March 23, 2015

Dear Colleagues on the Committee on Academic Affairs:

On behalf of the Subcommittee on Faculty Governance of the Committee on Academic Affairs, I am pleased to transmit the draft work product of the final working group—appointment, promotion, and tenure. You have previously received the draft work products from the working groups on participation, deans search and review, and school rules and procedures.

The working group on appointment, promotion and tenure reviewed the detailed feedback on their initial recommendations provided to the Faculty Senate Executive Committee on January 27, 2015. Over the past two months, the working group convened four additional times to revise its draft work product through thoughtful debate and deliberation. The remainder of this letter provides high-level rationale for the current revisions to the Faculty Code concerning appointment, promotion, and tenure, as written by various working group members representing the Board of Trustees, Faculty, and Administration.

Sincerely,

Madeleine Jacobs
Chair, Subcommittee on Faculty Governance
Committee on Academic Affairs
Board of Trustees

CC: President Steven Knapp
    Provost Steven Lerman
    Chair of the Board of Trustees Nelson Carbonell
    Professor Charles Garris, Chair, Faculty Senate Executive Committee
    Kyle Farmbry
    Mark Hughes
Appointment, Promotion, and Tenure

The charge of the Board of Trustees Working Group on Appointment, Promotion, and Tenure was to research tenure and promotion processes at peer institutions which have University-wide APT processes; to examine best practices for the APT process at peer institutions; to recommend University-wide standards for promotion and tenure; to report on different models for tenure and promotion; and to propose appropriate changes to the current code consistent with best practices. The primary purpose of this review is to ensure that the current Faculty Code and Faculty Organizational Plan are aligned with the University’s new strategic plan. A secondary purpose is to relieve the Board of Trustees from its current role as a final arbiter of non-concurrences in tenure decisions; while the Board of Trustees is obligated to exercise fiduciary responsibility for the management of tenure lines, Board members have expressed a strong preference for withdrawing from the review of decisions that are best left to experts in the disciplines. The working group worked in collaboration with the Senate Executive Committee; the Appointment, Salary, and Promotions Committee; and the Professional Ethics and Academic Freedom Committee in refining these proposals.

The APT working group proposal advances three objectives: reinforcing an expectation of faculty excellence, advancing faculty participation in the process, and enhancing transparency.

The working group’s review of best practices at peer research universities led to the first decision to strengthen the language for tenure from competence to excellence in research, teaching, and engagement in service. Revising the current faculty code in this regard would align university criteria with standards of excellence already applied in many schools and departments and reflect the university’s aspirations to be among the top-tier research universities. The working group also strengthened the current language in the Code to ensure that criteria are established and published at each step of the process.

Second, the working group recommended the strengthening of language in the current code regarding faculty participation through School-Wide Personnel Committees (SWPC). Under the proposal, a SWPC—in either form a school may institute—would have a dual role. First, in order to ensure consistent standards of excellence across the school, the SWPC review will have the status of a faculty recommendation for appointments, renewals, tenure, promotions, and termination of services originating from departments. Second, in the case of non-concurrence with a departmental recommendation, the SWPC will clearly identify compelling reasons for doing so and advise the dean of those reasons.

The third major working group proposal is the establishment of a University-Wide Personnel Committee (UWPC). Many leading universities have such a committee that serves in some advisory capacity to the Provost. The working group initially recommended the creation of a provost’s advisory council, but upon feedback from the Senate and its committees, a hybrid of working group and Senate committee recommendations is being proposed. The UWPC would
be elected by tenured and tenure-track faculty from a slate of at least two candidates per school, with the slate being determined collaboratively by the Provost and the Faculty Senate Executive Committee. The Provost will seek the advice of the UWPC in all tenure, promotion, and appointment with tenure cases involving a disagreement between a faculty recommendation made by a department or school-wide personnel committee and the recommendation of a dean. The Provost may also, at his or her discretion, refer to the UWPC any other tenure, promotion, or appointment with tenure case for its review and advice. The UWPC will use the compelling reasons standard in providing such advice. The advice of the UWPC would not constitute a faculty recommendation, in contrast to recommendations made at department and school levels. However, the advice of the UWPC ensures that the Provost will consult with faculty prior to issuing a final decision in those cases of nonconcurrence.

Finally, the working group recommends a series of changes in the Procedures for Implementing the Faculty Code, to align those Procedures with the recommended proposals described in this document. Provisions not directly relating to promotion and tenure were left as they were, with just minimal conforming changes suggested (such as replacing the term “regular active-status faculty” with the new language being proposed by the working group on school rules and procedures). Procedures for implementing the changes to the SWPCs were clarified, and in the case of the UWPC, new language was suggested for constituting the UWPC and defining its responsibilities and procedures. The Procedures now call for greater transparency through the reporting of recommendations and decisions to departments and SWPCs. Moreover, the Procedures now provide the opportunity for a faculty candidate to appeal a non-concurrence by the Provost to the President. Finally, the Procedures now clearly remove the Board of Trustees from any role in reviewing non-concurrences and leaves the final decision to the Provost or, upon appeal, the President. The Board retains its role in conferring tenure after all decisions to approve such have been made.