not only to the Senate Executive Committee but to the full Senate. The revised version would coincide with what we believe to be firmly established practices.

PPM 9-4 -2 (C)(1)

The revisions proposed here are perhaps the most significant of the changes being proposed for PPM 9-4. The revisions are not directly related to the drafting committee's primary charge for policies related to faculty appointments. However, in our broadened review, we found this part lacked clarity and also presented some risk of allowing for poor policy. The existing language might be taken to grant to all faculty (including auxiliary) the power to decide how a college council should be structured. Given that in some colleges the auxiliary faculty outnumber the regular faculty, such an interpretation would allow for the auxiliary faculty to outvote the regular faculty and take control over the process of designing a college council. Perhaps that is farfetched, but there is no harm in fixing the problem, so the proposal would eliminate this risk, by making clear that any changes to the structure of a college council must be made by a majority of the regular faculty. Another concern is that the existing language makes no mention of the possible inclusion of student representatives within a council, nor does it clearly encourage inclusion of representatives of the auxiliary faculty. Both of those ought to be encouraged for the design of a council, and the proposal would explicitly provide for such encouragement. Similarly, it would call attention to the possibility of including some representation of staff. The proposal would retain the existing arrangement through which changes to the design of a council must be submitted to the Senate Executive Committee for its approval, a requirement that is also stated in PPM 8-5-4.

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